

Araştırma Makalesi / Research Article

# The Rationale of Turkish Cypriot Position on *Two-State Solution* in Cyprus\*

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## Abstract

This article examines the rationale behind the Turkish Cypriot position on the *Two-State* solution in Cyprus. The analysis consists of three interrelated parts. Initially, the question of whether Turkish Cypriots are entitled to 'peoplehood' that can exercise the right of self-determination according to international law is discussed. This is followed by evaluating the reasons driving the Turkish Cypriot side to exercise the right of self-determination and whether Turkish Republic of Northern Cyprus (TRNC) fulfills the criteria for statehood. In accordance with arguments carried out in the previous sections, the final part delves into the reasons for the Turkish Cypriot position on the *Two-State* solution in Cyprus in detail. It is argued that Turkish Cypriot people possess all of the attributes of statehood and are entitled to the same rights and status as the Greek Cypriot side currently exercises. Therefore, reinstating Turkish Cypriot people's rights by reaffirming their sovereign equality and equal international status is necessary for a just and sustainable settlement in Cyprus.

## Keywords

TRNC, Cyprus, Two-State solution, self-determination, recognition, peoplehood.

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# Kıbrıs Türklerinin Kıbrıs'ta *İki Devletli* *Çözüm* Konusundaki Pozisyonunun Gerekçeleri\*

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## Öz

Bu makale, Kıbrıs'ta iki devletli çözüme ilişkin yeni Kıbrıs Türk pozisyonunun gerekçelerini incelemektedir. Makale, birbirleriyle ilişkili üç bölümden oluşmaktadır. Öncelikle, Kıbrıslı Türklerin uluslararası hukuka göre kendi kaderini tayin etme hakkına sahip bir halk olup olmadığı tartışılmıştır. İkinci bölümde, Kıbrıs Türk halkını kendi kaderini tayin hakkını kullanmaya iten nedenler Kuzey Kıbrıs Türk Cumhuriyeti'nin devlet olmanın şartlarını yerine getirip getirmediği tartışmasıyla birlikte değerlendirilmiştir. Önceki bölümlerde yapılan tartışmalara uygun olarak, son bölümde Kıbrıs'ta iki devletli çözüme ilişkin Kıbrıs Türk tarafının duruşu detaylı bir şekilde incelenmiştir. Kısaca, Kıbrıslı Türklerin devlet olmanın tüm niteliklerine ve Kıbrıs Rum tarafının şu anda kullanmakta olduğu haklara ve statüye sahip oldukları öne sürülmüştür. Bu nedenle, Kıbrıs Türk halkının egemen eşitliğinin ve eşit uluslararası statüsünün teyit edilerek haklarının yeniden tesis edilmesi, Kıbrıs'ta adil ve sürdürülebilir bir çözüm için gereklidir.

## Anahtar Kelimeler

KKTC, Kıbrıs, iki devletli çözüm, self-determinasyon, tanınma, halk olma hakkı.

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## Introduction

Following the *de facto* separation of Turkish Cypriots and Greek Cypriots in 1964, the Turkish Cypriots were forced to leave their administrative, juridical, and executive roles in the Republic of Cyprus (RoC). From that time on, the Greek Cypriot (GC) government could not extend its jurisdiction, authority, and sovereignty over the Turkish Cypriot (TC) people and the two sides of the island have been self-governing independently since 1964. The Turkish Cypriots have autonomously administrated themselves through the establishment of the General Committee (1963-1967), Temporary Turkish Governance (1967-1974), Autonomous Cyprus Turkish Governance (1974-1975), Turkish Federated State of Cyprus (1975-1983) and the Turkish Republic of Northern Cyprus (*hereafter* TRNC) 1983 onwards.

Negotiations have continued under the auspices of the United Nations (UN) since 1968. However, the efforts made to solve the Cyprus issue over the years have failed, including the UN Annan Plan of 2004 which was accepted by the Turkish Cypriot side at the separately held simultaneous referenda. The most recent failed attempt was made in Crans-Montana in 2017 proving that negotiations on the same failed basis, namely bi-zonal, bi-communal federation have been exhausted and will only perpetuate the problem and the *status quo*.

