After The Hague: Which Way to Turn in the Cyprus Negotiations

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March 12th, 2003

What should the United Nations and the two parties in Cyprus do after the predictable disappointment of The Hague? Should the United Nations try to keep the current UN proposals for a reunited Cyprus alive? During the past few months, the UN has proposed three detailed plans for the resolution of the Cyprus problem while the UN and other mediators have worked extremely hard and they have done almost everything possible to serve the best interests of the two communities. In The Hague, the UN attempted to bypass the two leaderships, by proposing the public endorsement of the plan in communal referendums. The Greek Cypriots were the only ones to consent to the referendum idea asking for some clarifications on the plan. But what options remain now that the Turkish Cypriot leadership and Ankara said a categorical "no" to the referendum idea? Should the Greek Cypriots try to sustain the current Annan plan, despite the "Copenhagen triumph" that has secured Cyprus accession to the EU? Or is it not better for them to wait until Cyprus becomes a full member of the European Union and then renegotiate the plan? And finally, how should the UN and the Greek Cypriots finalize this cycle of UN mediation and use it effectively for the future? There are no easy resolutions of these dilemmas and all traditional solutions have been tried and failed, therefore novel strategies and ideas should be considered.

Why to Keep the Process Alive?

While the United Nations has maintained that it will insist in its current plan, there is a possibility that after Turkey has rejected it, the Greek Cypriots as well will gradually distance themselves from its major parameters. Critics in the Greek Cypriot community cite primarily two reasons to abandon the current process: human rights and future possibilities within the EU.

To begin with, human rights is certainly a major concern: the UN solution goes so far as to restrict the majority of native-born Greek Cypriots from returning to their villages and cities in the Turkish Cypriot constituent state while, at the same time, giving the right of residence to a large number of Turkish settlers. This provision is unique and departs from established international norms in order to satisfy the Turkish strategic demand for a "safe majority" in the north. Yet any such objections to free settlement could not be easily sustained either politically or legally within the European Union, and more importantly, they will be subject to future ECHR rulings.

The second and most important argument put forth is that the Greek Cypriots should wait until Turkey comes closer to joining the EU before seeking to reach a settlement. Only when Turkey is certain that it will join the EU, will its last obstacle, the Cyprus problem, be resolved. It is tempting to imagine that the Turkish government will not "spare concessions" when Turkey is about to fulfill its historic aspiration to join the European family. In a final analysis, however, compelling as these arguments may be, they do not tell the whole story. There are other points of view that are equally, or more valid, to consider as well.
Turkey and the EU: A Risky Bet

As it is almost certain that Turkish accession into the EU will not be completed in the present decade, predicting what the world will be like in ten years is a chancy, perhaps even fruitless exercise. For instance, it is likely that the Europeans will not favor a Turkish accession, even ten years from now, leaving northern Cyprus a hostage of cold Turkish-EU relations. As time is running out in favor of the 74 realities, it is harder for refugees on both sides to resettle, or for settlers to be convinced to leave Cyprus.

But even in the scenario of Turkey coming closer to the EU, one can hypothesize that the Turkish state will find new ways to secure its presence in Cyprus, particularly with the use of the "demographic card." Drawing on daily indications from the north, it seems clear that large numbers of Turkish Cypriots are about to migrate from Cyprus, leaving a clear majority of Turkish settlers in the north. This will be facilitated by the fact that the Turkish Cypriots are eligible for Cyprus passports, not to mention free movement and settlement within the EU once Cyprus becomes a member. There are also fears that a new massive settlement in the form of illegal immigration from Turkey will turn Cyprus into a typical Anatolian province.

Compounding the problem is that while such colonization is forbidden by international law, so too is the massive and indiscriminate expulsion of illegal immigrants with their families. Thus, anti-solution circles in Turkey are well aware that this is one of the most successful strategies in maintaining effective control of northern Cyprus. The recent, March 7, 2003, pro-Denktash rally in the north demonstrated the increasing power of the settlers to block a settlement. And if the numbers of settlers continue to increase, the Greek Cypriot society itself may become reluctant to participate in any type of reunification process.

Nor will finding a last-minute settlement before Turkey joins the EU guarantee permanent peace. Any settlement, particularly during the transition period, entails risks but these risks are significantly lower NOW, whilst Turkey is an applicant member of the EU and therefore under the vigilant eye of Brussels.

