

# IS A COMPROMISE SETTLEMENT IN CYPRUS STILL POSSIBLE? REVISITING THE GHALI 'SET OF IDEAS'

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## Abstract

*Is there any realistic hope that the Greek and Turkish Cypriot communities may still manifest the desire and political will to negotiate and eventually achieve a mutually acceptable settlement to the long-festered Cyprus problem, obtain the endorsement of the governments of Greece and Turkey as well as the United Nations, and proceed to forge together a common future? The two communities have been following divergent paths since 1974, if not 1963. The Republic of Cyprus is now going full steam ahead with the European Union accession talks and is doing all it can to harmonise its legislation, economic and administrative systems and trading practices with those of the EU. 'The Turkish Republic of Northern Cyprus', whether or not it is referred to in inverted commas or in an ironic tone of voice, exists in complete independence from the Republic of Cyprus (but of course is completely dependent on Turkey) and works to promote ever closer political and economic links with Turkey, so that if the Republic of Cyprus joins the EU before there is a settlement, the TRNC will become to all intents and purposes a province of Turkey. Is there no hope of arresting this drift towards cementing the division of Cyprus into two hostile lands and peoples, in effect the Cyprus-based branches of Hellenism and the Turkish nation?*

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The last time the leaders of the Greek and Turkish Cypriots conducted serious negotiations for a Cyprus settlement was in the summer of 1992, when the then President of Cyprus Mr George Vassiliou and the Turkish Cypriot leader Mr Rauf Denktaş met for a series of talks under the chairmanship of the UN Secretary-General Dr Boutros Ghali. In August 1992 Dr Ghali presented a carefully crafted body of proposals for a settlement entitled 'Set of Ideas' (including a map indicating territorial adjustments), which received Security Council endorsement through resolution 774/92. The negotiating process broke up in the autumn as the campaign for the Greek Cypriot presidential elections went into full swing. Mr Vassiliou and AKEL which supported him presented the 'Set of Ideas' to the Greek Cypriot public

as a good basis for the search of a just and lasting settlement. Mr Glafcos Clerides and other presidential candidates argued that the document was unacceptable as it stood because it contained restrictions on human rights and the implementation of the European Union *acquis communautaire*. Mr Denktash had already indicated that 91 out of the 100 paragraphs of the document were unacceptable to him. The 'Set of Ideas', just like proposals put forward from time to time by Ghali's predecessor Mr Javier Perez de Cuellar, provoked disagreements within each community between, on the one hand, those people who wanted to obtain all or nearly all the elements which, in their view, constituted a just solution, and on the other hand, those who believed that it was simply unrealistic to expect that negotiations could yield a package incorporating only elements demanded by them but rejected by the other side, and no elements rejected by them but demanded by the other side, and consequently both sides should moderate their respective demands and aim at a balanced and honourable compromise. The winner of the February 1993 elections was Mr Clerides, who declared his willingness to negotiate with Mr Denktash a settlement based on the High Level Agreements of 1977 and 1979, the UN resolutions, human rights norms, and the rules of international law (with the *acquis communautaire* sometimes thrown in). By then, however, the momentum gained during the Vassiliou-Denktash negotiations had been lost, and in the next year the two sides confined their contacts almost exclusively to the creation of a set of Confidence-Building Measures, which again led to nothing. The next UN Secretary-General Mr Kofi Annan revived part of the 'Set of Ideas' and presented it through his Special Representative Mr Diego Cordobez to President Clerides and Mr Denktash in summer 1997, when they held two abortive sets of meetings at Troutbeck, New York State and Glion, Switzerland. By then Mr Denktash was not willing to engage in substantive talks for a Cyprus settlement unless he was recognized as a head of a sovereign Turkish Cypriot state, and further the Greek Cypriots terminated their efforts to take the Republic of Cyprus into the European Union. Since this was unacceptable to the Greek Cypriots and the United Nations, the negotiating process broke up. Indeed, it is fair to say that during the Clerides' years, given the absence of any substantive negotiations for a Cyprus settlement, the Greek and Turkish Cypriot communities no longer discussed among themselves what a Cyprus settlement could be like in any but the vaguest terms.

Yet it is plain that if a settlement is to be found in Cyprus, the two sides will have to negotiate and finally reach agreement on a range of subjects, some of which may be more important to one side and some to the other. The UN has always recommended to the two sides to show understanding for each other's needs, interests and concerns, and to work in good faith for a compromise settlement through mutual concessions. Mr Denktash failed to persuade the UN to recognize the TRNC as a sovereign state; but President Clerides failed to persuade the UN that he had a better framework for a comprehensive settlement than the Ghali 'Set of Ideas',

hence the Cordobez document. If the efforts which Dame Ann Hercus, the former UN Secretary-General's Deputy Special Representative on Cyprus, undertook in the autumn of 1998 to get the two sides on the negotiating table were to bear fruit, it is as certain as anything that the 'Set of Ideas' would have been brought back. It may be noted in this connection that some time after Dr Boutros Ghali presented the 'Set of Ideas', he asked the two sides to state their respective reactions to each of the various proposals set out in the document. He held discussions with President Vassiliou and Mr Denktash between 28 October and 6 November 1992 to ascertain their views, and on 11 November he brought out a paper entitled 'Summary of the Current Positions of the Two Sides in Relation to the Set of Ideas'. This paper represents the only attempt ever made by the UN to codify the positions of the two sides on various aspects of a Cyprus settlement, and wherein their points of agreement and disagreement lie. Indeed, it is a fair assumption that the Greek and Turkish Cypriot positions contained in the paper still express the views of the two sides, unless in the meanwhile President Clerides and Mr Denktash have put forward different views. So if the 'Set of Ideas' is still the UN frame of reference for intercommunal negotiations, the points of disagreement contained in the 'Summary' indicate the obstacles that need to be removed, if a compromise settlement can be achieved in Cyprus.

