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Federalism, Frustration and Democratic Governance



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An ethno-federation is a federal country in which the units have a distinct identity, based on history, religion, language or any other marker of difference between people. These ethno-federations have a poor reputation. In too many cases the federal solution of granting ethnic subgroups autonomy in a federal-type construction has proven to be a failure. Quite prominent in this list of failures are the former Communist federations, where the transition to post-Communist rule has often been accompanied with bloodshed and final disruption of the state.

The reasons why ethno-federations are so vulnerable, are nicely set out in what is called the paradox of federalism. It asks the question whether the granting of autonomy to strong identity subgroups is likely to pacify or to the contrary exacerbate the conflict. It is a paradox, because there are good arguments for both potential outcomes. Those warning against the ethno-federal solutions refer to the danger of the slippery slope. If groups in society claim that they are different and if that difference is accepted and formalized into state institutions, the feelings of identity will not be reduced. To the contrary: they will become legitimate. The subgroups with different identities will have their own substate, their own political system, their own administration, possibly their own flag, their own national holiday or other significant markers of identity. The differences between the citizens of the same state will then be essentialized. Belonging to a specific group becomes an essential part of the way in which one is a member of society and a citizen of the state. That increases the chances that many if not all political conflicts in the country will be framed in the terms of the ethnic differences (especially if the mass media are also organized per subgroup). And the end result will not be a pacification of the ethnic differences, but a strengthening of them.

There are however also good arguments in favour, and good arguments against the choice for ethno-federations as instruments of conflict management. The first and most evident argument in favour states that doing the opposite – i.e. ignoring differences and imposing one single meaning of citizenship and one single identity in a society that manifestly does not display it – will in the end fuel demands for territorial autonomy. For territorially divided societies unitary state solutions are thus not the best thing to do. There is no point in keeping the illusion of a single nation state when it is not there. Having sub states as part of a federal union gives the subgroups living on the different territories also the possibility to express their demands and preferences in a more subtle way. The sub state levels have their own electoral competition for power and can have their own specific party system and if they prefer also a different electoral system. Voters can vote differently at different levels, depending on the policies controlled by each of the levels. Another advantage of federal solutions is that they are flexible. A federal state is not a fixed and final structure. There is always room and need for negotiation and recalibration of the distribution of powers, the financing of the levels and their policies and the procedures for shared decision making.

Another argument in favour of the ethno-federal solutions is that it does work in a number of countries. The literature in this respect then refers to Canada, or Spain, or the UK, or Belgium. In the first three countries there are of course strong separatist movements, but (except for the Basque Country) the strategies used to bring separation about have not been violent but have used legal devices like referendums. In Belgium there is not a strong separatist movement, but referring to the country as a successful ethno-federation might be grossly exaggerated.

There was a time when Belgium was referred to as a model (potentially to be followed) of peaceful co-governing of a country by two language groups that have both received far-reaching degrees of autonomy. Yet after the federal elections of 2010 Belgium rapidly lost its model status. It took no less than 18 months to put together a new federal government – a world record that will be difficult to break – because parties of the French speaking south and of the Dutch speaking north were not able to find the necessary compromise on internal language boundaries and on the distribution of competences and fiscal powers for the substates.

One might therefore add Belgium to the list of failed ethno-federations. Yet that raises the question of the criterion to be used to distinguish

between failure and success. The outcome of the long political crisis in Belgium was the formation of a new federal coalition government, and an agreement on a sixth constitutional reform that was subsequently accepted by a two-thirds majority in the parliament and by a majority of the representatives of each of the two language groups. The Belgian ethno-federation is indeed also a consensus model that requires the two language groups to govern together or not to govern at all. The consequence of that – the price to pay – is a widely shared frustration. It is frustration because political battles can never be fully won. It is frustration because compromises result in institutional complexities that are difficult to explain. It is frustration because electoral promises can never be fully met. Compared to violent conflict though, this accumulation of frustration does not seem to be an extremely high price. It might even be seen as being the very essence of democratic governance.

There was a time when the 'Belgian model' was a potential source of inspiration for a resolution of the Cyprus problem. And yet while the details of the Belgian constitution might today not be the first source of inspiration, a settlement of the Cyprus problem is quite likely to be some sort of ethno-federation. It will then be confronted with the paradox. It can be the beginning of further tensions, or it can pacify the conflict. One outcome is perfectly predictable though: the federal-type solution will fuel frustration. Yet frustration (and being able to live with it) because the settlement is not perfect is – as said – the very essence of democratic government.

The UN Talks on Cyprus Disregard the Outcome of the 2004 Referendum



Van Coufoudakis

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Forty one years since the Turkish invasion and the continuing occupation of 37% of the Republic of Cyprus a new round of UN sponsored talks is once again under way. In 2004, in a free and democratic referendum, Greek Cypriots overwhelmingly rejected the so-called "Annan Plan" and the unprecedented constitutional sophistry known as the "bi-zonal, bi-communal federation". Eleven years later we witness the resurrection of a rejected plan that violates European norms.

UN mediators and select foreign diplomats are attempting once again to create a false sense of optimism that the "two Cypriot leaders" (equating the President of the internationally recognized Republic of Cyprus with the head of the puppet regime of occupied Cyprus) will soon resolve this perpetuated problem. These diplomats either have short memories or believe that the Greek Cypriots do! Back in 2008 we heard similar optimistic expectations following the election of Mr. Christofias to the presidency of Cyprus. They argued that because of the President's personal and ideological friendship with the Turkish Cypriot leader, they would overcome obstacles in the negotiations. Ankara's policy proved them wrong and will do so again.

UN image makers present Mr. Akinci, the current Turkish Cypriot leader, as the "moderate" figure who, along with President Anastasiades (who supported the failed 2004 Annan Plan) will succeed where others failed. This artificial optimism overlooks Mr. Akinci's vision of a two state solution for Cyprus and Ankara's repeated warnings that Turkish Cypriot positions are defined and approved in Ankara.

Greek Cypriots have been told again not to miss this "final" opportunity to resolve the Cyprus problem. Claims of past "missed opportunities" include

plans like that of former UN Secretary-General Annan (2002-2004) that would have legitimized the outcome of the Turkish invasion and would have brought about the demise of the Republic of Cyprus. None of these “solutions” conformed to European norms, or provided for a functional, viable, democratic, rule of law oriented political system free from Turkey's hegemony. I have argued for years that if a state and its people do not stand up to protect their independence, sovereignty and internationally guaranteed human rights, they should not expect foreign interlocutors to do that for them.

Since 1975, the UN sponsored talks have transformed the Cyprus problem from one of invasion and continuing occupation to a search for a new constitution that would replace the Republic of Cyprus with a new political entity. Repeated rounds of talks have resulted in Greek Cypriot concessions without any reciprocity from Turkey. The Greek Cypriot concessions:

- a) have been incorporated in Anglo/American sponsored UN Security Council resolutions;
- b) have become the basis of “opening statements” defining the process and the outcome of the UN sponsored talks. Typical was that of 12 September 2000, on which the Annan Plan was based, and that of 11 February 2014 defining the objectives and the outcome of the current talks.
- c) have encouraged Turkish policies downgrading the Republic of Cyprus and promoting the *de facto* recognitions of occupied Cyprus, and
- d) have been taken for granted and have been incorporated in “convergence” documents

In total disregard of the outcome of the 2004 referendum, the latest round of talks is based on the same unprecedented constitutional scheme known as the “bi-zonal, bi-communal federation” that was rejected in 2004. With constructive ambiguity this construct will replace the Republic of Cyprus with a loose confederation of two autonomous states under Turkey's veto and guarantee. It also violates the European Convention on Human Rights which is fundamental EU law. Article 14 of this Convention prohibits discrimination on the basis of ethnicity, religion and language. The proposed constitutional scheme is based on this type of discrimination!