In order to break this vicious circle, at 5+UN an informal meeting in Geneva that took place on 27-29 April 2021, the new Turkish Cypriot President Ersin Tatar puts forward the proposal of the TC side for a sustainable settlement in Cyprus. According to this proposal, a new and formal negotiation process could only start after establishing the equilibrium and levelling the playing field between the two sides. Under the current international conjecture, this could be satisfied through the *reaffirmation* of the inherent sovereign equality and equal international status of the Turkish Cypriots through which the two existing States on the island could establish a cooperative relationship.

Deriving from these preliminary remarks, this article examines one of the most significant contemporary political themes of Turkish politics which is the rationale of the Turkish position on a *two-state* solution in Cyprus. In order to elucidate the factors that lead to this position initially, the question

of whether Turkish Cypriots are entitled to ‘peoplehood’ that can exercise the right of self-determination according to international law is discussed. This is carried out under Turkish Cypriots’ rights as *people* before the establishment of the 1960 Republic and the bi-communal aspect of the 1960 Republic. This analysis at the heart of the issue is crucially important because only *people* are granted to exercise self-determination right according to international law.

The next research inquiry is the reasons driving the Turkish Cypriot side to exercise self-determination right. This evaluation is made through the discussion of the blatant violation of the constitution by the GC side that nullified the powers and the rights of the Turkish Cypriot people.

In accordance with arguments carried out in the previous sections, the final part discusses in detail the rationale of the Turkish Cypriot position on the Two-State solution in Cyprus by underlying the necessity of re-affirmation of sovereign equality of TCs and non-compromise of the GC side. It is simply argued that Turkish Cypriots possess all of the attributes of statehood and are entitled to the same rights and status as the Greek Cypriot side currently exercises. Therefore, reinstating Turkish Cypriot people’s rights by reaffirming their sovereign equality and equal international status is a necessity for a just, fair, and sustainable settlement in Cyprus.

### **Peoplehood of Turkish Cypriots and their Right to Self-Determination**

In many platforms, self-determination is defined as an essential prerequisite for benefiting from basic human rights. Self-determination could be simply defined as the right of a *people* to decide and determine their future. Nevertheless, it is highly complex to place the self-determination principle into appropriate legal terms. It constitutes one of the highly politicized elements of international law and inter-state relations. There is no *consensus* regarding international criteria and the definition of a *legitimate* secessionist movement.

The principle of self-determination finds its roots in Article 1 of the United Nations (UN) Charter which declares that “to strengthen universal peace and develop friendly relations among nations there should be respect for equal rights and self-determination of peoples.” Similarly, the General Assembly Resolution of 1514 in 1960 also clearly stated that “self-determination

is a legal right.” Furthermore, the First Article of 1966 the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights declare that:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Also, 1970 General Assembly Resolution 2625 stated that:

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development.

The central question at the heart of the issue is: who qualifies as a “people,” or which groups are entitled to exercise self-determination rights and make claims to sovereignty and international recognition? This subject represents one of the crucial and ambiguous issues facing the international community. International law does not define clearly which people can use the self-determination right. In fact, practically, only a limited number of new political or ethnic communities are able to become people and establish sovereign nation-states by invoking this right successfully. Therefore, when people exercised the self-determination right during the decolonization process, it became problematic when other people also wanted to use this right.

Having emphasized the selective and political nature of the right of self-determination, the Turkish Cypriot case is highly exceptional due to the *sui generis* character of the 1960 Republic of Cyprus.

There are two distinct ethnic communities in the island of Cyprus that have close ethnic, religious, cultural, and linguistic connections with their respective mainlands and both groups regard themselves as extensions of the people on the mainland. This has been the case since the Ottoman rule of the island in 1571. During Ottoman rule, which lasted almost three hundred and fifty years, two communities were distinguished as Muslim Turks and Orthodox Greeks. In the Ottoman Empire, there was a *millet* system. Although the direct Turkish translation of *millet* refers to

a *nation*, the Ottoman concept of the nation did not refer to the nation in its contemporary form. The nation is referred to as a religious-linguistic community (Inalcık 107). Therefore, religious affiliations were more important than ethnicity in Cyprus. In this connection, both communities were subject to different systems of law on the island. While Turkish Cypriots ruled according to Islamic law, Greek Cypriots ruled by their courts (Gazioğlu 119). In summary, the Turkish Cypriots have been living in Cyprus for more than four hundred fifty years as a distinct community.