The Ghali 'Set of Ideas' presents its proposals under a number of headings, including 'Preamble', 'Overall Objectives/Guiding Principles', 'Constitutional Aspects of the Federation', 'Security and Guarantees', 'Territorial Adjustments' and 'Displaced Persons'. The Preamble is a short paragraph which was meant to be uncontroversial, beginning with the words "The leader of the Greek Cypriot community and the leader of the Turkish Cypriot community have negotiated on an equal footing..." This text did not provoke any reactions in the Greek Cypriot or Turkish Cypriot sides in 1992. As was mentioned, in 1997 Mr Denktash took the line that the requirement of equality between the negotiating parties implied that he should be recognized by the UN as the president of a sovereign state, as was Mr Clerides. This would be unacceptable to Greek Cypriots, as indeed to the international community. It is to be hoped that the two sides can resume negotiations and proceed to discuss their disagreements on the various aspects of a Cyprus settlement, without making initial demands on each other which cannot be met.

The section entitled **Overall Objectives** makes a number of points on the constitutional form of the state that is to be established as part of a Cyprus settlement, one of which is rejected by the Turkish Cypriot side while it is accepted by the Greek Cypriots. The points in question are:

...The Cyprus settlement is based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two political equal communities...in a bicomunal and

bizonal federation, and that the settlement must exclude union in whole or in part with any other country or any form of partition or secession.

The Greek Cypriot side have long insisted that sovereignty and international personality should be the exclusive properties of the federation as a whole, for they feared that if the federated states were allowed a locus standi under international law, the Turkish Cypriots would be in a position at some point in future to exercise the sovereign right to break away from the federation, declare the Turkish Cypriot federated state to be an independent republic, and as such ask for recognition from the international community and admission to the United Nations. The Turkish Cypriots' point of view on the matter is based upon their interpretation of the events of December 1963, which is that the Greek Cypriot leaders usurped or highjacked the power of the state against the provisions of the 1960 constitution, shut the Turkish Cypriots out of the machinery of the state, and got themselves accepted by the international community as the government of the Cyprus Republic. Could this not happen again, the Turkish Cypriots ask, if the projected federal constitution does not grant any sovereign authority to the federated states? Further, the Greek Cypriots argue that there is at present only one sovereign state, the Republic of Cyprus, whose northern sector is under foreign control, and the question is how to reconstitute this state on federal lines in the context of a peaceful settlement. The Turkish Cypriots, however, believe the TRNC to be a real, live, sovereign and independent state, just like the Republic of Cyprus, in which case the real question is how much of this sovereignty and independence the two states are going to transfer to a system of joint organs which will form the federation. Thus the Turkish Cypriot position on the matter is as follows:

The result of the overall framework agreement will be the establishment of a bicomunal, bizonal federal republic by two politically equal corporate bodies from which the sovereignty of the federal republic shall emanate. The two equal federated states will each freely agree to devolve a portion of their respective federal powers to the federal government. The Turkish Cypriot side declares that the essence of its position is that "The federated states are sovereign insofar as their sovereignty is not limited by the sovereignty of the federal state."<sup>1</sup>

Greek Cypriots may abhor the suggestion that the projected federation will be formed by the union of two currently existing "corporate bodies", but some of them realize that the whole idea about sovereignty is that it consists in the possession of supreme and unrestricted authority to make and enforce laws, policy and administrative decisions. If the aim of the negotiating process is the establishment of a bizonal federation, then there will have to be a division of powers between the federal government and the governments of the two constituent federated states; and further, in those areas which come under the jurisdiction of the federated states, the various organs of each state will exercise due authority without interference from

either the other state or the federal government. Thus, if the essence of the Turkish Cypriot position were to be re-formulated in some such terms as "The federated states have unrestricted authority to make laws, policies and administrative decisions in all areas outside the jurisdiction of the federal organs, but consistent with the constitution", Greek Cypriots would have no grounds for objection, for they have already accepted a federal settlement.

It is important to note that when the 'Set of Ideas' suggested, under the heading '**Constitutional aspects of the federation**', a list of **powers to be vested in the federal government**, neither side found any cause for disagreement. The list includes all the powers which the central government in a federation would have to have, which includes not only the obvious items like foreign affairs, federal budget and taxation, and customs and the co-ordination of international trade, but also immigration and citizenship, which Greek Cypriots would not want, for obvious reasons, to be assigned to the jurisdiction of the federated states. The Turkish Cypriots, however, raised certain objections to proposals made on the **structure, composition and functioning of the federal government**, and more specifically the executive branch of government, while the Greek Cypriots asked for certain modifications. The relevant paragraphs of the 'Set of Ideas' are as follows:

36. The federal executive will consist of a federal president, a federal vice-president, and a federal council of ministers. The president and the vice-president will symbolise the unity of the country and the political equality of the communities...

38. There will be a council of ministers composed of Greek Cypriot and Turkish Cypriot ministers on a 7:3 ratio... One of the following ministries, that is, foreign affairs, finance, or defence will be allocated to a Turkish Cypriot minister. The president and the foreign minister will not come from the same community.

40. Decisions of the council of ministers will be taken by majority vote. However, decisions of the council of ministers concerning foreign affairs, defence, security, budget, taxation, immigration and citizenship will require the concurrence of both the president and the vice-president.

42. The president and the vice-president will, separately or conjointly, have the right to veto any law or decision of the legislature concerning foreign affairs, defence, security, budget, taxation, immigration and citizenship. The president and vice-president will have the right, separately or conjointly, to return any law or decision of the legislature or any decision of the council of ministers for reconsideration.

With regard to paragraph 36, Greek Cypriots adopted the position that "The federal president and vice-president symbolise the unity of the country and should have a universal mandate. They must therefore be elected by federation-wide and weighted universal suffrage. Such federation-wide elections would foster intercommunal harmony. For all these reasons rotation is not an acceptable option." The

underlying idea seems to be that when presidential election is held, any citizen who possesses the usual qualifications, whether Greek or Turkish Cypriot, can put himself forward. Assuming that there are four times more Greek Cypriot than Turkish Cypriot voters, the vote from a Turkish Cypriot voter will count as equivalent to two or three or possibly four Greek Cypriot votes (depending on the details of the electoral law). If the person who wins the presidential election belongs to the Greek Cypriot community, a vice-president will have to be elected from among candidates belonging to the Turkish Cypriot community (or vice versa), and again the vote from a Turkish Cypriot voter will count as equivalent to two or more Greek Cypriot votes. The rationale of this system is that candidates for both the presidential and vice-presidential elections will have an interest and a motive to appeal not only to their own community, but to the other too. Although it is most unlikely that, under Greek Cypriot proposals, a Turkish Cypriot could become president, it is worth noting that given that Mr Vassiliou won the 1988 election by a margin of about 1.5%, and Mr Clerides won the elections of 1993 and 1998 by 0.5% and 1.5% margins respectively, Turkish Cypriot participation in these elections could have made a decisive difference.

