

# The Lessons of Cyprus Referendum 2004 for Korean Reunification

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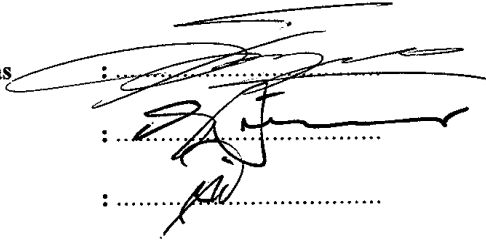
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## **Abstract**

Divided countries pursue reunification. Reunification can give unified countries many benefits such as security, reconciliation of the people, and economic profits. However, every reunification does not guarantee these benefits. Rather, reunification could produce a civil war and economic collapse. In these regards, the process of reunification is very critical in order to fulfill the intended purpose of reunification.

Reunification can be categorized in three categories of its process. Absorptive reunification by compulsion, absorptive reunification by negotiation and consensual reunification in equal status, are the three models of reunification. The typical examples of absorptive reunification, the Vietnam and Germany cases, produced many problems. Yemen's case looks like the desirable model of reunification as kind of consensual reunification in equal status, but sudden reunification can be a hardship for the unified country. Therefore, a gradual time dimension should be added.

Cyprus has tried the model of gradual consensual reunification in equal status. The Annan Plan is a text book example of desirable reunification. In this regard, Cyprus offers valuable lessons for Korea, especially, through the experience of their failure.

The main reasons for rejection of the referendum are the stationing of foreign forces, sharing of political power, new Turkish settlers, property issues, and guidance of political leaders. The critical reason why the Annan Plan was rejected by Greek Cypriots was lack of preparation. Korea can learn precious lessons from these reasons of rejection and better know what Korea should do to prepare for reunification.

Korea should have strong will for reunification, and exert all possible effort in order to accomplish real reconciliation between the people of North and South Korean. Only when the two Koreas united firmly, can Korea determine its fate itself.

# Ö ZET

Bölünmüş ülkeler yeniden birleşmenin izlerini takip ederler. Yeniden birleşme, birleşik ülkelere ekonomik kazanç, ulusal halkın uzlaşması ve güvenlik gibi birçok fayda sağlayabilir. Ancak, her yeni birleşme bu faydaları sağlayacağını garanti etmez. Aksine, yeniden birleşme ekonomik çöküş ve savaş ortamı çıkarabilir. Bu bakımdan, yeniden birleşme süreci, beklenen birleşmenin amacını karşılamak olduğundan dolayı bu süreç oldukça kritiktir.

Yeniden birleşme kendi içerisinde üç kategoriye ayrılabilir. Zorlamaya dayalı emici yeniden birleşme, anlaşmaya varmalı emici yeniden birleşme ve eşit statülerdeki karşılıklı anlaşmaya varmalı yeniden birleşme, yeniden birleşmenin üç modelidir. Vietnam ve Almanya vakası birçok problemi ortaya çıkarmıştır. Yemen vakası ise eşit statülerdeki karşılıklı anlaşmaya dayalı yeniden birleşme modeli olarak arzu edilen bir yeniden birleşme modeli gibi görünüyor but ani yeniden birleşmeler, birleşmiş ülkelerin zorluğu olabilir. Böylece, kademeli zaman boyutunun eklenmesi gerekmektedir.

Kıbrıs, eşit statülerde karşılıklı anlaşmaya dayalı yeniden birleşme modelini denemiştir. The Annan Plan, arzu edilen yeniden birleşmeyi anlatan bir ders kitabı örneğidir. Bu bağlamda, Kıbrıs, Kore için, özellikle, kendi başarısızlıklarının tecrübelerinin üzerinden paha biçilemez dersler sunmaktadır. Referandumun reddedilmesinin sebepleri; politik liderlerin yönlendirmeleri, mülkiyet konuları, yeni Türk yerleşimciler, politik gücün paylaşımı ve dış mihrakların ikamesidir. Yunan asıllı Kıbrıslılar tarafından reddedilen Annan Planının reddedilmesinin başlıca nedeni hazırlıksız olmalarıdır. Kore, iyi bilmesi gereken yeniden birleşme için ne çeşit hazırlık yapması gerektiğini daha iyi bilmeli ve bu karşı çıkma nedenlerinden çok faydalı dersler çıkarabilir.

Kore'nin yeniden birleşme için güçlü bir isteğinin olması ve Kuzey ve Güney Koreli insanlar arasında gerçek uzlaşmayı başarmak için bütün olası çabaların öne sürülmesi gerekmektedir. Ne zaman ki, iki Kore tamamıyla birleşirse, o zaman kendi kaderlerini belirleyecektir.

## **Disclaimer**

I hereby declare that the views expressed in this thesis are my own and in no way reflect the official views of my country or the views of Korean Ministry of National Defense.

Seong Cheol Oh

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After graduation from the university, I worked in South Korean military for 12 years. During my military life, studying at a university again is a long-cherished desire. Finally, in August 2009, I came to Istanbul and entered in Istanbul Bilgi University. However, the life in foreign country was very hard for me. Even my family went back to Korea and I was left alone. I was going to give up my study so many times. In the meantime, Professor Harry and my friends helped me to overcome my hardships. Without their help, I would not have accomplished this graduate program. I will never forget their kindness.

Istanbul, May 2012

Seong Cheol Oh

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## List of Abbreviations

|        |   |   |
|--------|---|---|
| UK     | : | United Kingdom  |
| VIP    | : | Very Important Person                                 |
| KAL    | : | Korean Air Line                                       |
| UN     | : | United Nation   |
| PK     | : | Peace Keeping   |
| USA/US | : | United States of America                              |
| SOFA   | : | Status of Forces Agreement                            |
| TRNC   | : | Turkish Republic of Northern Cyprus                   |
| EEZ    | : | Exclusive Economic Zone                               |
| ROK    | : | Republic of Korea (South Korea)                       |
| GNI    | : | Gross National Income                                 |
| WFP    | : | World Food Program                                    |
| GDR    | : | German Democratic Republic (East Germany)             |
| YAR    | : | Yemen Arab Republic                                   |
| PDRY   | : | People's Democratic Republic of Yemen                 |
| EU     | : | European Union  |
| WWI    | : | World War 1   |
| ECHR   | : | European Court of Human Rights                        |
| IPC    | : | Immovable Property Commission                         |
| DPRK   | : | Democratic People's Republic of Korea (North Korea)   |
| OECD   | : | Organization for Economic Cooperation and Development |

# Introduction

A nation can be divided by nationalism or different ideologies, and divided countries can be also united by military force or political negotiation. According to this natural law, there are several movements of reunification in the present international society, too.

| Countries | Parts  | Year of Division |
|-----------|--|------------------|
| Korea     | Korea = South Korea (Republic of Korea)<br>North Korea (Democratic People's Republic of Korea) | 1945             |
| China     | Taiwan (Republic of China)<br>China (People's Republic of China)                               | 1949             |
| Cyprus    | South Cyprus (Republic of Cyprus)<br>North Cyprus (Turkish Republic of North Cyprus)           | 1974             |
| UK        | Republic of Ireland<br>North Ireland<br>United Kingdom   | 1919-21          |

\*I excluded "Supranational union"<sup>1</sup> and Continental union<sup>2</sup> which is not reunification.

Also, humanity has experienced several unifications in modern history and the typical examples of reunification are the three following cases.

- 1) German reunification in 1990, divided since the 1949 division decided at the Potsdam Conference in August 1945.
- 2) Vietnam reunification at the end of the Vietnam War in 1976, divided since 1954
- 3) Yemen reunification (1990), divided since the collapse of the Ottoman Empire in 1918

Interestingly, each case has different process of reunification and the results of reunification are obviously different. There are several presently divided countries which are struggling to accomplish reunification, but the countries which are pursuing it openly are Korea and Cyprus. Korea and Cyprus are taking further steps for reunification than China and UK.

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<sup>1</sup> Supranational union is a type of multi-national confederation, where negotiated power is delegated to an authority by governments of member states. The concept of *supranational union* is sometimes used to describe the European Union, as a new type of political entity. Kimmo Kiljunen, "The European Constitution in the Making". Centre for European Policy Studies. 2004, pp. 21–26. Available at [http://aei.pitt.edu/32581/1/20\\_EU\\_Constitution.pdf](http://aei.pitt.edu/32581/1/20_EU_Constitution.pdf)

<sup>2</sup> A continental union is an inter-governmental, supra-national, or a federation of member states located in the same continent, or close to it

Except for the ethnic composition, Cyprus and Korea have many points in common. Korea has been divided since 1945 and Cyprus since 1974. Both countries have gone through the interference of foreign powers and the tragedy of civil war. For divided countries, the talk of reunification comes up habitually. Especially, the people who live in divided countries for several decades, consider instinctively that reunification is what should be happen. However, we should not forget reunification has the possibility of being poison as well as honey for people. The three countries of Germany, Vietnam and Yemen have accomplished their reunification, but the results of reunification were different because the types and processes of reunification were different.

At this stage, it is very important for Cyprus and Korea to choose which model of reunification is proper and how it should be accomplished. This question is very natural and is a basic problem which divided countries are facing. However, they rarely think how they should accomplish reunification or what they can get from it. In other words, although they have a strategic objective, they do not have a definite tactic. Additionally, they do not know what they should do for reunification as the people, and do not want to accept any loss or sacrifice for reunification.

The people of divided countries have to know the reason for wanting reunification and the right way of accomplishing it. After this process of thinking, we can find critical lessons from other countries' cases, especially from the case of Cyprus. Cyprus has very important experience through the Annan Plan. In my thesis, I would like to elucidate why Korea should pay attention its notice to the Annan Plan over other cases such as Germany, and what we should learn from the failure of the Annan Plan.

# Chapter 1: Purpose of Reunification

What do we expect to get from the reunification? This question is the key that tells the desirable way of reunification. Above all, we should know why reunification should be accomplished, and then we have to find the way that can fulfill the purposes of reunification.

## 1.1 Security

Security means “absence of threats to acquired values and subjectively, the absence of fear that such values will be attacked.”<sup>3</sup> It is natural that Security becomes a critical issue for any country. “Generally speaking, security issues are classified into traditional security issues and non-traditional security issues or new security threats. In a broad sense, traditional security issues deal with war and peace. To put it in concrete terms, traditional issues are caused by military, political and diplomatic conflicts.”<sup>4</sup> Even if we do not consider the non-traditional issue, security is a very critical issue relating to people’s life, property, sovereignty, maintenance of territory integrity and so on. A divided country’s security is always threatened by their opposite part. Korea is the very typical case which shows how divided country’s security can be seriously threatened. For divided countries, reunification is the only way to exclude the threat in security issue arising from division.

### 1.1.1 Elimination of Military Conflict

Above all, reunification can eliminate the military conflict between divided parts. Korea has had numerous military conflicts since the end of the Korean War in 1953. Even excluding the victims of the Korean War, numerous civilians and soldiers have died because of the divided

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<sup>3</sup> Prabhakaran Paleri, *National Security: Imperatives And Challenges*, Tata McGraw-Hill Education, 2008, p52

<sup>4</sup> Tong Hui Ma, “*Reunification of Korea is a Major Security Issue on the Korean Peninsula*”, Institute for Security and Development Policy, 2010, p.15, Available at [http://www.humansecuritygateway.com/documents/ISDP\\_ReunificationofKoreaisaMajorSecurityIssueontheKoreanPeninsula\\_TheNorthKoreanPerspective.pdf](http://www.humansecuritygateway.com/documents/ISDP_ReunificationofKoreaisaMajorSecurityIssueontheKoreanPeninsula_TheNorthKoreanPerspective.pdf)

situation. Through the cases which Korea has experienced, namely the seriousness of military conflict, the inevitable necessity of reunification becomes obvious.

### **Major Military Conflicts in Korea**

#### **The raid of Cheong-Wa-Dae, the president's residence(1968);**

North Korean special forces platoon of 31 soldiers infiltrated Seoul to kill VIPs in the government.

#### **The hijacking of a passenger airplane(1969)**

A South Korean civil aircraft was hijacked to North Korea. 51 people on board were released after 2 months, except 12 people. They are being detained until now.

#### **The assassination of First Lady(1974)**

One North Korean terrorist tried to kill the President, Park-Jeong-Hee, but failed. A stray shot killed First Lady.

#### **The bomb terror of Myanmar(1983)**

An attempt to kill South Korea President visiting Myanmar failed. 17 VIPs in government died including the vice prime minister.

#### **Blasting of passenger airplane(1987)**

A North Korean woman agent blew up the KAL858 airplane.  
All passengers 115 died.

#### **2<sup>nd</sup> Yeon-Peong Battle(2002)**

South Korean Navy engaged with North Korean Navy who crossed the border. 19 died, 25 wounded, the North Korean patrol boat sank.

#### **Cheon-An-warship Sink(2010)**

South Korean warship was sunk by torpedo in the South Korean territorial water. 40 people were killed.

#### **Bombardment of Yeon-Pyeong, a Korean island (2010)**

On 24, Nov, 2010, North Korea shelled dozens of artilleries on the South Korean island and 4 people died including 2 civilians.

These are not all of conflicts between South and North Korea. The security of Korea is being threatened endlessly by the divided situation. These threats should be eliminated as soon as possible, and it is a matter of course that unification is the best way to eliminate these conflicts.

### **1.1.2 Independence from Stationing of Foreign Force**

Divided situation infringes upon sovereignty by giving foreign powers chances to intervene. Generally, countries divided by foreign power cannot escape from the intervention of foreign powers. Turkish, Greek, UN Peace Keeping military forces and British military are stationed in Cyprus. The USA and UN are stationed in South Korea. The stationing of foreign force is not only a problem of defense, but also an infringement of sovereignty. Korea needs US military aid in order to prevent a civil war with North Korea, but the stationing of US military fetters South Korea. The South Korean situation shows well the reasons why divided countries both need the stationing of foreign forces and how the sovereignty of divided countries is infringed by foreign forces.

Firstly, South Korea has not had the right of military operational control since 1950. This means that Korea cannot decide its own security issues. Although operational control in peace time was transferred to South Korea in 1994, operational control in wartime will be transferred to South Korea in 2015. This means that even though South Korea has the Ministry of Defense and its own forces, the South Korean president cannot control the army. The reason unification should be accomplished is that divided countries are able to decide their fate themselves, rather than it decided for us by foreign force.

Secondly, in order to keep the stationing of foreign force, divided countries are made to accept many unfair treaties. For example, Korea and USA, SOFA (Status of Forces Agreement) could be considered as an unfair treaty, because USA soldiers have a privilege in the process of criminal law and Korean jurisdiction cannot deal with them justly. Finally, a criminal can go back to USA without any penalty. Nevertheless, South Korea cannot help depending on the USA forces, even though “South Korean ranking of military strength is 7<sup>th</sup> in the world.”<sup>5</sup> North Korea is 22<sup>th</sup>, it is not important how strong our military power is, because in ten minutes, war can deprive everything that South Korea has constructed since 1953. The only way to achieve absolute security is through reunification.

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<sup>5</sup> Global Fire Power, “Military ranking strength of world”, 2011, Available at <http://www.globalfirepower.com/>

## 1.2 Historical Compatriots and Dispersed Family Member

Another reason for accomplishing reunification is that the divided, people had lived together before they were divided. It does not mean only one ethnic group. They lived together and married each other and were members of same social community, but now, due to national division, they can no longer meet each other at their own will. In South Korea, there were “128,698 dispersed family members because of Korean War. Among these people, 50,480”<sup>6</sup> are already dead because of old age.

[Data of Dispersed Family Members by family relationship]

| Items          | Husband or Wife<br>Parents or Offspring | Brothers or<br>Sisters | Relatives | Total  |
|----------------|---|------------------------|-----------|--------|
| Number(person) | 36,181                                  | 31,198                 | 10,838    | 78,218 |

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As you can see from this data, about 78,218 people cannot have met their father, mother, son, daughter and spouse since 1953. To make matters worse, most of dispersed family members are very old so, they cannot wait any longer for reunification. There cannot be a more tragic thing than family that cannot meet due to ideology. For these people, security or expense of unification is not important. They are eager for the realization of unification before they die. In the case of Cyprus, there are also “1,619 missing people”<sup>8</sup>. This missing people issue cannot be also solved before unification.

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<sup>6</sup> Korean Ministry of Unification, “Data of dispersed family”, March. 2012, Available at [https://reunion.unikorea.go.kr/reunion/jsp/user/ud/udl0101V?q\\_idx=173&q\\_section=REQUEST&q\\_argKeyGubun=&q\\_argKeyWord=&currentSN=](https://reunion.unikorea.go.kr/reunion/jsp/user/ud/udl0101V?q_idx=173&q_section=REQUEST&q_argKeyGubun=&q_argKeyWord=&currentSN=)

<sup>7</sup> *Ibid.*

<sup>8</sup> Organization of Relatives of Undeclared Prisoners and Missing Persons of Cyprus, “Data of Dispersed Family Members by Family Relationship”, Available at <http://www.missing.cy.org.cy/index-3.html>



## 1.3 Economic Benefits

In the aspect of economy, the effect of reunification is more complicated than any other aspects, because it depend on the type and process of reunification whether the new unified state can get economic benefits or not.

First of all, the territory can be extended by reunification. The total territory of Cyprus is “9,251 sq. kilometers”<sup>9</sup>, but “the Turkish Republic of Northern Cyprus (TRNC) covers only an area of 3,355 square kilometers.”<sup>10</sup> “The total area of Korea is 223,000 square kilometers, and South Korea covers an area of 100,210 square kilometers.”<sup>11</sup> Moreover, the population density of South Korea is very high; 489 in 1 square kilometers.<sup>12</sup> Unified Korea would double its area of present territory. It is obvious that the wider territory will be great benefits to South Korea.

Secondly, the extension of territory does not mean only change of land area, but also the change of all aspect of life on the territory, especially the economic sector. The extension of economic territory produces the new scale of economy with the extension of market, the innovation of marketing distribution structure, the acquisition of new labor, extension of farm land, development of marine product industry through the extension of EEZ, acquisition of natural resources and so forth. However, on the other hand, the extension of economic scale does not guarantee directly economic benefits, and has the possibility of being a disaster for both unified parts. There can be a rapidly increasing unemployment rate, inflation, the collapse of basic industry, and so on. Nevertheless, the natural tendency is that reunification produce immense economic benefit.

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<sup>9</sup> Cyprus Government Web Portal, “the gross area of Cyprus”, Available at <http://www.cyprus.gov.cy/portal/portal.nsf/All/9E78C19E842F1DD9C2256ED60038B3BA?OpenDocument>

<sup>10</sup> TRNC Government Web Portal, Available at <http://www.cyprusive.com/default.asp?CID=1>

<sup>11</sup> Data by Korean Ministry of Land, Transport and Maritime affair; Hanguk Daily News, 3th, April, 2010, Available at <http://news.hankooki.com/lpage/economy/201004/h2010042306031751380.htm>

<sup>12</sup> Korean Statics Bureau 2009, [http://www.index.go.kr/egams/stts/jsp/potal/stts/PO\\_STTS\\_idxMain.jsp?idx\\_cd=1007](http://www.index.go.kr/egams/stts/jsp/potal/stts/PO_STTS_idxMain.jsp?idx_cd=1007)

Thirdly, a newly unified state can switch over excessive defense budgets to other things such as economic development. “South Korea spent about \$ 28 billion in 2010 for defense”<sup>13</sup> and “North Korea spent \$ 7.7 billion in the defense sector in 2009.”<sup>14</sup> “Although the data of North Korean data are hardly ever gotten, ROK’s *Defense White Paper 2008* estimated that more than 30 percent of North Korea’s gross national income (GNI) went to the defense sector in 2007”<sup>15</sup> The amount of defense spending is not only an economic problem, it is related on the people’s right to live as well. In spite of continuing economic hardship, North Korea has rapidly increased its defense spending since 1998. While increasing their defense budget, the North Korean people are starving to death. According to WFP (World Food Program), “20~34% of North Korean people are suffering from starvation by 2011.”<sup>16</sup> “A survey of people along the China-North Korea border suggests that, since January 1997, an average of about 15 percent of the people in numerous towns and villages have died from the famine which has plagued North Korea for more than a year.”<sup>17</sup> The number of dead people mounts up to 3 million. The main reason for this tragedy is the reality of division. North and South Korea can stop this arms race through the reunification.

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<sup>13</sup> Gi-jung Joo, “*Defense White Paper* (various issues) 2010”, Jung-Ang Daily Newspaper, 20 Jan, 2011, Available at <http://interactive.joinmsn.com/article.html?sid=366&cloc=joongang|home|newslst1>

<sup>14</sup> Sung-man Kim “Is the Korean Defense Budget proper?”, Korean National Security Net, 20 Jan. 2012, Available at <http://www.konas.net/article/article.asp?idx=27608>

<sup>15</sup> Chung-in Moon and Sang-keun Lee, “Military Spending and the Arms Race on the Korean Peninsula”, *Asian Perspective*, Vol. 33, No. 4, 2009, p.82

<sup>16</sup> WFP(World Food Programme), “Hunger Map”, 2011, <http://www.wfp.org/hunger/map>

<sup>17</sup> Suk Lee, “*North Korean Famine*”, Korea Institute of National Unification, 2004, p. 3 Available at [http://www.kinu.or.kr/report/report\\_01\\_01.jsp?page=1&num=521&mode=view&field=&text=&order=&dir=&bid=DATA02&ses=&category=6](http://www.kinu.or.kr/report/report_01_01.jsp?page=1&num=521&mode=view&field=&text=&order=&dir=&bid=DATA02&ses=&category=6)

# Chapter 2: Desirable Reunification Model

If only the reunification is accomplished, does the reunification guarantee the benefits mentioned above? The answer is ‘No’. Reunification can be either a blessing for the people or a tragic disaster. Reunification can cause civil war, or it can also eliminate the military conflict absolutely. Now, it is a necessary step to find the reason why the result of unification is different. Although it is quite natural, the result can be changed by the difference of process. The result of unification depends on the process of reunification, that is, the model of unification.

## 2.1 Classification of Reunification Model

Unification can be categorized into “three models”<sup>18</sup> by its method and status of each part.

Classification of Unification

| Item                  |             | Status of each part                    |                                       |
|-----------------------|-------------|--|---------------------------------------|
|                       |             | Equal                                  | Absorptive                            |
| Method of unification | Negotiation | Consensual Unification in equal status | Absorptive Unification by negotiation |
|                       | Compulsory  | X                                      | Absorptive unification by compulsion  |

<sup>19</sup>

Firstly, each part in the process of unification can have equal or unequal status in economic, political and military power. While, in absorptive unification, usually one part is merged by the other stronger part, in the case of unification in equal status, each part shares the political, economic, and military power.

Unification can also be categorized by the method of unification. One is consensual reunification by negotiations, another is a compulsory reunification by repressive measures.