Better Future Plans?

It seems paradoxical that the third UN plan was less positive for the Greek Cypriots despite the major "triumph of Copenhagen" in securing the accession of the Republic of Cyprus to the EU. Explaining this peculiarity highlights whether future plans will be less or more positive for the Greek Cypriot side, especially concerning issues related to the human rights of the refugees. All other considerations aside, I would argue this apparent paradox is the result of the UN negotiation strategy to keep Turkey interested in negotiations, even after the crucial Copenhagen deadline. The UN knew in advance the outcome of Copenhagen, and acted professionally by preparing its future strategy in the negotiations. Drawing an analogy from the markets, real estate agents in Cyprus and Greece shot up the prices for assets well in advance of the actual accession of these two countries into the EU and EMU respectively. The UN being in the position of salesman, it increased its demands from the Turkish side before Copenhagen and offered a better deal after Copenhagen to keep Turkey, "its client", interested in the "transaction." While the market analogy might annoy people, it is nonetheless a valid one. In order to have the flexibility to satisfy some Turkish demands after the crucial date of Copenhagen, the second Annan plan included in advance certain "EU advantages" for the Greek Cypriots. Following this explanation, it is possible to suggests, firstly, that triumphs such as the Copenhagen one do not automatically lead to better plans and, secondly, that the crucial deadlines concerning the Cyprus-EU accession process are at least as promising for gaining important concessions from the UN as the periods after.
The Unilateral Signature Option:

Many critics of the plan have openly expressed a wish that the Turkish Cypriot leader, Rauf Denktash will continue to say "no," thereby saving the Greek Cypriots from having to deal with the difficult dilemma of accepting a final settlement. The chronic intransigence of Denktash is the best ally of traditional Greek Cypriot indecisiveness and vice versa. Yet, both the leadership and the people in the south have showed clear signs of departing from this traditional indecisiveness. The polls have recorded an impressive pro-solution shift and the Greek Cypriot parties have demonstrated a remarkable consensus on the issue. Kofi Annan revealed to the Greek Cypriot side that its suggestions were "both logical and within the parameters of his plan".

But what can the United Nations and the Greek Cypriots do after the Turkish Cypriot leadership and Ankara have decided to say "no" to the referendum idea? Is there any opportunity for a unilateral agreement between the UN and the Greek Cypriot side? This option was offered to the Greek Cypriots in Copenhagen and it was rejected at the time. A unilateral agreement can take different forms: signing and approving a plan, agreeing to approve the plan in a referendum, agreeing on the referendum options but only until 2004, etc. A unilateral approach makes sense because all parties have interest in accepting Cyprus as a federation in the European Union. On the one hand, unilateral options are not unproblematic since the Greek Cypriot side will have to sacrifice its future expectations for an improved solution without enjoying the immediate benefits of the current plan. On the other hand, there are strong reasons why the UN and the Greek Cypriot side should strongly consider their unilateral options as well. The Turkish Cypriot opposition could certainly form the third party in the nexus, thus effectively bypassing Denktash and Ankara.

Let's go back to the "Copenhagen triumph" for a second. In Copenhagen, the UN proposed that the Greek Cypriots sign a solution unilaterally, leaving acceptance by the Turkish Cypriot leadership to a later stage. The Greek Cypriots, pressured by time, refused to think of the possibility. But, had they agreed to sign a settlement, with additional corrections and the Karpaz peninsula in G/C administration, they would have gained a tremendous advantage, partly from the additional Turkish concessions which would have been made in the future for Karpaz. Specifically, since for strategic reasons, Turkey would never have given up Karpaz (Turkish mainland security and the Baku-Ceyhan line), this could have been parlayed for important concessions elsewhere. The Karpaz Peninsula was the key to gaining some very necessary changes which the Greek Cypriot side clumsily lost with the "Copenhagen triumph." Thus, if future UN plans continue in the same vein, or if they should get worse (as is possible), the Greek Cypriot side has an incentive to sing an agreement now - even without Ankara's consent.

