

Delineating the Territorial Boundaries of Proposed Federated States According to the **New System in Cyprus and the Possible Matching Methods**

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Abstract

This paper addresses the issue of territorial boundaries of federated states according to the new system to be introduced in Cyprus. The paper mainly seeks to examine possible ways that parties in negotiation may pursue to delineate their respective territories of sovereignty and administrative boundaries. In fact, territorial boundaries of each federated state in the new system to be brought by Turkish and Greek communities in the island will be determined by quantitative rather than qualitative values. Further, these are mainly built upon two pillars. Firstly, proposals related to territorial arrangements have to ensure definite, sustained and fair solution. Secondly, the new constitution to be introduced must be based on the principle of an independent and nonaligned Federal State of Cyprus with two regions and two communities. Given this, the establishment of federal state on geographical basis in Cyprus can be realized only in two ways. One is the Turkish thesis that envisages the absolute protection of the bi-zonal nature of the state where there are homogenous communities in each zone and where administrative boundaries are set accordingly. The Greek thesis, on the other hand, envisages a unitary arrangement where heterogeneous community dynamics are to be in play. The study accordingly consists of two main parts. The first part deals with the administrative or territorial boundaries of the new state of Cyprus together with associated concepts. The second and the last part evaluate the attitudes of the Turkish and Greek sides with respect to territorial arrangements.

Key Words: Cyprus, Boundary, Territory, Sovereignty, Ghali Plan, Annan Plan.

Özet

Bu araştırmada, Kıbrıs'ta kurulmak istenen yeni sisteme göre federe devletlerin egemenlik sınırları ele alınmıştır. Bundan hareketle araştırmanın temel amacı, Kıbrıs'ta taraflar araşında cereyan eden görüsmelerde iç egemenliğin veva idarî sınırların nasıl belirleneceğini ve bununla ilgili olarak neler yapılabileceğini göstermektir. Aslında Kıbrıs'ta Türklere Rumların kuracağı yeni sistemde, her bir federe devletin bölge sınırları, nitelikten cok, nicelik değerlerle belirlenecektir. Ancak belirleyici nitelik tasıyan bu unsurların, daha cok iki esasa dayandığı tespit edilmiştir. Bunlardan birincisi toprak düzenlemeleriyle ilgili olarak yapılacak önerilerin kesin, kalıcı ve adil bir çözümü sağlayacak nitelikte olması gerekecektir. İkincisi ise oluşturulacak yeni Anayasa'da iki bölgeli, iki toplumlu, bağımsız ve bağlantısız bir federal Kıbrıs devletinin oluşturulması esas olacaktır. Bundan hareketle Kıbrıs'ta, çoğrafî esasa dayalı federal bir devletin kurulabilmesi, ancak iki şekilde gerçekleşebilecektir. Biri, iki bölgeliliğin mutlak surette korunduğu, ilgili idarî bölge içinde homojen yapıda bir toplumun bulunduğu ve buna göre idarî sınırların belirlendiği Türk görüşü, diğeri ise adanın üniter yapıda teşkilatlandığı ve heterojen özellikteki toplum dinamiklerinin şekillendiği Rum görüşüdür. Bu gerçekten hareketle araştırma, iki ana bölümden oluşmaktadır. Birinci bölümde Kıbrıs'ta kurulmak istenen devletin idarî

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veya bölgesel sınırlarının belirlenmesi ve bununla ilgili kavramların analizi ele alınıp incelenmiştir. İkinci ve son bölümde ise toprak ayarlamalarına göre Türklerle Rumların tutum analizleri değerlendirilmiştir.

Anahtar Kelimeler: Kıbrıs, Sınır, Toprak, Egemenlik, Gali Planı, Annan Planı.

Introduction

The Cyprus problem emerged from the aspiration of the Greek Cypriots to unite the Island with Greece (Enosis). This aspiration sparked opposition from the Turkish Cypriots, who sought to preserve their national identity and protect their political, legal, and historical rights, as well as ensure their security. Greece's decision to bring the Cyprus problem to the UN in 1954 elevated it to the international stage, leading to its internationalization. The internationalized Cyprus problem took a new turn with the establishment of the Republic of Cyprus in 1960. This republic was founded through a partnership between the Greek and Turkish Cypriot communities and was overseen by guarantor countries including Türkiye, England, and Greece. However, the Partnership Republic, which continued until December 21, 1963, was disrupted by attacks from Greek Cypriots and the EOKA terrorist organization, leading to the exclusion of Turkish Cypriots from the Republic until 1974. During this period, Turkish Cypriots embarked on a process of nationalization by forming their own administration. Eventually, they achieved independence with the establishment of the Turkish Federated State of Cyprus in 1975, followed by the formation of the Turkish Republic of Northern Cyprus in 1983. After the establishment of the TRNC, the UN prepared many plans, drafts, suggestions, and proposals to resolve the Cyprus problem and submitted them for consideration by the parties. One such proposal was the Annan Plan, named after former UN Secretary General Kofi Annan, who presented it. The Annan Plan, which proposed the unification of the parts of the Island of Cyprus outside the British base area into an independent state within a federal structure, is considered the largest and most comprehensive plan developed to date (Tamçelik, 2015, pp. 10-11). However, due to the insufficient examination of the two ethnically, culturally, and religiously distinct social structures on the Island, being confronted with two clear choices of "Yes" or "No" and being compelled to determine its future led to serious debates. In this regard, although the Turkish Cypriots voted "Yes" in the referendum, they were unable to integrate into the international system and faced repercussions, while the Greek Cypriots were rewarded for voting "No" and subsequently became a member of the EU through a unilateral decision on behalf of the entire Cyprus (Keser, 2006, pp. 175-180). This study delves into the discussion of how to delineate the borders of sovereignty, as it is believed that the determination of potential borders of sovereignty will be on the agenda as a precondition for reaching a two-state solution between the parties.



