

## **The Republic of Cyprus as a Member State of the EU and the Solution of the Cyprus Problem**

When in 1999 a new initiative for the solution of the Cyprus problem was launched under the auspices of the United Nations and with the support of the US and Britain, the Greek Cypriot positions were based on a bi-zonal bi-communal federation, while those of the Turkish Cypriots on a confederation. This initiative culminated in the Annan Plan V, whose provisions are much nearer to the Turkish Cypriot and Turkish positions, as shown in the appendix, where Greek Cypriot and Turkish Cypriot positions at the beginning of the process are set out against the respective provisions of the Annan Plan V, which was the end result of the process.

Given its unbalanced provisions as well as its serious drawbacks, it was to be expected that the Annan Plan V would not be acceptable to the Greek Cypriots. Instead of reunifying Cyprus, the Plan consolidates division, does not secure a unified economy, while several of its provisions cause serious problems for the viability and the functionality of the state. In addition, the plan includes provisions which violate human rights. Furthermore, with the Annan Plan, the presence of the settlers is legitimized and the way is opened for the further influx of people from Turkey. It would not be an overstatement to say that the danger looms for sweeping demographic changes at the expense of the Greek Cypriot side.

The accession of the Republic of Cyprus to the EU provides the possibility of reaching a solution that would to a large extent incorporate the European *acquis communautaire* – an aim that is consistent with our long-held position that for the solution of the Cyprus problem, the historical compromise of federation should be coupled with European principles and norms. This does not preclude the inclusion of positive elements contained in the Annan Plan V.

The accession of the Republic of Cyprus to the EU is the most important development since 1974. Prospects for the solution of the Cyprus problem are created if we take into account the broader interests and interrelationships and Turkey's objective of starting accession negotiations with the EU in the near future. The NO result of the referendum among the Greek Cypriots should not be taken as a refusal of a solution but as a rejection of a solution on the basis of the Annan Plan V, as well as of any solution for the sake of a solution. The solution that will eventually be found should not break down. It must be viable, functional and people should see it as an honorable compromise.

This paper summarizes conclusions arising from various studies of the Center. The aim is to set out ideas as food for thought. These ideas fall within the framework of the historic compromise of federation injected with European principles and practices. On the basis of this line of thinking, it is considered of decisive importance that, in a new plan for the solution to the Cyprus problem, ideas and proposals arising from the following guidelines should be included:

### **(1) The Republic of Cyprus Remains in Existence**

The continuation of the Republic of Cyprus must be safeguarded in any solution of the Cyprus problem. It is not possible for a member state of the UN and the EU to abolish itself and be placed on a par with the "TRNC", a Turkish protectorate so that, following indirect mutual recognition, a new/common state would be created. What should be aimed for would be the re-integration of the northern part of the island into the Republic of Cyprus under an agreement which will, in effect, be equivalent to a constitutional amendment leading to a new state of affairs. This procedure would ensure the continuation of the Republic of Cyprus and would limit the possibilities of secession or partition in the future. The continuation of the Republic of Cyprus is also necessary for purely practical reasons. It is easier to make readjustments to an existing state with an established functional framework than to create a new state from scratch.

### **(2) The Treaties of Guarantee and Alliance and the Cypriot Army**

The Treaty of Guarantee and the Treaty of Alliance of 1960 should be abolished. It is absurd for a member country of the EU to have guarantor powers, one of which, moreover, is not even a member of the EU. Similarly, Greek and Turkish troops should not be stationed in Cyprus.

For a transitional period of 8-10 years, a multinational force, authorized by the Security Council of the UN, could be stationed on the island. Both Greek and Turkish troops could participate in it. In due course, this force could be replaced, again for a predetermined time period, by an EU force, in the framework of the European Security and Defense Policy (ESDP). At the same time, a wider network of guarantees could be agreed upon, which, however, would also have an "expiry" date. Turkey cannot wish to have closer ties with the EU while insisting at the same time on guarantee clauses for another EU member. Turkey must recognize the Republic of Cyprus and respect it as an independent state.

