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The "Cyprus Problem" and the President and Parliament in the "Turkish Republic of Northern Cyprus"

I. Background and History

Any account of the history of Cyprus, and the so-called Cyprus Problem involves contested narratives, and so is likely to be long in order to reflect fully the nuances of the different stories produced by the two communities, Greek and Turkish. At base, the recent history of Cyprus demonstrates that building a multi-ethnic state is never easy, especially when there is no strong national identity, and instead the various groups owe allegiance elsewhere.

The island has been home to a Greek-speaking community for two millennia; smaller groups of Maronite Christians (from Lebanon) and Armenian traders have acculturated to the Greek culture of the island, while maintaining their own ethnic identities. All these communities share a common Eastern Christian heritage. The Maronites and Armenians are tiny minorities compared to the Turkish-speaking inhabitants, who trace their ancestry back to settlers brought over from Anatolia after the Ottoman conquest of Cyprus in 1570-71. It is said that some members of the former ruling elite (European crusaders from what are now France and Italy, who ruled the island from the twelfth century until the Ottoman conquest) also became Moslems and integrated into the Turkish community.

The Berlin Conference of 1878 gave Britain control of the island, which was annexed as a full colony when Turkey entered the First World War on the side of the Central Powers. Although a Legislative Council was formed to include both Greek and Turkish Cypriot members, this was abolished after riots in 1931.

The formation of the United Nations and its stance on decolonisation encouraged nationalist thinking among the communities. The Orthodox Church of Cyprus organised a plebiscite in 1951—and got almost unanimous support

among the Orthodox community for union with the motherland, Greece (*eno-sis*). The (Moslem) Turkish Cypriots did not participate, as the poll was held in churches. Britain ignored the plebiscite, and stated her intention to retain sovereignty over the island indefinitely. The strategic importance of the island had, if anything, increased with the advent of the Cold War.

The response among some Greek Cypriots was to resort to violence. The freedom fighter/terrorist group EOKA[1] commenced a campaign in April 1955 with a series of bombings of British installations. As Britain sent more troops to the island, the number of murders increased both of service personnel and people suspected of collaborating with them. The acknowledged leader of the Greek Cypriots, the Archbishop and ethnarch, Makarios III, was deported to the Seychelles for a while. Turkey had initially remained aloof, but as agitation for *enosis* grew, she began to take more of an interest in protecting the rights of the Turkish Cypriots.

It was only the promise of independence, and the threat that this might mean that Cyprus would become a Greco-Turkish condominium, with Turkey having veto powers, that led to the end of the EOKA campaign and a compromise settlement in 1959. Cyprus, apart from two bases retained by Britain, would become an independent bicommunal Republic.[2] The deal was hammered out by Greek, Turkish and British officials, and presented as a *fait accompli* for Makarios and the Turkish Cypriot leader, Fazıl Küçük,[3] to sign. The resulting Constitution, containing more words than there were Cypriots, set up a complicated set of checks and balances to try to ensure that decisions required support from both Turks and Greeks. Considerable veto powers were vested in the President (who was required to be Greek Cypriot) and the Vice-President (who must be a Turkish Cypriot);[4] majorities of both groups were necessary for contentious bills to pass the legislature, which comprised 35 members elected by the Greek Cypriot community and 15 elected by the Turkish Cypriots.[5] The offices of state were divided between the communities, generally on a 70:30 Greek:Turk ratio.[6] A Supreme Court to oversee the operation of the system of Government comprised a Greek, a Turk, and a neutral

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[1] That is, Ethniki Organosis Kyprion Agoniston (Εθνική Οργάνωσις Κυπρίων Αγωνιστών) – the National Organisation of Cypriot Fighters.

[2] As might be expected, there are differing accounts of the history summarised here.

[3] Or "Kutchuk." I use Turkish orthography in this paper.

[4] 1960 Constitution: Article 1 lays down the ethnic requirements for the President and Vice-President; the duties, including veto powers, are in Articles 48-51.

[5] Article 78 (2) on the need for separate majorities; 62 on the numbers of members and the community quotas.