As in all other international issues, the Cyprus issue too has its unique features. The most important one is related to territory. However, since territorial arrangements to be made in the island are related only to community dynamics of respective parties, it does not have any international character.

According to assertions made by Greeks in particular, Turkish Cypriots do not legally have any territory of their own (Beratli 1991, 119). Even territories that Turks are presently living in are "territories under occupation" created de facto after 1974. In negotiation processes, therefore, they claim that the present boundaries of sovereignty of Turkish Cypriots have no value at all.

Given this, many problems arose making it even more difficult to draw territorial boundaries. It is an issue having its both *private* and *corporate* property³ aspects. It is indeed a serious debate between the parties since it has its implications on what is going to happen to the *private property* of persons affected or how boundaries of constituent states are to be drawn.

The issue in this debate is even more important since the end result may partly terminate the rights of Turkish Cypriots. It has been at the top of the agenda as a highly complex issue as a result of dynamics in both sides since 1974.

Before all, the *de facto* situation emerging in Cyprus after 1974 is not accepted as a single factor to be considered in negotiations related to territory. Indeed, there is no international legal or political authority at present to take this as granted. Hence, giving a legal status to the *de facto* situation in Cyprus and making it '*de jure*' will be possible only through a post-war treaty. This requires, in turn, a balance that satisfies both parties. The essence of the issue lies here regardless of whether it will come through *compensation* or *intervention* or a kind of *swap*.

In fact, whatever solution is reached, territorial concerns in Cyprus can be satisfied only with the attainment of a *de jure* status. As a matter of fact, there are already some agreements between the parties. In particular, issues such as bi-zonal solution and Turks having their part of land are covered by various negotiations an agreement including talks between Denktash (*Denktaş*) and Clerides in Vienna, Article 2 in the agreement between Denktash-Makarios (1977), Articles 2 and 4 in Denktash-Kiprianu Agreement (1979) and in Articles 1, 2 and 5 of the well-known UN Document of March 29th (1989).

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³ This situation is addressed in terms of boundaries of constituent states.



Given all these it has become an imperative to give a legal character to territorial issues in Cyprus. This, however, must be considered as an absolute condition for security and sovereignty. From the Greek Cypriot side, the boundary has to be the "maximum" that they can achieve (Tülümen 1998, 240) and also responsive to their economic and defence needs. According to criteria defended by the Turkish side, there is also need for constitutional guarantee to ensure absolute sovereignty within respective boundaries.

As to the method employed in this paper, the issue is addressed mainly through a *rationalist* point of view. It is accompanied by a method consisting of *process analysis*. Thus, analytic history is preferred in place of traditional case narrative. These methods will expose better the essence of the territorial issue in Cyprus, boundaries of sovereignty, related concepts and debates, and main elements of clash between two communities.

1. Setting of Administrative or Regional Boundaries of the State to be established in Cyprus and analysis of Related Concepts

It as defendants of this opinion, they maintain that the basis of this organism consists of "land, people and army" (Heraclides 2002, 134). Each of these three is essential to create the synergy that the state needs to exist. There are, however, some who regard this synergy as a new area of clash. Thus, Haushofer considers boundaries not as demarcation lines legally accepted by states but as new "lines of clash" (O'Loughlin and Henning 1991, 147; Dougherty and Pfaltzgraff 1992, 96-8). Boundaries are therefore variable and shaped according to the power of countries as living organisms (O'Tuathail 1996, 45-50; Tunander 1997, 3-4; Parker 1998, 30-3, 6-7). As a result, the concept of *boundary* stands out as important for both strong and weak states.

However, before examining all these, it will be of much use if we touch upon some conceptual definitions related to the topic. The issue is thus examined by making the following categorization.

1.1. Administrative and Territorial Boundaries of the State to be established in Cyprus

From the point of international law, boundaries of a state can be defined as an imaginary line demarcating the state concerned from the countries of other states, from any no man's land or open seas (Meray 1960, 327). Even if imaginary, this line is mostly drawn by treaties.

The boundaries of the Republic of Cyprus (RC, Southern Cyprus) create a de facto situation since the island is naturally surrounded by sea. There are some provisions in the



1960 Treaty and the Constitution to draw a legal framework to this situation. These provisions are related to the integrity of the country and delimited by the line where land meets the sea. In other words, boundaries in Cyprus covers the island as a whole.

When one speaks of boundaries what comes to mind first is land boundaries. But as is the case with Cyprus, states have their sea, underground and aerial boundaries as well (Meray 1960, 327). It is observed that various problems between countries and even communities arise in setting these boundaries. The *bi-zonal* status of the island became salient particularly after 1974, a de facto situation which must be considered as an important element in reaching a solution. In other words, the Turkish Federated State of (TFSC) Cyprus first and then the Turkish Republic of Northern Cyprus (TRNC, Northern Cyprus) created a new sovereign territory.

