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The Role of Security Concerns in the Failure of the Annan Plan and in the Post-Annan Plan Period

Introduction

This paper focuses on the role the security aspects played in the rejection of the Annan plan by 76 % of the Greek Cypriots and its acceptance by 65 % of the electorate in the north. On the day of the referendum, April 24, 2004, three quarters of those Greek Cypriots who voted with “no” stated at exit polls that security concerns constituted the most important reason for their rejection of the Annan Plan. Clearly, the Greek Cypriots felt that their security needs were not adequately addressed in the fifth version of the Annan plan. At the same time, the overwhelming majority of the Turkish Cypriots voted with “yes”. Given that their security concerns were as grave as those of the Greek Cypriots, it is fair to assume that the Turkish Cypriots considered the security arrangements as envisaged in “Annan V” at least sufficient.

But one should be careful not to overlook the other reasons for the Greek Cypriot “no” and in particular those behind the Turkish Cypriot “yes”. The latter was born very much out of political despair making Turkish Cypriots arguably less sensitive towards the negative sides of the Annan Plan. But given the legacy of ethnic strife on the Eastern Mediterranean island, it has always been clear that without satisfactory solutions to the security concerns of the two communities, but also those of Turkey and to a much lesser degree of Greece, no Cyprus settlement would have a chance of approval in a referendum.

1 According to Kadritzke, the percentage of Turkish Cypriots voting with “yes” was actually 75 % if one deducts the votes of the Turkish settlers. Niels Kadritzke, Ein donnerndes Ochi, in: »Le Monde diplomatique« Nr. 7358, 14 May 2004.
2 The poll was conducted by the Greek Cypriot TV channel »Mega«. For 7 %, the most important reason to vote “no” was to support the president’s position, 5 % stated economic costs, 13 % preferred to live separately. Natalie Tocci quotes in her article a poll amongst the “no” voters revealing that for 80 % of them the fear that Turkey would not deliver on its commitments was the main reason for rejecting the plan. The UN Secretary General acknowledged the decisive role of the security aspect in his Report on his good offices in Cyprus after the referendum: “[…] fears regarding security and implementation appear to be prominent amongst Greek Cypriots – based, to a significant extent, on historic distrust of Turkish intentions.” Mega poll figures here quoted from the speech of Labour MP, Andrew Dismore. Hansard Report of the Proceedings of the Debate on Cyprus held in the House of Commons on Tuesday 6 July 2004; Nathalie Tocci, Reflections on Post-Referendum Cyprus, in: »The International Spectator« (Fall 2004), forthcoming; Report of the UN Secretary-General on his mission of good offices in Cyprus, 28 May 2004 (S/2004/437), Paragraph 84f.
3 The “Prime Minister” of the “TRNC” during the final stages of the negotiations, Mehmet Ali Talat, summarises the importance of security for the Turkish Cypriots in his M.A. thesis in 2003: “Traditionally, the Turkish Cypriot side has been keenly concerned on security matters and constantly proclaimed their insecurity within any kind of change in the present status quo. Dramatization of the past experiences, overstating grievances of the near history has been used as a pretext for unending mistrust of the Greek Cypriot community.” Mehmet Ali Talat, Prospects for a Settlement to the Cyprus Problem within the Framework of the Annan Plan. Unpublished M.A. thesis (Famagusta: Eastern Mediterranean University, 2003), p. 61.
5 The key role the security issue played in the Greek Cypriot “no” is also illustrated by a survey entitled “Greek Cypriots, Turkish Cypriots, and the Future: The Day after the Referendum”. The poll was conducted between 10-16 May 2004 and published on 17 June 2004. From the 1,000 Greek Cypriots asked, 61.9 % stated that they would support the Annan-Plan if their concerns for security and implementation of the plan’s provisions were met (www.cothm.ac.cy).
Which security concerns play an important role in any settlement? In International Relations, complete security is defined as the freedom from all threat. Given that complete security is an impossibility and that security is a relative term,\(^6\) arrangements in the fifth version of the Annan plan will have to be judged by the degree to which they provide for more or less rather than complete or no security. Public perception of threats as well as of the effectiveness of security mechanisms also come into play. For instance, the leading actors in Turkey might not even consider a further occupation of Cypriot territory but for many Greek Cypriots the threat of a second Turkish invasion is real so protection against it is vital. The basis of this analysis are therefore security needs, as articulated by the political leadership of the respective parties during the negotiations, as well as public views expressed in surveys before and after the referenda.

Since almost all controversial aspects of the Cyprus dispute have a security dimension, the article will focus on those issues which are officially labelled as “security issues” or in which the security element is at least perceived to be a predominant feature by the representatives of the four sides concerned. From the Greek side, core security issues are safeguards against the partition of the island, the presence of Turkish troops, demilitarisation and the right of Turkish intervention based on the Treaty of Guarantee. Issues where the security element is one predominant feature are safeguards for the implementation of the agreement, the presence of Turkish settlers and the possible permanent flow of Turkish immigrants, and limitations of sovereignty in the context of the European Security and Defence Policy.\(^7\) The main security demands of the Turkish side deal with the exclusion of the unification of the island with Greece, the guarantee of political equality, the permanent presence of Turkish troops and preservation of the Treaty of Guarantee. Issues where the security element does play an important role are the return of Greek Cypriot refugees and threats deriving from the economic and numeric superiority of the Greek Cypriot community. On an unofficial level, there is also the fear of domination of mainland Turkey over the domestic affairs of the Turkish Cypriot community.

Changes in Leadership and the Pre-History of the Referenda on the Annan Plan

The fact that a comprehensive settlement was put to two referenda was itself a remarkable political achievement considering the de facto stalemate in the decades following the partition of the island in 1974. Moreover, the policy manoeuvres in the run-up to the referenda as well as their outcome have completely changed the way outside observers and the international community evaluate the sides involved for the right but also for the wrong reasons as the following analysis of the security aspect tries to illustrate.

Since the division of the island in 1974, the Turkish side was usually – though not always – labelled as the intransigent party. The various Turkish governments and the Turkish Cypriot leader, Rauf Denktash, repeatedly declared that they considered the status quo the solution of the problem. Moreover, whenever negotiations started, the Turkish side insisted on the recognition of the “Turkish Republic of Northern Cyprus” as part of any settlement after its

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\(^7\) Statement by the President of the Republic, Mr. Tassos Papadopoulos, to the Foreign Media from 25 April 2004, and an unpublished and undated aide memoire by the Government of Cyprus (in the possession of the author).
unilateral declaration in 1983 – a demand completely unacceptable to the Greek side but more importantly also to the international community.

But the traditional assumptions about the intransigent Turkish and Turkish Cypriot leaders were shaken by the political changes in Turkey and northern Cyprus since 2002. In a dramatic break with the past, Rauf Denkash and his consistently status quo oriented policy were publicly rejected by a large part of the Turkish Cypriot population in mass demonstrations in 2002 and 2003. They expressed their dissatisfaction with their economic misery, isolation and gradual disappearance as a community caused by emigration and the growing numbers of mainland settlers. In December 2003, the opposition won the parliamentary elections in the north and the leader of the main opposition party CTP (Republican Turkish Party), Mehmet Ali Talat, became “Prime Minister”. Talat had all his political life been considered a moderate and committed himself to overcoming the division of the island, though he had to accept the son of Rauf Denkash, Serdar Denktash, and his party as a junior coalition partner. Talat fully supported a solution as outlined in the various versions of the Annan Plan. He gained the support of the Turkish government and replaced Denktash as the chief negotiator of the Turkish Cypriots in 2004, though Denktash remained “President” of the “TRNC”.

The change of leadership in the north became possible because of the foreign policy shift pursued by the Turkish AKP government led by Prime Minister Recep Tayyip Erdogan. Soon after coming to power in November 2002, the new government made clear that it did not consider the partition of the island the solution of the Cyprus problem as all its predecessors had done. In February 2004, against resistance of the Turkish military and parts of the old administrative elites, it finally approved a three stage peace plan. It allowed the UN Secretary General “to fill in the blanks” of his plan left after intense negotiations and the conduct of two simultaneous referenda in Cyprus on it. At the end of the negotiations, in March 2004, the Turkish government and Talat – but not Rauf Denktash – accepted the final version of the Annan Plan. The Greek side had to acknowledge that the Turkish side could no longer simply be labelled as intransigent. It became internationally accepted that the Erdogan government was the first Turkish government which was willing to make substantial concessions in order to find a solution to the Cyprus problem. Furthermore, it could not be disputed that Talat had always been a moderate Turkish Cypriot politician who stood for a solution of the Cyprus problem. For the first time since 1974, the Greek side was therefore seriously confronted with the possibility of a settlement to the Cyprus problem within the framework of a bizonal, bicomunal federation as agreed upon in 1977 – triggering a reality shock also for many Greek Cypriots whose expectations of a “just” settlement had been quite different from that envisaged in the last version of the Annan Plan.