[6] For example, the public service (Article 122), the public service commission (Articles 123-125) and the police and gendarmerie (Article 130). The army, which was never formed, was to be 60% Greek Cypriot and 40% Turkish Cypriot (Article 129). The independent offices (auditor, Central Bank chairman, etc.) were set up so that the Chairman or Governor would have a deputy from the other community (Articles 112-121, 126-128).

jurist.[7] Even the coroner had to be of the same community as the deceased.[8] Certain matters, such as education and family law, were reserved to the communities, by means of a Communal Chamber for each with legislative powers over its own community.[9] The whole arrangement was guaranteed by Britain, Greece and Turkey.[10]

It is perhaps not surprising that this clumsy structure did not function effectively. Greek Cypriots felt betrayed: not only was *enosis* ruled out by the Constitution, but the Turkish minority (only 18% of the population) received vastly disproportionate powers. In addition, most Greeks probably thought that the Turkish desire was for *taksim* or partition (first proposed by the Turkish government as a solution to the problem when EOKA commenced operations).

In 1963, just over three years after independence, the bicommunal republic effectively collapsed. Violence in Nicosia and other towns led to increased segregation of the populations, with the Turks huddling together in enclaves out of fear of attacks from their Greek neighbours. Indeed, some of the Turkish Cypriots officially listed as missing disappeared during this time: travel between enclaves without an escort was unsafe.[11]

The United Nations sent a peace-keeping force in early 1964, which is still in place. The communities lived *de facto* separate lives (with some improvement after negotiations in 1967/68) until 1974, when a Greek-inspired coup to produce *enosis* led to a two-stage invasion by Turkey and the subsequent division of the island. Greek Cypriots fled south, away from the Turkish troops, and Turkish Cypriots headed north, producing two largely ethnically-homogenous zones. The Greek-Cypriot controlled area is recognised internationally as the heir of the Cyprus Republic; the Turkish Federated State of Cyprus (proclaimed in 1975) and subsequently the Turkish Republic of Northern Cyprus (TRNC, the result of a unilateral declaration of independence in 1983) is reco-

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[7] Article 133. The first (and only) neutral chairman was Ernst Forsthoff, a German professor. The High Court (for appeals) also had a neutral chairman (with two votes, as his fellow jurists were two Greek Cypriots and only one Turkish Cypriot; Article 153), the Canadian John Wilson succeeded Barra O'Briain (of Irish ancestry) in 1961, serving until 1964.

[8] Article 159 (5).

[9] Articles 86-111. Article 87 laid down the spheres of their jurisdiction.

[10] "In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together... In so far as common or concerned action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty." (Article 4 of Appendix 2 [Treaty of Guarantee] of the 1960 Constitution.) Turkey relied on this article to justify its actions in 1974.

[11] The proximate cause was the treatment of a Turkish Cypriot motorist by a Greek Cypriot policeman in Nicosia. Constitutional impasse had come a few months earlier with the refusal of the Greek Cypriot majority in the Council of Ministers to bring forward legislation to implement the Constitutional requirement (Article 173) that separate Greek and Turkish municipal government be established in the five largest towns. It was the announcement by Makarios that he would not accept the ruling of the Supreme Court that this should be done that led to Forsthoff's resignation in the summer of 1963.

gnised as a sovereign state only by Turkey. Because of this lack of recognition, some people (especially those sympathising with the Greek Cypriot cause) refer to all institutions in north Cyprus as "illegal" or "pseudo" or "self-styled," and place words such as "government" in inverted commas.

II. The internal political structure of the TRNC

The constitution of the TRNC, adopted following a referendum in 1985, is modelled on the Turkish constitution, with considerable influence from the 1960 Cyprus constitution. Legislative authority is vested in a unicameral Parliament of 50 members, elected for five-year terms.[12] For electoral purposes, the country is divided into five multi-member constituencies; the number of deputies from each is determined by the district's population. A Party List system of voting is in operation with seats allocated under the d'Hondt system, which seeks to equalise the average number of votes received per elected candidate. Voters have the choice of voting for a party (with the ability to rank the party's candidates in order of preference), or to vote for candidates individually, up to the number of seats available in the district. A national 5% threshold serves to keep out smaller parties; and the system itself makes the election of independents difficult, except at by-elections, where perhaps only one seat is up for grabs, and the system is *de facto* first past the post.[13]

