

Greek –Turkish Forum First Public Event – March 2002

Cyprus: year of decision

Costa Carras

.....This is a particularly sensitive moment in the development of the Cyprus problem..... It is also a period when, for the first time in many years (in my view for the first time since 1979) there is a realistic possibility of a settlement, so that all those involved are examining options in depth. The result is that a great variety of ideas are emerging, but inevitably also disagreements among Greeks, among Turks, among Greek-Cypriots and among Turkish-Cypriots. So what I have to say must be strictly understood not as "the Greek view", but "the view of one, hopefully well-informed, Greek".

I shall begin by stating my overall stance. I am broadly speaking pessimistic about the likely outcome of the current talks between Glafkos Clerides and Rauf Denktash though I believe every reasonable effort should be made to help them succeed, and the chance they may after all succeed – probably at or even after the last moment – should not be minimised.

By contrast I am broadly speaking optimistic about the gradual coming together both of perceptions and of interests between the various actors. This encourages more creative and constructive ideas to be put forward as to various features in a potential settlement, and increases the probability of a viable settlement being achieved between the signature of an EU accession agreement and accession itself, provided only self-damaging reactions to an accession agreement can be avoided.....

.....Until the EU decided to open accession negotiations with Cyprus, a decision taken in principle in 1995, Greek-Cypriots had two good reasons to negotiate for a settlement, namely to re-establish the unity of their country and to reclaim any territory where refugees might return to their homes in assured safety; and Turkish Cypriots had two good reasons, namely to cancel some of the multitudinous penalties flowing from international non-recognition of their self-proclaimed political entity and to obtain equal status, which they presently lack, in whatever constitutional arrangements might be agreed. Turkey however had none, at least so long as Ankara was prepared to pay the quite tolerable cost alike of occupation

and of military tension with Athens. Since 1995 however Ankara has had such a reason in principle, even if a reason whose validity is widely and sometimes fiercely debated within Turkey.

Thus the allegation by some commentators, both within and outside Turkey, namely that the EU's influence on the Cyprus settlement talks has been negative, because by opening to Greek-Cypriots the possibility of Cyprus acceding before a settlement it has deprived them of any reason to negotiate, is the reverse of the truth. The Greek-Cypriots still have the same two very good reasons to negotiate seriously they have always had since 1974 – which is borne out by the fact they have continued to negotiate in practice – even though not all Greek-Cypriots would give the same relative importance to accession and the other two considerations, namely reunification and territorial adjustment so as to facilitate the safe return of refugees. Now however at least those Turks who believe in the priority of their country's European vocation have reason to desire a settlement, since a Cypriot presence within the EU without a settlement cannot but be a major impediment to Turkish accession whenever the time for it is ripe in other respects. Like Greek-Cypriots, not all Turks will give the same relative importance to this vocation compared with any advantage or satisfaction derived from effectively maintaining the presently partitioned condition of Cyprus. Some Turks oppose EU accession for precisely this reason. And, unlike Greek-Cypriots, other Turks oppose EU accession in principle.

Many commentators stress the element of Greek government pressure as decisive in achieving a decidedly more balanced negotiating position than existed before 1995. In fact, such pressure, while indeed essential in the EU Council of Ministers, represented a necessary but not a sufficient condition for this result. In the first half of the 1990s, figures in the Commission who were decidedly cool to Greek economic or foreign policy (as with respect to FYR Macedonia), gradually came to the conclusion that it was not the Greek-Cypriots who were responsible for the lack of progress on the Cyprus problem. This was another necessary condition for the movement of EU policy in 1995, which has since been further developed, achieve its current formulation at Helsinki in December 1999. Many Turks do not yet realise how far back goes the Commission's perception of the Turkish-Cypriot leadership's lack of willingness to reach a settlement.

For a long time it could be argued that the Yiannos Kranidiotis/Richard Holbrooke/Alain Juppe plan of 1995, as brought up to date in Helsinki in December 1999, would not work. After all, from 1998 onwards Mr Denktash insisted on prior recognition of two separate sovereignties before negotiations. The EU's judgement ultimately proved correct however. Mr Denktash – whether of his own volition or pushed by Ankara – agreed in late 2001 to sit down and negotiate in the presence of the UN Special Representative without receiving prior recognition of any sort

whatever. He has not of course, publicly at least, backed down from his recent insistence on recognition of two separate sovereignties, which is clearly contrary to the two High-level Intercommunal Agreements he signed in 1977 and 1979 for a bicommunal, bizonal federation, but he is negotiating without prior recognition. Inevitably the international community will be thinking that he, or they – if it is Ankara that makes the final decision - might possibly do it again. In this possibility indeed lies the sole chance for a settlement before the end of 2002.