The leading actors on the Greek side had changed during the negotiations on the Annan Plan as well. In February 2003, the Greek Cypriot president and chief negotiator, Glafkos Clerides, whose moderate positions and commitment to a solution of the Cyprus problem were acknowledged by the international community, was succeeded by Tassos Papadopoulos. He is viewed as a “hardliner” by most outside observers, many Greek and most Turkish Cypriots and his commitment to a solution of the Cyprus problem on the basis of the Annan Plan is doubted despite his statements to the contrary. He leads a coalition government including the largest and allegedly most pro-reconciliation and pro-Turkish Cypriot party, the communist AKEL. Though he committed himself to the acceptance of the parameters of the Annan Plan

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8 See for the motives behind the Turkish policy shift, _Tocci_, op. cit.
9 See for example the statement of DISY MP, _Kathy Clerides_, in an interview with the Turkish Cypriot newspaper »KIBRIS« in August 2004, that Papadopoulos did “not want a solution of the Cyprus problem” and the ensuing debate summarised in “Prove her wrong, Mr. President”, in: »Cyprus Mail«, 26 August 2004, p. 4.
after his election, he vowed to fight for improvements with a view to making it “more functional and so more viable”.\textsuperscript{10} Despite the changes in Turkey and on the Turkish Cypriot side, Papadopoulos and a large section of the Greek Cypriot community still subscribed to the conviction that the Turkish government either only pretended to agree to a solution of the Cyprus problem in order to secure a date for the beginning of EU accession negotiations or that the foreign mediators accommodated to an excessive degree Turkish demands since getting Turkey into the EU was high on their agenda. In their view, Ankara has not given up on its attempt to partition or at least control Cyprus and cannot be trusted to implement an agreement especially if her EU accession course fails or if there is a change of government.\textsuperscript{11}

Papadopoulos conformed to the Turkish Cypriot and international expectations by rejecting the fifth and final version of the Annan Plan and by campaigning successfully for the “no” vote within the Greek Cypriot community, while his predecessor promoted the acceptance of the plan. Therefore, in an ironic twist of history, in the eyes of the international community, the Turkish side has become moderate and committed to a solution while the opposite has happened on the Greek Cypriot (though not mainland Greek) side. This perception has rather increased since the referenda.\textsuperscript{12}

In Greece, the PASOK led government had been supportive of the Annan Plan, hoping to solve the Cyprus dispute and thereby remove one of the main obstacles in Greek-Turkish rapprochement. Shortly before the end of the negotiations and the referenda, in March 2004, the PASOK government was replaced by a New Democracy government. The PASOK leader, George Papandreou, openly supported the last version of the Annan Plan in the run-up to the election and during the referenda. The newly elected New Democracy government supported “Annan V” as well but was by far less open and vocal about it. Ten days before the referenda, Prime Minister Costas Karamanlis stated that the benefits of the plan outweighed its difficulties and expressed his confidence that the difficulties could be ironed out through EU membership.\textsuperscript{13} Despite this statement, the Greek government kept a low profile in the running up to the referenda in order not to be seen in disagreement with the elected Greek Cypriot leader who publicly rejected it and asked for a “resounding no” of the Greek Cypriots.

As far as the Turkish side is concerned, the change from the moderate and pro-solution Glafkos Clerides to the alleged hardliner Tassos Papadopoulos had created the widespread impression that the government of the south is not sincere in seeking a solution on the basis of the Annan Plan and is still striving for Greek Cypriot majority rule. This impression was reinforced by the fact that parts of the Greek Cypriot opposition share this perception and (in the eyes of many Turkish Cypriots) was proved by the negative outcome in the referendum. – The recent developments and the new perceptions of both sides just outlined provide the context for a better understanding of the security aspects of the Annan Plan which will now be examined in detail.

\textsuperscript{10} Transcript of the \textit{Declaration by the President of the Republic, Mr. Tassos Papadopoulos, regarding the referendum of 24th April 2004}, p. 3.
\textsuperscript{11} See for example the \textit{Letter by the President of the Republic, Mr. Tassos Papadopoulos, to the U.N. Secretary-General, Mr. Kofi Annan}, dated 7 June, which circulated as an official document of the U.N. Security Council. Press Release of the \textit{Press and Information Office of the Republic of Cyprus}, 9 June 2004, featuring on page 10 the headline “Turkey’s substantive policy was implemented by Mr. Denktash and has only marginally changed”.\textsuperscript{12} See for the most recent example the International Crisis Group Report “The Cyprus Stalemate: What Next?” \textit{Europe Report No. 171} from 8th March 2006.
\textsuperscript{13} \textit{Report of the UN Secretary-General on his mission of good offices in Cyprus}, 28 May 2004 (S/2004/437), Paragraph 77.
What are the Security Issues at Stake?

In identifying the security concerns of each side today, one must consider past experiences and events, which are not to be dealt with in detail in this article, but which are often used as arguments to justify the “yes” or the “no” to the Annan Plan.

The Turkish Cypriots fear that the ultimate goal of Greek Cypriot policy is either Enosis, the union of Cyprus with Greece, or at least the reduction of the equal status of the Turkish community to that of a minority. Moreover, they suspect that the Greek Cypriots will try to overcome any agreement in the future, as was the case 1963, and that there will be insufficient protection for the Turkish Cypriots against violations of the agreement or the use of violence if Turkey loses her right to intervene as well as her military presence. At any rate, they dread that the Greek Cypriots who enjoy economic and numerical superiority, will dominate them and that they will eventually lose majority status within their own constituent state, especially after the implementation of the three freedoms (movement, property and settlement) as well as by the return of the Greek Cypriot property, which was taken in 1974. – Below an official level, there are widespread expectations within the Turkish Cypriot community that any solution should end Turkish political domination and the interference of the Turkish military in the civilian lives of the Turkish Cypriots.

The Greek Cypriots, on the other hand, allege that the true goal of Turkey and the Turkish Cypriot leadership is still Taksim, and that they will secede some time after the conclusion of an agreement and then turn the current de facto partition of the island into an internationally recognised one. The Greek Cypriots also fear that Turkey will exercise her military superiority in the region and possibly conquer an additional part or the entire island. In that context, the about 35,000 Turkish soldiers currently on the island are perceived as a massive security threat. Finally, they dread that the independence of Cyprus will be severely limited if the “mother countries” gain equal or even more rights than those granted to Greece, Turkey and Britain in 1960 in the Treaties of Guarantee and Alliance. In this respect, they fear most of all mainland Turkish control over Cypriot internal politics via the Turkish Cypriot community and naturalised Turkish settlers from the mainland. Moreover, the Greek side fears that the Turkish side will not stick to its part of the deal, i.e. the return of property and the reduction of troops which stretch over a time span of up to 19 years and just cash in on the Greek Cypriot concessions provided for in “Annan V”, which will be implemented without delay once the agreement comes into force.\footnote{Statement by the President of the Republic, Mr. Tassos Papadopoulos, to the Foreign Media, from 25 April 2004, pp. 3-4.}

Turkey shares the fears of the Turkish Cypriot leadership but has vital interests over and above her concern for the Turkish Cypriots. In particular, the Turkish military and the diplomatic circles consider strategic control over Cyprus and a military base a necessity. For Turkey, the continuation of the Treaty of Guarantee and Alliance, which in Ankara’s disputed interpretation allows Turkish unilateral military intervention in case of a breach of an agreement, and the indefinite continuation of her military presence have therefore been key demands during the negotiations on the Annan Plan.\footnote{See for the provisions on the unilateral right of intervention: Treaty of Guarantee, Article 4. The Additional Protocol to the Treaty of Alliance from 1960 stipulated the permanent stationing of 950 Greek and 650 Turkish soldiers in Cyprus.} More generally, Turkey wants to avert an escalation in Cyprus, which could jeopardise her EU membership aspirations, harm Greek-Turkish reconciliation and could result in a Greek-Turkish war.
Greece shares the fears of the Greek Cypriot leadership and her own security is directly affected by any occurrence of intercommunal violence or a conflict between the Republic of Cyprus and Turkey. Athens does not strive to extend its influence on the island and follows largely a hands off policy after “delivering” the island’s EU membership. Because of its military and geo-strategic inferiority, Athens has an even greater interest than Turkey to avert an escalation in Cyprus that could damage Greek-Turkish reconciliation and, in the worst case, lead to a Greek-Turkish war.

