

# **The Cyprus Problem: *An International Relations Debacle* or merely *An Unclimbed Peak*?**

## **Introduction**

This essay aims at reviewing two important texts that appeared in 2005 by placing them in the current context that brought Cyprus so close to the resolution of its 'intractable problem': Claire Palley *An International Relations Debacle. The UN Secretary-General's Mission of Good Offices in Cyprus 1999 – 2004*, HART Publishing, Oxford and Portland, Oregon and David Hannay's *Cyprus: The Search for a Solution*, I. B. Tauris, London. They were not the only books on Cyprus that appeared since the publication of the UN plan in late 2002. However, the high profile of the two authors makes their books special: both are British 'actors' in the latest failed initiative and their contrasting views are highly relevant to the debate about *what happened, how it happened and what is the way out*.

## **Before and After the UN Plan**

The publication of the UN plan, Annan I in late 2002 was a watershed. It has decisively changed the terms of the debate, it has politicised citizens and brought about important transformations of political forces in a way that no other plan or event has done since 1974. The plan 'appeared' at a time when Cypriot society as a whole, both Greek- and Turkish-Cypriot, was in the process of transformation. Moreover, it coincided with the final stages of Cyprus' accession to the EU and the new impetus of Turkey's own bid to accede. Turkey, a country undergoing a long-term process of political and societal transformation has made the leap on Cyprus.

The Annan plan was not some 'unexpected' and 'surprising' text that appeared out of the blue as it is often presented in the media; it was rather a culmination of years of slow 'negotiations', and largely reflected the balance of forces, internal and external, that shape the conflict; a plan, however, that has so far failed to properly take into account certain Greek-Cypriot concerns. The processes that brought Cyprus so close to a solution accelerated when the historic conjuncture of Cyprus' accession to the EU coincided with Turkey's own European aspirations, the collapse of the bi-polar world and the expansion of the EU.

If one is to reflect on the perceptions of the solution to the Cyprus problem, political party, ideology and sectional interests, the positioning of various political

forces and shades of opinion as regards the UN plan, it becomes apparent that the plan *constitutes an important historical moment*. Not only does the actual plan mark a qualitative historical shift away from schematic and formulaic concepts of some imaginary world that would somehow 'emerge' as 'the solution', but it has created *a new political dimension in politics*.

The Greek-Cypriot 75.8% of the valid vote who voted against the plan or 65% of those entitled to vote is *not a monolith* as it is often presented; it is in fact a very fluid and evenly divided public opinion in Greek-Cypriot society, given AKEL's stance prior to the 24<sup>th</sup> April referendum. The question remains, *what is to be done next*: with the exception of the extreme right all political parties agree that the Annan plan is still on the negotiation table, even though rejected. It is there as the basis for negotiation; but at this moment we can only speculate as to what each side is willing to accept. This is why the insight of the two authors is particularly timely and useful.

### **Two Contrasting British Views on Cyprus: The Barrister *versus* the Diplomat**

Following the publication of the first version of the UN Secretary-General's plan to resolve the Cyprus Problem, a number of Greek language publications appeared, and a small number of English language publications. Overall, the Greek and Greek-Cypriot publications have been outright opposed to the plan, many of which contained opinionated and distorted pictures of its content and context. Generally, the books and articles written in English appeared a little 'more balanced', representing perhaps the sharp contrast in Greek Cypriot politics between the politics for internal consumption and the 'international relations politics', which is more diplomatic. Moreover, most of the writers who published in English are on the whole pro-solution, pro-federal solution.

A notable exception is Claire Palley's book,<sup>1</sup> whose author is the chief legal advisor to the Cyprus Republic Government. It is a bold defence of the official Greek-Cypriot position through and through and as such it is extremely valuable. If now *it is read together* with Sir David Hannay's book we get a very interesting picture indeed. In fact this is the best way to appreciate the two perspectives, which could not be further apart, not only in style and method, but most importantly in content and conclusions as to the way out.

### **Palley's 'Chronicle of a Death Foretold': A UN Debacle?**

Claire Palley's basic position is that the UN plan is but a debacle of the United Nations. It is a devastating critique from beginning to end leaving very little to the imagination of the reader. The attack is not confined to the bureaucratic and ineffective policies of the international organisation or its tendency to comply with

the interests and priorities of the major powers; it goes further. Palley claims that the UN officers are involved, at least in the case of Cyprus, in 'Machiavellian spin games'. The failure of the UN initiative is, according to the legal scholar, not the result of a contest of two sides which could not match in the end. At no moment was there any indication of the possibility for a 'fair and acceptable settlement'. It was more or less a sham; an initiative that was doomed from the outset. This doom scenario is of course the darling conspiracy theory of Greek-Cypriot media and the position of most Greek-Cypriot political parties. Apparently, according to this school of thought, the aim of the superpowers was *not* to resolve the Cyprus problem, but to decriminalise Turkey and open its way to the EU; Greek-Cypriots are the victims of an international conspiracy to deny their fundamental rights - the argument goes.