To seize the opportunity however requires a whole series of processes to occur in a comparatively short but not precisely determinable period of time. It requires the debate within Turkey to incline towards those who believe their country's European vocation to be both attainable in principle and more important than maintenance of the current situation in Cyprus. It requires the debate within the Turkish-Cypriot community to incline towards those who, while fully asserting their Turkish identity and the federal equality of a future Turkish-Cypriot constituent state, can also see advantage in acceding to the EU as part of a single sovereign but federal, bizonal and bicommunal, Republic of Cyprus. It requires a debate to begin within the Greek-Cypriot community – for such a debate has scarcely yet begun – as to the relative weight that should be afforded to EU accession, to the conditions of political unity, and to territorial adjustments that would permit the return of as many refugees as possible to their homes in safety.....

.....The EU is facing a credibility gap over enlargement. Its long-declared intention to bring in ten, chiefly Eastern European, countries has been delayed by all the associated problems. Not surprisingly, discontent among the applicant countries has grown, leading to the adoption of a target for their participation in the European Parliament elections scheduled for June 2004. Prior to such elections, the parliaments of fifteen current member states must have ratified any Treaty of Accession, a process that cannot take less than a year, and there will have been referendums in many, if not all, the applicant countries. If this timetable is to be kept, all negotiations will have to have been concluded between the German Federal elections in September 2002 and March 2003 at the latest, that is under the Danish and Greek Presidencies. Crucial issues will be the readjustment of regional and structural funds, reform of the CAP, and the specifics of negotiations with Poland, by far the most populous and strategically significant of the applicant countries. The EU's leaders will make every effort not to fail, although success is by no means guaranteed.

We therefore cannot exclude the possibility that decision-time over Cyprus may be later than March 2003, if the whole timetable shifts, but the more likely scenario is for signature of a single Treaty of Accession with all successful candidate countries towards the end of 2002, or at the beginning of 2003. A Presidential election is due to be held by the Greek-Cypriots in February 2003 and, although

Glafkos Clerides is not constitutionally prevented from being a candidate, he is now 82 years old and has indicated in the past he would not seek a third term. He might seek an extension of his current term but could not achieve this without a vote in the Assembly, where parties opposed to his own command a majority.

Glafkos Clerides' earlier indications he would not seek re-election have meant that during his second term he has so far been, and still is, freer to negotiate, making those concessions he felt advisable or necessary, subject to his being able to carry a referendum in the Greek-Cypriot community. It also means however that from the moment Greek-Cypriots start concentrating on the election of the next President, his ability to negotiate and make any such concessions will be substantively reduced, not legally but in political reality, since it will be only natural for candidates to appeal to all those groups who would be adversely affected by any likely settlement.

....Even were there an early agreement on the basic points, there would remain an immense amount of important detail to be negotiated. Just imagine how long that will take, and the difficulties it will cause, particularly close to a Presidential election.

In addition, if the EU Commission is intent on completing all accession negotiations by the end of 2002, they will have to start drafting the legal documents (which will themselves subsequently need to be negotiated) around the middle of the year.

At this point, the tactics of Rauf Denktash give us some fascinating hints as to his – or Ankara's – likely current aims. A man of immense experience and consummate negotiating skills, as flexible on tactics and persistent on strategy as his fellow Paphian, Cyprus' first President, the late Archbishop Makarios, he certainly understands well the political parameters within which Glafkos Clerides must operate. He knows for instance that the last three Greek-Cypriot Presidential elections have all been won by margins resembling those in the US elections of 2000, so that every vote counts.

He also knows that he himself has the same problem with Greek-Cypriots that Archbishop Makarios had with Turkish-Cypriots, namely he is seen with such universal mistrust, irrespective of the degree to which that mistrust may be justified, that this has become a political factor in itself.