Turkey accepted the presence of a European Union representative in the talks, as it did in 2004, but only for the purpose of legitimizing derogations from EU law that will be part of the proposed settlement. If approved by a referendum, these derogations will deprive Cypriots of the right to challenge discriminatory settlement provisions in European courts.

The non-papers exchanged in the talks are framed in constructive ambiguity. For example, while certain opening documents uphold the rule of law and human rights, these rights are negated by papers regarding the separate identities of the states of the proposed bi-zonal confederation.

In the 2004 referendum 76% of the Greek Cypriots rejected these unprecedented schemes. This time, in an attempt to break up the united front that voted against the Annan Plan, Turkey and the UN have leaked the news that the new proposals may include some provision for the partial return of some displaced Greek Cypriots to portions of the occupied city of Famagusta. They forget that the 1979 agreement between the President of Cyprus and the Turkish Cypriot leadership and UN resolutions call for the unconditional return of the occupied city to its legitimate inhabitants. Turkey has turned legal and political obligations into bargaining chips to attain other goals such as the opening of new chapters in its frozen accession talks with the EU and to bring about the de facto recognition of the regime of occupied Cyprus.

The talks on Cyprus have been complicated by the fact that Turkey, a European Union candidate country, does not accept EU and international law on the Law of the Sea. Turkey sent warships into the EEZ of Cyprus, a country member of the EU, and threatened both the Republic of Cyprus and companies legally engaged in hydrocarbon exploration in the Cypriot EEZ. Naive assumptions by the current and the previous President of Cyprus about how hydrocarbon wealth could encourage the resolution of the Cyprus problem, gave the opportunity to Turkey and to UN interlocutors to introduce this issue in the negotiations. Turkey now demands that the hydrocarbons belong equally to the two communities. The UN also proposed that hydrocarbon revenues be used to cover the expected costs of reunification and to cover claims for damages incurred during and since the Turkish invasion. The UN mediators appear to be willing to mortgage the future of Cyprus while relieving Turkey of all responsibility for its actions. US diplomats have staunchly supported these plans. As an American, I wonder why the current US ambassador to

Nicosia does not propose a similar plan for the division of hydrocarbon wealth in Alaska between the native population and those who settled in the state in recent years...

The February 2014 opening statement for the current talks provides a detailed pathway for implementing Turkey's plan for the partition of Cyprus. However, it leaves open to negotiation issues vital to the Greek Cypriots including: the return of occupied territories; the properties of the displaced; the removal of occupation forces and the Turkish settlers; Turkey's intervention rights, et. al. Many of these issues have now become Turkish "red lines" in the talks. Goodwill gestures by the government of Cyprus have allowed representatives of the illegal regime of occupied Cyprus to conduct unhindered "high level" visits abroad. Moreover, so-called NGO's, funded by foreign governments, exploit Cypriot democracy to carry out propaganda activities on behalf of the UN. It is ironic that these so-called NGO's do not conduct similar propaganda activities in Turkey!

Forty one years since the Turkish invasion and eleven years since the historic democratic referendum that rejected the Annan Plan, Greek Cypriot will soon face vital questions affecting their future and the future of their Republic. With unity and foresight Greek Cypriots must stand untied and look beyond the positions of political parties as they did in 2004 in order to stop the latest attempt to destroy their country and to legitimize the outcome of the Turkish invasion and continuing occupation.

Reassessing the Prospects for a Solution of the Cyprus Problem



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There is no doubt that following the April 26, 2015 electoral victory and the rise of Mustafa Akinci as the new Turkish Cypriot leader efforts toward the resolution of the Cyprus problem have raised high expectations. Nevertheless, it is important to be pragmatic and not underestimate potential difficulties. Within this framework it is essential to revisit and reassess the major aspects of the problem. For the resolution of the problem it is essential to achieve consensus on the following issues:

- 1) Constitutional Issues - There are serious disagreements between the two sides. The Greek Cypriot position is that the bizonal bicomunal federation and the new partnership will evolve as an outcome of the transformation of the Republic of Cyprus which is recognised by all countries except Turkey. The Turkish Cypriot position is that the new partnership will involve a new state entity which will be created by two equal and sovereign constituent states. Obviously the issues involved go well beyond semantics.

- 2) Governance – Greek Cypriots stress the importance of a unified state, society, economy and common institutions. Turkish Cypriot positions revolve around entrenching a new state of affairs based on ethno-communal lines. Bridging this gap would be difficult given that the positions reflect two opposing philosophies. Furthermore, while the Turkish Cypriot positions are nearer to a confederation or at best to a very loose federation, the Greek Cypriots have in mind a bizonal, bicomunal federal arrangement with a rather strong government. It should be stressed that President Anastasiades himself may be willing to engage into a serious discussion for further decentralization provided that he is satisfied on other domains such as the territorial and the property issue.

- 3) Property Issues – Greek Cypriots stress the primacy of the legal owner of properties while the Turkish Cypriots insist on giving priority to the current user. It is also essential to note that *de facto* there will be several categories of properties.
Furthermore, the Turkish Cypriot position underlines that current users who will have to abandon/return property should be compensated. Given that Greek Cypriots who will not return to their properties will be also compensated the cost of the settlement will rise substantially. It should be also noted that some Greek Cypriot refugees have sold their properties in the northern part of Cyprus at relatively low prices in recent years primarily due to the economic crisis.
- 4) The Three Fundamental Freedoms – Freedom to own property, freedom of settlement and freedom of movement (throughout the island). The two sides agree on the freedom of movement but in relation to the other two freedoms there are some complications. The Turkish Cypriots insist on strict bizonality clauses which imply that the freedom to own property and to settle throughout the island are compromised. The new Turkish Cypriot leader Mustafa Akinci may be willing to be flexible on this issue if he is satisfied on other domains including the further advancement of political equality. The Greek Cypriot positions are in line with the European *acquis communautaire*. The Turkish Cypriots insist on derogations from EU legal framework on these issues. Another relevant concern for the Greek Cypriots is that it is inconceivable for the illegal settlers to enjoy the fundamental freedoms as it may endanger the demographic structure of Cyprus.
- 5) Security Issues – The Turkish Cypriots insist on having Turkey as a guarantor power in accordance with the arrangements of the 1960 constitution. The Greek Cypriots believe that the system of guarantees has been part of the problem and also see it as an anachronistic arrangement. In essence, the system of guarantor powers and the presence of foreign troops will lead to a protectorate rather than an equitable member state of the EU. At this stage there are various ideas on the security issue; from the involvement of NATO to that of the Security Council of the UN.
- 6) Settlers – The Greek Cypriots consider the issue to be political although they recognize that it also entails a humanitarian dimension.

They also believe that most settlers should be repatriated. In addition, Greek Cypriots see the Turkish policy of colonialism as an attempt of Ankara to change the demographic character of the island and consequently a security issue. The Turkish Cypriot side insists that the settlers who are citizens of the "TRNC" will not be repatriated.

