

# **THE INTERCOMMUNAL NEGOTIATIONS IN CYPRUS: SEARCHING FOR TWO ONE-SIDED ‘JUST’ SOLUTIONS**

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The Cyprus Review, Vol. 26, No. 2 Fall 2014

## **1. Introduction**

Can the Cyprus problem, which has been festering in Cypriot society for most of the lifetime of most Greek and Turkish Cypriots now alive, ever be resolved? The answer that immediately suggests itself to a student of the Cyprus problem is simple: it all depends! If the basis of the solution and the UN-sponsored negotiations aimed at achieving it stay as they have been for nearly 40 years, and if the beliefs, attitudes and calculations of the negotiating parties persist, then the Cyprus problem will remain in an *impasse*, and relations between the parties to the dispute will remain indefinitely in a state of unfriendly immobilism. If on the other hand there is substantial change in the basis and methodology of the solution, or if the factors determining the thinking of the negotiating sides are modified as a result of changes within Cypriot society or outside it, then it is possible – just possible – that the dispute can be resolved to the satisfaction of the majority of Greek and Turkish Cypriots and consequently a new state of affairs may begin on the island and its relations with Turkey, Greece and the European Union. Such changes would be welcome to many Cypriots in the two communities and unwelcome to many, perhaps very many, others.

In this paper I will attempt to identify some of the main features of the intercommunal negotiations and the goals and expectations with which the negotiating sides have approached them during a dozen or so rounds of negotiations held since 1974. The thesis of this paper, put bluntly, is that each side to the negotiations and the community it represents aims to achieve, under the banner of a ‘just solution’, a set of constitutional, political and economic arrangements which reflect its own ideas of justice, legitimate interests, security needs and wishes, with scant regard for the ideas, interests, needs and wishes of the other community. And failing to achieve its aim through negotiations and associated diplomacy, each community uses its power and influence to refute the claims and interests of the other community and undermine its chances for raising its political status, welfare and potential for

social fulfilment, not realizing that its decisions and policies, and its manner of justifying them publicly, have the double effect of inflicting cruelty on the other community and also making its own people complicit to this cruelty.

## 2. **The parties to the negotiations and the parties to the dispute**

Before going any further, it would be useful to provide some clarification of the ideas of *the parties to the Cyprus negotiations* and *the parties to the Cyprus problem*, since they appear to be very similar.

It is natural to think of the two parties to the Cyprus negotiations as the Greek and Turkish communities, since the principal negotiators are the leaders of the Greek and Turkish Cypriots respectively. However, it would be wrong to present the two communities as the only parties to the problem, the only disputants. Surely, Greek Cypriots, under the internationally recognized Republic of Cyprus, form one of the main parties to the dispute, and the government and politicians of the Republic, as indeed numerous civil society organisations, exploit every opportunity and expend great energy to publicize all over the world the great injustice that has been done to them by Turkey and calling for a 'just' settlement of the Cyprus problem. The 'official' Greek Cypriot formulation of the Cyprus problem is that Turkey invaded the independent state of Cyprus in 1974 "in violation of international law" (this last point is heavily emphasized) causing several thousands of deaths and the uprooting of around 180,000 Greek Cypriots from their homes and properties in the North, and Ankara remains responsible for the military occupation of the North and all its manifold consequences, including mass emigration of people from Turkey. Thus, for Greek Cypriots the real culprit and adversary is Turkey. Turkey is, obviously, a party to the dispute and its officials never miss an opportunity to accuse Greek Cypriots for all kinds of crimes and offenses against Turkish Cypriots, whose rights and security under the 1960 treaties the Republic of Turkey was and remains guarantor. Indeed, on a number of occasions Turkish officials express demands which they expect Greek Cypriots to accept, if a solution is to be reached.

However, Turkey will not agree to be part of any negotiations with the Republic of Cyprus, which in any case it does not recognize (Turks usually refer to the Republic as 'the Greek Cypriot administration' or even 'the Greek Cypriot side'). Thus, as far as Turkey is concerned, the side that sits on the negotiations with Greek Cypriots can only be the Turkish

Cypriot community, the ‘co-founder’ (as it is claimed) of the original bicomunal Republic which was established in 1960 and collapsed under the impact of the intercommunal hostilities which broke out in December 1963. Turkish Cypriots are, of course, a recognized party to the dispute and the international community constantly hears and takes account of their grievances and demands. They have themselves been greatly hurt by the clashes of 1963-64 and their insecurity and isolation from which they suffered until 1974. Turkish Cypriots understand and appreciate that the Turkish government in Ankara firmly controls the integrity, security and (at least in broad terms) the political life of Northern Cyprus where the great majority of Turkish Cypriots live and work, and without that control, and the regular Turkish subvention to their administration, the community could revert to their pre-1974 condition, especially as most Greek Cypriots do not acknowledge the community’s claim to live as a separate political entity. So the Turkish government remains, with the keen or reluctant consent of most Turkish Cypriots and their political class, an integral part of the political organisation of the Turkish Cypriot community and its ability to remain independent and safe from Greek Cypriots, even before 15 November 1983 when Rauf Denktash made the unilateral declaration of the ‘Turkish Republic of Northern Cyprus’, known by its initials TRNC. The Republic of Turkey, then, is not a power external to the dispute, but it is part and parcel of one of the parties to the dispute, even though the Turkish ‘side’ in the negotiations is represented by the elected Turkish Cypriot leader. Naturally, any solution that the Turkish Cypriot leader may be willing to accept in the negotiations with the Greek Cypriot leader would need to be approved by the Turkish government.

The position of Greece in relation to the Cyprus problem is not symmetrical to that of Turkey. From 1964 to 1974 successive Greek governments (including the military junta of 1967-74) had strong views on a Cyprus settlement, but President Makarios always managed to curtail their influence. However, since 1974 Greece has confined its role, very largely, to that of a supporter and adviser of the Republic of Cyprus. Even before the economic crisis that hit Greece in 2008, Greek politicians had an erratic interest in Cyprus. Both major Greek parties – PASOK and New Democracy – were disappointed when the Greek Cypriot population voted by a large majority against the UN Plan for a comprehensive settlement on 24 April 2004. Once the Republic of Cyprus joined the European Union on 1 May 2004, most Greek politicians felt that they had discharged their obligations to their kith and kin, and they were not going to accept any further obligations towards them, beyond supplying officers to the Greek Cypriot National Guard together with a small contingent of their own troops

provided for by the Treaty of Alliance of 1960. Greek diplomacy offers consistent but lukewarm support to Greek Cypriot efforts to ‘enlighten’ foreign governments and world opinion on the injustice inflicted by Turkey on a small island republic, but they are not able or even much interested to influence the detailed policies of the Cyprus Republic. The Greek Cypriot people – many of whom have never trusted the Greek political establishment – understand and accept this fact.

