

SOLVING THE 'MINORITY' PROBLEM IN CYPRUS A HISTORICAL ACCOUNT

Clement DODD*

Abstract

This article examines the unhappy history of the Turkish Cypriot 'minority' in Cyprus. On the basis of criteria generally accepted in political science, it is arguable that they had every right in 1983 to secede from the Republic of Cyprus. They have nevertheless agreed in principle to a federal solution, even though two-state federations are very difficult to operate successfully. Yet the UN and the EU, and even Turkey, have supported prolonged but unsuccessful attempts to bring about a federal solution. If the Turkish Cypriots did enter into a federation with the Republic of Cyprus, an EU member state, they would find it well nigh impossible to obtain permanent derogations with regard to residence, property ownership and the control of the economy. It now seems unlikely that a federation will be established. Other ways forward could be a Taiwan-type solution or a 'velvet divorce', as the Turkish Cypriots describe the breakup of the former Czechoslovakia.

Key Words

Turkey and Cyprus, political minorities, federation, secession, EU norms, two-state solution.

Introduction

The Turkish Cypriots are often regarded as a minority in Cyprus and tend to be treated as such by students of the Cyprus problem. The Turkish Cypriots do, indeed, constitute a minority of the population of the island,

* Clement Dodd is a Research Associate at the School of Oriental and African Studies in the University of London, where he was latterly Professorial Fellow in Politics with special reference to Turkey. The author of a number of books and articles on Turkey and on the Cyprus conflict, his latest book is *The History and Politics of the Cyprus Conflict*, London and New York, Palgrave Macmillan, 2010.

almost a quarter now, but they do not regard themselves as a minority. They insist that they are a separate people in their own independent state, even if the rest of the world, save Turkey, treats them as a minority within the wholly Greek Cypriot Republic of Cyprus. In reality, the internationally unrecognised Turkish Cypriots have achieved political autonomy, whereas most minorities only have degrees of cultural autonomy, as is the case, say, with the native (American Indian) population of America and the Aborigines in Australia. Often this is regarded as not enough by the minorities. Some look for, and struggle for, a degree of political autonomy, or for a protected place within a federation, as is the case with the French Canadians in Canada. Others have achieved political independence, or are on the way to achieving it, as is the case with the states that have emerged, or are still emerging, in the Balkans. In the former Czechoslovakia the two peoples separated in what has become known as a 'velvet divorce'. This is a solution that both the President, Derviş Eroğlu, and the National Unity Party Government of the Turkish Republic of Northern Cyprus believe is necessary for harmony on the island. They point to the failure of the international community, acting through the UN, to create a federation in Cyprus.

This was seen as the way forward after the breakdown in 1963 of the internationally condoned settlement of the conflict in the 1959 London Agreement, because that settlement took the form of a federation. It provided for treaties of guarantee, alliance and establishment and set up a constitution for the new Republic of Cyprus that was accepted by both communities.

The Turkish Cypriot community formed only one fifth of the population, but under this constitution "the two communities were political equals, not in the sense that each had the same legislative or executive powers . . . but in the sense that each existed as a political Entity."¹ It is best described as a non-geographical federation, and it set the pattern for all future attempts by the UN to broker a settlement between the two sides. A major problem with the 1960 settlement and all subsequent attempts to

¹ Zaim Necatigil, *The Cyprus Question and the Turkish Position in International Law*, rev.2nd ed., Oxford, Oxford University Press, 1998, pp.15-16.

create a federation in Cyprus is that two-state federations are inherently unstable, especially when one participant is much larger than the other.²

The predominant Greek Cypriot view in 1960, a view still supported to this day by some Greek Cypriots, is that the Turkish Cypriots were in so small a minority that they should have accepted minority status. Is this a justifiable point of view? Or did the Turkish Cypriots not have the right to secede if they found the federation unsatisfactory? Four conditions have been suggested to justify secession:

1. That the region had been included in the state by force and there had been a continuing refusal by its people to give full consent to the union.