- 7) Territorial Issue – The Greek Cypriot side envisions the return of territory in a way that most Greek Cypriot refugees would be resettled under Greek Cypriot administration. It remains to be seen what the Turkish Cypriot side would be prepared to agree on. Over time it was assumed that the return of territory would convince Greek Cypriots to make concessions on other vital domains.

We should be reminded that several plans which have been submitted overtime suggested that the Greek Cypriot constituent/component state should have under its administration 70,2% of the territory and the Turkish Cypriot constituent/component one 29,8%.

- 8) Economy – Although in principle both sides understand the importance of an integrated economy the clauses of bizonality may create serious problems. Moreover, it may be difficult for a bizonal, bicomunal federal Cyprus, with three government structures, to function effectively in the Eurozone. Likewise, it will require a tremendous effort to regulate and streamline accordingly the banking system in the occupied northern part of Cyprus.

It is also important to stress that the effective administration of several functions including social security, energy, water, health, may require a strong federal government. Nevertheless, this way of thinking does not seem to prevail in the negotiations. The focus seems to be on a loose form of a federal arrangement which also includes elements of confederation.

Last but not least it is essential to understand that it is more important to take into consideration the requirements for a contemporary state rather than the political expediencies of the past and the strategic considerations of Turkey. Likewise, it is important that the debate moves beyond ethnocommunal lines and indeed focus on the creation of a minimum common list of objectives, if not an agenda. Moreover, for any settlement to be viable foreign interventions should be limited if not eliminated.

Political Correctness and the Search for a Cyprus Solution



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The momentum for a solution to the protracted Cyprus problem has given rise to hopes that a settlement of the conflict may at long last be at hand. The president of the Republic, Nicos Anastasiades, has engaged in UN-brokered mediation process that is reportedly progressing well. Together with the new and pro-settlement leader of the Turkish Cypriot community, Mustafa Akinci, Anastasiades is hoping for what has eluded his predecessors.

Party politics, being what it is, will inevitably play the major role in any final decision-making. Should the left-wing AKEL join forces with the ruling conservative DISY in supporting the settlement it is more than likely Greek Cypriots will vote favourably in the referendum. Of course it is still too early to speculate on party lines with any degree of certainty.

However there are those, who strongly disagree with the suggested terms of a deal that in their view may not be widely different from the Annan Plan of 2004, rejected by the majority of Greek Cypriots. Some of them claim the economics of the likely settlement cannot be sustainable. They cite various talked-about bi-communal schemes for health care and social insurance and conclude that the financial cost may be overbearing for the Greek Cypriots. Others point to a host of social and cultural issues that will have to be resolved before a solution. Amongst them is the question of mainland settlers from Turkey, whose number is staggeringly high and by all counts a great number of them will reportedly be allowed to remain on the island. Though ethnically the same, the settlers are not fully integrated into the indigenous Turkish Cypriot community.

Still others argue that absent the full restoration of all human rights on the island no solution can or should be considered. For them the kind of solution under negotiation is an aberration to democracy and majority

rule. It is this group, whom I believe are stating their views plainly without fear of having to be 'politically correct'. That gives rise to the question whether or not any Greek Cypriots are in any shape or form disguising their views for the benefit of 'political correctness'. Is economy their main concern or are they hiding their deep-rooted political objections behind an economic mask? If, for instance, billions of dollars were given to reward a solution and meet all financial costs, would that satisfy those whose apparent concern is mainly economic?

It is important that in a free society all different political views are aired without discrimination. However, one has to have a clear idea of one's own objectives and motives. Every Cypriot is well within his/her right to openly state their views on the future of their country. But for greater influence in the public opinion, if not for one's own clarity of purpose, it is imperative to be aware of the context in which one forms a particular opinion or holds certain views.

The Cyprus Issue and its Geostrategic Challenges



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The Italian energy group ENI 'announced on Sunday[August 30th 2015] that it has discovered a super-giant natural gas field off the coast of Egypt, describing it as the "largest ever" found in the Mediterranean Sea' (Associated Press). The new natural gas discovery of 30 trillion cubic feet is considered one of the world's largest natural gas finds according to ENI. Beyond any doubt, the energy map is rapidly changing in the Eastern Mediterranean Sea and with it pre-conceived notions of geostrategic and security issues. This vast natural gas reserve creates conditions of political urgency among major players in the region. This urgency derives from the players' need to re-evaluate their respective position in this particular region in order to re-define their distinct geostrategic interests. Geostrategic fluidity and environmental uncertainty are thus becoming major determinants which condition the re-assessment of foreign policy of regional and global actors alike. Given the emerging complexities of this new parametric framework, the Republic of Cyprus is compelled to address *ab initio* the re-orientation of its foreign policy in order to safeguard its own strategic dividend. Cyprus' geographical proximity to Egypt, but also to Israel and Turkey, requires its government to expedite the re-formulation of its foreign policy. Essentially the Republic of Cyprus is confronted with the tough task to tackle its internal instability, a political derivative of its ongoing political conflict with Turkey and the Turkish-Cypriot community. This predicament constitutes a strategic constraint for the Republic of Cyprus and consequently it vests the Cypriot government with the responsibility to engage in politically enlightened initiatives to minimize its stumbling effects. Henceforth it needs to address issues of regional strategic alliances in an attempt to minimise, to the extent possible, geostrategic threats.

One should not lose sight of the fact, that currently there is a new politically promising effort towards the normalisation of Turkish-Israeli relations. This is a much needed political development which eventually could facilitate the peace process on the island. It seems that both Turkey and Israel acknowledge the strategic imperative of bilateral co-operation in light of the destabilising threat that ISIS poses to both countries. In addition to that, Turkey is confronted with a new Kurdish insurgency that threatens its internal political stability and economic development. It also adds pressure to its territorial integrity and has negative repercussions on Turkey as a member of the G-20. Given this context, the Republic of Cyprus is confronted with the difficult challenge to serve and advance its national interest. That is, if it wishes to have a fruitful participation in these new regional developments, its internal conflict must be resolved *a priori* in order to consolidate a measurable degree of peace and stability. These variables are fundamental criteria for a sustainable economic growth and development. Nonetheless, the risk presents itself to the Republic of Cyprus, of being eventually squeezed by the extensive operational geostrategic inequality that prevails in the region. This is a circumstance that is unequivocally to its disadvantage, even worse, detrimental to its political future.

Historical, political and socio-cultural factors facilitated close-knit and multi-faceted relations with Greece. However the present geostrategic predicament of Greece and its dire economic situation have severely compromised the Greek state's organic capacities. This by no means implies, that ties between the two countries should not be cherished and develop further. In light of this and in conjunction with the urgency of the regional conjuncture, the Republic of Cyprus, *ipso facto*, should engage into sincere and frank discussions with the U.K. government. The U.K.'s military presence on the island provides the fundamental prerequisites for the initiation of such a dialogue. This dialogue should aim at the establishment of a sound and reliable strategic partnership between the two countries. The U.K. military presence on the island is tantamount to the only formidable and reliable geostrategic constant of Cyprus, and contrary to populist arguments, provides extensive strategic security to the island. In fact, it is a strategic constant that the Republic of Cyprus cannot afford to overlook or sidetrack due to domestic politics. Needless to point out, before any future settlement, the Cypriot government should undertake the political initiative to revitalise its overall ensemble of relations with the U.K. This initiative should strive to strengthen this ensemble and to upgrade it into a strategic alliance. The primary political

responsibility lies with the government of Cyprus. The fluidity of the current geostrategic regional environment necessitates a peaceful and a viable settlement on the island. This settlement should not in any way incorporate issues or provisions that invite, insinuate or entail constructive ambiguities. The island's political culture cannot sustain it and will be inherently destabilizing. Any viable settlement should safeguard the political, economic and social stability of the day after. Any solution of the Cyprus issue should not be perceived as operating in the logic of regional fragmentation of the existing geostrategic interests of major players of the region. Quite the contrary, any peace settlement should promote regional integration of all actors involved, big and small alike. In this new geostrategic design, the Republic of Cyprus should safeguard its historical and institutional memory as well as its political continuity. But most importantly, the juridical, normative and international continuity of the Republic of Cyprus presupposes also the institutional presence and constructive involvement of the British factor. It is a *conditio sine qua non* of any peaceful settlement on the island in the future. The Government of the Republic of Cyprus should acknowledge the need to persuade its body politic of this fundamental requirement. In fact one might logically argue that the primary destabilising factor of the Republic of Cyprus is domestic and it has to do with the way the social masses have been hegemonized throughout the period, before and after the island's independence in 1960.

