



Cyprus: Reunification Proving Elusive

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Summary

Attempts to resolve the Cyprus problem and reunify the island have undergone various levels of negotiation for over 45 years. Nevertheless, on October 3, 2010, the Republic of Cyprus celebrated its 50th anniversary as a divided country and with a permanent solution far from being achieved.

On April 18, 2010, Turkish Cypriot voters selected a new leader, Dervis Eroglu of the National Unity Party (UBP), in part due to the fact that after almost two years of intense negotiations between former Turkish Cypriot leader Mehmet Ali Talat and Cyprus President Dimitris Christofias, a Greek Cypriot, attempts to reach an acceptable solution for reunification had failed. Despite predictions by some of difficult times ahead for the negotiations as a result of the elections in the north and by a growing lack of unity among the Greek Cypriot political leadership whose opposition to Christofias's negotiating strategy had been growing, new talks began on May 26, 2010.

Christofias and Eroglu have met 15 times, focusing entirely on the difficult issue of property rights, an area where both sides have long-held and very different positions. Although the negotiations continue, they appear to have produced little progress and have increasingly exposed differences between the two leaders. In September, Eroglu expressed his frustration with the process and accused the Greek Cypriots of treating Turkish Cypriot positions with contempt. In October it was reported that Eroglu had become so fed up that he may have suggested that Turkish Cypriots no longer believed in the possibility of a mutually agreeable settlement. For his part, Christofias told the United Nations Secretary-General Ban Ki-moon in September that both sides were not coming closer to a settlement. On October 21 Ban apparently called both Christofias and Eroglu to express his concerns over the slow pace of the negotiations and lack of any progress. On November 18, 2010, Christofias and Eroglu traveled to New York to meet with Secretary-General Ban in what appeared to be another inconclusive attempt by the UN to boost momentum for the talks.

On November 24, 2010 UN Secretary-General Ban issued a status report on the progress of the negotiations. The report noted "sluggish activity" and, with important national elections in both Greek Cyprus and Turkey in 2011, expressed concern that the critical window of opportunity [for a settlement] was rapidly closing. Ban proposed another meeting of the three in January that could determine the future role of the U.N. in the negotiating process. Finally, the European Commission introduced a formal regulation proposing direct trade between the EU and Turkish Cyprus. The proposal was rejected by the European Parliament but has not been withdrawn by the Commission. This issue caused considerable problems for the Greek Cypriot side, and the outcome a good deal of disappointment for the Turkish Cypriots and Turkey.

The United States Congress continued to maintain its interest in a resolution of the Cyprus issue; lack of a negotiated settlement continues to affect relations between Turkey and the EU, Turkey and Greece, and the EU and NATO. The situation also warrants attention because of the U.S. interest in a strong relationship with Turkey. Congressional interest will likely continue into the 112th Congress as the talks continue.

Contents

| | |
|--|----|
| Background | 1 |
| Annan Plan | 2 |
| The Christofias-Talat Negotiations: 2008-2010..... | 3 |
| A New Era: Christofias and Eroglu..... | 6 |
| Issues | 8 |
| EU Trade with North Cyprus | 11 |
| Assessment | 14 |

Figures

| | |
|-------------------------------|---|
| Figure 1. Map of Cyprus | 2 |
|-------------------------------|---|

Contacts

| | |
|----------------------------------|----|
| Author Contact Information | 16 |
|----------------------------------|----|

Background¹

The island Republic of Cyprus gained its independence from Great Britain in 1960. Of the total population living on the island, approximately 77% are of Greek ethnic origin, and roughly 18% of Turkish ethnic origin. (Maronite Christians, Armenians, and others constitute the remainder.) At independence, the republic's constitution defined elaborate power-sharing arrangements between the two main groups. It required a Greek Cypriot president and a Turkish Cypriot vice president, each elected by his own community. Simultaneously, a Treaty of Guarantee signed by Britain, Greece, and Turkey ensured the new republic's territorial integrity, and a Treaty of Alliance among the republic, Greece, and Turkey provided for Greek and Turkish soldiers to help defend the island. However, at that time, the two major communities aspired to different futures for Cyprus: most Greek Cypriots favored union of the entire island with Greece (*enosis*), while Turkish Cypriots preferred to partition the island (*taksim*) and possibly unite the Turkish Cypriot zone with Turkey.

Cyprus's success as a stable, new republic lasted from 1960-1963. After President (and Greek Orthodox Archbishop) Makarios III proposed constitutional modifications that favored the majority Greek Cypriot community in 1963, relations between the two communities deteriorated, with Turkish Cypriots increasingly consolidating into enclaves in larger towns for safety. In 1964, Turkish Cypriots withdrew from most national institutions and began to administer their own affairs. Intercommunal violence occurred between 1963 and 1964, and again in 1967. On both occasions, outside mediation and pressure, including by the United States, appeared to prevent Turkey from intervening militarily on behalf of the Turkish Cypriots. On March 4, 1964, the United Nations authorized the establishment of the United Nations Peacekeeping Force in Cyprus (UNFICYP) to control the violence and act as a buffer between the two communities. It became operational on March 27, 1964, and still carries out its mission today.

In 1974, the military junta in Athens supported a coup against President Makarios, replacing him with a more hard-line supporter of *enosis*. In July 1974, Turkey, citing the 1960 Treaty of Guarantee as a legal basis for its move, deployed its military forces in two separate actions to the island, and by August 25, 1974, had taken control of more than one-third of the island. This military intervention² had many ramifications. Foremost was the widespread dislocation of both the Greek and Turkish Cypriot population and related governance, refugee, and property problems.

After the conflict subsided and a fragile peace took root, Turkish Cypriots pursued a solution to the conflict that would keep the two communities separate in two sovereign states or two states in a loose confederation. In February 1975, the Turkish Cypriots declared their government the "Turkish Federated State of Cyprus" (TFSC). In 1983, Turkish Cypriot leader Rauf Denktaş declared the "Turkish Republic of Northern Cyprus" (TRNC)—a move considered by some to be a unilateral declaration of independence. At the time, Denktaş argued that creation of an

¹ Parts of this report are drawn from a more comprehensive history of the Cyprus negotiations found in CRS Report RL33497, *Cyprus: Status of U.N. Negotiations and Related Issues*, by Carol Migdalovitz.