Directly related to this historical fact and status, the Turkish Cypriot community was also recognized as *people* during British rule. The primary manifestation of this claim was the statement made by Lennox Boyd as the British Colonial Secretary in the House of Commons on December 19, 1956, in a Parliamentary Debate. Boyd's documented speech demonstrates that the TC's were entitled to the right of self-determination by the British government. The original statement is:

...it will be the purpose of Her Majesty's Government to ensure that any exercise of self-determination should be effected in such a manner that the Turkish Cypriot community, no less than the Greek Cypriot community, shall, in the special circumstances of Cyprus, be given freedom to decide for themselves their future status...I cannot see how it is anything other than logical to grant a community with such close interests with Turkey, and only 40 miles away, the same rights as we are prepared to recognize should go to the Greek community. In other words, Her Majesty's Government recognize that the exercise of self-determination in such a mixed population must include partition among the eventual options (*House of Commons* 1267-1270).

The then-British Prime Minister Harold Macmillan also confirmed this statement on June 26, 1958, and described the assurances of the Colonial Secretary as *pledges* (Lauterpacht 59). Therefore, according to the British, both the GCs and the TCs are entitled to use the right of self-determination since both communities were treated as *colonized peoples*. Hence, before and during the British administration, there was not a united *Cypriot nation*, and all-important political issues including the future status of the island were considered on a two-community basis. This fact was also reflected in

the demography. When the Republic was established in 1960, among the 629 villages, 392 were purely Greek and 123 were purely Turkish (Brewin 153). Even the mixed villages were separated as Turkish and Greek districts and in every major town and city, there were separate Turkish and Greek quarters. The first and the last President of the RoC, Archbishop Makarios, progressively defined these circumstances as “The 1960 Agreements have created a State but not a Nation” (*Cyprus Mail*).

All these facts demonstrate that the case of one peoplehood and majority/minority status is not applicable in Cyprus where there is not a homogenous and politically viable community. When British rule ended in 1960, there were no legal provisions that transferred the sovereignty or right of self-determination to either of the communities. In this sense, the Turkish Cypriots have equal legal status and equal inherent right to exercise self-determination as the Greek Cypriots under the provisions of the international agreements.

### **Bi-communal Character of the 1960 Republic**

Consequently, the 1960 treaties declared that the RoC is a *sui generis* state with two politically equal communities. In other words, the establishment of the RoC as an independent state was based upon the equal constitutive powers and co-founder partnership of the GC *people* and the TC *people*. For this purpose, the legislative, judiciary, and executive organs of the state could function on the basis of mutual consent from the two communities. Furthermore, all the constitutional and immutable articles of the RoC Constitution were signed by the leaders of both communities, which reflects the consent of both *peoples*.

The RoC Constitution orders a clear and basic division of power between the Turkish and Greek communities. The President, who would be a Greek, was elected only by the GC community for five years. Similarly, the Vice-President would be a TC elected solely by the TC community for five years. Nevertheless, the Turkish Cypriot Vice-President was granted *veto* powers that gave him the executive power to block measures prejudicial to the Turkish Cypriot community. The TC Vice-President was also granted the final veto power along with the President on laws and the House of Representatives decisions and the Council of Ministers decisions

concerning the issues on foreign policy, security, and defense along with any laws referring to modifications of the Electoral Law and the duties and taxes of municipalities. These constitutional provisions indicated that “any policy or action on vitally important issues should be based on the consent of each one of the two chief executives of the State” (Tamkoç 63). To summarize, the formation of a sort of *checks and balances* system through the *veto* power of the Turkish Cypriot Vice-President was specifically designed for the purpose that Greek Cypriots’ numerical superiority did not give them *majority* rights.

Furthermore, it was agreed that the House of Representatives President would be a GC to be elected by the Greek representatives only, and the Vice-President would be a Turk, elected by the Turkish deputies. It was also agreed that there would be two *Communal Chambers* for each community, which were authorized to exercise legislative powers on matters subject to religious, educational, cultural, and personal status, pious foundations, taxes for community development, and municipal taxes (Stavriniades 42). TCs were also granted the maintenance of separate municipalities in the five largest cities of Cyprus. The Constitution envisioned the judicial power to be exercised by a bi-communal system of judicial courts separately designed for each community. The Constitutional Court ordered to be composed of one Turk, one Greek, and one neutral international judge.