The Turkish Cypriot position on the matter of the election of the president and vice-president is as follows: (a) The president and vice-president symbolise the bicomunal nature of the federation and the political equality of the two communities. Therefore, representatives of each community should rotate in the presidency. (b) The rotation of representation of the federation at official occasions overseas would reflect internationally the bicomunal nature of the federation. (c) Election by common electoral roll would negate the historical rights of each community and would be contrary to the bicomunal character of the federation.

The Turkish Cypriot positions in relation to paragraphs 38 and 40 of the 'Set of Ideas' are again uncompromising:

The council of ministers should be composed of an equal number of Turkish Cypriot and Greek Cypriot federal ministers to reflect the political equality of the two communities... [It] should function on the basis of consensus.

Greek Cypriots are only prepared to accept the principle of political equality if it means parity of executive and legislative power between the Greek and Turkish Cypriot communities. If the constitution were to stipulate that there should be the same number of Greek and Turkish Cypriot members of the council of ministers, it would deny the Greek Cypriots the satisfaction that there is some acknowledgement of the fact that their community is four times larger than the Turkish Cypriot community. Whenever Turkish Cypriot leaders express the demand for the rotation of the presidency and the equal distribution of ministerial portfolios between the two

sides, Greek Cypriot indignation and bitterness suggest that they believe the Turkish side is trying to walk all over them. Not only Greek nationalists, but also people of moderate views and dispositions think that if there has to be a numerical formula for the distribution of portfolios, this must be a ratio which to some extent reflects the relative size of the two communities.

Can the disagreement between the two sides on participation in the council of ministers be resolved? It is difficult to see how - but the following possibility could be explored. Maybe it can be agreed that for each of the ten ministries (let us say), there should be one minister and one deputy minister who will not be a member of the council of ministers, although he will participate in appropriate ministerial committees. Seven of the ministries should be headed by a Greek Cypriot and three by a Turkish Cypriot, as Dr Boutros Ghali suggested; but further every ministry headed by a minister belonging to one community should have a deputy minister belonging to the other community, in which case there will be seven Turkish Cypriot deputy ministers and only three Greek Cypriot. This system will give the Greek Cypriots the satisfaction that the largeness of their community is acknowledged and it is given a higher profile in the executive, while the Turkish Cypriots, with three ministers and ten deputy ministers will feel that their participation in the executive is full and effective. Perhaps a more important advantage is that every ministry will be under both Greek and Turkish Cypriot political officials who will be responsible for the formulation and application of policy, and so no ministry will be thought of as being Greek-controlled or Turkish-controlled.

One may wonder why the Turkish Cypriot side need insist on consensual decision-making in the council of ministers, given that the Greek Cypriots have conceded the proposal contained in paragraph 40 of the 'Set of Ideas'. Sir David Hannay suggested, at some point, that the executive should function on the principle of 'co-decision' by the president and vice-president. Greek Cypriots did not like it, but they might accept it, if it served to persuade the Turkish Cypriots that the president should be Greek-Cypriot and the vice-president Turkish Cypriot.

The next item on the constitutional aspects of the negotiating agenda is concerned **with fundamental rights, including the three freedoms, and political, social and cultural rights**. The 'Set of Ideas' proposes that

47. All universally recognized fundamental rights and freedoms will be included in the federal constitution.

48. The freedom of movement, the freedom of settlement and the right to property will be safeguarded in the federal constitution. The implementation of these rights will take into account the 1977 High Level Agreement and the guiding principles set out above.

49. The freedom of movement will be exercised without any restrictions as soon as the federal republic is established, subject only to non-discriminatory police functions.

50. The freedom of settlement and the right to property will be implemented after the resettlement process arising from the territorial adjustments has been completed. The federated states will regulate these rights in a manner to be agreed upon during the transitional period consistent with the federal constitution.

In autumn 1992 the Greek Cypriot side accepted these proposals in principle, and added that "these rights and freedoms must be entrenched in the federal constitution and safeguarded by the federation. Their application may be regulated by the federal states, but limitations of these rights contrary to international law and human rights instruments are not acceptable." It is clear that the Greek Cypriot side wants to discourage, as far as possible, the Turkish Cypriots from imposing any arbitrary restrictions on the freedom of settlement and property ownership, by writing these rights in the federal constitution, so that any Greek Cypriots who believe their rights are being denied to them can bring action in the Federal Supreme Court. But exactly how is this course of action going to work in practice? Let us suppose that following a Cyprus settlement, a group of Greek Cypriot businessmen puts together a large amount of money to buy land in a certain area to the east of Kyrenia which has belonged to Turkish Cypriots since before 1974 with a view to building holiday homes for Greek Cypriots. Let us also suppose that the owners of the land are willing to sell but the authorities of the Turkish Cypriot federated state are opposed and they introduce legislation to prohibit the sale to Greek Cypriots, citing reasons of security and public interest. If the Greek Cypriot businessmen file a suit against the Turkish Cypriot authorities to the Federal Constitutional Court, they may lose (in which case Greek Cypriots may accuse the Court of allowing itself to be influenced by Turkish Cypriot politicians), or win (in which case, things being the way they are now, Turkish Cypriots will be angry and worried, and quite possibly willing to use other means, foul or fair, to induce the owners not to sell their land, or to harass and create difficulties for the businessmen). It may even be possible for the businessmen to take the case to the European Court of Human Rights, but whatever the outcome of the case, it may cause terrible acrimony between Greek and Turkish Cypriot politicians, officials and the communities in general. For once Turkish Cypriots come to believe that the Greek Cypriots are apt to use their purchasing power to harm their economic and security interests, Greek Cypriots wanting to live and conduct business in the Turkish Cypriot federated state will be antagonised by Turkish Cypriot people and possibly threatened by them. The point of this pessimistic thought-experiment is that Greek Cypriots may argue for increased rights for their own people in the north, claiming glibly that such arrangements are "for the benefit of both communities"; but the brute fact of the matter is that if the Turkish Cypriot authorities judge that such arrangements are not in their own eco-



conomic and security interests, they will prevent them one way or another. Thus the only way open to the Greek Cypriot community for achieving effective protection of the rights of Greek Cypriots who wish to live in the north is to persuade Turkish Cypriots themselves - and not the European Court for Human Rights - that they have nothing to fear from them. In any case, it is instructive to study the Turkish Cypriot positions in relation to the paragraphs 47-50 cited above. They are as follows:

The exercise of the freedom of movement without any restriction as soon as the federal republic is established is accepted provided that by that stage arrangements for settling property claims will have been agreed. The freedom of settlement and the right of property will be regulated by the federated states in a manner to be agreed upon, consistent with the federal constitution and which preserves the bicomunal nature of the federation. The freedom of settlement and the right to property will be implemented gradually and in phases after the settlement process arising from the territorial adjustments has been completed and following a moratorium for confidence-building. The federated states, in regulating these rights, will give due regard to the bicommunality and bizonality of the federation, the need to prevent intercommunal conflict, their economic interests and the preservation of communal identity...

Little reflection is needed to show that the Turkish Cypriot side is bent on securing what it calls "the settlement of property claims" or "exchange of properties and compensation", before any rights of Greek Cypriots are implemented in the north. Thus, for the Turkish Cypriot side the matter of the implementation of the three freedoms is linked to a solution of two interconnected issues of major importance: first, **territorial adjustments** and second, **displaced persons**. The interconnectedness of the issues is brought out by considering the following points:

1. The Turkish Cypriots, who before the Turkish invasion constituted 18% of the population of the island, currently control about 34% of the land, and this is generally regarded as very unfair. Turkish Cypriot officials sometimes offer arguments why the Turkish Cypriot federated state of the projected federation should retain more territory than 18%, and there seems to be some sympathy in international circles for this point of view. Since 1984 it is assumed that the Turkish Cypriots will keep about 29% of the territory.

2. The Turkish invasion and the subsequent division of the island caused the displacement of 160,000 Greek Cypriots and 45,000 Turkish Cypriots. All Greek Cypriot refugees were re-housed by the late 1970s, but most of those who are still alive 25 years later, as well as their heirs, demand implementation of the right of return to their homes and properties, and all Greek Cypriot politicians and ordinary people are in sympathy with them.

3. It is understood that the more territory that used to be inhabited by Greek Cypriots is to be returned to the Greek Cypriot federated state, the less difficult the problem of what is to happen to other Greek Cypriots whose homes and properties remain in the territory of the Turkish Cypriot federated state.

During the period leading up to the preparation of the 'Set of Ideas', Dr Boutros Ghali and his officials reflected on a number of criteria to which the Turkish Cypriot side attached particular importance - maintaining the coastline controlled by the Turkish Cypriots, respecting traditionally Turkish Cypriot areas, taking account of the distribution of water resources etc - and the Greek Cypriot view that territorial adjustments should permit the largest possible number of Greek Cypriot refugees to return to their own homes and properties, and proceeded to produce the Ghali map which marked the borderline of the Greek and Turkish Cypriot federated states. President Vassiliou accepted the map as a basis for a settlement, and although Mr Clerides at the time expressed some dissatisfaction, he is thought to find it acceptable too.

Territorial adjustments on the basis of the map would mean that the Turkish Cypriot area will be reduced from 3,355 square miles to 2,613 square miles (equivalent to 29.05% of the total territory of the Republic of Cyprus). The 742 square miles which would be given over to the Greek Cypriot side constitute an area which in 1974 was inhabited by about 78,500 Greek Cypriots - about half of all refugees.<sup>2</sup> In the quarter-of-a-century since 1974, some one-third of all Cypriots must have died, but the net increase in population is about 1% per annum. So if the Ghali map is 'implemented', about 100,000 Greek Cypriots - surviving refugees and descendants of refugees - will be able to take possession of their homes and properties. How many of these people would be *actually* willing to exercise their right of return is an interesting question which no Cyprus government or Greek Cypriot organisation has ever attempted to investigate. It is highly probable that the vast majority of Greek Cypriots from Famagusta and its suburbs (estimated to be about 30,000) would return to recreate the thriving community with its tourist and port-based economy, and so would most of the people of the north-eastern area of Morphou (about 7,500 people) and the surrounding villages (another 5-7,000). But how many people would want, given the opportunity, to return to small peasant communities from which, back in the early 1970s, young men tended to leave in order to seek better-paid work and a better life-style in the towns? The best guess is that if 100,000 Greek Cypriots are given the option of returning to their homes and properties under Greek Cypriot administration, only about one-half of these would want to return, and most of these will be old.

But what would the implementation of the Ghali map mean for the Turkish Cypriots? Mr Denktash was dismayed when Dr Boutros Ghali presented it to the

two sides, arguing that it would result in 37,433 Turkish Cypriots having to leave their present homes - homes to which, in many cases, they had received 'title deeds' from the authorities of the TRNC. In fact the 'Set of Ideas' shows great sensitivity to the needs of Turkish Cypriots currently in areas which, according to the Ghali map, will come under Greek Cypriot administration; for it provides that:

74. The Turkish Cypriots who in 1974 resided in the area that will come under Greek Cypriot administration will have the option to remain in their property or request to receive a comparable residence in the area that will come under Turkish Cypriot administration. Turkish Cypriot displaced persons currently residing in the area that will come under Greek Cypriot administration will have the option to receive comparable residence in that area, to return to their former residence, or to receive a comparable residence in the area that will come under Turkish Cypriot administration.