2. That the national government had failed, in a serious way, to protect the basic rights and security of the citizens of the region.

3. That the political system of the state had failed to safeguard the legitimate political and economic interests of the region, resulting in a serious form of relative deprivation for the region.

4. That the national government had ignored or rejected an explicit or implicit bargain between regions that had been entered into as a way of preserving the essential interest of a region that might find itself outvoted by a national majority.³

It is not, of course, possible to treat of Cyprus as composed of regions before the events of 1974 divided the island between the two communities, though after 1963 half the Turkish Cypriots were obliged to take refuge in self-defended enclaves. Thereafter the solely Greek Cypriot government that was in office during the period of violence from 1963 to 1967 did fail 'to protect the basic rights and security' of the Turkish Cypriots as provided for under the 1960 Constitution. Their 'political and economic interests' were also not safeguarded as required under paragraph 3 above. In 1963 economic embargoes were placed on the Turkish Cypriots, and persist today.

² On the unworkability of two-state federations see I.D. Duchacek, "Dyadic Federations and Confederations", *Publius: The Journal of Federalism*, No. 18 (1987), 5-31.

³ Anthony H. Birch, *The Concepts and Theories of Modern Democracy*, London, Routledge, 1993, pp. 131-2.

The Greek Cypriots claim that in 1963 the Turkish Cypriots abandoned their places in government of their own free will in order to foster partition, whereas the Turkish Cypriot ministers and civil servants clearly believed that they would have been endangering their lives if they had stayed in office. İsmet İnönü strongly advised them to return to their posts, but in response their leader, Dr Fazıl Küçük, stressed that they simply could not do so without great danger to their lives. Since we have become aware that under the Akritas Plan the Greek Cypriots intended to subdue the Turkish Cypriots, by violence if necessary, his reply was justified.⁴ This is an important issue. Claiming that the Turkish Cypriot ministers and civil servants had abandoned their posts without due cause, the Greek Cypriots asserted that under the “doctrine of necessity” they were justified in ruling without them.⁵

The UN Security Council seemed to be accepting the legitimacy of this claim when, in the course of authorising a Peace Force for Cyprus in 1964, it referred to the wholly Greek Cypriot rump government in power as ‘The Government of Cyprus.’ The Turkish Cypriots, realising the consequences of this decision, were in despair. Turkey was, however, persuaded by the United States and the United Kingdom that there was no danger in omitting the prefix “Constitutional” to the “Government of Cyprus” in the Security Council’s Resolution (No. 186). It was an omission of crucial importance, as became obvious when the UN and all states began to deal with the Greek Cypriot government as if it was the true Government of the Republic of Cyprus, and so began to accord it recognition. That recognition was underlined when in 1965 the Greek Cypriot government refused to allow Turkish Cypriot members of the House of Representatives to resume their places unless they accepted changes in their legal status that in effect converted them into a minority in government, not a partner. The protests made by the Guarantor Powers of the treaties and the Constitution, the United Kingdom, Greece, and Turkey, were simply ignored. Ankara wanted a meeting of the Guarantor Powers to consider this illegal development, but found no encouragement from the United Kingdom. Instead the issue went to the UN Security Council, where the British

⁴ The correspondence is reported in Clement Dodd, *The History and Politics of the Cyprus Conflict*, London and New York, Palgrave Macmillan, 2010, pp.53-5.

⁵ The applicability of the “doctrine of necessity” is refuted by Necatigil, *The Cyprus Question and the Turkish Position in International Law*, pp. 60-2.

Representative was “not to express any view as to whether the British Government consider the present *de facto* Cyprus Government to be constitutional or not.”⁶ The British Government, sitting on the fence, was anxious to be on good terms with Makarios, having the safe operation of the British bases in mind, and aware of the danger of allowing the Soviet Union to gain influence on the island.