The state constitution mandated that the citizens of Cyprus should not be identified as *citizens* of the Republic, but as either Greek or Turkish citizens, in a manner that maintained the constitutional separation of the two communities (Tamkoç 63). Both the Turkish and Greek languages were accepted as the official languages and all administrative and legislative documents were to be prepared and promulgated in both Greek and Turkish. Moreover, on holidays, public buildings were allowed to fly Greek and Turkish flags together with the flag of Cyprus, as the two communities were also allowed to celebrate Turkish and Greek national holidays.

The bi-communality of the RoC was assured and guaranteed through various international agreements between Türkiye, Greece, and the United Kingdom (UK) rather than the unilateral act of the previous colonial power (Great Britain) to the newly independent country. These international agreements underlined the fact that the sovereignty of Cyprus was shared



between the *two peoples* and one could not claim sovereignty over the other. Stating in different words, the sovereignty in the 1960 Republic emerged through *a joint exercise of the self-determination* of both the Greek and the Turkish peoples. Therefore, from the international legal perspective, sovereignty could not be *transferred* to any community in the case of the breakdown of the Republic.

To summarize, both sides were fully involved and played a major role in the 1960 Constitutional Settlements that were formed by three international treaties; the Treaty of Alliance, the Treaty of Guarantee, and the Treaty of Establishment. The official representatives of the two communities accepted the annexed documents of the 1960 establishments separately. Hence, the two peoples of the island exercised their inherent equal rights and co-founded the 1960 partnership RoC. The relationship between the TCs and the GCs was not a majority-minority relation, but of equality between the two communities. The numerical superiority of one community was inapplicable in terms of state mechanisms including the decision-making process. Two separate but equal peoples were identified in the 1960 Republic with checks and balances and a veto system to prevent usurpation of constitutional rights.

### **The Necessity of Turkish Cypriots to Use the Self-determination Right**

Many doctrines indicate the validity of Turkish Cypriot's right to use self-determination according to international law. In this section, this position is further elaborated on the blatant violation of the constitution by the GC side that nullified the powers and the rights of the Turkish Cypriot people.

First of all, despite the clearly defined power-sharing arrangements, GCs unconstitutionally amended the *unamendable* Basic Articles of the Constitution in 1964, turning RoC into a purely Greek state. In this way, the GC side not only violated domestic laws but also international law since the Treaty of Guarantee, which guaranteed the state of affairs established by the Basic Articles of the Constitution, was also signed by the guarantor powers of Türkiye, Greece, and the UK and ratified by their parliaments.

In consequence, the legislative, judiciary, and executive organs of the RoC have been illegally occupied by the GCs since 1963. For instance, there has not been any TC representative in the House of Representatives since

1964. The representatives for the parliament are only chosen among the GCs through the GC electorates. Similarly, since 1964, the Greek Cypriot ministers have occupied the seats that were reserved for the Turkish Cypriots.

To sum up, GCs dismantled the principle of the equality of both communities and protection of the TC people on which the whole constitutional arrangement has been based upon. During this period, the Greek government made no effort to protect or restore the constitutional rights, safety, or property of the Turkish Cypriots. It was therefore the preceding acts of the Greek Cypriot authorities in 1963 that constituted a clear violation of the international law and international treaties that established the RoC. These violations fundamentally changed the circumstances in the island. In consequence, the so-called “Republic of Cyprus” of 1960 became a *defunct* state.

The Greek-occupied Constitutional Court unilaterally justified this illegality by the *state of necessity* doctrine claiming “there was an unlawful armed rebellion against the state by Turkish Cypriots” that created the abnormal situation on the Island. This decision is highly controversial and not legal, at least due to three basic reasons. First of all, the Constitutional Court that took this decision was only composed of Greek judges in violation of the Constitution. Greek Cypriot judges could not claim to take decisions on Turkish Cypriots. Secondly, as put forward by Özersay (46) “if the state or authority in question contributes to the occurrence of the state of necessity, the doctrine cannot be invoked as grounds for precluding wrongfulness or legalizing an unlawful act.” Thirdly, international recognition, no matter how widespread it is, cannot excuse or confer legitimacy upon the violations of both domestic constitutional law and international treaty law, through which the Greek Cypriot side usurped the name and the government of the RoC. Therefore, the breach of the state constitution and international law by Greek Cypriots stands as one of the strong legal and political points in justifying Turkish Cypriots to use their self-determination rights and establish the TRNC in 1983.

