



ISSN (online) : 2547-8702

EASTERN MEDITERRANEAN POLICY NOTE

October 2018, No. 31

University of Nicosia Honorary Degree Acceptance Speech October 11, 2018

Perspectives on the Cyprus Problem

Van Coufoudakis

Honored Guests, President Kartakoulis, Rector Pouyioutas, Dean Emilianides, my old friend Andreas Theophanous, members of the faculty, dear friends. I am told that “modesty is a Greek virtue”. It is in this spirit that I accept the honor bestowed on me tonight.

This award has special meaning given my thirty year association with Intercollege. The founders of Intercollege were pioneers. There was no university in Cyprus when Intercollege was established, and tertiary education was considered to be the exclusive domain of the state. Following my appointment as the first Rector of Intercollege in 2001, we pursued two major goals. One was to seek appropriate legislation for establishing a private university. The other was the drafting and implementation of a strategic plan for the academic development of Intercollege and the accreditation of its programs. We achieved both goals with the participation and contributions of faculty, staff and administration. I would be remiss if I did not remind you that by the mid-90’s the Center headed by Andreas Theophanous had attained an international reputation. It literally put Intercollege “on the map” at a time when the University of Cyprus was struggling with basic organizational issuers. The establishment and development of the University of Nicosia is a milestone in Cypriot tertiary education. I congratulate you for your success and for all you have achieved since then.

I want to start my presentation with principles and experiences that influenced my career. This will help you understand who I am and why I am still professionally involved in international politics, including the Cyprus problem. I will close my presentation with brief comments about the current state of the international system.

I am a proud member of the Greek diaspora. My family's odyssey started early in the 19th century from the island of Andros. It took us beyond Greece to places like Izmir and Iskenderun, to East Africa, Egypt, Brazil, the Congo, and the United States. I first came to the US in 1955. This proved to be a life changing experience for me. At the time, the US was addressing the challenges of the Cold War and its own domestic issues with McCarthyism and the emergence of the civil rights movement. McCarthyism was defeated and civil rights became the cornerstone of postwar American democracy.

I chose an academic career because it offered freedom of thought and expression and gave me the proper tools to participate in public affairs. I followed the Periclean prescription that members of a democratic polity should participate in civic matters.

I came from a family proud of its Hellenic heritage. My parents were Greeks from Asia Minor. My father's legacy had a profound effect on my personal development. During WWII, my father risked his life with his involvement in an organization rescuing and sheltering Athenian Jews and members of the resistance. He instilled in me the values of honesty, self respect and the importance of democracy and human rights. This was the greatest legacy a father could leave to his son.

Another major influence was the war in Vietnam. My wife and I matured politically in the 1960's during the anti-war movement and our involvement in the 1968 American presidential campaign. There was also political instability in Greece in the 1960's, culminating in the 1967 coup. These events strengthened my commitment to democracy, human rights and the rule of law. However, political activism was not cost free. Early in 1968, I was court martialed in absentia in Greece for what the junta called "anti-Hellenic activities". Only after the fall of the junta I could return to Greece. It was a small price to pay in the fight to restore democracy in Greece.

I got involved in the Cyprus problem as the dysfunctional independence agreements run into trouble late in 1963. The junta's 1974 coup in Nicosia, the Turkish invasion and occupation of 37% of the Republic of Cyprus were turning points in my academic and in my political involvement in the Cyprus problem. Many of you are familiar with my academic work on Cyprus. My political involvement includes my work with the Greek-American lobby and my association with American and European foreign policy elites because of my expertise on issues affecting the Eastern Mediterranean. For me, the Cyprus problem was and remains a classic case of the rule of law and human rights in international relations. I know that my use of terms like "invasion" and "occupation" will not be well received by those in the OSCE and their local supporters who recently presented a new vocabulary to describe what happened in Cyprus in 1974. Ladies and gentlemen, there is plenty of room in the dustbin of history for those who deny documented acts of aggression, gross violations of human rights, ethnic cleansing or disregard the importance of free press in a democracy.

Cypriots are often encouraged to apply the lessons of Franco-German reconciliation in order to reexamine the past as they seek a solution of the Cyprus problem. However, Franco-German reconciliation followed the treaties that ended WWII; the implementation of the rulings of the Nuremberg Tribunal and the collaboration of the two countries that led to European unification. These conditions do not exist in the case of Cyprus. There is an authoritarian Islamic ruler in Turkey who refuses to acknowledge his country's past and shows total disregard for the rules of international law.

