FACING NEW REALITIES:The Turkish Republic of Northern Cyprus and Unrecognised States in the International System*

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The end of the Cold War has fundamentally changed the landscape of the international system. The contest between the principles of territorial integrity and self-determination has been recast in response to the collapse and implosion of established states and the successful secession of sub-national peoples, both as recognised states (the former constituent republics of the Soviet Union and Yugoslavia) and as de facto states which have established an unchallenged writ on the ground (Chechnya, Northern Somaliland). The Cyprus Question can be usefully revisited against this backdrop of changing international norms and prevailing orthodoxies. Prior to the Cold War, the Turkish Republic of Northern Cyprus (TRNC) stood alone as a pariah state subject to international shunning but nonetheless defiant, popularly supported and effective in its authority on the ground. Now the TRNC is one of nearly a dozen de facto unrecognised states that by their stubborn existence are gradually undermining the rigidities of the territorial integrity principle and the doctrines and practices of international recognition policy.

Throughout the post-war period the international system was based on the unequivocal superiority of the principle of territorial integrity even over the doctrine of national self-determination, as powerful a clarion call as that has been in every corner of the world. Prior to the Second World War, self-determination, particularly as it was understood in Wilsonian terms, was a movement seen to be legitimate for recognised, historically established peoples in Europe, nations with obviously familiar signatures of language, culture, perhaps religion, a historical self-view, a powerful attachment to a patrimonial territory and a common sense of destiny. This understanding of self-determination was far more difficult to apply to the colonial territories of the European maritime powers, particularly the larger dependencies. In most cases there was no clear nation that was coincident with the boundaries of the colonial territory. In those instances where there was this happy coincidence, very small size precluded serious consideration of independence until the late 1960s and 1970s, when the lure of sovereignty finally reached even the smallest and weakest dependencies once thought to be destined as permanent wards of the metropolitan powers. Cyprus was the first of these micro-states, along with Gabon, to achieve independence in 1960. Until then, only Luxembourg and Iceland participated in the international system as normal states. The very small historic European micro-states' formal sovereignty was acknowledged but they were largely excluded from the mainstream of multilateral international diplomacy.

Since most of the dependencies seeking decolonisation were multi-national or multi-communal, in the case of Cyprus bi-communal in spite of its very small size, the interpretation of the right to self-determination shifted from the claims of recognised national peoples to the territorial self-determination of colonial peoples. Of course, it is ironic that the most important inheritance of these colonial peoples from their former metropoles, was the very national identity of the new state itself, that is the territorial definition of the state as created, often

capriciously and randomly, by the colonial power itself. Nevertheless, the restriction of the right to self-determination to colonial peoples within recognised colonial borders, signalled doom for the aspirations of alienated minority peoples within these new states. They found themselves, by historical accident, to be forever subject to the new rulers, typically from a majority ethnic group, who would define the new national identity in their own terms, often ruthlessly suppressing claims for greater autonomy and recognition from discontented and unsatisfied minorities.

The case of Cyprus is classic in this respect. In the absence of a clear and deeply rooted common national identity, Greek and Turkish Cypriots pursued different agendas both in the period leading up to independence and in the tragic years to follow. Though Greek and Turkish Cypriots had lived cordially side by side or in a minority of cases in mixed villages, there was virtually no intermarriage or common cultural intercourse in any meaningful or profound sense. Indeed, as Kliot and Mansfield point out, the territorial separation and consolidation of the two communities proceeded in the wake of communal conflict in the late 1950s and, of course, particularly after 1963. In this sense, the events of 1974 may be seen as the culmination of a process already well under way. The nationalism of the Greek Cypriots was profoundly Hellenistic and sought fulfilment in the campaign for enosis, union with Greece, an objective only temporarily deferred, as it turns out, with the Zurich and London agreements, and one which would surge again with the Sampson coup in 1974. In their initial response to the dangers of becoming a vulnerable and insecure minority within an overwhelming Greek majority, Turkish Cypriots promoted taksim, or double enosis. The 1960 Constitution, with its three guarantors, was designed to remove both options, each seen to be a mortal danger by the other side. Whether the 1960 Constitution could have worked is a debate that is best left for another occasion. For our purposes, it is the failure of Cyprus as an integrated state, indeed a failure after only three short years, which is central to our concerns in this discussion.

