

A NEW CHAPTER: TIME FOR COOPERATION IN CYPRUS

In the absence of a political settlement in Cyprus, the two sides must find platforms of communication and cooperation regarding issues of current imminence, such as the hydrocarbon resources around the island, the co-owners of which are the Turkish Cypriot and the Greek Cypriot peoples.

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Cyprus is the third largest island in the Mediterranean after Sicily and Sardinia. The island of Cyprus is known for its rich cultural heritage, beautiful beaches, sunny weather and last but not least, for the intractable Cyprus conflict. The two peoples of the island, namely the Turkish Cypriots and Greek Cypriots who are destined to co-exist side by side in this small but beautiful island in the Eastern Mediterranean, after decades of negotiations, are yet to agree on a common vision to reach a negotiated settlement in Cyprus.

The island of Cyprus is at a historically and strategically significant location, situated at the crossroads between East and West. For this reason many civilizations have ruled the island and left their mark on its cultural heritage. The first signs of human occupation on the island date back to 8000 BC. The marks left by civilizations over the centuries from the Neolithic period up to the present day, including the Phoenicians, the Assyrians, The Egyptians, the Ptolemaic Dynasty, the Persians, the Hellenes, the Romans, the Byzantines, the Lusignan, the Venetians, the Ottoman Empire and the British, can be seen on the island.

The history of Cyprus is marred by agony and hardship. The Republic of Cyprus was founded in 1960 in accordance with the international Cyprus treaties, namely the Treaties of Establishment, Alliance and Guarantee, by

the Turkish Cypriot and the Greek Cypriot peoples when the British Government relinquished the sovereignty of Cyprus to the partnership Republic composed of the aforesaid politically equal partners, "acting conjointly and in partnership". The legitimacy of the 1960 Republic lay in the joint presence and effective participation of both peoples in all organs of the state. Neither of the parties had the right to rule the other, or assume the right to be the Government of the whole island in the absence of the other in all organs of the state and its Government. This partnership Republic of Cyprus, established by the 1960 Agreements, was destroyed by the Greek Cypriot partner's onslaught on the Turkish Cypriot partner in December 1963 when all Turkish Cypriot elements in all the state organs were forcefully ejected. The Turkish Cypriot partner did not accept this attempted take-over of the bi-national partnership state by the Greek Cypriot side and, through its national resistance prevented the Greek Cypriot side from extending its authority over the Turkish Cypriot partner. Since deliberate destruction, in 1963, of the bi-national Republic, there has not been a single constitutional Government or Republic capable of representing both peoples of the island. Each side has since ruled itself, while the Greek Cypriot side continues to claim that it is the "Government of Cyprus".

The atrocities carried out by the Greek Cypriot armed elements in line with the notorious *Akritis Plan* in the

name of *Enosis* (the annexation of the island to Greece) had claimed many Turkish Cypriot lives, including women and children, between the years 1963-74. Thousands of Turkish Cypriots were forced to seek refugee and live in small ghettos which corresponded to a mere 3% of the island, while hundreds more went missing never to be seen or heard of again. Had Turkey, one of the three guarantors (along with Greece and the United Kingdom) of the 1960 state of affairs, not intervened in 1974 in the wake of the coup carried out for *Enosis* by the military junta in Greece and its collaborators in Cyprus, The Turkish Cypriot people would have faced the danger of total annihilation and their existence as a distinct people on the island of Cyprus would have come to an end.

The Turkish Cypriot people have never forgotten what they went through during those dark and fateful years, but at the same time strived for reconciliation with Greek Cypriots for a harmonious and prosperous future for the next generations. Accordingly, the Turkish Cypriot side has participated in good faith in the United Nations (UN) sponsored negotiations for a comprehensive settlement in Cyprus for years and years, always showing the necessary political will towards a negotiated settlement.

