

The “defunct Republic of Cyprus” (according to Turkey) in the present phase of the Cyprus Problem

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The inclusion of the Turkish position of a “defunct ‘Republic of Cyprus’” in the written statement of the Turkish Minister of European Affairs, Mevlut Cavusoglu, at the 52nd session of the European Union-Turkey Association Council, at Luxemburg on 23 June 2014, has caused great perplexity.

What does “defunct Republic of Cyprus” mean for Turkey? The claim constitutes a consistent long-term legal position of Turkey; Ankara, with its statements for ‘defunct’, alleges that the internationally recognized – except by Turkey and the Turkish Cypriots (TCs) – Republic of Cyprus (ROC), does not exist anymore. It insinuates that it existed, but then fell into disuse, died, vanished, disappeared, ceased anyway to exist. Turkey claims that because it ‘defuncted,’ its accession to international organizations is not allowed, since this would strengthen the false allegation of the Greek Cypriots (GCs) that they represent a state that ceased to exist; an element that would distract their attention from the aim of solving the Cyprus Problem. Similarly, when in the ratification documents of two Council of Europe agreements, Ankara submitted reservations – despite that it was prohibited by these agreements – it justified its action, by noting to the contracting states of each agreement, that the ratification does not constitute a recognition of the “Greek Cypriot Administration of Southern Cyprus” as the Republic of Cyprus, since the latter allegedly ceased to exist; neither do the agreements denote any obligation by Turkey to cooperate with “the so called Republic of Cyprus” during the implementation of these agreements.

The formal Turkish position regarding the point in time when the Republic of Cyprus defuncted is not clear. In the text of the Cavusoglu statement of 23 June 2014 it is stated that “the ‘Republic of Cyprus’ was a partnership state that was established in 1960 [...]. The roots of the Cyprus Problem may be traced in 1963, when the partnership was destroyed by the Greek Cypriots, who effectively hijacked the state and, since then, claim that they are the ‘Republic of Cyprus.’” It then adds that “there has never been a government that legally represents the whole island since the end of 1963.” With the aforementioned, it is not claimed that the Republic of Cyprus ceased to

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exist simultaneously with the “destruction” of the “partnership republic.” It merely alleges that the “partnership” was destroyed by the Greek Cypriots who, at the end of 1963, supposedly effectively occupied the state and since then “claim” that they constitute the Republic of Cyprus. The Turkish position is clear only in that the Cyprus Government, since the end of 1963, supposedly does not represent legally, legitimately and rightfully the whole island; it claims that the Cyprus Government does not represent the TCs and that after the Turkish invasion it does not represent the occupied areas as well.

It would have been more difficult to support as, per the Turkish argument, that the alleged death of the Republic of Cyprus occurred at the end of 1963 (or at any time before the “unilateral declaration of independence” (“UDI”) of 15 November 1983), rather than after the “UDI” and the consequent creation of the secessionist entity of the “Turkish Republic of Northern Cyprus” (“TRNC”). The reason pertains to the fact that the Turkish side had followed the method of projecting the slow death of the 1960 “state of affairs,” with the simultaneous pursuit of the creation of a state-like structure that would provide a separate territorial foundation for the Turkish-speakers of Cyprus (that is, the Turkish Cypriot community and its mainland settler reinforcements) and which, through constitutional arrangements, would place Cyprus under the domination of Turkey, more effectively than the 1960 Treaties. During this period (1963-1974), the Turkish side attempted its secessionist effort (paralysing the state, retreat from state institutions, creation of parallel administrative structures, formation of armed enclaves), pretending at the same time that it sought a federal solution that would compose of the already functioning institutions of the Republic of Cyprus and the new (unconstitutional and partitionist) structures of the Turkish Cypriots. The federation would be placed under the umbrella of the 1960 Treaties that would be adjusted accordingly.

But this strategy included a serious inherent weakness. A federation provides for a specific territorial foundation for its federal units. The widespread TC enclaves on the whole island did not provide for such. This was created violently with the 1974 invasion and occupation of the northern part of Cyprus, where ethnic cleansing was effected supplemented by colonisation by Turkish settlers as well as Turkish Cypriots living in the free areas of the island; the aim was to achieve, for each of the federal units of the “federation,” of an ethnically homogenous and, through time, numerically comparable population with that of the free areas of Cyprus. The cultural distortion of the occupied areas (destruction and despoilment of the Christian and Greek cultural heritage), including the change of toponyms, constitutes an expression of the same strategy as the one, which was historically enforced during the complete Turkification of the Alexandretta sancak.