The Military Situation in Cyprus 1974-2015



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It is over forty years since the invasion of Cyprus in 1974 and the de-facto partition of the island by the Turkish military forces, which still maintain their presence on the island. On the other hand, the Cypriot National Guard (NG) has completed fifty years since its establishment in 1964, and four decades since its reorganization that aimed to address the threat posed by the de-facto partition and the powerful Turkish military presence on the island.

When it comes to the Cyprus problem as a whole, military force has been a substantial element. This article aims to evaluate the current military situation in Cyprus. We shall first outline developments in this field since 1974. After that, we shall proceed to analyse and compare the military forces on the island as they stand today. The data used is drawn from the Cyprus Centre for Strategic Studies, the IISS and other relevant sources.

Developments since 1974

Over the years between 1974 - 2015, developments in the N.G, on the one hand, and the Turkish occupying forces, on the other, followed a pattern of "action - reaction" behaviour. Thus, there was a period of 13 years of strengthening of the National Guard and the Turkish occupation forces (1989 - 2002), followed by another 13 years (2002 to today) without any real change in the overall strength of the rival camps in Cyprus.

During these years, the 'arms race' between the rival camps included Battle Tanks, Armored Personnel Carriers (APC) and Armoured Infantry Fighting Vehicles, Artillery, Multiple Rocket Launchers, Mortars, Anti-tank Missiles, Anti-aircraft, Radar Systems and Helicopters. As a result of these developments, the ratio of manpower and hardware between the two sides has changed by 2002 as compared to that of 1984 and 1974, but the Turkish supremacy in all fields remains unchallenged.

The data summarized in the attached table makes clear that any movement of N.G. to improve its capabilities led to a reaction by the Turkish side, which took similar steps to increase quantitatively and qualitatively its forces and maintain its superior position. Thus, while in 1974 the ratio of tanks was 15 Turkish for every N.G. tank (15:1), by 2002 it decreased to 3: 1 but it still remained favorable for Turkey. The same trend is evident in the APC where the difference in favour of Turkey decreased from 5.4: 1 in 1974 to 2.2:1 by 2002, but with corresponding increases in armoured vehicles the Turkish superiority in the field remained unaffected.

However, from 2002 - 2015, with the exception of the purchase of a small number of tanks and two search and rescue helicopters by the National Guard in 2011, no other changes in the arsenal of the two sides has been recorded.

Comparison of Forces 2015

The comparison of military forces in Cyprus in 2015 is as follows:

Human Resources: In terms of military personnel the N.G. numbers 12,500 and 50,000 reservists. The entire human military force of the Republic of Cyprus, including the Greek contingency ELDYK (950), is calculated to be 63,450.

The strength of the Turkish troops in Cyprus is about 43,000. Added 3,500 Turkish Cypriots under arms and 26,000 reservists, the total number of this force stands at 72,500. In other words:

- For every Cypriot National Guardsman there are 3.4 Turkish soldiers.
- Given the total number of forces on both sides, the numerical ratio is almost one Guardsman for every 1.1 Turkish soldiers (1:1.1).

Main Battle Tanks: Following the withdrawal of obsolete and operationally inadequate AMX-30, the National Guard currently has 164 tanks, compared to 179 in 2011. The corresponding Turkish main battle tanks are also reduced by 101, and the total number reaches 348 compared to 449 during the last twelve years.

It follows that:

- For each tank of the National Guard, the Turks have 2.1 tanks, compared to 1:2.8 in 2012, 5.7:1 in 1994 and 15:1 in 1974.
- Taking into account the 61 M-48 possessed by ELDYK, the ratio decreases slightly to the benefit of the Republic, thus for every N.G tank there are 1.5 Turkish.
- **APC:** The N.G. has a total of 395 APCs whilst the Turkish forces have 627.
- For each APC possessed by the National Guard there are 1.4 Turkish.

Navy - Air Force: Despite improvements in the NG during the last 40 years in all the above areas, the country is still facing unanswered critical threats and challenges by the Turkish Air Force and Navy in the air and the sea.

Economy and Defense

Finally, some details regarding the economics of defense. During the 1990's the Cypriot government used to spend 4-5% of its Gross Domestic Product (GDP) on Defense. However, since 2002 military expenditure dropped significantly to roughly 2 – 3 % of the GDP. It is interesting to note that in recent years, due to the financial crisis, defense budgets have shrunk even more (below 2%), thus affecting the already limited armament programs of the Republic as well as the processes of maintenance and the availability of spare parts.

This pressure is expected to continue in the foreseeable future, so it is very unlikely that there will be any substantial reinforcement of the N.G., either in terms of military personnel or in advanced weapon systems and technology. This will have a negative impact not only on the effectiveness of the force but also on the length of the military service.

| Comparison of Military Forces in Cyprus 1974 – 2014/15 | | | | | | |
|--|---|-------------|---------|----------|---------|---------|
| Section | TURKISH OCCUPATION FORCES (T.F.) NATIONAL GUARD (N.G.) ----- Ratio (T.F. : N.G.) | 2014/ 15 | 2004 | 1994 | 1984 | 1974 |
| Military Personnel | T.F. | 43.000 | 36.000 | 30.000 | 25.000 | 25.000 |
| | N.G.. | 12.500 | 12.000 | 10.000 | 9.000 | 8.500 |
| | 1T.F. : 1N.G.. | 3.4 : 1 | 3 : 1 | 3 : 1 | 3.7 : 1 | 2.9 : 1 |
| Main Battle Tanks | T.F. | 348 | 449 | 300 | 150 | 150 |
| | N.G.. | 164 | 145 | 52 | 10 | 10 |
| | 1T.F. : 1N.G.. | 2.1 : 1 | 3 : 1 | 5.7 : 1 | 15 : 1 | 15 : 1 |
| APC & AIFV | T.F. | 627 | 627 | 200 | 200 | 200 |
| | N.G. | 395 | 395 | 271 | 37 | 37 |
| | 1T.F. : 1N.G. | 2.2 : 1 | 2.2 : 1 | 1 : 1.3 | 5.4 : 1 | 5.4 : 1 |
| Artillery | T.F. | 232+ | 232+ | 194+ | 212+ | 212+ |
| | N.G.. | 164 | 164 | 138 | 36+ | 36+ |
| | 1T.F. : 1N.G. | 1.4 : 1 | 1.4 : 1 | 1.4 : 1 | 5.8 : 1 | 5.8 : 1 |
| MRL | T.F. | 6+ | 6+ | - | | |
| | N.G. | 22 | 22 | 18 | | |
| | 1T.F. : 1N.G.. | 1 : 3.6 | 1 : 3.6 | 1 : 18 | | |
| Mortars | T.F. | 450 | 450 | 114 + | | |
| | N.G. | 372 + | 372+ | 278 | | |
| | 1T.F. : 1N.G.. | 1.2 : 1 | 1.2 : 1 | 1 : 2.4 | | |
| SP | T.F. | 192 + | 192 + | | | |
| | N.G. | 153 | 184 | | | |
| | 1T.F. : 1N.G.. | 1.2 : 1 | 1 : 1 | | | |
| Anti -tank Weapons | T.F. | 114 | 114 | | | |
| | N.G. | 115 | 67 | 42 | | |
| | 1T.F. : 1N.G. | 1 : 1 | 1.7 : 1 | 1 : 42 | | |
| Anti - aircraft | T.F. | 134 + | 134 + | 84 + | | |
| | N.G.. | 108 + | 144 | 8 | | |
| | 1T.F. : 1N.G. | 1.2 : 1 | 1.2 : 1 | 10.5 : 1 | | |