<sup>18</sup> I referred the three models of reunification which are used by Yang-Ju Kwon who is one specialist of Korean institute of Ministry Defense, Yang-Ju Kwon, “Discussion of unification and desirable South North Korean unification method”, *Korean Institute for Defense Analysis, Annual Report, 2011*, Available at [http://www.kida.re.kr/data/2011/05/09/%C1%A61357%28%B1%C7%BE%E7%C1%D6\\_%BB%E7%C1%F8.pdf](http://www.kida.re.kr/data/2011/05/09/%C1%A61357%28%B1%C7%BE%E7%C1%D6_%BB%E7%C1%F8.pdf)

<sup>19</sup> *Ibid*, p.2

The consensual reunification is generally accomplished by long and numerous diplomatic meetings, while the compulsory unification is generally accomplished by military invasion or threat. The important thing is which model is proper to accomplish the purpose of unification such as the elimination of military conflict, the acquisition of economic benefits and the absolute reconciliation of people. Therefore, it is necessary to scrutinize which reunification model is desirable to fulfill the purpose of reunification.

### **2.1.1 Absorptive Unification by Compulsion**

Absorptive unification by compulsion is accomplished through repressive measures such as military invasion, without agreements or negotiations. In this case, militarily or economically superior side absorbs the other into its dominion. One representative example is Vietnam War. If I explain the process of Vietnam Unification, it is as follows:

“As a result of the Second Indochina War (1954–75), Viet Cong—communist forces in South Vietnam—and regular People’s Army of Vietnam (PAVN) forces from the North unified Vietnam under communist rule. After the withdrawal of the last U.S. forces in 1973, Saigon, the capital of South Vietnam, fell to the communists, and on April 30, 1975, the South Vietnamese army surrendered. In 1976 the government of united Vietnam renamed Saigon as Ho Chi Minh City, in honor of the wartime communist leader who died in September 1969. The Vietnamese estimate that they lost nearly 3 million lives and suffered more than 4 million injuries during the U.S. involvement in the war.”<sup>20</sup>

As everyone knows, this is the worst case among the models of reunification. This reunification model cannot accomplish most of the purposes of reunification, except the territorial merge and few parts of economic benefits. Each part, even the winner has economic losses and numerous lives, because of war. Above all, the united state is not stable as they cannot accomplish a true national reconciliation. They are prone to have a civil war again if the winning side becomes weak.

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<sup>20</sup> “Country Profile: Vietnam”, December 2005, Library of Congress – Federal Research Division, Available at <http://lcweb2.loc.gov/frd/cs/profiles/Vietnam.pdf>

## 2.1.2 Absorptive Unification by Negotiation

This case means that although the unification is achieved by negotiations, one side is absorbed by the other superior side. In reality, this model does not have the normal process of negotiation, because the main cause of this reunification is the collapse of one side.

The case of the German reunification accomplished by the collapse of East Germany is typical case of absorptive unification by negotiation. The process of German reunification is as follows:

“Germany commemorates the process of reunification that was formally concluded with the accession of the GDR (German Democratic Republic, East Germany) to the Federal Republic on 3 October 1990. This process began in the summer of 1989. Encouraged by the perestroika policy of Soviet leader Mikhail Gorbachev, demands for change were also voiced in the GDR. Growing numbers of refugees and a lack of willingness on the part of the GDR government to reform created growing impatience among GDR citizens. From 4 September on demands for change were voiced publicly. The so-called 'Monday Demonstrations' began in Leipzig. Peaceful demonstrations of this kind were soon being held throughout the GDR. The demand of the people for more participation and democracy was expressed in their chant: 'We are the people!'. On 18 October Erich Honecker resigned from office as GDR State Council Chairman and Secretary-General of the SED (Socialist Unity Party of Germany, German: Sozialistische Einheitspartei Deutschlands). As a consequence of the largest demonstration, held on Berlin on 4 November, the entire GDR government resigned on 7 November. Two days later, on 9 November 1989, the Wall came down.”<sup>21</sup>

The problem with this case is the enormous burden of reunification responsibility. The unified government should clear off the blunder of the collapsed past government. Like the German case, if one part absorbs the other part due to an economic gap, the unified government will inherit an immense economic burden in efforts to balance the economic parts. Before German reunification, many specialists worried and alerted the government to

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<sup>21</sup> Embassy of the Federal Republic of Germany London, “A short history of German reunification” Available at [http://www.london.diplo.de/Vertretung/london/en/01/Feste/Tag\\_der\\_Deutschen\\_Einheit/History\\_of\\_reunification\\_seite.html](http://www.london.diplo.de/Vertretung/london/en/01/Feste/Tag_der_Deutschen_Einheit/History_of_reunificationseite.html)

the economic crisis. “One of these was to raise enormous amounts of credit, which should be taken up with the Federal Republic of Germany. Another alert was to restructure the labor force potential to eliminate disparities between productive and unproductive forces.”<sup>22</sup> These warning became reality. Unemployed workers increased by geometrical progression. In this model of reunification, it takes a long time in order to fulfill the purpose of reunification. Some people are apt to complain about the reunification. One opinion poll (2009) shows well these problems that the German reunification caused:

“More than 70 percent of East Germans are unhappy with their economic situation. Almost as many people do not expect any future improvement. About 80 percent complain about the lack of social justice. More than half think that the levels of social security and medical services were higher during GDR times. More than 50 percent of citizens are unhappy with their newly won democracy. Only 22 percent feel that they have become full citizens of the Federal Republic. 64 percent feel like second-class citizens, 73 percent feel disadvantaged”<sup>23</sup>

This shows that absorptive reunification causes many problems and cannot be the desirable model, even if the reunification is accomplished by peaceful means.

### **2.1.3 Consensual Unification in Equal Status**

This reunification is accomplished by negotiations in equal status. Generally, they share the political power by agreements or elect new leaders by general election. The 1<sup>st</sup> reunification of Yemen in 1990 can be one example of this case:

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<sup>22</sup> Rainer Eppelmann, “*Germany’s Unification: Prospects, Problems, and Challenges of the German Unification in Economics and Society 20 Years after the Fall of the Berlin Wall*”, Address in the Berlin International Economics Congress (BIEC) in 4<sup>th</sup> February, 2010, p.2

<sup>23</sup> Werner Kampeter, “Conceivable lessons from the German unification miracle”, *Friedrich Ebert Foundation*, Seoul/2009, p. 8

“The Republic of Yemen was declared on 22 May 1990. In October 1987, a senior government official in the Yemen Arab Republic (YAR) declared that ‘except by some historic accident, unity [with South Yemen] will only come about over a long period of time’. Less than three years later, on May 22<sup>nd</sup> 1990, the governments of the YAR and People’s Democratic Republic of Yemen (PDRY) took almost everyone by surprise by announcing formal political unification. Although it was true that the two states had been engaged in detailed negotiations over the mechanics of integration for several years, few expected these difficult, perhaps existential questions, to have been resolved with such speed.”<sup>24</sup>

Some might say that this model could be the desirable model of unification, but Yemen’s reunification failed. There is one important point that should be noticed. It is the time dimension. That is, how much they had prepared for the reunification and how much they had endeavored in order to decrease the shock. Yemen accomplished reunification too quickly, without giving the people and the governmental system a chance to prepare. There was no communication with the people so the reunification came to them as a surprise. The sudden unity of Yemen could not help being broken by small impact. The re-division came from friction with Saudi Arabia.

“The newly unified nation faced political crisis when an estimated 800,000 Yemeni people and overseas workers were sent home by Saudi Arabia following Yemen's decision not to support Coalition forces in the Gulf War. Remittances from these workers, an important part of the economy, were slashed and many Yemenis were placed in refugee camps while the government decided where to house them and how to re-integrate them into the workforce. The repatriation of these Yemenis immediately increased the nation's population by 7%.”<sup>25</sup>

This case shows that desirable reunification requires much time and preparation. Finally, I can suggest one desirable model of unification from these three cases.

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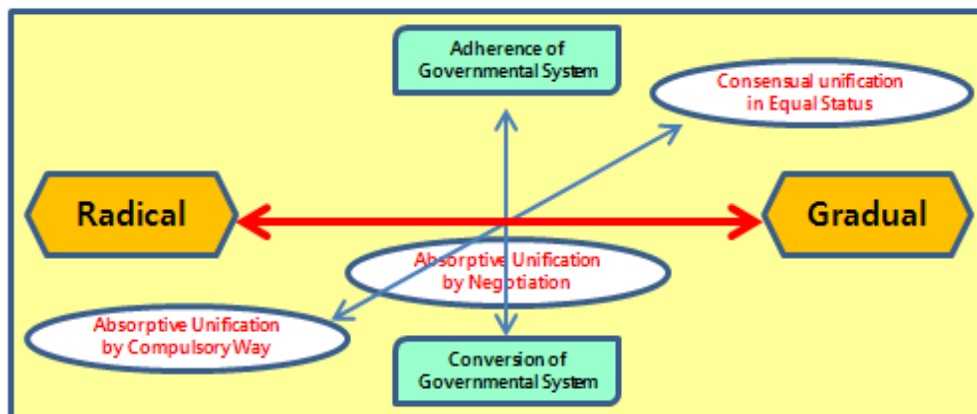
<sup>24</sup> Sharif Ismail, “*Unification in Yemen, Dynamics of Political Integration*”, Thesis, College University of Oxford, 2008, p.10, Available at <http://users.ox.ac.uk/~metheses/Ismail%20Thesis.pdf>

<sup>25</sup> Foad Hisham, “the Effect of the Gulf War on Migration and Remittances”, *San Diego State University*, 2009, p.2, Available at [http://www-rohan.sdsu.edu/~hfoad/GulfMigration\\_v1.pdf](http://www-rohan.sdsu.edu/~hfoad/GulfMigration_v1.pdf)

## 2.2 Reconstructing a Desirable Reunification Model from the Problems of Each Case

Absorptive reunification has problems regardless of its method. The last model of reunification is consensual reunification in equal status, but it can also fail by unexpected factors. Consequently, another factor should be added in consideration of desirable reunification. From the Yemen and German case, it becomes to be obvious the fact that an abrupt influx of refugee or a sudden integration of economies can be disastrous. Eventually, the dimension of time should be considered for a desirable reunification model. Every model can have two characteristics in the dimension of time, a radical process and a gradual process. Although the definite standard of gradual process and radical process cannot be presented, the meaning of gradual can be better understood by considering the different integration process. In the process of territorial integration, there can be, simultaneously, territorial unity and a slow-and-steady regional integration. In the first step of political integration, a loose confederative system or unitary system can be taken. Through this comparison, Gradual Concept can be definite in the categorization of reunification. Gradual unification requires more time, more negotiation, and examination of problems that can arise in the process of reunification.

### Categorization of Reunification Added the Time Dimension



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<sup>26</sup> Kwon, *supra* note 18, p.4



Consequently, the desirable unification type which can fulfill the purpose of unification is gradual consensual unification in equal status. North and South Korea should pursue the gradual consensual unification in equal status. Like the German case, a sudden collapse of North Korea cannot ever be helpful. North and South Korea must maintain negotiations and have tolerance to proceed for unification step by step. Now, it should be definite how we can accomplish the model of gradual consensual reunification in equal status.

## **2.3 Cyprus Case as a Desirable Model of Reunification**

The two Koreas have negotiated numerous times since 1953, but talks have been fruitless. Negotiations between the North and South have repeatedly been stopped and started by international environment. Even the meeting of dispersed family members is not settled yet. There were only two times of summit conference; in 2000, President Dae-jung Kim and in 2007, Mu-hyeon Rho visited North Korea. The result of these summits was just abstract propaganda. The two Koreas should draw concrete and particular agreements in the process of gradual consensual unification in equal status, in order to get the benefits of reunification. Consequently, the two Koreas are the going wrong way for gradual consensual reunification.

Now, it needs to find any example of gradual consensual unification in equal status in the world. Finally, among divided countries in present world, Cyprus could be considered as such a model. Although Cyprus has also not accomplished its reunification and is walking a thorny path towards unification, it is a living specimen that shows the prolonged and difficult process of gradual consensual reunification. Just as Korea negotiated for a very long time, Cyprus has negotiated since 1974.

It is also a very rare case in that a 3<sup>rd</sup> part, the UN has taken a very active role in the reunification of Cyprus. Especially in that Cyprus has the set of documents in the Annan plan that shows the process of gradual consensual unification. The Annan Plan, revised so many times, through negotiation, is a key in illustrating how the gradual consensual reunification goes ahead. Moreover, the 2004 referendum of Cyprus explains what problems negotiation conducted through representatives have. The reasons for rejection of the Annan Plan tell us what is the previous problems in the process need to be solved.

### Comparison of Korea & Cyprus

| Questions           | Korea War   | Cyprus War  |
|---------------------|---|---|
| Independence        | 1945 from Japan   | 1960 from Britain   |
| Division            | 1948 by divided occupation of USA and USSR  | 1974<br>By Turkish intervention or invasion*  |
| Civil War           | In 1950, North Korea supported by USSR, invaded South Korea. USA and UN(16 countries) intervened. | In 1974, Greek Cypriots oppressed Turkish Cyprus through coup de'tat. Turkey intervened   |
| Aftermath of War    | In 1953, Two Koreas made an armistice and were divided until now                                  | In 1974, Turkey occupied 36% of territory and Green line was set up and divided until now |
| Status of each part | North and South Korea simultaneously entered in UN in 1991  | Republic of Cyprus is a member of UN. TRNC is not member of UN <sup>27</sup>              |

\*I used the terms both 'intervention' and 'invasion' which two sides have debated.

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<sup>27</sup> UN does not recognize Northern Cyprus as a sovereign state, but recognizes the sovereignty of the Republic of Cyprus over the whole island. United States, United Kingdom, France, Germany and Australia have representation offices in Northern Nicosia.

# **Chapter 3: Annan Plan and Referenda**

The Annan Plan is the proposal of the UN to resolve the problem of a divided Cyprus. The name of the proposal came from the Secretary of the UN, Kofi Annan. He tried to reunite the Republic of Cyprus (South Cyprus) and TRNC (North Cyprus) through negotiation. The Annan Plan was revised a number of times before being put to the people of Cyprus in a referendum. It was opposed by leaders in the south and voters in the south rejected it, although voters in the north voted for it.

Even though the Annan Plan was rejected in the end, as I mentioned above, it has critical meanings for discerning a desirable model of reunification. In the process of Annan Plan, there were debates and efforts to conclude an agreement, and their negotiation was repeated to stop and restart with the interests of each part. Domestic politic situation and the international environment also influenced the Annan Plan. Needless to repeat, this whole of the negotiation process is the text book for gradual consensual reunification in equal status. In this chapter, it will be explained about the backgrounds of the Annan Plan's beginning, the process of revision, and the result of referendum.

## **3.1 Genesis of the Annan Plan**

### **3.1.1 New Environment for Negotiation**

Although the intervention of third parties generally cause more complicated problems because third parties try to get some benefits from the divided situation, but when divided countries are conflicting seriously, the arbitration of third parties can play an important role in the beginnings of negotiation. In 1999, the UN started a new initiative for solving the Cyprus conflict. There were some important changes of the international environment. It can

be summarized in three points.

- The Cold War-like relations between Turkey and Greece had begun to thaw.
- The EU had started membership application talks with Cyprus. Although the Helsinki EU Council in 1999 had decided that a unification of Cyprus was not a precondition for an accession, it was hoping for a unification of Cyprus before the end of the accession negotiations.
- In the same EU-Council meeting Turkey was accepted as an EU candidate country with several political preconditions that had to be met before accession negotiations could start. The new UN efforts were supported especially by the EU and by the USA. The latter were highly interested in an EU membership perspective for Turkey.”<sup>28</sup>

The end of the Cold War and EU accession were all that could be desired to start a negotiation. Negotiation can be performed only when each part can gain something. Foreign powers interested in divided country also give divided parties the right of independent negotiation, only when they can get other profits such as EU accession for Turkey. The new international environment was turning point for the Cyprus Problem.

### **3.1.2 Pains of Annan Plan’s Birth**

The Annan Plan was started by the “G-8”<sup>29</sup>. On 20 June 1999, the G-8 started to put pressure on Kofi Annan to solve the Cyprus Problem. Firstly, the G-8 urged Kofi Annan to mediate between Turkey, Greece and the two Cypriots communities in order to have direct negotiations. “Both parties should commit to set no pre-conditions, put all issues on the table, and negotiate in good faith until a settlement would be reached and to take full consideration of relevant UN resolutions and treaties.”<sup>30</sup> Having good faith and no pre-conditions might

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<sup>28</sup> Jerry Sommer, “*Security in Cyprus: Threat Perceptions, Possible Compromises and the Role of the EU*”, Bonn International Center for Conversion”, 2005, p.18

<sup>29</sup> A forum for the governments of eight of the world's largest economies. (France, Germany, Italy, Japan, the United Kingdom, the United States, Canada, Russia)

<sup>30</sup> Frank Hoffmeister, “*Legal Aspects of the Cyprus Problem, Annan Plan and EU Accession*”, Boston, Martinus Nijhoff Publishers, 2006, p.101

look plain and obvious, but there is nothing more important to resolution than the beginnings of negotiation, because all divided countries have their preconditions which hamper a start to negotiations. Besides, Cyprus had an arbitrator that Turkish Cypriots, Greek Cypriots, Turkey and Greece could all accept. The UN as judge put the players in the ring of negotiation and informed them of the basic rule of negotiation, Resolution 1250.

RESOLUTION 1250 (1999)

Adopted by the Security Council  
on 22 December 1999

The Security Council,

Reaffirming all its earlier resolutions on Cyprus, particularly resolution 1218 (1998) of 22 December 1998,

Reiterating its grave concern at the lack of progress towards an overall political settlement on Cyprus,

Appreciating the statement of the Heads of State and Government of Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on 20 June 1999 (S/1999/711, annex) calling for comprehensive negotiations in the autumn of 1999 under the auspices of the Secretary-General,

1. Expresses its appreciation for the report of the Secretary-General of 22 June 1999 (S/1999/707) on his mission of Good Offices in Cyprus;
2. Stresses its full support for the Secretary-General's mission of Good Offices as decided by the Security Council and, in this context, for the efforts of the Secretary-General and his Special Representative;
3. Reiterates its endorsement of the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of Good Offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus;
4. Notes that the discussions between the Secretary-General's Special Representative and the two sides are continuing, and urges both sides to participate constructively;
5. Expresses the view that both sides have legitimate concerns that should be addressed through comprehensive negotiations covering all relevant issues;
6. Requests the Secretary-General, in accordance with the relevant United Nations Security Council resolutions, to invite the leaders of the two sides to negotiations in the autumn of 1999;
7. Calls upon the two leaders, in this context, to give their full support to such a comprehensive negotiation, under the auspices of the Secretary-General, and to commit themselves to the following principles:
  - no preconditions;
  - all issues on the table;
  - commitment in good faith to continue to negotiate until a settlement is reached;
  - full consideration of relevant United Nations resolutions and treaties;
8. Requests the two sides on Cyprus, including military authorities on both sides, to work constructively with the Secretary-General and his Special Representative to create a positive climate on the island that will pave the way for negotiations in the autumn of 1999;
9. Also requests the Secretary-General to keep the Security Council informed of progress towards the implementation of this resolution and to submit a report to the Council by 1 December 1999;
10. Decides to remain actively seized of the matter.

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This resolution 1250 remained the basis for the negotiations during the crucial period. It effectively left discretion to the UN Secretary-General to conduct the process. After this

<sup>31</sup> UN internet site, "Resolution 1250 (1999)", S/RES/1250 (1999) 22 December, 1999, <http://www.un.int/cyprus/scr1250.htm>

preparation of negotiation, the two community leaders met 5 times. The process of meeting is as follows:

“In the first round of proximity talks (3 December- 14 December 1999) the UN explored the positions of the parties. The second round (31 January - 8 February 2000) took place in Geneva. The results were limited given the fact that presidential elections were scheduled in TRNC (which Denktaş eventually won). The third round was held in Geneva (4 July – 4 August, 2000) without any significant discussion of substance between the parties. Accordingly the UN decided to become more active. UN presented its preliminary thoughts on the four core issues: territory, property, security and constitution.”<sup>32</sup>

From this stage, their first promise was broken. Turkish Cypriots insisted on political equal status, that is, the recognition of TRNC. Although they had two more meeting (4th: 12-16 September 2000, 5th 31 October-10 November), the negotiation was broken off. Throughout 2001, the UN had made efforts in order to resume negotiations. The change of mood in negotiations came from Denktaş.

“Denktaş had been reluctant to resume the negotiation, and then Denktaş started new initiatives to overcome the negative picture in international public opinion that he was obstructionist. He wrote to Annan and Clerides, and both leaders met at the Ledra palace on 4 December 2001. Since January 2002, two leaders negotiated with the core issues and on 2 May 2002, the members of the Security Council expressed the view that the time had now come to set down on paper areas of common ground between the two sides.”<sup>33</sup>

However, two conflicting parties could not write any agreement papers themselves. Finally, UN Secretary-General Annan unveiled his ideas for a settlement on 11 November 2002. This is Annan I.