The final collapse of the by now hollow integrity of Cyprus in 1974 was greeted by the international community with a determined resistance to the new realities on the ground. In the wake of the establishment of the Turkish Republic of Northern Cyprus, the organised international system in effect sent the Turkish Cypriots to Coventry denying any form of recognition and then subjecting the fledgling state to the hardships of economic boycott that have severely frustrated and handicapped efforts at economic development in the north. Indeed, the United States even pressured those few states which were willing to recognise the TRNC to withdraw their recognition in conformity with the unequivocal commitment to the principle of territorial integrity, and more particularly to the conviction that boundaries cannot be changed by force.

Such commitments would brook no exceptions. Even in the case of Eritrea, which undoubtedly met the United Nations's standards of a separate colonial experience, there was no recognition of the Eritreans' rights to self-determination until the Ethiopian regime collapsed in 1992 in the face of a coalition of forces, including the Eritreans, in opposition to the Dergue. Eritrea had been incorporated into Ethiopia on the understanding that Eritrean identity and autonomy would be protected by a federal system, an arrangement which the Ethiopians soon abandoned, and which should have resulted in the forfeiture of their claims. That it did not, speaks to the power of the commitment to existing frontiers, however flagrant the injustice or however absurd the title may be.

Consider too the case of the Baltic states. The Western powers never recognised the legal incorporation of the Baltic states into the Soviet Union. Indeed the exiled communities continued to maintain legations in Western capitals. And yet, particularly after the Helsinki Accords in 1975, the Western world did little to promote the independence aspirations of the Baltic nations. Indeed, in their efforts to support Mikhail Gorbachov, the United States urged the Baltic peoples to consider their future within a democratising Soviet Union. By this time, of course, the Baltic thirst for independence and redemption would not be quenched by anything short of full sovereignty. It was a campaign which inspired the aspirations of the Caucasian republics and also, most fatally, the Ukraine. Baltic secession, while eventually conceded by President Gorbachov, would result in the implosion of the Soviet Union, and thus, by demonstration, would set alight the ambitions of other peoples

who similarly regarded themselves as trapped within the prisons of alien and illegitimate states.

And even in the case of the Yemen, where South Yemen after many years of separate independence, voluntarily united with Yemen itself, there was no further room for a change of mind. When South Yemenis sought to recover their separate independence by withdrawing from the newly unified state, the San'a government put down this campaign and did so with the full support of the international community.

Of course, the stiff international resistance to claims for self-determination within established states would serve to support the efforts, however ruthless, of central governments to suppress separatist movements. But it would not eliminate the ongoing efforts of nationalist movements to secure their independence. There are scores of separatist movements across the globe, many of them having struggled for generations. In the southern latitudes these movements have been violent and tragic: Kashmiri Muslims, Karens in Burma, Tamils in Sri Lanka and so on. This list is very long indeed. In the liberal democracies of the north, sub-national movements, with few exceptions (Corsica, the Basque country, Northern Ireland) have been peaceful. Some, like the Scottish Nationalists or the Parti Quebecois, do seek separation and full independence though through peaceful and democratic means. Others, like the Catalans, seek to maximise their autonomy but in this case, within the Spanish realm. Archipelago states are particularly vulnerable to secessionist movements. Last August, the tiny island of Nevis, with a population of 9,500, in the Federation of Saint Kitts and Nevis, itself a very small micro-state, with a total population of 44,000, exercised its constitutional right to seek independence. It barely missed the required 66.6 per cent by 164 votes!

The sheer widespread, almost epidemic phenomenon of separatism has produced a lively debate in the academic literature on the ethics and morality of secession. Many of liberal internationalist disposition are utterly appalled by the resurgence of nationalist movements in an age of deepening interdependence and the proliferation of regional and global regimes for co-operation. Such movements seem to be tribalistic throwbacks to a dark past, flagrantly at odds with the prevailing norms of a global community seeking to overcome its divisions by widening its commonalities. Such revulsion is only reinforced by the gruesome images, especially of the Balkans, but also of Rwanda, Sri Lanka and other such miserable centres of conflict and despair, which nightly dominate television newscasts. But, there are others, as we shall examine more fully shortly, who are revisiting the issue of secession in part as a response to the new realities of collapsed and failed states, and in part because of a heightened sensitivity to the absurdities of the conventional orthodoxy in particularly egregious situations.