We all know that matters are not as clear-cut as that. History is the result of fierce contestations; nothing is predetermined even if there is disequilibrium of forces. Moreover, an historical explanation that fits the kind of argument I mentioned may well be valid for 50 or 100 years, but may not be valid for a particular conjuncture. It is a matter of historical enquiry that requires close scrutiny. The notion of collective communal victimhood may act as an obstacle both to a fair historical understanding of the past as well as the prospects of reconciliation in the future.

Palley's densely argued text is well structured and nicely annotated with an abundance of pictures to meet all tastes and a very useful appendix which summarises all the main positions at each of the versions of the Annan plan. Presumably aimed at the expert reader, the book is overloaded with footnotes and references, which are extremely valuable to specialists but tiring for the lay reader. She has no qualms about stating where she is coming from; Ms Palley has for decades been the legal advisor to the Cyprus Republic. As she rightly admits in page 2, "no report or history can be 'objective'".

The main problem with the book is that it is too opinionated to leave any space for debate. It has a clear and unbending stance: the failure to resolve the problem lies squarely with Ankara and the UN failed miserably in its mission in Cyprus, as the UN itself violated the very notion of 'Good Offices' transforming itself into a binding referee. This was done in order to appease Turkey under pressure from the US and the UK. Up to this point one can see the validity of her argument, even if one does not share her view on the subject. However, the difficulty with going down this road is that (a) the Greek-Cypriot side actually signed an agreement in New York to follow this procedure; (b) the final text was put to a democratic vote of both communities; and (c) it has been a standard Greek-Cypriot demand that the UN and great powers 'get involved' to put 'effective pressure on Denktash and Ankara to

abandon their intransigent stance' and this formula was invented primarily to bypass the intransigent Denktash, as Hannay points out in his book.

The critique on the UN plan that is contained in the book contains useful, albeit 'over the top', insights as it points to the loopholes, some of the functional difficulties and concerns of the Greek-Cypriot side over the functionality and the viability of the venture: what if the constitution proved to be unworkable and collapsed soon after? What if Turkey did not keep to her promises? A number of core issues are addressed with vigour: the issue of the settlers who would be allowed to stay under the plan; the guarantees of Turkey and stationed troops; the British bases; the property rights of Greek-Cypriots; the right of return of displaced persons. All these are issues that need to be rethought, if we are to have a second go at the solution. However, the critique would have been more persuasive and the points raised could be addressed much more effectively, had the author concentrated her fire on certain core issues. The book would have been far more persuasive, had it embarked on a more constructive approach, pointing out a realistic alternative to each point in question, rather than being a pure polemic. Moreover, the way in which the author attacks UN diplomats on a personal level does assist her case that it was power politics that determined the outcome not justice, human rights and principles. What is the point then of trying to ridicule De Soto? Finally, the book paints the future in very uncertain colours, leaving the reader with some nebulous comments about the potential of Cyprus' EU accession right at the end of the book. A particularly weak point for Palley's position is that whilst she makes a strong case for the risk of a possible collapse of an agreement after it is signed, she never attempts to weigh this risk against the risk of indefinite perpetuation of the status quo, which may consolidate partition. Cypriots were forced to decide on whether the 'calculated risk' was worth taking, sometimes referred to as a 'constructive risk', by juxtaposing this risk to the likely result of rejecting a proposed solution. Such an approach is never considered by Palley.

The most problematic of Palley's views, however, are those connected with the way she presents the reasons that 'swayed a large majority of Greek-Cypriot voters to reject the plan' (chapter XVII) and some unsubstantiated claims that may have some validity at the level of abstract legal theory, but show that the author has very little political understanding of the situation in Cyprus. Moreover, there are contradictions in the book as regards the potential for solution in the future. For example, on the question of the settlers problem after the rejection of the plan, she rightly points out the danger of more settlers moving to the island, but then argues that there will be a political cost for Turkey, should the numbers become 'too excessive'. The author however fails to pinpoint what this political cost will be. She also does not explain *how to exit the current cul-de-sac*. At the very end of the book, Palley suggests the return to Annan version I and II for renegotiation as

'Annan II and V were Secretariat impositions imposed by the major powers on the Security Council' (page 258). On a general note of hope, she closes with the claim that the UN Secretary-General should have ended with paragraph 81 in his 2 May 2004 Report, which refers to the opportunities of the two communities to cross the divide but which is 'not a substitute for a settlement'.