It should be noted that if this paragraph forms part of a Cyprus settlement, it is theoretically possible that all 7,500 Greek Cypriots who have a right to live in Morphou will go there, and all Turkish Cypriots who currently inhabit the town (many of whom were born there) will move to "comparable residence in that area". But can Morphou double in size to provide homes and means of livelihood for 15,000 Greek and Turkish Cypriots? It may be possible to build a set of attractive housing estates for a few thousand Turkish Cypriots on the northern edge of Morphou and persuade the current Turkish Cypriot inhabitants of the town to move there en masse to create the municipality of Yeni Guzelyurt within the Turkish Cypriot federated state, thereby preserving the identity of the community, its connection with the locality, and its inclusion in the Turkish Cypriot federated state. But is it possible to expand by 100% the citrus groves, or offer alternative employment to those Turkish Cypriots who are currently growing citrus? The answer is plain: all agricultural land in and around Morphou is owned by Greek Cypriots, who will want to claim it, if this option is open to them. Here, then, is a very difficult problem whose solution requires considerable ingenuity. It will be less difficult to solve, if it turns out that many Greek Cypriots from Morphou do not wish to live there, or if they do, they lack the skills and the interest to tend their parents' and grandparents' groves and so they are willing to give them up in return for compensation. In that case, it may be possible to create a physically and socially united urban centre, split into two municipalities of Morphou and Yeni Guzelyurt, each belonging to a different federated state, following the same basic idea as Lefkosia-Lefkosa and Ammochostos-Magusa.<sup>3</sup>

Another very difficult problem is bound to arise if a large proportion of the Greek Cypriot displaced persons who in 1974 lived in what is to form the territory of the Turkish Cypriot federated state or who descended from those people (estimated to be about 100,000) do wish to return to their homes or properties. Given that (a) the indigenous Turkish Cypriots currently living in the north are estimated to be about

70,000, and (b) the Greek Cypriot side demands that all settlers from mainland Turkey will have to leave, it follows that if all Greek Cypriots return, they will form the majority there. Could the Greek Cypriots form the majority in both the south and the north of Cyprus? Could a situation arise in which the authorities in the Turkish Cypriot federated state find they have a larger Greek Cypriot population than a Turkish Cypriot population? The fact is that both Greek and Turkish Cypriots, as well as the UN and foreign diplomats involved in efforts for a settlement, assume that the majority of the inhabitants of the Turkish Cypriot federated state will be Turkish Cypriots.<sup>4</sup> However, a number of Security Council resolutions recognize the right of all displaced persons to return 'voluntarily' to their former homes and properties in conditions of safety, and both UN officials and Greek Cypriot officials and politicians are bound to support the implementation of this right. However, the Turkish Cypriots are steadfastly opposed to the return of great numbers of Greek Cypriots to the Turkish Cypriot federated state, and no major power has ever said that it wants to see all Greek Cypriot refugees return to their homes, much less that it intends to lean on the Turks to ensure that this happens. Those Greek Cypriot politicians, including President Clerides, who think that the problem of Greek Cypriot refugees is soluble must be supposing either that for some reason the Turkish side is suddenly going to withdraw its opposition, or that the prohibition of any but a small number of Greek Cypriot refugees from returning to the Turkish Cypriot federated state would be tolerable to the majority of Greek Cypriot people, *if other elements in the package settlement are acceptable*.

Let us look at what the 'Set of Ideas' has to say about the refugees from what is to form the territory of the Turkish Cypriot federated state. The document proposes a system of arrangements whereby (a) the displaced persons - Greek or Turkish Cypriots - who do not want to go back to their homes and properties will have a right to obtain compensation and (b) the displaced persons who wish to return will have a right to do so. With regard to the first group the document proposes, among other things, the following:

76. Each community will establish an agency to deal with all matters related to displaced persons.

77. The ownership of the property of displaced persons, in respect of which those persons seek compensation, will be transferred to the ownership of the community in which the property is located.

To this end, all titles of properties will be exchanged on a global communal basis between the two agencies at the 1974 value plus inflation. Displaced persons will be compensated by the agency of their community from funds obtained from the sale of the properties transferred to the agency, or through the exchange of property...

The main idea, here, is clear enough, even though the mechanics of evaluating properties and funding the provision of compensation needs careful and detailed working out.<sup>5</sup> With regard to the second group of displaced persons, the 'Set of Ideas' states, among other things, that

84. The settlement of those who select to return will take place after the persons who will be affected have been satisfactorily relocated. If the current occupant is also a displaced person and wishes to remain, or if the property has been substantially altered or has been converted to public use, the former permanent resident will be compensated or will be provided an accommodation of similar value.

This proposal was accepted by President Vassiliou as a basis for negotiation, but - predictably - was opposed by Mr Denktash. The Turkish Cypriot side theoretically accepted the principle of the refugees' rights of return and property ownership, but in practical terms it dealt the principle the rejection of a thousand conditions. For one, most Greek Cypriot properties on the Turkish Cypriot side have been allocated to Turkish Cypriots. These allocations created legally valid title deeds... Most of the Greek Cypriot property currently being used by the Turkish armed forces has been allocated to Vakfs [religious trusts]... Greek Cypriots who owned property in the Turkish Cypriot area will be compensated from funds obtained, inter alia, from the sale of Turkish Cypriot properties on the Greek Cypriot side. At current value, the Turkish Cypriot property left in the south roughly corresponds to the Greek Cypriot property left in the north.

Even more ominously, the Turkish Cypriot position states that:

The option of return will be exercised after a mutually agreed moratorium. The settlement of those who select to return will take place after the persons who will be affected have been satisfactorily relocated. A review mechanism will be established in each federated state in a mutually agreed manner to determine upon recourse by the present owner and/or occupant whether there are circumstances which preclude relocation in that particular case. In that event, or if the owner and/or occupant is also a displaced person or a bona fide purchaser or heir, or if the residence has been substantially altered; or has been converted to public use or allocated to public service institutions, Vakfs etc, or... [the list of conditions goes on and on], the former permanent owner will be compensated.