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<sup>32</sup> Hoffmeister, *supra* note 30, p.104

<sup>33</sup> Hoffmeister, *supra* note 30, pp107~117

## 3.2 Annan Plan I

Annan I, “the so-called ‘Foundation Agreement’, is split into two parts: ‘Hard’ provisions that are not further negotiations, and ‘Soft’ provisions that could be changed by mutual agreement no later than 28 February 2003.”<sup>34</sup> The Annan Plan I has 4 articles in its main text and 5 appendixes. The main content of Annan Plan I is as follows:

### Annan Plan I

|  |   |
|--|---|
| <b>status,<br/>sovereignty,<br/>and continuity</b> | <ul style="list-style-type: none"> <li>- New state of affairs in Cyprus referred to as “Cyprus” or the “State of Cyprus</li> <li>- Single international legal personality consisting of two separate states.</li> <li>- Common state would exercise the constitutional powers allocated</li> <li>- No hierarchy between the two levels.</li> </ul>  |
| <b>Foreign affairs</b>                             | <ul style="list-style-type: none"> <li>-EU relations, central-bank functions, common-state finances (to the extent relevant), economic and trade policy, aviation and navigation policy, as well as some more technical matters, were allocated to the common state.</li> <li>-The Swiss model for an executive council of the common state (4 Greek Cypriots and 2 Turkish Cypriots chosen by each side) requiring agreement by at least one member from each side.</li> <li>-The council would select a president and vice president from among its members, rotating every six months with never less than a 2:1 rotation.</li> <li>- For the first 36 months, Clerides and Denktash would serve as “co-presidents.</li> </ul> |
| <b>Parliament</b>                                  | <ul style="list-style-type: none"> <li>- The upper house would be divided 50:50</li> <li>-The lower house would be elected by popular vote, and the share of seats could not be less than 25 percent for either side.</li> <li>- No legislation could be passed without approval of both houses</li> <li>-To avoid the possibility of a deadlock, and to permit it to break ties in the event other institutions deadlocked, a supreme court would be comprised of three Greek Cypriots, three Turkish Cypriots, and three non-Cypriots.</li> </ul>   |
| <b>Security</b>                                    | <ul style="list-style-type: none"> <li>- Neither of the two separate states could secede nor unite with any outside state.</li> <li>-The number of Greek Cypriot and Turkish Cypriot troops that could remain on the island was limited</li> <li>- Disbanding of all Cypriot forces with removal of arms</li> <li>- A legally binding arms embargo Island-wide UN-mandated international military presence for an indefinite period</li> </ul>  |

<sup>34</sup> Hoffmeister, *supra* note 30, p.117



|                               |   |
|-------------------------------|---|
| <b>Territorial adjustment</b> | <ul style="list-style-type: none"> <li>- providing for transfer of additional property to Greek Cypriots, enabling the return of more Greek Cypriots and displacement of fewer Turkish Cypriots, was specified.</li> <li>- A “property board” was to be established to handle mutual compensation</li> <li>- A moratorium on return was to exist for three years regarding unoccupied property and five years for occupied property.</li> </ul> |
| <b>Citizenship</b>            | <ul style="list-style-type: none"> <li>- No decision was made regarding post-1974 Turkish immigrants</li> <li>- All Cypriots would be Cypriot citizens as well as citizens of their respective component states.</li> </ul>   |

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Kofi Annan suggested this solution to two sides and required their opinions. “Complying with Annan’s request, Clerides reacted to the plan on 18 November after having consulted within the National Council. He wrote to Annan that he was prepared to negotiate on the basis of the proposals and seeking a number of clarifications.”<sup>36</sup> On the other hand, the Turkish side came to a new turning point. In Turkey’s general elections, the leader of AKP (Adalet ve Kalkınma Partisi, the Justice and Development Party), Erdoğan won as the single-chamber parliament. He changed the platform for Cyprus, to ‘No solution is not solution’. On 27 November, “Denktaş wrote a letter to Annan, expressing his willingness to negotiate on the basis of his proposals. Taking into account the technical comments mainly of the Greek Cypriot side, Annan tabled a slightly revised version on 10 December 2002, Annan II.”<sup>37</sup>

<sup>35</sup> David Hannay, *Cyprus : The Search for a Solution*, I.B. Tauris & Co. Ltd. 2005, pp.182~185

<sup>36</sup> Hoffmeister, *supra* note 30, p.120

<sup>37</sup> *Ibid*, pp.120~121

### 3.3 Annan Plan II

The main changes of Annan II were as follows:

|  |  |
|--|--|
| <b>Governance</b>                        | -The representation of Cyprus in the European Parliament based on propotional representation, but 2 out of the 6 seats to the Turkish Cypriots.<br>-Co-presidency period was shortened to 2 1/2 years instead of 3 years   |
| <b>Security</b>                          | -The possible number of troops to stay on the island between 2,500~7,500.<br>-The two component states, as well as Greece and Turkey, would need to consent to any international military operation in the “new” Cyprus, and the required notice to the UN concerning troop movements of the residual contingent forces remaining on the island was raised |
| <b>Settlers</b>                          | Maximum number of 33.000 persons from each side was fixed, the conditions as regards naturalization were slightly hardened, while a financial assistance scheme for persons who have to leave the island was introduced.   |
| <b>Freedom of movement and residence</b> | Any restriction on residence should not prevent the freedom of movement through Cyprus, including the right of any Cypriot citizen to temporarily stay or holiday in their own properties or other accommodation anywhere in Cyprus.   |
| <b>Natual resources</b>                  | Management of natural resources would become a common rather than component state responsibility   |

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However, the Annan Plan II could also not finish their negotiation. On 11-12 December 2002, the two sides had made good progress in the first stage of negotiation, but expectations did not come to fruition. “Whereas the Greek Cypriot side was inclined to sign, if the Turkish Cypriot side would commit itself in the same way, TRNC did not take a comparable position. The Turkish government did not induce the Turkish Cypriots to sign either.”<sup>39</sup> The UN put pressure upon Turkish leaderships, but Turkish side did not take positive action for the Annan Plan. In the meantime, Greek side leaderships suddenly declared that they would have not

<sup>38</sup> Hoffmeister, *supra* note 30, p.121, and Hannay, *supra* note 35, pp.189~191

<sup>39</sup> *Ibid*, pp.121~123

signed to the Annan plan. However, these negative attitudes of politic leaders caused the people's opposition, especially in TRNC. "The inner Turkish Cypriot opposition to the Denktaş had occurred in large demonstration with platform 'This Country is Ours', and people demonstrated for an acceptance of the Annan plan and EU."<sup>40</sup> It is obvious that this mood influenced the following, TRNC, presidential election on 27 January 2003. In order to avoid the blame for a failed negotiation, Turkish leadership presented another requirement, the so-called 'Basic Requirements for a Settlement in Cyprus'. It contained 6 main points:

- 1) "The map had to be renegotiated
- 2) A property moratorium should last 9 years
- 3) 50,000 Turks should stay in Cyprus for five years in addition to those that are legally established there.
- 4) One new idea concerned aliens, neither Turks nor Greeks should make up more than 5% of aliens in Cyprus.
- 5) The one-third of senators of each constituent state would be needed for an affirmative vote.
- 6) The mandate of UN force should not involve enforcement tasks."<sup>41</sup>

The UN examined these requirements of the Turkish side, and revised the Annan Plan.

Finally, the UN presented a new version, Annan III, on 26 February 2003.

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<sup>40</sup> Hoffmeister, *supra* note 30, pp.121~123

<sup>41</sup> *Ibid*, p.125

## 3.4 Annan Plan III

The characteristics of Annan III could be summarized into the term, 'Give and Take'. Instead of accepting Turkish requirements, the UN also gave some benefits to the Greek side.

### **“Denomination of State**

- The two constituent states, 'the Greek Cypriot State' and 'the Turkish Cypriot State'

### **Governance**

- United Cyprus Republic would have a federal government
- Against foreign judges of Federal Court, a new provision ensured that these should only cast decisive vote if the Cypriot judges were not in agreement.

### **Citizenship**

- two constituent states gained discretionary powers to decide on internal citizenship

### **Security**

- Not modify the mandate of the future UN force, but any international military operations in Cyprus would need the consent of Greece and Turkey as well as of each constituent state.
- Determined The size of Turkish and Greek troops to stay on the island to 6,000

### **Territory(map)**

- As result of Britain concession (Britain expressed they are willing to conced 45 of the 99 square miles of the military base not needed for military purposes.), Turkish Cypriot State would account of 29.2% of the territory, the Greek Cypriot State for 71.8%.

### **Property and Residence**

- Increased the moratorium to six years
- Quota of Greek Cypriots living in the north could be restricted to 21% (previous 28%)”<sup>42</sup>

On 11 March 2003, in the Hague, the leaders met and the progress of agreement looked to be going well, but the Annan Plan III faced difficult obstructions. As the Annan Plan II was influenced by the TRNC elections, the Annan Plan III was also influenced by the Greek elections February 2003. Papadopoulos won and his position was changed.

“His attitude was expected to be cautious, certainly not enthusiastic about the Annan Plan. On the Turkish side, Denktaş conferred with the Turkish Prime Minister, Erdoğan, Foreign Minister Gül, President Sezer and others in Ankara. Although details remained concealed, it emerged from this meeting that he had gained full support to oppose the plan.”<sup>43</sup>

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<sup>42</sup> Hoffmeister, *supra* note 30, p.126

<sup>43</sup> *Ibid*, p.129

This changed attitude was caused by the possible accession of Turkey in to the EU. “Apparently, the AKP government was not decided to give in at this early stage where EU assurances on the accession course of Turkey remained uncertain.”<sup>44</sup> EU accession was a strong motive for reunification, but when the motive became uncertain, Annan III also could not help but to be stalled.

### **3.5 Hard Marching toward the Last Version, Annan Plan V**

The dead line of Cyprus EU accession was coming without certain result. Both sides could not help making some agreement to put it to referendum before the deadline. They made preliminary contacts in order to restart their negotiation. Furthermore, the situation of TRNC was completely changed because of the December 2003 election. In this general election, the parties supporting reunification won. “Mehmet Ali Talat, the leader of the main winning party, was elected as Prime Minister of the Turkish Cypriots. Thus for the first time since 1974, Rauf Denktash had lost his grip on the Turkish Cypriots”<sup>45</sup> UN took of advantage of this chance and also encouraged Turkish Prime Minister to take a positive attitude for the resumption of negotiation before the EU accession due in May of 2004. Kofi Annan reopened the negotiation with Dentaş and Papadopoulos in New York in February 2004, and succeeded in the conclusion of agreement about the principal of three-stage procedure.

- 1) They would first negotiate between themselves in Cyprus on the basis of Annan III.
- 2) Greece and Turkey would lend their collaboration
- 3) If they were unable to agree on a text, Annan would have power to finalize his plan.

The finalized plan would be submitted to separate and simultaneous referenda. <sup>46</sup>

However, they negotiated could not draw the agreement. Kofi Annan began to show his intention that he would finalize the Annan Plan. On 25 March, “the UN communicated to the

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<sup>44</sup> Hoffmeister, *supra* note 30, p.129

<sup>45</sup> Sommer, *supra* note 28, p.18

<sup>46</sup> Hoffmeister, *supra* note 30, pp.163~170

two sides the main ideas for the final version and asked for reactions and two sides submitted their demands. And then, Kofi Annan put forward, in the morning of 30 March, a version of how he intended to finalize the plan, that is, Annan IV.<sup>47</sup> Annan IV contained a number of modifications inspired by Turkish Cypriot concerns, Annan IV gave the Greek Cypriots dissatisfaction. Kofi Annan asked both sides to comment on Annan IV, but there is no time to negotiate again and revised any contents. I will explain the specific content of the Annan Plan IV through Annan V, because there is hardly difference between two versions. Finally, Kofi Annan finalized the plan, Annan V on 31 March.

### **3.6 Annan Plan V**

Finally, the Annan Plan was finalized by Kofi Annan, not by the Cypriots. The main issue changed from Annan III was:

- “• A common Cypriot federal state, the “United Cyprus Republic” with a rather weak central government and rather strong constituent states  
Thus, the two-state solution that Denktash had fought for and that the Greek Cypriots had fiercely opposed, was rejected. On the other hand, the self determination of the communities on a wide scale was provided for as especially the Turkish Cypriot had wished.
- Power-sharing arrangements in the federal state executive and legislative secured the political influence of the Turkish Cypriots above their numerical number of 18 percent of the population through a weighted system of votes in the government and in the two chambers of the federal parliament.
- Return of about one-fifth of the land currently under Turkish Cypriot administration to the future Greek Cypriot State. (By this provision, about 100 000 Greek Cypriot refugees could return to their former homes and property under Greek Cypriot administration. 50 000 Turkish Cypriot though, the current inhabitants of areas to be exchanged, would have to be resettled to another place in the Turkish Cypriot State.)

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<sup>47</sup> Hoffmeister, *supra* note 30, p.170

- Return of part of the property or/and a compensation for Greek Cypriots' property remaining in the area of the new Turkish Cypriot State and Turkish Cypriots' property in the area of the Greek Cypriot State.
- Radical demilitarization of Cyprus. Abolition of the Greek Cypriot and Turkish Cypriot forces and a phased reduction of Turkish troops from the island from currently 20000 – 35000 to a maximum of 650 soldiers.
- In international relations, it keeps the guarantor powers' status of Greece, Turkey and Great Britain as provided in the provisions of the Zurich and London treaties that established the Republic of Cyprus in 1959/60.
- The Turkish Cypriot and the Greek Cypriot forces including the reserve units are to be dissolved within three years.
- The Turkish and Greek troops currently stationed on the island are to be radically reduced in stages.”<sup>48</sup>

The modification of the Annan plan IV which contained many benefits for Turkish Cypriots, disappointed Greek Cypriots. Additionally, the deadline for referendum which deprived the opportunity of more modification, led to the rejection by Greek Cypriots.

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<sup>48</sup> UN, the Security Council. Annan Plan V. “*the Comprehensive Settlement of the Cyprus Problem*”, Articles 2 and 5, Annex I, Articles 30 and 31, Article 8. Paragraph1 and Annex IV, Annex III: Additional Protocol to the Treaty of Guarantee. Article 1

### 3.7 Result of Referenda

A referendum on the Annan Plan V was held in North and South Cyprus on 24 April 2004. The two communities were asked whether they approved of the fifth revision of the United Nations proposal for reuniting the island. The question put to the electorate of the two communities was as follows:

“Do you approve the Foundation Agreement with all its Annexes, as well as the constitution of the Greek Cypriot/Turkish Cypriot State and the provisions as to the laws to be in force, to bring into being a new state of affairs in which Cyprus joins the European Union united?” —Annex IX, Article 1.1

“The Greek Cypriots voted 24.2% in favor of the Annan Plan, and 75.8% against it, with a voter turnout of 88% of the eligible voters, whilst the Turkish Cypriots voted 64.9% in favor, 35.1% against with an eligible voter turnout of 87%.”<sup>49</sup>

#### Results

| Choice   | Greek Cypriots |            | Turkish Cypriots |            |
|--|----------------|------------|------------------|------------|
|  | Votes          | %          | Votes            | %          |
| For  | 99,976         | 24.17      | 77,646           | 64.91      |
| Against  | 313,704        | 75.38      | 41,973           | 35.09      |
| Invalid/blank votes  | 14,915         | 3.48       | 5,344            | 4.28       |
| <b>Total</b>   | <b>428,587</b> | <b>100</b> | <b>124,963</b>   | <b>100</b> |
| Registered voters/turnout  | 480,564        | 89.18      | 143,636          | 87         |
| Source: <a href="#">GreekNews</a> , <a href="#">Election Guide</a> |                |            |                  |            |

Consequently, South Cyprus rejected the Annan Plan and the implementation of reunification plan was ruined. The negotiation of about 4 years vanished like a dream. It has disappeared as it itself prescribed in the Annex IX. It says:

“Should the Foundation Agreement not be approved at the separate simultaneous referenda, or any guarantor fail to sign the Treaty on matters related to the new state of affairs in Cyprus by 29 April 2004, it shall be null and void, and have no legal effect.”<sup>50</sup>

<sup>49</sup> BBC News, “Referendum Result”, April 25th 2004, <http://news.bbc.co.uk/1/hi/world/europe/3656753.stm> [accessed 26/04/04]

<sup>50</sup> UN, the Security Council, “Annan Plan V. the Comprehensive Settlement of the Cyprus Problem”, Annex IX. Article 1.2, 31 March 2004



### 3.8 The Explanation of Papadopoulos for the Referendum

On 4<sup>th</sup> June, after the referendum, the President, Papadopoulos sent a letter to UN Secretary-General, Kofi Annan. In the letter, it is clear why he could not have accepted the Annan plan V. In summary, it read:

“The question of Turkish mainland settlers

The permanent stationing of Turkish military forces in Cyprus, even after Turkey’s eventual accession to the European Union. GCs did not want this later reduction in exchange for permanent stationing of 650 Turkish troops (in effect a bridgehead).

The expansion of the guarantor powers’ rights emanating from the Treaty of Guarantee, through the inclusion of an additional protocol.

The lack of sufficient time and the tight deadlines provided.

These factors did not allow either substantial negotiations to take place, or for an agreed solution to be reached between the two communities.

Turkey was granted rights to intervene in strategic economic benefits(Continental Shelf, Exclusive Economic Zone

The management of Cyprus air space subject to Turkey’s consent. It would have also allowed Turkey to take all necessary actions (even military action) in the event of any threat to aircraft passengers, airport or aviation facilities. ”<sup>51</sup>

According to his opinion, from the very first day of the Foundation Agreement coming into operation, the Annan Plan was unfair in giving only Turkish Cypriots benefits, governmentally, politically, internationally, economically, security-wise, etc. In contrast, the two benefits for Greek Cypriots, namely territorial adjustments and reductions in the size of the Turkish Army in Cyprus, would not begin immediately, and would have taken a number of years to be phased in.

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<sup>51</sup> Tassos Papadopoulos, “Letter to the U.N. Secretary-General, Kofi Annan”, *Cyprus Governmental Portal Website*, dated 7 June 2004, which circulated as an official document of the U.N. Security Council, Available at <http://www.moi.gov.cy/moi/pio/pio.nsf/All/E570E4948868A105C2256EAE003CAAE0?OpenDocument>

## Chapter 4: Scrutinizing the Reasons of Rejection

In order to find a desirable way for a gradual consensual reunification, it should be clear the reasons why Greek Cypriots rejected the Annan Plan. As we can know from the letter of Papadopoulos, there is significant distance and polarization between the two communities. The two Cypriots conflicted in the questions of governance, property, residence, ‘settlers’ and security.

“On governance, there is divergence on issues related to veto rights in the decision-making process. On property, there is divergence regarding whether a solution should primarily take the form of restitution or compensation. On new Turkish settlers, Greek and Turkish Cypriots have contradictory views on the repatriation of Turkish immigrants. On security, we found some polarization, especially in matters related to the prospect of demilitarization. On residence rights, there are clear differences in the interpretation of bi-zonality, with Greek Cypriots strongly opposing and Turkish Cypriots preferring that members of each community should live primarily within the boundaries of their own constituent state.”<sup>52</sup>

These disagreements are exposed well in the reasons for rejection of the Annan Plan Referendum. In addition to these reasons, the Annan Plan had several procedural problems such as the absence of will for reunification, deadline of negotiation, the lack of communication with the people, and interference of foreign negotiators. There were not only procedural problems, but also the unique situation of divided countries influenced to the referendum result. For these reasons, in this Chapter, it should be clear what made the Greek Cypriots vote ‘No’, and whether there is a possible solution or not, and what Korea should learn from these reasons of rejection.

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<sup>52</sup> Erol Kaymak, Alexandros Lordos and Nathalie Tocci, *“Building Confidence in Peace Public Opinion and the Cyprus” Peace Process*, Centre for European Policy Studies, Brussels, 2008, p.37

## 4.1 Rejection due to Procedural Problems

The Annan Plan had caused the opposition not only due to the content dissatisfaction but also because of procedural complaints. Firstly, it had a deadline, especially an ultimatum for the acceptance of Annan's plan relating to EU accession. This deadline could not be the desirable measure for the Cyprus Reunification, because the deadline obstructs enough the negotiation for the Gradual Consensual Reunification. Secondly, the Annan Plan was put to referendum without enough communication with the people. The negotiation was conducted by leaders in secret and the last version, the Annan Plan V did not give Cypriots enough time to understand. Thirdly, the negotiation had been influenced by a third party, not Cypriots. Lastly, it should be rethought whether the referendum was a desirable method to accomplish the unification.

### 4.1.1 Rejection of the Unification in Itself

Every society member can have different opinion. It is no exception with reunifications. With this in mind, it should be considered whether most Cypriots were eager for reunification. Back to the time of Cyprus independence in the 1960's, it is hard to say with confidence that Cypriots had kept the eagerness for independence and a unified country. In most of the conflicts with Turkish Cypriots, the term of "Enosis"<sup>53</sup> was the ignition of tragedy. Even after the independence, both ethnic groups were attached to their 'Mother Lands'. It cannot be denied that present division also came from their lack of eagerness for independence and integration. In the case of Cyprus, the independence of Cyprus was given by external powers and there was no time to develop a Cypriot identity. "There were Greek and Turkish people, other than Cypriots, who historically identified themselves with motherland nations. Hence, the very foundation of the Cypriot state was fragile, in fact, hollow."<sup>54</sup>

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<sup>53</sup> It refers to the movement of the Greek-Cypriot population to incorporate the island of Cyprus into Greece.

<sup>54</sup> Muzaffer Ercan Yılmaz, "The Cyprus Conflict and the Annan Plan : Why one more failure?", *Balıkesir Üniversitesi*, 2005, p.4, Available at <http://eab.ege.edu.tr/pdf/5/C5-S1-2-M4.pdf>

This historical background creates a critical and obvious difference in the support of reunification. One poll conducted in May 2004 showed that about one-third of Greek Cypriots were against reunification. According to this poll, “28.2 percent prefer the division of the island, either in its present form or by establishing two separate internationally recognized states. Permanent division has even more supporters among the younger age groups (18-24 and 25-34 year olds) with 41 and 35.4 percent respectively.”<sup>55</sup>

Although, many Greek Cypriots opposed reunification, it is not also true that Cyprus does not have a sufficient will to accomplish re-unification. One interesting aspect of the Cyprus political systems make us rethink the Greek Cypriots’ will for reunification. “The House of Representatives consists of 80 seats. 56 of these members are elected by the Greek Cypriot Community by proportional representation and the 24 seats are allocated to the Turkish community but remain empty.”<sup>56</sup> However, it is only proper that reunification can never be accomplished without the strong will of people. In order to have this strong will, it is important that they know why they want to accomplish reunification. If they want unilateral benefits from reunification, it is not unification but rather occupation. As the Absorptive reunification cannot be the desirable model of reunification, only when most of the population of each side wishes for a reunification be peaceful coexistence and mutual prosperity, can the unification come true.