### **3. Greek and Turkish Cypriot aims in the intercommunal negotiations**

Greek Cypriots have never been happy to negotiate with Turkish Cypriots for a settlement in Cyprus, as that may be thought to imply that they accept that the Cyprus problem is an *intercommunal* dispute. As Greek Cypriot politicians declared repeatedly, the ‘essence’ of the Cyprus problem was Turkey’s invasion and occupation of Cypriot territory and the tragic consequences flowing from that fact. It would have been less bad if Greek Cypriots could negotiate with Turkey, for it itself was the real violator of Cyprus’s sovereignty and the rights of its people. But even that would not be entirely correct: violations of international law, or crimes of any kind, cannot be settled through *negotiations* between the victim and the culprit, especially as negotiations can only result in a compromise which inevitably favours the stronger party. For Greek Cypriots a ‘just’ solution of the Cyprus problem, a *really* ‘just’ solution, is one which cancels all the effects of a supremely illegal and unjust act, and restores the Cyprus Republic to the *status quo ante* – in which case, if there are still outstanding differences between the government and the Turkish Cypriot community, they could be settled through internal negotiations. In the collective consciousness of the Greek Cypriot people, their idea of a ‘just’ solution is tantamount to the following beliefs:

- (1) The Turkish army deployed some 35-40,000 troops to carry out the invasion of the Cyprus in July-August 1974, causing the death of some 3,000 Greek Cypriots and the expulsion of 180,000 Greek Cypriots from the homes and properties in the Northern part of the island. So all Turkish troops, whose presence violates Cypriot sovereignty, should leave the island as soon as possible. This is the main Greek Cypriot demand (to which some Greek Cypriots add that all troops from Greece should also leave).
- (2) Following the invasion, Turkey sent many thousands of illegal settlers to Turkish-occupied North Cyprus, who by the beginning of 2014 formed the bulk of the population in ‘the occupied areas’ (settlers together with their offspring are estimated

to be about 200,000 people, whereas indigenous Turkish Cypriots reduced to about 100,000). So Greek Cypriots demand that all Turkish settlers and their offspring (with the possible exception of those who have married Turkish Cypriots) should be repatriated.

- (3) All Greek Cypriots who lived in the north until 1974 and were forced to flee in the wake of the Turkish military operations (together with their offspring) should have the right to return to their former homes in the North and take possession of their properties under conditions of safety.
- (4) The Turkish occupation of the North breached the human rights of Greek Cypriots (and, it is sometimes added, rather disingenuously, Turkish Cypriots). Greek Cypriots demand that all Cypriot citizens, whatever their ethnic character and heritage, should be able to enjoy under any political settlement the whole range of the universally acknowledged human rights and fundamental freedoms, including the three freedoms of movement, settlement and property ownership over the whole island. (Greek Cypriots have long been convinced that the three freedoms are firmly and unqualifiedly entrenched in the Treaty of Rome and the European *acquis communautaire*, and they get annoyed when anyone suggests to them that the EU does accept derogations from the *acquis* if there are compelling reasons of public policy, as it actually did in the case of Finland's Swedish-speaking Aland Islands.)
- (5) Turkey invoked the Treaty of Guarantee to invade and bring disaster to Cyprus. Greek Cypriots demand that in future Cyprus must have new and credible international guarantees for its security, independence and sovereignty against external aggression, and such guarantees should prohibit any unilateral right of intervention by any particular country, and more especially Turkey.
- (6) The division of the island should be ended, and the Republic of Cyprus should be reunited under a new democratic constitution embracing both Greek and Turkish Cypriots. Most Greek Cypriots – certainly most politicians – demand that any future political settlement should secure the unity of Cypriot territory, society, people, economy and state institutions.
- (7) Given the importance that most Greek Cypriots attach to the reunification of Cyprus, the idea that the Cyprus settlement should take the form of a bizonal bicomunal federation is regarded as a painful concession made by Archbishop Makarios in February 1977, under conditions of dire necessity and endorsed by all his successors to the presidency. However, it is often stated that that concession was made on the

strict understanding that the Turkish sided agreed to territorial adjustments such that the area under Turkish administration would be reduced from the present 37% of the total territory of the Republic to something closer to the proportion of Turkish Cypriots to the total population of Cyprus, perhaps 25%, and in any case under 30%. To make the inherent unfairness of bizonality more tolerable, Greek insist that the modern city of Famagusta and the market town of Morphou, along with several villages originally populated mainly by Greek Cypriots should be included in the territory to be administered by Greek Cypriot authorities.

It is evident from the preceding considerations that Greek Cypriots conceive of the Cyprus problem as a set of wrongs and injustices inflicted on their island and its people by the Turkish invasion and occupation of Cyprus, and so any 'just' settlement requires the departure of the Turkish army and the wiping out of the effects of the invasion, so that Cyprus, with its rights and rightful interests restored, should move forward to something like the pre-1974 past, with one significant difference: the government, parliament, civil service and other institutions of what would unavoidably be a bicomunal federal state would include both Greek and Turkish Cypriot officials, but in that case Greek Cypriot officials would need to form the majority and have a preponderant influence in the federation.

Many Greek Cypriots – probably most – appreciate that that they are not going to obtain through negotiations all the things they lost to the force of Turkish arms, especially as the international community has not been particularly supportive of their claims. Greek Cypriots themselves, even in their wildest flights of anti-realism, have never considered conducting an armed struggle to expel the Turkish army from the island. What they would ideally like to see is the international community matching its commitment to international law with a sufficiently strong will to secure its compliance, if necessary by strong sanctions or even force against Turkey. However, the UN Security Council has never expressed the willingness to condemn the Turkish invasion and occupation, and *a fortiori* it has never considered invoking Chapter VII of the UN Charter against Turkey. Again, no foreign country has offered to wage war against Turkey, or even to terminate its diplomatic and economic relations with the culprit in order to exert some pressure on it to yield to Greek Cypriot demands. Neither recourse to international arbitration, nor appeal to the International Court of Justice are realistic options, especially as the former is unacceptable to Greek Cypriots and the latter to Turks. So what is left to do? 'Friendly' governments have advised Greek

Cypriots many times to pursue negotiations with Turkish Cypriots, adding that during the course of the negotiations they would bend their efforts to exert pressure on the Turkish government to induce the Turkish Cypriot leadership to make significant concessions, thereby making an ‘honourable compromise’ possible. In these circumstances successive Greek Cypriot leaders and the political class reckoned that their least bad option was to negotiate with Turkish Cypriots, if only to show the world that the other community – and the Turkish government that pulled the strings – was the unreasonable side that refused ‘just’ Greek Cypriot claims based on international law, human rights conventions and (since Cyprus joined the EU) the *acquis communautaire*; in which case the international community and more especially the EU would have to put some meaningful pressure on Turkey to mend its ways. Thus, for Greek Cypriots the intercommunal negotiations are considered, pretty much, as *the continuation of diplomacy by other means aimed at a ‘just’ solution*, and such a solution is thought to entail the restoration of their rights under international and EU law.