Thus, if Rauf Denktash's aim – or Ankara's, if Ankara is calling the shots – was a settlement under which the whole of Cyprus would enter the EU, he needed to ensure an early breakthrough in the negotiations, namely in December or January

Then both Glafkos Clerides and Greek-Cypriot public opinion as a whole would have had time to appreciate there was indeed a reasonable chance of a settlement before accession and to start considering their priorities accordingly.

In fact he has followed the opposite course, continuing, it seems, to insist on an effectively two-state, two-sovereignty arrangement, perhaps with the possibility of an agreed "divorce" in a few years. This would represent a serious psychological error were his intention a settlement before accession. It would be entirely appropriate on the other hand if the intention has been either to make a settlement before accession unlikely because he, like his close adviser Mumtaz Soysal, is against EU accession for Turks in principle, so he does not mind if Greek-Cypriots are in the EU and the Turkish-Cypriots are not; or to make accession less likely even for Greek-Cypriots also because he intends a late move, formally accepting a federation in principle but combining this acceptance with insistence on detailed provisions that are non-federal in practical reality. And this at a stage when there would be little time left for a negotiation in depth before the EU had to make a decision. Would such a tactical move be likely to succeed? This must remain uncertain but observers would inevitably comment that a lot of time had been wasted through his refusal to negotiate at all for a whole year, in 2000-2001, followed by a very sticky negotiation in the early months of 2002.

Clearly then the chances of a settlement before the likely date of a EU decision on accession are already far lower than in January. Inevitably some of the international actors involved will be considering whether to intervene in the negotiating process. There would be a case for this if the parties were close. At the present moment however they are not, and there is in my view a better superior alternative, as will be evident from the analysis that follows.

So much for the pessimistic elements in my current view: now for the broadly optimistic.....

.....Greece is a country whose citizens feel great resentment against Turkey, though not against Turks as individuals. It is all the more remarkable therefore that the opening to Ankara via the European Union initiated by Costas Simitis and George Papandreou is consistently supported by about sixty per cent to about thirty-five per cent in opinion polls, percentages far healthier for the government than popular opinion on almost any other issue.....

.....First, Greeks believe Cyprus is ready for EU accession, that Cypriots have been treated in a grossly unjust manner in the last quarter century and that it is a moral and political imperative of the highest order both for the European idea and for the future development of Europe that a continuation of outside military occupation should not prevent accession.

There is thus no chance that Greece will veto any other candidate country, even though Greece will be financially one of the main losers from their accession. Equally however there is not a chance in a million Greece would not veto all of them if another member state vetoed Cyprus' accession. (This might indeed occur, not because of the Cyprus problem but because some member state does not desire enlargement in principle, but wishes to conceal this fact.)

Second, the large majority of Greeks irrespective of party have concluded that is in the EU's interest and hence Greece's the Union should both be deepened and widened to the greatest degree practicable. More specifically, it is in Greece's interest it should be widened to include Turkey, once Turkey meets EU requirements to the degree necessary so that widening the EU to include Turkey does not prejudice its equally necessary deepening.

Thus Greece will try to keep the door open for Turkey in every way possible within these parameters. More specifically, this means being ready to open accession negotiations with Turkey as soon as Turkey meets the requirements other candidate countries met when they began accession negotiations – and none were in occupation of part of another candidate or member country at that time.

Third, not only do Greeks no longer desire enosis, they want the Cyprus problem solved once and for all on the basis of an independent and federal state without either Greek or Turkish involvement, so that they themselves can honourably get on with other pressing policy issues at home and abroad. The desire for this is as passionate as is the rejection of any dishonourable solution by way of accepting the effective continuation of any form of continued military occupation of Cyprus after settlement.

So Greece will, I believe, insist on only a few key points:

- Greek-Cypriots must be able and willing to commit themselves as near as makes no difference in perpetuity to whatever constitutional and territorial arrangements they agree.
- It must be crystal clear what is agreed and, most important, that neither enosis nor partition can be raised as a theoretical alternative or manoeuvred towards in practical reality under the terms of a future settlement.
- The central state must not only be sovereign in theory but must be able to exercise that sovereignty in such crucial issues as the implementation of a uniform law on citizenship and faithful adherence to international treaties including that of accession to the EU. Specifically the central government must have the ability effectively to require either federated region to apply Council of Ministers decisions, Commission directives and European Court of Justice (or

European Court of Human Rights) judgements in any area of regional competence, which, on the Belgian model, will certainly be the large majority. Otherwise, Cyprus would be a constant problem country within the EU.