Furthermore, the invalidation of the powers and the rights of the Turkish Cypriot people during this period also stands as a significant point that justifies TC’s right to use self-determination. In the case of Cyprus, the so-called *government* composed only by Greek Cypriots destroyed the partnership

republic by ousting TCs from all state mechanisms and denied their rights deriving from the constitution. Turkish Cypriots even faced attacks by Greek Cypriot security forces which were initiated on December 21, 1963, known in history as the “Bloody Christmas”. After these attacks, thirty thousand Turkish Cypriots had to evacuate one hundred and three villages (Ertegin 11). As noted by the UN Secretary-General (UNSG) in his report, a total of 209 Turkish Cypriots disappeared and were never seen alive as a result of the December 1963 events and the Famagusta incident of May 11, 1964.

The UN Ortega Report, which was issued on August 17, 1964, summarized the number of destructions and the estimated cost of damages to Turkish Cypriots’ houses between December 1963 and August 1964. According to this report, in less than eight months, almost three thousand Turkish Cypriot houses and shops had been either completely or partially destroyed. As a result of these grave incidents, the UNSC passed Resolution 186 (S/5575 of March 4, 1964) and the UNFICYP (United Nations Peacekeeping Force in Cyprus) was stationed to end violence in Cyprus. In the same Resolution, it was noted that:

The present situation with regard to Cyprus is likely to threaten international peace and security and may further deteriorate unless measures are promptly taken to maintain peace and seek out a durable solution.

Following the aforementioned attacks, the Turkish Cypriot representatives were forced to abandon their seats in the parliament, ministries, and administration. During this period, the UN reports exposed that postal services were denied, in addition to being subjected to losses in agriculture and industry. The TCs also lost other sources of income including the payment of all sorts of salaries to over four thousand TCs who were employed by the government (SC No. S/5950 Parag. 190). All kind of social insurance benefits were also not paid to the TCs by the central government (SC No. S/5950 Parag. 190).

The UNSG reports also noted that half of the Turkish Cypriot population survived only with assistance from the Red Crescent relief. For instance, the UNSG Report to the SC No. S/5950 on September 10, 1964, Paragraph 190 discloses that:

The number of persons receiving some kind of assistance from the Red Crescent relief amounted to about 56,000, including 25,000 displaced persons, 23,500 unemployed and 7,500 dependents of missing persons, disabled and others...as approximately half of the population came to be on relief.

To sum up, in the 1960 establishments, the Turkish and the Greek peoples were regarded as distinct entities whose rights and interests need to be protected. However, between December 1963 and July 1974 Turkish military intervention, TCs were deprived of the right to participate in government and singled out for oppression because of their ethnicity. In other words, the arrangements for the protection of the interest of the TC people along with their basic human rights have been violated, denied, and politically persecuted by the GC apartheid government amounting to or tantamount to genocide. This fact stands as another significant moral, legal, and political point that justifies the necessity for Turkish Cypriots to exercise their self-determination right and to establish the TRNC.

### **TRNC Fulfillment of Statehood**

Having discussed in detail Turkish Cypriots' as 'people' who can exercise self-determination right and the necessity to use this right after their expulsion from the state and experiencing various political persecution by the Greek Cypriots, now it is time to briefly evaluate whether the TRNC fulfills the requirement of statehood.

Initially, it is worth stressing that until 1983, more than nine years after the Turkish military intervention in Cyprus, the separation of the TC and GC peoples by borderlines, and the formation of the *de facto* state of the TCs, and twenty years after the break-down of the 1960 Republic, the Turkish Cypriots negotiated bi-zonal and bi-communal federation with the GC side. During this period, the TC side did not demand recognition or claim to be a sovereign state but acted as an autonomous administration (James 119).

The well-known definition of *peoplehood* was conceptualized by the international jurist Aureliu Cristescu in his report presented to the UN in 1981. Cristescu summarized his view as "peoples should be understood to mean all those that are able to exercise their right of self-determination;

occupies a homogeneous territory and whose members are related ethnically or in other ways” (271).