The executive comprises the President of the Republic, elected for a five-year term. Voters vote for one candidate; if no candidate achieves 50% + 1 of the votes cast, the top two candidates go forward to a run-off election a week later.[14]

Formally, the President's powers are fairly limited. He grants a mandate to the leader of the largest party, or the person most likely to be able to command a majority in the Assembly to try to form a government; and he has the right to veto any bills passed by the Assembly. The Assembly can, however, override his veto by a simple majority of members.[15] The Prime Minister, the deputy who succeeds in forming a Government, appoints ministers from among the members of the assembly or from outside; the total number cannot exceed ten. The portfolios of Defence, Foreign Affairs, and Internal Affairs are referred to explicitly elsewhere in the constitution; in addition, the Ministries of Tourism and Education are important posts. The Prime Minister chairs the Council of

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[12] TRNC Constitution, Articles 5, 77, 79 (1).

[13] See my 'Political Choice. Parliamentary and Presidential Elections,' in: C.H. Dodd (ed.) *The Political and Economic Development of Northern Cyprus*, Huntingdon 1993, chapter 7. The number of constituencies was increased from three to five in the early 2000's.

[14] TRNC Constitution, Article 99. In 2000, Derviş Eroğlu conceded without the need for a second round on the ground that Rauf Denktaş had received almost 44% in the first round to his own 30%, making an Eroğlu win highly unlikely.

[15] TRNC Constitution Articles 5, 94, 102.

Ministers (or he may request the President to do so); the President may attend meetings, but he has no vote.[16]

The judiciary is appointed; the Supreme Court (comprising a Chairman, the Chief Justice, and up to seven other judges) has the task of interpreting the Constitution: the President has the right to refer any act of the Assembly to the Constitutional Court for a determination as to its constitutionality.[17]

III. The "Cyprus Problem" and the political structures of the TRNC

The issue that dominates Turkish Cypriot politics is the Cyprus Problem: how to resolve the frozen conflict that has divided the island since 1963. The position of the Turkish Cypriot side has varied from the view that the Problem was solved by the Turkish "Peace Operation" of 1974; to a willingness to see the status quo as a way forward towards a new settlement, based on a (con)federation of two ethnic states within a reunited Cyprus. Similarly, the Greek Cypriot position has varied from the view that the 1960 state needs to be restored with the right of all refugees to return to their homes and the removal of the Turkish army and post-1974 Turkish immigrants and their families back to Anatolia; to a willingness to accept a bicommunal bizonal state, with a relatively strong federal government, and considerable return of territory to a Greek Cypriot province. The overlap of the two preferred solutions is sufficient to give hope that a new state can be built in Cyprus; but a number of thorny problems remain, which have so far stymied attempts to resolve the Cyprus problem.

The Greek Cypriot-ruled part of Cyprus adheres to the provisions of the 1960 Constitution, as amended under the auspices of the Doctrine of Necessity to allow the state to function following the departure of the Turkish Cypriots from State organs in 1964-67.[18] As the continuing Republic of Cyprus, it sees all TRNC governmental institutions as null and void, and all decisions made by the Turkish Cypriot administration, except for those that were within the competence of the Turkish Communal Chamber under the 1960 Constitution, as non-operative. Thus, for example, the Universities of North Cyprus, and the TV and radio channels of the Turkish-Cypriot government-owned Bayrak, are

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[16] TRNC Constitution Articles 106, 107 (4).

[17] TRNC Constitution Articles 143, 144, 146.

[18] For a report on the legal basis of this, see *Attorney General v. Ibrahim* [1964] Cyprus Law Report s 195. Three Turkish Cypriots, arrested in the Kyrenia mountains while carrying loaded weapons, argued that their detention and trial was illegal, as the court they were brought before was constituted according to an act (The Administration of Justice [Miscellaneous Provisions] Law, 1964) passed (unconstitutionally) in the absence of the Turkish Cypriot members of the Cyprus Legislature. Their attorney argued before the Supreme Court that it itself was similarly defective, and so could not hear the case, an argument that the Justices rejected. The Turkish Cypriot members of the Legislature and Council of Ministers were unable (or chose not) to attend meetings after Christmas 1963, but Turkish Cypriot judges and many Civil Servants continued to serve for the next few years.

deemed to be illegal entities. The President of the TRNC is recognised only as the Leader of the Turkish Cypriot community—and it is because of this role, rather than his formal position within the TRNC's political structure, that he functions as Chief Negotiator on the Cyprus Problem in the eyes of the Greek Cypriot government.