The resistance to secessionist movements for self-determination is rooted, in part, in the careful and delicate balance of power that characterised the Cold War period. Such movements were seen to be inherently destabilising, particularly in an international system in which any political change was seen in terms of a zero sum game of gains and losses. There were fears too that the success of such movements would open a Pandora's Box of separatist causes that would unravel the fragile unity of too many states. Indeed, this fear is not unjustified, particularly in Africa, where nation-building has been slow to support the brittle institutional structures of the inherited colonial states. It is not surprising that the Organisation of African Unity would so staunchly support the unequivocal terms of the principle of territorial integrity. Indeed, what was surprising, was the decision of a handful of African governments to support the independence of Biafra, an effort which, in any case, was doomed to failure. And there remain concerns for the orphans of secession; those members of the once dominant group, like the Great Russians in Kazakhstan or Estonia, who suddenly find themselves vulnerable outsiders in the new states. Similarly, orphans include other minorities whose protection may not be as secure as it once was. Even in democratic states, in the case of Quebec, for example, there are fears for the rights of the Cree in the north and the anglophone and allophone minorities in Montreal and the Ottawa Valley, should Quebec secede from Canada. These anxieties continue to surface in any discussion of secessionist self-determination.

The collapse of the Soviet Union, Yugoslavia, Czechoslovakia and Ethiopia overnight produced two dozen new states in the international system. The Soviet republics were soon accepted and recognised for the

governments of the constituent republics themselves had engineered the astonishing implosion of the Soviet Union. Other players in the international system were so aghast at the suddenness of this turn of events that there was no opportunity to argue for the federation's continued integrity, even if that had been the preferred course. The situations in Yugoslavia and Czechoslovakia were different. The European Union had tried to persuade the Czechs and Slovaks to stay together, often with the tacit threat that their future in Europe would depend on rejecting separation. In Yugoslavia, reluctant European states, prodded by the determined unilateralism of Germany, finally recognised the independence of Slovenia and Croatia, and then Bosnia-Herzegovina and Macedonia.

But this fundamental recasting of the architecture of the post-war world also produced a score of new unrecognised states. It is as if the former republics of the Soviet Union were Matryushka dolls, each with sub-national dissident states in ever diminishing proportions: Trans-Dniester in Moldova, Abkhazia in Georgia, Nagorno-Karabakh in Azerbaijan and Chechnya in Russia itself. In what is left of Yugoslavia, Montenegro, particularly since the election of a reformist president and government, has pursued independent policies with deepening links to the West, even to the point of staying out of the war with NATO over Kosovo. The potential for de jure independence in Montenegro is now greater than ever. In Somalia, truly a case of a collapsed and failed state, the former British Somaliland, has emerged as the only viable state authority in what is otherwise an anarchic Hobbesian world of clan militias. This is ironic since the Somalis were once thought to be the most coherent national group in Africa and those most likely to support a viable nation state. Whatever its relative success and stability, Northern Somaliland remains unrecognised in the international system. In Bougainville, after ten years of war, Australia and New Zealand have pressured both the Bougainville authorities and the reluctant government of Papua New Guinea into a peace settlement that will likely see a democratic process which will convert the de facto independence of Bougainville into recognised de jure sovereignty. In short, suddenly in the wake of the end of the Cold War, the Turkish Republic of Northern Cyprus has been joined by a significant number of unrecognised states also living in Coventry but carrying on day to day nonetheless. What all of this suggests is a rethink of conventional orthodoxies on self-determination, territorial integrity and recognition policy in light of the new realities on the ground.

That rethink is already evident in the academic literature as noted. It is also increasingly conceded in the diplomatic policy communities of established states. Consider the events in Kosovo. Western powers, while overlooking the miserable Russian attempt to subdue the Chechens, reacted with outrage to events in Bosnia and Kosovo. The Russian campaign was seen as an internal matter and thus consistent with respect for Westphalian norms. The Western position on Bosnia was justified on the grounds of external Serbian or Yugoslav aggression against a recognised sovereign state. But Kosovo is very different and is being treated differently from Chechnya. If Westphalian principles were to hold, there would be no grounds for intervention against Belgrade acting within the borders of its own sovereign territory. But NATO has reacted, in the first war of its existence and with ferocious firepower. At first, the Kosovo campaign was presented as a means of forcing compliance with the terms of Rambouillet, that is an autonomous Kosovo within Yugoslavia, an autonomy guaranteed by the absence of Serbian troops and the restoration of constitutional arrangements similar to those usurped by President Milosevic in 1989. In the wake of the wholesale ethnic cleansing of Kosovo, these terms have changed. And between the lines, we can note a new recognition of realities. Emphasis now is on the return of the Kosovars to their homes in the province though, if the consistent reports of the refugees are correct, there is precious little awaiting them on their return. If this is to be achieved, and a huge measure of confidence would be necessary to persuade the refugees that the passage was safe, then clearly an international force would be required and, as seems likely, an indefinite period of international administration, in effect a protectorate. What is glaringly obvious even to the most myopic observer is that the Kosovars are unlikely ever again to accept life under Serbian rule. In this respect, their position is not unlike the Turkish Cypriots who are loathe to risk the insecurities and the travails which they endured between 1963 and 1974 and thus their insistence on the loosest form of confederation, if any at all, and the maximum degree of autonomy. Once again, Humpty Dumpty has fallen off the wall and it is virtually impossible to see how he can be put together again. In the case of Kosovo, if not yet in Cyprus, there is a growing recognition of these realities. The actual situation has moved far beyond Rambouillet just as in Cyprus it has moved far beyond

1960.