² Turkey officially refers to its action as a "peace operation." The Greek Cypriots and much of the international community refer to it as an "invasion." According to the International Institute for Strategic Studies, *The Military Balance—2009*, Turkey still has 36,000 troops on the island. However, the Greek Cypriots claim that the figure is 42,000 to 44,000. "Defense Committee: UNFICYP Figures on Occupying Troops are False," Cyprus News Agency, February 6, 2009, BBC Monitoring European.

independent state was a necessary precondition for a federation with the Greek Cypriots. However, he ruled out a merger with Turkey and pledged cooperation with United Nations-brokered settlement efforts. Twenty-seven years later, only Turkey has recognized the TRNC.

Between 1974 and 2002, there were numerous, unsuccessful rounds of U.N.-sponsored direct and indirect negotiations to achieve a settlement. Negotiations focused on reconciling the two sides' interests and reestablishing a central government. They foundered on definitions of goals and ways to implement a federal solution. Turkish Cypriots emphasized bizonality and the political equality of the two communities, preferring two nearly autonomous societies with limited contact. Greek Cypriots emphasized the freedoms of movement, property, and settlement throughout the island. The two parties also differed on the means of achieving a federation: Greek Cypriots wanted their internationally recognized national government to devolve power to the Turkish Cypriots, who would then join a Cypriot republic. For the Turkish Cypriots, two entities would join, for the first time, in a new federation. These differences in views also affected the resolution of issues such as property claims, citizenship of Turkish settlers who had come to the island, and other legal issues.

Figure I. Map of Cyprus



Source: Map Resources. Adapted by CRS.

Annan Plan

Negotiations for a final solution to the Cyprus issue appeared to take a dramatic and positive step forward when on November 11, 2002, then-U.N. Secretary-General Kofi Annan presented a draft of The Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem, commonly referred to as the Annan Plan. The plan called for, among many provisions, a “common state” government with a single international legal personality that would participate in foreign and EU

relations. Two politically equal component states would address much of the daily responsibilities of government in their respective communities. The Annan Plan was a comprehensive approach, and of necessity addressed highly controversial issues for both sides.

Over the course of the next 16 months, difficult negotiations ensued. Turkish Cypriot leader Denktash was replaced as chief negotiator by a more pro-settlement figure, and newly elected “prime minister,” Mehmet Ali Talat. Greek Cypriot President Glafkos Clerides was replaced through an election with, according to some observers, a more skeptical president, Tassos Papadopoulos. The Annan Plan itself was revised several times in an attempt to effect compromises demanded by both sides. Complicating the matter even more, on April 16, 2003, the Republic of Cyprus signed an accession treaty with the European Union to become a member of the EU on May 1, 2004, whether or not there was a settlement and a reunited Cyprus.

Finally, after numerous meetings and negotiations and despite a lack of a firm agreement but sensing that further negotiations would produce little else, on March 29, 2004, Secretary General Annan released his “final revised plan” and announced that the Plan would be put to referenda simultaneously in both north and south Cyprus on April 24, 2004. The Turkish Cypriot leadership split, with Denktash urging rejection and Talat urging support. Greek President Papadopoulos, to the dismay of the U.N., EU, and United States, but for reasons he argued were legitimate concerns of the Greek Cypriot community, urged the Greek Cypriots to reject the referenda. On April 24, what remaining hope existed for a solution to the crisis on Cyprus was dashed as 76% of Greek Cypriot voters rejected the Plan, while 65% of Turkish Cypriot voters accepted it. In his May 28, 2004, report following the vote, Annan said that “the Greek Cypriots’ vote must be respected, but they need to demonstrate willingness to resolve the Cyprus problem through a bicomunal, bizonal federation and to articulate their concerns about security and implementation of the Plan with ‘clarity and finality.’”

For roughly the next four years, to little avail, Cyprus muddled through a series of offers and counter-offers to restart serious negotiations even as the Greek Cypriots solidified their new status as a member of the EU, a status not extended to the Turkish Cypriots despite an EU pledge to try to help end the isolation of the north.

The Christofias-Talat Negotiations: 2008-2010

On February 24, 2008, 61-year-old Dimitris Christofias of the Progressive Party of Working People (AKEL) was elected to a five-year term as president of Cyprus. Mr. Christofias was educated in the Soviet Union and is a fluent Russian-speaker. He joined the communist-rooted AKEL party at the age of 14 and rose through its ranks to become leader in 1988. Christofias was elected president of the Cypriot House of Representatives in 2001 and won reelection in 2006.

Christofias’s election had the backing of the Democratic (DIKO) Party and the Socialist (EDEK) Party. Christofias, in part, tailored his campaign to opposing what he believed was an uncompromising approach toward the Turkish Cypriots by former Cypriot President Papadopoulos and the stagnation in the attempt to reach a just settlement of the Cyprus problem. Although serious differences existed between the Greek Cypriot and Turkish Cypriot sides over a final settlement, Christofias took the outcome of the vote as a sign that Greek Cypriots wanted to try once again for an end to the division of the island. In his inaugural address, President Christofias expressed the hope of achieving a “just, viable, and functional solution” to the Cyprus problem. He said that he sought to restore the unity of the island as a federal, bi-zonal, bi-communal republic, to exclude any rights of military intervention, to provide for the withdrawal

of Turkish troops and, ultimately, the demilitarization of the island. Christofias also reaffirmed that the 2004 Annan Plan, which he himself opposed at the time, was null and void and could not be the basis for a future settlement.

After Christofias's election, Turkish Cypriot leader Mehmet Ali Talat, a long-time acquaintance of Christofias, declared that, "a solution in Cyprus is possible by the end of 2008."³ He also declared that "the goal is to establish a new partnership state in Cyprus, based on the political equality of the two peoples and the equal status of two constituent states."⁴ As early as 2004, Talat, as Turkish Cypriot "prime minister", was credited with helping convince the Turkish Cypriots to support the Annan Plan and had been seen as perhaps the one Turkish Cypriot leader who could move the Greek Cypriots toward a more acceptable solution for both sides. For his efforts at the time, Talat, on April 17, 2005, was elected "president" of the TRNC over the UBP's Dervis Eroglu, receiving 55.6% of the vote in a field of nine.