Every Greek Cypriot claim and argument is countered by an opposite claim and argument of the Turkish party to the dispute. The Turkish position, like the Greek position, is couched in terms of rights and international law, which express the very different Turkish notion of a ‘just’ solution. The Turkish Cypriot community (and Turkey) argue as follows:

- (1) The Turkish ‘peace operation’ of 20 July 1974 was entirely legal as it was based on the Treaty of Guarantee, signed by the two communities, Greece, Turkey and the United Kingdom in 1960, and incorporated in the Cyprus constitution. This Treaty guaranteed the independence, integrity, security and the constitution of the Republic of Cyprus and it was only activated when the Greek Cypriot National Guard, under its Greek officers, conducted a *coup d’etat* to overthrow Archbishop Makarios’s government and bring about the union of the island with Greece. Turkish Cypriots – and the Turkish government backstage and sometimes centre stage – demand that the Treaty remain in force indefinitely to guarantee any new arrangements that may be established and the Turkish troops should stay as long as they are necessary for the security of Turkish Cypriot citizens in their own state. After all, if the Turkish troops withdraw and the Turkish guarantees are invalidated, why should the Greek side, free from *force majeure*, stick to the ‘painful concession’ of a bizonal federation, involving a continuous stretch of land for the Turkish Cypriot community? And why

should Turkish Cypriots agree to be less safe and secure following any new settlement than they are at present?

- (2) The settlers came to Cyprus after 1974 to help develop the Turkish Cypriot economy, and many of those stayed on and received the citizenship of the TRNC, in accordance with Turkish Cypriot government policy. Thus, Turkish Cypriots (even people who don't want any further emigration from Turkey) insist that under a future settlement Turkish-born citizens of the TRNC should retain the right to live in their own state for as long as they wish.
- (3) Turkish Cypriots cannot be forced to leave the houses and properties they are currently occupying and be made "refugees for a third time in a lifetime"; that would be inhuman. Greek Cypriot property rights are recognized, but their implementation will for the most part take the form of compensation or exchange with Turkish Cypriot properties left behind in the South (indeed such properties have already been occupied by Greek Cypriots in many cases, or compulsorily acquired by the Greek Cypriot government to build roads, schools and housing estates for refugees.)
- (4) Any Greek Cypriots who may be allowed to come to the North should not be in large numbers as to water down the preponderance and cohesion of the Turkish Cypriot population, its security and its control of land and other resources; and further, Greek Cypriot returnees should not be able to participate in elections to representative bodies in the North to the extent that they could exercise considerable political influence, for that would disturb the purpose and effectiveness of these bodies.
- (5) The division of the island cannot be completely eliminated, as the Turkish Cypriot people have exercised their right to self-determination to establish the Turkish Republic of Northern Cyprus (TRNC) and participate in its democratic institutions. Greek Cypriots should recognize the TRNC, or if they do not, they should at least accept that any future federal arrangement should be a partnership of two equal constituent states, one of which will be, in effect, the TRNC. The political equality of the two states should be expressed by the principle that no state can impose its will on another, and no community can prevail over the other. This means, among other things, that each of the two communities should participate effectively in the central government of the federation, and although Turkish Cypriot community may be not enjoy numerical equality to the larger Greek Cypriot community, it should be over-represented (in effect it should enjoy something like approximate equality, what mathematicians call *adequality*.)



The long and the short of the Turkish conception of a 'just' solution to the Cyprus problem is that it is a constitutional arrangement which approximates the current state of affairs established on the ground, comprising two more or less mono-ethnic states linked together by a loose federal structure in which the states are represented with equal authority. According to various surveys, a majority in the Turkish Cypriot community would ideally like to get international recognition for the TRNC, reasoning that once this happened it would end the isolation of the Turkish Cypriot people from the rest of the world, it would enable them to attract investments and develop their tourist and hospitality industries, and in due course obtain foreign earnings which could provide them with the basis for a strong economy and high living standards. However, the UN, the EU and many individual countries have made it clear to Turkish Cypriots that they will never get *de jure* recognition for the TRNC. So an internationally recognized status could be achieved by the Turkish Cypriot community only through their amalgamation with the Greek Cypriot community in an internationally recognized federation. Rauf Denktaş, the one and only paramount leader the Turkish Cypriot community had from 1973 until May 2005, articulated the common Turkish Cypriot/Turkish line by arguing that as there existed in Cyprus two separate, independent and democratic states, the Greek Cypriot state recognized by the international community except Turkey and the TRNC recognized by Turkey, the principal matters requiring negotiation were (a) mutual recognition of these states on the basis of complete equality, and then (b) the delineation of the border between the two states (which would result in an unspecified amount of territory being handed by the TRNC over to the Greek Cypriot state), and (c) the formation of the loose link between them which could handle, again under conditions of equality, a limited set of matters of joint concern, including currency and foreign relations. The common Turkish Cypriot/Turkish position was predicated on the wish to preserve the advantages created by the Turkish invasion for Turkish Cypriots, including safeguarding their security, the preponderance of the 'Turkishness' of the North by denying Greek Cypriots the use of the homes and properties they have lost in 1974, as well as the general right to own property and establish residence in the North.

An impartial student of the Cyprus problem may find in the demands made by Greek and Turkish Cypriots respectively some elements which are sophistical (e.g. various distortion of international and European law) and even downright cruel (e.g. the Greek Cypriot demand that long-standing Turkish-born residents of the Northern territory be repatriated, and the

Turkish Cypriot insistence that Greek Cypriots should remain unable to return to their homes in the North, even though Greek Cypriot negotiators have hinted that only a small proportion of the refugees would actually choose to do so). However, it is clear to independent observers and well-meaning foreign diplomats that the two communities, in their majorities, hold fast to antithetical conceptions of a 'just' solution to the Cyprus problem which arise from their respective social memories of victimhood and in many cases personal experiences of trauma and deeply felt injustice, as well as racial prejudices and illusions encouraged by official propaganda. It is evident that *no* political settlement can accommodate *all* that Greek Cypriots consider essential for the restoration of justice and *all* that Turkish Cypriots consider essential for the protection of their rights.

Nevertheless, politicians in both communities promise their own peoples that justice and time are on their side and call on the other side to the dispute to recognize that they are in the wrong and change their policies. It is unlikely that sophisticated Greek and Turkish Cypriots believe that such calls have any practical effect at all, though they are unwilling to raise any public objections when politicians – most of them men and women of modest intelligence – call publicly on the international community or the EU to snap out of their indifference and take practical measures to put pressure on the other side to yield to the demands of justice and international law. Probably most politicians believe that given the existence of a negotiating process – sometimes active, sometimes dormant – and the expectation that one day the Cyprus problem may have to be settled through this process, the affirmation of the official maximalist position (the conception of a *completely* 'just' solution) may have the effect of overwhelming the opponent and inducing he to yield more than he would otherwise do. It is the policy of trying *to maximize the minimum level of gains for which one's side will settle in the negotiations* (this is similar to what is called in game theory 'maximin'). The obvious retort is that if one side pushes its demands to an exorbitant degree, the other side will have no motive to yield, and third parties will throw their hands in the air in desperation and say 'let them sort it out themselves'. In any case, the two parties to the dispute approach the negotiations with initial positions which express their respective (and antithetical) conceptions of a 'just' solution.

#### **4. Maximalists and moderates in the two communities**

Given the incompatibility between the sets of ideas held by the great majority of Greek Cypriots and the great majority of Turkish Cypriots as to what constitutes a completely 'just' solution to the Cyprus problem, it has long seemed difficult for foreign diplomats and other third parties to see how the gap between the parties could be bridged in any negotiations free of external coercion. Successive Secretaries-General of the UN and their officials asked the two sides to explain their ideas for a negotiated settlement, and since they wanted to appear impartial 'honest brokers' they made no public comment on the justice or reasonableness of the ideas themselves. The UN confined its public comments to encouraging the two sides to make concessions to each other and in order to take something back from each other. The slight improvement in relations between Greece and Turkey since the late 1990s encouraged international diplomats to pay visits to Athens and Ankara to persuade them to prevail upon their respective kith and kin in Cyprus to engage in 'give and take' during the negotiations. This proved not at all easy as each side considered its own demands entirely just and the other side's demands unfair, selfish and invidious. Indeed, not a few Greek Cypriots give vent to great irritation every time UN and foreign officials urge the two sides to engage in 'give and take'. How can the victim be asked to give some of the things that the culprit failed to usurp, so that the culprit can give back some of the things he did usurp!