The Official Positions of Both Sides on the Security Aspect

The Greek Cypriot Position
How are these security needs mirrored in the demands of both sides? The Greek Cypriot side accepted already during the proximity talks preceding the first version of the Annan Plan the principle of political equality of the Turkish Cypriot side “not as numerical equality but as effective participation. This means that at the central level decisions are made by majority but that this majority should comprise votes of both communities.” As far as security is concerned, the Greek Cypriot side demanded:

1. A secession of a federal state should be impossible.
2. As far as the military aspect of a future federal Cyprus is concerned, the island should be completely demilitarised. In order to address the security needs of the Turkish Cypriots the presence of Turkish troops on the island will be accepted for a certain period of time but not indefinitely. Turkish Troops should be reduced in size as soon as an agreement is reached and then a timetable should be prepared for their complete withdrawal from the island.
3. An UN-led international peace-keeping force with an enhanced mandate will for a limited period of time police the island thereby safeguarding the security of all Cypriots.
4. The Treaty of Guarantee and Alliance should be modified. The international peace-keeping force should maintain order and supervise the full implementation of the agreement. Only if the international force should prove unable to fulfil its task, would the old Guarantor states have the right to intervene jointly or unilaterally. But a trigger off mechanism ideally involving the Security Council of the United Nations should be incorporated to avoid an abuse of the right by Turkey.
5. Property should be exchanged on a voluntary basis. There should be no compulsory exchange of property but whoever wants their property back should have the right to obtain

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16 Tocci, op. cit.
17 This part of the analysis is based on public statements and published documents by the participants. According to a well informed source, the Turkish side did not produce an official position or proposed revisions on the security issue in the form of a comprehensive paper in writing during the negotiations. The Greek Cypriot side produced two documents outlining their proposals on security issues during the final stages of the negotiations, which unfortunately were not made available to the author. According to Papadopoulou, the Greek Cypriot side had submitted on 15 March 2004 “a comprehensive voluminous paper concerning the security issue, wherein our suggestions were elaborated in detail and with absolute clarity” to the UN negotiators. An aide memoire including proposals on security was distributed by the Permanent Mission of Cyprus to the UN on 20 April 2004, during the deliberations on the British-American draft resolution in the Security Council. Letter by the President of the Republic, Mr. Tassos Papadopoulos, to the U.N. Secretary-General, Mr. Kofi Annan, dated 7 June, which circulated as an official document of the U.N. Security Council. Press Release of the Press and Information Office of the Republic of Cyprus, 9 June 2004.
19 Interview of Glafkos Clerides by Mehtem Ali Birand broadcast by »CNN Türk« Television on 3.11.01. In a broadcast of the same interview a few days later Clerides stated: “Naturally, it [the Turkish Army] remains here until confidence had been restored” [FBIS Translated Text], on 9.11.01.
it. All others should be compensated. For a limited period of time, there should be a freeze on the freedom of movement and settlement.\(^{20}\)

6. Any territory to be returned to the Greek Cypriots should be put under UN administration until its handover to the Greek Cypriot constituent state.

### The Turkish Cypriot Position

From the start of the proximity talks in December 1999, Rauf Denktash, the representative of the Turkish Cypriots in the negotiations until 2003, continued to aim – with the support of the Turkish government – at a confederal solution based on the principle of two equal peoples, two sovereign states.\(^{21}\) The demand for a confederation was then abandoned by the Turkish side but a policy of obtaining the maximum degree of sovereignty for the constituent states was maintained.

As far as the security aspect of a settlement is concerned, it should be noted that the Turkish military had always been more involved than the diplomats in outlining the core demands of the Turkish side.\(^{22}\) The minimum requirements demanded by the Turkish side for any settlement can be summarised as follows:

1. EU principles which would take the Turkish Cypriots back to their 1960 position should be renounced.\(^{23}\) This means permanent restrictions on the three freedoms of movement, settlement and property, in order not to jeopardise a Turkish Cypriot dominated federal state.
2. There should be separate sovereignty of both founding states. The Turkish Cypriot side originally demanded that the Turkish Cypriot people enjoy a separate right of self-determination and that they must be able to cede should they feel dominated economically or politically by the Greek Cypriot side.\(^{24}\) This demand was later dropped and not included in any version of the Annan Plan.
3. The security ties with the respective motherlands should be maintained. Therefore, the 1960 Treaties of Guarantee and of Alliance shall continue to remain in force as a safeguard for the Turkish Cypriots and Turkey.
4. The number of national troops under the Treaty of Alliance shall be updated i.e. considerably increased.
5. Territorial concessions should be limited also for security reasons: "A secure territorial basis is paramount for us because we have a smaller population and because our past suffering must never be repeated."\(^{25}\) At a later stage of the negotiations, the Turkish military also demanded a straight border line between the two constituent states for military and

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\(^{20}\) Interview of Glaftos Clerides to Mehment Ali Birand broadcasted by »CNN Türk« on 3.11.01.


\(^{22}\) There had been bilateral talks between Greece and Turkey on the security aspects of a settlement during the negotiations on the Annan Plan. Greece failed to change the Treaty of Guarantee in its direct security talks with Turkey. Report of the UN Secretary-General on his mission of good offices in Cyprus, 28 May 2004 (S/2004/437), Paragraph 61. Talat refers to the strong involvement of Greece and Turkey in the negotiations of core security issues like the presence of Greek and Turkish troops, an international force or the Treaty of Guarantee, claiming that “security matters had appeared as the easiest among all subjects since they could have been settled mainly between Turkey and Greece – maybe – with the consent of the Cypriot sides”. Given the sensitivity of this issue for the Greek Cypriot side, this seems to be a daring assessment.


\(^{24}\) Turkey: Denktas Explains Views, Conditions for Peace on Cyprus, in: »Istanbul Cumhuriyet« (Internet Version) in Turkish from 29 March 2002 (FBIS Translated Text); address by Rauf Denktash to a conference on the issue of water and land on 1 April 2002 in Morphou (Güzelyurt), quoted from Nicosia »Bayrak Radio 1« in Turkish (5.00 GMT) on 2 April 2002 (FBIS Translated Text); Denktas Comments on Possible Recess in Talks, Missing Persons, 3-Region Proposal, Nicosia »Bayrak Radio 1«, see above.

\(^{25}\) Rauf Denktash quoted by an anonymous source in his negotiations with Clerides, in: Far Reaching Settlement Vision from Denktash, »Turkish Daily News« from 12 April 2002.
strategic reasons, an allusion on two deep cavities of the Greek Cypriot constituent state into the Turkish Cypriot constituent state in the last versions of the Annan Plan. With the notable exception of the demand for a Turkish Cypriot right for self-determination and therefore secession, there was no change in the position of the Turkish side concerning the security aspects of a settlement after the change of government in Turkey and the change from Denktash to Talat as the chief negotiator for the Turkish Cypriot side. An Evaluation of the Security Aspects of the Annan-Plan

How does the Annan Plan address the security concerns of the parties involved? As far as the Turkish and Turkish Cypriot demands were concerned, “Annan V” – as all previous versions – precludes Enosis (as well as Taksim) for good and is based on the political equality of the Turkish Cypriots, who enjoy far reaching autonomy and legislative as well as executive sovereignty within their constituent state. On a central level, unlike the constitution of 1960 “Annan V” does not provide for a veto right of a Turkish Vice President. But it ensures that on all levels of higher executive and legislative decision making the support of a significant number of the Turkish Cypriot representatives (varying from 25 to 50 %) is required. In substance, the Turkish Cypriots – as a community – are provided with an absolute veto right on a legislative and executive level, though not with numerical equality in the Presidential Council and the House of Representatives, and with a high degree of autonomy within their constituent state whose government would be completely in Turkish Cypriot hands. Turkish Cypriot fears of a repetition of 1963 are pacified since Turkey keeps her status as a guarantor power – which in the disputed Turkish interpretation means the right of unilateral military intervention in case of a breach of the agreement – and the right to maintain troops permanently on the island. Fears of Greek Cypriot numerical domination are also satisfactorily addressed from a Turkish Cypriot point of view, since the maximum percentage

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26 This was part of the “20 Indispensable Articles” formulated as key demands of the military at the MGK (National Security Council) meeting on 23 January 2004. The 20 “Indispensable” Articles at the MGK meeting, »Istanbul Milliyet« from 24 January 2004 (FBIS Translated Text].

27 “Security, law and order and the administration of justice in its territory will, among others, be under the jurisdiction of each Partner State.” Rauf Denktash quoted by an anonymous source in his negotiations with Clerides in: Far Reaching Settlement Vision from Denktash, »Turkish Daily News« from 12 April 2002.


29 The Legislative consists of two chambers: Senate (48 members, 24 from each community) and a House of Representatives: (48 members, proportional representation but at least 25 % of the representatives must come from one constituent state). Decisions are taken by simple majority but at least 25 % of the votes in the Senate must come from one constituent state (in special cases the percentage is increased to 40 %). The Executive is headed by a Presidential Council, which is elected with special majority by the Senate and confirmed by simple majority in the House of Representatives. It consists of six voting members and its composition has to be proportional to the number of persons with internal constituent citizenship status. But at least two have to be from each constituent state i.e. in the current population distribution at least two have to be Turkish Cypriots. Non-voting members can be added but at least one-third of the non-voting members must come from each constituent state. Decisions are made by simple majority but at least one vote from representatives of each constituent state is needed. Two of the members of the Presidential Council become president and Vice President. They have to come from different constituent states and they rotate office every 20 months. The central administration is composed proportionally according to the population ratio with the exception of the police force which would be manned at a 50-50 ratio. The Comprehensive Settlement of the Cyprus Problem. Main Articles. 31 March 2004, Articles 2 and 5. See for the administration and the police Annex I, Articles 30 and 31.

of Greek Cypriots within the Turkish Cypriot constituent state is restricted to 18% of the population for a transitional period of 18 years or until Turkey joins the EU. Even after that, permanent restrictions limiting the number of Greek Cypriot permanent residents to 33% are possible since the Turkish Cypriot constituent state can act to ensure that 2/3 of its permanent residents have Turkish as their mother tongue.\textsuperscript{31} Another Turkish Cypriot concern was to safeguard their political equality from being undermined in the long run by Greek Cypriots establishing residency in the north and seeking Turkish Cypriot internal constituent state citizenship. The fifth version of the Annan Plan makes it impossible for Greek Cypriots to “pose” politically as Turkish Cypriots by stipulating that voting for the federal Senators is based on mother tongue rather than internal constituent state citizenship.\textsuperscript{32} Economically, the Annan Plan provides acceptable safeguards for the Turkish Cypriots against Greek Cypriot domination since it limits their rights to buy property for 15 years or until the GDP of the north has reached 85% of the south.\textsuperscript{33}

