

THE PROCESS OF A NEGOTIATING FIASCO: LESSONS FROM PAST FAILURES IN THE NEGOTIATION OF THE CYPRUS PROBLEM

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Until 1974 Greek Cypriots had passionately rejected the Turkish proposal for federation, arguing that Cyprus lacked all of the necessary elements, either social, economic, geographical, demographical, political, for the adoption of such a system of government (Tornaritis, C., (1974) *Cyprus and Federalism*, Nicosia, Polyviou, P. (1976) *Cyprus in Search of a Constitution: Constitutional Negotiations and Proposals*, Nicosia). The current President of the Republic Demetris Christofias, had expressed the well-known position of the Greek Cypriots, when in 5 September 2004 he declared that federation is not a suitable form of solution for Cyprus and that its acceptance had been an ultimate concession aiming at a timely solution to the Cyprus problem (interview with Khaleej Times).

Indeed when federation was accepted as a basis for the solution of the Cyprus problem in 1977 the aim was to reach, by accepting federation, a quick solution to the Cyprus problem, so as to avoid the detrimental effects of maintaining the status quo. There remains little doubt today, that by accepting federation in 1977 the Greek Cypriots committed a major negotiating and strategic error. They had, without sufficient study and at the beginning of negotiations, accepted the main Turkish aim without reservations and without any respective gestures of good -will from Turkey. Essentially Greek Cypriots had provided their major negotiating chip without receiving anything, simply hoping that Turkey would immediately solved the Cyprus problem (Polyviou, P. (2009) *Makarios: The Three Errors* (in Greek), Athens: Kastaniotis, p. 52-79).

However, Turkey wilfully did not enter into an immediate agreement and as a result federation became ever since 1977 the basis for solution. Necessarily, any negotiations between the two communities would proceed from there, despite the fact that the acceptance of federation was supposed to be the ultimate concession of the Greek Cypriot Community.

There is little doubt that the Greek Cypriot political leaders had not realised what they had accepted in 1977. It is characteristic that the official position of the Greek Cypriot Community concerning the agreement of 1977, as expressed for instance by the Attorney-General of the Republic Criton Tornaritis, provided that the accepted federation should provide for the complete safeguard of human rights throughout the island, without any provisions for majority of land or population in either federal unit, as well as the safeguard of the unity of the state and of the economy (Tornaritis, C. (1983) *The Legal Aspects of the Cyprus Problem*, Nicosia, p. 17ff). This remains the official position of the Greek Cypriot Community until this day (see e.g. unanimous Resolution of the Cypriot National Council dated 18 September 2009)

However, as it would soon become obvious the understanding of the UN, and the Turkish side, as far as the interpretation of the term '*federation*' is concerned, was quite different. Starting with the AmericanBritishCanadian Plan of 1978 and culminating in the Annan Plan, all proposals for a solution of the Cyprus problem following the acceptance of federation, interpreted the term, not in the sense officially accepted by the Greek Cypriot side (Christodoulides, N. (2009) *The Plans for the Solution of the Cyprus Problem* (in Greek), Athens: Kastaniotis), but as essentially legitimising the status quo and reproducing the effects of the Turkish occupation of the island through a separationist structure (Emilianides, A. "Beyond the Servant State Paradigm: The Cyprus Problem Revisited" [2003-2004] *Institute of International Relations of Panteion University Yearbook*, p. 107-126).

The Greek Cypriots, faithful to their quest for a quick agreement, gradually adopted terminology which was inconceivable to them and which coincided with the terminology initially proposed by Turkey. Thus, the '*bi-communal federation*' provided in the 1977 Agreement became a '*bizonal, bi-communal federation*' and ultimately a '*bizonal, bi-communal federation with political equality*', as provided for in the Agreement between Christofias and Talat of 23 May 2008. The Greek Cypriot point of departure of transforming the 1960 Constitution into a federated state, became the '*virgin-birth*' state of affairs, whereby each side (namely the Republic of Cyprus and the 'TRNC') can claim elements of continuity. In the system of government, the Greek Cypriot political leadership gradually accepted the rotating presidency as an element of solution. And whereas in 1977 was the ultimate concession of the Greek Cypriots, in 2010 it is the official aim of the Greek Cypriots. This was and remains a negotiating fiasco at its best.

The decision to adopt the Annan Plan as a framework for the solution of the Cyprus problem was the culmination of the lack of solid political aims on behalf of Greek Cypriots. Greek Cypriot political actors had been adopting for years a hard line in internal discussions, while at the same time adopting a line of concessions internationally. Terms like '*settlers*', '*occupation*', '*Turkey's responsibilities towards Cyprus*', '*return of the displaced persons*', '*missing persons*', became internal rhetoric which often did not correspond with the actual process of the negotiations, or Cypriot stance towards the international community. As a result, Greek Cypriots started to rely upon the well-known rejectionist perspective of Rauf Denktaş in order to succeed in the '*blame-game*', namely how to safeguard that the international community would blame Turkey for the lack of progress to the negotiations.

The Greek Cypriot leadership irrespective of political origin, would essentially accept Turkish demands in the negotiations without safeguarding that their voters could also accept them, and while at the same time re-assuring their voters that they would never accept a solution which would provide the same concessions they had already accepted. All in the name of the blame-game! However, when Turkey accepted the Annan Plan, it was too late for the blame-game to continue to be played. The Greek Cypriot National Council had, with near unanimously accepted the Annan Plan as the framework of solution, while

knowing at the same time that such a Plan would have no chance to be accepted by the Greek Cypriots and even if it was accepted it would have no chance to function or be viable.

As a result, the political effects of the accession of the Republic of Cyprus to the European Union, the major strategic goal of Greek Cypriots following 1974, were in large negated by the results of the referenda. The Plan B of the UN, namely to safeguard that in case that the Annan Plan was rejected, the accession would not serve as a new starting point for the negotiations, had largely succeeded. This was the culmination of the collective negotiating fiasco of the Greek Cypriot political leadership.