Overall, the book is useful in presenting the most authoritative account so far of the Greek-Cypriot arguments for the overwhelming rejection of the UN plan. The weakness of the book is that it is unable to offer a more balanced account, but how could it as it is written by an adviser of one of the two sides. More importantly, the book does not offer anything constructive to build upon in order to exit the current impasse of the Cyprus problem.

It is here that we turn our attention to the book of David Hannay.

### **Cyprus from a Lord's Eye: An Unclimbed Peak?**

Sir David Hannay, *Cyprus, the search for a solution* is a robust and well written account of the latest international initiatives for the resolution of the Cyprus Problem from 1996 onwards. He embarks upon an 'anatomy of a negotiation, not a history of Cyprus' and does not attempt to hide his own interests. The book is very readable, at points humorous and 'user-friendly', presumably designed for a wider audience (hence the omission to include any footnotes etc.). This does not make it of less value. It is written by an authoritative actor in the UN initiative who knows the ins and outs of the international scene and had a major input into the Annan plan. The book is well structured and logical, but at the end he leaves matters a little blurred; perhaps deliberately so. The Cyprus problem is still in need of a solution and perhaps the book may contain a little of what is reputed to be Sir David's own medicine of 'constructive ambiguity'.

At the beginning he presents himself as a retired diplomat, whose 'reluctance to quit entirely the scene of international diplomacy' is drawn to the intractable 'Cyprus Problem' like 'a mountain climber drawn towards an unclimbed peak'. This is a little exaggerated of course. He was appointed by the British Government (both by the Tories and Labour). He is a serious diplomat of a former colonial power with important stakes at play (stability in the region; British bases; stationed troops; geo-strategic interests in the near Middle East). To be fair, David Hannay does not for a moment underplay the importance of a solution, and the dangers of yet another failed attempt to resolve it. He points out that the complexities of the negotiations themselves were very difficult to understand and sums up the nature of the problem:

'This was far from being a classical, bilateral international dispute, to be addressed within the framework of the relations between a limited number of nation states. It was rather a very modern negotiation, a kind of three-dimensional game of chess. Since neither United Nations diplomacy nor that involving the European Union is particularly well or widely understood'.

In his brief historical introduction, Hannay makes some interesting comments, which illustrate his grasp of the problem and his awareness of the widespread Cypriot mistrust of the UK. After all, the role of the former colonial master and generally the British imperialist past of 'divide and conquer' naturally concern former colonised people sceptical about British motives and designs. It must be pointed out, however, that nationalists often make full use of these fears to realise their own goals, which has little to do with a consistent 'anti-imperialism'.

The few historical errors he makes at the beginning are of no significance to the thrust of his arguments. He tells us that 'the story of Cyprus, from classical times down to its independence in 1960, was one of dominations by outside powers' (page 1). It is amusing to read candid comments from a British diplomat such as: The history of external domination has left its mark on all Cypriots; it has contributed to the feeling, widely prevalent on both sides of the island, that Cypriots are not masters of their own destiny, that their fate will inevitably be decided by forces situated outside the island'.

Hannay makes some observations about the 1960 Constitution that the Cypriot consociation escapes any comparable category and that it would only function if there was political will on both sides (page 4).

'The 1960 Cyprus constitution is difficult to categorise in any of the commonly known definitions; it was neither federal nor confederal; it was perhaps closer to a unitary structure, but it contained elaborate checks and balances between the powers exercised by the leaders of the two communities as president of the two communities. It could only ever have worked smoothly with a high degree of cooperation between the two sides; in the hands of people who were in no way motivated to try to make it work, it provided a recipe for deadlock and frustration'.

Hannay is acutely aware of the limited role of personalities; the importance of national and sectional interests involved and 'personalities are not all-important'. He is correct in recognising that 'even the strongest and most dominant characters are not entirely free agents, and that national and sectoral interests, the weight of history, the flow of events outside those directly related to the problem, will influence the outcome every bit as much and sometimes more than the actions and views of the individual players.' It is here that Hannay's analysis does not realise its own

insights: the 'sectoral' and 'national interests' need to be elaborated; the role of social and political forces must be properly rooted in an analysis of the socio- economic and political context; perhaps this is too much to ask for a retired British diplomat who just wanted to present his account with a watchful eye to the future.