On March 21, 2008, Christofias and Talat met and agreed to establish working groups to address issues related to a comprehensive settlement, including governance and power-sharing, EU matters, security and guarantees, territory, property, and economic matters. They also created seven technical committees to address day-to-day issues of crime, economic and commercial matters, cultural heritage, crisis management, humanitarian matters, health, and environment.

On July 2, 2008, the two leaders met and agreed in principle on a single national sovereignty and citizenship and decided to start full-fledged negotiations by September 3. On July 18, U.N. Secretary-General Ban Ki-moon named former Australian Foreign Minister Alexander Downer to be his special advisor on Cyprus and to lend the good offices of the U.N. to the negotiation process. On July 20, 2008, Turkish Prime Minister Recep Tayyip Erdogan, perhaps recognizing that Turkey's own future as a potential member of the EU was very much tied to a successful settlement on Cyprus, extended full support to Talat and said that "a comprehensive solution will be possible in a new partnership where the Turkish Cypriot people and the Turkish Republic of Northern Cyprus will equally be represented as one of the founder states. This new partnership will be built upon such indispensable principles as bi-zonality, political equality, and Turkey's effective guarantorship."⁵ The last part of that statement sent red flags throughout Greek Cyprus and reignited the ongoing debate over the continued presence of some 30,000 Turkish military forces on the island and the intense desire on the part of the Greek Cypriots to have all Turkish troops removed. Nevertheless, on September 11, 2008, substantive negotiations on governance and power-sharing began.

While the negotiations between Christofias and Talat appeared to get off to a fast start, the differences in positions quickly became apparent and the talks, although held on a regular basis, started to bog down. Talat wanted to pursue negotiations on the basis of the provisions of the old Annan Plan, while Christofias, mindful of the Greek Cypriot rejection of that plan, was keen to avoid references to it. Old differences quickly resurfaced. As the negotiations dragged on well into 2009, it appeared that impatience, frustration, and uncertainty were beginning to mount against both Christofias in the south and Talat in the north.

³ "I am Hopeful about a Solution, TRNC President Talat," *Anatolia*, February 25, 2008, BBC Monitoring European, February 26, 2008.

⁴ Letter to the Editor, *Financial Times*, March 5, 2008.

⁵ "Erdogan Warns Against Attempts to Water Down Parameters of Cyprus Settlement," *Turkish Daily News*, July 21, 2008.

Two political events in the spring of 2009 seemed to have hamstrung the ability of either side to take the dramatic steps needed to boost the negotiations into a final phase. In March 2009, the Democratic Party (DIKO), one of the main governing coalition partners of President Christofias, held party elections in which hard-line candidates won all three posts contested. The new leadership suggested that the party consider withdrawing from the coalition due in part to a belief that Christofias was not keeping them informed of his negotiating positions or of the concessions he may have offered to Talat. The outcome of this vote left many wondering whether Christofias would face difficulties in gaining approval for any agreement he would reach with Talat that included concessions unacceptable to the coalition partners. In the north, parliamentary elections were held on April 19, 2009, in which the opposition UBP won 26 out of the 50 seats in the parliament. The election propelled UBP Party leader Dervis Eroglu into the forefront of the presidential elections scheduled for April 2010 and presented Mr. Talat with a less sympathetic parliament to deal with, one whose disapproval of any agreement would likely play an important role in any referenda in the north.

By the end of 2009 perspectives on both sides of the island seemed to have begun to change. Some suggested that the Greek Cypriots sensed that the talks could not produce a desired outcome before the April 2010 elections in the north, in which Talat was trailing in the polls to Eroglu, and thus the negotiations were likely to have to begin anew, possibly with an entirely different Turkish Cypriot leadership. Under that scenario, many Greek Cypriots, including members within the political parties of the governing coalition, seemed leery of weakening their hand by offering further concessions. Some Turkish Cypriots, on the other hand, appear to have begun to think that the Greek Cypriot side would not offer Talat a negotiated settlement, betting from the opinion polls in the north that Eroglu would win the April elections and would pull back from serious negotiations, at least for a while as he consolidated his new government and re-ordered his strategy. The Greek Cypriots could then blame the anticipated hard-liners in the north and their presumed patrons in Ankara if the talks collapsed.

As the negotiations entered 2010, it appeared that the window of opportunity to reach a final settlement, at least between Christofias and Talat, was closing fast. Despite the fact that the two sides had been in negotiations for almost 18 months and in close to 60 meetings, they appeared to have very little to show for their efforts. In his new year message to the Greek Cypriots, Christofias suggested that while some progress had been made in a few areas, the two sides were not close to a settlement.

The intensive dialogue between Christofias and Talat resumed on January 11, 2010, but after three sessions the talks seemed to be at a standstill with the gap between the respective positions of President Christofias and Mr. Talat on many of the tougher issues seeming to be insurmountable. On February 9, 2010, Christofias's coalition partner EDEK quite the coalition claiming that, in their opinion, "the President has been following a mistaken strategy which the other side is using to its own advantage."⁶ EDEK argued that the concessions Christofias apparently had made regarding a rotating presidency and the acceptance of 50,000 settlers had to be withdrawn. Soon after the EDEK decision, some factions within the DIKO party, the other member of the governing coalition, began agitating for a similar vote to leave the government, citing very similar reasons, including their disagreement over a rotating presidency. On February 23, the DIKO central committee met but decided to remain in the coalition for the present.

⁶ "EDEK quits government," *Cyprus Mail*, February 9, 2010.

The last formal negotiating session between Christofias and Talat concluded on March 30, 2010, with apparently no new developments. In the run-up to the final session there was some speculation that both sides would issue a joint statement assessing the negotiations up to that point and perhaps even announcing some of the areas in which “convergences” between Christofias and Talat had been achieved. Speculation was that Talat had wanted something positive to take into the final days of the election campaign and had presented Christofias a report summarizing what the Turkish Cypriots understood to have been achieved. Christofias, however, was already under pressure from his coalition partner, DIKO, and former coalition partner, EDEK, not to issue such a statement, which could have been interpreted as an interim agreement.

On March 30, Christofias and Talat issued a short statement suggesting that they had indeed made some progress in governance and power sharing, EU matters, and the economy, but they did not go beyond that. On April 1, Talat, feeling he needed to say more to his Turkish Cypriot constituents about the negotiations, held a press conference at which he outlined his understandings of what he and Christofias had achieved to that point. Christofias would neither confirm nor deny what Talat had presented but did indicate that the issues would be considered by the National Council, the Greek Cypriot political body that advises the president on Cyprus settlement issues.