In these circumstances, abandoned by the Guarantors of the 1960 settlement, there can be little doubt that the Turkish Cypriots gained the right to secede from the 1960 federal system, but could the break-up of the 1960 Republic of Cyprus have been prevented? Being in a large majority the Greek Cypriots not unnaturally believed that the Turkish Cypriots were not entitled to the powers and authority that had been accorded to them in the 1960 Constitution, which they claimed had been forced upon them. Yet, constituting as they did, a four-fifths’ majority they could surely have afforded to be magnanimous, especially as they were much wealthier than the Turkish Cypriot community. As their leading statesman of the day, Glafcos Clerides, admitted, the Greek Cypriots could, for instance, have allowed the separate Turkish Cypriot municipalities that were provided for in the 1960 constitution. Moreover he and Rauf Denktaş proposed a ‘gentlemen’s agreement’ to limit the use of the Turkish Cypriot veto in parliament, but this was rejected by Makarios and his EOKA ministers, who were determined to abrogate, or at least change, the Constitution. The Greek Cypriots could, and should, also have made it abundantly clear that they stood by the renunciation of union with Greece (*enosis*), which had been forbidden under Article 1 of the 1960 Treaty of Guarantee. The Republic of Cyprus had undertaken ‘not to participate in whole or in part, in any political or economic union with any State whatsoever.’ However, although they had signed up to the 1960 constitution, the Greek Cypriot leadership was resentful of the rights that had been accorded to the Turkish Cypriot ‘minority’; it was very important, and unfortunate, that during British rule the Greek and Turkish Cypriots had not mingled much. They had not been able to form liaisons that would have helped bring the two communities together. The British are often blamed by Greek Cypriot writers for an alleged policy of ‘divide and rule’, but this does not carry much weight. The factor that divided the two communities was the insistent Greek Cypriot

⁶ Quoted from British documents by Salahi R. Sonyel, *Cyprus: The Destruction of a Republic and its Aftermath (1960-1974)*, Lefkoşa, CYREP, 2003, p. 159.

demand for *enosis*, which greatly alarmed the Turkish Cypriots, even as early as the end of the nineteenth century, when the fate of Crete brought home to the Turkish Cypriots their possible fate. This estrangement of the political and social elites was enhanced by the development of Turkish nationalism among the Turkish Cypriots, especially after the rise to power of Mustafa Kemal Atatürk.

Attempts to Solve the Problem 1964-1974

Security Council Resolution 186 of 4 March 1964 was a defeat not only for the Turkish Cypriots, but for Turkey too. Ankara then tried to reassert its position as a Guarantor Power of the 1960 settlement by contemplating, and planning, military intervention later in 1964. However, Turkey was not adequately prepared to intervene militarily, and was in any case virtually stopped from doing so by President Lyndon Johnson. His stern warning letter to İsmet İnönü, when later made known, caused great offense.

What could have been done to relieve the plight of the Turkish Cypriot 'minority' after the UN Security Council's devastating resolution? For the first few years after 1964 the American representative, Dean Acheson, with UN approval, tried to devise a solution based on *enosis*, the four versions of his plan sometimes shading into double *enosis*. The basic aim was to allow Greece to declare *enosis*, and to enforce it if necessary on the island against the likely opposition of Makarios. In return Turkey would be allowed to have a military base in Cyprus, probably in the Karpas peninsular, to provide security for the Turkish Cypriots. In all probability many Turkish Cypriots would have contrived to move to that area, but for the most part they would be allowed some degree of local government under Greek rule. These plans, and other more conspiratorial ventures, broke down partly because the Greek Government was too weak to enforce them against Makarios, but also because Turkey would only participate if there was a base area in Cyprus under permanent Turkish sovereignty. The Acheson, and other more threadbare, schemes were mainly prompted by the fear that the Makarios government's close connections with the Soviet Union were leading to another Cuba.⁷

⁷ A full account of the Acheson and related plans is in Claude Nicolet, *United States' Policy Towards Cyprus.1954-1974: Removing the Greek-Turkish Bone of Contention*, Mannheim and Möhensee, Bibliopolis, 2001, pp. 256-89. For insight derived from a study of British documents see Sonyel, *Cyprus:The Destruction of a Republic and Its Aftermath (1964-74)*, pp. 115-25.