Despite the consensus among Greek Cypriots as to what constitutes a completely 'just' solution to the Cyprus problem, Greek Cypriot politicians and opinion leaders as well as ordinary citizens sometimes express on the quiet different views as to whether they shouldn't be willing to lower their sights and deviate from their official goals in order to give negotiations a chance of success, and encourage the Turkish side to modify its hard stance. Many Greek Cypriot politicians have long realized that they can never get in uncoerced negotiations 100 per cent of what they want for their own people, and suggest with some diffidence that they would have to be 'imaginative' and 'flexible' in the negotiations, if the other side is prepared to reciprocate. It is possible that a *tolerable* but 'viable' (an interesting term of art in the Greek Cypriot political vocabulary) can be achieved if the UN and the EU can persuade the Turks to respond positively to some concessions, in which case the possibility should be pursued. However, they make it clear that if any settlement package is to be acceptable, it must give Greek Cypriots (to put the point very roughly) 90 per cent or 80 per cent of the elements which constitute a 'just' settlement. A sell-out would simply be humiliating and unacceptable to their people.

The '90 percenter' grouping (as it may be called, without taking the term too seriously) includes the DEKO party, originally led by Spyros Kyprianou and later by Tassos Papadopoulos, Marios Garoyian and currently Nicolas Papadopoulos, the social democratic EDEK party now led by Yiannakis Omirou, EVROKO and a number of smaller political groups. The '90 percenters', for example, accept that Cyprus will not be a unitary republic but a federation, and the majoritarian principle will have to be considerably restricted and qualified, to enable the Turkish Cypriot community to exercise more than proportional influence in political decision-making. The '90 percenters' are considered much too much unrealistic by another group of Greek Cypriot politicians, in as much as their demands cannot be achieved, given the weak diplomatic, political and economic resources available to the Republic of Cyprus.

The second grouping takes the line that if the Cyprus problem remains unsolved long enough, the *de facto* division of the island will be cemented and accepted by the world, beginning with a number of Islamic states. The reasoning is that once the TRNC begins to receive recognition from foreign countries, the Turkish side will have even less incentive to make any concessions on territory, let alone on the rights and freedoms of Greek Cypriots who lost their homes and properties in the North. In light of this reasoning, the second group argues that the Greek Cypriot side should be willing to settle, reluctantly to be sure, for a federal arrangement that give their community 70 or 60 per cent of the elements of a really 'just' solution (for example, maybe small contingents of Turkish and Greek troops could remain on the island for a fixed period, and perhaps not all Greek Cypriot refugees would be able to return to their former homes and properties in what would remain a Turkish-administered federated state in the North. This second grouping of politicians, the '70 percenters' as may be called, includes the Democratic Rally founded by Glafkos Clerides and later led by Nicos Anastasiades and currently by Averof Neophytou, the left-wing AKEL whose previous leader Demetris Christofias was elected President of the Cyprus Republic in 2008, and the tiny party of the United Democrats. This grouping think of themselves as moderates or realists, and consider the '90 percenters' as maximalists or anti-realists. The '90 percenters' often accuse '70 percenters' as being defeatists, while the latter retort that the former group have their heads in the clouds. (Despite the changing nature of the Cyprus since the 1940s, there were, during all successive phases, ill-tempered quarrels between maximalists and realists/moderates!)

However, as long as the Turkish Cypriot side in the negotiations is unwilling to trade the sharing of the internationally recognized Republic of Cyprus with substantial concessions to Greek Cypriots on the issues of territorial adjustments, the restoration of lost properties and the right to residence that are sufficient to satisfy even the less unrealistic or relatively moderate '70 percenter' grouping, this grouping and the maximalist or '90 percenter' grouping make common cause in blaming vociferously the Turkish Cypriot leaders and their masters in Ankara of intransigence. However, when proposals or informal ideas are presented to the two communities for a compromise settlement by UN Secretaries General – as happened with Kurt Waldheim in 1981, Javier Perez de Cuellar in 1984-86 and Boutros Ghali in 1992 and the Kofu Annan in 2002-04 – unpleasant disagreements break out in the Greek Cypriot community between maximalists and moderates.

The Turkish Cypriot community, too, has its '90 percenters' as well as its '70 percenters'. Greek Cypriots considered Rauf Denktash as the personification of intransigence, a man who made exorbitant demands and offered very little in return, and in that judgment several foreign diplomats and UN personnel privately concurred. In 2005 presidential elections were held in the TRNC in which Mehmet Ali Talat, the President of the Republican Turkish Party, emerged as the winner. Greek Cypriots thought that Talat was a '70 percenter', and some may have hoped that he could be much more yielding to Greek Cypriot demands. In fact when Talat came to power, he found that Tassos Papadopoulos, the President of the Cyprus Republic, was not keen to negotiate with him; the latter had been hoping (in vain as it turned out) that the EU would put direct pressure on Turkey – the real power on the Turkish Cypriot side – to make unilateral concessions in order to improve its own prospects of accession to the EU. Many Greek Cypriots blamed '90 percenter' Papadopoulos for his unwillingness to do a reasonable compromise deal with '70 percenter' Talat. In the following presidential elections of the Republic of Cyprus in February 2008, Papadopoulos lost to '70 percenter' Demetris Christofias of AKEL. So when Talat and Christofias started negotiations (the former supported by the Turkish government, the latter supported by DESY and more vaguely the Greek government), could the two kindred spirits of moderation cobble together a compromise solution to the Cyprus problems which could be judged to be not-intolerably-unjust by the majorities in the Turkish and Greek Cypriot communities?

The answer is that between spring 2008 and May 2010 (when Talat lost the TRNC presidency to Dervish Eroglu, the leader of the '90 percenter' National Unity Party) no

settlement was found; but some significant progress towards a settlement was achieved, some of whose (compromise) elements provoked nasty reactions from the maximalists in the two communities. It is interesting to take a brief look at the sorts of arrangements which proved tentatively reachable when a moderate Greek Cypriot leader and a moderate Turkish Cypriot leader met together and accepted the need to back down from their initial divergent ideas of what would be an ideally 'just' settlement. From what can be gleaned by occasional press leaks, the two sides' views more or less converged on several matters, but they diverged on others:

### **Governance**

- The Greek Cypriot community and the Turkish Cypriot community would elect together, i.e. as a single electoral body, a Greek Cypriot chief official and a Turkish Cypriot chief official for a 5-year term, but the votes of a given community for the official of the other community would be weighted appropriately as a result of which the Turkish Cypriot community would have an equal degree of influence on the election of the Greek Cypriot as the much larger Greek Cypriot electorate would have on the election of the Turkish Cypriot chief official. The chief officials so elected would serve as President and Vice President of the Federation on a rotating basis. The Greek Cypriot official would serve as President for a total of 40 months while the Turkish Cypriot official would be Vice President; and for the rest of the 20-month period the roles will be reversed.
- The federal Council of Ministers would consist of 6 Greek Cypriots and 3 Turkish Cypriots. All decision would require at least one vote from a minister from each community.
- The federal legislature would comprise two chambers: the Senate consisting of equal number of officials representing the two states and the House of Representatives where the Greek and Turkish communities would be represented at a ratio of 70:30. A certain proportion of Turkish Cypriot representatives would be necessary to approve of any proposal.
- A considerable convergence was reached between the two sides on the division of powers between the government and legislature of the federation. The Greek Cypriot side wants as strong a central government as possible, whereas the Turkish Cypriot side claims for itself the freedom to seek and enter into international agreement.