Hannay (at page 10), however, refers to the sticking 'universe', of the importance of personality in different capitals, but the most obvious difficulty was Turkey: Who decides what? What is the 'true position of Turkey'? How far is she willing to go to resolve the Cyprus problem? He observes:

'It was never at all clear where Turkey's Cyprus policy was being decided or who was at any time playing the key role in deciding it. It was often tempting to believe that the answers were nowhere and no one, and that policy was largely being decided by default, falling back, for lack of agreement on any new policy, on the old one'.

Another observation is apt: in the case of the four 'players' (Turkey, Greece, Greek Cypriots and Turkish Cypriots), 'the public debate on Cyprus in each of them was ill-informed, formulaic and chauvinistic' (page 11):

'Negotiations to resolve the Cyprus Problem had been going on for so long and so fruitlessly that most commentators, journalists and their readers had become bored and cynical, unwilling to look at the issues with a fresh eye or to challenge conventional wisdom. Indeed many journalists, especially on the island, seemed to consider it their patriotic duty to follow the long-established partisan line and to denounce any politician who dared to suggest that any aspect of it might be re-examined'.

Hannay quite accurately presents the key issues that make up the Cyprus Problem: The four 'core' issues - governance, security, territory and property plus a couple of other sensitive issues which were important for one or the other side, such as the settler issue for the Greek Cypriots and the question of whether the agreed state that would emerge out of the negotiations would be a 'new' state or a 'continuation' of the Republic of Cyprus, which boils down to the actual status of the unrecognised 'TRNC'. He refers to 'two intangible but nevertheless real fears', Turkish-Cypriot secession was the Greek-Cypriot nightmare and Greek-Cypriot domination was the Turkish-Cypriot one. As for the issue, 'governance', he rightly points out that Greek Cypriots want mechanisms for deadlock-resolution, stressing 'functionality' which in fact underpins the case for numerical majority rule as majority rule is more 'effective' and 'functional'. The Turkish Cypriots wanted dualism and political equality, including the executive leadership which is of course symbolic and effective - hence the insistence on rotating presidency and veto.

A crucial issue when analysing the collapse of the UN plan is of course 'what exactly went wrong and will it ever go right?' Here Hannay's account is extremely thin, a mere twelve pages long. He also stresses the importance of AKEL's position for final outcome of the Greek-Cypriot vote and looks to AKEL as a major force in finding a way out. Neither in the section dealing with what went wrong (and whether it will ever go right), nor in the postscript does he ever really engage with these issues and perhaps wisely so: this is not his field, nor is it his stated goal.

The problem with Hannay's diplomatic approach, which is largely also reflected in the UN plan itself is the attempt to always appear 'even-handed'. To cut the middle ground is, on certain matters, the 'art of negotiation', but the 'Solomon-type of solution' may be unworkable or unacceptable: 'the middle way' is not always fair and the efforts to bend over backwards may create mistrust and misunderstanding. Moreover, the UN plan (in which Hannay's role was not a minor one) failed to properly address certain core issues. What he fails to appreciate properly in his book is that there are a number of circumstantial or conjunctural reasons that were important factors in determining the referendum outcome. Neither Hannay, nor Palley address what might be considered to be fundamental flaws that had a fatal result in the outcome of the UN plan.

Overall, the book by Hannay was a surprise. I must confess that I started reading this book with a lot of prejudices: 'here is another arrogant British diplomat who is trying to sell his story', I thought. But what I read was not this. It is a fascinating account which is well-written and argued out in a balanced way. Moreover, it provides some clues as to the ways out. Of course it contains no recipes for a solution; and Sir David, being who he is, i.e., a British Lord cannot project into the future. It is a diplomat's tale. However, we can, and indeed we ought to, take up some points in order to push the issue further in understanding what went wrong and how to get it right next time.

### **Conclusion: What Went Wrong and How to Learn From the Past?**

In this final section I venture to raise some of the issues that warrant debate regarding the UN referenda which have not been brought up by either of the two scholars, but would prove valuable if and when there is a 'next time'. As regards the UN plan, a number of factors need to be addressed, both in terms of content and procedure.