- Greece, Turkey and all Cypriots must be genuinely and permanently secure. One necessary condition for this is that a federal and sovereign Cyprus should have - as all federal states have - only one-armed command, even if such a military command is in this instance composed of several foreign contingents including Greek and Turkish. Separate Greek and Turkish commands would leave everyone, anxiously awaiting "the next round", whenever this were initiated by a set of nationalist or politically insecure officers in either Ankara or Athens and would almost certainly lead to intimidation of members of one or both communities within the island.

By contrast a NATO force under a Security Council Resolution would assure everyone's security. No one can doubt either NATO's power or its willingness to apply it in support of an agreed settlement. Greece and Turkey are both members, and Norway, like Turkey, is a member of NATO but not the EU, so there is no reason Turks need fear they would be even at an indirect disadvantage were the NATO commander, for instance, a Norwegian. NATO itself must be well aware of the likely sensitivity of the wider region for years to come and Cyprus' potential role within it.

- Finally and crucially, I believe Greece will agree to a protocol to any accession treaty under which Greek-Cypriots would agree to continue communal negotiations for a federal settlement on the general lines of the 1977 and 1979 Intercommunal Agreements following the Greek-Cypriot acceptance of the Turkish-Cypriot demand for a federation. There would be an understanding however that there will be one citizenship, centrally determined and implemented, one military command, and a reasonable territorial arrangement negotiated. Such a protocol would mean that whatever may be the political developments in the Greek-Cypriot community following the February 2003 Presidential election, there would be another fifteen or so months after a EU accession agreement during which a settlement can be negotiated without any damage to any party. Simultaneously the chances of a settlement just before an accession agreement is signed would be increased, because the international community would have clarified beyond doubt what the basic lines of any settlement should be.

Would this extra 15 months be advantageous? Unquestionably, so long as opinion within the other three relevant parties is also moving in a healthy direction. I shall now explain why I believe this to be the case.

The most important actor is unquestionably Turkey. Here the battle-lines between Europeanists and anti-Europeanists are already well and truly drawn with

the anti-Europeanists clearly losing both the ideological argument and that of national interest. If Turkey is to remain within a broadly Kemalist tradition and if it is to enjoy an influence commensurate with its future economic and existing political weight, EU accession would seem indicated. The clear advantage of the Europeanists in argument is currently disguised by the unwillingness of certain entrenched interests to accept that the overall advantage of their country requires certain sacrifices of their own. As a result Turkish, and international, public opinion, has been treated to the most unrealistic theories from one of the most realistic groups of public servants in the world, as for instance that Russia or Iran – incidentally older and more powerful traditional adversaries of the Ottomans than Greece – could serve for Turkey as an alternative to the EU. It appears that within Turkey ironic amusement has been as common a reaction as indignation. Rightly so: as a serious argument it cannot stand up to more than a momentary examination.

Where Cyprus is concerned, there are also entrenched interests which are delaying the adoption of a policy of enlightened self-interest. However powerful the arguments these may be of little significance so long as Bulent Ecevit remains Prime Minister of Turkey. Quite understandably for an old and ill man, who has in the last two years altered almost every policy with which his career was associated, he remains firmly committed to the belief that he solved the Cyprus problem at least in 1974.

The reality is that Ankara has indeed demonstrated the power to solve the Cyprus problem as it chooses, but at the cost of causing severe problems for the future of Turkey elsewhere. If the Turkish-Cypriots have the degree of self-government achieved by Flemings and Walloons within a federal Belgium, if Turkey can be freed for ever from the potential threat of Greek military or missile installations to their south through a single NATO security command, if people speaking Turkish and Turkish as an official language can enter Brussels before Ankara, and if the potentially most dangerous obstacle to Turkey's European vocation, the Council of Europe's Court of Human Rights decisions, can have been honoured as part of an acceptable settlement, it is hard to see what argument of enlightened self-interest would hold back a future Turkish government from preferring the road to a settlement.