Softening or Hardening the Status Quo in Cyprus?



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In an attempt to pave the way for a comprehensive settlement to the Cyprus Problem, Greek Cypriot and Turkish Cypriot leaders, Mr. N. Anastasiades and Mr. M. Akinci respectively, undertook some initiatives to boost confidence and build trust across the island. Encouraged by the UN and other third parties the two leaders announced a package of Confidence Building Measures (CBMs) in May 2015 and exchanged some social visits in May, June and July 2015. These steps were hailed by the supporters of the new process of negotiations on the island, as well as by external actors who are traditionally involved in the Cyprus Problem. The rationale behind these steps is that Anastasiades and Akinci could be the last two leaders of Cyprus' divided communities to pursue a mutually agreed settlement and thus they need to take every necessary step to demonstrate their resolution to a successful result.

At first sight these steps soften the status quo in Cyprus and make the dividing line so transparent that people across the divide would feel confident about the potential of reunification. In that regard, softening the status quo entails bold decisions and overtly expressed determination to rise above traditional approaches and to de-politicize intercommunal contact in all fronts. Take the list of CBMs for instance. By opening new crossing points, joining the two electricity grid systems, interconnecting the two telecommunication networks and putting an end to radio frequency interference between the two sides, a strong sense of unity, as well as an even stronger sense that re-unification is irreversible, shall emerge and ease off well-embedded reservations for (the necessary) concessions that each side needs to make for achieving a settlement. A softened status quo shall also lead into the mutual acknowledgement of the two would-be constituent states of a future bi-communal, bi-zonal federation.

There is indeed some serious investment of political resources and funding in support of that idealist design of a softened status quo as a means for achieving a settlement to the Cyprus Problem. Of course that design is neither unique for the case of Cyprus nor unknown on the island. Similar attempts have been pursued for at least a couple of decades, without any concrete results so far. A quick rejoinder to such a remark could be that 'this time things are different' or that 'this is the last chance for resolving the Cyprus problem'. These views however are wanting for they lack some concrete evidence. First, in every new round of negotiations over the Cyprus Problem 'things are different' and thus things will be necessarily different this time as well; second, 'last chance' positions were heard before and they can only function as a motivating factor for a blame game, i.e. a pursuit of the side that must be blamed for spoiling that 'last chance'.

Taking up some more interesting suggestions, the idea of mutual acknowledgement of some realities across the divide appears appealing. It is suggested that to move forward in the Cyprus Problem both sides need to come to terms with some 'realities on the ground' that are difficult to reverse or undo. Accepting these 'realities' is part and parcel of the 'new state of affairs' in the post-settlement era. Such a proposition however is not that new. It dates back to 1990s and it was advocated in many occasions by certain mediators in the context of negotiations. The critical question however is to what extent such an acknowledgement should be pursued? What would be the implications of such an attempt for the Cyprus Problem? Positions vary on these puzzles but very few researchers of the Cyprus Problem noticed that the further mutual acknowledgement goes the further the status quo will be enhanced. In other words, in an attempt to soften the status quo in Cyprus through a process of 'mutual acknowledgement of some facts on the ground' the outcome would be to make the status quo in Cyprus even more hardened.

Another interesting suggestion concerns social exchanges between the leaders of the two communities. Through social exchanges the two leaders –the two would-be co-Presidents or rotating Presidents or President and Vice-President of a united federal Cyprus– show character and promote an image of friendship that militates against the image of conflict. If the two leaders can build trust and social affiliation they would also be able to negotiate in good faith and mutual understanding the tough aspects of the Cyprus Problem. Anastasiades and Akinci seem to take full advantage of such an image and its boarder implications. In hindsight however the

'social exchange' argument is equally problematic with the 'mutual acknowledgement' argument. To begin with, social meetings and exchanges were attempted since early 2000s between late Clerides and late Denktash, without any substantial results on the essence of the Cyprus Problem. Greek Cypriot leader Christofias and Turkish Cypriot leader Talat had some strong political and social ties long before they engaged in an effort to negotiate a solution to the Cyprus Problem, but both testified that negotiations could not depend on these ties. In the course of ongoing negotiations, Anastasiades and Akinci took even bolder steps than their predecessors did and made some impression on Cypriots and foreigners. So far however these steps were not reciprocated on negotiations.

The fact that social exchanges do not determine political outcomes should have been well-understood by now. Apart from some good mode and a positive atmosphere among the two leaders, social exchanges do not leave a visible mark on negotiations. A least mentioned ramification however is that the bolder these exchanges may become the bolder the sense of a firm status quo in Cyprus becomes. The image that prevails through these initiatives is that Cyprus has two leaders of an equal status that reciprocate social exchanges on an equal footing. That image is well-broadcasted by leading world media.

In protracted problems like the Cyprus Problem deadlocks and failures are part of the process and maybe they have better chances than breakthroughs. In the case of Cyprus, idealism and teleological language elude the statistics, or at least they try not to take them into account. That is a mistake. When miscalculated or unsuccessful, soft steps in conflict resolution attempts may bring about hardened results in conflict management in the aftermath of a stalemate. The history of the Cyprus Problem shows that consecutive failures of soft steps have indeed hardened the status quo in Cyprus and minimized the chance for a comprehensive settlement. Each party however is eager to pursue soft steps for various reasons that should concern researchers and mediators.

A Regional Cyprus Problem: How a Solution may Affect Regional Energy and Security Cooperation



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This article argues that, due to several developments that have taken place in the last few years in the Eastern Mediterranean basin and the greater Middle East, the Cyprus problem is now –to a large degree- a regional issue. By this, we mean that its existence –mostly its potential settlement- affects the interests of several regional actors, outside the traditional interested parties.

“Cyprus joins the Middle East”

In one of his articles on Cyprus titled “Cyprus Joins the Middle East”, Daniel Pipes, President of the Middle East Forum (a Philadelphia-based think tank), argued that

“The Republic of Cyprus has entered the maelstrom of the world's most volatile region, thanks to new-found gas and oil reserves combined with an erratic Turkish foreign policy and a civil war in Syria.”¹

Mr. Pipes is right in pointing out that Cyprus is no more absent from regional affairs, as it used to be. In the last few years, Cyprus is eventually becoming a -small but significant- regional player. Being a stable, democratic state and a credible regional partner to its neighbors, Cyprus developed harmonic relations and flourishing cooperation with almost every state in the region. Its rapidly developing cooperation with Israel and Egypt (in the form of two parallel tripartite partnerships, with the inclusion of Greece) in the fields of energy and security, could be interpreted as a game-changer in terms of regional power distribution.²

¹ Daniel Pipes, “Cyprus Joins the Middle East,” November 6, 2013.