The Greek Cypriots are vehemently opposed to what they consider as Mr Denktash's attempts to legalize the usurpation of their homes and properties by the Turkish Cypriots. According to Dr Boutros Ghali, President Vassiliou insisted during the proximity talk that preceded the drafting of the 'Set of Ideas', on the right of return and of the right to property, "while recognizing the need to resolve practical difficulties faced by the Turkish Cypriot side. He stressed that he was opposed to

any recognition of massive confiscation of the properties of displaced persons, since it would be contrary to resolutions of the United Nations and human rights instruments." <sup>6</sup>

The position of the Greek Cypriot and the Turkish Cypriot side reflect the moral beliefs, economic interests and political passions of their respective communities, and of course they are in direct conflict. Further, the Greek Cypriots demand that Turkish mainland settlers - estimated to be about 80,000 - should be sent back to return to Turkey. The Turkish Cypriots, however, make a distinction between those Turkish settlers who were given TRNC citizenship and those who came as seasonal workers with the permission of the Turkish Cypriot authorities or even without it; and they say that while seasonal workers will eventually leave, the former group have as much right to stay permanently in the north as the few hundreds of foreigners who received citizenship of the Republic of Cyprus have a right to stay in the south. There is at present no sign that the Turkish Cypriot authorities will cancel or invalidate their own laws and administrative decisions in order to facilitate negotiations for a Cyprus settlement. So is the deadlock on this issue complete and irrevocable?

It seems that the deadlock is just that, and no compromise appears practicable, if any considerable number of Greek Cypriot refugees, with support from the Greek Cypriot authorities, do actually want to exercise the right of return, and to own and enjoy the use of their property in the Turkish federated state of Cyprus. What needs to be investigated, however, is whether they do want that; and will continue to want that, if and when the political rhetoric which Greek Cypriot politicians and the media have so loudly produced subsides and a cooler assessment of the situation is formed.

1. It is well known that since the 1960s, if not earlier, there has been a drift of young people from the countryside, where for the most part agriculture could not support a reasonable standard of living, to the towns to seek work and better opportunities for advancement. This trend was intensified throughout the 1960s and early 1970s as a result of the development of light manufacturing industries, service industries and more particularly tourism in a number of urban centres. Once young people tasted the satisfactions of urban life and the challenges of a career and social advancement, they turned their backs on country life. Even if the Turkish invasion and the consequent displacement of the Greek Cypriot inhabitants of the north did not take place, the likelihood is that the countryside in what is to become the Turkish federated state of Cyprus would not hold many attractions to keep young people in their villages; and when older people died, the village communities would gradually disappear. (If any evidence is needed for this hypothetical judgment, one need only take a look at the countryside in the Paphos district.) Kyrenia,

a town of great charm and considerable potential for tourist development, is a special case; and if the former Greek Cypriot inhabitants were allowed to return, many will consider this option seriously. But with the exception of Kyrenia (whose population in 1974 was about 3,000 Greek Cypriots and 500 Turkish Cypriots), the villages in the Kyrenia mountain range and the plain of Mesaoria would not see many of their former Greek Cypriot inhabitants if they were given the right of return.

2. People want to live near the places of work, and a considerable proportion of Greek Cypriot families have more than one member working outside the home. Let us suppose that following a settlement, Greek Cypriot refugees are allowed to go back to their former homes, and a certain family in which the husband comes from one of the northern villages have to consider what to do. Can they find jobs for the husband, the wife, and the adult unmarried children? Quite possibly the wife will not be coming from the same village as her husband and cannot be expected to be attached to it, and the children will not have any experience of, or liking for, the rigours of farming. The chances are that they will want to stay put - where their jobs, current home and friends are - and at most they will want to visit the old village a few times a year and probably sell any land they may have there.<sup>7</sup>

3. Greek Cypriots often appeal to UN resolutions concerning the rights of refugees and demand that Turkey and the Turkish Cypriot authorities implement them. For example, General Assembly resolution 3212 of 1 November 1974 called inter alia for "the return of all refugees to their homes in safety" and resolution 3395 of 20 November 1975 called for "voluntary return of all refugees to their homes in safety". But how safe could Greek Cypriots be in Kyrenia or the villages in the north, in a hypothetical situation in which the Turkish Cypriot authorities, put under intolerable pressure by the international community and Turkey, were to allow them in? The international community has done little to bring about reconciliation and friendship between the two communities, and the two communities have done even less in this regard. If a number among the former Greek Cypriot inhabitants of Kyrenia were to go back there following a settlement, and found a hostile Turkish Cypriot and Turkish population of 13,000, how would they feel? Will they demand that the current occupiers of their homes be turned out so that they can move in themselves. Is there a chance of this happening? And if as a result of any disputes, intercommunal violence breaks out, whom are the Greek Cypriots going to seek protection from? The Turkish Cypriot police force? The Turkish Cypriot courts? UNFICYP? Greece?

4. Besides, if all Greek Cypriots who wish to go to the north and take possession of their properties were to be permitted to do so, the same should apply to Turkish Cypriots who wish to go to those parts of the south: in Larnaca, Limassol and Paphos which Greek Cypriots have used for nearly a quarter of century and turned

them into lucrative tourist attractions. Is it so clear that a man who has worked to his bones to make a good living out of a restaurant in the former Turkish quarter of Larnaca assigned to him by his government after 1974 would be prepared to simply give it up without a fight to a Turkish Cypriot who happened to be the son of the former owner?

All these considerations, which occasionally are rehearsed by Greek Cypriots in private, but almost never in public, lead to the conclusion that as long as relations between Greek and Turkish Cypriots are bad, few refugees will venture to return to the north, dominated by the Turkish Cypriot community, administered by Turkish Cypriot officials and policed by Turkish Cypriot officers. The forcible creation of mixed villages could cause violent, and even fatal incidents, in which case neither the Greek Cypriot police in the south, nor UNFICYP could afford Greek Cypriots any protection. Therefore, in the circumstances of the protracted Cyprus conflict there appears to be no better solution to the issue of displaced Greek and Turkish Cypriots than a global exchange of homes and properties between the two communities.<sup>8</sup>

Some years ago, the argument for a global exchange of Greek and Turkish Cypriot properties was put forward by Mr Chris Economides in a study which one can now find on the Internet.<sup>9</sup> Mr Economides cites the First Protocol to the European Convention of Human Rights which states that "no one shall be deprived of his possessions", but it adds that the state can expropriate properties "in the public interest". The practice of expropriation of private property by the state to advance the public good on the basis of compensation at market value, in other words compulsory acquisition, is familiar in many modern states, including the Republic of Cyprus. If it is judged that it is in the public interest to avoid the recreation of mixed villages in the foreseeable future as such projects may cause violence and even the breakdown of public order, there is sufficient justification for effecting the expropriation of all Greek Cypriot properties in the north and of all Turkish Cypriot properties in the south, and exchanging them between the two federated states without compensation. The only exceptions to this radical solution would be churches, monasteries, mosques and cemeteries, which should continue to be owned and maintained by the respective religious authorities, and where religious celebrations will be freely allowed to take place.