- The federal courts will consist of an equal number of Greek and Turkish Cypriot judges, plus a foreign judge will sit on the bench only in cases where Greek and Turkish Cypriot cannot reach a majority decision.

### **Citizenship**

The number of Turkish settlers who could stay on the island after the settlement would be limited to about 50,000, and it would include Turks who came a long time ago and laid roots in the Turkish Cypriot community or have married indigenous Cypriots.

### **Property**

The two sides agreed that property claims would be settled by one or other of three procedures: restitution, exchange and sale. The Greek side wanted the original owner to have the first choice, whereas the Turkish side wanted to give priority to the wishes of the current user of the property. However, it seemed that the two sides came close to a compromise which gave priority to the current user if the property had been developed since 1974 and its added value was higher than the original value; alternatively the first choice belonged to the original owner. This compromise concerned natural persons, and not legal persons or institutions like the Greek Orthodox Church.

### **Territory**

The two sides maintained their differences: the Greek Cypriot side wanted the Greek state of the federation to recover as much territory as possible, so that the maximum number of Greek Cypriot refugees should be able to return to their properties under GC administration. The Turkish side appeared reluctant to force current residents to leave their homes, neighbourhoods and areas. However, the territorial treatment of the Annan Plan seemed broadly acceptable to the Turkish side.

### **EU – Economic affairs**

The views of two sides converged on the respective responsibilities and competencies of the federal authorities and the state authorities in applying EU directives and legislation. However, the Turkish side wanted permanent derogations from certain elements of European directives and legislation which were likely to undermine or water down the bizonality of the federation. The Greek side was unhappy with all derogations from rules which in their view offered protection to Greek Cypriot rights and interests. However, it did show understanding

for Turkish Cypriot fears that given Greek Cypriot financial strength and technical know-how (that was before the deep and dramatic crisis which struck the Greek Cypriot economy in 2009), the Turkish Cypriot economy needed special safeguards.

### **Security and guarantees**

The two sides expressed different positions on this area, and in any case the various issues could never be resolved without negotiations or a conference involving the Turkish government. Naturally Greek Cypriots would not accept any arrangements similar to those provided under the Treaty of Guarantee of 1960. Naturally Turkish Cypriots – and not only Turkey – wanted to retain or at least update the security arrangements which would continue to give Turkey a guarantor role. The Greek Cypriot side hinted that it could accept a new Treaty giving powers of guarantee and intervention if and when security is breached, to a group of countries and institutions – mainly the EU – in which Turkey could take part; but it rejected out of hand the unilateral right of intervention by any single country, and *a fortiori* Turkey.

As was indicated, Christofias received bitter and noisy criticisms from ‘90 percenters’ in the Greek Cypriot community – mainly from DEKO and EDEK which had ministers in his government – while Talat had to take criticism from the National Unity Party and other maximalist political forces, including former TRNC leader Rauf Denkash. Under the impact of maximalist criticisms, both leaders lost their popularity. DEKO and EDEK were particularly incensed at the principle of rotating presidency and in due course left the Christofias government. In the Turkish Cypriot community, the National Unity Party, organisations of Turkish settlers who stood to be repatriated and Turkish Cypriots who feared the loss of their current homes and properties expressed vehement opposition against Talat. Quite clearly, two ‘70 percenter’ leaders, representing two communities which contained large ‘90 percenter’ groups, could not negotiate further concessions to each other, even if they were privately willing to do so. There were and still are in both communities ‘50 percenters’ and people who put aside their individual interests and give priority to the reconciliation (or ‘rapprochement’) between the two communities and the achievement of an honourable compromise settlement which will mark a new and more hopeful course in the life of Cyprus; but they are too few and politically weak to contest elections and seek to influence policies.



When maximalist Dervis Eroglu won the Turkish Cypriot presidential elections in May 2010, the question arose whether he accepted the concessions made by Talat. All the evidence suggested that he did not accept the principle of electing the President and Vice President of the federation on the basis of a single electoral roll with weighted vote in favour of Turkish Cypriots. Indeed, it was not clear whether he accepted the principle of a bicomunal, bizonal federation, especially as his party had long argued for a solution of two states linked together under a weak government, with minimal territorial adjustments in favour of Greek Cypriots. Yet his election was followed by a two-year long round of negotiations with Christofias, which, however, did not lead to any appreciable convergences of views. By the beginning of summer 2012, when the Republic of Cyprus took on the presidency of the European Council and the negotiations were suspended, the situation (as it appeared in leaks to the media) was as follows:

	Greek Cypriot (GC) position	Turkish Cypriot (TC) position
Governance	The GC community and the TC community will elect together a GC chief official and a TC chief official for a 5-year term, but the votes of the TC electorate will be weighted so that they it will have a more than proportionate an influence in the election of the GC as the much larger GC electorate will have in the election of the TC chief official. The chief officials elected will serve as President and Vice President on a rotating basis. The GC official will serve as President for a total of 40 months and the TC official for 20 months.	Initially the election of the GC and TC chief officers will be elected by the electorates of the respective communities. Subsequently the two communities will be asked to decide in separate referendums whether they wish to adopt the cross-voting system proposed by the GC side.
Citizenship (and the question of	The number of Turkish settlers who can stay on the island after the settlement will be severely	All foreign-born persons who acquired TRNC citizenship in accordance with established procedures will have a right

settlers from Turkey)	restricted, and governed mainly by humanitarian considerations (e.g. they have married indigenous Cypriots).	of abode and full citizenship rights in Cyprus.
Property	The legal owner of immovable property in the TC state (or GC state) of the federation will have the first choice on what happens to their property. The (TRNC-based) Immovable Property Commission which will be set up by the two sides will only have an advisory role.	The current user has rights on the property he holds. The (TRNC-based) Immovable Property Commission must have the final say on which one among the original and the current holder has priority on a given property. It is proposed to arrange mass exchange of properties owned by GCs who lived in the North and TCs who lived in the South so as to limit significantly the return of GCs in the North and maintain bizonality.
Territory	Territorial adjustments should favour the GC state of the federation so that the large majority of GC refugees should be able to return to their properties under GC administration. The lands to be returned should include Famagusta, Morphou in the North West of the island and the area of Karpasia.	The return of land will have to be discussed at the final stage of negotiations. Public statements made by TC politicians suggest that it is unlikely that Morphou will be brought under GC administration and that Karpasia will definitely remain part of the TC state of the federation.