Inside the Turkish-Cypriot community the argument is even further advanced. There is little doubt a considerable majority would accept a federal settlement on a broadly Belgian basis. Increasingly too Turkish-Cypriots are coming to see that it is no longer the military preponderance of Greek-Cypriots they should fear, as in the 1960s, since for one thing the nature of Greek-Cypriot society has changed, and, for another, an effective international force whether under NATO or Europe.

command, could clearly prevent any potential security problem. A much greater problem for Turkish-Cypriots' numerical and economic preponderance.

Yet to the degree that closing the economic gap is a prime consideration for Turkish-Cypriots the advantages in a settlement before accession to the EU are overwhelming. They would stand to gain in no less than eight ways. First, and most obviously, from EU regional funds for infrastructure. Second, from the end of restrictions on trade. Third, from the property held for Turkish-Cypriots in the south, whether by development or by sale at market prices – a system of compulsory compensation would almost certainly lead to lower prices and is thus against the interests of Turkish-Cypriot owner. Fourth, from the development of property owned by Greek-Cypriots in the Turkish-Cypriot region, since this will lead both to higher employment within the region and higher property taxes for the federated state. Fifth, from higher investment by Turkish companies, both because the business climate will improve and because Cyprus will provide a voice for Turkish business and other interests in Brussels long before Turkish accession. Sixth, as a result of the return to Cyprus of expatriate Turkish-Cypriots with capital, experience and expertise. Seventh, if it is agreed – as it has been in Belgium and is eminently rational in an even smaller market – to have a single social security fund, this will in the long term work to the benefit of Turkish-Cypriots. And, only eighth, there will also be increased employment opportunities for Turkish-Cypriots in the Greek-Cypriot federated state. The case is overwhelming.

The numerical inequality between Greek-Cypriots and Turkish-Cypriots will certainly lead to some tricky constitutional disputes in respect of decision making over the few but important issues reserved to the federal government, since the Greek-Cypriots will not accept that every issue should be treated on a communal basis so long as an arguable case that some economic measure is discriminatory can be brought to the Supreme or Constitutional Court. The federal government will certainly have the responsibility and need the ability to ensure EU decisions are respected by the two federated states. Where control of their region is concerned however not only is formal equality guaranteed, but if Turkish-Cypriots negotiate in their best interest there will never be any danger of Greek-Cypriot takeover of the Turkish-Cypriot federated state, even if every single Greek-Cypriot originally from the area to come under Turkish-Cypriot administration returns home, something no-one realistically anticipates.

The "best" interest of the Turkish-Cypriots to which I have referred is to insist on the bicomunal nature of the federal state, in perfect accord with the 1977 and 1979 High Level Agreements, which met their demand for a federal arrangement. Thus their federated state should belong to their community and all its leadership and civil servants should be Turkish-Cypriots. Would this deprive Greek-Cypriot residents of their democratic rights? Not so long as the legislators for the Turkish-

Cypriot federated state are the same individuals as the Turkish-Cypriot legislators in the federal legislature, and Greek-Cypriots have had the same percentage influence on their election, as Turkish-Cypriots will have had in the election of their Greek-Cypriot colleagues. Greek-Cypriots would then have exercised their democratic rights to influence the choice of Turkish-Cypriot legislators at a federal level, while full Turkish-Cypriot control of their federated state would have been maintained. Cross-voting in federal legislative elections and the identity of federal with federated state legislators is therefore an interest of Turkish-Cypriots in particular.

Effectively the only sacrifices Turkish-Cypriots would have to make for a settlement are the gradual return of an unknown number of Greek-Cypriots over what is likely to be an extended period of time, and some constitutional concessions in respect of federal decision-making where Turkish-Cypriot interests may be argued not to require a power of veto. Where territorial adjustment is concerned the recent proposal by Mr Levent, effectively for the creation of a Brussels region in Cyprus, under federal control, represents a possibility that merits first reformulation and then careful consideration.

Of the four main parties where the Cyprus problem is concerned, it is the Greek Cypriots who have since 1974 achieved the consistently most impressive performance alike on economic, social and administrative issues. No-one who has followed the EU accession negotiations or the ever strengthening presence of Greek-Cypriot businessmen in the mainland Greek economy can have any doubts about their ability to rise to a challenge. Nor have they been less successful in their internal politics: the bitter conflicts between enotists and supporters of Makarios between right and left, no longer endanger the smooth continuity of political life, and power has been transferred several times in a democratic manner by the slimmest of electoral margins.