As part of this strategy, in February 1975 the so-called “Turkish Cypriot Administration” declared a “Turkish Federated State,” signaling that, if the GCs acted similarly, a federation would be created in Cyprus (under, of course, the fait accompli of the Turkish invasion and ensuing occupation). The “Turkish Federated State” was the immediate ancestor of the Turkish Cypriot secessionist entity of the “TRNC” that was proclaimed in November 1983. Since then, the Turkish side considers and claims that the “realities” in Cyprus, which must be accepted in favour of a solution and peace, include the existence and operation of two state entities: the “Greek Cypriot Administration of Southern Cyprus” and the “Turkish Republic of Northern Cyprus.” According to the Turkish conception, the two entities constitute two independent state entities, each one with its own peoples, its own territory and its own constitutional authority. The fact that the international community, though the Security Council, recognizes the Republic of Cyprus as the state that was created in 1960, with international responsibilities and rights emanating from its capacity as a state, leaves Turkey indifferent. The same applies to the fact that the so-called “TRNC” was characterized

with Security Council decisions as a secessionist entity, while its proclamation was declared as legally invalid and void.

It is concluded from the above that Turkey considers that the present Republic of Cyprus is not the one that was established in 1960; the ROC has, allegedly, defuncted! When that happened does not appear to have great importance. From the behaviour of the Turkish side it is concluded that it considers that from December 1963 until November 1983 the Republic of Cyprus was slowly dying, while the proclamation of “TRNC” constitutes its death certificate. In any case, from 15 November 1983 and thereafter, for the Turkish side, even theoretically, there was no space for the Republic of Cyprus even as “hijacked” by the Greek Cypriots. For the Turkish side there is another entity, baptised “Greek Cypriot Administration of Southern Cyprus,” which is, always according to the Turkish position, equal with the “TRNC;” they are allegedly “co-owners” of the island, each one with its own territory, people and constitutional government, and with the successful completion of the negotiations for a Cyprus solution, they will co-establish the “new partnership” in Cyprus – the old being the “defunct Republic of Cyprus.”

The above interprets the Turkish position for a “defunct Republic of Cyprus.” Why, though, only recently did Turkey highlight this position? This relates and corresponds to the Turkish position that the Agreement for the Comprehensive Settlement of the Cyprus Problem cannot and will not constitute a continuation (an evolution) of the Republic of Cyprus since it died (defuncted) earlier. The settlement will create, for the Turkish side, a new entity that will be the outcome of the agreement for the union of two pre-existing states: the “Greek Cypriot Administration of Southern Cyprus” and the “TRNC.” To the Turkish side, those two “states” will accordingly evolve to the “GC component state” and the “TC component state” of the new (up to date of unknown name) state entity that, after some territorial adjustments, will be titled “Federation.”

Present phase – Cyprus Conference in Geneva from 9 January 2017

The preceding analysis may, perhaps, contribute to the understanding of the in-progress game over the composition of the “Conference on Cyprus” that commences with the participation of the “two leaders” on 9 January 2017 in Geneva, and will then transform, according to Mr Eide, into an “International Conference” from 12 January. Always according to Mr Eide the participants will be the “two leaders” representing the “GCs” and the “TCs,” as well as the three Guarantor Powers (that is, 2+3) and anybody that is agreed by the Parties to be invited. The analysis may also help in understanding Mr Eide’s conception of how the “2+3” of the “International Conference” will use “four pens” – the three will belong to the three guarantor powers – to sign the Treaties that will change (alter or abolish) the three Treaties of 1960.¹ This was considered by the UN thinkers as necessary, so that to accommodate and cover, as they think, the vacuum created by the obvious absence of the Republic of Cyprus, as the Contracting State to the 1960 Treaties, the consent/signature of which is essential for the legal and normal amendment/revision or termination/abolishment of the Treaties as well as the smooth and legal transition to the new system of government.

What is, therefore, sought with the agreed composition of the “International Conference”? The “two leaders” enter the “International Conference” on 12 January, representing the “two sides” in Cyprus. At the instant of “concretion” of the Agreement for a “solution,” whether this is a “political agreement” that will precede the final Agreement for the Comprehensive Settlement of the Cyprus

¹ In the Treaty of Establishment and the Treaty of Guarantee the contracting parties are the Republic of Cyprus, Greece, Turkey and the United Kingdom, while in the Treaty of Alliance the United Kingdom is not a contracting party.