#### **4.1.2 The February 2004, New York, Deadline Agreement**

In New York on 13 February 2004, the Annan Plan set the deadline. Although, in order to encourage negotiation parties to have good faith, deadline might be a desirable way, but the

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<sup>55</sup> Craig Webster and Christophoros Christophorou “*Spring Survey 2004: Greek Cypriots, Turkish Cypriots, and the Future: The Day After the Referendum*”, Survey by Cymar Market Research Ltd., Nicosia, June 17, 2004, p. 8, Available at [www.cothm.ac.cy/English20%Research4.htm](http://www.cothm.ac.cy/English20%Research4.htm)

<sup>56</sup> Th. Chadjipadelis and I. Andreadis, “Analysis of the Cyprus referendum on the Annan plan”, *PSA(Political Study association)* , 2007,p. 2, Available at <http://www.psa.ac.uk/2007/pps/Chadjipadelis.pdf>

deadline did not come from reunification issues, from EU accession. “The parties (including Greece and Turkey) then convinced the Secretary General that they possessed the necessary political will to reach an agreement on the basis of the Annan Plan before the crucial date of Cyprus’ EU accession (1 of May 2004)”<sup>57</sup> “If they were unable to agree on a text, Annan would have the power to finalized plan would be submitted to separate and simultaneous referenda in the Greek Cypriot and Turkish Cypriot community.”<sup>58</sup> Although it looks an epoch-making agreement, it was a trap that forced the Annan Plan to fail in the end. If the solution of unification be forcibly put to the referendum by the 3<sup>rd</sup> party, it means that the incomplete Annan Plan could also be put to the referendum. In other words, the incomplete Annan Plan that could not help but be rejected due to the dissatisfaction of one side, could also be put to the referendum, because of the deadline. Even if Cypriots needed more time to negotiate and understand one other, compulsory arbitration made the Cypriots conclude their negotiation. President Christofias<sup>59</sup> expressed well these procedural problems of Annan Plan. “Cypriots would negotiate a ‘Cypriot solution’ meaning a solution agreed without the interference and pressure of outside parties, and without timelines.”<sup>60</sup>

### **4.1.3 Lack of Communication with People**

Another procedural problem of the Annan Plan was the exclusion of people in the process of negotiation. In reality, people did not have a chance to understand the Annan Plan fully. “Kofi Annan and Tom Weston (US Special Coordinator on Cyprus) do not want to give time for an in-depth discussion of the plan, when it is completed, because they know that it will expose its many problems.”<sup>61</sup> In the end, Cypriots were forced to go to the referendum by foreign

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<sup>57</sup> Amanda Akçakoca, “Cyprus, Looking to a Future Beyond the Past”, *EPC(European Policy Centre) Issue Paper*, 2005, p.5

<sup>58</sup> Hoffmeister, *supra* note 30, p.164

<sup>59</sup> the current and sixth President of the Republic of Cyprus

<sup>60</sup> Mete Hatay and Rebecca Bryant, “Negotiating the Cyprus Problem”, *Turkish Economic and Social Studies Foundation (TESEV)*, 2011, p.12

<sup>61</sup> Van Coufoudakis and Klearchos Kyriakides, “*the Case against the Annan Plan*”, Lobby for Cyprus, 2004, p.8

negotiators without examining and knowing the Annan Plan. The attitude of Cypriot political leaders was not different from the UN's. They controlled the information and public opinion to lead it in order to their intention. Hoffmeister explain about the situation as follows:

“Already during the negotiations on the island, prominent Greek Cypriots including the Presidential Advisor Tzionis were given every opportunity to attack the plan whereas neither the United Nations nor the European Commission could actively participate in the public debate held in the electronic media. The board of the state-owned community from its TV shows.”<sup>62</sup>

One of the important lessons drawn from the rejection of the Annan Plan is the lack of public opinion in the process of negotiation. The Annan Plan was driven by leaders without transparent process. “Once the Plan was disclosed and because its content and philosophy had not been discussed in public over time, it became far easier for the ‘No’ camp in the south – where the Annan Plan process did not overlap with a period of effective regime change, as in the north – to make its case.”<sup>63</sup> It is clear that the reunification problem should have been discussed and debated as many times as possible. “While not being a sufficient condition of success, an open and transparent process appears to have become a necessary element of a successful process in Cyprus.”<sup>64</sup> Some scholars argue that the different result of referendum in the two Cypriot communities came from the attitude of government towards its nation's people. One Turkish professor even says the following:

“Most major Greek Cypriot parties, including the Unified Democratic Union of Cyprus (EDEK), the Democratic Party (DEKO), and the Democratic Rally (DESY), have so far stressed Greek nationalism and Greek identity, while also opposing the division of the island that confers autonomy on an envisaged Turkish Cypriot state in the north. On the Turkish side, Denktaş administration, who had monopolized political power for over thirty years, similarly emphasized frequently the right to self-determination of the Turkish Cypriots.”<sup>65</sup>

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<sup>62</sup> Hoffmeister, *supra* note 30, p.181

<sup>63</sup> Kaymak, Lordos and Tocci, *supra* note 52, p.3

<sup>64</sup> *Ibid*, p.3

<sup>65</sup> Yılmaz, *supra* note 54, p.9

This opinion seems to side with the Turkish side, but there is an important point. Although communication with the people is also important, the possibility that political leader can manipulate the people for their political profits. In this situation, the people should keep watch on them and exercise their rights as a host of the country. The demonstration of the TRNC also shows obviously how much important the people's role is for reunification. When Denktaş refused the Annan Plan II, "the inner Turkish Cypriot opposition to the Denktaş had occurred in large demonstration with platform 'this country is ours', and people demonstrated for an acceptance of the Annan plan and EU." <sup>66</sup> Referendum is the method which asks the opinion of the people. Leaders of both sides should have opened the way to talks with the people, but they did not. In conclusion, before referendum in both sides, the people should have had many opportunities of the nation to discuss and revise during the process of negotiation. It was the biggest reason of failure of the Annan Plan to disclose the process of negotiation.

#### **4.1.4 Interference of Foreign Powers**

To make matters worse, Cyprus negotiation were interfered by foreign powers so that the Cypriots could not operate their negotiation. Also, the UN did not have enough power to control the interested states. "Annan made a strategic mistake, as a third-party, by forming the plan by himself and his foreign consultants, without consulting, or consulting adequately, with the Cypriot leaders and communities." <sup>67</sup> The 3<sup>rd</sup> parties are not concerned how the plan is good for Cypriots, just as Turkey was only interested in their accession into the EU. Although Kofi Annan endeavored to solve Cyprus problem, he could not do anything without the consent of super powers.

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<sup>66</sup> Hoffmeister, *supra* note 30, pp.121~123

<sup>67</sup> Yilmaz, *supra* note 54, p.8

When a country faces internal conflict, there can be two ways to solve the problem. The conflicting parts can reach agreement themselves, or a third party, that is, an external power can intervene as an arbitrator. Through the case of Cyprus' independence of 1960, it is clear that the negotiation conducted by an external power cannot be retained for long time.

“The 1959 and 1960 Zurich-London Agreements was concluded by external powers, Greece, Turkey, and Great Britain. That solution did not last because both Cypriot Greeks and Cypriot Turks basically viewed the Zurich-London agreements as the denial of their national aspirations, enosis and taksim, respectively. Thus, the best solution will be the one found directly only by the parties themselves. Yet the major difficulty affecting policy making for years has been each side's conviction that the other side has irredentist ambitions. The mutual fear of becoming victim again, being attacked one more time by the other side, perpetuates a hostile vigilance and an unwillingness to take risk.”<sup>68</sup>

Not following the will of the Cypriots, the solution founded by external powers cannot help but fail. The Annan Plan V is the same case. The two Cypriot sides should have negotiated directly until both sides arrived at a reasonable solution. The interference of external powers can never be a solution.

#### **4.1.5 Problems Arising from the Substance of Referenda**

Although Monarchy disappeared and democracy is being considered as a panacea, democracy is not the only solution. If the process of negotiation does not communicate with the people in full, the referendum cannot be a good solution to decide the fate of a country. Democratic, majority rule should have been applied in the process of negotiation, but Cypriot leaders did not try to incorporate public opinion into the Annan Plan. Before they asked the consent of the people for the Annan Plan, they should have gotten their consent on each issue in the process of negotiation. If they could not get the consent of the people, they should have

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<sup>68</sup> Yilmaz, *supra* note 54, p.7



explained and consulted the people. In the end, the Annan Plan was abandoned by majority rule as the majority of people did not know the Annan Plan.

Moreover, the Yes or No vote questionnaire of Cyprus Referendum was not a reasonable way to confirm the people's opinion. They should have organized the vote items in enough detail to know which aspects suggested in the Annan Plan could not be accepted by people. In other words, the items up for vote should have been organized in a way that made clear what the people accepted and what the people rejected.

**Article 1      *Entry into force of the Foundation Agreement***

1. The Foundation Agreement shall enter into force, and bring into being a new state of affairs, following its approval by separate simultaneous referenda on 24 April 2004 asking the following question:

“Do you approve the Foundation Agreement with all its Annexes, as well as the constitution of the Greek Cypriot/Turkish Cypriot State and the provisions as to the laws to be in force, to bring into being a new state of affairs in which Cyprus joins the European Union united?

Yes

No

and the signature by Greece, Turkey and the United Kingdom no later than 29 April of the attached Treaty on matters related to the new state of affairs in Cyprus at a signing ceremony in the presence of the Secretary-General of the United Nations (or his representative).

*Annan V, Annex IX, Article 1.1*

This type of survey question is precisely the type which should be avoided. Above all, the question of referendum includes several items in one questionnaire that should have been separate. Issues such as governmental system, Demilitarization and private property, could have been put as separate items. Even if only one issue was accepted, Cyprus could have approached real reconciliation one more step with this one admission.

## 4.2 Rejection due to Political System

### 4.2.1 Political System in the Annan Plan

Before seeing the political system of the Annan Plan, it needs to understand the concepts of federation, confederation and unitary states. The federation and confederation systems of state have been insisted on by divided countries. ‘Federation’ means “a group of states with a central government but independence in internal affairs.”<sup>69</sup> In other words, Federation is a type of polity united with more than two states and having a central government. Professor, Watts (1998) defines a federation as “a compound polity combining constituent units and a general government, each possessing powers delegated to it by the people through a constitution, each empowered to deal directly with the citizens in the exercise of a significant portion of its legislative, administrative, and taxing powers, and each directly elected by its citizens”<sup>70</sup>

On the other hand, Confederation is “a more or less permanent union of states with some or most political power vested in a central authority”<sup>71</sup> Watts also defines confederations as “a species of federal system in which the institutions of shared rule are dependent on the constituent governments, being composed of delegates from the constituent governments and therefore having only an indirect electoral and fiscal base.”<sup>72</sup> To sum up, the difference of each political system is as in the following table.

| Unitary   | Confederation   | Federal  |
|---|---|--|
| Central government has all the power to make laws and decision for the people | Individual states make their own laws and decision and are loosely aligned to a weak central government | Power to make laws and decision for the people is shared between central government and States |

<sup>69</sup> Oxford dictionary Online, <http://oxforddictionaries.com/definition/federation?q=federation>

<sup>70</sup> Nicola Solomonides, “One State or Two? the Search for a Solution to the Cyprus Problem”, *International Public Policy Review*, Vol. 4, No. 1, 2008, p.69 Available at <http://www.ucl.ac.uk/ippr/journal/downloads/vol4-1/Solomonides.pdf>

<sup>71</sup> Oxford dictionary Online, <http://oxforddictionaries.com/definition/confederation?q=confederation>

<sup>72</sup> Ronald L. Watts, “Federalism, Federal Political Systems, and Federations”, *Institute of Intergovernmental Relations, Queen's University, Annual Review of Political Science* (1998), p.121, Available at <http://www.annualreviews.org/doi/pdf/10.1146/annurev.polisci.1.1.117>

Although the Annan Plan used the term of ‘Federation’ in its text, the political system that the Annan Plan suggested was close to a confederate system, because “there was no hierarchy of laws, while central authority emanated from the so-called component states. The Supreme Court composed of equal numbers of Greek Cypriot (77% of population) and Turkish Cypriot judges (18% of population), plus three foreign judges.”<sup>73</sup> “United Cyprus Republic in a bi-zonal federal structure comprised of two constituent states, the Greek Cypriot State and the Turkish Cypriot State.”<sup>74</sup>

**Table 2. Main issues of the Cyprus conflict in the Annan Plan**

| Issues of Negotiation             | Annan Plan  |
|-----------------------------------|---|
| Political System                  | United Cyprus Republic comprising of a bi-zonal structure of a Greek Cypriot and a Turkish Cypriot constituent states. (This is a hybrid between federation and confederation without a specific name). Belgian and Swiss models are used for the external relations of the state and for the internal relations between the central government and the two constituent states, respectively. |
| <i>Federal powers</i>             | Weak central powers.  |
| <i>(Constituent) state powers</i> | Strong and extensive powers on certain areas (education, religion etc.).  |
| <i>Sovereignty</i>                | Single shared sovereignty (prohibition of both ENOSIS [Greek term for ‘union’ – union with Greece] and TAKSIM [Turkish term for ‘partition’]).  |
| <i>Representation</i>             | Rotational Presidency and 50:50 ratio in upper house (Senate) (to symbolize the bi-communality/nationality); population ratio in lower house (Chamber of Deputies) and the council of ministers (Presidential Council) and in federal institutions.   |

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In conclusion, the Annan Plan proposed a confederate political system, but Greek Cypriots rejected it.

#### 4.2.2 Each Cypriot Position for Political System

Generally, Classical arguments in favor of a unitary state assert that a unitary state “enhances national unity and consensus, promotes security, protects citizens against encroachment by the state, limits ethnic conflict, and safeguards individual and communal liberty.”<sup>76</sup>

<sup>73</sup> Coufoudakis and Kyriakides, *supra* note 61, p.2

<sup>74</sup> Ahmet Sözen and Kudret Özersay, “the Annan Plan: State Succession or Continuity”, *Middle Eastern Studies*, Vol. 43, No. 1, January 2007, p.125

<sup>75</sup> *Ibid*, p.130

<sup>76</sup> Rev. of “Madison in Baghdad? Decentralization and Federalism in Comparative Politics”, ed. Wibbels Erik, *Annual Review of Political Science*, 2006, 9:165–88. Print: p.167

However, it is also right to say that “majorities tend to favor the option of federations, while minorities tend to prefer confederations.”<sup>77</sup> Like this, while the Greek-Cypriot community is in favor of a unitary state, the Turkish-Cypriot community favors a looser confederation. That is to say, the Greek side “has preferred either a unitary state or a strong federation with regard to the issue of the future political system. On the other hand, the Turkish side has until recently preferred either a confederation or two independent states as a solution to the future political system of the island.”<sup>78</sup> The Greek Cypriots being the majority, prefer to maintain their vested rights, because the unitary state is proper to maintain the vested rights of majority group with the majority rule. Moreover, “the Greek-Cypriot community rejects the option of a confederation because they believe it would allow the TRNC to become a sovereign state.”<sup>79</sup>

After all, Greek Cypriots prefer to maintain their superiority in number, while Turkish Cypriots prefer to maintain minimum self-government to protect themselves from Greek Cypriots. In this situation, the third-party cannot help taking a middle position which can protect the weaker minority party between unitary and confederate system. “Almost all the third-party elites try to promote a federal solution to the Cyprus conflict.”<sup>80</sup>

### **4.2.3 Reconsideration of the Importance of Political System and Gradual Political Integration**

A federation and a confederation is just one step for accomplishing a unitary nation. As I have said repeatedly, a gradual, consensual reunification is the desirable model of reunification. The type of political system cannot be made absolutely in the first stage of reunification. For example, federations have had many failures in its application. Maurice

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<sup>77</sup> Solomonides, *supra* note 70, p.69

<sup>78</sup> Sözen and Özersay, *supra* note 74, p.126

<sup>79</sup> Solomonides, *supra* note 70, p.70

<sup>80</sup> Sözen and Özersay, *supra* note 74, p.126

Vile who supported Lijphart's analysis of the conditions conducive to consociational democracy, asserted:

“Whether federal structures provide an adequate solution depends on the existence of several factors, similar to those conducive to consociationalism. However, echoing Lijphart's analysis of the conditions conducive to consociational democracy, Maurice Vile asserts that no two-unit federation has ever survived. ‘the danger of an irreconcilable confrontation between the units in a two unit federation is so great that sooner or later it would lead to a civil war, secession, or both.’”<sup>81</sup>

It should not be assumed that confederation was not also had the same problems. “Note that the United States abandoned its original con-federal structure because it was unworkable. In 1789, a federate constitution was established containing a clear federal supremacy clause.”<sup>82</sup> The political system can be changed any time by the people.

It can be a solution to apply adequately the degree of separation and integration in the stage of reunification. In other words, Gradual Consensual reunification can be accomplished by gradual political integration. “Separation reduces both incentives and opportunity for further combat.”<sup>83</sup> Separation is one solution for Cyprus in order to avoid internal conflicts. In the first step of reunification, a separated political system could be more desirable. However, understanding that separation can prevent the profits of reunification and because separation can cause a tragedy as severe as the Korean War, the 2 states, with the consent of the people, can accept a more integrated system. “That partition quite possibly not only fails to address the issues, but moreover results in conflict on a different level.”<sup>84</sup> In order to maintain the integrity of the political system, the change to both political systems must be gradual. No country in the world which has an absolute political system. This argument becomes more reasonable because of the fact that Cypriots does not have an identity as the

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<sup>81</sup> Solomonides, *supra* note 70, p.70

<sup>82</sup> Sözen and Özersay, *supra* note 74, p.125

<sup>83</sup> Kaufmann Chaim, “Possible and Impossible Solutions to Ethnic Civil Wars”, *International Security*, Vol.20, No. 4, 1996, p.137

<sup>84</sup> Solomonides, *supra* note 70, p.67

people of a unitary nation. There are three reasons *a* Cypriot identity failed to develop:

“ First, Greek and Turkish Cypriots differ from one another along lines with ethnic origin, religion, and language. Second, the political system during Ottoman rule also encouraged ethnic separation. Under the millet system, the Greek and Turkish communities were institutionalized as distinct cemaats (communities), exercising separate rights, electing their own judicial and administrative officials. Third, as an extension of the millet system, each community set up its own system of education conducted in its own language. In sum, throughout the colonial rule, it was hardly possible to talk about a distinct Cypriot identity. Few, if any, Cypriots felt and considered themselves as Cypriots.”<sup>85</sup>

The two Cypriot nations had lived as the people of a unitary nation almost for 4 centuries. Although they had had opposing points, it was enough time for reconciliation. However, they have different national identities. Therefore, in the first step of reunification, a unitary or federation type of political system is not desirable. Cyprus would do better to develop its identification as the same people through gradual political integration.

In conclusion, the UN’s solution, Annan V, can be a desirable solution in the first step of reunification. “The plan internationally recognized Republic of Cyprus and replaced it by a loose confederation of two largely autonomous states. This new state would be known as the ‘United Republic of Cyprus’, with a new flag and anthem.”<sup>86</sup> Going to a Federation and Unitary system is the mission that Cypriots should accomplish gradually with confidence and cooperation , not implemented immediately as mandated by a 3th party.

#### **4.2.4 Recognition of the TRNC**

One of big barriers in the negotiation towards political integration was the recognition of the TRNC. Turkish Cypriots require an equal status as a negotiator with South Cyprus. Greek Cypriots live in the state which is recognized by UN as the sole sovereignty. This is a very

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<sup>85</sup> Yilmaz, *supra* note 54, p.4

<sup>86</sup> Van Coufoudakis, “a Year after the Referendum—a Year after the EU Accession”, *American Hellenic Institute-Washington, DC*, 2004, p.5, Available at <http://www.ahiworld.com/pdfs/PR31Coufoudakis.pdf>

strong vested right for Greek Cypriots. This way of thinking was shown clearly in the televised speech of the Greek Cypriot leader Tassos Papadopoulos on 7 April 2004.

“When he asked his community to say a resounding ‘NO’ to the Annan Plan in the referendum: ‘Taking up my duties, I was given an internationally recognized state. I am not going to give back a Community without a say internationally and in search of a guardian. I urge you to defend the Republic of Cyprus, saying ‘NO’ to its abolition.’ Furthermore, just two days before the referenda Papadopoulos claimed that if the Annan Plan is not collapsed, there would be no Republic of Cyprus but just a Greek Cypriot constituent state.”<sup>87</sup>

Papadopoulos’ desire to keep his vested status is apparent in this speech. This leader of Greek Cypriots did not want to share sovereignty, and wanted to put Turkish Cypriots under his power with giving some part of political power. The model of unification insisted on by Papadopoulos was Absorptive Unification. As I have explained above, the absorptive unification model by negotiation can only be accomplished when the superior part has far stronger economic, military and political power and only when each part has a strong will to reconcile and unite. However, Greek and Turkish Cypriots cannot be integrated together easily because they have different language and religion. After all, “Papadopoulos eager to ‘protect’ the internationally accepted Cyprus state, and Denktash wanted to ‘protect’ his unrecognized and internationally shunned state.”<sup>88</sup> The two Cypriots have drawn a parallel line that is unable to meet.

In conclusion, gradual, consensual reunification in equal status is the desirable model of reunification which can accomplish the purpose of unification. The equal status is not sharing power by numbers, but namely by having equal voice in the negotiation stage. If South Cyprus sincerely wishes to achieve reunification, the quickest way is through recognition of the TRNC as an equal companion.

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<sup>87</sup> Sözen and Özersay, *supra* note 74, p.132

<sup>88</sup> Paul Tsoukarou, “What Now for Cyprus Re-Unification? : A post-EU Accession and Annan Plan Analysis”, *Australasian Political Studies Association Conference*, 2004, p.10

## 4.3 Rejection of Stationing of Foreign Forces

### 4.3.1 Proposal of the Annan Plan for Foreign Forces

The security aspect of the Annan Plan can be summarized by two important issues. One is the demilitarizing of Cyprus by disbandment and withdrawal, the other is the guarantee of intervention rights of foreign power. The demilitarizing plan in Annan V is follows: “

- 1) The Turkish Cypriot and the Greek Cypriot forces including the reserve units are to be dissolved within three years. Currently, the Turkish Cypriot forces consist of 5000 military personnel in active and 26 000 in reserve units. The Greek Cypriot forces consist of 10 000 soldiers in active and 60 000 in reserve units
- 2) The Turkish troops currently stationed on the island –20000 to 35000 – are to be radically reduced in stages:
  - to a maximum of 6000 within 3 years / a maximum of 3000 within 7 years,
  - to a maximum of 650 soldiers within 14 years time or the date of EU accession of Turkey, whichever is sooner.
- 3) Greece, which currently has a contingent of 1250 soldiers in Cyprus, would have the right to station a similar amount of troops on the island as Turkey with one difference: The final strength of its force could consist of 950 soldiers compared to the allowed maximum of 650 Turkish soldiers.
- 4) The latter provision and the latter troop level are provisions of the Treaty of Alliance, one of the Treaties with which the Republic of Cyprus was established.
- 5) In 2010 and thereafter every three years Cyprus, Greece and Turkey should review the troop levels of the remaining Greek and Turkish forces with the objective of their total withdrawal.
- 6) The UN is to increase its forces, currently about 850, to several thousand to maintain ‘a secure environment’ and to ‘monitor the implementation’ of the agreement”<sup>89</sup>

Consequently, Cypriots military forces will be dissolved fully in the end, Turkish and Greek forces will be decreased by gradual withdrawal. On the other hand, the international

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<sup>89</sup> Sommer, *supra* note 28, pp.22-23



organization forces, and US peace keeping forces will increase. There is, however, no mention of a sovereign, British military base. If the security issue in Annan Plan can be summarized by a table:

*Demilitarisation of Cyprus according to the Annan-Plan*

|  | Turkish Troops   | Greek Troops | Turkish Cypriot Forces | Greek Cypriot Forces |
|--|--|--------------|------------------------|----------------------|
| 2004 (and current levels)  | 20000 - 35000  | 1 250        | 5 000                  | 10000                |
| 2007 - 2011  | max. 6000  | max. 6000    | 0                      | 0                    |
| 2011 - 2018 (or the date of EU accession of Turkey, whichever is sooner) | max. 3000  | max. 3000    | 0                      | 0                    |
| After 2018 (or the date of EU accession of Turkey, whichever is sooner)  | max. 650   | max. 950     | 0                      | 0                    |
| In 2010 and thereafter every three years:                                | Cyprus, Greece and Turkey should review the troop levels of the remaining Greek and Turkish forces “with the objective of their total withdrawal”. |              |                        |                      |

The point we should take notice of is that the UN gave the two Cypriot nations open opportunities to negotiate their security issue by themselves, but deprived their sovereignty through guaranteeing the intervention of foreign power . According to the Article 3:

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|--|
| <p><b>Article 3</b></p> <p>1. The Greek and Turkish contingents shall be permitted to be stationed under the Treaty of Alliance in the Greek Cypriot State and the Turkish Cypriot State respectively.</p> <p>2. (Ellipsis)</p> <p>3. Thereafter, Cyprus, Greece and Turkey shall review troop levels every five years with the objective of total withdrawal. [This will in no way undermine the provisions of the Treaty of Alliance and its Additional Protocols, and the rights and responsibilities conferred thereby.]</p> |
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Finally, “the rights of Great Britain, Greece and Turkey remained in principle untouched, including the provision of the ‘Treaty of Guarantee’ that gives them the “right to take action with the sole aim of re-establishing the state of affairs”<sup>91</sup>

The withdrawal of foreign forces was not a critical problem at the time of referendum, but the assurance of sovereignty to decide their own security issues was. Either the UN did

<sup>90</sup> UN, the Security Council, “*Annan Plan V, the Comprehensive Settlement of the Cyprus Problem*”: Additional Protocol to the Treaty of Alliance, Article 3, 31 March 2004

<sup>91</sup> Sommer, *supra* note 28, pp.22~24

not have enough power to implement the solution it willed or it did not have sufficient will to solve the Cyprus problem. The UN was also struggling in regards to foreign interests. One evidences of this fact is that the Annan Plan did not change any provisions of the treaties of 1959/60 concerning the British military bases in Cyprus. “Currently, there are 3,275 military personnel in the British Sovereign Bases. Although these bases are seen as an anachronistic relict of the colonial past, nobody wanted to touch this issue in the UN-sponsored talks.”<sup>92</sup>

### 4.3.2 Two Cypriots’ Positions for the Stationing of Foreign Forces

Among the purposes of reunification, the very important is security; the end of military conflict. However, military conflict does not mean only their own military conflict, but rather the stationing of foreign military forces makes its own, more serious problems for Cyprus and Korea. Turkish military forces in the TRNC and USA military forces in South Korea have become the biggest obstruction for reunification negotiations. The TRNC does not want the withdrawal of Turkish forces without a guarantee of their security, because Turkish Cypriots cannot be convinced that the Greek Cypriots will not act aggressively by relying on their numbers. According to a poll conducted in 2008, while 66% of Greek Cyprus agrees the full withdrawal of foreign forces, 75% of Turkish Cypriots oppose it.