Where a Cyprus settlement is concerned however international observers frequently lament that the Greek-Cypriots seem caught in a time warp, unable to articulate any vision. The accusation has some force, but many of those who make it bear a large measure of the responsibility. Those who have been exposed to a long range of unofficial comments by non-Cypriots involved in searching for a solution to the Cyprus problem over the years, are aware that the desires of the Greek-Cypriots were far from the most critical consideration in their mind. For them the mark of responsibility in a Greek-Cypriot politician was the willingness to acknowledge that they would have to accept the consequences of their "defeat" in 1974. Equally it was only Greek-Cypriots who were consistently held to any agreement they made: Ankara's power prevented the same principle being followed with any consistency where Mr Denktash was concerned, though there

was a sticking point in the unwillingness of the international community to incur the loss of face and of future credibility, that would have followed from a somersault on the issue of recognition.

The consequences of such attitudes have been deservedly negative: Greek-Cypriots have avoided considering the future and concentrated on avoiding a disastrous settlement in the present. They have also become extremely chary of accepting any further obligations except in return for an actual settlement. Their very success in the EU accession negotiations however is inevitably bringing this period to an end. Greek-Cypriots now need urgently to discuss their options, no longer on the basis of having been "defeated" but, like the other three main actors in the drama, on the basis of a balance of success and failure.

It is too soon to say which way this debate will go, but if I am not mistaken Greek-Cypriots, in this respect true Greeks, habitually operate simultaneously on two levels, that of principle and ideals, and that of everyday bargaining and manoeuvring for the best outcome possible. Outside observers have consistently underestimated the first element, as also the degree of anger caused by suggestions from a few Greeks or "offers" by official Turks that they should accept the return of some percentage of territory and concede the main points at issue.

It is my hunch that there are three points of principle on which Greek-Cypriot public opinion will stick: the assured long-term unity and sovereignty of the Republic, including the removal of the instruments of external control and the implementation of a single citizenship; the three freedoms of movement, property ownership and settlement; and the democratic nature of government in those areas of competence reserved to the central government. On the other hand it is again my hunch that there is no longer any desire to rule over Turkish-Cypriots, so that the devolution of powers on the Belgian model, once understood, is unlikely to cause strong reactions in itself, and, despite loud cries for majority rule by a small minority, a genuinely federal model will be acceptable, provided the central government cannot be both capriciously and consistently undermined as, whether rightly or wrongly, Greek-Cypriots believe occurred in 1960 to 1963.

The other side of the Greek character will I suspect emerge in negotiating the details of the periods of derogation in respect of the exercise of the three freedoms, and in discussions over territorial adjustment. Whether the newly proposed concept of a "federal region" in some parts of Cyprus as a partial or total alternative to the increase of territory under Greek-Cypriot administration proves acceptable may depend equally on the security conditions for returning refugees, and the number of monuments and historical sites, some of them appallingly maltreated under the occupation, that might come under the control of an authority that can be

trusted to take proper care of them.

The very tentative nature of the analysis offered at this point indicate that whereas Ankara's actions and reactions over the next two years are the most critical, Nicosia's choices are the least predictable. One thing however is fairly clear. Since 1974 the ideology cultivated among Greek-Cypriots has been that all Cypriots, and therefore by definition Turkish-Cypriots, are fundamentally "good" and to some degree victims, while the invading and occupying Turks are "bad": thus, were the Turkish-Cypriot negotiating position to become more positive the chances are high that the Greek-Cypriot response would also be positive, all the more so as their desire to ensure the island's unity can be achieved in no other way.

If this is the balance of considerations among the four main actors it is reasonable to be optimistic in the medium term. There are clear points of conflict which will need subtle negotiation and perhaps conciliation, but there is sufficient identity or continuity of interest among all four that a viable solution should be available. The challenge is, within the necessary constraints of the EU accession process, first to expand and then to make the most effective use of the time available. Certainly however the time that counts is that up to accession itself, not only that up to the accession agreement. Equally, obtaining a settlement requires an understanding of the degree to which current leaderships may or may not represent either the true interest or the real desires of their constituents.

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