This new situation emerging in Cyprus pressed the need for setting new boundaries in the island. Since it meant practical division of the island the Greeks called it as *partition* while Turkish Cypriots considered it as a step for their protection and security. The latter, in other words, saw the emergence of this boundary as a natural consequence of what had been happening before. Though it may seem in contrast to the Treaties of 1959-60 it is still not so strange given that the "right to survival is the most sacred of all". Moreover, bi-zonal and bi-community status of the island will be a serious parameter in any solution to be reached as stated in Summit Agreements of 1977 and 1979.

In fact, as is the case in Cyprus, territorial field of a state or a country is not merely a *surface* since it consists of three dimensions (Akipek 1986, 26; Tekin 1993, 1). For example, land boundaries of a state include *underground space* as well. We can therefore say that with respect to land boundaries both the "Republic of Cyprus" and TRNC have not only *horizontal* but also *vertical* (Akipek 1986, 26) boundaries as well. Consequently, the economic value and importance of underground natural resources of the island of Cyprus (Tekin 1993, 1) constitute and important asset for states⁴ and peoples⁵ with their proprietorship. Recently, the issue exclusive economic zones of Cyprus is at the centre of debates, which has reached the point of threatening peace as a serious problem between the parties¹.

The dispute was triggered by the claim of the Southern Cyprus that it has the absolute right to say concerning exclusive economic zones of the island (Başeren 2010, 11-8). Yet, the Turkish community in Cyprus too has its rights on these zones. Since the TRNC is not

⁴ Meaning the Republic of Cyprus (RC) and TRNC.

⁵ Turkish and Greek communities in Cyprus.



internationally recognized, there are serious impediments to the protection of these rights. Basing on internationally recognized status of the Republic of Cyprus, the Greek Cypriot community asserts that they have their exclusive say in issues related to natural gas and oil exploration in these zones (Başeren 2010, 35-9) and indeed some international companies are given licenses to explore natural gas and oil in the exclusive economic zone no. 12.

In negotiations between communities, such initiatives have to be avoided until the sovereign boundaries and rights of the parties are settled. Otherwise, mutual trust of communities will be damaged.

1.2. Setting the Inner Boundaries of the New State to be established in Cyprus

In fact, boundaries of all states denote land, air and sea that are under their sovereignty. With this established, states both ensure internal security in territories under their jurisdiction and prevent any intervention by other states (Meray 1960, 328). Thus, setting of boundaries clearly in Cyprus is essential for both security and peace between communities.

Boundaries are often set by treaties. These treaties consist of confirmation of either boundaries that have been established for some period of time or boundaries that have gained legal status upon elapse of time. Apart from these, there are also boundaries set newly (Meray 1960, 328; Tekin 1993, 3). In the case of Cyprus, inner boundary lines are decided to be set with some modifications on existing boundaries that have gained juridical validity today. It is for this reason that in all UN plans of solution attempts were directed to setting new boundaries by modifying existing ones. In the Annan Plan in particular, it is observed that relevant coordinates are given² and a very serious work was done. There are other examples in the international literature since almost all peace treaties include provisions concerning boundaries.

1.3. Methods in setting Boundaries in Cyprus

While setting boundaries, a state either takes a long-established boundary as basis or draws some new boundaries through treaties (Tekin 1993, 45). There are also cases where boundaries of a state are imposed upon by third states.

Boundaries of a state established politically are mostly set by states that establish it. For example, in the Treaty of Berlin (13 July 1878) Germany, Austria, Hungary, France, England, Italy, Russia and the Ottoman State set the boundaries of the newly established *Bulgaria* this way. The same way was pursued in 1919 by the Treaties of Versailles, Saint Germain and Trianon in setting the boundaries of Poland and Czechoslovakia (Meray 1960, 329).



The new state to be established in Cyprus is to proceed from a *political perspective* and the present situation allows for no other method but reconsidering the existing inner boundaries. The Cyprus issue is essentially a political issue and consequently its solution has to be political including politically driven approaches to setting boundaries.

There are also cases where states apply to *arbitration* to settle disputes relating to boundaries. In such cases boundaries are set through arbitration (Göze 1959, 18). Examples include the setting of the north-western boundary between the *US* and *Great Britain* on 10 January 1831 and between *Orange* and the *Republic of South Africa* on 19 February 1969 (Göze 1959).

Coming to the Cyprus issue, although the process of *arbitration* here started with the Ghali Set of Ideas it became more pronounced with the Annan Plan. While the situation was in contrast with the 'good faith mission' of the UN Secretary-General, it was actually left to his arbitration. The Secretary-General considered the concerns of the parties, but eventually came up with his own solution.

While setting their boundaries they may accept lines that have been existing or internationally recognized (Tekin 1993, 4). Particularly are cases of secession from a union of states or dissolution of a union, earlier boundaries while in the union are accepted as the boundaries of the new state.

Likewise, states sitting at a table to set boundaries after a war may adopt their pre-war boundaries as valid. For example, Sweden and Norway in 1905 (Göze 1959, 19) and Austria and Hungary in 1918 (Tekin 1993, 4) maintained their boundaries while they were in union when they became independent states.

Given these, it appears that boundaries first drawn in 1963, then broken apart in 1974, and finally reinstated by 1977-1979 Summit Agreements can be maintained with some minor modifications. These boundaries set as "minimum" must be recorded as sovereign boundaries of the parties and their unchangeability must be guaranteed by multi-lateral agreements. Doing this may preclude, at the outset, any dispute that may arise between the parties in case the new state does not work. The most vivid example is what happened following the dissolution of the Soviet Union. In this example we observe that earlier boundaries of the states that once formed the union remained the same for each after dissolution (Tekin 1993, 4).