Following the recent visit to Cyprus by Jane Lute Holl, the government of the Republic stated its readiness to return to the talks on the basis of the Secretary General's framework. Turkey and its Turkish Cypriot surrogates have raised preconditions, the old trick that has allowed Turkey to obtain concessions before the negotiations begin. A major error in the Cyprus talks has been that each new round has started from the point the previous talks ended in deadlock. Turkey took for granted all previous Greek Cypriot concessions and came up with new demands. The government of the Republic never demanded zero based negotiations, especially following the rejection of the Annan Plan, or presented its own reunification plan. Instead, it relied on third parties to protect its rights under international law. We are now facing the consequences of this approach.

Foreign mediators successfully shifted the focus of the Cyprus problem from one of invasion, occupation, ethnic cleansing and gross violations of human rights to a search for a new constitution legitimizing the outcome of the invasion. Foreign mediators relied on "constructive ambiguity" in drafting negotiating texts that meant different things to each of the parties. This is how the unprecedented constitutional sophistry that has come to be known as the "bi-zonal, bi-communal federation" was born and has become the magic formula for the resolution of the Cyprus problem. I was and remain against it having studied the actual documents from these negotiations. The main reasons for my opposition include:

- 1) It calls for the creation of a new state to replace the internationally recognized Republic of Cyprus, because Turkey considers the Republic of Cyprus to be defunct. The new republic will legitimize the outcome of the 1974 Turkish invasion by acknowledging the puppet state set up by the Turkish army along with all its illegal actions, even though this so-called "state" has been declared illegal by unanimous Security Council resolutions, by all international organizations and European Courts. The UN proposal creates a new state, with a new name, a new constitution and new national symbols.
- 2) Anyone familiar with the difference between a federation and a confederation knows that the UN proposal does not create a federation and does not reunify Cyprus. It creates a loose confederation of two ethnically divided and largely autonomous states. There is no federal supremacy clause included in the proposed constitutional provisions, while the limited federal powers emanate

from and depend on the consent of the two constituent states. A dysfunctional decision making system at the national level is controlled by Turkish Cypriot vetoes. This will bring the operations of the new state into a worse constitutional deadlock than the Republic of Cyprus faced in December 1963. At that time the government of the Republic, under President Makarios, was able to defend and protect the legitimacy and sovereignty of the Republic in the UN Security Council. A collapse of the central government of the new republic will leave behind two unrecognized states in search of international recognition.

Historical hindsight shows how correct the analysis of UN mediator Galo Plaza was. In his important 1965 report on Cyprus, Plaza rejected Turkey's federation proposals because they were unworkable and would set the foundation for the partition of Cyprus. His assessment was correct then, and remains correct today!

3) The proposed "confederation" violates fundamental EU laws, including the European Convention on Human Rights because it is based on discrimination on the basis of ethnicity, language and religion. This is prohibited by European law. This is why Cypriot nationals will not be allowed to challenge any aspect of the agreement that may be in conflict with European law in European courts! The same prohibition had been included in the Annan Plan.

And

4) The documents exchanged in the talks speak of "Turkish Cypriots" without any distinction between the Turkish settlers illegally brought into occupied Cyprus by the Turkish government in violation of the 1949 Geneva Convention and the legitimate native born Turkish Cypriots. The settlers, who vastly outnumber the native Turkish Cypriots, are considered to be part of the Turkish Cypriot community. Under the proposed system, they will control the politics of the Turkish Cypriot "constituent state" and the policies of the new republic.

Citizens of any democratic state must enjoy the equal protection of the law and have the opportunity to participate equally and freely in the affairs of the state. However, there is no democratic state where a minority, consisting primarily of illegal settlers who have been granted citizenship by an illegal authority, controls the politics and the decision making mechanisms of the country. Turkey, has advanced various absurd theories on the application of "equality" among the two communities, including equal representation, a rotating presidency, and veto powers to the Turkish Cypriots in all matters of national policy under the guise of "effective participation". In this manner, the new Cypriot state will become Turkey's "Trojan horse" in the EU.

Turkey has also developed theories that Cyprus is part of its "strategic space," much like Nazi Germany did about some of its neighboring countries prior to WWII. Russia has developed similar theories to justify its actions in the Crimea and in Georgia. Only few and brave native Turkish Cypriot voices have the courage to oppose the Turkification and Islamization of occupied Cyprus, unfortunately without any success.