As this statement explicitly points out, any group with a distinct ethnic and religious identity, which has a separate geographical land and constitutes the majority over this territory, could claim to be *people*. Nevertheless, in order to be more eligible for peoplehood and for practical reasons, this ethnic group should also have the *capacity* to exercise self-determination right. In this connection, the Montevideo Convention on the Rights and Duties of States of 1933 declares the most widely accepted formulation of the criteria and the traditional *indicia* that are recognized by the customary international law for statehood. According to this convention, the state should possess “a defined and protected territory, a permanent population, and an effective government”. In addition to these principles, an additional contemporary criterion emerges as the capacity to conduct external relations. Arguably, a fifth criterion which is prospects of *permanence* could be also added to these requirements since there are a number of territories that have purported to secede and have claimed independence as an intermediate stage to merge with other states.

According to the “declaratory” school of international law, if people in a territory satisfy these criteria it is automatically a state in international law. Hence, according to this school, recognition by other states is not a necessity to be a state and its presence or absence makes no difference to the legal position (Brownlie 87-89, Warbrick 221-24, Jennings and Watts 128-132, Shaw 268-370).

Following these definitions, the TRNC fulfills all the criteria for statehood. It has a defined and protected territory, a permanent population, an effective and democratically elected government with established state organs, and the capacity to conduct international relations with other states effectively. An elected government from a multiparty system governs the TRNC. In the parliament, fifty representatives are chosen from the six districts namely capital Lefkoşa, Mağusa, Girne, Güzelyurt, Lefke, and İskele. The elections are repeated every five years. Similarly, through the election that is conducted every five years, the people choose the President. Furthermore, the Constitution of the TRNC was approved by the referendum on May 5, 1985 via a majority of 70.18 percent. In this respect, Brewin (180) noted

that the referendum for the establishment of the Turkish Cypriot Federated State, along with the referendum for the Constitution of the TRNC created a strong moral case, which is even stronger than legal arguments.

In addition to the domestic requirements, the TRNC has also proved its capacity to conduct foreign affairs with other states effectively. The country has an embassy and ambassador in Ankara and official consulates in İstanbul, İzmir, Mersin, Antalya, Gaziantep, and Trabzon in Türkiye, and representative offices in twenty different countries including the United States of America (USA), UK, Germany, France, and Italy. Furthermore, it is worth stressing that Turkish Cypriots did not use their independence as an intermediate stage to merge with any other state.

Finally, as a contemporary development, the TRNC became the observer state of the Organization of Turkic States (OTS) on November 11, 2022 with its constitutional name that proves the international recognition of the country. The Article 7 of the Samarkand Declaration declared that “Turkish Cypriots is part of the Turkic World and welcome TRNC’s OTS Observer Status” (Samarkand Declaration). Similarly, the Article 8 of the Ankara Declaration of the Extraordinary Summit of the OTS on March 16, 2023, which was the first Summit Meeting attended by Ersin Tatar as the TRNC President, stated that “Appreciated the active involvement of the Observer States in the activities of the OTS; and noted the participation of the TRNC at the Extraordinary Summit of the OTS” (Ankara Declaration). Furthermore, the TRNC Parliament became an Observer member of the Legislative Assembly of Turkic States in April 2023. These memberships are a way forward for the TRNC to gradually establish recognition of its statehood.

### **The Requirement of a *Two-State* Solution in Cyprus**

As mentioned earlier, this article is based upon three interrelated parts on analyzing the basis of the Turkish Cypriot position on the *Two-State* solution in Cyprus. Since this model is inherited from the sovereign equality of Turkish Cypriots, the initial part is focused on why TCs are people since only people can exercise self-determination right. Then, the reasons why TCs have to use their self-determination right after the 1963 incidents that paved the way for the establishment of the TRNC are discussed in

detail. Deriving from these points, the final section examines why there is a requirement for a *Two-State* solution in Cyprus under two main pillars namely the necessity of re-affirmation of sovereign equality of Turkish Cypriots and non-compromise of the GC side.

As analyzed in depth above, Turkish Cypriots are people who have been living on the island for more than four hundred fifty years as a distinct community. TCs recognized as people during British rule and TC leadership signed the 1960 treaties independently as proof of equal legal status and the inherent right to exercise self-determination. Therefore, the TC side's sovereign equality and equal international status is an inherent historical, legal, and political right emanating from international agreements. In other words, the TC people are as sovereign as the GC people. In this respect, numerous UN documents emphasized *the equality* of the two communities on the island. For example, the UN Secretary-General Boutros Ghali explicitly put forward in 1992 in the UN Secretary-General Report S/24472 that "sovereignty emanates equally from both communities. One community cannot claim sovereignty over the other" (S/24472).

