



AN ASSESSMENT OF THE PROPOSAL FOR A NORMAL STATE AFTER
THE FIVE PARTY INFORMAL CONFERENCE IN GENEVA
BY PROFESSOR THEOPHANOUS*

Ioannis Kasoulides

I thank very much Professor Theophanous and the UNIC for the invitation to make comments on this policy paper at hand. A very interesting paper, very pertinent nowadays in view of the present impasse and stalemate on how negotiations could resume in order to resolve at long last the division of our island.

I do not intend to dwell on the historical review, on the position of the UN and the EU, and the federal models and Cyprus.

I will focus my presentation on what Professor Theophanous calls an Evolutionary Process, which is not the first time that he has written about this idea but this time becomes all the more relevant and important. I will explain why further down in my presentation.

First I need to say that Professor Theophanous, who was one of the most vocal opponents to the Annan Plan, if I dare say the theoretician for the No vote of this plan, has acknowledged immediately after, that the high moral ground of the Republic of Cyprus (RoC) was lost or eroded in the eyes of the international community. But this was not the priority for many. This he repeats in his present paper today. With the high moral ground that ROC enjoyed beforehand we won our accession to the EU, the relevant UNSC resolutions and in particular Resolution 186 of the SC. This high moral ground we have not managed to restore until the present day. Perhaps this explains my own decision to tilt my own position voting yes to the Annan Plan fearing the repercussions as we see them now. It gave the opportunity to Turkey to take advantage with its

Ioannis Kasoulides is Former Minister of Foreign Affairs of the Republic of Cyprus.

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narrative and propaganda as it developed but above all it deepened the mistrust and disappointment among many Turkish Cypriots. I do not want to be misunderstood. The Annan Plan is dead and buried as it was democratically rejected by the G/C and all of us have to bow by the expressed will of the people. Certainly it serves no purpose in revisiting the debate in favour or against the Annan Plan. This I mentioned in order highlight the significance of the moral high ground for the future and to stress that the proposal of Professor Theophanous on elements that compose the evolutionary approach aim first foremost in restoring the moral high ground and put the foundations for creating conditions of trust between the G/C and the T/C.

These proposals contain elements that are bold, brave as far as our side is concerned and in gradual approach but with a fast pace will prepare the ground for meaningful direct and face to face negotiations for a comprehensive negotiation to resolve the problem of Cyprus according to the resolutions of the UN. Professor Theophanous is thinking outside the box and this is my thinking too if we are going to escape from the constrains of the box and remove the stalemate that leads to the partition of our island.

I will mention here the main proposals of the present paper to be implemented before the final stages of an agreement for a comprehensive settlement:

a/ The co-exploitation of the energy resources between G/C and T/C with the simultaneous delimitation of the Exclusive Economic Zone of the ROC and Turkey. Such a development may also facilitate the Greco-Turkish dialogue.

b/ Acknowledge the occupied territories to become a Region under Turkish Cypriot administration for the purpose of the implementation of the *acquis communautaire*. The EU should undertake the responsibility for the harmonization with the *acquis*. Such an action will upgrade the relations with the ROC and especially the EU. If the new state of affairs were to be implemented now, as the situation is, it will cause serious economic repercussions for the T/C and for the country as a whole. The EU and the World Bank will need to assess the solvability of many Banks in the occupied part because I am afraid few can pass the requirements of the European Central Bank and they will have to merge and undergo the famous haircut.

c/ Professor Theophanous proposes the functioning of Tymbou airport and the port Famagusta under the UN and the EU. I see the UN rather reluctant to undertake such a responsibility because they do not this. I saw the T/C rejecting a similar proposal made by President Anastasiades, I went further into proposing to do what the Peoples Republic of China for the airports in Taiwan. They addressed themselves unilaterally to ICAO and asked that the airport of Taiwan be declared as an International Airport.

d/ These bold and generous steps presuppose the simultaneous handling over of the Fenced Area of Varoshia to the UN according to UN resolutions and the return of its rightful inhabitants to their properties. The opening of the Tymbou Airport alone is an equivalent exchange for Varoshia.