**Cypriots Opinion for the Withdrawal of Foreign Forces**

| PROPOSAL  | GREEK CYPRIOTS              |                       |                             | TURKISH CYPRIOTS            |                       |                             |
|---|-----------------------------|-----------------------|-----------------------------|-----------------------------|-----------------------|-----------------------------|
|   | Unacceptable<br>- Tolerable | Ambivalent-<br>Unsure | Satisfactory<br>- Essential | Unacceptable<br>- Tolerable | Ambivalent-<br>Unsure | Satisfactory<br>- Essential |
| After a settlement, unified Cyprus should participate fully in the development and execution of the EU’s common foreign policy. | 10%                         | 11%                   | 79%                         | 34%                         | 10%                   | 56%                         |

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<sup>92</sup> Sommer, *supra* note 28, p.24

<sup>93</sup> Kaymak, Lordos and Tocci, *supra* note 52, p.38

From time to time, foreign forces are necessary for protection. However, foreign forces are not stationed only for world peace. They receive compensation for being stationed, and it is also beneficial for their own, strategic benefit. Therefore, it is obvious that foreign forces must be withdrawn when it is no longer necessary. For foreign forces' withdrawal, the only remaining problem is how long time it will take. The Annan Plan suggested a solution for this step and a time frame for withdrawal.

For the Annan Plan, the Greek side suggested some amendments, not just refusal. "One suggestion has been to introduce a term limit of some sort on the Treaty. For example, the treaty could be amended to expire when Turkey joins the European Union. This idea of a 'sunset clause' has in fact received widespread attention and is seen by many to be a rather obvious and logical approach to the issue."<sup>94</sup> Nevertheless, this suggestion is limited to only when the card of EU accession is valuable for Turkey, because this suggestion does not solve the problem of mistrust. Turkish accession into the EU does not necessarily accomplish the full withdrawal of Turkish forces that the Greek Cypriots wish. Turkish "senior military commanders have noted that if Turkey were to join the European Union the issue of Cyprus, and the Aegean, could be solved very quickly – even though he insisted that Turkish troops must remain in Cyprus."<sup>95</sup>

"Another idea has also been put forward. For example, it has been suggested by Greek Cypriots that any attempt to impose a demand that a right of intervention must be confirmed by the UN Security Council."<sup>96</sup> This can be one solution for preventing the guarantee of power. However, in reality, external powers which compose to international society are more selfish. If Turkey accepts this suggestion, Turkey should give up all of its right to Cyprus. At first glance, this looks fair but this suggestion cannot be accepted by Turkey in the first step of reunification.

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<sup>94</sup> James Ker-Lindsay, "the Security Dimensions of a Cyprus Solution", *the Hellenic Observatory Paper*, The European Institute, 2008, p.11 Available at [http://eprints.lse.ac.uk/22027/1/GreeSE\\_No19.pdf](http://eprints.lse.ac.uk/22027/1/GreeSE_No19.pdf)

<sup>95</sup> *Ibid*, p.12

<sup>96</sup> *Ibid*, p.12

Now, it should be solved the problem how to expel the foreign forces and what the solution for the problem of withdrawal of Turkish forces is. Surprisingly, Korea also has a serious disagreement for the stationing of foreign forces, namely USA military. It is worthwhile to compare these two cases regarding foreign forces.

### **4.3.3 How the Withdrawal of Foreign Forces Can Be Accomplished**

Papadopoulos was very anxious about 650 Turkish soldiers remaining after 2018.

“The 650 Turkish soldiers that are allowed to remain in Cyprus according to the Annan plan until Greece, Turkey and Cyprus agree otherwise are seen by President Papadopoulos as a bridgehead for a possible military invasion by Turkey. 650 Turkish soldiers are frequently mentioned as a ‘bridgehead’ for Turkish invasion. The avowed purpose was to avoid the demilitarization provisions and to keep members of the Turkish Cypriot Security Forces in action.”<sup>97</sup>

However, Turkish military intervention is deemed impossible without the internal armed conflict. Turkey cannot ignore the international society and super powers. The existence of 650 Turkish forces is hardly important. Turkish Cypriots can be far more threatened by Greek forces remaining in Cyprus than Greek Cypriots of Turkish military. Moreover, Greek Cypriots lost their chance to decrease the number of Turkish forces, because they had begun to worry about the problem only after 14 years. In reality, Greek Cypriots are threatening over 30,000 Turkish soldiers now, because of their rejection of the Annan Plan. It was revealed, just one year after the referendum, that Greek Cypriots mistakenly selected this subject as a reason for mistrust and anxiety. For example, Sokrates Hasikos, the vice president of the main opposition party DISY and former Minister of Defense, put it “after the EU accession of Cyprus and after Mr. Erdogan became Prime Minister of Turkey, there is no

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<sup>97</sup> Papadopoulos, *supra* note 51

threat of a Turkish attack. Because Turkey is orientated towards an EU accession, a crisis would not be in its interest”<sup>98</sup> Moreover, if they really feared the stationing of Turkish forces, it was incomprehensible that “the Greek Cypriot defense budget has been reduced quite significantly over the past years due to fiscal considerations, from US \$429 million in 2000, to US \$260 million in 2002, and US \$148 million in 2004.”<sup>99</sup> Now, I would like to remind that the target of mistrust was selected wrongly. Mistrust should not be aimed at Cypriot opposition but rather the emphasis should be the expulsion of foreign powers. Therefore, the argument that the right to unilateral intervention by the guarantor powers Britain, Turkey and Greece must be abolished, is more urgent for Cyprus than a full Turkish withdrawal. The guarantee of right of intervention by foreign power is same as losing sovereignty and being colonized.

Eventually, the solution of the security problem is a balance of external power and diplomacy. Korean sovereignty was deprived by Japan because of failure of balance of external power and diplomacy in WWI. Cyprus also failed to keep balance between Greece and Turkey, and Cyprus was divided. A step by step approach is the only solution for a peaceful method of negotiation. In this regard, even though the UN is controlled by world super powers, the Annan Plan was one of the best methods. No side can require expect full and immediate compensation for past loss and full satisfaction from current negotiations. Both parties should give up their obstinacy and approach things step by step. Until accomplishing absolute integrity and self-reliance of national defense, Korea and Cyprus must cooperate to expel external powers gradually so that they can avoid the suspicion of. A mutual trust can also be established in this process. Not making impossible demands and leaving a room to negotiate, while appeasing external powers, is desirable for the solution for security issues.

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<sup>98</sup> Sommer, *supra* note 28, p.33

<sup>99</sup> *Ibid*, p.34

## 4.4 Rejection of New Turkish Settlers, Citizenship Issue

### 4.4.1 Annan Plan's Proposal for Turkish Settlers

The Annan Plan suggested the solution for new Turkish Settler which invested the autonomy of the two Cypriots communities. According to the Annan Plan,

“In the Annan plan (art. 3), there is reference to ‘a single Cypriot citizenship’ regulated under federal law as well as the ‘internal constituent state citizenship status’ to be enjoyed by ‘all Cypriot citizens’; moreover, the plan lays out a set of complicated rules about preserving the ‘identity’ (see appendix1). The acquisition of citizenship is regulated by an agreed constitutional law which essentially deals with the issue of settlers from Turkey. Moreover the plan envisages a federal law on ‘aliens and immigration’ (Foundation Agreement, Attachment 5, Law 1) as well as a federal law for international protection and the implementation of the Geneva Convention Relating to the Status of Refugees and the 1967 Protocol on the Status of Refugees (Foundation Agreement, Attachment 5, Law 2) which, in the event of a settlement, would replace the current laws on immigration and refugees.”<sup>100</sup>

Consequently, the Annan Plan V suggested “nearly all the Turkish settlers would be granted citizenship or residence rights leading to citizenship. The central government would have limited control towards future Turkish Immigration.”<sup>101</sup> And many Greek Cypriots rejected this suggestion with their Time-determining nationalism, 1974.

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<sup>100</sup> Nicos Trimikliniotis, “Nationality and citizenship in Cyprus since 1945: Communal citizenship, gendered nationality and the adventures of a post-colonial subject in a divided country”, *Amsterdam University Press*, 2009, p.307, Available at <http://www.law.ed.ac.uk/citmodes/files/cyprus.pdf>

<sup>101</sup> Coufoudakis, *supra* note 86, p.6

#### 4.4.2 Greek Cypriots' Position for New Turkish Settlers

Before scrutinizing the identity of Cypriots, the term of a nation should be clear. "Stalin has given a more concise definition: A nation is a historically evolved, stable community of language, territory, economic life and psychological make-up manifested in a community of culture."<sup>102</sup> This definition cannot be applied to every country, because humanity has produced numerous concepts of national people by their circumstance. For example, there is Ethnic Nationalism which is defined in terms of ethnicity, Territorial Nationalism which assumes that all inhabitants of a particular nation owe allegiance to their country of birth or adoption, Cultural Nationalism which allow people to become members of a nation by cultural assimilation, Linguistic Nationalism which see "the nation" as all speakers of a specific language, and so on.

Cyprus had just been part of another country before its independence in 1960, so they could not have an identity as the people of Cyprus. The term of Cypriot does not mean national identity, but is nearer to the concept of territorial residence. Even though the two Cypriot communities have different languages, and religions, but there are also ambiguous points which they cannot be easily distinguished. In the Turkish nationalism, there is no territorial, cultural, even ethnic factor in determining its people. The main factor of "Turkification"<sup>103</sup> was language and religion. Greek people were also the nation of the Ottoman Empire and "some ethnic groups of Turkey"<sup>104</sup>. There is one flexible criterion

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<sup>102</sup> Eric Hobsbawm, " *Nations and Nationalism since 1780*", Cambridge University Press, 1990, p.5

<sup>103</sup> A term used to describe a process of cultural or political change in which something or someone who is not a Turk becomes one, voluntarily or involuntarily.

<sup>104</sup> **Turkish people categorized by Original language**

- |                                   |   |
|-----------------------------------|---|
| 1) Turkic-speaking peoples        | Turkmen, Azeris, Tatars, Karachays, Karakalpaks, Kazakhs, Crimean, Tatars, Yörüks and Uyghurs |
| 2) Indo-European-speaking peoples | Kurds, Zazas, Bosniaks, Albanians, Pomaks, Macedonians, Armenians, Hamshenis and Greeks       |
| 3) Semitic-speaking peoples :     | Arabs, Syriacs and Jews   |
| 4) Caucasian-speaking peoples :   | Circassians, Georgians, Laz and Chechens  |

Wikipedia, "Demographics of Turkey", Source= Andrews, Peter A. " *Ethnic groups in the Republic of Turkey*", Beiheft Nr. B 60, Tübinger Atlas des Vorderen Orients, Wiesbaden: Reichert Publications, 1989, Available at [http://en.wikipedia.org/wiki/Demographics\\_of\\_Turkey#cite\\_note-18](http://en.wikipedia.org/wiki/Demographics_of_Turkey#cite_note-18)

contrary to above conventional criteria. According to the notion of Self-determining Nation, If Greek and Turkish people consider a person as a Cypriot, he or she is the people of Cyprus and can receive citizenship of Cyprus. This definition of Self-determining Nation can be applied to Cypriot identity. According to one research poll, 65% of Greek Cypriots refused to accept new Turkish settlers as the people of Cyprus.

| PROPOSAL  | GREEK CYPRIOTS              |                        |                             | TURKISH CYPRIOTS            |                        |                             |
|---|-----------------------------|------------------------|-----------------------------|-----------------------------|------------------------|-----------------------------|
|   | Unacceptable<br>- Tolerable | Ambivalent<br>- Unsure | Satisfactory<br>- Essential | Unacceptable<br>- Tolerable | Ambivalent<br>- Unsure | Satisfactory<br>- Essential |
| All people who came from Turkey after 1974, including their descendents, should return to Turkey after a settlement. The only possible exception is the case of those who have married Turkish Cypriots and the children of such mixed marriages. | 29%                         | 6%                     | 65%                         | 72%                         | 5%                     | 23%                         |

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Greek Cypriots refused to accept Turkish Cypriots as citizen of Cyprus who immigrated after 1974. This included their descendents. The only possible exception was in the case of those who have married Turkish Cypriots and the children of such mixed marriages. According to this criterion, Turkish Cypriots who lived in Cyprus before 1974 can be accepted as a citizen of Cyprus, but Turkish Cypriots that immigrated after 1974 cannot be.

“When Cyprus gained independence in 1960, a census was conducted by the new Republic’s bi-communal government. Census figures revealed a population of 573,566, of whom 442,138 (77.1%) were Greek Cypriots, and 104,320 (18.2%) were Turkish Cypriots.”<sup>106</sup> “The South Cyprus’ estimates of the population of Turkish settlers in the north range from 130,000-160,000, while it also claims that the Turkish Cypriot population has decreased from 118,000 to 85,000 since 1974.”<sup>107</sup> According to the TRNC census of 2006,

<sup>105</sup> Kaymak, Lordos and Tocci, *supra* note 52, p.38

<sup>106</sup> Mete Hatay, “the Turkish Cypriot Population Shrinking?”, *PRIO(Peace Research Institute, Oslo) Report, 2007*, p.21

<sup>107</sup> Ministry of Foreign Affairs of the Republic of Cyprus, “*Illegal Demographic Changes*”, Available at [http://www.mfa.gov.cy/mfa/mfa2006.nsf/cyprus06\\_en/cyprus06\\_en?OpenDocument](http://www.mfa.gov.cy/mfa/mfa2006.nsf/cyprus06_en/cyprus06_en?OpenDocument)



“the *de facto* population in north Cyprus has now reached 265,100.”<sup>108</sup> “By 2011, the population of South Cyprus is 838,897.”<sup>109</sup> the change of population is as follows:

|                           | North Cyprus   | South Cyprus   |
|---------------------------|----------------|----------------|
| <b>1960</b>               | 104,320        | 442,138        |
| <b>Latest</b>             | 265,100 (2006) | 838,897 (2011) |
| <b>Claim for settlers</b> | 85,000         | 160,000        |

The Greek Cypriots’ criteria of the people look as though it cannot be accepted by the Turkish side. Greek Cypriots have deemed that they want to maintain their numerical superiority in order to acquire benefits such as territory, and political power. The Greek Cypriots claim that the time criterion of 1974 cannot be accepted due to three reasons. Firstly, Greek Cypriots were not always the majority ethnic group. The majority group was changed by historical situations. Especially, from 1745 to 1821, before the Greek independence from Ottoman Empire, Turkish Cypriots were the majority or even in number with the Greek Cypriots.

**Table 1. Estimated Cypriot Population during the Ottoman Period**

| Source               | Date       | Muslim                     | Christian                   |
|----------------------|------------|----------------------------|-----------------------------|
| Evliya Çelebi        | 1670-1675: | 30,000                     | 150,000                     |
| Coronelli            | 1691-1695  | 28,000                     | 160,000                     |
| Pococke              | 1738       | 4,000 (only taxable males) | 12,000 (only taxable males) |
| Drummond             | 1745       | 150,000                    | 50,000                      |
| Kyprianos            | 1777-1788  | 47,000                     | 37,000                      |
| De Vezin             | 1788-1792  | 60,000                     | 20,000                      |
| Edward D. Clarke     | 1801       | Total: 60,000              |                             |
| Ali Bey              | 1806       | ?                          | 32,000                      |
| John M. Kinnear,     | 1814       | 35,000                     | 35,000                      |
| Henry Light          | 1814       | Total: 90,000              |                             |
| William Turner       | 1815       | 30,000                     | 40,000                      |
| Thomas Gordon,       | 1821       | 35,000                     | 35,000                      |
| Spyridon Tricoupis   | 1821       | 20,000                     | 80,000                      |
| Charles C. Frankland | 1827       | 4,200 (only taxable males) | 20,800 (only taxable males) |
| French Consulate     | 1829       | 6,000 (only taxable males) | 15,000 (only taxable males) |
| Official census      | 1831       | 29,966                     | 58,200                      |
| Official census      | 1841       | 33,000                     | 75,300                      |
| J. Lilburn           | 1842       | 30,000                     | 71,000                      |
| Niven Kerr           | 1844       | 25,000                     | 76,110                      |
| Ludwig Ross          | 1845       | 25,000                     | 75,000-80,000               |

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<sup>108</sup> Hatay, *supra* note 106, p.26

<sup>109</sup> Statistical Service of the Republic of Cyprus, “Preliminary Results of the Census of Population, 2011”, Available at [http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/889FE17B72CB11FBC22579100023036B/\\$file/CENSUS11\\_LEAFLE EN-190911.pdf?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/889FE17B72CB11FBC22579100023036B/$file/CENSUS11_LEAFLE EN-190911.pdf?OpenElement)

<sup>110</sup> Hatay, *supra* note 106, p.19

I do not deny the importance of 1974, the time of division. However, reunification does not mean that both sides should go back to the past time before being divided. Reunification requires each side accept the present situation of the opposite side.

Secondly, Greek Cypriots do not consider that they are violating the time criterion which they have claimed. By 2011, the population of South Cyprus is 838, 897, and “the increased proportion of foreign citizens which reached 21.4% of the total population contributed to the overall population growth. The corresponding figure in 2001 was 9.4%.”<sup>111</sup>

**DISTRIBUTION OF THE POPULATION BY DISTRICT AND CITIZENSHIP, 2011**

| District     | Citizenship    |              |                |              |                |              |
|--------------|----------------|--------------|----------------|--------------|----------------|--------------|
|              | Total          |              | Cypriot        |              | Other          |              |
|              | Number         | Percentage % | Number         | Percentage % | Number         | Percentage % |
| <b>Total</b> | <b>838.897</b> | <b>100</b>   | <b>659.350</b> | <b>78,6</b>  | <b>179.547</b> | <b>21,4</b>  |
| Lefkosia     | 325.756        | 100          | 264.221        | 81,1         | 61.535         | 18,9         |
| Ammochostos  | 46.452         | 100          | 37.016         | 79,7         | 9.436          | 20,3         |
| Larnaka      | 143.367        | 100          | 114.103        | 79,6         | 29.264         | 20,4         |
| Lemesos      | 235.056        | 100          | 186.536        | 79,4         | 48.520         | 20,6         |
| Pafos        | 88.266         | 100          | 57.474         | 65,1         | 30.792         | 34,9         |

**DISTRIBUTION OF FOREIGN CITIZENS BY COUNTRY OF CITIZENSHIP, 2011**

| Country of Citizenship | Number         | Percentage % |
|------------------------|----------------|--------------|
| <b>Total</b>           | <b>179.547</b> | <b>100</b>   |
| <b>EE (26)</b>         | <b>112.424</b> | <b>62,6</b>  |
| Greece                 | 31.044         | 17,3         |
| United Kingdom         | 26.659         | 14,8         |
| Romania                | 24.376         | 13,6         |
| Bulgaria               | 19.197         | 10,7         |
| Poland                 | 2.951          | 1,6          |
| Germany                | 1.162          | 0,6          |
| Other EU countries     | 7.035          | 4            |
| <b>Third countries</b> | <b>67.123</b>  | <b>37,4</b>  |
| Philippines            | 9.744          | 5,4          |
| Russia                 | 8.663          | 4,8          |
| Sri Lanka              | 7.350          | 4,1          |
| Vietnam                | 7.102          | 4            |
| Syria                  | 3.235          | 1,8          |
| Ukraine                | 3.023          | 1,7          |
| India                  | 2.955          | 1,6          |
| Georgia                | 2.113          | 1,2          |
| Others                 | 22.938         | 12,8         |

According to the time criterion of Greek Cypriots, South Cyprus should deprive foreigner citizens of their citizenship for Cyprus to be united. It cannot abandon 180,000 people. In this

<sup>111</sup> Statistical Service of the Republic of Cyprus, “Preliminary Results of the Census of Population, 2011”, Available at [http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/889FE17B72CB11FBC22579100023036B/\\$file/CENSUS11\\_LEAFLEEN-190911.pdf?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/889FE17B72CB11FBC22579100023036B/$file/CENSUS11_LEAFLEEN-190911.pdf?OpenElement)

<sup>112</sup> *Ibid.*

regard, if Turkish settlers are granted North Cyprus citizenship already, it is natural that they should be accepted as a Cypriot.

Thirdly, Greek Cypriots are also immigrated settlers, not aboriginal people. Greece never occupied this island with Greek sovereignty, while the Ottoman Empire occupied and declared this island officially as part of its territory. “The occupying forces of Cyprus can be listed as the Assyrians (707-650), Egyptians (570-546), Persians (546-333), Ptolemies (320s-58), Romans (58 BC-1489 AD), and Venetians (1489-1571). Cyprus was conquered by the Ottoman Turks in 1571.”<sup>113</sup> And then, “In the aftermath of the Russo-Turkish War (1877–1878) was leased to the British Empire. Following the outbreak of World War I, the British Empire formally annexed Cyprus, on 5 November 1914.”<sup>114</sup> There was no period in which Greek nationals acquired the sovereignty of Cyprus. “A major wave of Greek settlement is believed to have taken place following the Bronze Age collapse of Mycenaean Greece in the period 1100–1050 BCE, with the island's predominantly Greek character dating from this period.”<sup>115</sup> Their only ground of possessory right for Cyprus is that they presently occupy it. In conclusion, it cannot be founded that Greek Cypriots cannot accept the Turkish new settler as a Cypriots.

