

## Cyprus: Five Months Of Anxiety And Hope Ahead

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**Summary**

The paper gives seven reasons why the chances for a settlement of the Cyprus problem are higher over the next five months than at any time since 1974. It also however points to some of the most serious remaining difficulties which might easily prevent the successful negotiation of such a settlement. There are also hints at ways in which the most critical international issues might be resolved.

Seven years ago ELIAMEP published my address to a public meeting of the Greek Turkish Forum at Tufts University, Boston. In March 2002 I argued Athens, Ankara and Turkish Cypriots would probably accept the proposals likely to be presented by the UN that autumn, but that if these contained or omitted certain features, which in the event they did contain and omit, Greek Cypriots might well reject them.

No-one can claim infallibility in predictions over Cyprus. I am however prepared to hazard this is unlikely to recur. Why? Everyone has come to realise how fundamental is the nexus of security issues for both communities. Exit polls in 2004 and subsequent in-depth polling have demonstrated this beyond reasonable doubt. It is thus unlikely any proposal will even be put to Referendum unless both leaderships are prepared to recommend the security arrangements to their respective electorates.

This is not at first sight a cause for optimism. How can there be a settlement under which it is simultaneously left to Ankara's judgement how and when she might subsequently intervene militarily and which yet conforms to basic provisions of the UN Charter? The proposal to bypass general principles of international law by specific binding agreements to the contrary is no more acceptable to Greek Cypriot public opinion now than it was in 2004.

Despite this knotty problem, to which I shall return, the overall context, Cypriot and international alike, should remain, for the next few months, the

most favourable to a settlement in Cyprus since 1974. There are seven reasons.

The first is that both Cypriot leaders simultaneously seek and need a settlement, something that has never before occurred. Of course all leaders have said they wanted a settlement and none was lying. There is a great difference however between "wanting" in the sense of looking favourably at some type of settlement as one possibility among others and "seeking" in the sense of pursuing a settlement as the topmost policy priority. Demetris Christofias and Mehmet Ali Talat come from that left-wing stream of Cypriot politics which was consistently opposed to the right-wing nationalist groups, sometimes encouraged by two major Western powers and regularly encouraged by the so-called "mother-countries", that bear the main responsibility for fratricidal violence both in 1958 before independence and, after independence, in 1963-64, in 1967 and, following the Greek junta's coup and subsequent Turkish invasion, in 1974.

Their political values apart, however, both leaders also need a settlement. Demetris Christofias was elected for a five-year term in February 2008. He might be re-elected in 2013 without a settlement. One reason for his election however was his political relationship with Turkish Cypriots. He would be damaged were Mehmet Ali Talat to be replaced by a

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right-wing nationalist. And without a settlement by February 2010 Mehmet Ali Talat's political future after the April 2010 elections might well depend on the unlikely eventuality of no nationalist standing against him. The two leaders are thus committed to an early settlement both by shared political values and by common interest.

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The second reason is that the Greek elections on 4 October have produced a government committed both to a settlement in Cyprus and, in parallel, to helping unblock Ankara's road towards EU accession. This is not in itself new. No-one should think that George Papandreou will ignore the 2004 Referendum result nor should one overestimate the influence of a Greek government in any future Greek Cypriot Referendum. Greek leaders can however influence their Greek Cypriot counterparts and the Papandreou Administration will be more pro-active than its predecessor. It is therefore significant that Greek public opinion has in recent years shifted in two ways. It is less concerned than before with the details of a Cyprus settlement because it no longer sees Greece as a "mother-country" to Cyprus. For the same reason it is unwilling for Greece to continue as a guarantor under the vague and therefore dangerous terms of the 1960 Treaty. Such post-colonial arrangements are seen as inappropriate for EU member states. Any outside involvement should be tied to specified eventualities, always in accordance with the UN Charter.

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Greek governments have to tread a fine line in pursuing their two most fundamental foreign policy aims, briefly brought into harmony at Helsinki in 1999, to which George Papandreou frequently refers. On the one hand both major parties, despite popular suspicion of Turkey's perceived "bad neighbourliness", have taken a long-term decision to support Ankara's bid for EU accession, hoping to encourage Ankara to behave in a European manner. On the other hand, the large majority of Greek political and public opinion agrees a strong EU and the maintenance of the legal parameters under which European institutions operate represent Greece's primary foreign policy aim, an interest shared indeed by many smaller EU member states. Thus proposals that would permanently infringe the EU acquis or other basic European and international legal principles would not attract that warm Greek support which might prove decisive in clinching a settlement, while proposals respecting these parameters would gain extremely strong support.

