

CYPRUS: LOOKING FOR A SOLUTION¹

The recent five-party talks in Geneva organized by the United Nations (UN), which has been grappling with the Cyprus problem for more than 60 years, hints at a renewed effort to reach a lasting solution. Consequently, it is important to look back again at the original bicomunal partnership republic established in August 1960, which unfortunately collapsed after just three years.

Reviewing the constitutional arrangements that aimed to ensure lasting cooperation between the two communities has become even more relevant in view of the escalating tensions and violence in the Middle East which have significantly elevated Cyprus's geopolitical importance. Situated at the crossroads of Europe, the Middle East, and North Africa, the island has emerged as a critical hub for regional security and humanitarian, and diplomatic operations. A new cooperative framework in Cyprus could not only resolve the long-running conflict but also contribute to the stabilization of the broader Middle East thus enhancing regional security.

The arrangement which gave birth to the Republic of Cyprus (RoC) was the result of a unique agreement between Turkey and Greece, ethnically linked to the two communities in conflict on the island then governed by the United Kingdom (UK). The majority of Greek Cypriots did not fight for independence from British rule but for the union of the island with Greece. The Turkish Cypriots who opposed Enosis fought for partition of the island between Turkey and Greece. The independent country which came into being, was therefore a compromise arrangement that neither community wanted but nevertheless accepted because of pressure from what they considered to be their mother countries.

The secret Turkish - Greek negotiations which began at UN Headquarters in New York in September 1958 between the two foreign ministers culminated in an agreement between their prime ministers in February 1959 in Zurich. This was followed by an international conference in London organized by the UK with the leaders of Turkey, Greece and the two communities where the agreement reached between Ankara and Athens was accepted as the basis for the independence of Cyprus. It paved the way for the establishment of a bicomunal state to which sovereignty was transferred by the outgoing colonial power with the two communities acting conjointly.

The Constitution of the RoC which came into force with the establishment of the bicomunal state on 16 August 1960 was based on the recognition of the Turkish and Greek Cypriot communities as distinct and equal components. It rested on political but not numerical equality between the two communities, in essence a functional federation.

Article 2 formally defined the two communities, stating clearly that each individual on the island belonged to one or other of the two communities.

¹ This paper was prepared by the TEPAV Cyprus Working Group.

Executive power was vested in a Greek Cypriot President and a Turkish Cypriot Vice President with their signatures required for all executive acts. The Turkish Cypriot Vice President was endowed with extensive veto powers under Article 50, and could unilaterally block key legislative and executive decisions, particularly on foreign affairs, defense, and taxation. Similarly, the Council of Ministers (Article 46) was composed of seven Greek Cypriots and three Turkish Cypriots, with each community's representatives selected by their respective leaderships.

The House of Representatives (Article 62) was similarly structured to reflect bicomunal governance in the legislature, with 70 per cent of the seats allocated to Greek Cypriots and 30 per cent to Turkish Cypriots. This arrangement was described as having the Greek Cypriots' foot on the gas pedal and the Turkish Cypriots' foot on the brake, emphasizing the bicomunal checks and balances in the constitution.

Article 86 provided for the creation of separate Turkish and Greek Community Chambers, granting them extensive authority over religious, educational, cultural, and personal status matters related to their respective communities. Article 87 empowered the Chambers to regulate other internal aspects of life.

The partnership republic unfortunately collapse. After the bloody breakdown in December 1963, the Greek Cypriot community proceeded with unilateral changes to the constitution, along the lines of the 13 amendments it had proposed in November 1963 rejected by the Turkish Cypriots. These abolished the post of the Turkish Cypriot Vice President replaced the three Turkish Cypriot ministers in the Council of Ministers with Greek Cypriots and filled the 15 seats reserved for Turkish Cypriots in the House of Representatives with Greek Cypriots.

The Greek Cypriots then proceeded to govern the island—except for areas under de facto Turkish Cypriots control—while continuing relations with members of the international community on their own. This was greatly facilitated by UN Security Council Resolution 186 of March 1964, which referred to the Government of Cyprus for the sole purpose of dispatching a UN Peacekeeping Force (UNFICYP) to the island. Turkey consented to this reference to save the Turkish Cypriots from further harm. However, the resolution cleared the way for the rest of the world to treat the Greek Cypriots as the government of Cyprus contrary to the provisions of the constitution.

The international community, except for Turkey, has since continued to recognize the Greek Cypriot-controlled RoC as the sole sovereign entity on the island, while effectively ignoring the various manifestations of Turkish Cypriot administration on the island. This was reinforced by the Greek Cypriot controlled RoC's unilateral accession to the European Union (EU) in 2004, again despite the provisions of the 1960 Constitution.

The Annan Plan, proposed by UN Secretary-General Kofi Annan in 2004, was a comprehensive settlement plan aiming to resolve the Cyprus conflict by establishing a bizonal, bicomunal federation. In the referendum on the Annan Plan, the Turkish Cypriots voted in favor while the Greek Cypriots voted against. Following the referendum, the EU declared its intention to end the isolation of the Turkish Cypriots—including through measures such as direct trade—but these commitments were never implemented. This had no impact on the RoC's EU accession and did not end the continued exclusion of Turkish Cypriots from the

international community. However, while the EU *acquis communautaire* was suspended in the Turkish-controlled northern part of the island which was geographically divided into two parts after the Turkish intervention in 1974, Turkish Cypriots were—and continue to be—recognized as EU citizens, granting them individual rights within the Union.

Neither side had separate sovereign rights when sovereignty was transferred by the UK to both communities conjointly in 1960. They were granted sovereign equality together within the partnership republic that was established. Consequently, a just solution which has long been beyond reach despite innumerable negotiations requires the restoration of the constitutional order that prevailed from August 1960 until December 1963. However, there would have to be one fundamental difference, namely the recognition of the geographic separation of the two communities in 1974. This necessitates the restoration of the partnership republic as a bicommunal and bizonal federation.

This was affirmed in the 1977 Denktaş–Makarios Agreement, which set out the principles of an independent, non-aligned, bi-communal, and bi-zonal federal republic with each community administering its own zone. The 1979 Denktaş–Kyprianou Agreement reaffirmed these commitments, while also emphasizing the need for territorial adjustments and the settlement of mutual property claims.

To sum up, insistence on sovereign equality or equal sovereignty *a priori* may not be necessary, as these were already enshrined in the original RoC Constitution. This document identified the two communities as the two rightful inheritors of sovereignty from the UK with all its associated rights and privileges. The recognition and restoration of their inherent rights in the original constitutional arrangements that established the RoC in a new bizonal bicommunal confederal state may be the key to unlocking the door to a lasting resolution of the Cyprus problem.