In the meantime serious attacks were being launched against the Turkish Cypriots in their besieged enclaves. In August 1964, a Greek Cypriot force led by General Grivas of EOKA fame, attacked the Kokkina-Mansoura areas and was only stopped by the intervention of the Turkish Air Force. The Turkish Cypriot 'minority' seemed now to be in an almost hopeless situation with the importation into Cyprus of some 12,000 Greek troops, whilst the Greek Cypriot National Guard, with many Greek officers and non-commissioned officers, grew to be some 20,000 strong. This Greek strength did doubtless act as a brake on Makarios in his treatment of the Turkish Cypriots, but in 1967 Grivas, difficult to control, led an assault on the villages of Geçitkale and Boğaziçi that caused many casualties. Turkey threatened war with Greece, which was averted by American diplomacy. Some 10,000 Greek troops returned to Greece, but paradoxically perhaps, the Turkish Cypriots were safer when Greek influence was strong in Cyprus. This was especially the case when in 1967 the Greek Junta came to power and hoped that that an agreement could be made with Turkey that would allow *enosis*.

After the 1967 crisis, the pressures on the Turkish Cypriot enclaves were somewhat relaxed. More important, the UN promoted a series of talks between the Greek and Turkish Cypriots, led by Glafcos Clerides and Rauf Denktaş, in which the Turkish Cypriots made many concessions that might well have produced an agreement but for the opposition of Makarios. The Turkish Government, especially when led by Süleyman Demirel, badly wanted the negotiations to succeed, but with the rise to power of Bülent Ecevit the Turkish stance hardened, and became especially evident when Ecevit called for a federation as a solution. Had the Clerides/Denktaş talks succeeded, the Turkish Cypriots would have had some degree of local autonomy, but little influence in national decision-making. It was a missed opportunity for the Greek Cypriots.

The Struggle for a Federal Solution

In November 1973 the Greek Junta was replaced by another. It was even more intent on *enosis* and overthrew Makarios in a coup in 1974. Turkey then intervened under its authority as a Guarantor Power of the 1960

settlement. Also, for strategic reasons, Turkey could not allow Cyprus to become a Greek island. This intervention, resulting as it did in the tragic flight of large and roughly equal proportions of the Greek and Turkish Cypriot communities to separate areas, now made possible a geographically divided federation. Moreover the Turkish Cypriots immediately established their own state in the North. This was in effect partition, the solution popular in Turkey in the 1950s, but then not really practicable. A two-state, or confederal, solution was now theoretically possible, but Turkey did not advance it. Arguably Turkey could have offered to withdraw from the 37 per cent of the island it occupied to some 25 to 30 per cent if Turkish Cypriot autonomy had been recognised. It would have significantly relieved the Greek Cypriot refugee problem. Even if not accepted by the Greek Cypriots, it would have been an important gesture that might well have undermined the growing international hostility to the Turkish military intervention. Unfortunately after 1974, for internal reasons, Turkish politics was in some turmoil, with much change of government and political instability.

After 1974 negotiations between the two sides were set in train under UN auspices, culminating in 1977 in a meeting between Makarios and Denktaş that reached agreement on four guidelines for a federal solution. These guidelines did not so much solve the problem as complicate it. It was agreed that the territorial division in a federal republic would reflect not only the difference in population, but also economic viability and landownership. The three freedoms very important to the Greek Cypriots of movement, settlement and the right to own property were left simply to future discussions. The central federal government of the state would be such, it was ambiguously said, as to safeguard the unity of the country having regard to the bi-communal nature of the state. There was no written agreement on the bi-zonality that was regarded as essential by the Turkish Cypriots.