Although the role of negotiator is formally derived from a resolution of the TRNC Assembly, it has been associated with the President since before the TRNC came into existence because of the significance of Rauf Denktaş, the first President, and interlocutor for the Turkish Cypriots in the discussions of 1968.[19]

Denktaş, born in 1924, trained as a lawyer at Lincoln's Inn in London, and speaks fluent English and Greek as well as Turkish. In 1960, he chose to stand for election to the Turkish Communal Chamber rather than for the Turkish seats of the House of Representatives, and soon became leader of the Chamber. As Fazıl Küçük aged, Denktaş assumed the role as *de facto* leader of the younger generation of Turkish Cypriots, representing his community in negotiations to reduce tensions after a bloody incident in 1967.[20] In 1973, he was declared elected as Vice President when his only challenger, Ahmet Berberoğlu,[21] was prevailed upon to withdraw; and again negotiated with Glafcos Clerides, the acting Greek Cypriot President, during the summer of 1974 between the two stages of the Turkish invasion. He agreed the outlines of the type of solution being sought in negotiations with the restored president Makarios in 1977, and re-iterated in an agreement signed in 1979 with Spyros Kyprianou, who succeeded Makarios on the latter's death.[22]

Negotiations continued intermittently throughout the 1980's and 1990's. Various versions of plans to bring about reunification were mooted—usually suggested by the United Nations through the office of its Special Representa-

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[19] Formally, the role of Negotiator is bestowed on the President by the TRNC Legislature – TRNC Constitution Article 102 (4).

[20] Turkish Cypriots resisted a Greek Cypriot patrol through the village of Kophinou. For a Greek account of the incident and the background to it see http://www.greece.org/cyprus/Takism3.htm (accessed 19 December 2008).

[21] Also a London-trained lawyer, and the defendants' lawyer in the *Ibrahim* case. The (Greek) Cypriot government denounced the contest as illegal, and therefore invalid.

[22] The remarkably succinct text of the 1977 agreement continues to lay out the parameters for a solution:

1. We are seeking an independent, non-aligned, bi-communal Federal Republic.

2. The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership.

3. Questions of principles like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion taking into consideration the fundamental basis of a bi-communal federal system and certain practical difficulties which may arise for the Turkish Cypriot community.

4. The powers and functions of the Central Federal Government will be such as to safeguard the unity of the country, having regard to the bi-communal character of the State.

tive in Cyprus. At times, the British, American and European Union governments have weighed in with suggestions and attempts to cajole the parties into compromise; but these initiatives have tended to flounder on working out the details, or because of the perceived bias towards one side or the other detected by one of the interlocutors.

The 1990's saw U.N. Secretary-General Boutros Boutros-Ghali's "Set of Ideas" (1992)[23] which proposed an overall solution that provided details of a federal constitution consistent with the High Level Agreements. It was accepted only as a basis for negotiation by the Greek Cypriot side, and crucial points were rejected by the Turkish Cypriot side. The United Nations followed up with a set of proposed "Confidence-Building measures" to try to overcome the deep mistrust between the sides, but with little success. A spate of fatal incidents on the Green Line in 1996 effectively put an end to this set of negotiations.[24]

IV. Turkey and the TRNC

As it was the Turkish army that produced the division in Cyprus, and much of the TRNC's budget is covered by transfers from Turkey, it is not surprising that Turkey is able to exert a good deal of influence on the internal politics of the TRNC. Turkey retains a considerable number of troops—generally at least 30,000—on the island, more than is necessary to prevent any Greek Cypriot attempts at invasion. They patrol a buffer zone between the United Nations Green Line and the inhabited areas of the North, and maintain bases in a number of formerly Greek Cypriot and Maronite villages.