As regards the desire of many Turkish Cypriots to get rid of Turkish domination over their affairs, any settlement would mean a great step in that direction. Clearly, also the “Annan V” settlement would limit the influence of mainland Turkey over the domestic affairs of the Turkish Cypriots. Direct Turkish control and involvement in the administration of the north would end. Decision making would either move to the EU, an independent central government or remain in the hands of the Turkish Cypriot constituent state which would at least formally be run independently. Moreover, a solution would lead to a reduction of financial dependency on Turkey and the gradual removal of most of the Turkish troops. Nevertheless, the political dependency on Turkey as a “mother country”, provider of financial aid and guarantor power, is likely to continue. Moreover, Turkish domination over the internal affairs is still a strong possibility given that a large percentage of the electorate will be of mainland Turkish origin. While the UN Secretary wrongly claims that about half of the settlers would have to leave, the Greek Cypriot side convincingly points out that in fact most if not all mainland settlers would be able to stay on the island and acquire constituent citizenship either immediately or within four years.\textsuperscript{34} Furthermore, the Greek Cypriot side claims with good reason that despite

\textsuperscript{31} The return of refugees is “significantly limited” compared with previous versions: The number of Greek Cypriots is restricted to 18% of the population compared to 21% in “Annan III”. For six years, there would be a moratorium on the freedom of settlement in the Turkish Cypriot constituent state. Within the next three years, the percentage of Greek Cypriots is not allowed to exceed 6% of the population of the constituent state, can reach 12% after 10 to 14 years, and 18% between 14 and 18 years. After two years, citizens and their spouses over the age of 65 are exempted from this regulation. The percentage of mainland Turks and Greeks can be limited to 5% of the population in the respective constituent state. After 19 years, the United Cyprus Republic can (in coordination with the European Commission) maintain restrictions on the number of mainland Greeks and Turks allowed to settle on the island.\textit{The Comprehensive Settlement of the Cyprus Problem. Main Articles. Article 3 in “Annan III and V”}, Paragraph 52.

\textsuperscript{32} Report of the UN Secretary-General on his mission of good offices in Cyprus, 28 May 2004 (S/2004/437), Paragraph 52.

\textsuperscript{33} \textit{The Comprehensive Settlement of the Cyprus Problem. Main Articles. 31 March 2004, Article 3 and Section D.: Draft Act of Adaptation to the Terms of Accession of the United Cyprus Republic to the European Union, Article 1 Property, Paragraph 1.}

\textsuperscript{34} The Greek Cypriot side rightly pointed out the following: on 15 March 2004, the Turkish Cypriot side asked for the granting of United Cyprus Republic (UCR) citizenship to 50,000 persons in addition to their spouses and children. The Greek Cypriot side alleges that an additional 18,000 Turkish spouses of Turkish Cypriots are entitled, under “Annan V”, to UCR citizenship anyway. A list of 45,000 persons (according to Kofi Annan, the actual number was lower) was submitted and its application is approved in the Annan Plan. Moreover, the Turkish side requested that 20,000 Turkish settlers be given the right of permanent residence, entitled in 4 years’ time to UCR citizenship. Together with the Turkish immigration quota of up to 5% of the population, in a Greek Cypriot view, at least “111,000 Turkish settlers were either entitled to UCR citizenship or to residence”. Even if the figures of spouses might be exaggerated and the number of 45,000 persons were not fully reached, there can be no doubt that the bulk of the Turkish settlers, if not all, could obtain UCR citizenship comprising potentially about 50%, if not more, of the electorate in the northern constituent state. \textit{Letter by the President of the Republic...}
provisions to the contrary in the Annan Plan, there would be a strong possibility of a continuous flow of mainland settlers to Cyprus via the Turkish Cypriot constituent state after 19 years or Turkey’s EU accession. 35

The likely domination of the Turkish Cypriots via a large number of Turkish settlers is one of the major flaws of the Annan Plan from a Greek but also from a Turkish Cypriot majority point of view, though officially there was no difference during the negotiations in the positions of the Turkish Cypriot and Turkish leaderships concerning the presence of Turkish immigrants. Overall, the Turkish Cypriots could indeed be pleased with the way the Annan Plan addressed their security concerns and this clearly contributed to their support for it. Ankara could and was very satisfied with the security arrangements of “Annan V” as well. Among the 11 “Final Points” in which the Turkish side articulated their essential demands for changes at the end of the negotiations in Bürgenstock, two pertained directly to the security aspect. Point 8 read: “Our expectations regarding the security and guarantees should be fully met.” And point 9 demanded the: “[p]reservation of Greek and Turkish military presence on the island, even after the accession of Turkey to the EU (the contingents provided by the Treaty of Alliance should be maintained)”. As all of the other points, those two demands were largely met in the final version of the Annan Plan.

Turkey’s guarantor status remained untouched. Even better for Turkey, she remained a guarantor power for the independence, territorial integrity, security and constitutional order of the United Cyprus Republic, gaining the same rights as well for both constituent states. The withdrawal of her estimated 35,000 troops was stretched over a period of 14 years or until EU membership. In one of the most significant changes between “Annan III and V”, Turkey gained the right to maintain 650 troops indefinitely as stipulated in the 1960 Treaty of Alliance (which also provides for 950 Greek soldiers), while in “Annan III” the remaining 6,000 Greek and Turkish troops would have been withdrawn upon Turkey’s entry to the EU “unless otherwise agreed”. 39

The only negative aspect for the Turkish military was the fact that the presence of Greek and Turkish troops would have been reviewed every three years “with the objective of total withdrawal”. This still makes the removal of the remaining troops impossible without the consent of Turkey since the provisions of the Treaty of Alliance on which their permanent

35 “A complex mechanism requiring the agreement of TCs in order to stem the flow of Turkish settlers after Turkey joins the EU or 19 years was substituted [in “Anan V”, H.F.] for a permanent fixed small quota to which the GC side had agreed. […] The new mechanism was that the Aliens Board, equally composed of members from each constituent state, would have to consult the European Commission. This would have to be done through the Federal Ministry of European Union Affairs. To give effect to any measures would then require the approval by 9 Turkish Senators (since all immigration regulations under Article 25.2.c of the UCR Constitution have to be approved this way.) Turkish Cypriot politicians with an electorate consisting of a majority of Turkish settlers and their descendants would therefore have to vote for restricting Turkish immigration once Turkey joined the EU.” Letter by the President of the Republic of Cyprus, Mr. Tassos Papadopoulos, to the U.N. Secretary-General, Mr. Kofi Annan, dated 7 June 2004, p. 20, Paragraph 36.
36 The Final Points Conveyed to Mr. De Soto by Ambassador Ziyal, March 26, 2004.
38 Both Greece and Turkey could keep 6,000 soldiers on the island until 2011 and 3,000 until 2018 or until the EU membership of Turkey (whichever is sooner). The Comprehensive Settlement of the Cyprus Problem. 31 March 2004, Main Articles. Article 8. Paragraph 1b and Annex IV: Additional Protocol to the Treaty of Alliance.
presence is based, remain untouched. However, the provision would indeed expose Turkey regularly to public pressure to withdraw her troops. Moreover, Turkey did not achieve her objective to increase her military presence on the island permanently. At any rate, the 650 soldiers are sufficient to assure Turkish Cypriots of Turkish help in case of the reoccurrence of violence on the island and to deter Greek Cypriot hostile activities towards the Turkish Cypriots. Most importantly, from a Turkish perspective, they secure a bridgehead for the arrival of Turkish reinforcements from the nearby mainland in case of a military intervention or can be used to counter any threat for the Turkish mainland originating in Cyprus. This latter Turkish fear of a threat stemming from Cyprus seems outdated and largely unjustified anyway. One is still at a loss for a realistic scenario of an attack from the island or its control by a hostile power in view of the island’s geo-strategic position, its EU membership, the British bases and the ongoing Greek-Turkish rapprochement.

In this context, Turkey scored another success by assuring that neither NATO nor the European Union can send troops to the island without the approval of Athens and Ankara until Turkey joins the European Union. The Common Security and Defence Policy of the European Union is therefore limited by a veto right of Turkey which makes the use of forces on the island subject to Ankara’s approval. This precludes any use of European forces which is directed against Turkish interests. Unsurprisingly, this provision was strongly rejected by the Greek Cypriot side as another limitation of the sovereignty of the United Cyprus Republic.\(^{40}\) As many other demands of Turkey, this only makes sense should Turkey wish to intervene again in Cyprus, in case of open hostility between the European Union and Turkey or in the event of a Greek-Turkish war.

The demand of the Turkish military for straight border lines is not satisfied in “Annan V”. However, information from a senior Turkish Cypriot official indicate that this Turkish demand, on a less significant issue anyway, had been largely put forth for tactical reasons. It was mainly introduced to gain bargaining power on the “real” issue of the quality of Turkish rights, so the failure to achieve straight border lines cannot be considered a serious flaw from a Turkish perspective.