The appeal of the status quo ante seems irresistible in the international community; in the unwieldy and unfulfilled promise of the Dayton Accords, in the reluctance to abandon Rambouillet and in the persistent conviction that the Republic of Cyprus can be patched together again as if the events of 1963-1974 never happened. In all these cases, noble and well-meaning efforts 'to make things right again' are frustrated by the realities of collapsed confidence and profound insecurity.

In such situations we may need to be more sensitive to the dangers of divorcing law and prescription from fact and reality. In this respect the narrow post-war interpretation of the right of self-determination, confined as it is to salt water colonial peoples, needs to be revisited in the wake of geopolitical changes since the end of the Cold War. For example, with the pretensions of Soviet Man now exposed as a rootless exercise in hubris, the true nature of Russian colonialism, the commissar no less than the tsar, is glaringly clear. It is absurd, for example, to treat the self-determination claims of the Chechens within the Westphalian constructs of territorial integrity simply because the hapless Chechens did not have a body of water between their lands and Russian colonial encroachment. The doctrine recognises only salt-water frontiers; all other claims are invalid in the context of geographical contiguity. So, self-determination remains a right for Bermudians, Cayman Islanders and the people of New Caledonia simply because theirs was a maritime colonial experience.

Moreover, this rigidly narrow interpretation of the rights to self-determination and an unequivocal commitment to the principle of the territorial integrity of established states can unwittingly support all manner of abuse by central governments shrouding themselves in the protective garb of Westphalian norms. This can lead to very unpleasant scenarios, thus the discomfort of Western states with the turn of events in Kosovo.

Such rigidities compel a procrustean solution where much greater flexibility is required. National peoples are forced to lie in the bed of states that have long forfeited their claims for a legitimate writ, and to do so in perpetuity. To ask Chechens and Turkish Cypriots to accept such a fate while more fortuitously placed islanders of Tuvalu, all 10,000 of them, can claim their seats in the United Nations, all because of the presumed sanctity, integrity and permanence of the colonial or established state flies in the face of common sense, not to mention fundamental principles of equity and justice.

Moreover, it is an attempt to cast the status quo in concrete, an effort that flies in the face of historical experience. As Gowher Rivzi has recognised, "There is nothing ipso facto sacrosanct about state frontiers: what makes the boundary of a state inviolable," he argues, "is the political will of the people inhabiting a particular territory." As late as 1916, the Allied Powers could not imagine a Europe without the Austro-Hungarian Empire, a major and all too familiar player in the central deliberations of the European state system for centuries. At one time the demise of Venice would have seemed unthinkable. And, for most of our own century, the forbidding presence of the Soviet Union seemed to be a permanent feature of the international system into the distant future. Cast against this backdrop, what is the basis for presumptions of establishment, authority and recognition for the fragile three-year experiment that was the Republic of Cyprus?

Now the doctrine of territorial integrity remains a critical defence against external aggression. Unqualified respect for a state's frontiers and its territorial identity against avaricious and predatory neighbours must continue to lie at the core of the United Nations's collective security system. Thus the defence of the integrity of Kuwait against a self-aggrandising predatory neighbour was wholly justified. The Kuwaiti state did not collapse because of the loss of confidence and the withdrawal of the loyalty of its people. It simply succumbed to vastly superior external military forces. The principle of territorial integrity in that context is a very different matter.

In the case of failed states, however, the principle must be revisited. If states that have clearly lost the confidence of a significant constituency of their citizenry, particularly a partner constituency, the invocation of

the unqualified principle of territorial integrity can only prop up what by now is a hollow state, a pretentious state and even, as in the case of Yugoslavia, an unsavoury state. In these extreme and most egregious situations, as in Kosovo, the central government has morally forfeited its claim to expect recognition for the status quo or the status quo ante.

Scholars are increasingly torn by these dilemmas. They do not want to endorse self-determination as a blank cheque, to unleash a widening process of fragmentation, to treat such rights in a capricious, irresponsible and willy-nilly manner. Yet, they are also increasingly sensitive to the claims of abusive states that will invoke, equally capriciously, Westphalian norms to permit the perpetuation of human rights violations and even, as in Kosovo, crimes against humanity.