During the 1970's to the 1990's, Turkey was keen to keep the TRNC loyal and subservient. The Turkish story is that Turkey saved the Turkish Cypriots in 1974; a view generally if not universally shared by the Turkish Cypriots. Settlers were encouraged to come to Cyprus from Turkey, to take the place of the displaced Greek Cypriot refugees, and it was assumed that these new TRNC citizens would be loyal to Turkey.[25] Some sources claim that these people and their descendents outnumber the pre-1974 Turkish Cypriots, many of whom left from the 1950s onwards to avail themselves of opportunities in Britain and Australia.[26]

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[23] The text was made public in April 1992, and is available at a number of websites, including http://www.cyprus.gov.cy/moi/pio/pio.nsf/0/372B6BAF332C88E3C2256D6D00348CF1/$file/Set%20of%20Ideas%20(1992).pdf (accessed 15 December 2008).

[24] Details are linked at http://www.hri.org/Cyprus/Cyprus_Problem/index2.html (accessed 15 December 2008).

[25] Not necessarily successfully – see my 'Importing Voters: Does it work?,' in: *New Cyprus*, Vol. 6 No. 3, September 1990.

[26] See, for example, the Parliamentary Assembly of the Council of Europe Recommendation 1608 (2003) at http://assembly.coe.int/Documents/AdoptedText/TA03/EREC1608.htm (accessed 16 December 2008), quoting "reliable estimates" (paragraph 2).

There have been allegations of Turkish involvement in internal Turkish Cypriot politics: that it was the Turkish ambassador that ordered Ahmet Berberoğlu to withdraw from the leadership contest in 1973 in favour of Denktaş; that Turkey refused to countenance a government of the left after the 1981 Assembly elections; and that before elections in the 1990's the Turkish embassy handed out inducements to encourage the settlers to vote for Denktaş and his National Unity Party.[27]

Turkey's EU ambitions left open the possibility that Turkey might abandon the Turkish Cypriots in exchange for EU membership—in the 1990's, this threat was met by a Denktaş speech to the Turkish Grand National Assembly followed by a resolution there of Turkey's commitment to the TRNC. But the carrot of EU membership has encouraged Turkey to be more supportive of the negotiations for a settlement, by re-iterating that it is ultimately a decision for the Turkish Cypriots (and, perhaps, meaning it).

The election of the mildly-Islamic but pro-EU Justice and Development Party (AKP) to a majority in the Turkish Grand National Assembly in 2002 ended a long period of instability in Turkish politics. Squabbling parties on the left and right had formed weak coalition governments, which required conceding benefits to disparate groups, and delayed the reforms necessary to control the chronic problem of inflation. It also put an end to the fourth and final premiership of Bülent Ecevit, who had ordered the Turkish troops into Cyprus in 1974, and who, therefore, tended to spoil the TRNC with the gifts of a doting parent. The Turkish secular establishment, led by the army, was worried by what it perceived as the growth of Islamism in the AKP government: a deviation from the principles of Atatürk (and therefore unconstitutional).

In January 2008 the Public Prosecutor began a case to close down AKP on the ground of alleged unconstitutional Islamist activity (the proximate cause being a change to the constitution to allow women to wear headscarves in Government offices and universities), which produced a great deal of uncertainty in Turkey. In the end, the Court decided by the narrowest majority possible that AKP could continue in office, but that the change in the Constitution to allow women to wear headscarves, although formally valid constitutionally, was nevertheless invalid as it conflicted with the principles of Atatürk on which the Constitution itself was based. Although the Government appears to have accepted the decision, it is unlikely that this is the end of the issue. The potential effect on Cyprus is that a change in Turkey's government (or a coup there) may cause Turkey to withhold support for a solution in order to obtain concessions elsewhere. Uncertainty in Turkey can, though, perhaps be exploited by the Turkish Cypriots—Denktaş's freedom to declare UDI in 1983 was at a time of political crisis in Turkey, with no government to order him to back down.

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[27] Conversation with the late Ösker Özgür, Nicosia, 1992, reported in my 'Political Choice' *supra* note 13.

