



Cyprus EU Association

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Nicosia

By claiming our rights stemming from the 1960 constitution, our aim is to facilitate a comprehensive settlement based on a “bi-communal, bi-zonal federal state of Cyprus based on political equality”.

An early settlement is mostly needed by the Turkish Cypriots.

Following the accession of the Republic of Cyprus to the EU, the Greek Cypriot political leadership focused on using their membership rights and veto power to gain political advantage over the Cyprus dispute during Turkey’s EU accession process. The Turkish Cypriot leadership on the other hand is focusing on “lifting of the isolations” issue. Thus a new leverage is needed to encourage the Greek Cypriot and Turkish Cypriot leadership to find a mutually and internationally acceptable early solution to the Cyprus problem compatible with the EU principles.

The Turkish policy makers pretending to be seeking an early solution to the Cyprus problem, in fact are acting in a manner to defer the solution beyond the Turkey’s accession to EU. A new leverage is also needed for Turkey, for an early settlement.

Although all the concerned parties are affected by the unsolved problem; the Turkish Cypriot community is faced with annihilation. Thus seeking a way to an early solution to the problem is imperative and has the highest priority for the Turkish Cypriot community, regardless to the other parties involved and is fundamental for her existence struggle.

Requisition of 1960 rights, will motivate all sides for a comprehensive settlement.

Prior to the referenda, the Greek Cypriot leadership’s one option was to achieve the necessary changes to the Annan Plan and accept it as the best compromise. The other was to try to defer the comprehensive settlement unless “the best” from their point of view was attained, beyond their accession to the EU and gain political advantages using their membership rights and veto power during Turkey’s EU accession process. Due to the negative attitude of the Turkish Cypriot leadership during the 2003 negotiations, the Greek Cypriot leadership accomplished their second preference and is now using the Republic of Cyprus instrument unilaterally and is having significant gains.

Turkish Cypriot community is the founding partner of the Republic of Cyprus. This reality was presented to the community through suppression and intimidation as an unattainable phenomenon and become a taboo. Political equality in the constitution of the Republic of Cyprus was provided by the establishment of two separate Communal Chambers, veto rights of the President and the Vice-president, two separate Electoral Lists and the double approval while enacting certain laws at the House of Representatives. Provided that the Turkish Cypriots decide to pursue and use their rights arising from the Republic of Cyprus, the Greek Cypriot’s present strategy based on gaining advantages over Cyprus problem will not be a viable alternative any more.

The option is to achieve a “bi-communal, bi-zonal federation based on political equality” based on the constitution of the Republic of Cyprus.

A settlement compatible with the EU *acquis*, based on the accumulated knowledge and the solution parameters put forward by the UN, will be more viable compared to 1960 model. The reality of the EU membership in 2004 will have its imposition on the solution to be found. Presence of Brussels, possible administration models within the EU *acquis* has unavoidably begun to shape the solution model. A solution manifesting itself under these conditions and accelerated by the demand of the

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1960 rights because of its viability, possesses the potential of been preferred by both Greek and Turkish leadership as a way out.

How do we expect the demand of the 1960 project to develop?

We do not expect the Greek Cypriot leadership to accept easily the Turkish Cypriot community's rights and concede to it. After a lengthy procedure and due to the political pressures, we shall lose the lawsuit at the High Court of the Republic of Cyprus but most probably win at the ECHR. This will be a long process and should the demand to acquire the 1960 rights is debated and accepted one way or other by the Turkish Cypriot community, it shall be quite easy to attain a positive result.

On legal and political platforms, the Turkish Cypriots kept arguing on the TRNC basis and the Greek Cypriots on the 1960 Constitution, reshaped by the "Law of necessity" and, the losing side was always TRNC. Should Turkish Cypriot community express their sincere desire to reclaim their 1960 rights which is a part of the international law, the grounds for the "Law of necessity" will be eliminated and the Greek Cypriots will be compelled to return to the 1960 Constitution, which they have not changed any part of it.

Use of the 1960 rights is a necessity of the Protocol 10.

Since the accession of the Republic of Cyprus to the EU, a new legal basis is created which has to be clearly understood. Protocol 10 annexed to the Accession Treaty clearly expresses the EU's view on Cyprus. According to Protocol 10; the whole of island of Cyprus is a member of the EU but the *acquis* is suspended where the Government of the Republic of Cyprus does not exercise effective control and the Council, acting unanimously on the basis of a proposal from the Commission, shall decide on the withdrawal of the suspension, and nothing in this Protocol shall preclude measures with a view to promoting the economic development of the areas, such measures shall not affect the application of the *acquis* under the conditions set out in the Accession Treaty in any other part of the Republic of Cyprus and on the basis of a proposal from the Commission, shall decide on the adaptations to the terms concerning the accession of Cyprus to the European Union with regard to the Turkish Cypriot community, is already decided upon.

Conclusion:

Turkish Cypriot community's desire to reclaim their 1960 rights will eliminate the ability of the Greek Cypriots to use the Republic of Cyprus against the Turkish Cypriots and Turkey to gain political advantages threatening her, with her veto power. At this stance: the question will be "**power sharing between the two communities based on 1960 constitution**" or a solution similar to Annan plan "**bi-communal, bi-zonal federation based on political equality**"? Legally our 1960 rights are still there. Should the Turkish Cypriots express their will to reclaim their rights, reaching an early solution will be, comparatively an easier task.

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