In his now landmark work on the ethics of secession, Allen Buchanan, most reluctantly, allowed for justifiable claims for self-determination through acts of secession. In short, if the abuse and the injustice of the governing party, were so cumulative, so unrelieved and without any recourse, then the final option of self-determination must be acknowledged. Beyond Buchanan's just cause theory, Daniel Philpott stresses the primacy of democratic choice whether through a referendum or free elections. That choice should be honoured whether or not the people of a given territory had been victims of injustice. And others, like David Miller and Kai Nielsen, stress the importance of national identity, a profound sense of collective identity being critically instrumental for individual identity and well being. All of these approaches represent a significant departure from the rigidities of post-war notions of self-determination and thus of recognition policy in international practice.

In many cases, both the primordial and secondary sources of separatism are obscured in clouds of ambiguity and ambivalence. This is certainly the case in Scotland and Quebec. And here the presumptions of territorial integrity should prevail until there is a clear decision to pursue a separate course.

But in those situations, as for Turkish Cypriots, where confidence has been lost and where separate existence in any case is now firmly established, to insist on a return to the status quo ante is whistling in the wind. In short, the Greek Cypriots lost their opportunity in the months following independence in 1960 by insisting that the Turkish Cypriots were a minority in their new state, not a partner in nation-building. The determined efforts to undermine both the letter and the spirit of the 1960 Constitution in such critical areas as the public service quotas, the composition of the army and the communal basis of municipal government, could only erode whatever tentative confidence Turkish Cypriots might have had in this experiment. With harassment and growing communal violence and the forced withdrawal of Turkish Cypriots from government, administration and the day to day life of the would-be Republic of Cyprus, that failure of statehood was now beyond question. Turkish Cypriots can reasonably argue that their present separate existence was not so much an act of secession of their part but a cumulative process of constitutional expulsion, particularly between 1963 and 1974.

For the Greek Cypriots the roots of the Cyprus problem lie in the 1974 Turkish intervention, itself, of course, a response to the enosis driven Sampson coup and to the very real security threat facing the Turkish Cypriot community. It is as if the miscalculations of Archbishop Makarios and the unravelling of the London and Zurich Accords never happened.

The 1960 Republic of Cyprus was a brief three-year experiment that did not meet the nervous expectations of its Turkish Cypriot constituency and, consequently, also failed the aspirations of its Greek Cypriot majority in whose image the Republic functioned. This failure, this forfeiture, is now a 36-year reality. And while the 1974 intervention certainly consolidated a process of territorial regrouping already under way, it is by no means the root of the Cyprus problem. The events of 1974 were tragic to be sure with ethnic cleansing and displacement on both sides. To be separated from one's land of birth is a lifelong trauma. But there is still scope for redressing some of the most tragic consequences of 1974 if there is recognition, not of a majority and a minority within a majority-defined state, for that is now wholly unrealistic, but of an equality between two

communities each with its own long history on the island.

The international community is reluctant to recognise the TRNC as a sovereign state for fear that the Turkish Cypriots would take this gift and run with it, thus dooming any progress towards confederation or a bi-zonal, bi-communal federation. On the other hand, a complete lack of recognition, particularly in the context of the European Union's ill-judged decision to proceed with accession negotiations with the Republic of Cyprus in the absence of a settlement, is equally fraught with risk. There must be at least a recognition of the obvious: there are two communities and two governing authorities in Cyprus, each with its own writ and neither competent to exercise jurisdiction in the territory of the other. And while the international community is determined to seek whatever scope for redress as is possible in a future settlement, whether it relates to the three freedoms i.e. 'Freedom of Movement', 'Freedom of Settlement' and 'The Right of Property', or to territorial adjustments, Turkish Cypriot leaders have consistently argued that they shared these objectives. As many Turkish Cypriot scholars have noted, virtually 95 per cent of the Cyprus problem relating to these issues is within reach.

What is critical, however, is the recognition of the reality of the circumstances on the ground in Cyprus. That involves an acknowledgement that a Hellenic-defined Republic of Cyprus has failed and that any new settlement, particularly if it is to involve a large measure of reconciliation and accommodation between the two communities, must be based on the equality of those communities both politically and constitutionally. It cannot be a question of counting heads. Both communities, after all, have a historical patrimony to the island. Cyprus remains one of the most daunting challenges in the international system. But for this challenge to be met, both Cypriots and external players must accept the realities of fact over the temptations of fiction.