Despite these facts, under the guise of the legally defunct RoC, the Greek Cypriot government is recognized as the sole legitimate authority of the island. This has created an unlawful and unfair status gap between the two sides. Although it is also declared by the UN that the two sides in Cyprus are inherent equals, this *equality* needs to be demonstrated not just in *words*, but also in *practice*. The equality between the two sides cannot be restricted to the negotiation table that enables the Greek side to walk away as a recognized government being aware that the TC side will continue to suffer under isolation. Only through *leveling* the playing field both at and outside of the negotiation table, there could be results-oriented negotiations for mutually acceptable, realistic, and practical settlement for a cooperative relationship between the two states.

Consequently, the Turkish Cypriot position on the *Two-State* solution in Cyprus is *not* an artificial demand but the *reaffirmation* of the inherent rights of the TCs deriving from international law that they were deprived of by force in 1963. Furthermore, it is worth stressing that the TC side declared that the formal negotiation process could start immediately after the confirmation of their inherent rights.

Secondly, one of the underlying reasons that have led to the repeated failures of the 56-year-old negotiation processes is the unwillingness of the GC side to share power and prosperity with the TCs. Since 1964, the GC side has been recognized as the legal authority of the island despite amending the immutable articles of the Constitution and ousting the TCs from the Republic. Furthermore, unfortunately, the UN and the international community remained silent about the harsh socio-economic and political measures that the TCs encountered between 1963 and 1974. In consequence, the absence of a *mutually hurting stalemate* between the two sides led to an *illusion* that is “the creator of the Cyprus issue and the *guardian* of its *existence*” (S/2023/6).

Inevitably, these facts created a comfort zone for the GC side to refuse any settlement in Cyprus based on the equality of both sides. Former Greek Foreign Minister Rolandis has admitted the Greek side has rejected at least 15 major United Nations documents for a settlement, including the 1959-60 Zurich-London Accords (through amending the Constitution), 1978 Anglo-American Canadian Plan, Evaluation of Waldheim in 1981, Indicators of Perez de Cuellar in 1983, Boutros Boutros-Ghali Set of Ideas of 1992, the Confidence-Building Measures Package of 1994, and the Comprehensive Settlement Plan also known as the Annan Plan of 2004 (Rolandis “Our ‘heroic’”; Rolandis, *Official*).

Similarly, in the immediate aftermath of the Annan Plan referenda that were approved by 65% of the TCs and rejected by 76% of the GCs, former UN Secretary-General Kofi Annan had written in his report of 28 May 2004 to the SC (paragraph 83) that “what was rejected was the solution itself rather than a mere blueprint.”

Therefore, the failure of UN-facilitated efforts and the negotiation process demonstrated that there is a need for a fundamental *change* in Cyprus. After 56 years of repeated failures in trying to reach a comprehensive settlement on a federal basis since 1968, at least it is known now what *does not work* in Cyprus. The main reason for this failed process is the absence of political equilibrium between the two sides to facilitate a settlement.

Hence, there is a need to address the imbalance between the two sides that stands as an obstacle to equality-based solutions on the island. The *status*



*quo* in Cyprus is not favoring either side and to overcome this impasse, the settlement should rely on the *factual realities* of the island. To this end, historical, political, and conjectural gaps could be overcome and the opportunity window could open for bilateral and regional cooperation and stability.

In fact, the realities of the ground have established roots and a long story on the island. Following the December 1963 attacks, the TCs separated their administration from the Greek Cypriot government, elected their own representatives, and established their governing institutions. For example, the UNSG Report to the SC on March 11, 1965 (No. S/6228) paragraph 203 cites that “the areas inhabited entirely by the Turkish Cypriots are inaccessible to the RoC (Greek) Government’s law-enforcing authorities and officials.” Paragraphs 178 to 181 of the S/6228 report also point out that “the Turkish Communal Chamber is collecting income taxes from the Turkish Cypriots and the government of Cyprus has not collected any taxes.” Additionally, paragraph 193 mentions that the government’s “courts have not judged any cases involving the Turkish Cypriots”. Therefore, there are two *de facto* administrations on the island since 1964. The TC community elected the TC Legislative Assembly and the *Executive General Committee* in 1964 and in 1967, the Provisional TC Administration has been established (Polyviou 82).