A New Era: Christofias and Eroglu

On April 18, 2010, Turkish Cypriot leader Talat lost his re-election bid to his rival Dervis Eroglu of the National Unity Party (UBP). Observers believe Talat’s defeat was due to a combination of his failure to secure a settlement of the Cyprus problem after almost two years and his inability to convince the EU and others to help end what the Turkish Cypriots believed was the economic isolation of the north. Some observers also noted that an overwhelming number of Turkish settlers, who continue to identify more with mainland Turkey and who have little interest in unification with Greek Cyprus, voted for Eroglu because they believed his views were consistent with theirs.

Eroglu, a 72-year-old physician, and long-time politician, won the election with just over 50% of the vote. Eroglu was seen as having a style and harder-line views similar to former Turkish Cypriot leader Rauf Denktash, particularly in seeking more autonomy for each community. Eroglu also headed a party in which some in the party had advocated a permanently divided island and international recognition for the Turkish Republic of Northern Cyprus (TRNC). It was reported that during the campaign he may have suggested that perhaps Cyprus should consider a kind of “soft divorce” similar to what the Slovaks and Czechs did when they separated. During the campaign, Eroglu also criticized Talat for what he thought were too many concessions to the Greek Cypriot side, including the agreement that a reunited Cyprus would hold a single sovereignty through which both sides would reunite. Nevertheless, even while criticizing Talat’s positions, Eroglu insisted that negotiations would continue under his presidency. Upon assuming his new office, Eroglu wrote a letter to U.N. Secretary-General Ban Ki-moon expressing his willingness to resume the negotiations under the good offices of the U.N. and at the point where the negotiations had left off. Despite Eroglu’s position regarding the resumption of talks, it appears all political elements on the Greek Cypriot side saw Eroglu’s election as a negative development and expressed their skepticism as to what the future would hold.

Interestingly, in early March, Turkish Prime Minister Erdogan invited Greek Cypriot media representatives to Turkey to meet with him to discuss Turkish views on the Cyprus peace process. During the meeting, which was unprecedented, it was reported that Erdogan spoke about his

support for a bi-zonal, bi-communal federation; the eventual withdrawal of Turkish troops from the island; and a pledge of Turkish support for a “lasting comprehensive settlement” at the earliest possible time.⁷ Erdogan’s comments were mostly seen as positive support for the continuation of the negotiations and read by some in Cyprus as an indication that even if Talat was not reelected in April, his successor would not be allowed to “walk out of the talks.”⁸ In his post-election statement, Eroglu told Turkey’s NTV television that “no one must think that I will walk away from the negotiating table. The talks process will continue.”⁹ Subsequently, Turkish Prime Minister Erdogan congratulated Eroglu on his election and promised to continue to support the Turkish Cypriots. However, appearing on television right after the vote, Erdogan apparently did suggest that Ankara wanted a solution to the Cyprus issue by the end of 2010.¹⁰

The United Nations also seemed to endorse the desire to see more progress toward a solution by both sides as quickly as possible. U.N. Secretary-General Ban stated that he would issue a progress report by the U.N. Good Offices mission in mid-November assessing the progress of the negotiations and suggesting that the U.N. Good Offices mission could end if no substantial progress had been made by the end of 2010.

On May 26, 2010, President Christofias and Turkish Cypriot leader Eroglu held their first formal negotiating session. They were accompanied by their principle advisors, George Iacovou for the Greek Cypriots and Kudret Ozersay for the Turkish Cypriots. The meeting was held under the auspices of the U.N. Secretary-General’s Special Advisor on Cyprus Alexander Downer. Property rights became the first issue to be addressed; up to this point property rights had not been seen as an issue that Christofias and Talat had focused on at all.

Although the meeting was described as positive, low-key, and business-like, a controversy arose when it was reported that Downer apparently read a statement from U.N. Secretary-General Ban congratulating the parties for starting the talks again from where they left off including the confirmation of existing convergences agreed to by Christofias and Talat, for agreeing to abide by U.N. Security Council resolutions on Cyprus, and suggesting that a final agreement could be reached in the coming months. The first part of the controversy involved criticism from several of the Greek Cypriot political parties that were concerned that the references to the “convergences” arrived at by Christofias and Talat were being considered as agreements by the U.N., a position not shared by the Greek Cypriots. In addition, some Greek Cypriots, including President Christofias, had expressed concern over references to the end of 2010 as an unofficial deadline to reach a solution. On the other hand, apparently after the May 26 meeting, Eroglu made a statement that the Turkish Cypriots would not be bound by the statement of the U.N. Secretary-General, especially with regard to previous U.N. Security Council resolutions, some of which did include calls for Turkey to withdraw its troops from Cyprus. While Eroglu was trying to clarify that he accepted U.N. resolutions on the parameters of the negotiations, some in the Greek Cypriot leadership seem to question whether Eroglu was trying to redefine the basis under which he would proceed with the negotiations.

⁷ Account of the press conference between representatives of Greek Cypriot media and Turkish Prime Minister Recep Tayyip Erdogan as reported in the *Cyprus Mail*, March 2, 2010.

⁸ “What was the meaning behind Erdogan’s words?,” *Cyprus Mail*, March 7, 2010.

⁹ “Nationalist Dervis Eroglu wins northern Cyprus election,” *BBC News*, April 18, 2010.

¹⁰ “Turkey wants Cyprus deal in 2010 after Eroglu win,” *Reuters UK*, April 18, 2010.