A parallel evolution of thinking within the EU represents a third positive element. Just as there remain nationalists in Greece but also some who would accept a settlement in Cyprus at any price, so

in the EU there are some who wish to avoid Turkish accession at any cost and others who consider almost any cost acceptable in the cause of achieving this accession. The first attitude is stronger in the countries of northern-central Europe, the second on the EU's periphery, but it is unlikely either will prevail. The EU cannot retain its international credibility if it dishonours its commitment to negotiating Turkish accession in good faith. Nor can it retain its international credibility if it allows Ankara indefinitely to dishonour either its specific commitment to the EU itself, as on the issue of Cyprus-flag vessels and planes, and other EU vessels sailing from Cyprus, entering Turkish ports – which would no more entail recognition than did the entry to Turkish ports of such vessels prior to 1987, when Ankara had already withdrawn recognition - or the Security Council Resolution enshrining a fundamental principle of the UN Charter that demands the early withdrawal of all foreign forces from the territory of the Republic. Effectively therefore the EU is committed to the middle way associated with George Papandreou when Greek Foreign Minister in 1999. This entails keeping the door wide open but insisting Ankara increasingly acts in a manner reflecting a growing sense of European identity. And that identity includes as a central feature, an acceptance both of the EU acquis and of the operation of international law.

The EU cannot have any direct input in the negotiations. Its indirect influence however will be no less than in 2002-2004. Then, contrary to what is still frequently repeated, the thrust of EU policy was favourable to Turkey and the Turkish Cypriots, accepting even that specific agreements by the parties could override the acquis and general principles of international law. It was however judged essential, if Ankara and the Turkish Cypriot leadership were to alter their completely negative stance to acceptance of a genuinely bicomunal and bizonal federation, to provide that otherwise the Republic of Cyprus might accede without a settlement. This became the actual outcome only because the then Turkish Cypriot leader, together with his enthusiastic military and political supporters in Ankara, misjudged their most critical strategic opportunity and ignored their most critical strategic risk. And this not once, but twice, first in December 2002 and then in March 2003.

Once Cyprus was accepted as an EU member without a settlement in place that subordinated the EU acquis and international legal principles to specific agreements between the parties, it should have been immediately evident that a major shift had occurred. This did not make a settlement more probable, but if

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there were to be a settlement it must now of necessity be one without permanent derogations from the EU acquis and in accordance with international law. That a Greek Cypriot leadership would recommend something different to its electorate and in addition obtain that electorate's approval was never a likely eventuality, to put it mildly.

The EU will probably therefore prove a positive element in the search for a settlement over the next few months, recommitting itself to negotiating with Ankara in good faith under the Swedish Presidency, but equally indicating to Ankara and the Turkish Cypriots that the context of a settlement has altered since 2002-2004, to the benefit of the maintenance of the EU acquis and international legality alike.

The fourth positive element concerns Turkey. The AKP government first elected in October 2002 has been almost unique among Turkish governments since 1974 in appreciating first that Turkey faces economic and social issues more critical for its people's future than the maintenance of military control in Cyprus, and second that not seizing any opportunity for a reasonable settlement imposes on Turkey an unnecessarily heavy diplomatic, economic and political cost.

The AKP game-plan since 2002 has combined a proactive regional policy, a substantial shift in the internal political balance to the benefit of democratically elected civilian politicians, and – as explained by one of its senior leaders – a determined attempt to address the employment needs of a rapidly growing population and massive regional economic imbalances. Crucial for overcoming these problems are large foreign direct investment flows predicated on Turkey's participation in the EU Customs Union and the continuation of EU accession negotiations. Despite the current world recession this policy remains sound and requires Turkey's EU accession process to be uninterrupted.

One objective difficulty for the implementation of these long-term aims, a difficulty clearly evident between 2005 and 2008, namely the opposition of the "deep state", allied with sections of the military and judiciary, has been much diminished in recent months, just in time for the EU Commission's autumn 2009 report on Turkey's progress towards accession. In 2004, with the real danger of a coup against his government, as we know from the notorious NOKTA diaries, Mr Erdogan hastened to publicly declare the Annan Five proposals a victory, which was inevitably counterproductive among Greek Cypriots. Today his internal power is much greater. A settlement in Cyprus which would consolidate many of the gains made by Ankara for the Turkish Cypriots could legitimately be presented as a success for Turkey

without being a defeat for the Greek Cypriots. Strong internal opposition to any likely settlement there will most certainly be. If however the job of an opposition is to oppose, it is alike the duty and privilege of a democratically elected government to take decisions in its people's long-term interests.