Negotiations between the two sides on the island commenced in 1968, however, to no avail. The UN Secretary - General was entrusted with a new mission of good offices in 1975 by the Security Council in order to bring the two sides together and facilitate their negotiations on an equal footing. At the third round of the Vienna talks, an agreement was reached between the two sides, for the Voluntary Exchange of Populations. The agreement made it possible for the Turkish Cypriots and Greek Cypriots to live in two geographically separate areas and under their own administrations. The high level agreements of 1977 and 1979 between the two sides in Cyprus set the goal of the establishment of a new partnership in the form of a bi-communal, bi-zonal federation.

Thereafter, many attempts have been made to settle the Cyprus issue on the basis of the UN parameters and body of work, namely, a bi-zonal, bi-communal partnership federation which entailed power and prosperity sharing. Nevertheless, none of these efforts led to a settlement in Cyprus, for, as the former Greek Cypriot Minister of Foreign Affairs, Mr. Nicos Rolandis has stated in an article dated 30 January 2008, the Greek Cypriot side rejected 15 settlement documents throughout the years, citing amongst them the 1984-1986 Draft Framework Agreement; the Set of Ideas of 1992; CBMs of 1994 and the Annan Plan of 2004.

In the aftermath of the overwhelming rejection of the Comprehensive Settlement Plan for Cyprus (known as the Annan Plan) in 2004 by the Greek Cypriot people and its vast approval by the Turkish Cypriot people, H.E. Mr. Kofi Annan, former United Nations Secretary-General (UNSG), concluded, in his report to UN Security Council on 28 May 2004, that *the Greek Cypriot side is*

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not ready to share power and prosperity with the Turkish Cypriot side and thus what was rejected by the Greek Cypriot side was the solution itself rather than a mere blueprint. He also added that the isolation of the Turkish Cypriot people has no grounds.

Instead of taking into consideration these objective conclusions of the UN Secretary-General at that time and start reflecting on why the decades old Cyprus negotiations kept failing, the international community opted for the continuation of the negotiations on the very same exhausted parameters which have failed the two peoples on the island over and over again. Despite the then UN Secretary-General's call to end the isolation and the promises made by international community, including the European Union, towards this end, the international community has failed to honour these promises to lift inhuman and the unjust isolation imposed on the Turkish Cypriot people, which continues to date.

The above conclusions of H.E. Mr. Kofi Annan clearly pointed to a lack of '*mutually hurting stalemate*' in Cyprus. The absence of a '*mutually hurting stalemate*' is at the crux of Greek Cypriot side's unwillingness to share power and prosperity with the Turkish Cypriot side. In fact, the status quo in Cyprus, which is deemed as unacceptable by the international community, has created a '*comfort zone*' for the Greek Cypriot administration of Southern Cyprus in that it is treated as if it is the "Government of the Republic of Cyprus", thus, utilising this usurped title in the absence and at the expense of the Turkish Cypriot side, unilaterally becoming an EU member and unilaterally exploiting the hydrocarbon resources which also belong to the Turkish Cypriot people as also recognized by the international community. On the other hand, the Turkish Cypriot people are kept under unjust and inhuman isolation in all spheres of life, ranging from representation in the international fora to travel, sports, trade, and culture. This unacceptable and unfair state of affairs in Cyprus which is benefitting the Greek Cypriot administration is unfortunately perpetuated by the endless negotiations.

In the total disregard of these realities, negotiations commenced between two sides on the island in 2008 on the basis of the same UN parameters, namely a bi-zonal, bi-communal federation, which had failed to lead a settlement on the island for so many decades. The said talks, which has began in 2008, took place, on and off, until 2017. However, the result was inevitable; the Cyprus Conference attended by the two sides, the Guarantor Powers and the UN, held in July 2017 in Crans Montana, Switzerland, collapsed confirming, once again, that the

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Greek Cypriot mentality, namely lack of desire to share power and prosperity with the Turkish Cypriot side, persists.