Firstly, the references to the nature of *the state to emerge* were left deliberately vague and a method was adopted of using meaningless neutralities to refer to the future such as 'the state of affairs' etc. In legal terms, from a constitutional point of view, I am in no doubt that the post-Annan 'new state of affairs' was to be a



bicommunal, bizonal federation, but the 'symbolisms' were not there. The idea of 'virgin birth' for example that attempts to explain in neutral terms the 'emergence' of 'the new state of affairs' may have been diplomatically ingenuous in meeting the two opposing sides' position on the past, but proved to be a political disaster in the end. *This notion was subject of abuse and distortion as it played on the security of Cypriots that would be left without a past and without a state of their own, and thus without a future.* The UN plan was designed in a way that could be claimed as their own by both sides being based on the notion of 'regime integration', as was pointed out in a recent conference.<sup>2</sup> That it was designed *not* as a popular reconciliation and societal integration and had little scope for citizen involvement in the design, legitimisation and public debate, is an additional failure. *To acquire legitimacy, to inspire loyalty and support, a reformulated State form requires that it appears stable, it must be firm and be named for what it is and must be properly anchored in a legitimised ideology of the past.* 'Constructive ambiguity' may be useful in avoiding sticky situations in diplomatic deadlocks but it does not resolve the core issues and it does not result in a legal certainty that can acquire loyalty and legitimacy by an untrusting community.

Secondly, the UN did a terrible job in piecing this deal together, in spite of the heroic efforts to make it work. A simple issue would have made all the difference, if for example what was put to the referendum was better presented. The choice ought not to have been a holistic 'Yes' and 'No' because this does not reflect what the *actual choice is for the Cypriot people*. What was put to the vote was a massive package, which entailed millions of reasons to say 'No' and few to encourage a positive outlook. In fact, the Cyprus referendum is an excellent example for peace-making avoidance. A simple recipe would have been *not* to put the Treaties within the deal, which are attached as additional protocols. These were never negotiated between the representatives of the Greek-Cypriots and the Turkish-Cypriots as they were issues settled between Greece and Turkey (and the UK). Of course, for an agreement to be accepted there should be a complete agreement on all the elements the settlement consists of - a 'fine balance' between the internal- constitutional and the regional international elements of the deal. However, it would have been possible to keep the 'Yes' *versus* 'No' for the Constitution and Foundation Agreement and have a separate ballot for the Treaties. A separate ballot could have comprised *the real choice that is available*, which is: either the Treaty of Guarantee as 'agreed' in 1960 and currently in force, OR the amended Treaty (which is marginally improved). This was the actual choice for Cypriots. However for most Greek Cypriots, *the NO vote was a general rejection of the Zurich accord and the foreign right to intervene in Cyprus, as exemplified in the sense of insecurity and fear.* An understandable feeling as the occupation of the northern part of Cyprus continues this very moment.

There are more effective 'cumulative methods' in proceeding with referenda in attempting to involve the people that also try to properly *involve* ordinary citizens and organised groups in the process, rather than leaving it to secretive talks between the political elites. In the case of Cyprus no consultation was even considered. It was assumed that the political parties and the leadership were 'locked' in the deal, as stakeholders they would put their weight behind the deal. Obviously this proved to be a gross miscalculation, as it relies on 'good will'.

Finally, it must be borne in mind that no one, other than Cypriots themselves, has the power to decide how to proceed to find a solution. Internal forces, power contestations, local ideologies and agency play a vital role that cannot be underestimated. Neither Palley, nor Hannay can provide us with magic recipes for the future. Foreign powers would be forced to listen if the two leaderships attempt to address the core issues with good will; it is not a zero sum game. The leaderships of the two communities must begin to discuss the way out of the impasse on the basis of the UN plan in a new round of negotiations. At the same time it is essential that foreign forces, the UN, the EU and major powers retain their concern and involvement so that there is convergence of interests and the will to reach a solution as soon as possible *on the basis of a renegotiated UN plan that addresses the concerns of the Greek-Cypriots and retains the support of the Turkish-Cypriots*.

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1. There are other exceptions but these are mainly Greek-Cypriot or Greek writers (for some examples see *The Cyprus Review*, Vol. 16, No. 2, papers by V. Coufoudakis and G. Camp).
  2. Erol Kaymak: 'Does Cyprus Need a Truth and Reconciliation Commission?' at *Reconciliation and Citizenship in Cyprus: A Trans Communal Concept for Social Action*, organised by IKME, BILBAN, SYMFILIOSI 23 July 2005, Goethe Institute, Nicosia.

**NB.** The titles *An International Relations Debacle. The UN Secretary-General's Mission of Good Offices in Cyprus 1999-2004*, by Claire Palley, and *Cyprus: The Search for a Solution*, by David Hannay, are available from Moufflon bookshop, 1 Soufouli Street, 1096 Nicosia.