Once the exchange of properties takes place, there will be little incentive for individual Greek and Turkish Cypriots to buy land for farming or investment in the other community's state. Mr Economides suggests that for an interim period of 10 to 15 years, resettlement and purchase of land in the Turkish Cypriot zone by Greek Cypriots and in the Greek Cypriot zone by Turkish Cypriots should be subject to permits by the host federated authorities. Thereafter, when relations between the



two communities will, hopefully, become harmonious, all restrictions should be abolished.

This seems an eminently reasonable proposal: the Greek Cypriots should accept the need to sacrifice rights which in a better world they would not; and the Turkish Cypriots should appreciate this move and be ready to make similar sacrifices to accommodate Greek Cypriots sensitivities.

The preceding discussion brings to the fore the point that Cyprus can only become a country in which all its citizens enjoy human rights and a civilised form of life if there is security for both communities, and for the projected federation which is expected to embrace them both. Indeed, the security aspect of the Cyprus settlement is of vital importance in itself, and the key to everything else. Without a political settlement there are no security arrangements; and without security no political settlement is worth very much. The Greek Cypriot community has long been arguing that the best form of security is the demilitarization of the island. Turkish Cypriots are unwilling to contemplate the departure of all Turkish troops, but then President Clerides did not exactly mean that, as may be gathered from the following evidence.

On 17 December 1993, two months after President Clerides and the Prime Minister of Greece Mr Andreas Papandreu signed the 'Joint Defence Doctrine', the former wrote to the UN Secretary-General Dr Ghali expressing Greek Cypriot security concerns:

There is no doubt that the massive presence of Turkish military forces in the occupied part of Cyprus creates serious anxieties and mistrust amongst the Greek Cypriot community regarding Turkish intentions. It also imposes on the Government of the Republic the need to increase the defensive capabilities of the country by purchasing arms. Further, it makes it necessary to request military help from Greece and to include Cyprus in the Greek defensive plans. There are also indications that the above preparations, though entirely defensive in their nature, are misinterpreted and cause anxiety and mistrust with the Turkish Cypriot community regarding Greek intentions.

President Clerides went on to propose that he disband the National Guard and hand over all Greek Cypriot armour cars, armour personnel vehicles and tanks to UNFICYP, and further that the Cyprus government undertake the total cost of "a substantially numerically increased UNFICYP" which will acquire the right of inspection in connection with security facilities, on condition that the Turkish side agrees to the withdrawal of the Turkish troops and the disbanding of the Turkish Cypriot armed forces.<sup>10</sup> And who will form the increased UNFICYP? The answer is implic-

it in an interview which President Clerides gave a Turkish Cypriot journalist on 1 February 1996, in which he made the following points:<sup>11</sup>

1. A revised Treaty of Guarantee will come into force under which Greece, Turkey, Great Britain and a number of additional countries will guarantee the security, territorial integrity and constitutional order of the federal republic.

2. An international force made up of contingents from the various guarantor powers (including, therefore, a Turkish contingent) will be stationed in an otherwise demilitarized Cyprus.

3. The international force will have powers (a) to ensure that no paramilitary organisations are formed and no arms are imported in Cyprus, except for arms for which there will be an agreement and which will be deemed necessary for the purposes of the police forces; and (b) to intervene on the basis of a decision by the guarantor powers taken by majority whenever the independence and territorial integrity of Cyprus face threats either from the two communities or through the violation of the constitutional order.

4. This solution has the following advantages: (a) If there is any tension in Cyprus, this will not be exported to Greece and Turkey, which as a rule take the sides of their respective communities. (b) Great Britain will no longer be in the unenviable position of being in the middle and being accused by the two sides of not fulfilling its obligations under the Treaty of Guarantee. (c) Any intervention will be carried out by an international force which will actually be stationed in Cyprus, thereby preventing any issues about invasion, occupation, withdrawal of forces etc which complicate matters. (d) Greek and Turkish contingents will continue to be stationed in Cyprus, but they will form part of an international force, and so any involvement or suspicion or allegation concerning chauvinist activities in their respective communities will be dealt with convincingly.

President Clerides added that "since we wish to accede to the European Union, the guarantor powers should come from the EU and other countries". He indicated elsewhere that he would agree to the Greek and Turkish contingents manned by about 1,000 troops each. The Turkish Cypriot side prefers the continuation of something like the old Treaty of Alliance, even though it wants about 5,000 troops from each of the 'Mother Countries' to be stationed. A compromise between these two positions does not seem difficult. What is more difficult is to formulate the terms under which the peacekeeping or guarantor force can take action. At present UNFICYP soldiers will only shoot in self-defence. Is President Clerides, and also troop-contributing countries, willing to agree that the peacekeepers would be authorized to use force to stop attacks by armed irregulars of one community against civilians

of the other? And would there be circumstances in which the Greek or the Turkish contingent would be permitted to go into action on their own? In the mid-1980s, President Clerides, then in opposition, suggested that if there is information or an allegation about a breach of security, then the UN Security Council will send to Cyprus a fact-finding team. If the team establishes that there is such a breach, the Security Council should undertake effective measures. If, and only if, this body proves unable to agree on concrete measures to remedy the situation, the national contingent of Greece or Turkey will be able to go into action. This is not a very satisfactory arrangement, but it recognizes the fact that if there are violent incidents like those which took place in 1963-64 and 1967, Turkish troops will anyway go to protect their kith and kin, whatever the terms of the new Treaty of Guarantee.