#### **4.4.3 Reconstruction of a New Cypriot Identity**

The reason that Greek Cypriots are sensitive to accept new Turkish settlers as a Cyprus citizen, is that they do not want to lose their predominance in number. The number was the basis for deciding important issues such as sharing of political power and, territory range. This consciousness was reflected well in the letter of Papadopoulos. He answered the UN after referendum,

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<sup>113</sup> Yilmaz, *supra* note 54, p.2

<sup>114</sup> Data in the Library of Congress Country Studies, "Cyprus, Ancient Period", Available at <http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+cy0013%29>

<sup>115</sup> *Ibid.*

“What however we were not willing to accept, as you very well knew, was that each and every settler, indeed all, should be entitled to remain and ultimately acquire citizenship. Neither we were ready to endorse new provisions allowing new settlers flows in the future, thus altering further and distorting the demographic balance on the island.”<sup>116</sup>

In fact, it is widely believed that one of the reasons the Greek-Cypriots voted ‘NO’ to the Annan plan was the fear of ‘large numbers’ of settlers who would eventually be allowed to remain. Relating to this issue, there is one critical point. That is the fact that Greek Cypriots rejected the con-federal system. With the unbalanced situation in the number of ethnic groups, it is the very desirable to integrate each community gradually. Cultural exchange, mixed marriage and integrated education are one way toward absolute integrity. However, Greek Cypriots prefer to share political power by their number in the first step of united Cyprus. Sharing political power and to discriminating against an ethnic group can never lead to real integrity.

Now, I would like to suggest that Cypriots have to reconstruct their new identity, if they really want to live together prosperously and peacefully. Greek Cypriots do not have clear criterion as to who are Turkish people and who are Turkish Cypriots. This is true of Turkish thinking towards Greek and Greek Cypriots also. Therefore, if Cypriots wish for a peaceful and prosperous unification of Cyprus, both sides should reconstruct their national identity. Professor, A. Marco Turk suggested one way for Cypriot identity:

“Notwithstanding the historical weakening of the Cypriot identity, ‘a unique Cypriot identity’ was claimed that should be the basis for mutual acceptance and respect. The Cypriot multicultural society was referred to in the hope that ‘humanistic values’ rather than ‘national values’ would be developed. Creation of cultural endeavors was encouraged in an effort to promote the unique Cypriot culture domestically and internationally.”<sup>117</sup>

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<sup>116</sup> Papadopoulos, *supra* note 51

<sup>117</sup> A. Marco Turk, “Cyprus Reunification Is Long Overdue: the Time is Right for Track III Diplomacy as the Best Approach for Successful Negotiation of this Ethnic Conflict”, *Loy. L.A. Int’l & Comp. L Rev.* Vol. 28, No:205, 2006, p.233

Simultaneously, both Cypriots should endeavor to accomplish real national reconciliation. If needed, they could adopt English as an official language. Additionally, through guaranteeing absolute freedom of religion, the religion of Cyprus should be diversified, rather than the current bipolar system. Government and society should encourage mixed marriage. It is also a worthy idea to consider that government grants the new Cypriot citizenship through an administration of an oath like the USA. In order to pursue this movement, the leadership of political leaders is a critical factor. Fortunately, “some efforts to create a Cypriot identity have actually been made by the Progressive Party of the Working People (AKEL) on the Greek side, their utility has remained rather marginal.”<sup>118</sup> This endeavor of some people is not enough to construct new Cypriot identity. Cypriots should endeavor to build the law system which can accept a new Cypriot identity, especially in the Cyprus Nationality Act. According to Cyprus Nationality Act:

“The current law provides that children born to parents, one of whom unlawfully entered or resides in the Republic, do not automatically become citizens of Cyprus even if the other parent holds or would have been entitled to Cypriot citizenship. They can become citizens only following a decision of the Council of Ministers. This amendment was apparently directed against Turkish nationals who settled in the north at a time when it was deemed politically ‘necessary’ or ‘expedient’ by policymakers.”<sup>119</sup>

Not only the Nationality Act but, there is another subordinate law which regulates Cyprus citizenship. According to sect. 109(3) of law 141(I)/2002,

“This law expressly prescribes that the above provisions for acquisition of citizenship do not come into force in cases where a person is born in Cyprus or abroad between 16 August 1960 and 11 June 1999, if his or her claim is based solely on his or her mother’s citizenship, or the fact that she was entitled to citizenship of the Republic. However, the law stipulates that the person (or if the person is a minor, his or her father or mother) may submit an application to the minister to be registered as a citizen of Cyprus.”<sup>120</sup>

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<sup>118</sup> Yilmaz, *supra* note 54, p.9

<sup>119</sup> Trimikliniotis, *supra* note 100, p.399

<sup>120</sup> *Ibid.*

This discrimination is aimed to Turkish-Cypriots. There is only one way to overcome these obstructions. That is the aspiration for reunification. If Cypriots have the sincere aspiration for reunification, they should accept their neighboring ethnic community as family.

## 4.5 Rejection for Property Issues

Unification is evaluated by the economic calculation of individuals, not by national spirit, patriotism or a far-sighted national policy. Cyprus is not an exception to this case. When Turkish military intervened in Cyprus, about “40% of the ethnic Greek-Cypriots population”<sup>121</sup> became refugee and were displaced losing their property.

The compensation claim for this lost property is a very sensitive issue. The individual economic profits take first priority over any other national profits. Especially, this tendency reflects on the Cyprus referendum very well. “Not long after the Annan Plan failed at referendum, it became quite common to hear Cypriots say that the Cyprus Problem is really all about property.”<sup>122</sup> Finally, the Annan Plan was rejected by Greek Cypriots, because most of Greek people urge that Turkey must compensate for all responsibility of its invasion of Cyprus and its murders, rapes, destruction of property and churches, looting.

### 4.5.1 Annan Plan’s Proposal for Property Issues

Annan proposed a very detailed solution for the property issues. First of all, Cyprus Property Board and its divisions (the Claims Bureau, the Cyprus Housing Bureau and the Compensation Bureau) would be established. Reinstatement can be different by whether the area is included in territorial adjustment or not.

“[For Reinstatement in Territorial Adjustment Areas]

(part of the territory presently not under the control of the Republic of Cyprus would become part of the ‘Greek Cypriot State’) In the areas that would be subject to this process of ‘territorial adjustment’ after the solution, properties of ‘dispossessed owners’ (locally known as ‘refugees’) would be reinstated to their original owners.

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<sup>121</sup> Roge Zetter, “the Greek Cypriot Refugees; Perceptions of Return under conditions of Protracted Exile”, *The Center for Migration Studies of New York, Inc.*, International Migration Review, Vol. 28, No. 2 1994, p.308

<sup>122</sup> Hatay and Bryant, *supra* note 60, p.14

[Reinstatement Outside Territorial Adjustment Areas: The ‘One-Third Rule’]

In areas that remain outside territorial adjustment, property rights related to affected properties would be exercised through either reinstatement or compensation. Dispossessed owners of properties located in the other constituent state would be given back their properties according to the so-called ‘one-third rule’. According to this rule, such persons would have the right to be returned up to one-third of their property (in value and land area), and to receive ‘full and effective compensation’ for the remaining two-thirds.

[Exceptions to the One-Third Rule for Reinstatement]

The right of reinstatement of one-third of the affected property would apply to natural persons or family businesses. Properties of institutions, including the Church and Evkaf, the main religious foundations of Greek Cypriots and Turkish Cypriots, would not be reinstated and would be transferred to the Property Board in exchange for compensation.”<sup>123</sup>

The Governing Council shall decide the reinstatement and the method of compensation by the present purpose of land use and situation. The Governing Council shall be composed of “a total of seven members, being two members hailing from each constituent state and three non-Cypriot members who are not citizens of Cyprus, Greece, Turkey or the United Kingdom.”<sup>124</sup>

#### **4.5.2 Greek Cypriot’s Position on Property Issues**

The economic calculation of Greek Cypriots related to three dimensions.

- Compensation for properties that will not be returned to their legitimate owners and compensation to settlers who may wish to return to Turkey.
- The reconstruction of cities like Famagusta
- The monetary policy and its implementation at the central and the component state levels.”<sup>125</sup>

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<sup>123</sup> Stelios Platis, Stelios Orphanides and Fiona Mullen, “*the Property Regime in a Cyprus Settlement*”, PRIO(Peace Research Institute, Oslo, 2006, p. 4

<sup>124</sup> UN. the Security Council, “*Annan Plan V. the Comprehensive Settlement of the Cyprus Problem*”. Annex VII. Section 1 and 23. 2004

<sup>125</sup> Coufoudakis and Kyriakides, *supra* note 61, p.10



Although the numeric data have been debated, it is obvious that a large number of Greek Cypriots should have left from their home, and the value of property they lost is an enormous sum of money which any part cannot easily compensate.

“Between 162,000 and 170,000 Greek Cypriots fled from the north in 1974. Greek Cypriots say they left behind 46,000 properties and claim to have ownership rights over 78 per cent of the private land in the north. A Turkish Cypriot official estimated the surface area owned by Greek Cypriots is about 1.5 million Cypriot dönüms (about 2,000 sq km, 60 per cent of the 3,355 sq km currently under Turkish Cypriot control), of which Turkish Cypriots are using a very significant portion”<sup>126</sup>

91% of Greek Cypriots claimed that the property lost by Turkish intervention should be restituted and individuals should regain their property right, while 52% of Turkish Cypriots opposed it.

| PROPOSAL  | GREEK CYPRIOTS              |                        |                             | TURKISH CYPRIOTS            |                        |                             |
|---|-----------------------------|------------------------|-----------------------------|-----------------------------|------------------------|-----------------------------|
|   | Unacceptable<br>- Tolerable | Ambivalent<br>- Unsure | Satisfactory<br>- Essential | Unacceptable<br>- Tolerable | Ambivalent<br>- Unsure | Satisfactory<br>- Essential |
| The property issue should be solved primarily through restitution, so that affected individuals will regain control of their properties as they had them before the events of the Cyprus problem. | 6%                          | 3%                     | 91%                         | 52%                         | 6%                     | 42%                         |

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The Greek side opposed the Annan Plan’s proposals for property issues because of the system of deferred payments. “They also objected to applying derogations from the three freedoms of the EU *acquis* (the accumulated legislation, legal acts, and court decisions which constitute the body of European Union law), even though these would have been temporary.”<sup>128</sup> The Greek Cypriots do not give a room to negotiate, and they want absolute reinstatement of their property, not part of them. As money is of primary importance in a capitalist society, their

<sup>126</sup> “Cyprus: Bridging the Property Divide”, *International Crisis Group*, Europe Report, N.210, 2010, p. 2

<sup>127</sup> Kaymak, Lordos and Tocci, *supra* note 52, p.38.

<sup>128</sup> International Crisis Group, *supra* note 126, p.11

attitudes are not changed. “A recent poll (2010) shows that 53 per cent of Greek Cypriots think that a property settlement must give iron-clad rights of restitution, while 49 per cent think the rights to live, work and exercise political rights anywhere in Cyprus also should be safeguarded.”<sup>129</sup> Even though the Annan Plan was a considerable solution for property issues, Greek Cypriots rejected the Annan Plan because they cannot leave their property rights to the uncertain future. They want a 100% guarantee of their property rights.

### **4.5.3 Institution of Compensation Suit for International Court**

Greek Cypriots have not waited for reunification and governmental measures to solve their property issues. Greek Cypriots instituted compensation suits to the “Immovable Property Court (IPC)”<sup>130</sup> and European Court of Human Rights (ECHR). This movement started from the case of ‘Titina Louizidou’.

“In 1996, the ECHR asserted the right of Tattiana Louizidou to her property in Kyrenia (in the north) and ordered Turkey to pay some \$915,000 in damages and costs. Turkey eventually paid around €1.2 million, including interest, in 2003. The ECHR has also found admissible over 30 cases from Greek Cypriots after Louizidou. The largest case to date is a class action against Turkey and the Turkish Cypriots that seeks \$400 billion, filed in the U.S. on 19 October 2009 by approximately 200,000 displaced Greek Cypriot property owners.”<sup>131</sup>

However, property issue has inevitable dilemma, that is, the right of present possessors. Although the ECHR has founded Turkish responsibility in dozens of cases, the ECHR also expressed clearly the rights of present owners.

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<sup>129</sup> Erol Kaymak and Alexandros Lordos, “Public Opinion and the Property Issue: Quantitative Findings”, Cyprus 2015, *Interpeace*, 2010, p. 7, Available at [http://www.interpeace.org/index.php/publications/cat\\_view/8-publications/2-cyprus](http://www.interpeace.org/index.php/publications/cat_view/8-publications/2-cyprus)

<sup>130</sup> The Immovable Property Commission was set up under the Immovable Property Law (number 67/2005) in accordance with the rulings of the European Court of Human Rights in the case of *Xenides-Arestis v. Turkey*. The purpose of this measure was to establish an effective domestic remedy for claims relating to abandoned properties in Northern Cyprus.

<sup>131</sup> International Crisis Group, *supra* note 126, p.8

“The courts are recognizing that long-term users also have rights and that individual owners should be able to voluntarily exchange properties. The European Court of Human Rights (ECHR) especially has been encouraging Cypriots to rely on domestic remedies, such as a Turkish Cypriot property commission to which several hundred displaced Greek Cypriots have already applied.”<sup>132</sup>

Furthermore, compensation from the IPC cannot reach the need of Greek Cypriots. The interview of one IPC president shows well that using the IPC is also not be a desirable solution. Sümer Erkmen, past president of the IPC said,

“People that took my property from me are supposed to decide how much they will give me. IPC is run by Turkish Cypriots; the two international members do nothing. I don’t trust [the IPC]. Greek Cypriots get only 10 or 20 per cent of the actual value of their properties. The IPC says take it or leave it”.<sup>133</sup>

Finally, this is to sell their property rights dirt cheap, and to give up their opportunity that can assert the fair and independent Cypriot organization like the Governmental Council suggested by the Annan Plan.

#### **4.5.4 Solution and Unavoidable Sacrifice of Personal Interests**

After the failure of the Annan Plan, there have been new negotiations between the two Cypriots communities. “In the round of reunification talks underway since September 2008, the two leaders have agreed in principle to settle the property dispute through a mix of restitution, exchange and compensation.”<sup>134</sup> However, this cannot be also an acceptable solution. At any rate, Turkish Cypriots have lived in the property that Greek Cypriots lost in 1974. If Turkish Cypriot political leaders decide to deprive their rights of present occupation and to return it back to Greek Cypriots whether all or part, this measure cannot be accepted

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<sup>132</sup> International Crisis Group, *supra* note 126, p.3

<sup>133</sup> *Ibid*, p.18

<sup>134</sup> *Ibid*, p.3

by Turkish Cypriots occupying now. In the end, there should be compensation at the level of government, whether by a unified new government or the TRNC. Also, it should not be possible to demand compensation from Turkey or international organization. In this regard, Cypriots cannot help being burdened with compensation expense like the way of tax. From the lessons of German reunification, it can be found that the biggest obstruct of reunification is the expense of reunification, even without the compensation. “The cost of economic reunification would be born by the Greek Cypriots. The reunification cost has been estimated close to \$20b, while the donors conference pledged about \$750m. Turkey bore no financial liability for her actions in Cyprus since 1974.”<sup>135</sup> I never deny the past property rights of Greek Cypriots, but it should be reconsidered the requirement for the full reinstatement of Greek Cypriots.

The German case gives us valuable lessons for property issues. 15 June, 1990, the two German governments announced ‘the joint statement on the property issues’. This statement finalized the basic principals dealing with unsolved property conflicts. The main point of the statement was that the property expropriated by the East German government could not be handled in the same way as the property confiscated by the USSR was before the establishment of East German government.

“The property expropriated by East German after 7<sup>th</sup>, Oct, 1949 should be returned to original owners, while the property confiscated by the military government of USSR could not be returned. As the preamble of statement revealed, this agreement came from the consideration that the infringement of property rights should not only be relieved by constitutional government, but also it should be prevented to threat the life basement of East German people who had lived for 40 years, or the economic basement of East German.”<sup>136</sup>

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<sup>135</sup> Coufoudakis, *supra* note 86, p.6

<sup>136</sup> Heesok Seo, “Study of Solution for the North Korean property Rights in the reunified Korea”, Thesis, *Gyoung-hee University*, 1999, p.9

What is different with the Cyprus case? That is apportionment of a loss. Cypriots should think of all Cypriots as a single company if they wish to march towards a bright future. A company or family should be able to share the pain and loss of reunification. In this regard, there is no solution which can guarantee iron-clad property rights. Cypriots must cooperate in order to solve this property issues.

## 4.6 Rejection following the Position of Politic Leaders

It cannot be denied that the influence of political leaders was very critical for the choice of the people to choose to reject reunification. Tassos Papadopoulos, president of the Republic of Cyprus, in a televised speech delivered on the 7th of April 2004 called on Greek Cypriots to reject the plan, declaring '*I received a state; I will not deliver a community*'. Most of political parties like the Movement for Social Democracy – United Democratic Union of Centre, New Horizons, Fighting Democratic Movement and Ecological and Environmental Movement, also opposed the plan. Some members of the Democratic Rally split from the party and formed a new party named 'For Europe' which opposed the plan as well. Most of the political leaders of Greek Cypriots opposed the plan. As a result, it is natural that their vote depended strongly on their political ideas. For instance, "more than 90% of the Cyprus President supporters voted against the Annan Plan. On the other hand, the percentage of those who voted against the Annan plan among the voters of the rest candidates for the 2003 presidential elections is lower."<sup>137</sup> There are arguments that some political leaders of Greek Cypriots supported Annan Plan and that the influence of the Papadopoulos speech was limited. Endorsement of the plan was voiced by Democratic Rally leadership and the United Democrats. Glafcos Clerides also supported the plan: "*I am 85 years old. I would rather pass away, than seeing the end of fights of the Cypriot people.*"<sup>138</sup> Besides, "US Embassy and other polls one week before the president's speech showed a 70% negative vote among Greek Cypriot voters."<sup>139</sup> However, the Greek political party in power had influenced the people to reject the Annan Plan already, and the change of the situation was beyond the ability of a few political groups.

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<sup>137</sup> Chadjipadelis and Andreadis, *supra* note 56, p.1

<sup>138</sup> *Ibid*, p.4

<sup>139</sup> Coufoudakis, *supra* note 86, p.3

Cypriots were deprived the opportunity to decide for themselves about the Annan Plan, because there was no information. Both Cypriots had limited information about the Annan Plan. There was no public debate over which Cypriots can appraise the plan. “Rigid deadlines on a complicated legal text of more than 9,000 pages. Most of the final text from Annan’s arbitration did not make it to the UN web site until a day before the referendum!”<sup>140</sup>

As with the German case, desirable reunification cannot be accomplished by the public. However, but as mentioned in the introduction, a gradual consensual reunification in equal status by the negotiation of political leaders is the very desirable model. Therefore, the rejection of political leaders is a very critical factor. The leaders are elected by the people of the nation which means the people of divided countries should carefully select their leader to lead their country to reunification.

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<sup>140</sup> Coufoudakis, *supra* note 86, p.4

# Chapter 5: Korean Reality in Comparison to Cyprus

Cyprus has endeavored to find a solution and has experienced the referendum for reunification. This historical experience gives Korea precious lessons. Now, it is natural to examine how much Korea is prepared to accomplish its reunification by comparing it with Cyprus.

## 5.1 North and South Korean Negotiation

### 5.1.1 Balancing Diplomacy and Direct Negotiation with North Korea

The Korean situation has a more complicated international environment. Whenever Korean problems are mentioned, the term of Six Party Talks is follows. Six Party Talks aim to find a peaceful resolution to the security concerns considering the North Korean nuclear weapons program. The members are the following:

- The Republic of Korea (South Korea)
- The People's Republic of China
- The United States of America
- The Russian Federation
- The State of Japan
- The Democratic People's Republic of Korea (North Korea)

In other words, 4 super powers are interested in the Korean Peninsula. Nuclear weapon issues deprived the two Korea of the initiatives of negotiation. Although the super or regional power cannot be ignored, the issues relating with divided countries' fate should be decided themselves. The Cyprus case shows well how external power controlled divided countries' fate for their own benefits. "In order to attain peace and stability not only in the peninsula but in the region, Korea should be unified in a way that primarily reflects the wishes and interests of the Korean people of both sides, not those of the bigger powers."<sup>141</sup> Seeing the Cyprus

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<sup>141</sup> Young-Sun Ji, "Conflicting Visions for Korean Reunification", *the Weatherhead Center for International Affairs*, 2001, p.3 Available at <http://www.wcfia.harvard.edu/fellows/papers/2000-01/ji.pdf>



case of 1960, it is clear that unstable inner reconciliation can break reunification again. It is needless to say that stable reconciliation can be accomplished only when the two Koreas are satisfied, not an external power. Sometimes, Korean inner efforts to reconcile have been intervened and frustrated by external power. For instance, Bush, former president of USA, is a representative example.

“The dramatic progress in reconciliation between the two Koreas after the June 2000 summit seems to have deteriorated again since the new Bush administration has advocated a hard-line policy toward North Korea. The reciprocal trip to Seoul by Kim Jong-il, which was initially expected in April 2001, is now being delayed because of his protest against United States policy. The South Korean government had originally prepared to conclude a peace agreement with North Korea in the second inter-Korean summit. However, President Kim Daejung has apparently toned this down after his meeting with President Bush in March 2001”<sup>142</sup>

The two Koreas must endeavor to continue negotiation without the interference of external power. One Korean President, Kim Young Sam, said that ‘no ally is more valuable than our own nation’ (that is, North and South Korea), underlining his commitment to deal with inter-Korean problems as a priority. On the other hand, North and South Korean direct negotiation has been also stopped by Korean governments. There is a Korean proverb which says, even if a man fight with his wife, they should sleep together in the same room. Unfortunately, present South Korean government stopped the direct negotiation with North Korea and depends on the negotiation with external powers like Six-Party Talks. It means that, although a wife is hateful, it is not desirable for both sides to cut off their communication. It should be remembered that the UN could not become a trouble-solving broker in Cyprus. South Korea suffered from armed provocations of North Korea, but Korea should continue their direct negotiation.

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<sup>142</sup> Ji, *supra* note 141, p. 5

Additionally, North and South Korea should appear on the stage of negotiation as a host. The environment of direct negotiation can be constructed by balancing diplomacy. For example, nuclear experiments of North Korea can be a new motive for negotiation. South Korea should maintain a balance with super powers, and endeavor to open the way for direct negotiation with North Korea.