One of the Turkish Cypriot negotiators, Talat, encapsulated the significance of these Turkish successes as well as their negative consequences from a Greek Cypriot perspective as follows: “[…] stationing a permanent Turkish contingent alongside with the ultimate right of unilateral military intervention had been at the heart of the security measures for the Turkish side whereas both were detrimental even fatal for the Greek side. Hence preservation and abolition of those provisions have been the driving efforts of the Turkish and Greek sides respectively; in almost all efforts for a solution of the Cyprus problem. The same happened this time also. But it came out very clearly that the Greek Cypriot side’s efforts were futile and abandoned almost from the beginning.”\(^{41}\)

While both Turkey and the Turkish Cypriots achieved their main targets in security related matters, unsurprisingly, things look very different from a Greek Cypriot perspective. The Plan does exclude the right of secession but there is some substance to Greek Cypriot fears that in case of a failure of the United Cyprus Republic, the Greek Cypriots would be left with their constituent state whose status would merely be that of a community. In the end the two constituent states would go different ways and become two internationally recognised states even if the breakdown of the UCR was caused by the Turkish side. By dissolving the Republic

\(^{40}\) The Comprehensive Settlement of the Cyprus Problem. 31 March 2004, Article 8, Paragraph 4.
of Cyprus and establishing the United Cyprus Republic, their main political trump card (next to EU membership), the recognition of the Greek Cypriot government as the only legitimate government for the whole of Cyprus, will indeed be lost for good. The Greek Cypriot side, therefore, strongly objected to the dissolution of the Republic of Cyprus and its replacement by the United Cyprus Republic but failed. This argument is not valid as the end of the Greek Cypriot monopoly as the sole representatives of the island and the acceptance of Turkish Cypriot sovereignty over territory – and therefore a springboard for secession – were and will be part of any solution to the Cyprus problem. The Turkish Cypriot right for sovereignty over territory is based on the high level agreements of 1977 and 1979 between the Greek and Turkish Cypriots aiming at the establishment of a bi-zonal, bi-communal federation. Moreover, the international community, in the form of all outside involved parties, supports the establishment of a Turkish Cypriot constituent state in all different versions of the Annan Plan. It is highly doubtful that a continuation of the Republic of Cyprus implementing the Annan Plan would provide more and better safeguards than the United Cyprus Republic against Turkish Cypriot secession since any act of separatism will be outside a legal framework anyway.

Psychologically, the continuation and enhancement of Turkey’s guarantor powers was another main motive for many Greek Cypriots to reject the plan though every settlement proposal since 1974 envisaged the retention of the treaties of Guarantee and Alliance. The trauma of the invasion and the subsequent abuse of its guarantor rights by Turkey, which most Greek Cypriots feel were tolerated by the international community, are not forgotten. The fear that Turkey would invade again if she is given another opportunity did not lessen either. From an outside perspective, this also seems an exaggerated concern, given that it is highly unlikely for a non-EU member state to use force against a member state and inconceivable for EU member states to use force against each other. Arguably, next to NATO membership, EU membership provides for one of the highest degrees of security from foreign invasion in today’s international system, though the EU is not a military alliance and the Common Security and Defence Policy is still in its late infancy. The Turkish right of guarantee should not have played such an important role, but Greek Cypriots did not sufficiently realise that the United Cyprus Republic would function in a European Union context. This makes a repetition of 1974 extremely unlikely, particularly if there is no Greek Cypriot attempt to overcome the agreement through unconstitutional means – the only event in which Turkey could militarily intervene invoking the Treaty of Guarantee.

During the debate on the Treaty of Guarantee, the Greek side failed to obtain a “triggering” mechanism for the exercise of the right of intervention. This was an anathema for Turkey, which the Americans had prevented twice, in 1964 and 1967, from intervening on the island. Moreover, both sides are fully aware that a triggering off mechanism, requiring the approval of the Security Council, would render any “legal” Turkish military intervention almost impossible. One permanent member of the Security Council would almost certainly veto such unilateral action by Turkey. In this context, the Greek Cypriot side tried to undermine Turkey’s interpretation of a right to intervene further by successfully inserting in the Annan Plan a general reference to the commitment of Cyprus and the guarantor powers to international law and the principles of the Charter of the United Nations. In the Greek view – shared by most experts on international law – this would render any Turkish military intervention without the approval of the United Nations illegal, an interpretation Ankara does not share. The “Realpolitik” approach towards the Treaty of Guarantee by Turkey and the idealistic one by the Greek Cypriot side will therefore continue to clash with an uncertain outcome. Within this dispute, it is interesting to note that Kofi Annan in his final report kept a
neutral position on this issue thereby at least not contradicting the Turkish interpretation.\footnote{Report of the UN Secretary-General on his mission of good offices in Cyprus, 28 May 2004 (S/2004/437), Paragraphs 47 and 61.} He is of course conscious of the key role the provisions in the Treaty of Guarantee played in the approval of his plan by the Turkish side and must be aware that it is very difficult to reconcile the Charter of the United Nations with the Treaty of Guarantee.

The change between “Annan III” and “Annan V” from the withdrawal of all Turkish troops upon the entry of Turkey into the EU towards a permanent Turkish military presence on the island was another great success for Ankara. From an outside perspective the complete withdrawal of Greek and Turkish troops from the island after a long transitional period is clearly preferable provided that the United Cyprus Republic functions smoothly. It would have removed one of the most visible limitations of the independence of the United Republic of Cyprus. Given the bad experiences with the Turkish (and Greek) military presence on the island, and in particular in view of the fact that the Greek Cypriots had already achieved the end of a permanent Turkish military presence in “Annan III”, their strong objection to its reintroduction in “Annan V” is understandable. Moreover, Greek Cypriots widely believe that the permanent presence of Turkish troops is not included in the plan for the sake of Turkish Cypriot security but to safeguard Turkey’s own interest to control the island. This provision together with the continuation of a unilateral Turkish right to intervene played an important role in the Greek Cypriot “no” vote.\footnote{The security aspect and the unilateral right of Turkey to intervene clearly topped the list of the most negative aspects of the Annan Plan with 33,4% in a survey conducted shortly before the referendum. Second came the continued presence of Turkish settlers with 14,1%. None of the other issues mentioned managed to gain more than 8 % clearly illustrating the importance of those two issues. The poll was conducted for the Greek newspaper »Kyriakiti Eleftherotypia« on 15/16 April 2004 and 601 Greek Cypriots were interviewed. Another poll released in November 2004 showed that 76% of the 1.000 Greek Cypriots interviewed, demanded the withdrawal of Turkish troops, 75% demanded that more settlers leave the island, and 73% wanted the cost of the new federal state to be divided more equitably than provided for under “Annan V” as necessary improvements before they would consider voting “yes” in another referendum. The researchers conclude: “These three particular demands have such strong and widely based support among the Greek Cypriot population, it is doubtful that any plan, which fails to take them into account could possibly be approved in a second referendum.” »Cyprus Mail«, 9 November 2004, p. 6.}

But one has to ask if the considerable reduction of Turkish troops from the currently present 35,000 to 650, within a maximum period of 14 years, is really unacceptable in the EU context and with provisions creating strong public pressure for their eventual complete withdrawal. The key question here is the likelihood of a military confrontation on the island. Most outside observers no longer consider another military intervention of Turkey a realistic option and therefore answer this question differently than the directly affected Greek Cypriots who, in their majority, were clearly not willing to take this risk. One can indeed claim that the permanent Turkish military presence combined with the continuation of a Turkish right to intervene almost guaranteed a Greek Cypriot “no” vote in the referenda – something the Turkish side was very aware of. There is evidence that Turkey considered a Turkish Cypriot “yes” and a Greek Cypriot “no” a favourable outcome. This enabled Turkey to maintain the status quo on the island during a period of uncertainty over a date for the beginning of its EU accession talks and possibly for years to come, given that these negotiations will be open-ended. At the same time, the outcome of the referendum ensured that the label of the “intransigent” was passed on to the Greek Cypriot side. But further research is necessary until one can claim with certainty, as the analyst Gregory R. Copley does, that “…the Turkish General Staff pressured the Turkish Government to insert changes in the Annan Plan with the
specific goal of creating a document which would have to be rejected by the Greek Cypriots...".  

The above mentioned Greek Cypriot fears were understandable from a psychological but seem to be exaggerated from an outside perspective. But this cannot be said for all Greek Cypriot security concerns. The strongest argument used by the “no” camp was that while the Greek Cypriot side would deliver on all concessions on the day of the implementation of the agreement, there were no safeguards that Turkey and the Turkish Cypriot side would stick to their part of the deal. In contrast to the Greek Cypriot concessions, the main benefits for the Greek Cypriots, the handover of territory, the reduction of the Turkish military presence and the gradual and partial return of refugees, would be implemented over a period of three and a half years (in case of territory), 14 years (removal of the bulk of Turkish troops) or 18 years (return of refugees). Even Kofi Annan acknowledged the legitimacy of these concerns and recommended that the Security Council should address the Greek Cypriot fears regarding security and implementation further than the Annan Plan had done by providing for a strengthened UN mission in Cyprus and a Monitoring Committee.  