In the aftermath of the collapse of the Cyprus Conference, H.E. Mr. Antonio Guterres, UN Secretary-General, felt obliged to call on the sides to enter into *a period of reflection regarding both the reasons behind the collapse, as well as a possible way forward*. During this reflection period, H.E. Mr. Kudret Özersay, Deputy Prime Minister and Minister of Foreign Affairs of the Turkish Republic of Northern Cyprus, clearly stated, in line with the call of the UN Secretary-General, that a reflection must take place regarding why negotiations have resulted in repeated failure for the past 50 years, as well as whether the two sides share a common vision as regards the way forward and the future of the island.

After a prolonged hiatus following the Cyprus Conference, on 16 April 2018, the two Leaders met at a social dinner in the presence of the UN Secretary-General's Special Representative on Cyprus and Chief of UNFICYP, Ms. Elizabeth Spehar, to assess the situation as it stood. Following the said dinner, President Akıncı stated that he was not able to identify a change in the Greek Cypriot Leader's mentality in the aftermath of the summit in Crans-Montana, namely that the Greek Cypriot side remained reluctant to share power and prosperity with the Turkish Cypriot side. He reiterated that it was necessary to see a change in the mentality of the Greek Cypriot side if any progress was to be made as regards the Cyprus settlement process, and that the Turkish Cypriot side had no intention of being held hostage to the same-old processes and methodologies, aka vicious cycles of the past.

Subsequently, in July 2018, the UN Secretary-General appointed Ms. Jane Holl Lute as his Consultant with the mandate to conduct in-depth consultations with the relevant parties, namely the two sides on the island and three Guarantor countries Turkey, Greece and the United Kingdom, regarding the reflection period and whether the parties have a common vision. Lute conducted consultations in Nicosia, meeting separately with the two Leaders on 23 July 2018, and proceeded to conduct consultations in Ankara, meeting with Turkish Foreign Affairs Minister H.E. Mr. Mevlüt Çavuşoğlu, on 30 July 2018, and in Athens, meeting with the then Greek Foreign Minister Nikos Kotzias, on 11 September 2018, followed by a meeting in London with British Foreign Secretary Jeremy Hunt and Minister for Europe Sir Alan Duncan on 12

September 2018, as well as the High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini (not as a party to the Cyprus issue but as an observer) on 13 September 2018, in Brussels.

Following these consultations, Ms. Lute reported to the UN Secretary-General, who proceeded to publish a report on his Mission of Good Offices, on 15 October 2018 (S/2018/919), containing Ms. Lute's findings, as well as his own assessments of the present situation and the way forward, namely that *"Prior to resuming full-fledged negotiations, the sides should agree on terms of reference that would constitute the consensus starting point for a possible negotiated conclusion to the Cyprus issue"* and that the extent of willingness of the two sides to incorporate "novel proposals" as part of a solution should be gauged. The Turkish Cypriot side welcomed the determination of the Secretary-General that prior to engaging in a negotiation process, *the sides must first assess whether they have a common vision, a consensus starting point*, regarding a settlement to the Cyprus issue.

In fact, it is the lack of a common vision thus far which has prevented a settlement on the island for the past 50 years. A prime example in this regard is the failure of the Annan Plan in 2004, during which all methodologies were exhausted, including arbitration by the United Nations. Ultimately, it was the absence of an overlapping vision between the two sides, namely the unwillingness of the Greek Cypriot side to share power and prosperity – the essential elements of a federation – which led to the overwhelming rejection of the Plan by the Greek Cypriot side. A federal partnership model in Cyprus which detracts from the effective participation and political equality of the Turkish Cypriots or oust the system of rotational presidency *-sine qua non* components of any federal partnership – is an attempt to do away with sharing of power and prosperity. Moreover, any system which excludes political equality would not function properly or be sustainable, since it would inevitably tilt the power balance towards one of the sides, in this case, the Greek Cypriot side. Given this fact, the statement of the Greek Cypriot Leader, on 15 December 2018, in a television interview to Euronews that *"the rotating presidency is off the table unless other issues which will enable the normal operability of the state are resolved"* is counterintuitive and testimony to the unchanged nature of the Greek Cypriot mentality regarding a partnership based on sharing.