<http://www.danielpipes.org/13588/cyprus-oil-gas>, accessed on July 29th, 2015.

² Seth Cropsey, “U.S. Policy and the Strategic Relationship of Greece, Cyprus, and Israel: Power Shifts in the Eastern Mediterranean,” *Hudson Institute*, March 2015.

Cyprus on the energy map

Mr. Pipes is also right in spotting the causes of Cyprus' new regional role. First of all, significant natural gas findings have been confirmed in Aphrodite field (in plot 12 of the Cypriot exclusive economic zone [EEZ]). At the same time, the Republic of Cyprus (RoC) is in talks with companies and other regional governments in pursuit of the most profitable and secure way of transferring the gas to the markets. However, this undertaking faces Turkish reactions: Turkey disputed Cyprus' sovereign rights by sending a research vessel –accompanied by warships- into the Cypriot EEZ between October 2014 and April 2015, while trying to freeze Cyprus' research and exploitation plans. Both Turkey and the Turkish Cypriot leadership argue that this issue should be discussed in the context of the ongoing Cyprus problem negotiations, and if the problem remains unresolved by the time the natural gas profits start to flow, these should be equally distributed to both sides in Cyprus.³ The Cypriot government rejects this idea and declares that the Cypriot natural gas is owned by the RoC and that the Turkish Cypriots can benefit from natural gas sales only after a comprehensive solution of the Cyprus problem is achieved.⁴ Moreover, Ankara (which is currently an adversary to both Jerusalem and Cairo) believes that the efforts made by Cyprus, Israel and Egypt for shipping the Eastern Mediterranean natural gas in liquefied form essentially push Turkey aside. Ankara's strategic vision is to become "the leader in its region" in energy affairs.⁵ According to Turkey's President, Recep Tayyip Erdoğan, "Turkey will be the key country to ship these resources to international markets".⁶

Instability in the Middle East and Turkish aspirations

Apart from energy, Cyprus' regional role is also highlighted by regional security imperatives and geopolitical concerns. The Hobbesian conflict

³ Adrian Croft, "Turkish Cypriot negotiator urges suspension of gas drilling," *Reuters*, January 27, 2015. <http://in.reuters.com/article/2015/01/27/cyprus-talks-gas-idINL6N0V63WU20150127>, accessed on August 29, 2015.

⁴ "Leaders' meeting: solution first, and then natural gas for the Turkish Cypriots [Σύσκεψη αρχηγών: πρώτα λύση και μετά φυσικό αέριο για Τουρκοκύπριους]," *Phileleftheros*, November 18, 2014. <http://www.philenews.com/el-gr/top-stories/885/228876/syskepsi-archigon-prota-lysi-kai-meta-fysiko-aerio-gia-tourkokyprious>, access on August 31, 2015.

⁵ Jörn Richert, "Is Turkey's Energy Leadership Over Before it Began?" *Istanbul Policy Center*, January 2015.

⁶ Murat Tinas, "Erdogan opposes compromise on Turkey's position on gas resources in Cyprus," *Natural Gas Europe*, May 26th, 2015. <http://www.naturalgaseurope.com/turkey-position-cyprus-gas-resources-23881>, accessed on August 29, 2015.

taking place in Syria (only 70 miles away from Cyprus), which is actually a mosaic composed by multiple interlocking conflicts,⁷ as well the alarming advance of the so called "Islamic State" are just pieces of the Middle East security puzzle. Another issue of paramount importance is the antagonism among the region's aspiring hegemon. Turkey is one of them. Ankara's quest for increased influence over Sunni populations,⁸ along with its controversial approach towards the "Islamic State"⁹ have alarmed both regional friends and foes. Relations with Syria, Iraq, Iran, Israel and Egypt have more or less deteriorated. This signifies the inglorious end of former Foreign Secretary and Prime Minister Ahmet Davutoğlu's once ambitious "zero problems" policy.¹⁰ Moreover, Turkey's commitment towards NATO and Western goals is widely disputed,¹¹ while the ruling AKP and Tayyip Erdoğan's "mild Islamist" model has lost its initial charm.¹² Despite its undisputed geostrategic value (currently rising thanks to a US-led international campaign against the "Islamic State"), Turkey's credibility is heavily questioned.

The Cyprus problem and regional energy and security cooperation

Developments in the Eastern Mediterranean and the Middle East are linked with the ongoing Cyprus problem negotiations in several ways, especially in relation with regional energy and security cooperation. Assume for example that a future solution provides for the preservation (or slight modification) of the guaranteeing status established by the Treaty of Guarantee of 1960, as Turkey and the Turkish Cypriot leadership wish. In that context, the guarantor powers –supposedly Greece and Turkey– would be the main components of the island's security structure and reserve the right to take military action (concerted or unilateral) whenever

⁷ Jonathan Spyer, "Syria's new diplomacy," *Jerusalem Post*, August 18, 2015. <http://www.jpost.com/landedpages/printarticle.aspx?id=412099>, accessed on August 18, 2015.

⁸ Reva Bhalla, "The U.S.-Saudi Dilemma: Iran's Reshaping of Persian Gulf Politics," *Stratfor*, July 11, 2011.

⁹ Cropsey, "U.S. Policy and the Strategic Relationship of Greece, Cyprus, and Israel," 13.

¹⁰ Ilias I. Kouskouvelis, "The Problem with Turkey's 'Zero Problems'," *Middle East Quarterly* 20 (2013): 47-56.

¹¹ Efreem Inbar, "Turkey-America's Unacknowledged Problem," BESA Center Perspectives Paper No. 280, January 4, 2015. Emre Peker, "Turkey Breaks From West on Defense," *The Wall Street Journal*, April 21, 2015. <http://www.wsj.com/articles/turkey-shifts-away-from-west-on-defense-1429608604>, accessed on August 31, 2015. Zachary Keck, "NATO Beware: Turkey May Buy Russia's S-300 Air Defense System," *The National Interest*, May 6, 2015. <http://nationalinterest.org/blog/the-buzz/nato-beware-turkey-may-buy-russias-s-300-air-defense-system-12822>, accessed on August 31, 2015.

¹² Cropsey, "U.S. Policy and the Strategic Relationship of Greece, Cyprus, and Israel," 6-8. Daron Acemoglu, "The Failed Autocrat," *Foreign Affairs*, May 24, 2014. <http://www.foreignaffairs.com/print/138488>, accessed on May 29, 2014.

they believe that the state of affairs is threatened.¹³ In that case –given Greece’s relative weakness due to its severe financial problems- Turkey would essentially be the main security provider in Cyprus. This scenario gives rise to several questions: will Greece’s relative weakness leave Turkish power unchecked? And, if so, will Turkey resist the temptation to use its guaranteeing status for reasons related with its own interests in Cyprus or the wider region? Assuming that reunified Cyprus lacks sufficient means of maritime and air defense (especially if the solution provides for demilitarization of the island), will Turkey be responsible for dealing with threats offshore Cyprus? How would Israel and Egypt react to such a settlement, especially in case their relations with Turkey remain strained after the solution is reached? In other words, are the rest of the regional actors ready to accept Turkey as a legitimate key holder of the Eastern Mediterranean’s energy and security cooperation?

