

# The Annan Plan and the European Option

**Andreas Theophanous**

**Papazisi Editions, (Athens, 2003) in Greek, 142 pp.**

If I am not mistaken, we do not yet possess a serious work or works defending the Annan Plan - beyond some short and mainly sentimental brushstrokes of article length, motivated by suspect ambitions. On the contrary, we are aware of a remarkable first work that attacked head-on, with candor and extreme scientific seriousness, the disappointing efforts of the "international community" to engage the Cypriot people in medium-term and long-term adventures, through the Plan of the Secretary General of the UN. I refer to the collective effort of five new authors (very young, too, since no-one is older than twenty-six) and their book "The Annan Plan: Five Critical Texts" by Emilianides, Kentas, Kontos, Mavrommatis and Phocaides.

What does this complete absence of serious writing in support of the Plan mean? I believe it means, a) that even its supporters doubted whether such an arbitrary, dysfunctional, unfair and immoral Plan had any chances of being finally accepted, or, on the contrary, b) they were certain that the use of blackmailing tactics would achieve their aims without fail, or, finally, c) that they thought it was sufficient for them to mount a "hit-and-run" operation in the darkness of the people's ignorance about the Plan, or at least in the fog of relatively scanty information and partial understanding.

Why do we now have before us a second, equally important and attractive but different, work exposing to public view the blunders and sins of the Annan Plan? I imagine that Andreas Theophanous could not resist the temptation to mobilise his talents for a clear, straightforward and effective tackling of the same aim, in view of the visible danger of the Cypriot people being called to give it their full support in the referendum of March 30<sup>th</sup> 2003! Besides, the obstinate survival of the Plan (behind the scenes or even openly) makes such work necessary, since it is obvious that the matter is of national importance, with sweeping consequences for the future and political and social structure of the island. Therefore, it would have been difficult for him not to mobilise his enthusiasm, analytical abilities, and powers of synthesis, for dealing with a product posing serious dangers for the political, social, economic, psychological and cultural health of Cyprus.

Coming to the numerous merits of the 142 pages of this very useful book, I believe that they manage to include decisive arguments on all the expected levels

of analysis – that is, the constitutional, the governmental, the political, the strategic, the legal and the "European" (i.e., regarding crucial dimensions of the violation of the legal and political order of the European Union). But – one might wonder – does the author manage so well on all these levels? Undoubtedly, here comes into play the issue of criteria, regarding either an assiduously pedantic analysis or a consideration of the Plan for the present purposes, that is, of an adequately scientific but at the same time simplified (but never simplistic) analysis. Given, therefore, the aforementioned particular conditions of writing, I regard this study as very successful, both in terms of style as well as of content.

Simply put, the style is mild and restrained, methodical, understandable by even the uninitiated, without ever becoming boring, not only on account of the nature of the subject, but also because of a certain elegance of the selected tone.

Regarding the content, the reasons why readers are expected to find Professor Theophanous' book satisfying, include, indicatively, the following elements:

- A. Regarding the accumulated strong arguments of a general nature, the book seriously questions the functionality and, consequently, the viability of Kofi Annan's construction. At the same time, the substantiation of this dysfunctionality and non-viability – that represents, I believe, the motivation of the author – allows him to broaden out his arguments. More specifically, but always indicatively, the chapter "The Annan Plan and the European Option,"
1. Proves the indifference of the Plan towards the value and the great importance of the *acquis communautaire*, that is, of those principles, regulations and values that define the EU as a union of states where the rule of law, human rights, personal liberties and the rest of the fundamental normative principles are regarded as all-but non-negotiable.
  2. Points out that the proven dysfunctionality will almost certainly lead to continuous and incessant crises "with the end result being the imminent danger of paralysis and breakup" (p. 37).
  3. Underlines the inescapable final undermining of the institution of the High Court, whose role has been disputed *ad initio*, since it clearly takes on a multi-faceted political, but even *executive* and *legislative*, role.
  4. Proves, very convincingly, that the financial repercussions and consequences in the event of acceptance of the Plan would weigh heavily and almost entirely on the Greek Cypriots.
  5. Reminds us of the extent to which the Plan shows indifference to

