
The UN Secretary General's Report on his Mission of Good Offices in Cyprus: A Window for Reunification Settlement 'Closing'

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Theme: The UN's patience with Cyprus, divided since 1974, is beginning to run out. The Greek and Turkish Cypriot leaders have made little progress over reunification in the last two years of negotiations. Ban Ki-moon, the UN Secretary General, warns that a 'critical window of opportunity is rapidly closing' and the negotiations run the risk of 'foundering fatally'.

Summary: The toughly worded report, produced after 88 meetings between the Greek and Turkish Cypriot leaders, says progress has been 'frustratingly slow' and few of the confidence-building measures agreed have been implemented. The property question remains the most complex and contentious issue. Ban Ki-moon urged the leaders to bring to their meeting with him in January a practical plan for overcoming the points of disagreement. The idea of partition, in the absence of a settlement, is no longer such a taboo.

Analysis:

*Background*¹

The Cyprus problem has been on the agenda of the UN Security Council for close to 47 years. The Secretary General was first asked to use his good offices to seek out a durable solution in Cyprus in March 1964 (Security Council resolution 186), 10 years before Turkey's military intervention following inter-communal strife between Greek and Turkish Cypriots and an attempt to incorporate the island into Greece through a coup. Turkey did this under the 1960 Treaty of Guarantee between the Republic of Cyprus, Turkey, Greece and the UK, promulgated after the Republic of Cyprus was established following independence from Britain. Since then there have been numerous attempts to help the Greek Cypriot side in the south of the island and the self-declared Turkish Republic of Northern Cyprus (TRNC), recognised only by Ankara, achieve a comprehensive settlement for reunification (see Figure 1).

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¹ For a fuller explanation of the whole Cyprus problem see the author's two Working Papers at www.realinstitutoelcano.org/wps/portal/rielcano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/dt61-2009 and http://www.realinstitutoelcano.org/wps/portal/rielcano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/europe/dt21-2010.

Figure 1. Cyprus



Source: BBC.

The boldest effort was the Annan Plan of the former UN Secretary General, which was put to a referendum on both sides on 24 April 2004. It was widely accepted by the Turkish Cypriots (64.9%) and overwhelmingly rejected by the Greek Cypriots (75.8%). At that stage, Cyprus was already assured of EU membership –Greece threatened to block the admission of the Baltic states, Poland, Hungary, the Czech Republic, Slovakia, Slovenia and Malta unless Cyprus was admitted– and the island joined the Union on 1 May. The *acquis*, however, only apply to the Greek Cypriot side and not to the northern part (36% of the territory) as it is still occupied by Turkish troops.

Shortly after the TRNC voted in favour of the Annan plan, the European Council promised to ease the economic isolation of the northern part. But this was vetoed by Cyprus as soon as it joined the EU. As a result, Ankara refuses to extend its customs union with the EU (since 1996) and implement the protocol allowing Greek Cypriot vessels access to its ports and airports –and hence recognise the Republic of Cyprus– unless there is also direct trade for the TRNC. Neither side is prepared to make the first move. Consequently, the EU unanimously suspended in December 2006 eight of the 35 chapters (areas of EU law and policy), which Turkey needs to close in order to complete its EU accession process started in October 2005. The country has been in Europe's ante-room since 1964, when it became an associate member of the then EEC. Another four chapters are blocked by France and six by Cyprus.

The direct trade wrangle is the main stumbling block for Turkey's full EU membership and, if not resolved to the satisfaction of all sides would most probably kill Ankara's EU bid. Reuniting Cyprus, however, is not in itself a *sine qua non* for Turkey's entry into the EU, although it is difficult to believe it would happen without a settlement. It is now much more widely accepted than it was at the time that it was serious mistake to admit a divided Cyprus to the EU.²

The current round of negotiations was initiated following the agreement of 21 March 2008 between Demetris Christofias, the Greek Cypriot President, and the former Turkish Cypriot leader, Mehmet Ali Talat. The negotiations are Cypriot-led and Cypriot-owned and the methodology adopted for them is based on the principle that 'nothing is agreed until everything is agreed'. On 23 May 2008, the two leaders reaffirmed their commitment to a bizonal federation with political equality, as defined by relevant Security Council