There remains a subjective inhibition which may yet determine ultimate success or failure. In Turkey, as elsewhere, it is the nation-state that has instituted and administers universal education, including education in history and citizenship. Nowhere do politicians get elected if they cannot empathise with their electorate's resulting prejudices: seldom, in today's interdependent world, do they succeed if they cannot overcome them. And on this most critical point for a Cyprus settlement, the jury is currently out.

Fifth, the current Greek Cypriot leadership knows the oft-repeated canard that, EU accession having been secured, Greek Cypriots do not need a settlement, is false. Those who repeat it should reflect how they would feel had they been expelled from a similar proportion of their own country, with an equivalent loss of lives, livelihoods, homes and properties and with a large occupation army an ever present threat. Logic is borne out by the historical record: although within the EU since 1 May 2004, the majority of Greek Cypriots took the first subsequent opportunity to elect a President committed to an intensive search for a settlement.

Greek Cypriots understand the balance of advantage since 2004 has shifted in different directions on differing issues. Thus on any issue which concerns the EU acquis and international law the Greek Cypriot position is stronger than before. The contrary however is true with Turks declared citizens by the Turkish Cypriot authorities or developments on Greek Cypriot-owned properties. Here time has worked and will continue to work against the Greek Cypriots. There are also important issues where the EU and international law are not relevant. If the parties follow the logic of political developments it should be possible to work out a settlement that will owe much to past efforts but will take into account the altered context. Demetris Christofias, Mehmet Ali Talat and their associates are clearly negotiating in good faith. That does not preclude the possibility of serious errors. One such error would be the failure to introduce cross-voting for elections to positions of responsibility in the federal state. Cross-voting remains critical to bringing together these two political societies both in the short and the long term.

Sixth, the UN has made a notably positive contribution from 2004 to 2009. It encouraged in-depth polling in both communities. It has provided a welcoming ear to suggestions intended for the benefit

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of all Cypriots rather than for just one or other of the parties. It has consistently emphasised the need for any settlement to be owned by Cypriots, with the two leaders and not outsiders as protagonists. Recent leaks of UN papers however necessitate a refurbishing of its local image. There is UN realisation that respect needs to be shown even to those suspected of being rejectionists: after all it is Cypriots and not international civil servants who will have to live with the consequences of any settlement. Success in Cyprus requires patience but would certainly increase the UN's influence and prestige. Among other things no-one has yet suggested a rational way out of the security dilemma without a Security Council Resolution to be adopted as a whole under Chapter VII of the UN Charter. This AKEL proposed this in 2004: its rejection led directly to their final recommendation of a "No" vote.

Paradoxically the final positive factor is the fear of failure. Failure would condemn Greek Cypriots to an even longer-term loss of their economic and emotional stake in the area currently under military occupation. Failure would not rescue Turkish Cypriots from international illegality and isolation but would surely increase conflict over these issues. It would ensure Ankara's road towards EU accession became a veritable path of thorns. Inevitably the blame game would intensify. Ankara might then, on

the pattern of previous dramatic turns as in November 2001, April 2003 and January 2004, suddenly open Turkish ports to Cyprus-flag vessels. Nicosia might in response publish its settlement proposals to demonstrate that it had been genuinely seeking a federation of equals but that Ankara, through the Turkish Cypriots, had effectively been demanding the legalisation of a continuing Turkish protectorate.

Glimpses over the abyss may encourage the parties to continue to move forward on firm ground. Although it strains credulity beyond laughing-point to imagine Demetris Christofias or Mehmet Ali Talat playing the role of the nationalist gun-toters who did so much damage in earlier decades, the security concerns of both communities need to be analysed in detail and arrangements worked out to meet possible crises through a Treaty of Implementation that would provide convincing reassurance to both. Thus now, if ever, and with restrained, subtle but determined assistance from the international community, a reasonable settlement can hopefully be found. This will inevitably demand the breaking of some deeply-held prejudices in persons at the pinnacle of power. And here lies the drama we shall witness being played out over the coming months. Unlike stage dramas, the play's conclusion is unpredictable: for it is the actors themselves who will determine the outcome!

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