Since the resumption of talks in May, technical committees and working groups with representatives from both sides have met regularly. Christofias and Eroglu have met 15 times with the talks focused entirely on the difficult issue of property rights, where both sides have long-held and very different positions. Although the negotiations continue, they appear to have produced little progress and have increasingly exposed differences between the two leaders. In September, in an interview with Greek Cypriot press, Eroglu expressed his frustration with the process and accused the Greek Cypriots of treating Turkish Cypriot positions with contempt. He apparently suggested that Christofias needed to inform the Greek Cypriot people that any final solution would involve pain on both sides but also had to minimize social upheaval especially among the Turkish Cypriot community. When apparently asked what pain Eroglu was prepared to accept, however, he stated that it would not include giving up the Turkish Republic of Northern Cyprus or its flag, or sending mainland settlers back to Turkey.¹¹ In October, Turkish press reported that Eroglu appeared so frustrated with the negotiations that he suggested that Turkish Cypriots had become fed up and no longer believed in the possibility of a mutually agreeable settlement. “As time passes” he said, “the willingness of the two communities to live together is diminishing.”¹² For his part, Christofias told the United Nations Secretary General in September that both sides were not coming closer to a settlement and that Turkey, given its own domestic and regional problems, “was not ready to solve the Cyprus problem.”¹³

On October 21, UN Secretary-General Ban apparently called both Christofias and Eroglu to express his concerns over the slow pace of the negotiations and urged them to make concrete progress, suggesting that the U.N. was worried about the direction the talks had taken. On November 18, 2010, Christofias and Eroglu traveled to New York to meet with Secretary-General Ban in an attempt by the UN to boost momentum for the talks. Although Ban suggested after the meeting that the discussions had been constructive, he did say that “the talks were without clear progress or a clear end in sight.”¹⁴ On November 24, the Secretary-General issued his progress report on the negotiations. The report noted “sluggish activity” and, with the May 2011 parliamentary elections scheduled in Greek Cyprus and the June national elections in Turkey in mind, expressed concern that the critical window of opportunity [for a settlement] was rapidly closing. Ban suggested that the three meet again in January at which time “the leaders should be prepared with a practical plan for overcoming the major remaining points of disagreement.”¹⁵

Although assessments of the negotiations thus far appear to be growing less hopeful, additional sessions have been scheduled and both sides continue to pledge to work to seek a solution. While both sides continue to talk, the discussions have apparently not moved beyond the property issue and neither side has indicated whether any compromises were possible or whether progress was being made.

Issues

Both sides agreed in May to begin the new round of negotiations where the Christofias/Talat negotiations supposedly left off although it was somewhat unclear exactly where Christofias and

¹¹ Eroglu: ‘treated with contempt’, *Cyprus Mail*, September 19, 2010.

¹² “Turkish Cypriot leader ready for tripartite New York meeting”, *Hurriyet Daily News*, October 22, 2010.

¹³ “Christofias: two sides not getting closer”, *Cyprus-Mail*, September 12, 2010.

¹⁴ “Slap on the wrist from Ban Ki-moon”, *Cyprus Mail*, November 19, 2010.

¹⁵ Report of the Secretary-General on his mission of good offices in Cyprus, United Nations, November 24, 2010.

Talat left off as neither side revealed any official document listing any of the so-called “convergences” that may have been arrived at before Talat left office. Nevertheless, it seems most observers point to statements made by Christofias and Talat on May 23 and July 1, 2008, as the basis for the negotiations. In those two statements, the leaders affirmed a bi-zonal, bi-communal federation with Greek Cypriot and Turkish Cypriot states with equal status and a government with a single citizenship and a single international personality.

Even if Christofias and Eroglu have exchanged their own comprehensive proposals or agreed to accept the Christofias/Talat “convergences,” as a starting point, neither side would likely acknowledge them as anything more than unofficial understandings as both sides thus far have adhered to the idea that “nothing is agreed until everything is agreed.” However, based on comments by the two leaders, Talat’s April 1, 2010, press conference, critiques by leaders of the Greek Cypriot political parties, and other sources, the issues and the problems can be somewhat stitched together.

In his April 1 press conference former Turkish Cypriot leader Talat stated that 31 “joint documents” had been prepared addressing a range of issues on which the parties either shared similar views or where differences still existed. For instance, the federal government would have powers over external relations, EU relations, citizenship, budget and economic coordination. It seems that another understanding may have determined that one side would hold the portfolio of the foreign minister and the other the EU portfolio. The equal constituent states would cover most of the remainder of the governance issues. It appears that the two sides had agreed on a Senate, equally represented, and a House proportionally based on population. There may have also been a “convergence” on a new judicial court that would have equal Turkish and Greek Cypriot representation and that Cyprus would be represented in the European Parliament by four Greek and two Turkish Cypriot MPs.

At the same time, both sides continued to differ over how a new united Cyprus would be created. The Greek Cypriots assumed the new unified state would evolve from the existing Republic of Cyprus. The Turkish Cypriots wanted the new state to be based on two equal “founding states” and Eroglu has hinted that he is not prepared to give up the Turkish Republic of Northern Cyprus or its flag. Greek Cypriots proposed the direct election of a president and vice president for a six-year term on the same ticket with weighted cross-community voting. The president would be a Greek Cypriot for four years and the vice president would be a Turkish Cypriot; they would then rotate offices, with the Turkish Cypriot becoming president for two years. Turkish Cypriots initially proposed that the executive have two alternating presidents elected by the Senate. Turkish Cypriots were opposed to a single list of Greek Cypriot and Turkish Cypriot candidates to be elected by all of the people of Cyprus principally because Greek Cypriots, by virtue of their majority, would in effect elect the Turkish Cypriot candidate. At some point Talat seemed to have made a significant concession in agreeing to accept the Greek position for the election of a president and vice president even though he continued to have doubts about direct popular voting. On January 7, 2010, Talat tabled a new proposal calling for a 3:2 rotating presidency (three years for a Greek Cypriot president and two years for a Turkish Cypriot president) instead of the 4:2 proposal on the table. Although the idea of a rotating presidency was not new, opposition to the proposal was vocal on the Greek Cypriot side as many Greek Cypriots apparently could not accept the idea of being governed by a representative of the Turkish Cypriot minority.¹⁶

¹⁶ According to a poll conducted by the EDEK party in the Spring of 2010, over 70% of Greek Cypriots polled expressed opposition to a rotating presidency.

Similarly, the Talat proposals called for a cabinet that included a 7 (Greek Cypriot): 5 (Turkish Cypriot) split instead of a 6:3 split. The Talat proposal called for the separate states to administer ports and airports in their respective territory. It was not clear if any of these proposals were included in the 31 joint documents or accepted now by Christofias or Eroglu.