Almost all South American states were, before gaining their independence, parts of the *Spanish Colonial Empire* (Meray 1960, 329). Following independence, these states adopted their earlier boundaries as their present state boundaries (Meray 1960, 329; Tekin 1993, 4-5).

The territoriality of the new state in Cyprus must be based on the legal status of two sovereign states. This must be established before any agreement, there must be a referendum for its approval and integration with the upper political entity must take place accordingly. In case this upper entity fails, the parties may still maintain peace by withdrawing to their territories delineated earlier.

1.3.1. Will the boundaries of Federated States in Cyprus be Determined Artificially?

Artificial boundaries are defined as imaginary boundary lines set by geodesic or geometric ways without referring to natural factors or in the absence of geographical factors fit for using as boundary (Akipek 1986, 17; Tekin 1993, 5). However, these boundaries are no different from natural boundaries especially in political and legal terms. In drawing artificial boundaries longitudes and latitudes, in other words *geometric data* is taken as basis instead of natural phenomena like mountains or lakes (Akipek 1986, 17). Hence, it can be said theoretically that boundaries in Cyprus will be in line with this system.

It is known that present boundaries in Cyprus were set to ensure the well-being of Turkish Cypriots in economic, political, social and security terms. As such, it means economic welfare, depth in security and unity in social life for Turkish Cypriots. The same is not true for Greek Cypriots. They assert that these boundaries are the result of the military intervention in 1974 which artificially divided the island into two. The boundaries of the TRNC which has one-third of the island come out as a disputed issue. However, the disputed nature of these boundaries does not mean that they do not exist. Hence, negotiations going on today mainly centre around giving a legal character to what already exists

Boundaries drawn according to latitudes and longitudes are also called "geodesic or astronomic boundaries" (Tekin 1993, 5). For example, a part of the boundary between the US and Canada is set as parallel 49° under the British-US Agreement acted on 6 May 1946. The boundary between South Korea and North Korea was set as latitude 38° upon a decision taken in 1945 (Akipek 1986, 17).

In the case of Cyprus, the boundary was set by the command of the UN Peacekeeping force after the events of 1963, which only meant a dividing line in east-west direction³ in



Nicosia. With the military intervention of 1974 this assumed a character beyond mere geographical division and turned out as the territorial border for Turkish Cypriots.

Another point is that geometric boundaries are set through geometric lines (Meray 1960, 330). Examples include the boundary between Egypt and Libya, Syrian and Jordan, Alaska and Canada (Meray 1960, 330) and some old colonial boundaries in Africa (Akipek 1986, 17). Further, *geometric lines* can also be observed in some treaties that Turkey acted with her neighbours (Tekin 1993, 5). These said it is possible to conclude that territorial boundaries of the Turkish and Greek federated states in Cyprus can be categorized as "artificial" since they are to be set by a political treaty.

1.3.2. Is it Possible to Draw Natural Boundaries in Cyprus?

Boundaries drawn on the basis of some natural elements like stream, mountains or lakes are known as 'natural boundaries' (Tekin 1993, 6). It is actually easier for adjoint states to set their boundaries on the basis of such natural phenomena.

Nevertheless, the term 'natural boundaries' should not be confused with 'Natural Boundaries Theory'. This theory mostly emerged in international politics as a result of aspirations of expansion (Meray 1960, 331). According to this theory, natural geography also shows the borders of states. Hence, each state has the right to expand up to these 'natural', 'fair' and 'real' boundaries (1960). As can be inferred, the Natural Boundaries Theory implies a political will or assertion rather than being a legal norm. It is therefore not possible to set the boundaries of the two federated states in Cyprus this way. Under this theory, the Greeks want the Republic of Cyprus as the sole sovereign on the island, which is geared to eliminating the power to the north of the island which cannot be accepted by the Turkish side. Referring to natural boundaries in determining the territories of Turks and Greeks is not a realistic approach. This approach is mainly based on streams, mountains, lakes, etc. which is not relevant to Cyprus. In facts, borders on the island are mostly based on economic, social and security considerations and it is clear that future boundaries will have the same "artificiality" as well.

1.3.2.1. Can Mountains Serve as a Boundary in Cyprus? In fact, it is possible to draw a line between the two states by referring to mountains. But here, the question arises as to what part on these mountains should be adopted as boundary line. Still there are various opinions on where on the mountain the boundary should be drawn: These are expressed as 'peak line' and 'skirt line' (Tekin 1993, 6).



This approach does not seem to be valid in the case of Cyprus since there is no mountain range separating Turkish and Greek communities. As a matter of fact, while the *Five-finger (Beşparmak)* mountain range to the north of the island remains fully within the TRNC, the *Troodos* range is in the Greek territory.

1.3.2.2. Is a boundary by streams possible in Cyprus?

In fact, rivers may be used as boundary separating two states. But for a river to constitute a boundary it must have continuous flow regardless of seasons (Akipek 1986, 15). When it is agreed on accepting a river as a boundary between two states, it is still disputable on which part of the stream the boundary should pass. There are various opinions on this issue. Alternatives include 'bank line', 'middle line' or 'thalweg' (Tekin 1993, 7). However, none of these provide a correct approach to boundary drawing in Cyprus. One can find no continuously flowing stream around prospective boundaries in Cyprus.