The negotiations between North and South Korea have always been broken off by pre-conditions. Before any negotiation, North Korea has urged South Korea to accept the withdrawal of USA forces which are stationed in South Korea, while South Korea has demanded an apology from North Korea for military provocations in the past. Korea should learn how Cyprus began its negotiation. The 'No Precondition' principal of UN Resolution 1250, in 1999, was the motive which made the two Cypriot communities appear at the negotiating table. Korea should restart its negotiation without any precondition.

Lastly, it is a particular question when reunification will be accomplished. The desirable unification model is a gradual, consensual reunification by negotiation in equal status. In the negotiation, there should not be a dead line. A dead line can be a motive for negotiation, but it can also put an end to negotiation without any fruit. Moreover, an incomplete solution can lead to the confusion of the people.

### **5.1.2 Communication with the People**

In many cases, the situation of a divided Korea has been used for political purposes. Negotiations with North Korea are always veiled by government as an issue of national security. Cyprus case shows well that procedural problems of negotiation come from lack of communication with the people. I think that there are only a few secrets which should be veiled in the negotiation between North and South Korea. However, government always announces only the result of negotiation. If the result is good, government carries on large

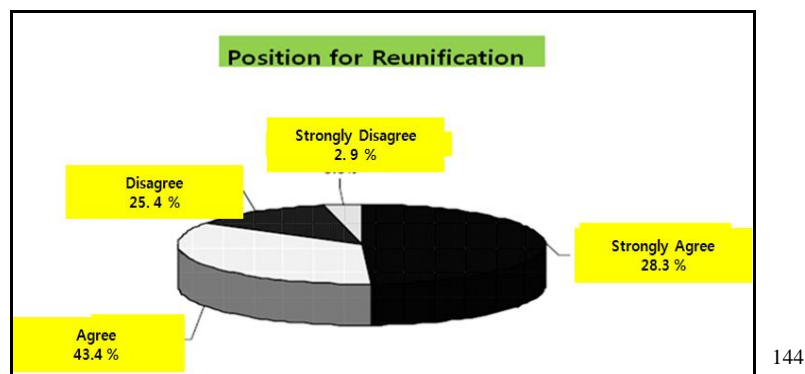
scale propaganda that the result was produced by the effort and ability of government. On the contrary, if the result is bad, every time, government was shifted the blame for the failure of negotiation onto opposite side. This is very similar to the Cyprus case. The Annan Plan was difficult for public people to understand, and political leaders even intercepted the opportunity for the people to understand through controlling public media. Furthermore, whenever the two Koreas conflict, an overall lull in negotiations was the only choice of government. Negotiation is just one step of the march to reunification, so the people of the nation have the right to see the process. As the Annan Plan was rejected by the people, a solution excluding the people's opinion will be rejected by the people.

## 5.2 Will of Korean People for Reunification

Without the will for reunification, nothing can be accomplished. Even if there is an absolute reunification plan, if the people do not want reunification, the reunification plan is worthless. How about the Korean case? Although the data of a North Korean poll is very rare, according to one research result:

- South Koreans were asked "whether they wish unification to be realized". The result showed that most of them, 83.4% agreed while only 14.6% of them answered they do not. The desire for the unification, therefore, turned out to be very high.
- While almost all, 98.9% of North Koreans answered they want unification and none of them stand against it. North Korean people appear to have more desire for unification.<sup>143</sup>

Another South Korean research also shows that about 84% of South Koreans agree with the reunification.

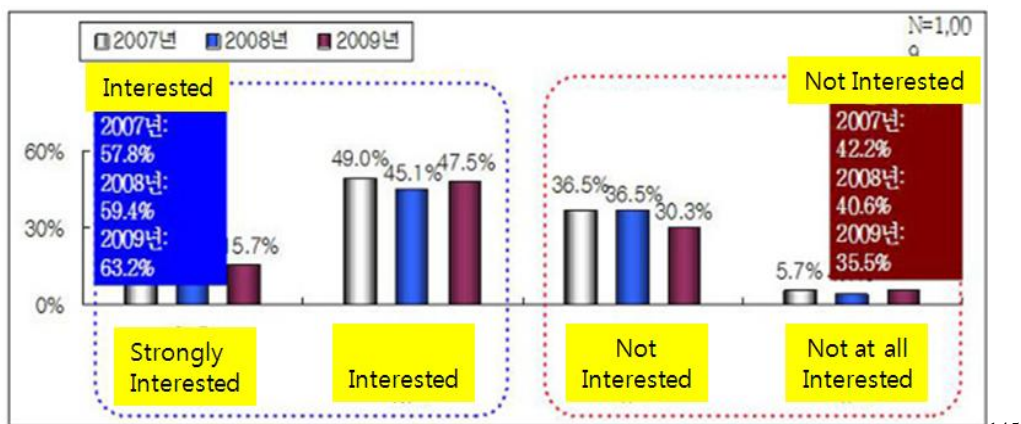


Even though 28.3% of South Korean people who disagree with reunification are important, but the people who agree strongly with reunification, is more important. Korea has divided since 1948. 64 years have passed since then. The dispersed family members who desire the

<sup>143</sup> "Understanding and Responses of the North Koreans on the Social and Economic Condition of North Korea", *Good Friends: Centre for Peace, Human Rights and Refugees*, 2000, Available at [http://reliefweb.int/sites/reliefweb.int/files/resources/6B5C4624E2EBB92649257455000FBDA5-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/6B5C4624E2EBB92649257455000FBDA5-Full_Report.pdf)

<sup>144</sup> KBS (Korean Broadcasting System), "National Survey of public opinion for reunification", 2011, Available at [http://www.moonsp.org/board/view.php?bbs\\_id=moonsun&doc\\_num=688](http://www.moonsp.org/board/view.php?bbs_id=moonsun&doc_num=688)

reunification most are dying from old age. South Korean people have more vested rights through economic development that they rarely want to be infringed by reunification. The people who strongly agree with reunification might be decreased in the future. Especially, the opinion of the young generation for reunification is anxious. According to a 2009 national poll, about 35.5% of South Korean youth (age between 19~40) are not interested in reunification.



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In the future, reunification will be an impractical matter for Korean people. Although reunification should be accomplished for the nation's future, the motives for reunification come from the past time. Korean people should not forget how much they have suffered from their divided situation. Korea should end military conflicts. The property and vested rights could be demolished in 2 hours, if they have a 2<sup>nd</sup> Korean War. This is an infallible reason why Korea should accomplish our reunification. Reunification problem should be discussed ceaselessly and the reasons why Korea should accomplish it should be taught to the younger generations.

<sup>145</sup> Korean National Unification Advisory Council, "The Survey of Korean Young Generation's Opinion for Unification", 2009, Available at <http://blog.daum.net/mounification/8768006>

## 5.3 Korean Debating for Political System

### 5.3.1 UN Recognition of Each Korea

A simultaneous recognition of the UN by the two Koreas can give good lessons to Cyprus. The Two Korea had conflicted on the legitimacy of state. However, this conflict was put an end by one South Korean President. To summarize the process of it:

“The Roh(13<sup>th</sup> Korean President, 1988~93) Korean administration pursued so-called ‘A Northward Policy’ and succeeded in making diplomatic ties with Russia in 1990 and China in 1992, while North Korea had yet to normalize relations with the United States and Japan. These diplomatic ties were evaluated as a remarkable victory for South Korea over its northern counterpart. They also have important meaning in the sense that they helped to dismantle the Cold War structure on Korean peninsula. The division and confrontation between South and North had long been balanced and solidified while the South was allied with the United States and Japan and the North with Soviet Russia and China. In September 1991, South and North Korea were jointly admitted to the United Nations as new members.”<sup>146</sup>

For 38 years, there has been no Korean state in the world which has been recognized by international society, because each Korea had insisted its governmental tradition and justification as the only state of Korea. Furthermore, there were furious oppositions for simultaneous accession of the UN, even in Korean inner society. They urged that it was an antinational way which divides Korea as two states, eventually. However, the South Korea government persuaded the opposition part that simultaneous accession is the shortest way for unification and that South Korea should acknowledge North Korea as equal. Finally, the UN security council, especially Russia and China recognized South Korea as a sovereign state.

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<sup>146</sup> Ji, *supra* note 141, p.10

North Korea is being ruled by a small group of leaders, a dictatorial regime. This group never wants to be deprived of their vested rights. Besides, radical reunification by their collapse is also not helpful for Korea. South Korea should accomplish its reunification by negotiation with this dictatorship. Therefore, South Korea should accept the North Korean government as a partner of negotiation. Kim-Il-Sung and his son, Kim-Jung-Il died. Now, his grandson, Kim-Jung-Eun is the new leader of the DPRK. South and North Korea should make a new history on the Korean peninsula with him. It depends on South Korean magnanimity whether the Korean peninsula will again be again stained with blood or not.

### **5.3.2 Conflicting over Political System**

The Korean people lived together for 1269 years as the people of same nation; the first Korean unitary nation, “United Silla”<sup>147</sup> was built in 676 and Korea was divided by occupation forces in 1945. The construction of unitary state seems natural, but the two Koreas are conflicting over political systems. North Korea and South Korea have insisted on different governmental systems. “North Korea insists that ‘the Federal Republic of Koryo’ would comprise one nation, one state, two systems, and two regional governments.”<sup>148</sup> On the contrary, South Korea has insisted on a unitary state of Korea. There are three stages toward the accomplishment of unitary state.

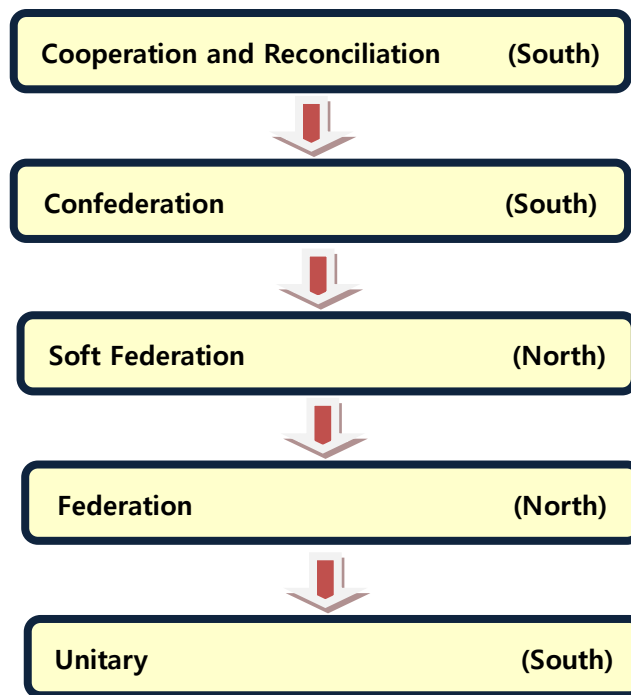
- Cooperation and Reconciliation Stage  
(Unitary state South Korea v. Unitary state North Korea)
- Confederation Stage (Confederation Korea)
- Unitary Stage (Unitary state Korea)

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<sup>147</sup> In 660, Silla subjugated Baekje. In 668, Silla conquered Goguryeo to its north. Silla then fought for nearly a decade to expel Chinese forces on the peninsula intent on creating Tang colonies there to finally establish a unified kingdom as far north as modern Pyongyang.

<sup>148</sup> Ji, *supra* note 141, p.102,

South Korea insists on one state, one system and one government. The two Koreas are in confrontation with contrary views. If the stages of reunification are arranged in a row based by the degree of unity the two Koreas insist on, we can realize that all of the governmental systems can be placed on one path.



The North Korea government does not want Unitary State which can threaten its political, vested interests. The South Korean government insists on that Korea should accomplish a unitary state, because Korean people believe that they can integrate fully in politic, social, and cultural part. However, the Cyprus case tells us that the political system cannot be completed in the first step of reunification. If the united people want a unitary system, united Korea will be unitary state in the end, while, if a federation type of system would be more useful, a united Korea will keep the federal system.

South Korea should not be too attached to the governmental system. It is enough that the two Koreas have the will of reunification and going ahead gradually after many trials and errors. Unless North Korea tries to absorb South Korea into their dictatorship, it is critical to begin with cooperation, not with deciding on a governmental system.



One good suggestion for this process is a gradual regional unity like ‘Gae-song Industrial Region’. Gae-sŏng Industrial Region is a special administrative, industrial region of North Korea. With the effort of Ju-Young Jung, the first chairman of Hyundai (Korean enterprise), Gae-sung Industrial Region was formed in order to ease the military tension and to cooperate in economic part in 2002. Kaesong Industrial Park is being operated in the region, as a collaborative economic development with South Korea. It is located ten kilometers north of the Korean Demilitarized Zone with direct road and rail access to South Korea and an hour's drive from Seoul. Gae-song is the only region which South and North Korean people can contact daily and legally. This construction of a mutual city is one desirable solution which can solve the conflict and governmental disagreements. When the two Korea negotiated the issue of the Gae-song industrial region, they debated adjunctive problems like conflicts with governmental system. In the end, they concluded an agreement while leaving room to negotiate later. The Gae-song industrial region has been maintained even after the Bombardment of Yeon-Pyoung-Do. It stands to reason that this regional cooperation is helpful for the self-supporting economy of North Korea which can decrease the expense of reunification. South Korea should try to find the way in which it can unite gradually.

## 5.4 Self-reliance of National Defense and Foreign Forces

### 5.4.1 Korean Security Environment

Cyprus and Korea must accomplish the withdrawal of foreign forces and achieve the self-reliance of national defense. How can Korea accomplish the withdrawal of foreign forces? Korea might be able to find the solution how to expelling the foreign powers, through the analysis of interested countries on the Korea peninsula. First of all, the USA is a sensitive country to Korean issue, “because these forces are vitally linked to the United States strategy of maintaining peace and stability in Northeast Asia. If they are pulled out of the Korean peninsula, calls for similar troop withdrawals from Japan would likely gain momentum, which would eventually force the US to revise its security strategy for Northeast Asia.”<sup>149</sup> The strongest and most hostile countries to the USA cluster in Northeast Asia. China, Russia, and North Korea have been the stronger enemy of USA than any past enemy such as Vietnam, Iraq, Afghanistan, Cuba, Libya, Panama, Granada, Palestine or Iran. However, the USA cannot easily keep North Korea in submission by the use of military forces because of an unyielding North Korea as well as China and Russia. Although the USA pretends to support real Korean independence, the USA always keeps watch on Korean affairs for its strategic interests to defense the extension of China and Russian power.

The Chinese position is almost the same as the USA. “China apparently does not like North Korea’s development of nuclear weapon, which can easily trigger a chain reaction of similar activities in the region. In this sense, Chinese interests in Korea--a desire to avoid war, avoid collapse of North Korea and avoid nuclear proliferation--have been congruent until now.”<sup>150</sup> The positions of the USA and China for Korean reunification have similar aspects.

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<sup>149</sup> Ji, *supra* note 141, p.27

<sup>150</sup> *Ibid*, p.28

In the case of their balance of power, the two super powers do not want conflict, and they may also pursue the strategy of Korea as a buffer zone of their power. On the contrary, in the case of broken balance, the superior side may try to establish a friendly state by any method.

Russia's position and inner calculation is similar to the USA. Russia's main strategy is "maintaining stability in Korea; establishing balanced relations with two Koreas; helping with inter-Korean dialogue; cooperating with other big powers in Korea; and opposing domination of the Korean Peninsula from external forces."<sup>151</sup> Russia concentrates on getting economic profits in the economic cooperation between the two Koreas, including connecting the Korean railroads to the Trans-Siberia Railroad.

However, another super power, Japan has a different intention with the reunification. Historically, Japan had taken neutral line between South and North Korea, but present Japanese position is different.

"Since Japan is seriously worrying about the influence on Japan of the possible collapse of North Korea and war in the Korean peninsula, it watches the situation very closely. Especially, Japan's greatest concern about North Korea is its missile program. Because of the American forces stationed in Okinawa, Japan sees itself as the number one target of a possible North Korean missile attack. It also worries about the impact of a possible North Korean collapse upon Japan, such as rush of refugees and demands for a Korean rehabilitation fund. About 100,000 North Koreans and their Japanese wives who returned to North Korea from Japan in the 1960s still have family and relatives in Japan."<sup>152</sup>

Japan suspects that its best position regarding Korea's reunification is opposition. With Korea divided, Japan can have a voice in Korean affairs. Japan expects that it would have an increase in conflicts with a unified Korea and that a decrease in its influence would be

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<sup>151</sup> Ji, *supra* note 141, p.31

<sup>152</sup> *Ibid*, p.29

inevitable. “Japan may not welcome a unified Korea with a population of seventy million and a fair amount of economic and military capability. The Japanese deny this, though they admit that they worry about the possible emergence of Korean nationalism.”<sup>153</sup>

#### **5.4.2 Solution for Self-reliance of National Defense**

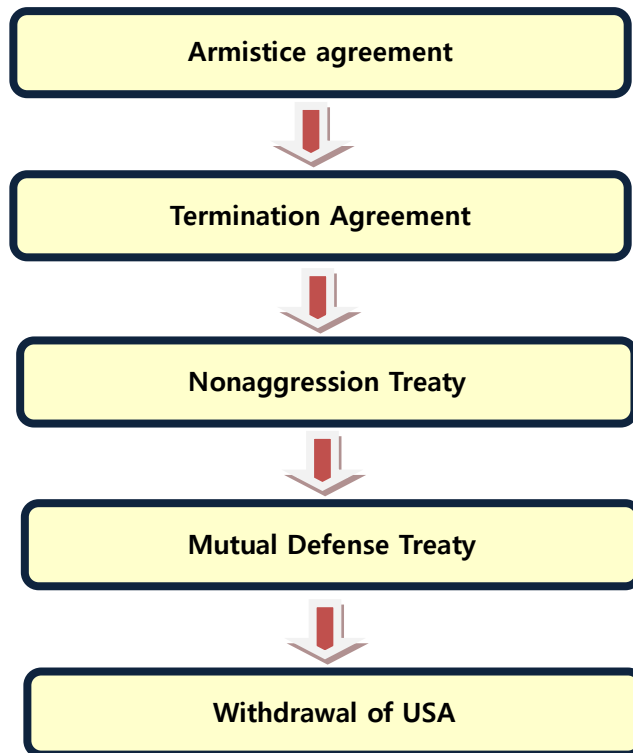
It is natural that an independent nation should accomplish the self-reliance of national defense. For this, the withdrawal of foreign forces is necessary. In the position of North Korea, the withdrawal of USA forces is a necessary precondition. Although there is some opposition to the stationing of USA army, many South Korean oppose the withdrawal of USA forces due to mistrust of the North and fear of war. The South Korean people do not want the withdrawal of USA military without the confidence that North Korea will not make military provocation or event start war again. By Oct. 2011, USA forces of 26,000 are stationed in Korea. The USA forces have been stationed in Korea since 1945, although they withdrew for 1 year (1949~1950). The withdrawal period caused the Korean War. This historical experience caused many South Koreans to rely on USA forces out of fear of war. On the other hand, this stationing of USA forces has also been the biggest obstruction of negotiations with North Korea. North Korea is afraid of the USA military, because it is a very powerful threat to their government.

As a result, a prior question is when and how Korea can accomplish the withdrawal of USA forces and finding the way to accomplish the self-reliance of national defense. One way is to keep balance with external powers. Another is for the two Koreas to dissolve the state of tension gradually by direct negotiations. For instance, the two Koreas should change the Armistice Agreement to the Termination Agreement. Then, Korea should endeavor to

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<sup>153</sup> Ji, *supra* note 141, p.29~30

conclude a nonaggression treaty. Finally, if a mutual defense treaty is concluded, USA forces are no longer needed and should be removed. One suggestion of process for USA military withdrawal is as follows:



In this process, it is important that the two Koreas should not be manipulated by external powers. The present Armistice Agreement was concluded by UN allied forces and South Korea did not agree to participate in the negotiation. Some people argue that the agreement of the USA is needed in order to conclude the Termination Agreement of War. This is an absurd idea. At that time, the South Korean government was opposed to the conclusion of the Armistice agreement. They chose not to be present at the Armistice meeting, leaving the burden of protecting South Korea on the USA. Korea cannot find the solution for the Korean peninsula from begging a super power's help. The self-reliance of national defense cannot be accomplished by foreign forces.

## **5.5 Private Property Right vs. National Profits**

Since the Japan annexation of Korea in 1910, there has been disorder of property rights. Japan deprived many Koreans of their property rights. After Japan surrendered in 1945, USA military confiscated land and took compensation which it paid out and distributed to South Korea. At the same time, USSR confiscated land with no compensation and carried out free distribution. After that, the Korean War have broken out in 1950, and ended in 1953. The Korean War changed not only the border between South and North Korea, but also numerous land owners died and registration record of land was destroyed. Eventually, South Korea concluded the inner dispute by the Special Measure Law regarding the treatment of Land Reform Project 1968. Now, South Korea authorizes private property and land transaction, while North Korea forbids possession and transaction of land.

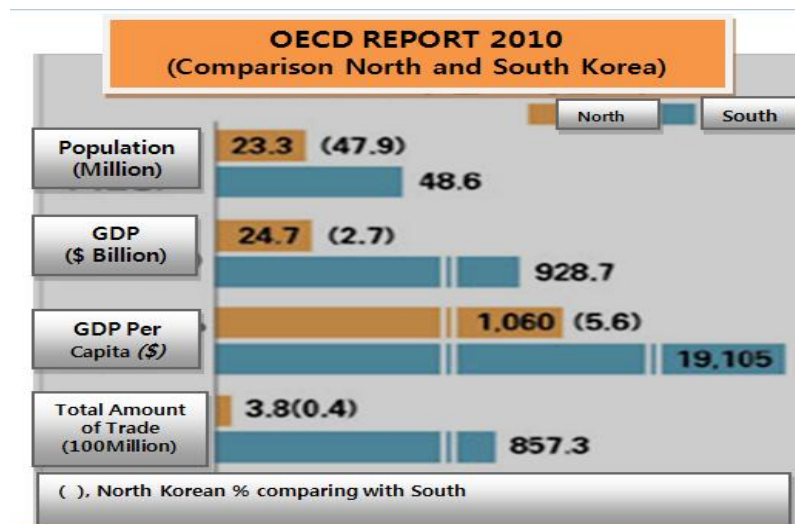
Although the Korean property issue looks more serious than the Cyprus case, Korea does not have migration on a large scale like Cyprus. Furthermore, because of the utterly disordered situation arising from the Japanese Annexation and the Korean War, an individual owner cannot easily prove their property rights. It is a matter of course that private property right should be protected. However, far more individuals of the nation can suffer crisis due to a small population of original land owners. If an individual is too adamant in insisting on their property rights, government may choose to restrict private rights.

Moreover, as Britain promised to assign its part of SBA to unified Cyprus in the Annan Plan V, Korea can find the solution to reunification expense from the different economic system. Firstly, government should compensate the original land-owner, but it should be limited to the cases in which the original owners can prove their property right. The cases that could be proved would be a few. Moreover, the appropriation standard of compensation should set prices at the basis of present land value in North Korea. Government would get

enormous financial benefits from this land, because North Korean real estate cannot help rising in price. The profits for all of people of the nation should have priority over minor interests. As the Annan Plan showed, profits from the absorption of the border between the two Korea, the DMZ (De-Militarized-Zone) can be used for reunification expenses. Property issues will not be an obstruction to reunification.