Turkey applied for membership of the European Union in 1963. Formal negotiations for her accession began in 2006, but have become bogged down. Turkey has so far refused to allow (Greek) Cypriot-registered vessels access to her ports, as she is required to do for the negotiations to proceed, or to enact a Customs Union with (south) Cyprus.

V. The 2000's, the European Union, the Annan Plan and beyond

Cyprus, too, applied to join the European Union (EU). The initial idea was agreed by both Greek and Turkish Cypriots in 1962. A formal application was made in 1973.

As Cyprus' EU accession drew closer, though, the Turkish Cypriots pointed out that the 1960 settlement prohibited Cyprus from joining any international organisation of which Greece and Turkey were not themselves both members, and, as a Common Market moved towards economic and political union, that the 1960 agreements prohibited political union with any other country (a ploy to prevent *enosis*—union with Greece). Thus Cyprus' entry into the EU should happen only after Turkey had gained admittance. The Greek Cypriot government argued that these agreements didn't apply to something like the EU—and, in any case, Cyprus had joined both the British Commonwealth and the Non-aligned movement, in technical violation of a strict interpretation of the relevant documents. The view of Britain (and the EU) was that the application was legitimate, and it was duly considered by the EU.[28]

The prospect of EU membership, it was hoped, would concentrate minds to bring about a settlement, especially if the prospect of its own membership would make Turkey more amenable to a settlement in Cyprus.

The latest negotiations under the UN's auspices produced the Secretary General's latest plan for a solution—the Annan plan of 2003. Like all plans for a solution it sets up a new federal republic of Cyprus, somewhat reminiscent of the 1960 constitution, but with strong powers reserved for the two constituent states. It envisages a bicameral legislature, the lower house having 48 seats allocated on the basis of population (except that the Turkish Cypriots would be guaranteed at least one quarter of the seats); the Senate would have equal representation of the two communities. Territorial adjustments would allow some Greek Cypriot refugees to return to their homes under Greek Cypriot

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[28] For Denktaş's arguments see, *inter alia*, his letter to Robin Cook, 25 March 2008, available at http://www.ena.lu/letter_rauf_denkta_robin_cook_25_march_1998-020401902.html (accessed 17 December 2008); for a legal opinion arguing that Cyprus was ineligible to join the European Union see Maurice H. Mendelson, Q.C., Why Cyprus Entry into the European Union would be Illegal, Embassy of the Republic of Turkey (U.K.) 2001. A rebuttal from the (Greek Cypriot) government is at http://www.cyprusembassy.net/home/index.php?module=articles&id=148 (accessed 17 December 2008).

rule; other refugees would ultimately have the choice of living in the constitu-
ent state of the other community, or of receiving compensation for their pro-
perty. The idea was to tie the proposal to EU membership: if both sides accep-
ted the Plan at referendum, then a new United Cyprus would enter the EU on
May 1st, 2004.[29]

Both Denktaş and the Greek Cypriot leader, Tassos Papadopoulos, public-
ly opposed the Plan. In referenda in April 2004, it was accepted by the Turkish
Cypriots and rejected by the Greek Cypriots. As a result, Cyprus entered the
European Union without a settlement, with the TRNC in effect outside the union,
rather like East Germany in the period before 1990.

The result was, of course, an embarrassment to the EU: it appeared that
the Greek Cypriots were being rewarded for their intransigence, and the Tur-
kish Cypriots punished for their willingness to deal. Vague promises of a
"special relationship," more EU aid and the removal of the economic embargo
on the Turkish Cypriots came to nothing, often floundering on a veto from
Greece or Cyprus.