It should also be pointed out that the proposal of the Greek side for demilitarization should be revisited. The Republic of Cyprus should, among other things, aim at having equitable participation in European security and defense institutions. Cyprus would be able to have a professional army, trained by European officers, with the participation of Greek and Turkish Cypriots with a percentage of 66  $\frac{2}{3}$  % - 33  $\frac{1}{3}$  % or 2:1. The Cypriot army would be able to participate in EU missions. Finally, Cyprus, as a member state of the EU, should apply for participation in the NATO "Partnership for Peace" program.

### **(3) The Importance of the Economy and the Creation of a Modern State**

The framework for the solution to the Cyprus problem should incorporate rules for the orderly functioning of the economy, the society and the civil institutions of a modern state, as these are provided for by the institutions and treaties of the EU.

Among other things, the creation of a unified economy is a *sine qua non*. The unimpeded functioning of the basic rules of a free economy must be considered as an essential, even though not adequate, precondition for the convergence of the living standards of the two communities. The firm restrictions put in place by the Annan Plan V on the rights of acquisition of property and residence are obstacles to the creation of a unified economy.

Another important factor for the orderly functioning of a modern state is its ability to operate effectively in the framework of an intensely competitive European and international economic environment. This in many areas presupposes uniform or coordinated policies and aims. How could the tourist industry of Cyprus, for instance, develop and flourish when, on the basis of the relevant provisions of the Annan Plan, two different tourism policies would be pursued?

If a state is to operate successfully in the competitive international environment, it should have the ability for quick responses; this presupposes speed and effectiveness in decision-making. Fast and effective decision-making mechanisms are of course essential for the orderly functioning of internal governance – another important factor in the functionality of a modern state. The inflexible decision-making mechanisms proposed by the Annan Plan V do not contribute to quick responses, if we consider that in all decision-making bodies of the common state double majorities are in effect required.

Also very important is the social cohesion of all citizens, both Greek and Turkish Cypriots, which can be achieved by a common, wisely balanced, economic structure, aiming at the progress and welfare of all the social partners. The economic structure of the state created by the Annan Plan V is characterized by distortions and lack of clarity on many issues. For instance, if a Turkish Cypriot residing in the Turkish Cypriot constituent state, and working in the Greek Cypriot constituent state, loses his/her job, to which constituent state will he/she apply for unemployment benefits?

#### **(4) Bi-communality, Bi-zonality and the Three Basic Freedoms**

The philosophy of bi-communality will have to be considered as an integral albeit not exclusive element of the framework for solution. The equal number of Greek Cypriot and Turkish Cypriot Senators in the Upper House is an acceptable arrangement which ensures the political equality of the two communities. However, it is not possible to deal with all issues in the light of bi-communality. Philosophically, strict bi-communality is also in conflict with the concept of multiculturalism being promoted both in the EU and internationally.

Regarding the issue of bi-zonality, while at the beginning there would be two states, gradually, if the two communities wish so, the whole system might evolve into a model containing elements both of a federal as well as of a unitary state. For example, the provision of the Annan Plan V that the mother tongue of at least two thirds of the permanent residents of a constituent state should be the official language of that constituent state, could, after a certain period of time, be reviewed with the consent of the two communities. In such a case, the territorial arrangements and the issue of the two zones and their importance could also be re-examined.

Regarding the basic freedoms of settlement and acquisition of property, there should be no permanent derogations in the rights of Cypriot citizens. However, a transitional period before full implementation would be acceptable as a way of strengthening the sense of security of both communities (i.e. 5 – 10 years, but no more). The implementation of the three basic freedoms entails, among other things, the safeguarding of the right of all Cypriots to property and settlement in the area of their own choice. If the territorial readjustments are satisfactory, no problems are expected to be created regarding the cohesion of the Turkish Cypriot state.

Similarly, it should be stressed that there can be no permanent derogations in the application of human rights, as protected by the European Convention of Human Rights and Basic Freedoms. All

citizens of the Republic of Cyprus should have the right to appeal to the European Court of Human Rights. The aim, however, should be to reach such a solution that the need / incentive for these appeals would be drastically reduced.

## **(5) The Settlers**

The issue of the settlers should be dealt with in a decisive manner, since it is, by definition, primarily a political issue. With this in mind, relevant reports by independent organizations on the issue of illegal settling / colonization and the alteration of the demographic composition of the population of Cyprus (i.e. Cuco and Laakso reports) should be utilized. As a matter of principle, illegal settling/ colonization is unacceptable. Certain humanitarian cases can be favorably examined (i.e. men and women settlers who married Turkish Cypriots and the offspring of such marriages). The rest of the settlers should be given financial assistance towards their safe repatriation. The settlers' departure will benefit both the Greek and Turkish Cypriots and will contribute to the safeguarding of security, stability and cooperation in Cyprus.