## 5.6 Korean Identity

The ethnic sameness of Korean people cannot guarantee national reconciliation automatically. Reconciliation comes from respecting others as the same people. It is unclear whether the South Korean people are ready to accept the North Korean people as the same people. Even if reunification is accomplished and all Korean people come to live together, unless they make real reconciliation, reunification will be broken off again. Contrary to the Cyprus case, Korean people have high homogeneity in language, culture, religion, and race. The problem is with the gap of economics and education. In the capitalist society, the social status of one person is decided by his economic state. In order to raise the social status, education gives them very important opportunities. However, South Korea and North Korea have a big gap in economy and education. By 2010, the South Korean population is double of North, and GDP of the North Korea is less than 3% of South Korean. The total trade amount of North is just 0.4% of South Korea.



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<sup>154</sup> Byoung-Ho Kim, "OECD, Comparison of South and North Korean Economy", *Maeil Business Newspaper*, 18 June 2010 <http://news.mk.co.kr/v3/view.php?sc=30000016&cm=%EA%B2%BD%EC%A0%9C%C2%B7%EA%B8%88%EC%9C%B5%20%EC%A3%BC%EC%9A%94%EA%B8%B0%EC%82%AC&year=2010&no=318637&relatedcode=000010128&slD=301>



There is also quite a large gap in education between North and South. Almost 80% of South Korean High school students go on to university, while only 22% of North Korean high school students go on to university.

South and North Korean University Education

| Items                                 | South | North |
|---------------------------------------|-------|-------|
| Number of University Student          | 3 022 | 530   |
| Number of Middle/High school Students | 3 851 | 2 394 |
| Rate of University students           | 78.4% | 22.1% |

(Thousand)

The achievement of University scholarship is very critical factor in deciding a person's job. The above table shows well the reality of this gap between the two Koreas through seeing the above table. This gap is also shown well the data of people escaping from North Korea. Except for a few people, most of them are laborers or students. By 2006, if we see their job in North Korea, the unemployed including student or those of old age are "56.3%. Labors are 36%, specialists like professors or doctors are 1.6%, soldiers are 0.4%, and artists are 0.4%.

Data of Refugees from North Korea

|               | 2001 | 2002  | 2003  | 2004  | 2005  | 2006  | 2007  | 2008  | 2009  | 2010  | Total        |
|---------------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------------|
| <b>Person</b> | 583  | 1,138 | 1,281 | 1,894 | 1,383 | 2,018 | 2,544 | 2,809 | 2,927 | 2,376 | <b>18953</b> |
| <b>Male</b>   | 294  | 506   | 468   | 626   | 422   | 509   | 570   | 612   | 668   | 578   | <b>5253</b>  |
| <b>Female</b> | 289  | 632   | 813   | 1,268 | 961   | 1,509 | 1,974 | 2,197 | 2,259 | 1,798 | <b>13700</b> |

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It is natural that they cannot easily acclimate themselves to new capitalist society. According to recent public news, most North Korean refugees experience discrimination from the people of South Korea. Although economy and security are also important, reunification is completed by real reconciliation. South Korea is not prepared to accept North Korean people as the same people. Gradual integrity can be a solution which can decrease the economic and educational gap. Reconciliation begins with embracing North Korean refugees. If South Korean people cannot accept just only 20,000 North Korean refugees, the accomplishment of reunification with 30,000,000 North Korean people cannot be accomplished desirably. Korea should endeavor to decrease the gap between the two Korean people.

<sup>155</sup> Korean National Statistics, "Data of Refugees from North Korean, 2001~2010", Available at [http://www.index.go.kr/egams/stts/jsp/potal/stts/PO\\_STTS\\_idxMain.jsp?idx\\_cd=1694](http://www.index.go.kr/egams/stts/jsp/potal/stts/PO_STTS_idxMain.jsp?idx_cd=1694)

## 5.7 Significance of Political Leaders for Reunification

The Korean case shows very well how much the situation of negotiation for reunification can be influenced by the political leaders. The first South Korean government had the Korean War with North Korea. It is needless to say that they could not help having a hostile relationship. Thereafter, the next South Korean government, military regime came into power through two coup d'états. This military regime could not develop the relationship with North Korea because anti-communism was a national platform, and there are many military collisions between the two Koreas.

However, the new Korean leader of the first politic party which accomplished the change of regime, Kim Dae-jung tried to make reconciliation between the two Koreas. Finally, the first summit meeting was held in Pyeong-Yang on 13<sup>th</sup> June 2000. He abandoned past anti-communism and hostile attitude. He had headed the “Sunshine Policy”<sup>156</sup> for reunification in spite of the opposition of conservatives. The sunshine Policy can be summarized as a word, ‘Compromise’. He asserted that South Korea should help North Korea and that Korean problems should be solved by Koreans, not foreign powers. He accomplished the symbol of cooperation between the two Koreas, Gae-Sung joint industrial district.

This amicable mood disappeared after the conservative party’s taking over of the regime. The new conservative regime blamed ‘Sunshine Policy’. The new conservative regime asked preconditions of North Korea such as apology for military attack and a stop developing nuclear weapons just as Makarios insisted on the recognition of the TRNC as a precondition. At last, the two Koreas tore down the tower of cooperation that they had built for 10 years,

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<sup>156</sup> The ‘*Sunshine Policy*’ was the foreign policy of South Korea towards North Korea until Lee Myung-bak’s election to presidency in 2008. Since its articulation in 1998 by South Korean President Kim Dae Jung, the policy resulted in greater political contact between the two States; the two Korean summit meetings in Pyongyang (June 2000) which broke ground with several high-profile business ventures, as well as brief meetings of separated family members.

and produced tragic military conflicts again namely the “ROKS *Cheonan* sinking”<sup>157</sup> and the “Bombardment of Yeon-pyeong”.<sup>158</sup>

The military conflicts have always been repeated, but the aftermath of conflict was different depending on the leader’s policy. It depends on the policy of government whether the two Koreas will have amicable mood again or not. While the political influence of the North Korean people is limited because of the North Korean dictatorship, South Korean people can select their political leader by their will. This is the reason why the people of South Korea should be more prudent in selecting their political leaders.

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<sup>157</sup> See, “the Major Military Conflicts in Korea”, p.13

<sup>158</sup> *Ibid.*

# Conclusion

Divided countries sometimes forget why they should accomplish the reunification. Even though some people oppose it, it is only natural that divided countries should accomplish their reunification. Because reunification can end tragic military conflicts and can accomplish the self-reliance national defense through the withdrawal of foreign forces. Also, the people of divided country had lived together and had developed economy and culture. They are compatriots who can help each other like family. Compatriots are different with the foreign forces that are attached to their profits always. Especially, Korea should never forget the tear of dispersed family members who are dying with bitter regret. Furthermore, when the two Koreas become one, Korea will lead international society as a super power with the economic benefits of reunification.

However, the important thing is how the reunification should be accomplished. In other words, it is important which model of reunification can fulfill the purpose of reunification. The answer of this question can be found from the cases of Vietnam, Germany, and Yemen. Absorptive reunification brings many problems, and also radical reunification in equal status is not desirable. Finally, a gradual consensual reunification by negotiation in equal status is the desirable model of reunification which fulfills the purpose of reunification.

Cyprus is trying to accomplish the gradual consensual model, and shows well what problems can happen in the process of gradual reunification model. Especially, the Cyprus referendum 2004 shows well how the gradual consensual model can be frustrated by the people. Annan Plan had pursued the gradual reunification model, but it did not overcome several critical faults. Except for the veiled greed of foreign powers, the Annan Plan was a reasonable and desirable solution. Nevertheless, the reason why the Annan Plan failed, was Cyprus' politic leaders did not observe the principal of reunification negotiation, that is, 'gradual' and 'people'.

Negotiation does not mean that any part has to achieve all of its goals or force another part to obey its requests. Negotiation is just, step by step, through concession and comprehension, marching toward a brighter future. For gradual model, there should not be deadline for negotiation. Divided country should endeavor to continue their negotiation until each side build the strong confident. It might take more time of a generation. However, if they really want the prosperity of nation, divided countries should pursue 'gradual' and 'regional' integration like Gae-sung Industry District. Although South Cyprus people rejected the Annan Plan due to the fear of 350 Turkish military, but they are being threatened by 30,000 Turkish military now. They lost the chance that they can make Turkish military withdraw gradually.

Moreover, the leaders of divided countries should not forget the fact that the host of nation is the people, not political leaders. In order to accomplish real reconciliation, the people can accept the reunification plan and the opposite people. For this, politic leaders must communicate with the people. They should open the gate of negotiation and lift the veil of secret. On the other hand, people should also pay attention to select their political leaders. Cyprus shows well how the fate of divided country can be changed by political leaders. When people select a political leader, they should think the prosperity and reunification of nation, not private benefits and ethnic group.

Korea should bear the Cyprus case in mind. Cyprus case gives Korea very definite lessons on how we should prepare for our reunification. Each Korean people should be interested in our reunification and have confidence in knowing why it should be accomplished. It is foolish fighting to conclude the political system of a united state, because the political system has been changed so many times by situation changes.

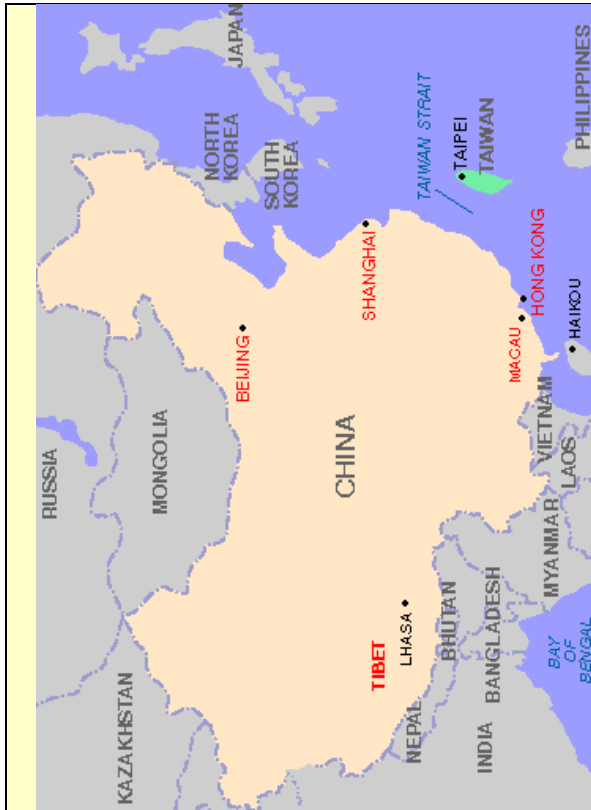
Political integration does not automatically guarantee social reconciliation. The new and reasonable identity of the Korean people should be able to embrace South and North people.

Also, in the process of reunification, the sacrifice of the private population might be asked for national profits. Government must endeavor to protect people's property rights and the people do not have to insist on their rights from egoistic greed.

Nowadays, the two Koreas are at a loss as to which way we should go. The nuclear issue is making two Korean positions narrow more and more, while foreign powers are raising their voice. There is the only solution we can select. Two Koreas should hold out its hands in peace in order to start real negotiation directly. In the world, there is no external power which can solve our problem of reunification.

# Appendix

## Maps of Divided Countries



China and Taiwan



Cyprus



South and North Korea



England and Ireland



## Photos of Korean Military Conflicts



**The raid of Cheong-Wa-Dae, the president residence (1968)**

North Korean special forces platoon of 31 soldiers infiltrated Seoul to kill VIPs in the government.



**The hijacking of a passenger airplane (1969)**

A South Korean civil aircraft was hijacked to North Korea. 51 people on board were released after 2 months, except 12 people. They are being detained until now.



**The assassination of First Lady (1974)**

One North Korean terrorist tried to kill the President, Park-Jeong-Hee, but failed. A stray shot killed First Lady.



**The bomb terror of Myanmar (1983)**

An attempt to kill South Korea President visiting Myanmar failed. 17 VIPs in government died including the vice prime minister.



**Blasting of passenger airplane (1987)**

A North Korean woman agent blew up the KAL858 airplane. All passengers of 115 died,



**2<sup>nd</sup> Yeon-Peong Battle (2002)**

South Korean Navy engaged with North Korean Navy who crossed the border. 19 died, 25 wounded, the North Korean patrol boat sank



**Cheon-An-warship Sink(2010)**










South Korean warship was sunk by torpedo in the South Korean territorial water. 40 people were killed



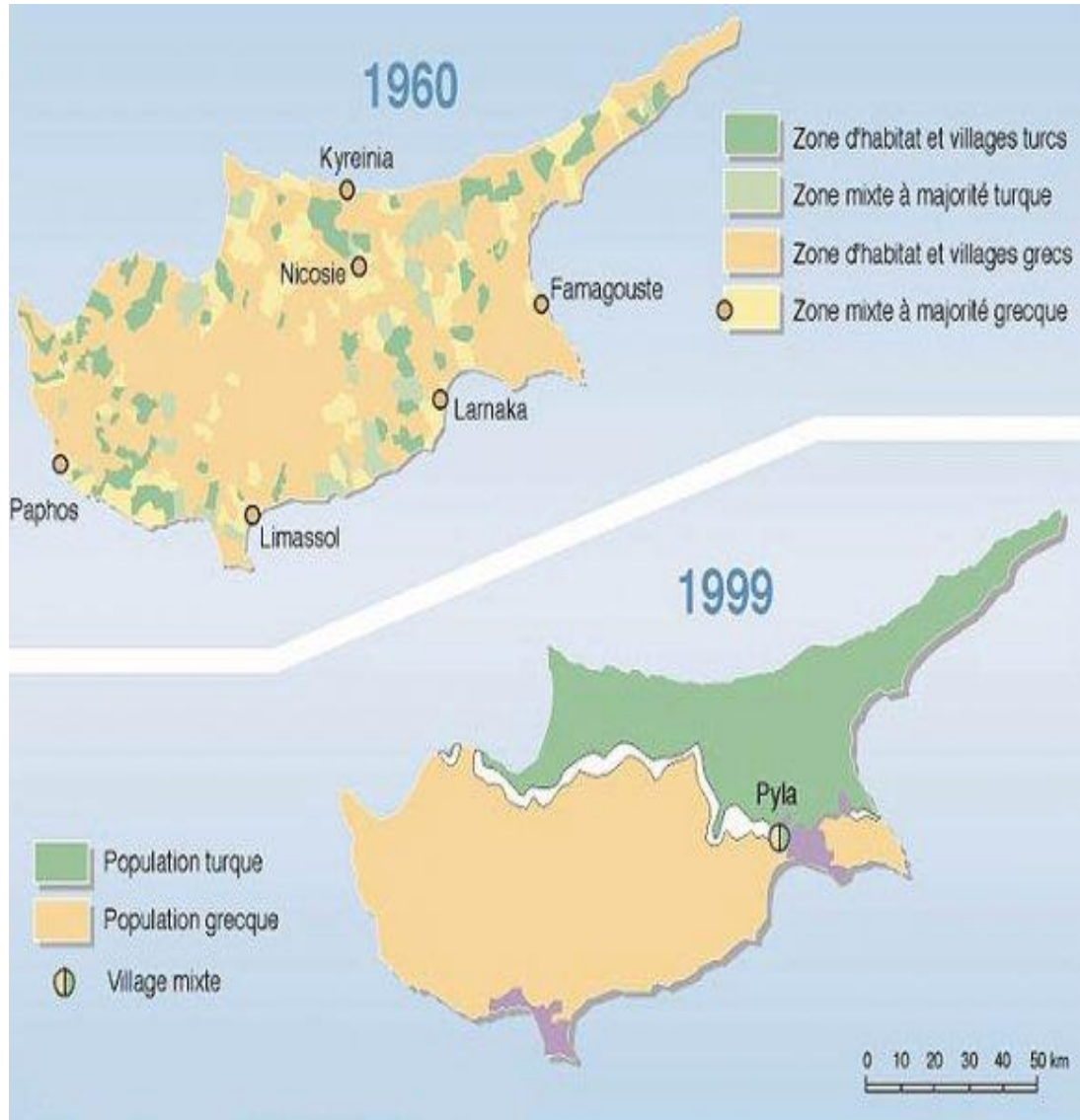
**Bombardment of Yeonpyeong, a Korean island (2010)**

On 24, Nov, 2010, North Korea shelled dozens of artillery on the South Korean island and 4 people died including 2 civilians.

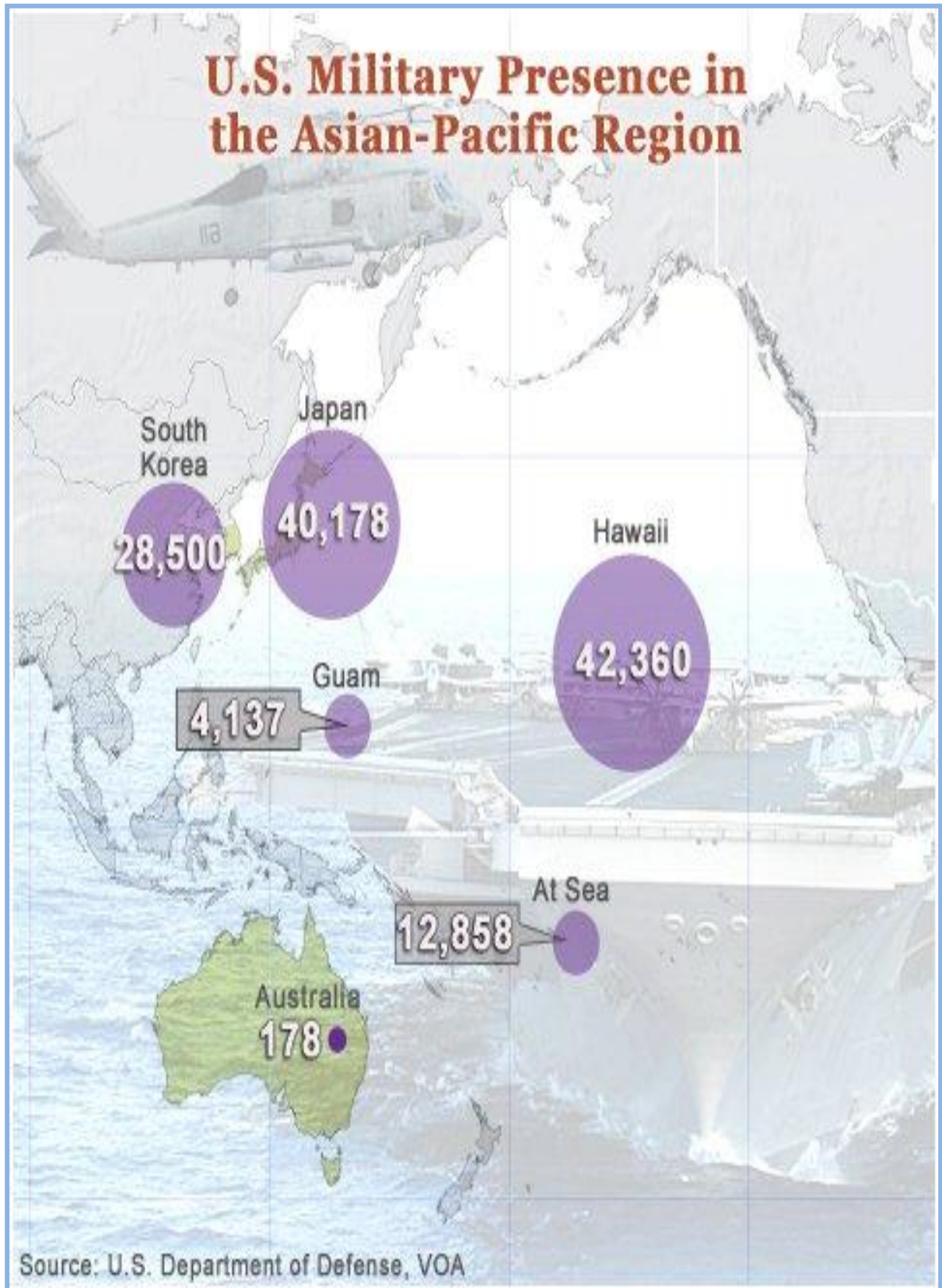
## Major Person of Annan Plan Negotiation

|  |  |  |
|--|--|--|
|  <p style="text-align: center;"><b>Kofi Annan</b><br/>a Ghanaian diplomat<br/>the 7<sup>th</sup> of the UN (1997~ 2006)</p> |  <p style="text-align: center;"><b>Alvaro de Soto</b><br/>a <a href="#">Peruvian</a> diplomat<br/>the Secretary-General's Special<br/>Adviser on <a href="#">Cyprus</a></p> |  <p style="text-align: center;"><b>George W. Bush</b><br/>43rd President of the USA from<br/>2001 to 2009</p> |
|  <p style="text-align: center;"><b>Rauf Denktas</b><br/>'76~'05 President of North Cyprus</p>                              |  <p style="text-align: center;"><b>Mehmet Ali Talat</b><br/>President of TRNC ('05~'10)<br/>Prime Minister ('04~'05)</p>   |  <p style="text-align: center;"><b>Recep Tayyip Erdoğan</b><br/>Prime Minister of Turkey since<br/>2003</p>  |
|  <p style="text-align: center;"><b>Glafkos Clerides</b><br/>'93~'03 President of South Cyprus</p>                         |  <p style="text-align: center;"><b>Tassos Papadopoulos</b><br/>the 5th President of Cyprus<br/>from 2003 to 2008</p>  |  <p style="text-align: center;"><b>Demetris Christofias</b><br/>President of Cyprus ('08~'current)</p>      |

## Distribution Map of Turkish and Greek Cypriots (Before and After Turkish Military Intervention)



## USA Military Presence in Asian-Pacific Region



# Armistice Agreement of Korean War (1953)

## ARTICLE V

### MISCELLANEOUS

61. Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

62. The Articles and Paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.

63. All of the provisions of this Armistice Agreement, other than Paragraph 12, shall become effective at 2200 hours on 27 JULY 1953.

Done at Panmunjom, Korea, at 1000 hours on the 27<sup>th</sup> day of JULY, 1953, in English, Korean, and Chinese, all texts being equally authentic.

김일성 회석 Mark W. Clark

KIM IL SUNG  
Marshal, Democratic  
People's Republic  
of Korea  
Supreme Commander,  
Korean People's Army

PENG TEH-HUAI  
Commander,  
Chinese People's  
Volunteers

MARK W. CLARK  
General, United States  
Army  
Commander-in-Chief,  
United Nations  
Command

### PRESENT

남일  
NAM IL  
General, Korean People's Army  
Senior Delegate,  
Delegation of the Korean People's  
Army and the Chinese People's  
Volunteers

W. K. Harrison  
WILLIAM K. HARRISON, JR.  
Lieutenant General, United States  
Army  
Senior Delegate,  
United Nations Command Delegation

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