However, progress of a sort has been made. In 2003, the TRNC surprisin-
gly ended its policy of discouraging contacts between the two communities:
henceforth, Turkish Cypriots were free to cross to the South; and Greek Cy-
priots were free to cross to the North.[30] Perhaps Denktaş was thinking that
a couple of violent incidents would reinforce his stated view that the two com-
munities could not live together, and so lead to a rejection of the Annan plan.
But no violent incidents resulted; rather, there were stories of Greek Cypriots
visiting their old homes and being given a carefully-preserved set of photogra-
phs and other mementos by the current occupant of the house. After the novel-
ty wore off, the number of people venturing across the Green line declined, but
there was a sufficient number to lead to the opening of two new crossing po-
ints, and an upgrading of a third.[31]

Denktaş, aged 81, announced that he would not be a candidate in the 2005
Presidential election. In the ensuing election, Mehmet Ali Talat won, rather
surprisingly, as voters chose the candidate of a party of the left and current
Prime Minister rather than the former Prime Minister, Derviş Eroğlu, once the

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[29] See http://www.tcea.org.uk/Annan-Plan-For-Cyprus-Settlement.htm (accessed 17 December
2008) for the full text of the Plan.

[30] Over 4,500 people crossed the first day it was permissible for Cypriots to do so ('Crossing the
Line,' *Cyprus Mail* 24th April 2003). The same issue reports on meetings between people who had
been neighbours 30 years earlier.

[31] One measure of the benefits of the opening of the border is cross-border sales: An early report
in the Cyprus Mail (9 May 2003) estimated that Greek Cypriots had spent C£3 million (€5 million)
in the first 15 days after the checkpoint opened. The Norwegian International Peace Research Insti-
tute estimated that full reunification would give each Cypriot family a €5500 annual dividend
– largely as a result of the availability of cheaper goods from Turkey (The Day After: Commercial
Opportunities Following a Solution to the Cyprus Problem, 2008).

presumed successor to Denktaş.[32] Talat stood on a platform of rapprochement with the Greek Cypriots, although at the time there was little chance of that, given the views of the hard-line Greek Cypriot President, Tassos Papadopoulos.[33]

But in February 2008, in a closely-fought election in the south, Dimitris Christofias, of the AKEL (Communist) won on a platform of trying to resolve the Cyprus Problem. Almost immediately talks began between the two sides, and a number of technical committees were established to work out the logistics of reunification. Challenges remain, though: although Turkish Cypriots were allowed to cross through the Limnitis (Yeşilırmak) checkpoint at the extreme northwest of the Turkish territory to visit the Turkish-held exclave of Kokkina (Erenköy) in August, the Turkish army apparently vetoed a deal to allow a reciprocating visit by Greek Cypriots to the church of St. Mamas in Morphou (Güzelyurt).[34] In November Christofias signed an agreement with Russia, over the protests of Talat (Christofias arguing that as President of Cyprus he had the right to conclude the deal). Meanwhile, a Turkish warship intercepted a Norwegian vessel exploring for oil off the southwest of Cyprus under a licence granted by the government in the south.[35] However, these events, and even the accidental firing of a Turkish Cypriot shell across the Green Line[36] were not used as a pretext for abandoning the talks. Indeed, both sides and Turkey have said that the pace of negotiations needs to increase.[37]

VI. Forming a new state: how do we get there from here?

These tension-building activities and the slow pace of the current talks suggest that the Cypriot communities are far from forming a new state. Nevertheless, discussions continue, and the parameters of a solution, first set out in a High Level Agreement between Makarios and Denktaş in 1977 still provide a framework for a deal.[38]

Three models of progressing to a unified Cyprus have been mooted. The preferred Greek Cypriot position is that the TRNC should simply rejoin the south and become a functioning part of the 1960 Republic (with its new con-

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[32] Denktaş and Eroğlu had become less amicable during the 1990's – see C.H. Dodd, 'Politics in the Turkish Republic of Northern Cyprus,' in: *The Turkish Yearbook of International Relations* 1992, 37-49.

[33] Papadopoulos, who died in December 2008, was a member of the 1960 Council of Ministers, along with Denktaş one of the last of that generation of leaders.

[34] Reports in *Cyprus Mail*, 8 August and 1 September 2008.

[35] See 'From Russia with Love,' *Cyprus Mail* 20 November 2008; 'Turkey's Warships Bully Boats off Cyprus,' *Cyprus Mail* 26 November 2008.

[36] 'Near-miss as Stray Bomb Falls on Nicosia Home,' *Cyprus Mail* 18 November 2008.

[37] Christofias, reported in Cyprus News Agency, 18 December 2008; Talat reported on Bayrak TV 17 December 2008; Turkey Wants Cyprus Peace Talks to Speed Up, Dow Jones newswire 18 December 2008.