It appears that the most rational way to settle the territorial boundaries of the parties in Cyprus would be an international treaty that may be altered with the consensus of the parties concerned.

1.4. Setting Boundaries for Autonomous or Canton Regions in Cyprus

One issue that both parties agree in Cyprus is related to the constitution of militia by the parties in their territories and the obligation prevent the use of such militia against the territory or population of the other federated state. Such obligations introduced by both Ghali and Annan Plans allow Turkey and Greece to take action against attempts to disturb the special status of Cyprus. Hence, relevant articles in the federal constitution of Cyprus must provide for this too. Further, the parties to the agreement will never allow any group or organization in their respective territories that act in the name of the other party. It must be added here that there is mention of *cantonal* or *autonomous* regions only in the Ghali Set of Ideas. The Annan Plan has no mention of such regions.

The issue in the Ghali Set of Ideas is locked in the following three points:

- (1) Karpas region as an autonomous entity subject to and under the protection of the Turkish Federated State,
 - (2) Protection of status against any unilateral intervention,
- (3) Federated states accepting the obligation of preventing in their territories the establishment of bands and militia forces and their acts of attack or occupation targeting the other federated state.

Events developing after were not in line with *cantonal* or autonomous regions but for



unitary character of regions through territorial arrangements. As a result, it was preferred to ensure more migrants returning back to their usual places. While population transfer may maintain *bi-zonal* status, it may still dilute the fact of the presence of *two communities*.

To conclude, boundaries set on *cantonal* or *autonomous regions*⁶ are not fit for Cyprus given its present realities.

1.5. Border Authorities that are needed in Cyprus

For ensuring peace in the prospective new state in Cyprus, some measures need to be taken for a *moratorium* or a *transition period*. Particularly in the context of security in border zones and possible disputes in these zones, Turkish and Greek sides must designate local governors and officials to settle these disputes, identities of these officials must be mutually reported including any rotation or replacement. However, there is no mention of such a system in any UN plan for solution. The peace desired may be disturbed if such issues are added to many adapted to other adaptation problems inevitable in a transition period. It is therefore better if local authorities are assigned to the settlement of such disputes.

Accordingly, events or disputes arising in this context must be first addressed by first level local authorities of the two parties. Problems that cannot be settled in the first round of discussion may then be transferred to second-level border authorities.

Top-level border authorities in Cyprus must hold regular monthly meetings. But there may also be extraordinary gatherings upon the notification of one party to the other. Parties invited to such meetings must attend and any excuse for not attending must be reported to the other party.

Secondary-level authorities must meet twice week other than extraordinary meetings. Date, hours and venue of these meetings must be conveyed to parties at least two days in advance. Parties attending these meetings must keep documents in Turkish and Greek showing the issues discussed and decisions taken undersigned by both parties. To ensure continuity in these documents or records there must be a system transferring them to new staff assuming duty. The venue of these meetings may be in the territory of the either party or in an independent building on the basis of rotation.

A mutual agreement can be acted on this issue providing that primary and secondary level border authorities may be accompanied by secretaries, advisors, translators and, if needed, experts. These persons must be free to attend meetings with their official outwear and enjoy the right to physical integrity.



With this system suggested, border authorities of both sides in Cyprus will be able to operate as organs to settle various kinds of disputes. This means a system where solutions are sought at local level without expecting everything from the central government. The commission concerned will develop and present to the approval of both governments measures related to the territorial integrity, order and security of both federated states.

2. Analysis of Attitudes of Turks and Greeks to Territorial Arrangements

Given negotiations on Cyprus, it can be said that the new state will be a federal one probably on geographical basis. This, however, may happen in two ways. One is the Turkish opinion based of geographically separated bi-zonal territory where there are ethnically different two communities (Mango 2001, 34). The Greek opinion, on the other hand, is based on a unitary state with heterogenous elements inside. These two opinions widely diverge from each other as explained below:

The first possibility is with small cantons or provinces, but absolutely as a federative state. This may be possible by cantons established in areas where Turks are in majority. In fact, this situation was de facto in effect in Cyprus until 1974. Forms of this kind, however, did not provide sufficient guarantee for the security of Turks and, further, led to their economic blockage. Earlier, Turks who were living in small cantons faced difficulties in their inner transportation and communication. Before all, there were serious security problems while passing from one canton to another as Greeks put many barriers. Repeating the same, that is letting Turkish community live in small cantons may pose serious safety problems. This potential of constant threat and pressure makes it impossible for the Turkish community to accept this settlement. In fact, the same can also be said about Greek cantons remaining within the Turkish federated state. Hence, in building a new structure either cantonal system must be avoided totally or there must be one or two cantonal zones in each federated state to keep a balance. In fact, the implementation of cantonal system in the island runs counter to the reality of *two communities* and *two zones*. It therefore seems unpreferable.

Moreover, having small cantons on our time is not a good solution with respect to economic development. These cantons will keep both the Greek and Turkish communities under pressure and work against their economic autonomy. For the Turkish cantons in particular, it can be said that they will be integrated into Greek economy and even "melt down" among Greeks.

In small cantons the Turks may not be able to freely exercise their social and political rights. The same also applies to Greek cantons.