The thorny issue of property has been the focus of all 15 meetings thus far between Christofias and Eroglu. As in past negotiations, the gap in the respective Cypriot positions has been great and appears to remain so. As a result of the ethnic strife of the 1960s and the deployment of Turkish military forces on the island in 1974, it was estimated that over 150,000 Greek Cypriots living in the north were forced south and close to 50,000 Turkish Cypriots living in the south fled to the north, with both communities leaving behind massive amounts of vacated property, including buildings and land. Greek Cypriots have long insisted that the original and legal owners who lost properties in the north must have the right to decide how to deal with their property, whether through recovery, exchange, or compensation. Turkish Cypriots believe that the current inhabitant of a property must have priority and that the issue should be resolved through compensation, exchange of alternate property, or restitution. Eroglu has indicated that any solution could not result in significant social upheaval in north Cyprus, meaning that only a small number of Greek Cypriots would be permitted to return to property in the north. Press leaks initially indicated that Eroglu had proposed that property in the south owned by Turkish Cypriot or Muslim charitable foundations be given to Greek Cypriots unable to return to their properties in the north. He also apparently had suggested that Turkish Cypriot property in the south become part of an urban development program in which money, presumably from the sale or rent of the property, be placed in a fund to compensate Greek Cypriots for lost property in the north.¹⁷ In either case, the U.N. would work with both sides to find ways to raise the funds necessary to provide adequate compensation to the original owners, should that be part of the settlement outcome. News accounts reported in the press in September 2010 indicated that Christofias may have suggested that Turkish Cypriot inhabitants of Greek Cypriot property pay rent to the original owners until a settlement of a property's status is arranged. After press leaks in September indicated that part of Eroglu's proposals on property may have set minimum limits on the number of displaced Greek Cypriots that could return to their properties in the north, several of the Greek Cypriot political parties reacted negatively. Yiannakis Omiirou, leader of EDEK, reportedly called Eroglu's proposals "infuriating and uncompromising" and not worth discussing.¹⁸ The UN progress report issued on November 24, 2010, indicated that for the time being the two positions were irreconcilable.

The question of overall territory that would come under the jurisdiction of the two equal states is also in dispute. The Turkish Cypriot side of the "green line" includes approximately 37% of the island and includes several areas, such as Varosha, Morphou, and Karpas, that had been almost 100% Greek Cypriot inhabited before the 1974 division. Greek Cypriots want that territory returned, which would leave the Turkish Cypriot side controlling about 29% of the territory. In July 2010, President Christofias seeking to unlock the property issue, tabled a proposal that would link the property and territory issues into one agreement and would include Christofias's apparent earlier offer to Talat to include allowing 50,000 mainland Turkish settlers to stay. Eroglu rejected the offer and since then has stated that "no one on Cyprus is any longer a refugee" and that sending mainland Turkish settlers back to Turkey was not something he could agree to.

¹⁷ "Property leaks undermine the peace talks", *Cyprus-Mail*, September 5, 2010.

¹⁸ "Christofias: unity needed now, before it's too late", *Cyprus-Mail*, September 9, 2010.

In his proposal, Christofias also resurrected an older proposal that would have the Turkish side return the uninhabited city of Varosha to Greek Cyprus in exchange for opening the sea port of Famagusta for use by the Turkish Cypriots to conduct international trade. The port would be operated by the EU and a joint Greek/Turkish Cypriot administration, thus allowing direct trade between northern Cyprus and the EU. Eroglu, perhaps banking on a decision by the EU to open direct trade with the north (see below) rejected the Varosha/Famagusta proposal as well.

Next to the property issue, the issue of security guarantees continues to be one of the most difficult bridges to cross. The Greek Cypriots had long argued that all Turkish military forces would have to leave the island. They argued that the European Union (EU) could offer guarantees to all of its member states and even offer guarantees to third countries. Therefore, once north Cyprus was part of the EU, they saw no reason for guarantees from third countries such as Turkey, Greece, or the United Kingdom.¹⁹ Turkish Cypriots and Turkey maintain that the 1960 Treaties of Guarantee and Alliance must be reaffirmed in any settlement and Turkish security guarantees should not be lifted until Turkey joins the EU because, without guarantees, the Turkish Cypriots would feel insecure based on their history with ethnic violence on the island in the 1960s.

While both sides are now well into the negotiations, it remains unclear if any issues that may have been resolved by Christofias and Talat have been accepted by Eroglu or re-tabled by Christofias. This is important for Christofias because he has come under harsh criticism and the loss of political support from his governing coalition partner as well as from the opposition for his positions on issues as volatile as a rotating presidency or the acceptance of any Turkish settlers at all. This internal difficulty for Christofias was first evident when between May 15 and May 20, 2010, the Greek Cypriot National Council held heated debates over the negotiations and failed to agree on a joint statement outlining a comprehensive strategy to be pursued by President Christofias. That rift between President Christofias and the National Council has continued and the Council has demanded that Christofias consult it before he makes any additional offers to the Turkish Cypriot side as part of the settlement negotiations. This internal division among Greek Cypriots will likely widen as next May's parliamentary elections get under way in early 2011.

Initially, questions arose over how each leader would define exactly what the term "convergence" referred to or what the term "starting where things left off" really meant. With 15 negotiating sessions already held between Christofias and Eroglu, all focused on the property issue and little or no discussion of any other issue, these questions appear to remain unresolved.

EU Trade with North Cyprus

During the lull between the last negotiating session between Christofias and Talat on March 30, 2010, and the April 18 elections in the Turkish Cypriot community, a problematic issue rose unexpectedly for the Greek Cypriot side. It was reported in the news that as early as December 2009, the European Commission had sent a list of potential regulations to the EU Parliament for consideration as part of the Parliament's new authorities under the Lisbon Treaty that took effect on December 1, 2009. One of those proposed regulations involved direct trade between the EU member states and north Cyprus, a proposal initially put forward by the EU in 2004 after the Turkish Cypriots agreed to accept the Annan Plan for reunification. The EU, as an

¹⁹ "Cypriot FM: No Derogations from Acquis During a Solution," Cyprus News Agency, November 14, 2008, BBC Monitoring European, November 17, 2008.

acknowledgment of the positive Turkish Cypriot vote, had agreed to take measures to help end what some claimed was the isolation of the north and to stimulate the north's economy. Since the Cyprus accession treaty had stated that the whole of Cyprus was part of the Union, trade with the north had been considered an internal market issue. Under the EU's rules, any changes to the status of this issue were subject to unanimous vote within the EU Council and thus the acceptance or veto of the Cyprus government was key. At the time, the trade proposal was vetoed by the Government of Cyprus in the EU Council on the grounds that considering direct trade with the north would effectively recognize the Turkish Republic of Northern Cyprus and would lessen the urgency in the north to negotiate a final settlement.