A permanent clause should be introduced, limiting the number of Turkish citizens able to enter and reside in Cyprus. Cyprus does not face a problem of massive arrivals of foreign nationals from member states of the EU. The only threat comes from Turkey, which "exports population" to EU countries, in contrast to Greece which "imports population" from neighboring states. The protection of the demographic character of Cyprus is a *sine qua non*. At a time when states like France and Germany are concerned over the potential influx of Turkish workers, Cyprus is justified in requiring permanent restrictions.

## **(6) Powers of the Central Government, the Hierarchy of Laws and Double Majorities**

It is important that the central government be vested with all the powers that will allow it to function effectively for serving the interests of all Cypriots and for being able to respond to Cyprus' European and international obligations. Among other things, on matters on which both the [constituent] states and the central government have competence, priority should be given to the central authority. This is a classical characteristic of most federal systems of government. In this regard, the absence of hierarchy between the laws of the constituent states and those of the federal

government is problematic. In cases of disputes, the laws of the federal state should override the laws of the constituent states, unless the Supreme Court rules otherwise.

The provisions for double majorities in decision-making processes should be re-examined. Double and strong majorities (i.e. of 66 $\frac{2}{3}$ %) should be permanently applicable for constitutional reforms. In the case of certain serious issues, reinforced but not absolute (i.e. 40% of at least one side in addition to 51% of the other side) double majorities should be provided for, while on other issues a simple majority should be the norm, regardless of the ethnic background of those casting their vote. Taking into account the mixed composition of the various bodies, as well as equal representation in the Upper House, there will always be an effective Turkish Cypriot participation in decision-making procedures.

### **(7) The Supreme Court**

Regarding the Supreme Court, it is inconceivable that its members should include foreign judges indefinitely, the more so since they are effectively given the right to rule on political issues of the Cypriot state. The Supreme Court, one main responsibility of which would be the interpretation of the Constitution, should be presided over by its oldest member and should consist of four Greek Cypriot judges, four Turkish Cypriot judges and one judge selected from either the Armenian, the Maronite or the Latin Community. It is possible that the Supreme Court be constituted, in the initial stages, in the form proposed in the Annan Plan V (including, that is, foreign judges) and be modified as proposed above, after a specified time period.

### **(8) Efficiency of the Executive, Democracy and Popular Sovereignty**

It is important that the executive branch be more efficient. With this aim in mind, corresponding clauses of the 1960 Constitution of the Republic of Cyprus with certain readjustments could apply, so that in joint bodies the ratio of Greek to Turkish Cypriots be permanently fixed at 66 $\frac{2}{3}$  - 33 $\frac{1}{8}$ ) or 2:1. The number of Ministries should be increased from 10, as stipulated in the Constitution, to 14-20 with posts of deputy ministers being created, where deemed necessary, for the purpose of ensuring the efficiency of the federal government and, consequently, of Cyprus.

The element of popular sovereignty, which should prevail with regard to constitutional adjustments and electoral procedures, is of vital importance for reinforcing the legitimacy of institutions and the representative role of state officials. For instance, for the election of the President of the Republic, while a common electoral roll would be used, the innovation of the American system could also be introduced, whereby the presidential candidate selects the vice-presidential candidate to run with him jointly on the same ticket. A provision could be incorporated in the Constitution under which the candidate for the presidency may be any Cypriot citizen regardless of nationality, sex or religion, and, additionally, that the President and the Vice-President should not be members of the same community. This would mean that if a presidential candidate is Greek Cypriot, the vice-presidential candidate must be a Turkish Cypriot and vice versa. It is obvious that such an arrangement would bring the two communities closer to each other while creating at the same time a feeling of common participation in the management of the political issues of the country. As in the US, only the President will have the right of veto. Regarding the composition of the Council of Ministers, all Ministers (Greek and Turkish Cypriots) will be directly selected by the President, whether he is a Greek Cypriot or a Turkish Cypriot.