As for the Port Famagusta the idea is to ask the EU to manage the Customs of the Port as an entry to the single market and the common external tariff. The handling of the whole port will never be accepted by the Turkish Army as it is necessary for their logistic support, as being the only port that they can use.

Before going further my principle is that for every movement we need to weigh the benefits and the costs. Evidently the first three steps have a cost. But the benefits, in particular saving the fenced area of Varoshia, are far greater.

e/ At the next European Elections, Professor Theophanous proposes that the T/C elect their two MEPs and the G/C six. Demand for two more seats for Cyprus i.e. eight seats as Theophanous suggests is extremely difficult to be accepted by the EU Parliament as the small countries will be demanding to increase their representation accordingly and it will open the Pandoras box. That is why I suggest that it should be 4 seats for the GC and 2 for the TC.

z/ If Turkey wishes the upgrading of its Customs Union Agreement with the EU and the ROC gives its acquiescence they will have to extend the Ankara Protocol as besides they have been saying so if what they call embargo is lifted.

In general, measures of this magnitude will lead to a normalisation process enhancing trade and cooperation by the two sides, agreement on a moratorium on offering of the so called naturalisation of Turkish Nationals and an end to a hybrid war fare using migrants as a tool.

Such a step by step process will offer the required time for the gradual strengthening of the relations between the two communities. The people of Cyprus as whole will be better prepared to allay their fears of the unknown future, better understand that the status quo does not protect them as it breeds further faits accomplis and better understand that for the security of their children we can live on this island in peace in a Bizonal Bicomunal Federation covered by the legitimacy of the UNSC resolutions. This approach is indicative of a philosophy and a concept and merits the need to work on them and other ideas in order to move forward.

The present situation as we see it is a total stalemate and an impasse and we cannot just sit and wait from a deus ex machina who will press Turkey to change its policy as I see nobody in the international community willing to do so.

We need to take the matter in own hands for the following reasons:

1st We need to overcome and circumvent the demand by the Turkish side to accept the separate sovereignty and the end goal of two states, prior to the resumption of negotiations under the aegis of the SG. This we will never accept. They base their demands on their narrative that the negotiations on Bizonal Bicomunal Federation they have always failed due to our intransigence and the end result is that the T/C Community remains always in the void. Or as in 2004 even if we reach an agreement, the G/C may reject it in the referendum

and their community will still remain in the void. This narrative needs to be addressed to convincingly so that the hand of the international community is strengthened to say to them that their demands are unjustifiable and if they insist they will remain in the void for as long as it takes and it will be to their own doing. Of course in our own narrative there is a reply that when the negotiations fail they remain in the void but for our side the occupation remains too. If we implement the several stages proposed in this paper, we address their fears that a failure of the talks will keep them in the void. If these proposals are implemented, it means the end of what they call embargo, the direct trade with the rest of the world through the port of Famagusta and the Tymbou airport and the application of the *acquis communautaire* in the occupied part of the island. What will remain is the international recognition for them as an integral part of the new state of affairs that we will agree, and the end of the occupation for us. Both sides will have an important and sufficient enough motivation to seek a comprehensive settlement.

2nd We need to begin a process of building trust between G/C and T/C. By so doing the T/C will gradually feel more confident to rid themselves of the grip of Turkey and begin feeling more secure in a legitimacy towards Cyprus.

3rd We need to convince the international community that we are serious and we mean business and then and only then they can mobilise themselves to help us in reaching a solution.

I agree that the launching point and the end result should be the Constitution of 1960 not aiming at unitary state but a Bizonal Bicomunal Federation, taking from this Constitution all the benefits and cheques and balances for both communities. I expressed publicly an opinion on this issue, but the time does not permit it to develop it now but let us leave it for another time.

Finally the title of this paper is a proposal for a for a normal state. Yes for me and for now a normal state is a state without a treaty of Guaranties, no right for unilateral military intervention and a country with no occupation troops. This has been described by the UNSG and has to prevail. The rest let us not anticipate and let the step by step approach in a fast pace which can take place before the negotiations for the settlement and can continue during and in parallel of the negotiations, show us the way.