The Republic of Cyprus argues that the Turkish Cypriots are far from "isolated." They point out that under Cyprus's EU Accession Agreement, Turkish Cypriots can travel to the south, apply for an EU passport (which many have done), and travel throughout Europe. On trade, they maintain a similar view. Under the EU's Green Line regulations of 2004, trade between north Cyprus and EU member states can take place as long as products from the north transited through ports operated by the Government of Cyprus, the official member of the Union. Although this process provides Turkish Cypriot products EU trade preferences, Turkish Cypriots argue that certain restrictions placed on the transit of goods from the north to ports in the south by the Government of Cyprus make it difficult and more expensive to comply with EU regulations. Direct trade from Turkish Cypriot ports in the north to EU member states also exists today although products destined for Europe through the north do not include EU trade preferences and do not carry commercial documents officially recognized in EU customs territory. Despite these restrictions, exports from the north to the European market amount to approximately 20% of the north's total exports, making the EU north Cyprus's second-largest trading partner after Turkey. Easing of the EU's direct trade restrictions would clearly have a beneficial impact on the north. According to Kemel Baykalli of the Turkish Cypriot Chamber of Commerce (KTTO), "the adoption of the direct trade proposal ... will increase the competitiveness of Turkish Cypriot products and thus help bridge the economic gap with Greek Cyprus."²⁰ Others also believe direct trade would serve to convince the Turkish Cypriots of the benefits of full membership in the EU and thus could become a positive force on Turkish Cypriot leaders to reach a final settlement.

In March 2010 the EU Commission, under the new provisions of the Lisbon Treaty requiring the EU Parliament to act on international trade provisions, sent a formal notification to the EU Parliament asking for consideration of a Direct Trade Regulation (DTR), a decision that would address trade with north Cyprus as an issue of international trade with a third party and thus would avoid a potential Greek Cypriot veto in the EU Council. The Government of Cyprus claimed that they were never notified by the Commission, as required, nor were its members in the Parliament briefed.

The Government of Cyprus claimed that such a decision to initiate direct trade with the north would circumvent Articles 1 and 2 of Protocol 10 of the Accession Treaty with Cyprus. This they claimed could result in an actual partial lifting of the suspended *acquis* in the north, would endanger the unification negotiations, and would give the Turkish Cypriots less of an incentive to make concessions. Interestingly, the Commission's proposal, and the uncertainty over what actions the European Parliament could have taken may also have been partly behind the revised offer by President Christofias to open the port of Famagusta to Turkish Cypriot trade (in

²⁰ Turkish Cypriot NGO campaigns for direct trade with EU, *Hurriyet Daily News and Economic Review*, May 13, 2010.

exchange for the return of Verosha) in order to preempt any direct EU trade with the north without Government of Cyprus participation.

The direct trade issue became a difficult legal and political matter in the Parliament. In the Commission's proposal, the legal basis for considering the DTR would fall to the International Trade Committee. After several weeks of discussions between the Cyprus government, the Greek Cypriot members of the EU Parliament, and their European People's Party group leadership, the majority political group in the Parliament, the Parliament leadership agreed that the issue would be considered by the Legal Committee, which would determine whether the legal basis underlying the Commission's proposal was the correct basis for the Parliament to act on the DTR. The Legal Committee appointed a rapporteur to study the question. Because of the controversial nature of the regulation and the impact it could have had one way or the other on the current negotiations in Cyprus, it was unclear whether Parliament would postpone any further consideration of the issue, no matter the outcome of the Legal Committee's opinion, until the end of 2010 pending an assessment of the status of the negotiations by that time. However, on October 18 the Legal Committee by a vote of 18-5 ruled that the Commission could not bypass the Government of Cyprus to implement direct trade with north Cyprus and thus the Commission's proposal would not be taken up by the Parliament. After the vote, President Christofias sent a letter to EU Commission President Barroso asking him to withdraw the regulation and allow the negotiations to resolve the issue.

Some observers believe the direct trade issue had more to do with Turkey's EU accession status than with opening up northern Cyprus. Turkey continues to refuse to open its air and sea ports to Cypriot commercial operations as required under an Additional Protocol to Turkey's accession agreement with the EU. Turkey, on several occasions has tried to change the terms of the debate between itself and the EU on this issue by suggesting that permitting direct trade between the EU and north Cyprus could result in Turkey's compliance with the Protocol, a condition not included in the Protocol. With the EU Commission and Council assessments of Turkey's accession progress looming again by the end of 2010, the Commission appears to have wanted to take an initiative that would allow Turkey to respond positively and thus avoid another year in which the EU will remind Turkey that it has failed to comply with EU rules. Some believe the EU missed a golden opportunity to help move the Cyprus negotiations forward and at the same time overcome a barrier to Turkey's accession negotiations.²¹

In any case, for some observers, the debate over direct trade throughout the summer had added a negative distraction to the negotiations on the Greek Cypriot side. While many believe opening up more trade opportunities for Turkish Cypriot products would be positive for both communities on Cyprus, most believe this issue should be resolved by the Cypriot parties and the EU within the parameters of the settlement negotiations. Additional trade opportunities for the Turkish Cypriots could be done initially by having the Greek Cypriots remove any impediments the Turkish Cypriots claim hinder their ability to transit products through Government ports while the Turkish Cypriots could accept the proposal to open the port of Famagusta under EU and joint Cypriot administration. Observers note, however, that Turkey could not support such a compromise because it would result in additional pressure on Ankara to open its ports to the Republic of Cyprus.

²¹ Nathalie Tocci, "The Baffling Short-sightedness in the EU-Turkey-Cyprus Triangle", Istituto Affari Internazionali, October 2010.

Assessment

The elections of Christofias and Talat in 2008 ushered in a period of higher expectations for a settlement than at any time since 2004, when the Annan Plan was considered by both Cypriot communities. The personal relationship between Christofias and Talat and their public commitments to finding a solution to the Cyprus problem suggested that if these two leaders could not achieve a negotiated settlement, not perfect for either side but acceptable to both, then it might take a long time before two like-minded leaders would again find themselves in a position to find a way to unify the people of Cyprus.