The smaller, the better

These questions have no certain answers since the details of a future solution are still uncertain. The situation in the greater Middle East might improve and relations between Turkey and its neighbors (especially Israel) might recover in the near future. Moreover, Turkey’s recent decision to plunge into the fight against the “Islamic State” and allow US jets to use Turkish bases may improve Western perceptions of the Turkish foreign policy’s orientation.¹⁴ However, during Erdoğan era, Turkey became much more unpredictable and much less credible. Dealing with a powerful and unpredictable partner is usually full of unwanted surprises. On the other hand, while Mr. Erdoğan was ruining Turkey’s traditional bonds in the region, Cyprus was building its own web of regional relationships, thus offering its neighbors a (much smaller but) much more credible partner. It’s in almost every regional actor’s interest to have a truly independent Cyprus after the solution of the Cyprus problem, with a real capacity of setting its own energy and security agendas. Should the Treaty of Guarantee remain in power after the solution, overhanging reunified Cyprus like the sword of Damocles, Cyprus would probably lose its

¹³ Giorgos Kentas, “The Peculiar Concept of ‘Balance’ Between Turkey and Greece in Cyprus,” in *Great Power Politics in Cyprus: Foreign Interventions and Domestic Perceptions*, eds. Michalis Kontos, Sozos-Christos Theodoulou, Nikos Panayiotides, Haralambos Alexandrou (Newcastle upon Tyne: Cambridge Scholars Publishing, 2014), 133-157.

¹⁴ Ceylan Yeginsu, Helene Cooper, “U.S. Jets to Use Turkish Bases in War on ISIS,” *The New York Times*, July 23, 2015. http://www.nytimes.com/2015/07/24/world/europe/turkey-isis-us-airstrikes-syria.html?_r=0, accessed on August 31, 2015.

regional player status at the expense of the whole region. Turkish dominance in the whole maritime area surrounding Cyprus would stimulate Ankara's hegemonic aspirations and hinder regional energy and security cooperation. In the Eastern Mediterranean basin, several actors may believe that a small and stable interlocutor like Cyprus is much better than a big and unpredictable one, like Turkey.

The Law of the Sea Dimension of the Cyprus Problem



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Introduction

Indisputably, the prolonged occupation of northern Cyprus by the Turkish Armed Forces following the military invasion of the island from Turkey in 1974 and the subsequent establishment of the breakaway “Turkish Republic of Northern Cyprus” (“TRNC”) have engendered serious ramifications on the island and its people. Nonetheless, the discovery of hydrocarbon deposits offshore Cyprus and the ensuing intense preoccupation of the Republic of Cyprus with the maritime domain dictates an appraisal of the repercussions of the Cyprus Problem on the Republic’s maritime policy. In particular, this article discusses the Turkish assertions over the maritime space around Cyprus and the granting of exploration licences to TPAO (Turkish Petroleum Company) by Turkey in there as well as the approach of the Cypriot Turks to the law of the sea. Bearing these in mind, it will be examined to what extent the formulation of a comprehensive maritime policy by the Cypriot state in the aftermath of a settlement of the dispute could be a feasible task.

The Turkish positions on maritime affairs in the Eastern Mediterranean Sea

As a reaction to the maritime boundary delimitations and other pertinent agreements concluded by the Republic of Cyprus in the first decade of the 21st century, Turkey has been engaged in a range of activities purporting to hamper the Republic from exercising its sovereign rights and jurisdiction over the waters adjacent to its coasts by virtue of both the 1982 United Nations Convention on the Law of the Sea (‘LOSC’) and customary international law. First off, the Turkish navy has been consistently harassing survey vessels operating on behalf of the Republic of Cyprus mainly -but not only- in the sea waters lying off the western shores of the island. The underlying reason is the claims of Turkey, which

deems the maritime space western of the longitude 32° 16' 18", namely just outside Cyprus' twelve nautical mile ('nm') territorial sea, part of its continental shelf disregarding the Republic's inherent right to a continental shelf and its capacity to declare an Exclusive Economic Zone ('EEZ'). Predicated on this line of reasoning, from 2008 until 2013 Turkey granted concession rights to the TPAO for virtually the entire maritime area around Cyprus. The blocks offshore the occupied part of Cyprus, namely in the north, east and south-east of the island were allocated to the TPAO, so the Turkish argument goes, by the "TRNC"; however, given that the northern part of Cyprus is under the "effective control" of Turkey (as set forth by the European Court of Human Rights in the *Loizidou* case), it is straightforward that the licences were actually given by Turkey. Moreover, in September 2011 Turkey signed a continental shelf delimitation agreement with the "TRNC", which, echoing the well-established opposition of Turkey to the equidistance/median line method concerning the Aegean and the Mediterranean Seas,¹⁵ was effected according to the equitable principles/relevant circumstances method;¹⁶ accordingly, the delineation line was closer to the northern coast of Cyprus, hence Turkey was afforded a broader maritime space than the "TRNC". Reflecting the aforementioned Turkish stance, the "TRNC" "law" governing maritime affairs stipulates that delimitation agreements should be concluded in compliance with equitable principles.

Challenges concerning the negotiation process and a future settlement

Having examined the above matters, it necessitates elaborating on how these divergent positions between the Republic of Cyprus and Turkey-Cypriot Turks could be dealt with after a solution and the participation of the Cypriot Turks in the government of the state. It is well known that Cyprus has penned three EEZ boundary delimitation agreements with Egypt, Lebanon (not ratified by Lebanon)¹⁷ and Israel on the basis of the

¹⁵ Turkey has been rejecting the use of the equidistance/median line method in the Aegean and the Mediterranean Seas since the 1970s as it maintains that islands (i.e. the Aegean islands and Cyprus) should get less maritime space than the continental land of Asia Minor; on the contrary, Turkey has concluded maritime boundary delimitations in the Black Sea using the equidistance/median line. Further, Turkey had repeatedly stated this position during the length of the Third United Nations Conference on the Law of the Sea (1973-1982) and still upholds this view in its contemporary maritime legislation.

¹⁶ This process entails consideration of all relevant factors in order to reach an equitable result, but it has been subjected to criticism due to its ambivalence.

¹⁷ International treaties after signature need to be ratified by the parliaments of the signing states so as to enter into force.

equidistance/median line,¹⁸ which is the preferable method for the Republic.¹⁹ In case the Cypriot state after a solution seeks to delineate its maritime boundaries with Turkey -unless the Cypriot Turks subscribe to the official position of the Republic favouring the equidistance/median line- it is unlikely that the equidistance/median line method will be used since the Cypriot Turks advocate equitable principles/relevant circumstances and/or might succumb to pressures on the part of Turkey in order to accept a delimitation departing from the median line (as seen in the case of the continental shelf delimitation between Turkey-“TRNC”). Furthermore, it is far from clear whether the Cypriot Turks will not challenge the extant EEZ delimitation agreements of the Republic of Cyprus and the ongoing exploration and future exploitation activities in the Cypriot EEZ if they perceive them as detrimental to their interests or upon Turkey’s intervention, which has always been inimical towards these activities.