² According to Thomas Niles, a former US ambassador to Greece in 1995, a formula was devised during the French EU presidency under which Cyprus would be added to the list of potential members of the EU and its admission would only come after a settlement had been reached. Instead, he said, in 2004, the EU allowed itself to be blackmailed by Greece. See his letter, "EU Threw Away Leverage on Cyprus Issue by Giving in to Greek Blackmail" published in the *Financial Times* on 16 November 2010.

resolutions. This would consist of a federal government with a single international personality, as well as Turkish and Greek Cypriot constituent states of equal status. A new Turkish Cypriot leader, Dervis Eroglu, was elected on 18 April 2010 and negotiations resumed on 26 May 2010 under the same parameters and the continued good offices of the UN. The leaders met 88 times between September 2008 and mid-November 2010 for full-fledged negotiations.

Alexander Downer, the UN's special envoy to Cyprus and a former Foreign Minister of Australia, has been quite outspoken about the lack of progress over the last two years, sometimes in public. He told the *Cyprus Observer*, a weekly newspaper in the TRNC, in June: 'A lot of people love the verbal minefield, for many of them it's an excuse never to reach an agreement; they have different definitions of the same words, they're mainly English words, they define them differently, they debate them differently... If you want Cyprus to be the global capital of semantic debate that's one option for Cyprus, if you want to solve the Cyprus Problem that's another'. He went on to say: 'it's easy to sound in favour of a solution... you can train a parrot in a pet shop to say that'. He told a group of MEPs a couple of weeks ago that talks for the sake of talks is an 'insult to the integrity of the United Nations'.

Ban Ki-moon, the UN Secretary General, summoned Christofias and Eroglu to a meeting in New York on 18 November in an attempt to break the deadlock. Little has transcended about this meeting, but it would appear to have achieved nothing. The two leaders were asked to come with points upon which they could converge and came away with little more than vague promises.

Meanwhile, there is a growing call for the international community to consider formally the partition of Cyprus if the talks continue to make very little progress. Jack Straw, the former British Foreign Secretary, urged the UK government earlier this month to do this. 'The chances of a settlement would be greatly enhanced if the international community broke a taboo, and started publicly to recognise that if "political equality" cannot be achieved within one state, then it could with two states –north and south–. This will be very controversial in the UN as well as the EU. Russia will be vehement in its opposition –as it was with Kosovo–. But those who respond by inviting me to wash my mouth out with carbolic might like to say how much longer the EU and the UN can tolerate the current approach, whose only consequence so far has been to paralyse the development of relations with Turkey'.³ Needless to say, Greek Cypriot officials effectively asked Straw to wash his mouth out with carbolic, though in more diplomatic language.

*The Report*⁴

The report, presented to the Security Council on 24 November, is written in unusually strong language. The UN is clearly losing patience not only about the 'frustratingly slow' progress but also about the fact that neither leader is preparing his public for a solution. The report betrays a suspicion or fear that neither side is really willing to make compromises and do the deal, since talks for the sake of talks has become the leaders' comfort zone and is what they will carry on doing *ad infinitum* unless they receive a jolt from the international community. This could take the form of the UN withdrawing its good offices. Ban Ki-moon says in the report that he plans to conduct a broader assessment of the UN presence in Cyprus, 'with a view to recommend ways to adjust to ongoing

³ See "No ifs or buts, Turkey must be Part of the EU" by Jack Straw in *The Times* of 8 November, 2010.

⁴ The full report is at www.uncyprustalks.org

developments'. He does not spell out what this means, but one option would be for Downer to pack up his bags and not be replaced and also, perhaps, reduce the UN troop presence on the Green Line between the Greek Cypriot south and the Turkish Cypriot north. There are other places in the world in more urgent need than Cyprus of UN peacekeepers.

The report acknowledges, as expected, that the property question is the most complex of the issues under negotiation. The same apparently irreconcilable differences exist between the two sides as two years ago, if not more. While the Greek Cypriots hold, as a matter of principle, that Greek Cypriots with property in the north should be able to choose between exchange, compensation or reinstatement, this is unacceptable to the Turkish Cypriots because 70% to 80% of the property in the north is owned by Greek Cypriots and if all these owners were to be allowed reinstatement it would be impossible for the Turkish Cypriots to secure bizonality. The Turkish Cypriots want a ceiling on the number of Greek Cypriots who can have their properties reinstated.