- (i) the war crime represented by the presence of illegal settlers, (ii) the acquisition of legal entitlement by the Turkish-Cypriot component state in case of the collapse of the whole experiment (p. 57), as well as (iii) *its* obvious recognition – and of all the decrees of the pseudo-state – to the jubilation of the occupation regime and to the utter disregard of numerous fundamental provisions of International Law.
6. Furthermore, the chapter points out that, since the majority of the people in the Turkish-Cypriot component state could probably be settlers, one wonders how willing would the Greek Cypriots be to support them (given that the Greek Cypriots will bear the brunt of economically maintaining not only the federal government but the Turkish component state as well).
- B. Moreover, the book refers to issues of particular importance, that either appear here for the first time or were presented in the preceding public debate and analysis but have tended to be forgotten. These include:
1. Stress on the fact that the Annanian state would suffer from intrinsic existential weaknesses. These would turn Cyprus into an entity fitting predictions made from time to time – i.e. a state of limited sovereignty, a vassal state or protectorate of Turkey – as well as: "a parody of state" (as very appropriately put on p. 53), "a state in name only", "a state under multiple bonds of tutelage" and "a second and third class state".
  2. Consequently, given the addition of deficiency in independence – such as the preservation of the Treaty of Guarantee, the right of foreign intervention and the presence of foreign troops – Andreas Theophanous concludes that the importance of the accession of the "United Cyprus Republic" to the EU would be substantially diminished!
  3. Those settlers that will not remain in case of the implementation of the Plan, would be able to return to Cyprus very easily under the famous 10% provision (p. 34).
  4. This contrivance, moreover, looks as if it was drawn up posing real dangers not only for the aforementioned importance and quality of the Cypriot accession to the EU, but also for the maintaining and protecting or serving the strategic interests of Britain and Turkey.
  5. An observation that, I believe, is novel, is the following: unlike federal states, in the Annan state "the citizen comes second and the component states first". Here, therefore, the readers may come to further disappointing conclusions regarding the problematic

intentions of the authors of the Plan or at least the superficial way in which they faced their historic responsibilities. In particular, disappointing conclusions can be drawn, both regarding the survival of the various untenable demands of Mr. Denktash, as well as the cassandrian and/or cowardly character of those who claim that we must suffer all the humiliating concessions, the illiberal commitments, and the manifold deviations from EU and international rules, so that we will be able to rid ourselves of the Turkish troops and reunite this much-afflicted island.

6. Moreover, it is also worth mentioning the following observation (p. 44): "In the long run the Annan Plan will create a purely Turkish state in the North and a mixed state in the South. This will happen because, among other things, people usually move to areas where the political, economic and social conditions are better, rather than the opposite. The results of these developments will be catastrophic" (this quote is from section 11.9, pp. 43-47: "Refugees, Properties, Compensations and the Three Basic Freedoms".)
7. Finally, the Conclusion (pp. 97-106) presents a preliminary – short, but fruitful – outline of the prerequisites "of combining the concessions of *federation* with the *acquis communautaire*' in a way that is beneficial for all interested parties, not only those which are directly involved through agreements or treaties. Andreas Theophanous presented this view – even before 16 April 2003 – as providing the necessary guarantees for a "truly functional, viable and just solution" to the Cyprus problem (p. 106).

Of course, the above points and arguments would not constitute a book presentation but rather a... hagiography, if I did not also make mention of some (thankfully very few) reservations: an aesthetic (or is it also psychological?) critical comment regarding the special fondness of the author for the expression "indirectly yet clearly". I would suggest a variety of expressions that could be used in subsequent editions of the book, such as "not directly but explicitly", "clearly", "indirectly but also clearly", and, finally, "unwisely yet explicitly"!

The final critical comment concerns a point of methodology. While, as I have claimed, the basic arguments of the book are rational, intelligent and convincing, it would (I believe) be even stronger if the author had confronted some of the arguments of the Annan-ian apologists and well-wishers and had rejected or undermined them accordingly. In this way, no doubt whatsoever would have remained that the famous Plan is indeed a huge political, legal, psychological etc., transgression, or, if you prefer, a colossal mistake.

However, this last comment could very well be a belated pedantic proposition. Because this short, methodical and modest book proves, beyond any shadow of a doubt, at least for me, both that this Plan would be catastrophic for all Cypriots, and that Andreas Theophanous has indisputably demonstrated this-clearly and directly!

**Costas Melakopides**