We come finally to the proposals of the 'Set of Ideas' coming under the heading of Economic **Development and Safeguards**. The reason they are considered last is that they contain a reference to the most intractable aspect of a Cyprus settlement: Cyprus's membership of the European Union. This section begins, reasonably enough, by stating that a priority of the federal republic will be the development of a balanced economy that will benefit equally both federated states. A major programme of action will be established to correct the economic imbalance and ensure economic equilibrium between the two communities through special measures to promote the development of the federated state administered by the Turkish Cypriot community.

The section proceeds to outline proposals for giving a boost to the Turkish Cypriot economy, and ends up by suggesting that matters related to the membership of the federal republic in the European Economic Community [sic] will be discussed and agreed to, and will be submitted for the approval of the two communities in separate referendums.

The Greek Cypriot side had long expressed its willingness to offer all possible help to the Turkish Cypriots to bring their economy to the same level as theirs. The controversy between the two sides arose out of their divergent views concerning Cyprus's EU accession. The Greek Cypriot position was stated by President Vassiliou as follows: "...The separate referendums...on matters related to the membership of the federal republic in the European Community should form part of, and be conducted at the same time as, the separate referendums on the overall framework agreement..." In other words, the endorsement by the two communities of a settlement package will have to include an endorsement of application which the government of Cyprus made in 1990 for accession to the European Community (as was then).

The Turkish Cypriot side was at the time and for many years subsequently

adamant in its opposition to the federation joining Europe before Turkey does the same thing. The Turkish Cypriots claimed to base their position on an article of the Cyprus Constitution of 1960, but this argument did not impress anyone but themselves and their one-sidedly committed foreign friends. With the passage of time, the authorities of the TRNC and the Turkish government were dismayed to realize that their legalistic arguments carried no conviction with the EU countries. When President Clerides came to power in 1993, he intensified his drive for EU accession, and he was persuaded by European governments, as well as the Americans, that Cyprus's EU accession would act as a catalyst for a Cyprus settlement. However, Greek Cypriot successes in Brussels only served to harden the official Turkish and Turkish Cypriot line, which now threatened to carry an economic and political integration of the TRNC and Turkey.

Given that Greek and Turkish Cypriots have different ideas about what would be a just settlement, and further that they both have to agree on a settlement package before Cyprus can re-form or re-invent itself as a (relatively) united, bizonal, bicomunal federation, is it possible for the two communities to achieve such a settlement which each of them will consider to be really and truly just? This is no more possible than squaring the circle. The next best thing is for the two sides to abandon their arrogance and self-righteousness, recognize the limitations of their power and influence over the other community, try to understand the legitimate interests and concerns of the other community, and in the light of these factors proceed with the help of the international community to elaborate a compromise settlement. The 'Set of Ideas' represents the considered view of the international community as to what would be a fair and balanced compromise. Any such compromise can only be put into effect and sustained if the traditional ideas of Hellenism and Turkish nationalism are marginalised, and a new Cyprus-centred outlook is developed among Greek and Turkish Cypriots which respects ethnic autonomy and cherishes cultural diversity in a common federal homeland. If the Greek Cypriots accept the Turkish Cypriot desire to have their own cultural 'space' in Cyprus, if Turkish Cypriots accept the Greek Cypriot desire to place the whole of Cyprus within the wider space of the EU, and further if Greece and Turkey agree the work in good faith to solve their differences, in Cyprus and elsewhere, by peaceful means - all big ifs - then there is hope for honourable and lasting settlement in Cyprus.<sup>12</sup>

### Notes

1. Mr Chris Economides pointed out in his study 'Cyprus Problem Solution Prospects' that Mr Denktash appears to have copied this formula from the first half of Article 3 of the Swiss Constitution, which reads as follows: "The cantons are sovereign insofar as their sovereignty is not limited by the federal constitution and as such, exercise all rights which are not entrusted to the federal power." Mr

Economides's paper may be found on the internet at the following web site:  
<http://www.cytanet.com.cy/cyprus-problem/>.

2. I take my figures from Mr Chris Economides's study 'Cyprus Problem Solution Prospects', to which I acknowledge my indebtedness.

3. Some elements in this proposal were suggested to me by a prominent Turkish Cypriot businessman.

4. The proposals which the Greek Cypriot National Council put forward in 1989 (at a time when the New Horizons party had not yet been founded) provide that the Turkish Cypriots will form a 'substantial' majority in the north.

5. Tens of thousands of displaced Greek Cypriot families received within the first few years after 1974 (a) Turkish Cypriot houses and land in the south abandoned by their owners, or (b) houses in refugee estates built by the Cyprus government on land belonging to the state or to Turkish Cypriots who had fled to the north, or (c) state land together with a government grant to build their own houses etc. It will not be always easy to evaluate claims for loss of house and property received under one of the various schemes in operation.

6. Paragraph 31, *Report of the UN Secretary-General on his Mission of Good Offices in Cyprus* (21 August 1992).

7. This illustrative example is based on a number of actual cases known to me, which appear to be typical. A number of surveys were carried out to establish whether refugees would want to return to their former homes under Turkish Cypriot authorities; the result was that only between 20 and 30 per cent of those asked would want to do so.

8. The idea of a long lease of Greek Cypriot properties to their current Turkish Cypriot occupiers, once contemplated by President Vassiliou, is foreign to Cypriot financial and commercial practices. What would be the practical sense of telling a Greek Cypriot that his house in Kyrenia has not been expropriated, it is still his property, but he *must* lease it to the current Turkish occupier for 99, or even just 19 years?

9. See footnote 1, above.

10. President Cleride's letter to Dr Boutros Ghali was published by the Cyprus government's Press and Information Office.

11. The interview was given to Mr Suleyman Erguclu of *Kibris* newspaper. The Cyprus Press and Information Office published a Greek translation of the interview, from which I take the main points on security.

12. Some of the ideas in this article are summarized in the last section of my paper 'Greek Cypriot Perceptions', included in *Cyprus: the Need for New Perspectives*, edited by C.H. Dodd.