The Greek Cypriot negotiating backsliding was evident in the meetings held in Switzerland. For example:

- 1) The internationally recognized Republic of Cyprus was not represented because Turkey considers it to be defunct! Turkey demanded that only the "leader" of the Greek Cypriot community would speak on behalf of the Greek Cypriots. That person was the internationally recognized President of the Republic who was downgraded to a "community leader" and was equated to the Turkish Cypriot leader who has no international standing.
- 2) Turkey agreed that the EU be invited but only as an "observer". The same status was assigned to the EU during the final stages of the negotiations on the Annan Plan. The EU was expected to accept derogations from the *acquis communautaire* required for the implementation of the bi-zonal model and for security arrangements granting Turkey, a non-EU member, guarantor and intervention rights in the affairs of an EU member! And,
- 3) the permanent members of the UN Security Council were also excluded, even though the Council remains actively engaged in the Cyprus problem since December 1963; controls the operations of the UN Peacekeeping Force, and has authorized the good offices of the UN in Cyprus. However, American and British diplomats shadowed the talks promoting compromise formulas allowing Turkey to retain a guarantor status in the new republic.

Over the last two years, these senseless negotiations have continued while the Turkish navy threatened foreign companies exploring for hydrocarbons in the Cypriot exclusive economic zone. Turkey violated the sovereignty of an EU member undisturbed! The government appears to have accepted the Turkish proposals for a rotating presidency; has abandoned the principles defined by European courts on the confiscated Greek Cypriot properties, is considering transitional formulas for the withdrawal of the Turkish forces and some new form of guarantee to replace the 1960 system. After years of denials and disinformation the government has now admitted that the so-called "federation" essentially means the acceptance of Turkey's two state model!

Turkey's arrogance in the Swiss talks was evident in its absolute demand to retain guarantor and intervention rights in the new republic and that its nationals be granted the full rights enjoyed by EU citizens in Cyprus, even though Turkey is not an EU member. This demand would lead to the legal colonization of all of Cyprus by Turkey.

Another major Greek Cypriot concession involves the proposal that the hydrocarbon wealth of Cyprus be shared equally between the two communities and that Turkish pipelines may be used for their shipment to Europe. However, the country's natural resources belong to the state. They are not divided between the communities. The UN mediator also proposed to mortgage the country's natural resources to cover the cost of reunification, which is conservatively estimated to be at least \$35 billion. There are no other external funds to cover these costs. In this manner, Turkey will be relieved of any responsibility for the economic chaos it created in occupied Cyprus and for the consequences of the Turkish invasion on the Republic's economy and its citizens.

Since the collapse of the last round of talks, the Secretary-General has asked the "parties" to "reevaluate" their positions; to "reflect" on the way forward, and to "preserve the body of work" that has been done, a clear warning particularly to the Greek Cypriots not to retract any of the concessions they have already made in their acceptance of the unprecedented bi-zonal construct. I would suggest that the UN reevaluate its own proposals before asking the parties to do the same, especially in view of the conclusion of Alexander Downer, the former UN mediator who, in 2015, stated that there is no guarantee that the UN plan would work! This was an admission of the UN's willingness to close the book on Cyprus with any plan acceptable to Turkey regardless of its outcome.

The Secretary General's 2017 Report on Cyprus laments the fact that even though the two sides were close to a "strategic agreement" lack of political will prevented them from completing the process. The implication was that this was another "missed opportunity". The myth of the "missed opportunities" is a recurring one. It includes the 1964 Acheson plans; the 1978 Nimetz/ABC plan and the decisively rejected Annan Plan. Ladies and gentlemen, the only "missed opportunity" with all previous plans is that they would have brought about the demise of the internationally recognized Republic of Cyprus years earlier...

So, where do we go from here? I remember well the period leading to the 2004 referendum on the Annan Plan. In the weeks ahead, UN, foreign mediators and so-called NGO's operating only in the Republic of Cyprus, many of whom are funded by foreign governments, will rely on the old tactics, including threats if the new UN plan is rejected by the Greek Cypriots and false promises of benefits Greek Cypriots will enjoy from "reunification". Remember also the millions spent in 2004 by the US in propaganda activities and money given to individuals and organizations through the UNDP to promote the Annan Plan. These well documented activities failed in 2004 and will fail again once people realize the consequences of the unprecedented constitutional sophistry being prepared in London, Washington, New York and Ankara.

The UN fears the “loss of momentum” in the talks because of delays or another deadlocked round of negotiations. The myth of the “Cypriot led” talks that became popular in the aftermath of the Annan fiasco has once again run into Turkey’s intransigence. Various alternative scenaria were making the rounds in New York in anticipation of the recent meetings hosted by the Secretary General. With no apparent breakthrough, everyone found cover behind the report Jane Lute Holt will submit on the future of the talks. Many of you remember Samuel Becket’s play “Waiting for Godot”. In contrast to Godot, Mr. Guterez will appear with a face saving package to revive the talks. Once again, the pressure is on the government of the Republic to accommodate Turkey’s demands with the implied threat that worse consequences could follow if these demands are not met. These threats include a velvet divorce; the recognition of the independence of occupied Cyprus; the formal incorporation of occupied Cyprus in Turkey, and/ or the withdrawal of the UN peacekeeping force.