## 5. Invaluable assets of the Greek and Turkish Cypriot communities

Why are the parties to the Cyprus dispute unwilling to make further concessions to each other in order to produce a balanced and workable compromise settlement which – as UN officials and foreign diplomats never tire of saying – would be in the interests of both communities?

What is it that prevents Greek Cypriot and Turkish Cypriot (and Turkish) politicians and opinion leaders, including the most moderate among them, from arguing for further concessions to the other side so as to meet them half-way? For the sake of an honourable settlement (which, of course, would not be a completely ‘just’ solution from the standpoint of either of the two communities)? The answer, or at any rate part of the answer, is that despite all the things that the two communities have lost or are currently deprived of and whose full or partial acquisition through the negotiating process is integral to their conceptions of a ‘just’ solution, none of the communities is destitute or desperately unhappy by any means. Each of the parties to the dispute possesses a number of significant political, economic and social assets which it perceives as essential to its own identity, security and dynamism, and so it regards them as vital and invaluable assets. As a result it refuses to give them up in negotiations, even though this inevitably leads the process to an *impasse*. Both parties to the dispute have drawn in their minds and in their internal debates what are sometimes called ‘red lines’, separating the matters they are reluctantly willing to negotiate from those which they are determined to refuse to negotiate; and they have placed what they consider their invaluable assets beyond these lines. Yet, what is an invaluable asset for one party is regarded by the other party as something to which they have ‘just’ claims. The idea will become clearer once we look at the Greek Cypriot invaluable assets (*GInvAss* for short), and then the Turkish Cypriot – and Turkish – invaluable assets (*TInvAss*).

For the Greek Cypriot community the main *GInvAss* in their possession are the following :

*GInvAss 1:* Greek Cypriots own and control the internationally recognized Republic of Cyprus, to the exclusion of Turkish Cypriots. The Republic is a modern state, considerably older than most of the new states set up by decolonized peoples; it is member of the UN, the EU and many other international organisations, it has political, diplomatic and economic relations with many other states and organisations, and has a voice and the ability to argue for its interests in the international arena. Indeed, most Greek Cypriot politicians made their careers by occupying positions in the Cypriot state, and learning to talk and sometimes to act in support of the interests of the Republic. Until the financial crisis which occurred in 2009 and struck first the banking sector and then the general economy) the Republic of Cyprus was a successful state – an imperfect liberal democracy – with a strong civil society, good living standards and high levels of literacy and health. Greek Cypriots are unwilling to surrender their control of the Republic to the Turkish Cypriot community – for all the vague references

to ‘political equality’ contained in UN documents – much less to see the Republic of Cyprus dissolved and replaced by an entirely new two-state system of governance with an doubtful future. For Greek Cypriots the Republic of Cyprus is the political basis of their corporate existence as one of the recognized and respected peoples of the world. If *per impossibile* the Republic of Cyprus were dissolved in favour of a two-state polity and then the new polity collapsed, they could not go back to the Republic and would have no international protection against the designs of Turkey which (as they perceive them) aim at the subjugation of the will of Greek Cypriots, the extinction of their political identity and the indirect control of their island. So, although Greek Cypriots do want to achieve what they consider a ‘just’ solution, or a close approximation of that, they are mindful of the risks they are taking in a union with Turkish Cypriots, and so if the worse came to the worst, they want to be able to *minimize the maximum loss they will sustain* (in the terminology of game theory, to ‘minimax’).

*GInvAss 2:* Greek Cypriots have had, until the banking and financial crisis that broke out in 2009, a thriving economy – a striking testimony to their educational standards, diligence and entrepreneurial talents – based on tourism and legal and financial services. A year before the crisis the economy was strong enough for the Republic of Cyprus to be admitted to the Economic and Monetary Union. The crisis brought levels of unemployment and poverty which the younger generation had never known – but all was not lost! Exploration were carried out some distance from the Cyprus’s eastern and southern shores within its Exclusive Economic Zone (EEZ) by reputable foreign companies under contract to the Cyprus government which indicated the presence of large deposits of hydrocarbons, comprising mainly natural gas and smaller deposits of liquid oil. The Turkish government was incensed by the initiatives taken by the Cyprus government with the support of all political parties and organisations, because Turkey had long claimed that (1) islands like Cyprus and the Dodecanese did not have their own EEZs, (2) Turkey was a large country with a long coastline that it is entitled to dividing the Eastern Mediterranean basin with Egypt and the countries on the Eastern shores of the Middle East land mass, and (3) there was no legitimate state known as the Republic of Cyprus, but only two national communities with equal status. Turkey made hostile noises, issued threats, and sent its air force and navy to harass engineers and workers on offshore platforms, and more recently send an exploratory vessel into the Cypriot EEZ. The fact was that Greek Cypriots, for all their anxieties about Turkey’s intentions, did not buckle or yield at all. Indeed, Greek Cypriots concluded agreements with Greece, Egypt and Israel for the demarcation of their respective EEZs, and approached

companies from the United States, Italy, Korea and other powerful countries to tender for contracts to extract and exploit natural gas and to invest in the construction of a Liquefied Natural Gas terminal in Cyprus. Turkish Cypriots, prompted by Turkey, said they would undertake their own explorations in ‘their’ EEZ, but Greek Cypriots, since they could not stop them, protested but basically ignored them. The position of the Cyprus government is that after the conclusion of a negotiated settlement and the establishment of a federation, the revenues from natural gas and oil will be used for the benefit of all Cypriots – but not before.

The linkage between *GInvAss 1* and *GInvAss 2* is all too clear. There is a deep conviction among Greek Cypriots that their legitimate political, economic and social interests are connected with, and indeed presuppose the maintenance of, the Republic of Cyprus and its continued ability to pursue freely diplomatic, economic, commercial and financial goals and activities in the international arena. If Turkey is ever able to dissolve the Republic or extinguish such international credibility as it possesses, Greek Cypriots will become hostage to the will of Ankara.

*GInvAss 3*: The Republic of Cyprus became a full member of the European Union, after several years of accession negotiations, on 1 May 2004. Up to the crisis of 2009, the strength of the Greek Cypriot economy, the Republic’s capacity to introduce and implement all the reforms required by the EU, and the diplomatic skills of the politicians and officials of the state and their allies in Greece were constantly tested, especially in view of vehement opposition and threats from Turkey – which had its own EU aspirations – and also the scepticism from a number of important EU members. Greek Cypriots believed, and Turks feared, that the Republic could use its enhanced diplomatic clout to persuade the EU to extract substantial concessions from Turkey in return for being allowed to start its own accession negotiations with the EU in December 2004. The EU did not oblige Greek Cypriots by applying serious pressure on Turkey – and for that matter neither did Greece – but nevertheless Greek Cypriots succeeded in creating a vague linkage between Turkey’s progress in its negotiations and progress towards a Cyprus settlement. If this linkage did not exist, Europe would have heard even less about the Cyprus problem. During the years when the Cyprus government engaged in accession talks with the EU, Turkey expressed its opposition to the Republic’s membership, ranging between legalistic arguments derived from certain provisions in the 1960 Accords to blatant threats of unspecified menaces against the Republic. The EU accepted Cyprus, but made some provisions for trade between Turkish-

held North Cyprus – which was recognized as an integral part of the Republic – and other EU countries. The Cyprus government did everything it could to stop *direct* trade between ports and the airport situated in “the areas not controlled by the Cyprus Republic” and the EU for fear that it may imply recognition of the TRNC authorities. Many Turkish Cypriots feel very aggrieved of this fact, but Greek Cypriots want to exclude any suggestion of foreign acknowledgement of a Turkish Cypriot *state* in the north.

