

International Law and Diplomacy

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Ambassador Andrew Jacovides is one of the most highly regarded and long-serving diplomats at the United Nations. He is rightly considered as one of the experts concerning a sensitive and timely subject, especially for Cyprus, such as law of the sea. Serving in the Cyprus delegation in every regular session of the General Assembly since Cyprus was admitted to the United Nations as a Republic, Ambassador Jacovides has acquired a unique theoretical and practical knowledge of issues pertaining to international law and diplomacy which is the title of his latest book.

The collected academic writings of Ambassador Jacovides, published for the first time in a single volume, confirm that he is one of a rare breed of diplomat who has achieved the combination of a long successful professional career alongside the composition of major academic works. As he notes in his introduction to the volume: 'on the basis of experience I can say with conviction that, given the appropriate circumstances, international law and diplomacy interact and expertise in one can be of great relevance and usefulness in the conduct of the other'. This book enables the reader to become familiarised with the most significant texts of Ambassador Jacovides.

The book is divided into three parts, which effectively interact and fall under the general theme of international law and diplomacy. The first part refers to International Law and is further divided into six sub-categories: (a) State Responsibility, (b) Law of Treaties, (c) Law of the Sea, (d) UN Peacekeeping, (e) Terrorism and (f) International Law and Diplomacy. Perhaps, the key part, without undermining his other contributions in any way, is the one pertaining to Law of the Sea, a subject where he has unparalleled expertise. The second part of the book concerns the country that Ambassador Jacovides has served over such a lengthy period of time, Cyprus. The international dimensions of the Cyprus problem present unique peculiarities in the international law bibliography and Ambassador Jacovides deliberates these issues in several articles, book reviews, letters and speeches. The third brief part entitled Related Topics contains three speeches by Jacovides on relevant topics.

It is well-known that since 1966 Jacovides has challenged the compatibility of provisions of the Zurich–London Agreements with rules of international law of a *jus cogens* character. His important work is hereby reproduced in full, enabling the reader to reflect on the accuracy of his analysis, as well as its authority when bearing in mind that those provisions which conflict with peremptory norms of international law are the ones alleged by Turkey in order to justify the 1974 invasion of Cyprus.

As Jacovides correctly notes on p. 45 of the book:

'It is submitted that these interlocking provisions, the combined effect of which was to arrest the constitutional and political development of the Republic by putting it into a straight jacket at its infancy as a sovereign entity and to subject it to the will of three outside Powers, created a state of affairs inconsistent with the basic elements of the principles of sovereign equality and non-intervention.'

Cyprus has the potential in the near future to become a major net energy exporter of oil and gas. This seems to fit very elegantly with the European energy policy in terms of security in supply and energy autonomy. The green paper of 29 November 2000 'Towards a European strategy for the security of energy supply' has the objective to maintain an overview of the principal questions and risks linked to the future growth of European dependence on energy. An effectively functioning and competitive internal energy market, with Cyprus being a substantial player, could also provide major advantages in terms of security of supply and high standards of public service. Within this framework and in light of Turkey's objections, the academic work of Ambassador Jacovides concerning Law of the Sea is an essential source.

The stated position of Turkey is that the so-called '*Turkish Republic of Northern Cyprus*' has rights and authority over the maritime areas around the island of Cyprus and that Greek Cypriots do not represent the island as a whole. Consequently, Turkey argues that neither the legislation enacted, nor the bilateral agreements concluded by the Republic of Cyprus have any effect. Turkey has repeatedly threatened that it is determined to protect its legitimate rights and interests in the Eastern Mediterranean and will not allow any attempt to undermine such rights, and calls upon all companies and neighbouring countries to refrain from any endeavour that would be contrary to Turkish interests. Turkey has further alleged that the President of the Republic of Cyprus has no power to represent the Turkish Cypriots or to sign any agreements, maintaining that such behaviour of the Greek Cypriots will have a negative impact with respect to the Cyprus problem.

The Government of the Republic of Cyprus has rejected Turkey's threats and claims that Turkey has no right to challenge the delimitation of the EEZ between Cyprus and its neighbouring states and refutes any claims that Cyprus is not a sovereign state. The position of Cyprus has been supported by Greece, Egypt, Israel and other neighbouring countries, whereas the EU, the UK and the USA have all reiterated that Cyprus is a sovereign state, a member of the UN and the EU, additionally noting that they continue to support a solution of the Cyprus problem so that all Cypriots can profit from the existence of hydrocarbons.

As Jacovides correctly notes, it is undisputed, not least from the point of view of international law, that the Republic of Cyprus is the sole legitimate government, which represents all its citizens, either Greek Cypriots or Turkish Cypriots. Indeed, following the accession of the Republic of Cyprus to the European Union on 1 May 2004 the great majority of Turkish Cypriot citizens of the Republic were issued birth certificates, identity cards and passports, a fact which reconfirms that Turkish Cypriots also recognise that they are citizens of the Republic of Cyprus and, through

the Republic of Cyprus, citizens of the European Union.

It is, therefore, submitted that Turkish objections should be rejected as they are founded on arguments repeatedly rejected by the international community. The Republic of Cyprus can legally conclude agreements with its neighbouring states with respect to the exploration of hydrocarbons and legally represents the island as a whole. It is thus paramount that the Government of the Republic of Cyprus should not consider the negotiations for the solution of the Cyprus problem as necessarily interwoven with the separate issue of exploration of hydrocarbons.

The need to seriously take into account international law during the negotiations for a solution of the Cyprus problem is eminent. As Jacovides accurately notes on p. 344 while reviewing Claire Palley's book on the Annan Plan:¹

'despite the availability of learned opinions by outstanding international lawyers ... on the key issues of international law involved, it appears that these formidable weapons in the Greek Cypriot arsenal were not actively used during the 1999–2004 negotiations – except in the very final phase at Burgenstock, where they were effectively ignored by the UN negotiators as having been put forward too late. The only apparent explanation for this self-inflicted act of omission is that, at the relevant times, the Greek Cypriots' top negotiators decided not to insist on these legal points lest the prospects of a political settlement and EU entry be jeopardized – an attitude that this reviewer finds difficult to accept since it is unlikely that a lasting settlement could be achieved outside the parameters of basic norms of international law.'

It is considered that this book by Ambassador Jacovides is an important addition to the bibliography and should be carefully read by lawyers, diplomats and politicians alike.

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1 C. Palley (2005) *An International Relations Debacle: The UN Secretary-General's Mission of Good Offices in Cyprus 1999–2004*, Oxford: Hart.