Therefore, it is vital that the ongoing efforts to develop a "terms of reference paper" will not detract from the pertinent determination of the UN Secretary-General that a common vision must first be gauged, which is the sole mandate of Lute, in order for any future works on methodology and process to bear fruit. Any preparations to determine substance or methodologies of negotiations, i.e. timetables, deadlines, structure, etc., without priorly determining whether the two sides share a common vision will be futile and will only lead to the repetition of

the 50-year-long failed negotiations on the basis of the same old parameters. Once a common vision is determined, only then a mutually acceptable methodology can be expected to bear fruit.

On 13 December 2018, on her way to the island, Consultant Lute visited Ankara and met with H.E. Mr. Mevlüt Çavuşoğlu, Minister of Foreign Affairs of Turkey. Once on the island, Lute held additional rounds of separate meetings with the two Leaders on 16, 17 and 18 December, however to no avail.

In January 2019, a report on UNFICYP's operations (S/2019/37) was published, stating the intention of the Secretary-General to instruct Senior UN official Jane Holl Lute to continue consultations with the parties with a view to agreeing '*on terms of reference which would constitute the consensus starting point for meaningful negotiations leading to a settlement within a foreseeable horizon*'. On January 2019, the UN Security Council passed Resolution 2453 welcoming the said report and incorporating the determination of the UN Secretary-General that the terms of reference aim to constitute a consensus starting point prior to negotiations in order for the negotiations to be meaningful and results-oriented.

As the Turkish Cypriot side, we welcome the fact that the Secretary-General refrains from putting the two sides in a straitjacket in terms of the type of settlement and rather calls upon them, as part of "terms of reference", to first agree on a common starting point, a common vision.

On 3-4 February 2019, Lute visited the island, once again, holding separate meetings with the two Leaders. Lute also met with the Foreign Minister of Greece on 26 February 2019 and the Minister of Foreign Affairs of Turkey on 11 March 2019.

The Greek Cypriot Leader's recent statement, on 10 February 2019, rejecting yet again the requisite for at least one Turkish Cypriot positive vote in decision-making in the federal government confirms that the federal partnership paradigm in Cyprus has been exhausted. In this connection, it is all the more critical for the work on developing "terms of reference" to concentrate on the absence of "common vision".

In view of the above, the most recent report of the UN Secretary-General (S/2019/37) as well as subsequent Security Council Resolution 2453 which call upon the sides and the relevant involved parties "*to explore ways to establish mechanism and to enhance existing initiatives, with UNFICYP as facilitator through its liaison role, for effectively alleviating tensions and to help address island-wide matters that affect all Cypriots*" is all the more important. This new approach constitutes a positive step towards establishment of direct cooperation between the two sides, since it is imperative for the two sides in Cyprus to find ways to cooperate, which would help them to build con-

fidence and a cooperative relationship, as well as create interdependence between the sides.

The fact that the Leaders' meeting on 26 February 2019 failed to produce an overlapping vision as regards a settlement in Cyprus and that certain CBMs such as mobile phone interoperability, the interconnectivity of two electricity grids and the clearance of mines in nine suspected hazardous areas on both sides of the island were announced, shows that the way forward is the establishment of cooperation between the two sides in Cyprus.

In this regard, the Turkish Cypriot side is ready to work with the Greek Cypriot side and trusts that the international community will take the necessary steps to ensure that the Greek Cypriot administration, which has refrained to date from developing such a relationship with the Turkish Cypriot side due to benefitting from the unacceptable status quo, abandon this approach.

International community can encourage the Greek Cypriot side towards this end by taking steps to lift the unjust and inhuman isolation imposed by the Greek Cypriot administration on the Turkish Cypriot side in all fields of life ranging from travel to trade, sports, and culture to political representation. The imposition of this isolation is also the most important element exacerbating the deep crisis of confidence between the two peoples and thus, is a stumbling block preventing a negotiated settlement. It should be noted that the removal of the inhuman isolation of the Turkish Cypriot people, which reinforces the unacceptable status quo, remains a moral responsibility of the international community.