As regards Turkish Cypriots, when they reflect on their present unsatisfactory condition and compare it with their sufferings and deprivations in the pre-1974 period, they realize they are much better now and that they have acquired a number of invaluable assets which they are determined not to give up, no matter what is offered to them in exchange. Turkish Cypriot (and Turkish) invaluable assets may be indicated as follows:

*TInvAss 1:* Turkish Cypriots have a continuous stretch of territory in the north of Cyprus containing ports and a functioning airport which is, in some sense, ‘their’ land, the homeland of their community and also a large group of Turkish settlers, some well-integrated, others not. The community is determined never to go back to being a set of pools of Turkish villages and hamlets spread all over Cyprus, which could pass as a minority in a Greek Cyprus. There will always be a Northern Cyprus for Turkish Cypriots, and any Greek Cypriots who may be allowed into their former homes and properties following an agreement will have to be a small minority which would not be able to exercise any serious influence on the institutions of Northern Cyprus, including its economy.

*TInvAss 2:* The TRNC is an organized state, if not a particularly successful one. It has a president who is generally respected by the Turkish Cypriot community and is regarded with some respect by foreign officials; it has a fairly effective government, a parliament and a legal system, courts, police, a conscript army, an administrative machinery; it organizes public utilities, social services, health services, schools and a higher education sector, cultural activities, festivals and other institutions. The TRNC is not, of course, recognized officially by any government other than Turkey’s, but it is not ignored either. In fact, after decades of official isolation, the existence of the TRNC was recognized by the 57-state Organisation of Islamic Cooperation as the ‘Turkish Cypriot State’, and this is significant for Turkish Cypriots. Denktash, Talat and more recently Eroglu all had meetings with American and European statesmen, as well senior UN officials. Turkish Cypriots just do not believe that

their elected leaders and the democratic procedures by which have been elevated to high office are not being taken seriously by foreign statesmen. If there is going to be a settlement in the form of a bicomunal, bizonal federation, Turkish Cypriots believe that (in the vague expression they are fond of using) “it must be based on present realities”; that is, the TRNC is going to be, in practice if not perhaps explicitly, one of the founding states of the Cyprus federal republic. The continued existence of the TRNC, with its existing basic provisions, must be part of any new federal polity that may instituted, if and when the negotiating process leads to a settlement, because for Turkish Cypriots it is a symbol and a guarantee of their distinct identity, their dignity as a community with a history of deprivation, struggle and some achievement, and the expression of their collective personality and will.

*TInvAss 3:* The Turkish Cypriot community is not at present economically self-supporting, and so it cannot survive without substantial economic assistance from Turkey; but nevertheless, it has long believed that the natural beauty and resources of Northern Cyprus and its dynamic and enterprising population will provide the foundations of economic self-sufficiency based on tourism, agriculture, higher education and light industries, if and when a political settlement occurs. The discovery of hydrocarbon deposits in the south and east of Cyprus makes many Turkish Cypriots look forward to the time when they can exploit similar deposits off their northern shores. Turkish Cypriots want the freedom and opportunity to mobilize the economic resources of ‘their’ land and develop a thriving economy which is entirely under their control. Any future cooperation between themselves and Greek Cypriots is possible once it is agreed that Greek Cypriot investors and business people will not have too large a share of the economy of North Cyprus or too great an influence on its commercial and employment practices.

*TInvAss 4:* Since 1974, Turkish Cypriots no longer fear any aggressive or humiliating actions by Greek Cypriots, even though Greek Cypriots are deeply aggrieved by the losses of 1974 and theoretically they have a motive to attack and destroy the Turkish Cypriot state. The reason is that the TRNC is controlled and protected by the Turkish armed forces and the Turkish Cypriot conscript army which Greek Cypriots would never contemplate attacking, since in that case Turkey would be prepared to use its forces to crush any attackers. Turkish Cypriots are entirely safe, and they believe that the presence of Turkish troops provides an absolutely credible deterrence against any organized attempts from the South to ‘liberate’ the North or just harassment from Greek Cypriot hotheads. Turkish Cypriots and Turkey insist

that Turkish guarantees for the integrity and security of the Turkish Cypriot community and their institutions in the North should remain indefinitely. There is no evidence that Turkish Cypriots (or Turkey for that matter) wish to see a new outbreak of hostilities, if a bicomunal bizonal federal settlement that meets with their approval is put in place. However, since they suspect that any such settlement will leave many Greek Cypriots unhappy and in some cases in an aggrieved and aggressive mood, the settlement may break down in deadlock and even bloodshed, as did the 1960 settlement, which left the Turkish Cypriot community unprotected – they suffered around 250 dead in 1963-64 – and the Republic of Cyprus in Greek hands. The Turkish Cypriot community, as indeed Turkey, insist on retaining the vital asset of continued Turkish security guarantees and an effective security machinery to protect the community and its state. Whatever advantages Turkish Cypriots stand to lose from the break-up of the projected federation, they do not want to risk losing human lives and a secure Turkish Cypriot state in the North. This is their version of the policy to minimize the maximum losses they could suffer under a worst-case scenario (to ‘minimax’).

The various *GInvAss* and *TInvAss* identified above, in so far as they are held to be non-negotiable by the communities that cherish them, place severe limitation on the prospects of the negotiating process. After all, the very purpose and point of the negotiation is to create for each side the opportunity to obtain from the other side, through the method of give-and-take, benefits that it believes its opponents had deprived them by unjust means, like violence or unscrupulous diplomacy. The more assets one side declares non-negotiable and the less one is willing to give up, the less one is going to be able to take from the other side. The clash between one side’s demands and the other side’s unwillingness to negotiate invaluable assets can be made clear by means of a table.

<i>GC demands</i>	<i>clash with TInvAss</i>
Repatriation of Turkish settlers and return of Greek Cypriot refugees (and their descendents) to their homes and properties. Freedom of movement, residence and property ownership for all Greek Cypriots, and political rights (including rights to	<i>TInvAss 1</i> : A continuous stretch of territory completely dominated and administered by a compact and coherent the Turkish Cypriot community (and the Turkish settler element).



participate in elections) for those who wish to live in the North.	
The bicomunal, bizonal federation will come about as a result of the constitutional development of the Republic of Cyprus. The TRNC will not be given any retrospective authority as a state equal in status to the Republic of Cyprus.	<i>TInvAss 2</i> : TRNC must remain in effect one of the two founding, constituent states of the projected bicomunal, bizonal federation.
The rules of the settlement should secure the unity of the territory, society, the people, the economy and state institutions of the federal polity.	<i>TInvAss 3</i> : An economy in the North which is controlled by the Turkish Cypriot community and Turkey, able to withstand any pressures from the larger and wealthier Greek Cypriot community.
Any new settlement should <i>exclude</i> any Turkish (or Greek or British) security guarantees, and <i>a fortiori</i> any unilateral right of intervention by any single power.	<i>TInvAss 4</i> : The maintenance of Turkish security guarantees and (most probably) the actual presence of Turkish deterrent troops.