Being little more than items for discussion of a federal solution, the guidelines were then to be tirelessly discussed in UN-sponsored negotiations. The Turkish Cypriots mostly wanted a two-state solution, although Ankara, chiming in with international opinion, supported discussions for a federation. In the discussions the Turkish Cypriots were insistent on the dimension of rights that they had been accorded in the 1960 Constitution. In 1989 the Greek Cypriots turned down a near agreement at the last minute. It had allowed for the degree of autonomy in constitutional arrangements secured by the Turkish Cypriots in 1960, but made little attempt to solve the issue of

the three freedoms and would have been difficult to operate. The 1992 Set of Ideas drawn up by the UN Secretary-General after negotiation with both sides provided some more concrete provisions about property and settlement, only to be rejected. There was also much dispute on the nature and location of sovereignty in a federation, and how far bi-zonality meant separation. The Turkish Cypriots more or less accepted the constitutional provisions, which reflected the aims of the 1960 Constitution, but these were not acceptable to the Greek Cypriots, who wanted a federation with a strong government and, curiously, insisted on the concept of a single sovereignty, for which it is difficult to find a place in a federation. The Turkish Cypriots were largely blamed for the failure of the negotiations, but then they had been internationally denounced in 1983 when they formally seceded from the then Greek Cypriot manned Republic of Cyprus.⁸

The European Union and the Cyprus Problem

After the failure of the 1992 Set of Ideas' initiative, there was an attempt by the UN to establish confidence-building measures between the two sides, but without success. Each side feared that in any agreement it would be recognising the legal existence of the other state. However, something new and much more important was coming into being. In the late 1980s the Greek Premier, Andreas Papandreou, began successfully to persuade the Greek Cypriot leadership that if the Greek Cypriots joined the European Community, as it then was then called, they would be in a position to impose conditions on Turkey's expected reapplication for EC membership. In 1995 Greece would only agree to a Turkey/EU Customs Union if the European Union agreed a date for beginning accession negotiations with the Republic of Cyprus. This was a very important turning point in the Cyprus conflict. Greece thenceforth threatened to use its veto on stages of EU enlargement unless progress was made with the Greek Cypriot application for membership, whether there was, or was not, a settlement of the problem.

Membership of the European Union was important for the Greek Cypriots because EU norms required (1) the protection of property rights (as stipulated by Article 1 of the First Additional Protocol to the European

⁸ A legal Opinion on the TRNC's secession by Professor E. Lauterpacht is reproduced in Dodd, *The History and Politics of the Cyprus Conflict*, p. 150.

Convention on Human Rights) and (2) free movement and residence within a state in accordance with Article 2 of the Fourth protocol to the European Convention on Human Rights. Also Article 6 (1) of the European Treaty states, 'The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to Member States.' The European Union also endorses the economic freedoms of the internal market. From all this, it is clear that the Turkish Cypriots, as part of a federation established with a state already within the European Union, would only be able to protect its separateness temporarily. Also under EU norms it is necessary that a federation should be able to speak with one voice, which implies the need for a strong federal government, which the Greek Cypriots have always wanted, and still do.

In 2003, at The Hague, the Turkish Cypriot Government and its negotiator, President Denktaş, were much criticised for rejecting the new UN (Annan) Plan. Had they accepted it, they would have been in a position to influence the nature of the basic accession agreement with the European Union, since the Republic of Cyprus was not then a member of the European Union. They would doubtless have wanted *permanent* derogations inscribed in primary law. However, their partners, the Greek Cypriots, would certainly not have agreed to them. The widespread view that 2003 was a missed opportunity has to be taken with some caution. The chances of permanent protection for the Turkish Cypriot 'minority' disappeared after April 2003, when the Republic of Cyprus was admitted to the European Union.