Denktash had said the following about the disadvantages of a multi-cantonal federated state:

We have seen and experienced the multi-cantonal system for the last 20 years. There are many soldiers and armaments around cantons... It is not certain what may happen in case contacts with the centre are cut for few days in case of a massacre. What may be thought as the best is that citizens living in some territories are held as hostages. The multi-cantonal system is not practical... No need to split once more in smaller pieces (Eroğlu 1975, 257).

The second possibility is the system of federated state in which Cyprus is divided into two bigger parts under two separate political powers. The present-day territorial status and de facto situation in fact makes this solution compulsory. The presence of two separate regions in Cyprus is possible only with two different states haven their authority on their respective territories. This state of affairs exists also in treaties establishing the state of Cyprus in 1960 and the present situation is not much different. Even the Annan Plan envisages a new state built upon two different communities. Hence even today it is possible for these two communities to come together on equal footing to establish a new state, but it is not as easy as it may seem.

First of all, the Turkish people in Cyprus want to exist as a sovereign power on a territory whose boundaries are clearly defined. Today, the existing government in Northern Cyprus represents a state using its legislative and executive powers on behalf of the Turkish community in the island. While Turkish Cypriots exercise this authority, they are not subject to the approval or endorsement of any other organ. It is therefore the manifestation of independence and sovereignty. The same is of course true for the Greek community. But, unlike Greeks, the Turks have no aspiration to be the only dominant power in the island.

2.1. Analysis of the Attitude of the Turkish Side

In fact, Turkish Cypriots seek to reduce the authority of the central government as far as possible by having a weak federation in the island. They want, in particular, a situation reminding wat was envisaged by the Swiss Constitution of 1848.

As it is known, the 1848 Swiss Constitution grants full authority to the central government in the areas of *foreign relations, national defence* and *foreign trade* (Codding 1965, 24). It is of course true that the 1848 Constitution has changed a lot. The federal constitution today is marked by its liberalizing approach to issues such as *use of military force* and legislation related to trade and industry (1965, 136). There is also transfer of power and



authority from existing cantons to the federal government (1965, 203). There are constitutional amendments curtailing the authority of cantons and strengthening that of central government (Necatigil 1998, 178). Thus, all these may happen in Cyprus in the course of time. Timing is important since hasty initiatives at the outset may further increase unrest in and mutual mistrust between communities and lead to short-life for a state to be established. It is better to give coming generations opportunity to five effects to such changes since they may be more tolerant than their predecessors.

The *principle of equality* is above all for the Turkish community in Cyprus and an issue in which no compromise can be made. In fact, the *principle of equality* comes to the fore as the most critical element in the teaching of federalism. A federation signifies a consensus between at least two ethnically different communities or peoples. It is a criterion for a federation and it is impossible for the Turkish side to abandon this principle.

Another issue is related to the *population* of federated states in the federation. There are opinions that federations cannot be established since representation on the basis of proportion of population will not bring equal representation (Laipson 1990, 7). However, population is not a very important issue in federations. For example, according to year 2000 population data, the population of the state of California (22,294,000) is 55 times larger than that of Alaska (403,000) and 47 times that of Wyoming (468,900) (Necatigil 1998, 179) while they are equally represented in the US Senate. Another example can be given from Switzerland. While the Zurich Canton (1,112,000) is 32 times more populated than the Uri Canton (Necatigil 1998) they are represented equally in the Federal Assembly.

All these have been serious issues in negotiations in Cyprus starting from 1968 when talks between communities started. It can be inferred from this that the working of a federal system requires fair territorial arrangements, which is in tern determined by criteria used in territorial arrangements. The attitude of the Turkish side in this respect can be outlined as follows:

- 1. Territorial arrangements must be made, before all, by taking into consideration the 1977 Summit Agreement, economic productivity, production and proprietorship. Any agreement must be a part of a whole and respect security criteria.
- 2. Territories of states to constitute the federation must be delineated as agreed by the parties and described in detail in the Federal Constitution. The boundaries of federal republics must be untouchable and unchangeable reserving for British bases on the island.



- 3. Those who are displaced as a result of territorial arrangements do not have to move to undesired and unfavourable places. In particular, there must be no agreement which entails mass replacement and migration of Turkish Cypriots.
- 4. It must be accepted that territorial arrangements may also include those related to *Morphou (Güzelyurt)* and *Varosha (Maraş)*.
 - 5. But this issue should be addressed only after having settled other issues.

These suggest that the Turkish community in Cyprus is for a two-community and two-region federal solution and adopts the approach "territory for a viable solution" (İsmail 1998, 27). In fact, this approach derives from the application of the 'take-give' technique in the solution of the Cyprus problem.

Thus, the Turkish side accepts limiting its territory as 29% + (Tamçelik 2000, 403-4). It must be noted here, however, that the Turkish side states that the map can be drawn only after reaching an agreement on the constitutional provisions of the federation and the Greek side accepts division of authority within the federal system (Tamçelik 2000).

The issues of *territory* and *migrants* have been addressed in many negotiations conducted so far (Gürel 1992, 17; Deliceirmak 1993, 122). Yet, in the federation to be established in Cyprus *geographical aspects* of the issue must be above all in terms of importance. It is not possible to mention any federation not based on *geography*. According to the Turkish thesis, therefore, accepting federation means accepting this principle as well. Federations recognize and cover the *territorial integrity* of federated states ("Kıbrıs Sorunu [The Cyprus Problem]" 1975, 9). But *geographical partition* in each federation can be made by referring to different measures and such may be the case in Cyprus as well. It is for this reason that there are no exactly identical federal states today. For example, no resemblance can be established between Switzerland and the former USSR. Even, there cannot be any single population measure or geographical basis for federated states in the same federation.