[38] See above, footnote 22.

stitution)—the model for East Germany in 1989-90. The Turkish Cypriots would prefer that there be an international recognition of the TRNC, followed immediately by the TRNC and the Greek Cypriot part of the Republic of Cyprus joining together as the new federal republic. A compromise option is parthenogenesis—the "virgin birth" of the new state, without any formal recognition of what came before. For most people, this issue would no doubt appear to be secondary to the constitutional arrangements for the new state, but for Cypriots, given their keen sense of history, it is vital that the new state come about in such a way so as to validate their account of the past.

For everyone else, the Constitutional content of the new state is what matters more. It is easy to get agreement that there will be a federal or confederal system, with considerable powers retained by the two constituent states or provinces, although there is disagreement on what those powers might be, and where the demarcation lines between central and provincial governmental authority should lie. Which level of government, for example, should be responsible for regulating use of mineral resources or the ports? Even the decision about which airlines could use Nicosia airport is fraught—problems on this issue were partially responsible for the collapse of the Boutros-Ghali Confidence-Building Measures. There is also the fear of potential democratic overkill, with too many elected offices and so too much government. The need for a deadlock resolution mechanism is agreed, as the lack of one contributed significantly to the collapse of the 1960 arrangements, but what form it should take is undecided. What veto powers should the two communities have—and how should they be captured by the Constitution? In larger (con)federal systems, the existence of several provinces tends to produce co-operation by the construction of federal alliances between provinces; but if there are only two provinces, this is less likely to happen. There is agreement that there needs to be a just solution to the property issue, but whether this means an unfettered right of return for all refugees or compensation instead is still up for discussion. The Turkish Cypriots fear that a large influx of Greek Cypriots into their province could leave them as a minority in their own state, and so face ultimate political annihilation. Constitutional guarantees for them like the 1960 arrangements (whereby Turkish Cypriots might be guaranteed political power in their province) would create the same resentment as the 1960 Constitution. It is agreed that there will be territorial adjustments—but the precise lines of the new border and the options available to Turkish Cypriots who find themselves in the Greek Cypriot province are up for discussion. It is encouraging that the revelation of maps does not today produce the anguish and accusations of betrayal that the Boutros-Ghali maps of the 1990's did. It is also agreed that to return all of the post-1974 Turkish settlers to the mainland is not possible. Many of their children have been born on the island, and know no other home. But if they are all accorded citizenship, there is the fear that the demographic structure of Cyprus will be permanently changed.

VII. Conclusion

The various negotiations since 1980 have done little more than clarify the issues that divide the two sides. The present set of talks, although conducted in a more trusting atmosphere than in the past have yet to achieve any major breakthroughs. It is easy to decide on what to do with federal prisoners (the subject of the talks in mid-December 2008); it is far more difficult to thrash out the details of a balanced constitution. Although the latest United Nations representative, Alexander Downer, remains officially upbeat, there is a hard slog ahead. Perhaps, despite the past record, 2009 might be the year of a solution in Cyprus.

A settlement of the Cyprus Problem would have big effects on the political structures on the island. Each community would keep its own President and parliament, but the new unified federal state would have its own structures (and one single international identity).

Although Dimitris Christofias and Mehmet Ali Talat do not have the same historical baggage as the older generation of leaders, it is still hard for each of them to agree to federation with another political entity that you do not completely trust. Something like the Annan Plan, as modified by the current negotiations, gives the best hope of a solution, but it is by no means yet a "done deal."

Turkey, Greece and Britain, as signatories to the 1960 arrangements, must formally approve any new arrangement in Cyprus. While they have all expressed willingness to sign on to any agreement the Cypriots reach, Greece and Turkey still consult regularly with the leaders of their respective communities on the island. With the prospect of a power struggle in Turkey between the government and the secular/military elite, the Turkish Cypriot leadership and people may be able to find room to determine their own future, or may be deserted by the Motherland because of Turkey's own European ambitions. There is an old Chinese curse that says, "May you live in interesting times." The people of Cyprus have lived in interesting times for many decades, and seem set to continue to do so.