Problem (that is, an intermediate agreement as the Zurich and London Agreements of 1959), or is the Agreement for the Comprehensive Settlement, the “two leaders” will discard their capacity of the leader-negotiator and will arbitrarily – as far as the legal order of the ROC is concerned – assume the capacity and the authority of the future co-presidents of a state entity that they will create with their consent/signatures, with the method of *parthenogenesis* (virgin birth); to the glory of the unforgettable Lord Hannay and Alvaro de Soto that invented and adopted the concept as the dominating principle of the Annan Plan, that was rejected by the great majority of the Cypriot Cypriots at the referendum of 24 April 2004.

That is how the question of Mr Eide’s fourth pen is resolved; the “one pen” with which the “two leaders” will sign and will collaborate with the other three pens, so as with four pens and five signatures (those of the facilitators and the witnesses – i.e. Secretary-General of the United Nations, Permanent Members of the Security Council, European Union – do not count), to produce the magical “solution” of the Cyprus Problem. A “solution,” from the negotiation and the signing ceremony of which the present Republic of Cyprus will be absent; the only legal and internationally recognized state in Cyprus. Instead, the “two leaders” will participate through their consent/signature: a) the leader of the “Turkish Republic of Northern Cyprus” that is, according to the Security Council, an illegal secessionist entity, and nothing more than a Turkish local administration, which participates in the exercise of the occupation of the areas of Cyprus occupied by Turkey; b) the President of the Republic of Cyprus, participates not in this capacity (that is what the agreed UN statement of 1 December states), but as the leader of an entity that covers only the free areas, which are described by the Turkish side as the “Greek Cypriot Administration of Southern Cyprus”.

If the same method that was provided for in the Annan Plan is followed, that is to sign after two “Yes” votes in the referenda, then during the time needed for the simultaneous signing of 4 authentic copies of the Comprehensive Agreement and the individual Treaties, the tide of Cyprus History will change forever. In place of the Republic of Cyprus there will be the Greek Cypriot Constituent State of the Cypriot “Federation,” and not a “reunited Cyprus” as would have been the case if there were actually a continuation and evolution of the Republic of Cyprus. The place of today’s illegal “TRNC” will be occupied by the Turkish Cypriot Constituent State. The “Turkish Republic of North Cyprus” will be recognized (under the concept of Lord Hanney’s “acknowledgement”) retrospectively, under the agreements that will be signed, as a pre-existing entity that produced legal state acts (laws, administrative acts, international agreements), and will be historically justified, since its acts will be recognized as valid and will continue to exist, to the extent that they are not incompatible with the agreements that will constitute the “solution.”

If the above takes place, the Republic of Cyprus not only will not survive after the solution, but on the contrary it will be deconstructed and delegitimized politically and legally, with retrospective effect, as the pre-existing only legal and internationally recognized state in Cyprus. As far as the vacuum that will be created, this will be filled with equal retrospectivity by the TC Constituent State, recognized via international agreements, as the genuine offspring of the “TRNC” that will discard, at the moment of the signature, its quotation marks and will enter without them, and fully legitimized, into History. The past acts of the Republic of Cyprus will, in principle, be equal, through the agreements, with those of the present pseudo-state. But, since the Turkish side has not shown that it is self-destructive, it will not entirely reject the achievements of the Republic of Cyprus that may possibly benefit itself and the Turkish Cypriots. Thus, the Turkish side will keep the ROC’s achievements that are beneficial to it (United Nations and EU memberships, etc.). The Greek

Cypriot side will also boast of these and shout over its grave, that the Republic of Cyprus “*didn’t die, but lives and lives and lives*”!

The Turkish concept about the “defunct Republic of Cyprus” will be verified at the moment of the agreement. The Conference that initially consisted of Five Members, due to the conjunction of the “two parties” or the “two sides” that will take place, will result into a Four-party Conference – 5 Parties, 4 pens, 4 signatures. This is considered necessary by the script writers and directors of the Conference so that it appears (appearance is very important) that the transition to the new state structure and the amended or abolished Treaties that will derive are legal and normal; with the signatures of the alleged four Contracting Parties to the 1960 Treaties - that is, the two Cypriot parties, that through their consent/signature will appear as one, and those of the three guarantors.

It is now obvious that the Agreement that was arranged and agreed at the night of 1 December, during a dinner, between the “two leaders,” will prove of great historical importance because, if it is implemented as was announced and if it leads to an agreement that will not be prevented or overturned by a referendum (depending on the timing of the signatures), it will mean the end of the Republic of Cyprus, *το δε μέλλον άδηλον* (followed by an unpredictable future).



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