What is more, serious difficulties may occur for the post-solution state as to how the standpoints of Turkey on the law of the sea regarding the Eastern Mediterranean Sea will be addressed. It is interesting to see what policy a government comprised of both Cypriot Greeks and Cypriot Turks will follow *vis-à-vis* the Turkish assertions. Specifically, the Cypriot state will have to decide if it will endorse and give effect to the Turkey-“TRNC” continental shelf delimitation “agreement”, the search and rescue “agreement” between the two, the concessions granted to TPAO by Turkey for itself and, allegedly, on behalf of the “TRNC” in respect of the maritime space adjacent to the coasts of Cyprus as well as to the “TRNC” “law” on maritime zones providing for equitable principles when it comes to maritime delimitation and/or any other arrangement between Turkey-“TRNC” on marine issues. For even though the foregoing instruments have no validity whatsoever and the lawfulness of the TPAO concessions is questionable at the moment, if they are accepted in the future they will be legitimized and become binding upon the Cypriot government. Therefore, if the Cyprus Problem is settled and the Cypriot Turks participate in the government of the state, predicaments are expected to emerge owing to the chasm between the postures of the interested parties with respect to the handling of maritime affairs.

¹⁸ Every point of such line is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two states is measured. United Nations Convention on the Law of the Sea (signed on 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397, art 15.

¹⁹ A state may choose one of the two delimitation methods or both for different segments of its maritime space; neither of these methods prevails over the other.

Conclusion

At any rate, the law of the sea dimension of the Cyprus Problem should not be taken lightly. As of the dawn of the new millennium and on, maritime affairs have been at the forefront of the Republic of Cyprus' policy, owing to the oil and gas bonanza (although the maritime domain should have always been pivotal to an island); the latest finding of a huge hydrocarbons deposit in proximity to the Egypt-Cyprus EEZ boundary is another sign ascertaining the excellent prospective of the region with respect to offshore oil and gas. Hence, a solution to the Cyprus Problem, no matter how desirable it may be, must not impair or derail the Republic's maritime policy in progress including, *inter alia*, the declaration and delineation of maritime zones as well as exploration and exploitation of hydrocarbons off the coasts of Cyprus in light of the aforementioned promising developments. The new state of affairs should not be established at the expense of international law for the sake of an arrangement devoid of justice. It will be to the benefit of the Cypriot people as a whole to perceive that its destiny lies in the sea, but its interests will not be served if the views of Turkey on the law of the sea permeate the solution; conversely, the Republic's maritime strategy should be carried on unimpeded and be further enhanced with a view to achieving progress and attaining prosperity for the island and its people. These matters are of utmost significance and the negotiators should definitely take them into consideration (along with the other fundamental issues) if the post-settlement state is to be established on the rule of law, an indispensable precondition for peace and stability; if it is not, the entire edifice will be founded on precarious grounds and the consequences will be calamitous.

The Cyprus Problem: 'When We all Think Alike, No One Thinks Very Much'*



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Scratch the surface of any negotiating team participating in the Cyprus peace talks for the last 40 years or so and what you will most probably find is an array of middle-aged, British-educated, male lawyers and civil servants, associated each time with the party coalition in power. Bearing in mind that five out of seven Cypriot presidents had trained as lawyers (even His Beatitude Archbishop Makarios III had studied Law) and an equal, albeit incongruent, percentage of them had been British-trained, this should come as no surprise. We all have, after all, the tendency to affiliate ourselves with someone we feel more comfortable with and that usually includes someone of the same gender, background, education and experience. Therefore, it is no coincidence that the women are nowhere to be seen.

Indeed, if one ventures into the murky territory of looking for prominent Greek Cypriot women who have so far played a substantial role in local politics and thus, subsequently, in attempts to resolve the major foreign policy predicament that is the Cyprus problem, among what constitutes half the population, in a timeframe spanning 55 years from the inception of the Republic, only three (!) women can be classified as such, having served as Foreign Minister, Attorney General and EU Commissioner respectively. All three of them made headway along an endless sea of suits; they stood out by outshining their peers, both in terms of academic qualifications, professional integrity and hard work. They insisted until their achievements could no longer be ignored, forcing the argument home that this time the right guy for the job had to be a woman.

* As quoted by Walter Lippmann, well-known political commentator, advisor to American President Woodrow Wilson.

But if those were difficult times, with few women being equipped to command such positions of power, what about today? As the negotiation process, more than any other time, seems to be heading to a solution, facilitated by both a female UN Secretary General Special Representative (Lisa Bittenheim) and a female Head of the UN Peacekeeping Forces (Major General Kristin Lund), the Greek Cypriot women around the negotiating table remain conspicuous in their absence. Why that poses a problem of some particular kind remains a mystery to many (men). Are women anyway not the ones taking minutes, preparing working notes, undertaking administration and research tasks, discreetly swinging those box files around? Are they not occasionally asked to head a team or two, granted participation in the Technical Committees running in parallel with formal negotiations? Are they not often responsible for the necessary nitty-gritty groundwork in the sidelines without which decisions cannot be made?

If one takes the rational actor model at heart, then, putting questions of justice and thus, equal female representation in decision-making positions aside, such notable absence of diversity among this particular group of decision-makers, would not be a problem. Whether decisions regarding the resolution of the Cyprus problem are taken by the closed circle of the current entourage of the President's *men* (a manifestation of 'denocracy' i.e. the practice of confidentially deciding in a 'den') or anyone else for that matter, this should produce no difference in outcome. Or should it?

Theory has it that agents make choices based on rational preferences and constraints, but in this case, we are specifically concerned with men's preferences, based on male perceptions of constraints. An exemplary case of such masculine thinking is pointed out by those Pentagon papers that reveal that Lyndon Johnson refused to withdraw from the Vietnam War, as he felt he would not appear very 'manly'. So much for rational preferences and rational constraints.

In fact, cognitive/behavioural analysis points out that the stickiness of the leader's preconceived beliefs, convictions and perceptions, the way that the leader processes information and his/her individual personality traits make an enormous difference as to how outcomes are arrived at. Adding to the perils and possible pitfalls of leadership, possibilities of a debacle loom larger if a decision-maker chooses to take unchallenged decisions in a group of like-minded people (in this case, a group of men more often than not in the President's own spitting image). The aptly described

'groupthink' phenomenon befits a number of spectacular fiascoes in foreign policy decisions, often arrived at by even the best and brightest among leaders, who sleepwalked their way to disaster, in the absence of a devil's advocate to blow the whistle of danger (John F. Kennedy and the Bay of Pigs incident comes pointedly to mind).

Even if there is no intention to deceive, or let alone fail, information presented in such an exclusive 'old boys' club would be routinely handled by joining the missing dots in a way convenient and/or acceptable in the eyes of the beholders. In the absence of a diversity of perspectives, what happens is that opinions converge, tunnel-vision prevails and consensus remains unchallenged to avoid upsetting a tightly-knit homogeneous team. Lack of diversity comes at a huge price.

In fact, experience shows that bringing the female perspective on the table pays off. The recent P5+1 nuclear deal with Iran was brokered by three women. When Federica Mogherini was asked how the deal was made, she said: "when the men veered off course and went on historical tangents or started to get tangled into debates about who gave more, the women walked them back to the present" -simply put, the women never saw this as a pissing contest but as a results-driven process of opportunity.

At a point in time where we know that half of all peace agreements worldwide fail within the first five years²⁰, with less than 8% of them²¹ having had any significant female contribution, perhaps it is time we did things in Cyprus a little differently, time we did things the smart way, time we brought the women into the picture.

²⁰ See the 1990s Human Security Report Project.

²¹ World Economic Forum data vouch for this number.

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