The UN and the other mediators dealing with Cyprus want to succeed and they unquestionably deserve so. Arguably, a partial success is better than no success, and having one side say "yes" and sign the document is better than nothing. The UN might reconsider its current policy. It might engage in parallel negotiations with both sides, offering tempting conditions to both until one agrees to sign unilaterally. This might be the most painful but at the same time the most effective strategy in this type of negotiations. It can be hypothesized that the side who signs first will get most changes and benefits under the plan.

Paradoxically, the intransigence of the Turkish and Turkish Cypriot leadership in The Hague has opened a "window of opportunity" for the Greek Cypriots. Knowing that the chances of a pre-emptive unilateral agreement between Denktash and the UN are currently negligible (since this option is also theoretically possible), the Greek Cypriots should negotiate with the UN now. Because the Greek Cypriots do not face the competition or threat of a possible UN-Turkish agreement, the chances for a positive unilateral arrangement are more favorable NOW. To put it in another way, the Greek Cypriots should not wait until 2004, because a more flexible Turkey then might well pre-empt them and force them to "take or leave" a solution that a flexible Turkey
already suggested with the consent of the UN or other mediators.

Additionally, the experience of Copenhagen suggests that it is better to negotiate now than on the day before Turkey becomes an EU member. The Greek Cypriot side should not be thrown into last-minute negotiations just because of chronic Turkish intransigence but rather be given the opportunity to agree on a reasonable plan well ahead of time.

Then, unless Turkey agrees to the same plan or suggests an alternative but equally beneficial arrangement, it will be judged by the UN as the party responsible for the non-progress. Thus, the sooner the Greek Cypriots and the UN agree on a solution framework, the more responsibility Turkey has to assume in the future. It is a catch-22 situation for Turkey: time translates into more opportunities for it to reconsider its policies on Cyprus but also encumbers it with greater responsibility to do so.

In a domino effect, this responsibility will have direct consequences on Turkey's EU accession negotiations. If Turkey is the sole party responsible, then within the EU a consensus will be formed against its accession process. This consensus cannot be formed automatically or even in few months. Because of the time frame involved, the Greek Cypriots are well advised to agree on a settlement very soon in order to secure key provisions of the settlement as part of the EU law and policy. In the end, denying, or even suggesting a denial of Turkey's accession in 2004 will not be seen as confrontational or a "nationalist" policy, since a generous offer was extended to Turkey two years before - and for two years Turkey rejected it.

**The Turkish Cypriot Interests:**

A unilateral agreement between the Greek Cypriot side on the one hand and the UN and EU on the other will not marginalized the Turkish Cypriots. During the past few months, the Turkish Cypriot opposition has rallied in favor of the plan. More than 60,000 Turkish Cypriots have demonstrated in favor of a peaceful solution; a record figure given that the number of Turkish Cypriots and settlers in the north does not exceed 200,000 people. Mr. Denktash always counts on the votes of the Turkish settlers who outnumber the Turkish Cypriots. During elections people from Turkey also receive electoral rights and visit Cyprus to vote for Denktash. These include well-known members of the Turkish political establishment and Denktash supporters and cronies in Turkey. It is thus a moral imperative for the UN and the Greek Cypriots to show a real sign of solidarity by preserving the rights and privileges of the Turkish Cypriot in any future plan. If possible, the approval of a revised plan might be coordinated with the efforts of the political parties and NGOs representing the genuine interests of the Turkish Cypriots in the north. The closer Greek Cypriots come to accepting a plan, the more difficult will be for Denktash to "win the hearts and the minds" of the Turkish Cypriots or even the settlers that will benefit from the settlement.

**Conclusion:**

The Hague meeting demonstrated that the attempt to reach a settlement between the two sides was futile, despite all the efforts of the United Nations and other mediators. There is a way of saving the process and avoiding a deteriorating political situation in Cyprus. The United Nations and the Greek Cypriots should proceed into further consultations and clarify some of the ambiguities of the plan. This is a precondition since both parties and their communities should know what they are asked to sign. The level of commitment of the Greek Cypriot side to the plan should be a function of the willingness and guarantees of the international community to exert similar pressure to Turkey in the future. If all these clarifications and guarantees are given, the Greek Cypriot side should consider signing the plan unilaterally, secure the plan as part of the EU law and policy, and wait for the end of 2004 when Turkey applies for a date to negotiate its
accession to the EU.

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For their constructive comments, many thanks (but no responsibility) to the Cyprus Action Network (CAN) members