It is of vital importance that the framework for the solution of the Cyprus problem be injected with democratic principles in a way that the importance of both the individual-citizen and the community is recognized. It is also important that the whole system should, on the one hand, encourage the cooperation and the convergence of aims of the two communities, and, on the other hand, respect and safeguard their separate identities and differences. The political equality of the communities and the possibilities for cooperation are safeguarded by the participation of equal numbers of Senators in the Upper House. At the same time, however, the opportunity should also be given for political decisions to be taken on the basis not of the community but of the individual – something that could be safeguarded through elections by the whole population, i.e. by Greek and Turkish Cypriot acting as a single electoral body. The proposed system for the election of the President and the Vice-President and the selection of the cabinet are both federal as well as democratic.

## **(9) The Territorial Issue**

This issue would not have been a cause of concern, had the proposed solution not included the element of bi-zonality. Because the territorial aspect is important and has various dimensions, it should be re-examined. The percentage of 29,2% for the Turkish Cypriot constituent state as specified by the Annan Plan V is rather large. Considering that the proposals of the Greek Cypriot side provided for a 76%-24% apportionment, it would make sense to stipulate a percentage of 27,5% for the Turkish Cypriot state and to also give a larger length of coastline to the Greek Cypriot state. Besides, it had been widely publicized that the Turkish side intended, during the talks in Lucerne, to put forward tempting territorial proposals.

If, in due course, developments are such that a functional federation is consolidated, in which the territorial / zonal dimension will be of less importance, then, if both sides consent, quite a number of provisions could be further amended.

## **Conclusion**

Even though it was not possible for a united Cyprus to join the EU, the accession of the Republic of Cyprus to the Union in conjunction with other important factors, both regional and international, could create the preconditions for the solution of the Cyprus problem in such a way that it will safeguard the viability and the functionality of the state. Such a development enhances the prospects of a creative presence in the European family of states and in the international arena.

Taking into account the participation of the Republic of Cyprus in the EU and the prospects for a solution of the Cyprus problem, it is of vital importance that the Cypriot people as a whole be prepared for the new era. In this context, the Turkish Cypriots should also enjoy the benefits of this new era, as well as undertake the responsibilities that these involve. The accession to the EU, which will benefit the Cypriot people as whole, has been achieved thanks to the efforts and sacrifices of the Greek Cypriots. The Turkish Cypriots, on their side, should consent to a solution of the Cyprus problem on the basis of the European principles and realize at the same time the need to respond to the obligations that arise through being a member state of the EU.

In conclusion, it must be stressed that Cyprus is called upon to mobilize all its forces so that it will be able to move in the right



direction. It is also clear that, among other things, human resources should be adequately utilized and scientific knowledge be put at the service of the country.

## Appendix

*The positions of the two sides at the beginning of the process in the Autumn of 1999 and the Anan plan V (31<sup>st</sup> of March 2004)*

	<b>Issues</b>	<b>Greek-Cypriot Positions</b>	<b>Turkish-Cypriot Positions</b>	<b>Annan Plan V</b>
<b>1</b>	The State	Bi-zonal, bi-communal federation as a result of the evolution / transformation of the Republic of Cyprus.	The new state of affairs will be the result of the mutual recognition of the "Greek Cypriot Administration" and the "TRNC". It will be a new state.	The United Republic of Cyprus is in essence the result of indirect mutual recognition of the Republic of Cyprus and the "TRNC". It is a new state (both at a substantive as well as at a symbolic level, i.e. foundation agreement, change of flag).
<b>2</b>	Form of Solution	Bi-zonal, bi-communal federation with the central government exercising such powers as would safeguard the unity of the state.	Confederation.	It includes elements of federation and confederation. The unity of the state is not safeguarded.
<b>3</b>	Sov/gnty	It is inconceivable that the two states of the Federal Republic of Cyprus should have sovereignty. The competences of the states would be delegated by the Federal Republic of Cyprus within the framework of its evolution into a bi-zonal bi-communal federal state.	The "Greek Cypriot Administration" will have to recognize the sovereignty of the "TRNC". The sovereignty of the "TRNC" is a <i>sine qua non</i> . The resulting coordinating body or common authority will be assigned competences by the "TRNC" and the "Greek Cypriot Administration".	There are three sovereignties. One of the central government and two of the constituent states. By definition there are many grey areas. There are no provisions for dealing with problems arising from different interpretations. There will be a <i>de facto</i> imposition of the will of the strongest party, in other words, the Turkish side.