Since the end of 1963 Turkey has consistently advocated that the Republic of Cyprus needs to be replaced by a two state confederation under Turkey’s guarantee. Turkey will attain its goal, with an agreement based on any variation of the proposed UN constitutional sophistry. The Republic of Cyprus, a member of the EU since 2004, the UN since 1960 and other major international organizations must undertake a new dynamic campaign in order to preserve its existence, its unity, sovereignty and territorial integrity, and the rights of its European citizens. It must present its own reunification plan based on amendments to the 1960 constitution, without foreign guarantees or any Turkish troops on the soil of the Republic. The Republic of Cyprus is in a strong and important strategic and economic position in the Eastern Mediterranean thanks to its membership in the EU and the emerging regional economic and security cooperation. The UN proposals have not solved the Cyprus problem because appeasing Turkey has not worked. It has encouraged Turkey’s arrogance and has undermined the legitimacy of the troubled EU and the UN.

You have heard the views of a non-Cypriot friend of Cyprus. In the near future, you, the citizens of the Republic will be called upon to decide your own future in a new referendum on the latest version of a plan that was decisively and freely rejected fourteen years ago. You will be asked to approve not only the framework of the bi-zonal construct I talked about but, also, all the complex legal material that will become the foundation of the new Republic. In the case of the Annan Plan this material amounted to more than 9,000 pages of legal text prepared by UN staff and presented in its totality hours before the referendum!

The question, once again, will be what will you do to protect the internationally recognized Republic of Cyprus, its sovereignty, territorial integrity and your rights as citizens of a European democracy? Do NOT succumb to slogans, threats and bribes. Respect your history and your faith in the democratic process. You are the ones that will shape your own future

NOT the UN mediators, Turkey's ruler, or those willing to sign documents leading to the demise of the Republic with the false expectation that this will bring about the "reunification" of Cyprus. The survival of the Republic of Cyprus is NOT a partisan issue, it is a national issue. Your future and the future of Cypriot Hellenism will be in your hands.

Moving beyond the Cyprus problem, I want to comment briefly about the current state of the international system. I was born before WWII and have lived through wars, reconstruction and European unification. I have been a strong advocate of the post-WWII liberal international order which, theoretically, is based on integration, free trade, the rule of law and human rights. Despite many setbacks along the way, we greeted the 21st century with optimism about the future of democracy and the rule of law. However, in the last decade serious scepticism has emerged about the future of the post-WWII international system. A major gap exists between elites and the general public because of the unequal distribution of the benefits of globalization and the inability of regional and global bureaucracies to address individual needs and local problems. The post-Cold War period also brought the collapse of national borders creating an immense immigration crisis that the international community has been unable to resolve. Instead, we have seen the rise of a new nationalist mindset, xenophobia, populist demagoguery, and exploitation of issues of culture and identity. This is a widespread phenomenon. It affected my own country where Donald Trump was elected president by advocating slogans that undermine not only the post-WWII international system but also my country's constitutional order and traditions. The post-WWII European order is also threatened by domestic developments in countries like Poland and Hungary, the Brexit vote in England and the political uncertainty in Italy.

Listening to the news every day in the US I feel like I am reading George Orwell's 1984. The rise of populism in democratic Europe and in the US is a stark reminder of the conditions Ortega Y Gasset described in 1930 in his prophetic book The Revolt of the Masses. Despite the tragedy that befell Europe in the 1930's and 40's, liberal democracy proved resilient. It survived the tragedy of WWII and the Cold War. Thanks to visionary leaders a new Europe was born. Unfortunately, today, visionary leaders have been replaced by narrow minded bureaucrats who have lost touch with the needs and aspirations of European citizens. Informed citizens, political thinkers and policy elites must reevaluate where we are and why and take the necessary steps to recommit our selves to human dignity, democracy and individual freedom. We cannot become again victims of populist demagogues. This is the great challenge facing us and, even more so, the successor generation.

I am now in the eighth decade of my life. I have always been an optimist, so I want to close on an optimistic note. As a young student I read Voltaire's Candide. Voltaire's hero, after his many adventures, always returned home to the solace of his garden. He believed that even though life may not be

ideal, it can be tolerable if approached with faith in one's values, hard work and honesty. Candide told us that even though we may never be able to reclaim the Garden of Eden, we can cultivate our own garden, live in it peacefully, and continue contributing to the world around us.

This is what I have tried to do in my career. I hope I have succeeded. I thank you for listening and for honoring me tonight.