<i>TC demands</i>	<i>clash with GInvAss</i>
Political equality between the two communities and constituent states, rotating presidency, over-representation of Turkish Cypriot officials in federal bodies, approximate equality ('adequality') of influence between the two communities on federal affairs.	<i>GInvAss 1</i> : Maintenance of the Republic of Cyprus – the expression of collective Greek Cypriot identity and personality – and exercise by Greek Cypriot officials of control or preponderant influence in all federal institutions.
A substantial (probably higher than just proportional) slice of the natural resources of Cyprus and foreign economic and technical aid to develop a prosperous economy for the Turkish Cypriot community.	<i>GInvAss 2</i> : Development of a thriving economy (before the crisis and again in the near future when the natural gas will be extracted, processed and exported) which supports high living standards and social welfare programmes.

<p>The establishment of principles and policies which will be supportive of Turkey's efforts to join the EU (e.g. until Turkey becomes full member its citizens should enjoy the rights and privileges of EU citizens!).</p>	<p><i>GInvAss 3</i>: EU membership which gives the Republic of Cyprus some voice and influence in the councils of EU, including influence on the conditions for Turkish accession.</p>
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The conclusion that emerges from the proceeding discussion is that as long as each of the two communities seeks to achieve from *uncoerced* negotiations what it regards as a just settlement embodying its rights or legitimate interests which, however, happen to clash with what the other community regards as its own vital and invaluable assets, it is hard to see how these negotiations can lead to an agreed settlement, even if both sides happen to be led at the same time by '70 percenters' leaders. The politicians in the two communities recognize that the negotiations have long reached an *impasse*. So do ordinary people in the two communities who indicate in successive opinion surveys that they do not expect a settlement to arise from the negotiations (and this shows they do not believe the EU is going to put pressure on Turkey to yield in order to join the EU). Yet Greek and Turkish Cypriots do not go out into the streets in mass demonstrations to demand from their leaders to make more concessions for the sake of a settlement – e.g. to adopt a '50 percenters' position – or adopt a different approach.

## 6. Epilogue

What options are left for the two communities when they realize that they cannot obtain sufficient concessions from the other side to reach what from the very different standpoints constitute 'just' solutions, and they are not willing to give up their invaluable assets as that would jeopardize their identity and security? Will they go to war? None of the parties to the Cyprus dispute has ever considered war and none of them believes the other party will wage war to force total victory. Will the parties agree to go to arbitration? This is out of the question as the Greek community – in fact all Greek Cypriot political forces – fear the repetition of the UN Plan of 2004, when the UN Secretary General Kofi Annan used his own discretion to fill the gaps left in the incomplete draft agreement, and produced what most Greek Cypriots regarded as an intolerably unfair document. Perhaps an international conference made up of the two communities, the three guarantor powers, the UN Security Council and representatives of the EU? Such conference has been suggested from time to

time in the spirit of speculation, but it has no chance of success if the principal parties to the dispute do not agree on all the main issues. So, if the two parties are not going to negotiate away their invaluable assets – and this much can be taken for granted in any foreseeable set of circumstances – are there any alternatives to the current negotiating procedure in which each of the two sides seeks an one-sided ‘just’ solution, thereby making a stalemate inevitable?

The answer that suggests itself may appear surprising at first sight. The two communities, most of whose peoples have lived in a divided Cyprus for the whole of their lives and got accustomed to enjoying the assets and tolerating the inherent frustrations and anxieties, appear to have developed an indifference to the present situation, and further, a kind of positive attitude to it. Former President Tassos Papadopoulos, whose government orchestrated to No vote to the UN Plan in April 2004, probably spoke for the majority of his people when he said that the existing state of affairs was ‘the second best’ situation to a ‘viable’ solution (read ‘just’ solution, as Papadopoulos was a ‘90 percenter’ politician). In the Turkish Cypriot community, given that according to successive opinion polls more people want a two-state solution than a bizonal federation, it seems very likely that while they would like to improve their living conditions and make their community a part of the EU, they are unwilling to give up their institutions, customary practices and independence from Greek Cypriots. For them, too, the present situation is ‘the second best’, as their daily life, political loyalties, expectations and aspirations accord with the facts of power on the ground in the North.

Every day hundreds of Greek and Turkish Cypriots go through the crossing points in Nicosia to visit friends, or shop in stores, or eat in restaurants, or just take a stroll on the other side, and then go ‘back home’. Even if they don’t often say so, Greek and Turkish Cypriots appear to consider it their *destiny* to live in a divided Cyprus (at least they know that their destiny is not to live in a united Cyprus), and they feel a sense of pride and self-respect, even a heroic feeling, for having withstood the deprivations and frustrations and refused the superficial attractions of an ‘unjust’ solution. Once you see a state of affairs as you destiny, you accept it, and further you may get to see it as something good, something that brings out your inner strengths, something that steels your will and character, and to love it. This is what some philosophers have called *amor fati*, ‘the love of one’s destiny’. One can reflect on an aphorism by Nietzsche in his book *Gay Science*: “I want to learn more and more to see as

beautiful what is necessary in things; then I shall be one of those who make things beautiful. *Amor fati*: let that be my love henceforth! I do not want to wage war against what is ugly. I do not want to accuse; I do not even want to accuse those who accuse.”

The last sentence of the aphorism most definitely does not apply to Greek and Turkish Cypriot politicians and officials, since they have long been expert players in what the UN Secretary General Ban Ki-Moon has called “the blame game”. Both sides accuse the other for practising injustice and showing ill will and bad faith in the negotiations, but the UN does not seem to agree, at least in public. In any case, there is some pleasure to be had by accusing your opponent for injustice, because that makes you feel that you speak for your people and it gives you the right to be proud of leading a people who suffer injustice for decades without breaking down.

One thing that politicians and officials in each of the communities do regularly is to accuse the other and talk up their state and its invaluable assets. Another thing they do is to devise and apply ‘strategies’ (as they call their silly political and diplomatic manoeuvres) to undermine the authority of the institutions of the other community and restrict its opportunities for economic and social development and action in the European and wider arena. Both sides’ strategies are pretty ineffective, in the sense that they do not have any significant impact on the way the other community plans and lives its corporate life, other than confirm in their collective consciousness the untrustworthiness and unworthiness of its opponents. Each community studies other side’s strategy and follows closely its activities, but the fact of the matter is that both communities have reached a point where they have no reason to deviate from their chosen course. Thus each community’s assets, goals and practical means of promoting these goals are more or less balanced by the other community’s assets, goals and practical means. A kind of static equilibrium has been reached between the two communities – not unlike a Nash Equilibrium – which the two communities have come to accept, if only silently, as the state of peaceful non-solution of the Cyprus problem. If a guess is in order in this connection, it may be said that the Cyprus problem will probably not be solved – at least not in the foreseeable future – but its insolubility will be absorbed in the social cultures, self-images and daily frustrations of the two communities.

**Note: Some of the material of this essay was embodied in my paper ‘The Role of “Invaluable Assets”’ which was included in the volume *Resolving Cyprus: New Approaches to Conflict Resolution*, edited by James Ker-Lindsay (IB Tauris, 2015).**