During 2003 and 2004, the Turkish Cypriot Government was under great pressure from Turkey to accept the Annan Plan. The United States, the United Kingdom, the UN and the EU also all wanted the Annan Plan to succeed in order to facilitate Turkey's progress to EU membership. The European Union's propaganda, and its material aid to institutions in the TRNC, including local government authorities and the Chamber of Commerce, helped to persuade the Turkish Cypriots that the Plan was acceptable, that the EU membership it included would improve their material well-being, and that it would at least assure them of international recognition if the Greek Cypriots rejected it. Therefore it was somewhat surprising that in the December 2003 parliamentary elections the opposition Republican Turkish Party, led by Mehmet Ali Talat, was successful only by the

narrowest of margins, and had to form a coalition government with the Democratic Party led by the President's son, Serdar Denktaş.

After the rejection of the Annan Plan by the Greek Cypriots in 2004, Mehmet Ali Talat, first as head of the new government, and then later as President, tried hard to engage the government of President Papadopoulos in negotiations, with the encouragement of the UN, but to very little effect. Only when Demetris Christofias of the nominally communist AKEL party was elected President in February 2008 did negotiations begin, with UN support, but without any UN blueprint. It was to be a purely Cypriot settlement, in accordance with the wishes of the Greek Cypriot side. In these negotiations, aided by the presence of a UN Representative, Alexander Downer, there has been some progress in the areas of governance and economy, but there are no detailed reports on what has been achieved. It seems, for instance, that a rotating presidency has been agreed, but this has encountered much opposition in the South. Also it appears that there has been agreement on crossvoting in elections, a device suspected by nationalists on both sides. However, what has been achieved will have to be reviewed consequent upon the election of Derviş Eroğlu as President of the TRNC on 18 April 2010, whose declared policy is essentially for a two-state solution. The negotiations between Christofias and Talat did not begin to tackle the really difficult problems of property lost in 1963 and 1974, territory, and residence, though on the property issue the situation has been somewhat eased by the ruling of the International Court of Human Rights on 6 March 2010 that the rights of current users have also to be taken into account. Meanwhile Turkey's refusal to sign the Additional Protocol that would apply the EU/Turkey Customs Union to the Republic of Cyprus has resulted in a Greek Cypriot threat to prevent the opening of a six further chapters in Turkey's accession negotiations, in addition to the eight it has already blocked. A move is currently under way to have the EU authorise direct trade with the TRNC, but the Greek Cypriots will resist it in Brussels, seeing it as a Taiwan type of solution and a precursor to international recognition of the "pseudo state". If a Taiwan-type solution were achieved, it would begin to make it more feasible for Turkey to apply the Customs Union to the Republic of Cyprus, but it is crucially important economically for the TRNC that their airport should be opened to international flights, which it is not within the authority of the EU to permit.

Conclusion

So what will be the future of the beleaguered Turkish Cypriot “minority”? Clearly, according to the conditions elaborated at the beginning of this article, they had the right to secede from the Republic of Cyprus once it was taken over by the Greek Cypriots. Whether this will be recognised at long last is, however, anything but clear. Much depends on whether Turkey continues to encourage the creation of a federation, hugely problematic though this is for the Turkish Cypriot ‘minority’, especially within the European Union. Unless the unsatisfactory status quo is to continue, some other way, or ways will have to be devised to solve the problem. A Taiwan solution is theoretically feasible, but the Greek Cypriots would make every effort to prevent it. A federation seems unlikely to be achieved, especially as there is now a more nationalist government and presidency in the Turkish Republic of North Cyprus. President Talat has worked hard for a federation, and with some modest degree of success, it appears, but there is clearly insufficient concord among major political elites on both sides to establish, and engender confidence in, a federal solution.

In the light of the generally accepted principles governing minority rights quoted at the beginning of this article, it is clear that the Turkish Cypriots had every right to secede from the Republic of Cyprus. The present desire for a two-state solution is certainly legitimate. Such a solution is coming more to the fore, but its feasibility depends on whether it can be demonstrated to be in the interests not only of the TRNC and Turkey, but also of the Greek Cypriots, among whom there now seems to be some support for this outcome.⁹

⁹ For a suggestion of how a two-state solution might be brought about see *ibid.*, pp.275-7.