	<b>Issues</b>	<b>Greek-Cypriot Positions</b>	<b>Turkish-Cypriot Positions</b>	<b>Annan Plan V</b>
<b>4</b>	Accession to the EU	Accession to the EU irrespective of whether the Cyprus problem is solved or not. (This position was reinforced by the decisions of the Helsinki Summit in December 1999).	Accession after the solution of the Cyprus problem and special provisions for relations with Turkey in case the accession of Cyprus precedes that of Turkey.	Simultaneous accession to the EU and solution of the Cyprus problem with special provisions with regard to Turkey. The country acceding to the EU would not be the Republic of Cyprus but the United Republic of Cyprus – the new state.
<b>5</b>	Territorial Issue	Substantial territorial readjustments (76% - 24%). Additionally, it is important that a large part of the coast be returned and placed under Greek Cypriot administration.	Marginal territorial readjustments (68% - 32%).	The Greek Cypriot constituent state will have under its administration 70,8% and the Turkish Cypriot constituent state 29,2% of the territory of the United Republic of Cyprus at the end of relevant transitional periods.
<b>6</b>	The Three Basic Freedoms	Implementation of the three basic freedoms. (Immediate implementation of the freedom of movement. Any limitations on the freedom of settlement and acquisition of property must be short-term and have an expiry date.)	Only the freedom of movement can be implemented under the supervision of each state. The freedom of settlement and the freedom of acquisition of property cannot be fully implemented. There will always be limitations.	Long-term derogations from basic freedoms. Taking into account all facts and the provisions of the Plan, there will always be limitations on the freedoms of settlement and acquisition of property.

	<b>Issues</b>	<b>Greek-Cypriot Positions</b>	<b>Turkish-Cypriot Positions</b>	<b>Annan Plan V</b>
<b>7</b>	Human Rights	Within the framework of international legality and Cyprus' expected membership of the EU, the protection of human rights will have to be considered as a <i>sine qua non</i> . Any derogations must be temporary.	Human rights are respected but at the same time the realities prevailing in Cyprus since 1974 must be accepted. Additionally, in no case should human rights take precedence over bi-communality, bi-zonality and the political equality within the new partnership.	Serious restrictions of human rights. In essence, legitimization of the accomplished facts of 1974. Bi-zonality, bi-communality and political equality are of decisive importance.
<b>8</b>	Settlers	As a matter of principle, the illegal settlers must leave. They are neither economic nor illegal immigrants, but have arrived in Cyprus as a result of a Turkish expansionist policy with the aim of subsequently altering the demographic composition of the population of Cyprus and eventually creating radically new conditions. Only in exceptional cases could certain settlers remain (e.g. those who are married to Turkish Cypriots.)	The term "settlers" is misleading. Their compulsory departure is out of the question. Besides, there are similar situations in the Greek Cypriot sector, i.e. Greeks from Pontus and foreign workers. Any departure must be voluntary. In any case, this issue does not fall within the competence of any other authority beyond the "TRNC" or the Turkish Cypriot constituent state in case of a solution to the Cyprus problem.	In essence all settlers are legitimized as citizens of the United Cyprus Republic. And what's worse, the door to further settlement is opened even further. This will have two dimensions: the legal and the illegal. With the passage of time, the danger looms of sweeping demographic changes at the expense of the Greek Cypriot side.

	<b>Issues</b>	<b>Greek-Cypriot Positions</b>	<b>Turkish-Cypriot Positions</b>	<b>Annan Plan V</b>
<b>9</b>	Properties	The right of property is sacred and inviolable and cannot be proscribed. Any adjustments must be voluntary (i.e. exchange and buying and selling of property).	Legitimization of the exchange of properties that took place in 1974.	Reinstatement of properties in the territories to be restored under Greek Cypriot administration. In the territories under Turkish Cypriot administration, the seizure of properties is to a great extent legitimized. On the other hand, due to quotas, the Turkish Cypriots will be able to repossess their properties that will be under Greek Cypriot administration or otherwise receive adequate compensation. Provisions regarding compensation to the Greek Cypriots in the form of bonds and property appreciation certificates are rather vague. On the basis of Annan V, claims against Turkey regarding properties and other relevant issues are to be withdrawn at the request of the authorities of the new state. Compensation will essentially be paid by the federal government, in other words, by the Greek Cypriots.