However, the Greek side lost a lot of credibility when AKEL and Papadopoulos with the help of Russia torpedoed a UN resolution which would have provided sufficient guarantees, at least as far as the official AKEL view was concerned. The draft resolution provided for a strengthened UN presence entitled “United Nations Settlement Implementation Mission in Cyprus” and an imposition of an arms embargo on Cyprus in order to support the demilitarisation of the island. The Greek Cypriot side claims that they had nothing to do with the Russian veto and that the reason for it was merely the neglect of Russia during the entire negotiation process and in the drafting of the Security Council resolution. However, it seems inconceivable that Russia, using its veto for the first time since 1994, would have acted on such a vital issue without the approval of the Cypriot government. Russia maintains traditionally close and friendly relations with the Republic of Cyprus and in particular with the main pillar of the current government, the communist party AKEL.  

Having said that, the credibility of Turkey’s intention to implement the agreement can be doubted on very good grounds. It rejected the idea of UN administration over the territory that would be returned to the Greek Cypriots. It also objected to all Greek Cypriot attempts to broaden the competence of the international force to cover monitoring the implementation of the agreement. During the negotiations, Turkey tried her best to limit the powers given to

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45 The number of UN troops would be doubled under the Annan Plan, to about 2,400, in order to assist the implementation of the plan. Moreover, a Monitoring Committee composed of representatives of the guarantor powers, the federal government, and the constituent states and chaired by the United Nations would monitor the implementation of the agreement. The Comprehensive Settlement of the Cyprus Problem, 31 March 2004, Main Articles, Article 8; »Cyprus Mail«, 31 August 2004, p. 3, and Report of the UN Secretary-General on his mission of good offices in Cyprus, 28 May 2004 (S/2004/437), Paragraph 84.  
46 Report of the UN Secretary-General on his mission of good offices in Cyprus, 28 May 2004 (S/2004/437), Paragraph 84.  
UNFICYP under a new mandate after an agreement. Moreover, Ankara objected to a Security Council resolution under Chapter VII of the UN Charter, which could result in forceful action in case Turkey failed to implement the agreement. Though most governments would not be happy to have a Security Council resolution threatening forceful action hanging over their heads, this objection would not make sense if Turkey did not consider, even remotely, not adhering to the agreement. Turkey’s very consistent effort to limit the safeguards for the implementation of the agreement gave therefore strong additional validity to the concerns of the Greek Cypriot side.

The Greek Cypriot side failed to secure UN administration over the territory to be returned. But, the Annan Plan stipulated that during the “last months” before the transfer of any territory, the supervision by the United Nations of the activities related to the transfer of the areas would be significantly enhanced and that the UN would assume territorial responsibility for the area. Moreover, the Greek Cypriot side kept a low profile over their achievement that the territory to be returned would legally belong to the Greek Cypriot constituent state from the day the foundation agreement would be implemented. The administration of these territories was only “entrusted to the authorities of the Turkish Cypriot state.” This would enable the Greek Cypriots to claim international support for the return of those territories even in the case of a collapse of the United Cyprus Republic and provides at least some degree of security as far as the implementation of the territorial aspect of the settlement is concerned.

A second valid security concern was and is the fear of Turkish influence over Cypriot domestic affairs through the presence of a large number of mainland Turkish immigrants. The legalisation of the naturalisation of all Turkish settlers in “Annan V” gives substance to these worries and is one of its most serious flaws. That such a large number of mainland Turkish settlers could stay on the island and that further immigration from Turkey should not be limited were not demands supported by the majority of the Turkish Cypriots but serve only the interests of Turkey. They run contrary to the desire of the Turkish Cypriots to be in charge of their own affairs since they might constitute up to half of the electorate. Papadapoulos pointed out how the presence of a Turkish electorate of about 50 % changes the entire character of the plan from a Greek Cypriot perspective: “Without settlers as the dominant voting body in the northern part of Cyprus, the Plan would be different.”

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50 The Final Points Conveyed to Mr. De Soto by Ambassador Ziyal, March 26, 2004. Point 4: “The restriction of 5 % to be applied to the Turkish citizens to establish residence in Cyprus, even after Turkey’s accession to the EU should be lifted.” Point 11: “T/C citizens originating from Anatolia should not be discriminated against within the framework of a comprehensive settlement.”
51 There are no reliable figures about the numbers of Turkish settlers and Turkish Cypriots living in the north. Estimates range from 30 % to more than 50 %. The latter being the official Greek Cypriot view. See for further information on the number of Turkish immigrants Hubert Faustmann, Cyprus as a Country of Destination, Transit and Origin of Migration Flows, in: Parliamentary Assembly of the Council of Europe (ed.): Proceedings of the First Euro-Mediterranean Parliamentary Forum on Migration organised by the Parliamentary Assembly of the Council of Europe, Limassol, 20-22 October 2003, AS/MIG (2004) 10, 7 January 2004, pp. 13-14.
52 Letter by the President of the Republic of Cyprus, Mr. Tassos Papadopoulos, to the U.N. Secretary-General, Mr. Kofi Annan, dated 7 June 2004, p. 21, Paragraph 44.
The Post-Referendums Period and Security Issues

Two years after the referendums the Cyprus question remains in limbo. Turkey and the Turkish Cypriots continue to be seen as the side that wants a solution. Moreover, they continue to enjoy international support for their position that Annan V remains the base for any solution and that any changes to its substance should be marginal. Turkey was also rewarded for its support of the Annan Plan when, in December 2004, it was agreed that formal EU accession negotiations would commence in October 2005. Meanwhile, the image of the Greek Cypriots, who had commanded the moral high ground since 1974, is at the lowest point in decades. So far, the Papadopoulos government has managed only limited success in its efforts to try to abandon the Annan Plan and instead use the EU in order to pressure Turkey for concessions. While it may have brought about some minor successes, it has also led to considerable political damage. Most outside observers believe that Papadopoulos is trying to bring about a unitary state solution based on Greek Cypriot majority rule, and is playing for time in the hope that he will be able to secure an eve of accession solution. Despite the fact that this is generally regarded as a very high risk policy, largely because of questions about Turkey’s eventual membership of the EU, he nevertheless enjoys the support of the overwhelming majority of the Greek Cypriots for this policy. In any case, and despite efforts to present a different view of its policies, the Papadopoulos government is still seen as the intransigent party to the dispute and continues to be heavily criticised by most outside observers. An outburst by Jack Straw, the British Foreign Secretary, after a disastrous visit to Cyprus in early 2006, encapsulates the predominant image of the Papadopoulos government amongst leading British politicians:

"I take it from what he has said that he [the former British Foreign Secretary, Sir Malcolm Rifkind, H.F.], and I believe the House too, also regard it a matter of regret that the Administration of President Papadopoulos have sought to distance themselves from the Turkish Cypriot community and to cease to have any contact with it. Moreover, because of their unhelpful approach towards the aid proposals for the north from the European Union, they are in my judgement seeking to marginalise the Turkish Cypriot community and not in any way to assist in their economic development. [...] Had EU membership been proposed under the current circumstances, neither any British Government nor most European Governments would have touched the idea of allowing a divided Cyprus in the EU. [...] I suspect, the Government of Cyprus are now seeking to use their membership of the EU to try unacceptably to seek progress on their United Nations-related issues. [...] [T]he current approach of the Government of

53 The Republic of Cyprus achieved that EU funds for the Turkish Cypriots will be released through the facilities of the Republic and to de-link this aid from direct trade regulations. The Republic of Cyprus has currently Turkey cornered on its Customs Union Agreement with the EU thereby attempting to force Turkey to open its air space and ports to Cypriot vessels, an issue which is likely to come to a head in fall this year. For the Greek Cypriot government this would be an important achievement in its quest to become recognised by Turkey – something Ankara is adamant to avoid. See for an assessment of the Greek Cypriot “successes” since the referendums: Nick Pittas, “Turkey on the Defensive?”, in: Sunday Mail, 26 March 2006, p. 21.

54 A clear indication in this direction are provisions in a secret and unpublished UN document prepared by the UN Under-Secretary General for Political Affairs, Kieran Prendergast, who outlined the Greek Cypriot demands for changes after meeting with the top presidential aide, Tasos Tzionis, and Cyprus’ Permanent Representative to the UN, Andreas Mavoryiannis. The Greek Cypriot newspaper Politis leaked its content though the correctness of the information was never confirmed by any of the involved parties. If Politis is correct than one of the core demands was majority rule without veto rights in the Presidential Council. Cyprus Mail, 29 November 2005, p.8.

55 France has committed itself to hold a referendum on the membership of Turkey. In Germany a government change in 2005 brought Angela Merkel to power, whose Christian Democratic party opposed full membership for Turkey proposing a “privileged partnership” instead.
Cyprus does not in any way represent movement towards a united Cyprus and objectively is likely to lead to the opposite result.\textsuperscript{56}

While this may be regarded as a particularly British view, and not indicative of wider perceptions, it is clear that many others politicians on the European stage share this view, as do a number of academics and policy analysts.\textsuperscript{57}

Moreover, since April 2004, more rather than less Greek Cypriots have come to the conclusion that the “no” vote was the right choice or at least that the Annan Plan was more flawed than they had originally thought.\textsuperscript{58} While a number of prominent “yes” supporters, including the leader of DISY, the main party in support of the Annan Plan, draw a negative picture of the Annan Plan, it is interesting to note that there is no equivalent trend in the “no” camp. No one has come out and said openly that they would now vote in favour of the agreement. The overwhelming majority of the Greek Cypriots remain certain that the fifth version of the plan was too favourable to the Turkish side to be acceptable.