The Greek Cypriots have also made it clear that they cannot move forward without linking the property issue to the territory question, and the Turkish Cypriots say they will only discuss territory in a multilateral conference, which includes the guarantor powers. With regard to the Treaty of Guarantee, the Turkish Cypriots and Turkey are adamant that the Treaty remains while the Greek Cypriots want it terminated.

'We must be clear that to negotiate successfully a bizonal, bicomunal federation, the two leaders will have to reconcile these and other seemingly irreconcilable issues across all six chapters (of their negotiations)', the report says.

The two sides have also been striving with little success to implement the 23 confidence-building measures formulated by the technical committees. Only six of these measures have been put into place since September 2008, including the establishment of a joint communications room for the exchange of information on crime and criminal matters, the facilitation of ambulances through crossing points and the implementation of a project to establish an inventory of immovable cultural heritage in Cyprus. Another crossing point was also opened on 14 October 2010 between Limnitis/Yesilirmak in the north and Kato Pyrgos in the south, joining that in Ledra Street in the centre of old town Nicosia (opened in April 2008), which had for many years been a symbol of the division of Cyprus.

The report also criticises the public rhetoric of political leaders in government and opposition. 'Occasional outbursts by the leaders about each other have not contributed to building public confidence in the leadership and the peace process. Both sides should not assume that, once a clear strategic commitment to present a settlement proposal has been made, public opinion would be easily pulled along. It is incumbent on the leaders to reverse the cycle of negative messaging'. Any settlement that is reached will be put to referendums on both sides. The public information exercises for the 2004 Annan Plan, particularly on the Greek Cypriot side, were woefully inadequate.

Ban Ki-moon recognises that the near-total official secrecy of the negotiations, based on the principle of 'nothing is agreed until everything is agreed' is understandable from the practical standpoint, but it has not been helpful on the public front. 'Unfortunately, the only detailed information that the public has been given of the negotiations is as a result of selective leaking of texts through the media'. This has happened more frequently on the Greek Cypriot side, although the report is careful not to say this. In a remarkable

departure from normal diplomatic language, Ban Ki-moon says he was 'very disappointed to see a steady stream of untruthful and highly negative remarks about the United Nations reflected in the media. Efforts by opponents of a solution to undermine the UN's credibility directly undermine the process itself'. He was referring, among other things, to articles in the Greek Cypriot media (almost entirely hostile to the current process) in October 2009 based on the leaking of UN documents (obtained after someone managed to get the password to access e-mails).

Security Council resolutions have repeatedly urged the two sides to prepare their respective publics 'well in advance' of referendums. 'Leaving citizens largely in the dark until a comprehensive solution is more fully at hand is to potentially face an unprepared and unreceptive public at the time of the referenda'.

It is particularly important for the Greek Cypriot side to be better informed in order to counter the very widespread view among this community that they have everything to lose and nothing to gain by voting 'yes'. Greek Cypriots regard any settlement as a zero-sum game, as they have been enjoying the benefits of EU membership for six years.

Recommendations

The report proposes five recommendations:

- (1) A practical plan for overcoming the points of disagreement which the two leaders would bring to the meeting with Ban Ki-moon in January.
- (2) Greater interaction with the press and focusing messages on convergences in order to improve the public atmosphere.
- (3) The leaders should step forward individually and jointly to deliver more constructive and harmonised messages.
- (4) MPs on both sides and political actors in general should more consistently demonstrate their support for the negotiation process by allowing the two leaders adequate space to negotiate a potential settlement in good faith.
- (5) Civil society should be more actively engaged in the effort to reach a solution.

Conclusion: The negotiations have become an open-ended process, to the frustration of the UN. As the report states, 'talks for the sake of talks are ultimately not productive'. The tone of the report hints that both sides should not take the UN's good offices or the peacekeeping force presence in Cyprus for granted. The time is approaching when the status quo could be closed off as an option so that the leaders have to choose between a solution or partition. Whether the UN has the boldness to do this remains to be seen. Otherwise, the talks, barring a breakthrough, will drag on inconclusively. With parliamentary elections in the Greek Cypriot part by May and elections in Turkey by June, the political environment is hardly conducive to constructive negotiations in 2011.

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