Based on these, Turkish Cypriots assert, in case there will be a federation, it must be on *geographical basis* and *bi-zonal character* must be maintained to unsure security. ¹⁰ This means that Turkish Cypriots want the existence of two sovereign states in the federation each of which representing one of the two communities existing in the island. Each constituent state must be governed independently by its people; each must have its constitution and corresponding political structures. ¹¹ Further, the territorial integrity and borders of constituent states have to be guaranteed for ¹² and never 'violated' in any circumstance. ¹³



After all these it can be said that it is quite difficult for the Turkish side to give concessions on political equality, bi-zonal character, rights to self-determination and sovereignty, and Turkey's active role as a guarantor.

2.2. Analysis of the Attitude of the Greek Side

For Greek Cypriots one of the most pressing issues in a comprehensive agreement is related to *territory* without any doubt. The issue of territory is directly related to the boundaries of the federated state, property and return of migrants. So, they want the best solution for themselves without delay.

But what Greek Cypriots understand from related arrangements is all Greeks returning to their old places, protection of their property rights and setting of the boundaries of federated states (Necatigil 1998, 386). Given this, the aims of Greek Cypriots in issues of territorial and administrative boundary setting can be expressed as:

- (1) Land for peace, and
- (2) Land for a viable solution. 14

The Greeks prepared a two-option plan for this to happen. In the first option, *smaller* the surface area of land to be transferred to the Greek Administration, *more* should be the Greek population in the Turkish zone. So, the Greeks nave set an inversely proportional relationship between *territory* and *migrants*. In such a case attention will be paid to have Greek population concentrated in bigger towns for security reasons.

In the second option, the surface area of territory under Turkish administration will be reduced to 20% that will make that part homogenous. This 20% will be from the present 36.5%

This means that the plan suggested by Greek Cypriots establishes a negative correlation between the surface area of administrative boundaries and the number of migrants to return; one will increase as other decreases.

In fact, this model is largely applied in the Ghali Set of Ideas and the Annan Plan. It appears in maps prepared that the model was tried. As can be seen from these maps, boundaries of two federated states and surface area of the territory to be left to Greeks are closely related to the idea of enabling displaced persons to return back to their property. This link exists in the Annan plan as well. According to this model, higher the number of migrants enabled to return larger will be the surface area of Turkish region. Here we see a positive correlation between the size of territory and number of migrants.



It is obvious that discussions about territorial arrangements will have no meaning unless the parties have settled all other issues. Yet even UN Secretary Generals did not miss the chance of existing pressure on this issue. The UN is convinced that the parties could not make sufficient progress in issues of *territorial arrangements* and return of *displaced persons*. As a result, Cuellar, Ghali, Annan and finally Ban-ki-Moon had to intervene and examined what can be done with territorial arrangements and the state of migrants.

However, upon instant rejection of many proposals by the Greek Administration, talks between the parties proved to be futile. The UN too had to admit that there is deep mistrust between the parties.

In fact, all these show that the Greek Administration unwillingly accepts federation-based and bi-zonal solution for the island (Denker 2001, 57). They know well that the idea of Enosis will remain a lost cause in history if they say 'yes' to a bi-zonal federation.¹⁵

While the Turkish side in particular wants both communities to without diluting *bizonal status*¹⁶ the Greek side considers this as limitation to freedoms and says any citizen should be able to live wherever he wants (İsmail 1998, 433). In fact, the Greeks believe that the island will be completely "*Turkified*" ¹⁷ in case their demands are not met. While accepting federation, the Greek Cypriots made this acceptance conditional that federated states would never think about *breaking apart* from the federal constitution or becoming a *separate* political entity (Clerides 1991, 105; Necatigil 1998, 84).

It appears that setting the boundaries of federated states stands as one of the most important issues between the parties (Laipson 1990, 7). In fact, the Greeks managed to put pressure on the Turkish side on this issue by not accepting the Annan Plan. Pressures on the Turkish side focus on returning some areas in *Varosha (Maraş)* and *Morphou (Güzelyurt)*. ¹⁸

Conclusion

After all, texts in relation to the Cyprus issue and expected to be final must be prepared with an eye on ease in implementation and foundations of the peace established.

One-third of present-day world population is governed by federative states and there may be differences in authorities and statuses of federated states. For example, cantons in Switzerland can act customs and border agreements with third parties and former USSR republics could have membership to the UN.

Thus, a *federal state* model will be preferred while giving a new status to Cyprus. But this preference brings along an important point to take notice of: There must be a logical link between authorities left to the central state and authorities of federated states. The rights of a



federated state on its administration must be more that what is left to the central authority. The territorial boundaries of federated states have their importance here. Whatever method is used, negotiations will proceed on the basis of 'give-take' since it is a political issue. Importance must be attached to sovereignty rights after boundaries have become definite. Even if federation is accepted in Cyprus, the unique will of the federal state may gain more dominance in time and start eroding the rights of federated skates.

Another point worth attention is how to determine territorial and sovereign boundaries of constituent states. Here, there is need to attach importance to *quantitative* rather than *qualitative* values. This quantitative aspect must be based on two main elements:

- (1) Any proposal in Cyprus relating to territory must be supportive of definite, sustained and fair solution. These proposals must remain in reasonable limits, facilitate solution, and avoid creating some new problems that threaten the status of the parties.
- (2) The constitution to be adopted must guarantee an independent state of Cyprus with two zones and communities their right to self-government and peaceful co-existence.