	<b>Issues</b>	<b>Greek-Cypriot Positions</b>	<b>Turkish-Cypriot Positions</b>	<b>Annan Plan V</b>
<b>10</b>	Security and Foreign Troops	<p>With the solution to the Cyprus problem, Cyprus will have to be demilitarized. The Turkish occupation troops will have to be withdrawn. For a transitional period, a multi-national force under the auspices of the UN will have to be stationed in Cyprus. In this force an equal number of Greek and Turkish troops may participate in the framework of a multi-national deployment.</p>	<p>Even after the solution of the Cyprus problem, Turkish troops will have to remain in Cyprus, in the framework of the system of guarantees. Both Turkish and Greek guarantees as well as the stationing of troops from both these countries will be permanent elements of the solution to the Cyprus problem.</p>	<p>Disbanding of all Cypriot forces. Gradual departure of Turkish troops, while troops from Greece and Turkey remain on the island as follows: Each of the Greek and Turkish contingents should not exceed 6,000 men by 1.1.2011 and 3,000 men by 1.1.2018 (or the time of accession of Turkey to the EU – whichever takes place first.) Subsequently, Greece and Turkey will re-examine the strength of the troops every 5 years, with the aim of full withdrawal. The terms of the Treaty of Alliance, under which 950 Greek and 650 Turkish troops are stationed on the island indefinitely, are not affected.</p>
<b>11</b>	Guarantees	<p>The 1960 provision for Guarantor Powers will have to be reviewed so that the rights of intervention are abolished. Additionally, while, ideally, no guarantees should be in place, an arrangement providing for a wider network of guarantees could be accepted.</p>	<p>The provision for Guarantor Powers must remain as stipulated in the Zurich-London Agreements. Any change should be towards reinforcing the guarantees. Turkey's unilateral right of intervention is a <i>sine qua non</i>.</p>	<p>Guarantees are maintained and reinforced. Among other things, Turkey, together with Britain and Greece, guarantee the territorial integrity and the constitutional order of the United Republic of Cyprus as well as of the two constituent states.</p>

	<b>Issues</b>	<b>Greek-Cypriot Positions</b>	<b>Turkish-Cypriot Positions</b>	<b>Annan Plan V</b>
<b>12</b>	Participation in the Central Government	The participation of the two communities in the central government is of vital importance. However, population ratios should be taken into account. Provisions similar to those of the Zurich-London Constitution should be incorporated, while at the same time the necessary amendments should be made so as to strengthen cooperation between the two communities.	Equal participation in the central government (50/50) and rotating presidency. Double majorities in the decision-making process are of definitive importance.	Equitable participation in the central government – which is weak, anyway. Rotating presidency. Double or special majorities in the decision-making process.
<b>13</b>	Competences of the Central Government	While important competences will be delegated to the two regions/states, it is of the greatest importance that the central government functions in such a way as to safeguard the unity of the state and its unimpeded functionality.	Most competences will belong to the two states. The central government will be able to exercise authority in certain areas to be assigned by the two states. Anyway, decisions will be based on agreement between the two communities / states.	There is no hierarchy between the laws of the central government and those of the constituent states. Those competences that are not allocated to the central government belong to the two constituent states. The exercise by the central government of its authority, competences and functions presupposes in essence double majorities.

	<b>Issues</b>	<b>Greek-Cypriot Positions</b>	<b>Turkish-Cypriot Positions</b>	<b>Annan Plan V</b>
<b>14</b>	Economy	No particular consideration was given to the economy. Certain general aims were set, such as further development and the convergence of the living standards of Greek Cypriots and Turkish Cypriots. However, there was no real assessment of the prerequisites for securing these aims, and the relationship between constitutional and economic structure and, consequently, of economic results, were not adequately understood.	Reinforced bi-zonality regarding both the right of settlement and the right of property. Convergence of the living standards of Greek and Turkish Cypriots.	Reinforced bi-zonality regarding both the right of the settlement and the right of property. As a result, the unity of the economy is weakened. Among other things, a three-speed economy is created, without adequate prerequisites for coordination between the three levels of government.