Yet, after two years and close to 80 meetings and despite the strong commitment, good intentions, and warm relations between the two leaders, progress in the talks seemed to have fallen victim to the harsh realities of almost four decades of separation, mistrust, misunderstanding, and in some cases, indifference to the need for a final settlement and unification of the island. Even a possible change in leadership in the north, and thus perhaps a different negotiating strategy and more uncertainty for the future, did not appear to be enough of an incentive to overcome the differences to find a final solution.

The inability of two pro-solution leaders to reach an acceptable accommodation has led some observers to question whether a settlement can still be achieved at all or whether, despite all of the rhetoric, maintaining the status quo could become a less desirable but less disruptive outcome for both sides. In the fall of 2009, the International Crisis Group (ICG), in a report it published suggested that after all the fits and starts of the current (Christofias/Talat) round of negotiations, “the island may be accelerating a slide toward permanent partition and that some elements in both communities given 36 years of futility and the wide differences of opinion over each item on the table from property rights to Turkish settlers to governance, may be willing to concede the possibility of a permanently divided land.”²² This issue has resurfaced, ironically from Christofias himself, when after a September 8, 2010, negotiating session, Christofias was reported to have warned that “the fait accompli on the island could soon become a road of no return” and that he was not willing to become the “last president before partition.”²³ In a recent article published in the London Times, former British foreign secretary Jack Straw suggested that if the current round of UN-hosted talks failed it might be time to consider the formal partition of the island.

Such a final outcome is one many observers feel would be a disaster for all sides on the island, as well as those with direct interest in a solution, especially the EU and Turkey.

Some believe the lack of a final settlement would not affect the benefits enjoyed by the people of the Greek Cypriot community as members of the European Union and thus there is less of an incentive to have their leaders negotiate away parts of their current authority and power to govern. The emergence of strong opposition to the idea of a rotating presidency and other issues under discussion, among the leaders of most Greek Cypriot political parties is a case in point. Yet, without a settlement, it would seem that potential economic opportunities and growth across the entire island may not materialize. In addition, Greek Cypriots will be less likely to receive fair compensation for any property they still claim. A recent decision by the European Court of Human Rights (ECHR) to recognize the Immovable Property Commission (IPC) in north Cyprus

²² *Cyprus: Reunification or Partition?* Europe Report 201, The International Crisis Group, September 30, 2009.

²³ *Ibid.* *Cyprus-Mail*, September 9, 2010.

means that in the absence of a settlement, all efforts to settle claims for compensation or restitution by Greek Cypriots who fled to the south and lost property as a result of events in 1974 would have to be exhausted in the IPC before claims could be filed with the ECHR. It was initially thought that the decision by the ECHR would force many Greek Cypriots who had hoped to avoid dealing with Turkish Cypriots or Turkey in seeking compensation or restitution for their property, to demand a political settlement that includes fair remedies for property claims. Thus far, this demand has not materialized although there appears to be growing Greek Cypriot opposition to reported Turkish Cypriot proposals for a settlement of the property issue. Finally, the failure to reach a settlement would mean that Greek Cypriots may forever face a large and powerful Turkish army just a few kilometers from the “green line.”

For their part, the lack of a settlement for Turkish Cypriots could likely mean less contact with Europe, little or no recognition for the TRNC, no benefits as an EU member, and continued dependence on Turkey for financial assistance.

For some on both sides, these may be risks worth taking. As the ICG pointed out in its report, there appears to be a growing younger generation on both sides of the island who have never interacted with the other and see no reason to, do not have as much of a stake in the property issue, and may not wish to face the uncertainties and potential problems that a settlement neither side likes, but accepts, could create. If these reports are accurate and the negotiations continue to falter, then a possible division of the island can no longer be seen as the simple musings of a small group of separatists.

Outside of the island, no one involved in the Cyprus issue wants to see the negotiations end or take such a significant step backward that it would take years to return to where the negotiations currently stand, even if many are not sure just how much progress toward a solution had actually been achieved between Christofias and Talat or is currently being achieved between Christofias and Eroglu. Although in a speech on August 15, 2010, Turkish Prime Minister Erdogan suggested that 2010 may be the last chance for the Greek Cypriots to take the steps needed for a solution, and on August 20, Mr. Eroglu said the end of 2010 could be a turning point, no interested parties involved in the Cyprus issue want either or both Cypriot sides to conclude that a permanent separation might be the least painful solution. This was recently reiterated by European Parliament President Jerzy Bucek on a recent visit to Cyprus. Such an outcome would likely affect not only Cypriot-to-Cypriot relations but also Cyprus-Turkey, Greece-Turkey, EU-Turkey, and NATO-EU relations. Clearly, for the moment, no one can allow either side to entertain that option.

During an earlier period when the talks were faltering, Turkish Prime Minister Erdogan suggested that, as a way to move the negotiations forward, a five-party international conference be held to try to help settle the major differences between the two Cypriot sides. The initial Greek Cypriot reaction was that such a conference was not needed and that a solution would have to come from the Cypriots themselves. However, in a March 18, 2010, speech, Christofias did seem to suggest that an international conference that included the permanent members of the U.N. Security Council, the EU, Greece, Turkey, and the two Cypriot sides might be useful if it focused on what he termed the international aspects of the problem, namely troop withdrawals, settlers, and future security guarantees. He has since restated his support for such an option. In each case, however, the Turkish Cypriots have raised concerns over their status at such talks asking whether they would be represented as a co-equal to the Government of Cyprus or as the Turkish Cypriot community.

As formal negotiations continue, all interested parties continue to focus on the relationship between the Greek and Turkish Cypriot leaders and how flexible they appear to be with respect to their stated positions. Thus far, relations between the two leaders seem to be businesslike although there are signs that frustration with each other's positions is beginning to emerge. The talks themselves do not appear to be moving forward at a pace necessary to give the impression that progress has been possible. While 15 meetings have taken place, all on the issue of property, neither side seems willing to make the necessary compromises to resolve this issue and move on to the next. But even as the negotiations continue to go fairly smoothly, the difficult work of finding the elusive settlement has not proven to be any easier.

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