Parties must observe and maintain values mentioned above to establish a viable order in Cyprus, which, in turn, requires good faith and tolerance.



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Notes

- ² For detailed description and coordinates of boundaries between constituent states see: Kıbrıs sorununun kapsamlı Çözümü: 30 Mart 2004 [Comprehensive Solutions to the Cyprus Problem: 30 March 2004], (TRNC Presidential Archive, File: UN Proposals Annan Plan, 2004).
- ³ Upon Turkey's unilateral act by using her status as a guarantor state, Makarios phoned Dr. Kuchuk (*Küçük*) and Rauf Denktash and asked for a meeting to be held at the British High Commission. The "*Green Line*" agreement concluded at the meeting led to the division of Nicosia for further information see: Oberling (1982, 74-7); Alasya (1989, 5); Cay (1989, 73-84); Gürel (1993, 56-9); Gönlübol et al. (1996, 380-2).
- iv There are provisions related to this in the Ghali Set of Ideas Articles 13 and 60 and in Article 6/4 of *in* "*Part II: General Provisions*" of the Annan Plan. For further information see: Kıbrıs sorununun kapsamlı Çözümü: 30 Mart 2004 [Comprehensive Solutions to the Cyprus Problem: 30 March 2004], (TRNC Presidential Archive, File: UN Proposals Annan Plan, 2004), http://www.trncinfo.com/_images/belgeler/1/1992%20Gali_Fikirler_Dizisi.pdf
 - ⁵ For further information see: (Tamçelik 2008b, 684-5).
- ⁶ For canton boundaries in the ("Gali Fikirler Dizisi [Ghali Set of Ideas]"), see also (Tamçelik 2008b, 1093; 2010, 38).
- ⁷ The US, for example, recognizes the divided status of the island as a "political reality". While the two communities were earlier considered as culturally separate now it is recognized that they are separate in "physical and political terms" as well. See also ("Turkey, Greece, and NATO: The Strained Alliance" 1980, 49, 53).
 - ⁸ Tamçelik (2008a, 209-56).
 - ⁹ For information relating to the independence of the TRNC see: Tamçelik (2011, 98-126).
- ¹⁰ 1990 yılında sunulan 27 sayfalık Türk Önerileri [The 27 pages long Turkish Proposals made in 1990], (TRNC Presidential Archive, 1990), 1.
- ¹¹ 1990 yılında sunulan 27 sayfalık Türk Önerileri [The 27 pages long Turkish Proposals made in 1990], (TRNC Presidential Archive, 1990), 1.
- ¹² 1990 yılında sunulan 27 sayfalık Türk Önerileri [The 27 pages long Turkish Proposals made in 1990], (TRNC Presidential Archive, 1990), 1.
- ¹³ 1990 yılında sunulan 27 sayfalık Türk Önerileri [The 27 pages long Turkish Proposals made in 1990], (TRNC Presidential Archive, 1990), 1.
- ¹⁴ See "Letter to UN Secretary General from President Denktash Dated 21 November 1994", TRNC Presidential Archive, File: Letters, Date: 1994, see also Clement H. Dodd, *The Cyprus Issue: A Current Perspective* (Cambridgeshire, United Kingdom: Eothen Press, 1995), 30.
 - ¹⁵ Rauf R. Denktaş, "Niye Ayrı Devlet?, Newspaper Zaman, December 19, 1975, 2.
- 16 ("Gali Fikirler Dizisi [Ghali Set of Ideas]") Accessed 12 March 2011. http://www.trncinfo.com/_images/belgeler/1/1992%20Gali_Fikirler_Dizisi.pdf

¹ For further information see (Baseren 2010).



¹⁷ For this issue see: "Hıristostomos: İki Bölgelilik Tehlikelidir", Newspaper Fileleftheros, August 17, 1997, 10; "Başpiskopos: Kıbrıs Elden Gidecek Diyor", Newspaper Eleftherotipia, September 28, 1992, 3; "Greek Press Bulletin", Turkish Agency Cyprus Archive, September 28, 1992, 4; "Hıristostomos: İki Bölgelilik Tehlikelidir", Newspaper Mahi, April 30, 1998, 10; see also Orbay Deliceirmak, *Toprak konusu ve Rum tutarsızlıkları 1964-1996 [The Territorial Issue and Greek Inconsistencies 1964-1996]* (Nicosia: The Presidential Records of TRNC, 1997), 85; *Greek Cypriot Anti-Federation Statements* (Nicosia, Ministry of Foreign Affairs and Defence Turkish Republic of Northern Cyprus, 1998), 10.

¹⁸ See "Vasiliu: Rumlar Trajik Noktaya Vardırıldı", Newspaper Kıbrıs, June 18, 1993, 18; "Vasiliu'nun Tavizleri", Newspaper Eleftherotipia, November 13, 1992, 4; "Greek Press Bulletin", Turkish Agency Cyprus Archive, November 13, 1992, 4; Hüseyin Alkan, "Planda taraflar neyi İstemiyor?", Newspaper Hürriyet, December 8, 2002, 14, see also Zaim M. Necatigil, *The Cyprus Question and The Turkish Position in International Law* (London: Oxford University Press, 1998), 387.