Balanced against this, the deep disappointment on the Turkish Cypriot side with the Greek Cypriot “no”, together with the prospect of a possible “Taiwanisation” of the north, have arguably decreased the number of “yes” supporters there as well. This trend is likely to continue. Turkish Cypriot living standards are expected to improve further in the years ahead, in large part as a result of their decreasing isolation. Indeed, it is possible that this isolation may become minimal in the future, especially as such efforts are supported by the UN Secretary-General and by other outside parties, such as Britain and the United States.\textsuperscript{59}

In any case, the absence of negotiations since April 2004 means that there has been no change to the basic security demands of the two sides; even if there has been some progress on security aspects not related to a settlement, such as the de-mining of the Green line zone and the removal of troops from some sensitive areas near the Green line.\textsuperscript{60} Meanwhile, the significance of security related issues in the perception of Greek Cypriots remains undiminished. According to a poll published in February 2005, 80% of the Greek Cypriot no voters rejected the Plan out of fear that Turkey would not deliver. The researchers conclude: “Had stronger guarantees been provided through a binding UN security Council resolution and a reduction in the time frames for territorial readjustments and progressive demilitarisation, over one quarter of the electorate might have switched to vote yes.” The same poll reported that 76% of the Greek Cypriots felt that it was essential that the withdrawal of Turkish and Greek troops should take place much faster than it was envisaged in Annan V.

\textsuperscript{56} House of Commons, Oral Answers to Questions, 7 February 2006.
\textsuperscript{58} One of the most significant details revealed after the referendum was that hidden in the appendices the United Cyprus Republic would have had no continental shelf on its coastline opposite Turkey in an area where natural gas resources are suspected. Findings to the contrary, highlighting positive aspects of the Plan, did not result in increased support for it. See for research highlighting that the heavily criticised property bond scheme would have made many Greek Cypriots extremely wealthy a report by Platis, Mullen and Orphandides (2005): http://www.prio.no/files/file47517_stelios20platis.pdf?PHPSESSID=b8a30ac
\textsuperscript{59} “I believe that the members of the Council should encourage the Turkish Cypriots, and Turkey, to remain committed to the goal of reunification. In this context and for that purpose and not for the purpose of affording recognition or assisting secession, I would hope they can give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development... Report of the UN Secretary-General on his mission of good offices in Cyprus, 28 May 2004 (S/2004/437), Paragraph 93.
\textsuperscript{60} Interview of Ambassador Erato Kozakou-Marcoullis, Director Political Affairs Division (Cyprus Question), in the Ministry of Foreign Affairs of the Republic of Cyprus, 7 April 2006
In the meantime, the Turkish Cypriot continue to believe that some form of military presence is essential in the post-settlement environment. 44.6% of Turkish Cypriots stated that a full withdrawal of Turkish troops was totally unacceptable. This seems to highlight the mutually exclusive nature of the basic security requirements of the two sides. However, the poll did reveal some encouraging insights. There was significant support within the Turkish Cypriot community to have Greek and Turkish troops integrated in a European Security Force once Turkey has joined the EU.\(^\text{61}\)

If an apparently leaked document published by the Greek Cypriot newspaper \textit{Politis} in late-2005 is to be believed, the security orientated changes the Greek Cypriot side would like made to the Annan Plan are fairly significant.\(^\text{62}\) The Papadopoulos government, unlike the Clerides administration, does not accept a modified form of the Treaty of Guarantee that includes a mechanism for ensuring recourse to the UN Security Council before any action is taken. Instead, it has reverted to an earlier position whereby the Treaty of Guarantee would be abolished. At the latest this would happen at the time of Turkey’s accession to the European Union.\(^\text{63}\) Secondly, the number of Turkish settlers on the island should be limited to a maximum of 30,000. Property restitution should be the rule, and not the exception. Moreover, the strategically important Karpasia peninsula opposite the Turkish coast should be under Greek Cypriot administration.\(^\text{64}\) The absence of negotiations meant that these (alleged) Greek Cypriot demands were not answered by Turkish counter proposals.

Meanwhile, in Turkey, there is evidence that the perception of Cyprus as a potential security threat remains undiminished in the aftermath of the referendum and following the start of EU accession negotiations. In his new year' message Chief of General Staff Hilmi Ozkok named “[d]efending our rights and interests on Cyprus, which constitutes the cornerstone of our security in the Eastern Mediterranean” one of the four basic foundations of the Turkish security strategy.\(^\text{65}\) Under these circumstances, it appears unlikely that the Greek Cypriot views will receive a sympathetic ear in Ankara. Moreover, the likely appointment of a more hard-line chief of the general staff in August 2006, coupled with general elections in November 2007, is likely to make Turkey even less open to Greek Cypriot security suggestions in the coming period.

Despite the stalemate in the negotiations, there was considerable development on one issue since the referendums: the return of property. The ruling of the European Court of Human Rights that Greek Cypriots who have been deprived of their property much have the opportunity to have it returned, rather than simple receive compensation, has created a very dangerous situation for the Turkish side. It has forced Ankara and the Talat administration to move on the property issue by establishing the ‘Immovable Property Commission’ in the north in an attempt to avoid further rulings. This body might buy the Turkish side time but is unlikely to settle the issue once and for all. Its composition, as well as the guidance it receives, are likely to be successfully challenged by the Greek Cypriots. Greek Cypriots who have lost property in the north have reason to believe that sooner or later their property will be reinstated to them (or they will receive compensation). This could either happen if, in the


\(^{62}\) See footnote 54.

\(^{63}\) Interview of Ambassador Erato Kozakou-Marcoullis, Director Political Affairs Division (Cyprus Question), in the Ministry of Foreign Affairs of the Republic of Cyprus, 7 April 2006 and Cyprus Mail, 29 November 2005, p.8.

\(^{64}\) Cyprus Mail, 29 November 2005, p.8.

\(^{65}\) Turkish Press and Other Media, Nr. 1/06 (31.12.05-01.02.06). The speech was also published on the website of the Turkish General Staff: http://www.tsk.mil.tr/
absence of a political solution, the rule of law takes its course via the Human Rights Court or through the property commission in the north, should its rulings be recognised by the Court of the Council of Europe. But the same applies to Turkish Cypriots and their property in the south, even though most of them will not have to go to European institutions given that their rights are in principle acknowledged by the Greek Cypriot side. The first Turkish Cypriot has already won his court case in the south and got his house back. So far these have been isolated cases but more than 1,000 Greek Cypriot claims are currently pending before the Human Rights Court and many more refugees are likely to resort to legal means once success seems guaranteed. The Turkish Cypriots are likely to respond in kind should a large number of Greek Cypriots win their cases.

While the return of property on a large scale will cause considerable headache in the south, it is potentially disastrous for the north given that most of the land there belonged to Greek Cypriots before 1974. In view of this, one of the key issues of the Cyprus dispute might be resolved in the absence of a solution in a more favourable way for the Greek Cypriots than the Annan Plan envisaged, particularly if there is no settlement in the next years and if the rulings of the property commission in the north are not recognised by the ECHR. This could have far reaching consequences for a future settlement. In an EU context, it will be legally impossible to prevent Greek Cypriots from returning to their properties once they have been reinstated as legal owners after a solution. This could upset the percentage provisions in the Annan Plan for the return of Greek Cypriots to the north and potentially make a Turkish Cypriot majority population in their federated state impossible – a cornerstone of the Turkish Cypriot vision for a solution with important security repercussions for the smaller community. Moreover, a large scale “property war” as owners from both sides launch claims en masse could have far reaching consequences for peace and stability on the island, especially if large numbers of Cypriots on both sides be dislocated and lose the houses they were living in for decades. This is however not the only scenario. The current developments may well undermine the Greek Cypriot position. If the north finds a way to settle the property issue through financial compensation through its property commission, then the number of Greek Cypriots eventually returning might well be within the parameters of Annan V after an agreement. Moreover, should the property issue be settled in the absence of a solution via the Immovable Property Commission then this might very well stabilise and sustain the status quo. Such a development could have even more negative consequences for the Greek Cypriot side since a recognised property commission would provide the Turkish Cypriot regime with an additional layer of legitimacy. It would also be a signal that the body of the Council of Europe would only insist on the restitution (or compensation) of property but not that Greek Cypriots enjoy their property under their own administration. Such a development could undermine the Greek Cypriot policy of creating pressure on Turkey on its occupation of the north through the property issue along the lines of the successful Loizidou case.

Conclusion

It is beyond the scope of this analysis to give an overall assessment of the Annan Plan. Many reasons for the opposite decisions of individuals in both communities had nothing to do with the security aspects of the Annan Plan. Moreover, the Annan Plan is a package deal in which disadvantages for one side in one area might be outweighed by advantages in another.

66 The latter could have negative repercussions for the Greek Cypriot side given that a recognised property commission would give the “TRNC” as extra layer of legitimacy. It could also mean that the ECHR might accept that as long as the Greek Cypriots get their property back the issue under whose political authority this property is returned is not of concern to the ECHR – with potentially far reaching consequences exceeding the level of the property dispute.
Therefore, any evaluation of the Annan Plan based on the security aspect alone, is incomplete and therefore problematic. Nevertheless, since it is an undisputed fact that security aspects were of paramount importance to the two sides\(^{67}\), an evaluation of this aspect of the Annan Plan helps to understand the different decisions of both communities and contributes to the wider debate on the document.