In the absence of a political settlement in Cyprus, the two sides must find platforms of communication and cooperation regarding issues of current imminence, such as the hydrocarbon resources around the island, the co-owners of which are the Turkish Cypriot and the Greek Cypriot peoples. Since 2003, the Greek Cypriots have been attempting to create a *fait accompli* in the region by entering into bilateral and multilateral agreements with various countries and energy companies, without the consent of the Turkish Cypriot side with a view to exploring, exploiting and distributing to international markets the natural resources surrounding the island.

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Under the present circumstances and as long as the Greek Cypriot side continues to take unilateral steps by attempting to create a *fait accompli* and disregards the legal and legitimate rights of the Turkish Cypriots over the island's natural resources, the Turkish Cypriot side will not refrain from taking reciprocal steps together with the Republic of Turkey in order to protect the rights and interests of the Turkish Cypriot people.

The Turkish Cypriot side from the outset called upon the Greek Cypriot side to cease its unilateral activities which would have negative ramifications for the island and the region. In consideration of the fact that the issue of the hydrocarbon resources around the island could be turned into an opportunity for the two peoples of the island and region, TRNC has made a proposal to the Greek Cypriot side through the UN Secretary-General in 2011, which was reiterated in 2012;

- to either suspend all actions pertaining to hydrocarbons until a comprehensive settlement is reached;
- or to establish a joint committee where the two sides would jointly conduct all activities including the planning, decision-making and implementation of the project together with the participation of the two sides and where the revenue obtained from hydrocarbons activities would be used first and foremost to finance a comprehensive settlement to the longstanding Cyprus issue.

Although the proposals are still on the table, the Greek Cypriot side has continuously refrained from cooperating with the Turkish Cypriot side on this issue, opting to carry on with its unilateral activities regarding the hydrocarbon resources around the island, not only in areas where the Turkish Cypriot side has equal rights, but also in other disputed waters in the region. This stance which rejects communication and cooperation between the two co-owners of the hydrocarbon resources, namely the Turkish Cypriots and the Greek Cypriots, directly correlates with the mentality that discards sharing of power and prosperity on the island.

Due to Greek Cypriot administration's insistence on continuing to take unilateral steps regarding the hydro-

carbons around the island, the Turkish Cypriot side granted licences to the Turkish Petroleum Corporation (TPAO) in order to carry out exploration and exploitation for oil and natural gas on behalf of the Turkish Cypriots in the areas defined by the TRNC to protect the rights and interests of the Turkish Cypriot people. TPAO has completed drilling surveys in the F and G blocks declared by the TRNC and the drilling is expected to start in the coming days.

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In addition, the Turkish Cypriot side strictly warned the international oil and gas companies, which had engaged in unilateral agreements with the Greek Cypriot side, that they may face financial liabilities in the future if the drilling activities around the island continue without the consent of the Turkish Cypriot side. No doubt, the relevant companies or states should encourage the Greek Cypriot administration to cooperate with the Turkish Cypriot side on the hydrocarbons issue which is vital in terms of energy security as well as the legitimacy of the said activities. Hence, it is important that the energy companies or the relevant states themselves enter into dialogue with the Turkish Cypriot side in this regard.

Nevertheless, the Turkish Cypriot side is still of the firm belief that the hydrocarbons issue can be treated as a beacon of cooperation rather than a tool of creating tensions in the region. Now, the present opportunity related to hydrocarbons is not only limited to cooperation and building trust between the two sides, but, if seized, would also reflect positively on any future negotiation process to reach a negotiated settlement on the island.

In view of the above, the call by the UN Secretary-General and the Security Council to establish a mechanism for direct communication and cooperation between the two sides on the island is testimony to the fact that a new chapter has opened in Cyprus, namely that a relationship based on cooperation is necessary in order to eliminate the existing mistrust and create interdependency between the two sides on the island, thus acting as an important factor facilitating a negotiated settlement based on a common vision. The Turkish Cypriot side is ready to take the necessary steps towards this end.