Were the Greek Cypriot “no” and the Turkish Cypriot “yes” votes “rational” or “reasonable choices” from a security point of view? Was the Annan Plan balanced in this core issue? The above analysis seems to provide quite clear answers – at least in the perception of both communities. Many on the Greek Cypriot side justifiably felt that all essential demands of the Turkish side with respect to security were met while theirs were largely ignored or only insufficiently addressed. Greece, whose security is enhanced by any functioning solution and harmed by the continuation of the conflict, did not share this Greek Cypriot majority perception without abandoning them officially. Turkish Cypriots and Turkey could indeed feel assured that they were provided with a maximum degree of security within the framework of a bicomunal federation.

In summary, the key demands of the three main sides in the negotiations were addressed as follows: The Greek Cypriots wanted legal assurances that any future Turkish military intervention without the approval of the Security Council would be considered an illegal invasion. They can claim some success in that direction as Turkey committed itself in general to adhere to international law and most international experts share the Greek interpretation, that any outside intervention without the approval of the UN is not permissible. But this interpretation of the UN charter is not shared by Turkey and the UN kept a neutral position on the two interpretations during the negotiations. The Greek side failed to obtain a formal Security Council responsibility for invoking the Treaty of Guarantee, which would have rendered any unilateral Turkish action almost impossible. The Greek Cypriot side gained a considerable reduction of the currently 35,000 Turkish troops. But it failed to achieve the complete withdrawal of all Turkish troops from the island and will have to wait for up to 14 years before the northern constituent state does not host at least 3,000 Turkish soldiers. At the same time, they will cease to possess any significant military means of self-defence but have to rely on Greece, the United Kingdom and ultimately Europe and the United States for their security against external threats.

The biggest setback for the Greek Cypriots is the absence of guarantees for the implementation of the agreement. Turkey gave substance to Greek concerns by doing everything she could to prevent the international community from taking action in case of her non-adherence to the deal. If this was only done to pacify the Turkish military and the opposition or also in order to secure a Greek Cypriot “no” vote is a question for future historians to answer.

Another negative provision for the Greek Cypriot side was the fact that – contrary to the official declarations of the mediators – most if not all mainland settlers obtained the right to stay and become citizens of the United Cyprus Republic. The large number of Turkish immigrants will clearly limit the Turkish Cypriot control over their affairs and provide

\(^{67}\) According to the main UN mediator Alvaro de Sato the impact of the security issue came as a total surprise to the negotiators. The security aspects “came out of a clear blue sky at the last minute”, after haven been the least contentious area during the negotiations. Alvaro De Soto, „Next Steps on Cyprus“, speech delivered at the John Hopkins Conference on the Eastern Mediterranean, 10-11 February 2005, Bologna, p. 109 here quoted from: Crisis Report, op. cit., p 9.
opportunities for a strong Turkish influence over the domestic affairs of the United Cyprus Republic.

In Turkey’s interpretation she remains a Guarantor power with the right of unilateral military intervention in case of a breach of the agreement, the reduction of her troops is stretched over a period of up to 14 years and she keeps her right to maintain a permanent military presence on the island. Ankara can feel assured that its political and strategic control over Cyprus can be exercised via the Turkish Cypriot community and its large number of emigrants to the island. This will remain so as long as the Turkish Cypriots do not trust the Greek Cypriots and remain dependent on Ankara also economically and for their security. Many Turkish Cypriots feel that they need to keep Turkey as a deterrent against Greek Cypriot attempts to change the status quo of the Annan Plan and ultimately as the most credible provider of security. Therefore, the majority of Turkish Cypriots seems to share Turkey’s satisfaction over the provisions of the Treaty of Guarantee and the continued presence of the Turkish army. Within the political system the safeguards against Greek Cypriot domination are sufficient and the direct control of Turkey over their domestic affairs will end or at least be limited. Economic domination by the more numerous and prosperous Greek Cypriot elite on the long run is still likely. But it is balanced off by the considerable increase of the average living standards of all Turkish Cypriots and the possibilities provided by the settlement to challenge the traditional Greek Cypriot entrepreneurial dominance.

The Turkish Cypriot “yes” seems therefore not only a decision made out of despair but also a rational choice at least from a security point of view. Can the same be said about the Greek Cypriot “no” vote? In other words do the negative aspects of the security provisions justify a “no” vote, in particular since 70 % of the Greek Cypriots “no” voters named insufficient security as the main reason for their decision. There are good grounds for arguing that the strong and historically understandable Greek Cypriot security concerns related to the Treaty of Guarantee and the presence of Turkish troops were exaggerated and should have not been a reason to reject the Annan Plan. Many Greek Cypriots and their leadership focused so strongly on the Treaty of Guarantee and the danger of another military intervention that they did not realise how difficult it would be for Turkey to intervene on the island again. As long as the Greek Cypriots take no drastic and unconstitutional measures to change the state of affairs established by the Annan Plan, a military intervention by Turkey in an EU member state is such an unrealistic scenario that the Treaty of Guarantee can be considered an acceptable risk. The same unrealistic perception of the Treaty of Guarantee seems to prevail within the Turkish military which was obsessed to maintain rights for intervention which will be by far more difficult to implement than in the years prior to 1974. In this context, it is not to the credit of Turkey that she tried to limit the rights of the United Nations wherever she could in order to preserve her own alleged rights and in order to be in the least possible trouble in case of her non-adherence to the settlement.

This Turkish behaviour increased the Greek Cypriot fears concerning the implementation of the agreement. The Turkish behaviour increased the Greek Cypriot fears concerning the implementation of the agreement on the part of the other side. These concerns were particularly justified given the uncertainty over Turkey’s prospect of ever joining the EU though the start of accession negotiations was considered very likely at the time of the referenda. It is only now that we know that the EU’s decision of December 2004 to begin accession negotiations with Turkey would have largely invalidated the implementation concerns as far as the territorial aspect is concerned. Turkey would have stood no chance of advancing in its accession course and ultimately joining the Union without implementing the agreement and supporting stability in Cyprus. Even if Turkey were to fail the EU at the end of
a long negotiating process, the territorial aspect would have long been resolved since the time-limit set in the Annan Plan for its complete settlement was relatively short. The start of EU-Turkish negotiations therefore would render Greek Cypriot implementation concerns less credible in the event of a second referendum provided Turkey stayed on accession course. However, the difficulties in Turkey’s accession course recorded so far coupled with widespread public opposition to its membership in many EU countries, still justify Greek Cypriot concerns regarding implementation of the long term provisions of the Plan (withdrawal of troops, return of Greek Cypriot refugees to the northern constituent state).

The strong presence of mainland Turkish settlers provides good ground for criticizing the respective provisions of the Annan Plan which rightly offended Greek Cypriots since they legalized the Turkish settlement policy. In this context, a Greek Cypriot “no” to the Annan Plan is understandable but at the same time it should be noted that the absence of a solution leads to a steady increase in the numbers of settlers while the Turkish Cypriot exodus might continue.

In the end, the answer to the question if the security provisions of the Annan Plan justify the Greek Cypriot “no” is: it depends. Greek Cypriots were asked to accept a bet on the future and decided in their majority not to risk it. If Turkey becomes a liberal-democratic country, a member state of the European Union and if the disputes between Athens and Ankara can be finally settled, then the core security provisions of the Annan Plan should not have been a reason for rejecting the Annan Plan despite its inevitable bias towards Turkish demands dictated at least partially by the needs of “Realpolitik” and preferences of the outside mediators.

However, if Turkey’s EU aspirations fail and after that anti-Western or at least anti-EU forces gain the upper hand in the country, then any settlement in Cyprus but in particular one whose implementation lasts over 18 years and allows Turkey to maintain at least 3,000 troops on the island until 2018, is an invitation to pay back the Europeans via Cyprus or to exert pressure on the United Cyprus Republic. But one should have in mind that this cannot be a long term policy option for Turkey either, since even a rejected Turkey is likely to have a close association with the EU. A confrontation course pursued over a long period of time can not be in the interest of any government in Ankara. If this makes Turkey adhere to the agreement under such circumstances cannot be reasonably predicted - most Greek Cypriots were not willing to take that risk. Time is not necessarily on the Greek Cypriot side while they can only hope that the EU accession trump card will pay off. This is not impossible but a very risky gamble. The future will tell if the Greek Cypriots will end up with a substantially better deal or if another, if not the last, opportunity to end the division of the island was lost.

Many but not all security concerns of the parties involved can clearly be best addressed by full EU membership of all parties concerned. This provides the maximum degree of security against the possibility of an armed conflict between Greece, Turkey and Cyprus. However, as far as internal strife within member states in concerned, the EU record is less impressive. One should not overlook that the EU policy in escalating internal ethnic or religious conflicts is rather one of non-involvement as the cases of Northern Ireland, Corsica or the Basque territory illustrate. In Cyprus, however, a UN led multinational force will help to maintain peace and stability on the island before and after a solution. A Common Foreign and Defence Policy which included a European Army force stationed in Cyprus might replace the UN forces one day and provide the best security guarantee to safeguard any future agreement. Today it is not an available tool. The best security guarantee for both communities as well as the “mother
countries” in a European Cyprus though is their sincere commitment to making any future agreement work.