After Türkiye’s military intervention on the island and establishment of the borders under the auspices of the UN in 1974, the *Autonomous Turkish Cypriot Administration* was established which was succeeded by the *Turkish Cypriot Federal State (Kıbrıs Türk Federe Devleti-KTFD)* in February 1975. Once more, the representatives of the KTFD were chosen through democratic elections. On October 15, 1983, TRNC was proclaimed to obtain legal character to the existential status of the state (Mor 285, Tamçelik and Safi 15). The President and the representatives of the TRNC parliament have been chosen by the Turkish Cypriot people since then through periodically held democratic elections. Simply stating, the two sides have been effectively running their *States* since 1974.

Similarly, after the opening of the border crossings in 2003 for the first time since 1974, the citizens of both states began to cross each other’s territory by showing their appropriate travel documents to immigration officers. This

was one of the facts that also demonstrated the existence of two states on the island. GC side have no authority or jurisdiction over the TC people, the TRNC, or the Buffer Zone. Each side knows and is well aware of where their sovereignty, jurisdiction, and authority starts and ends.

Arguably, the two sides cannot continue to be in permanent conflictual relations with each other which has serious costs to both sides. To this day, Turkish Cypriots continue to be under strict political, economic, and cultural isolation and are deprived of financial assistance from the international community. This isolation denies, prevents, or restricts the Turkish Cypriots from traveling, engaging in international trade, and all kinds of cultural and sporting activities with other countries.

On the other hand, the GC side has its own regional restrictions and with the two-state solution these could be resolved. The only way for the GC side to normalize its relations with Türkiye is an agreement with the TC side that will pave the way for enormous economic benefits for them. The ability to use the airspace, airports, and ports of Türkiye and the TRNC, will not only reduce transportation costs, it will also boost the revenue from tourism, investments, and all kinds of commercial activities with the Republic of Türkiye. Also, with the decline in military expenditures, the GC side could save billions of euros in a very short period of time.

To sum up, the cooperation and the good neighborly relationship between the two states could contribute to the much-needed stability and welfare in the Eastern Mediterranean region. As a demonstration of goodwill in this direction, the Turkish Cypriot side proposed six constructive proposals for cooperation to the Greek side in July 2022 that will be beneficial to the both peoples on the island. The proposals for cooperation include; sharing of the hydrocarbon resources that belong to both sides around the island, transition to green energy; including the establishment of electricity interconnectivity of the island with the European Union grid via Türkiye and optimizing the utilization of solar energy including investments throughout the island. The cooperation proposals also encompass common use of freshwater resources of the island including sharing the water that the TRNC have been receiving through underwater pipelines from Türkiye, clearing the remaining landmines on the island and the establishment of a cooperation mechanism for irregular migration (S/2024/13).

Turkish Cypriots proposal on hydrocarbon issue is very remarkable because contesting claims over maritime zone boundaries and distribution of resources in the Eastern Mediterranean may lead to extensive legal, economic and political crisis in the region (Erdoğan 79). Greek side unilateral actions and giving licenses over disputed areas provoked objections and preventive measures from Türkiye (Acar 104). It is estimated that there are approximately 3.5 billion barrels of oil and 10 trillion cubic meters of gas in the Eastern Mediterranean (Kavaz 141). In this respect, Turkish Cypriot proposal that envisages the establishment of a committee hydrocarbon activities for revenue-sharing including the energy companies that have been separately licensed by the both sides and coordination of future off-shore activities, contracts and transfer of the hydrocarbon resources is a *game changer* for *win for all* outcome. Also, the mutually beneficial proposals on the aforementioned priority areas will form the foundation of constructive cooperation of both sides to pave the way forward.

### **Concluding Remarks**

This article examines one of the most significant contemporary political themes of Turkish politics which is the rationale behind the *two-state* solution in Cyprus. The evaluation is carried out by answering certain research questions including; Do Turkish Cypriots have a peoplehood right that can exercise self-determination? What were the reasons that led Turkish Cypriots to exercise their right of self-determination after the 1963 incidents? And; why is there a requirement for a *Two-State* solution in Cyprus?

As an answer to these inquiries, it is put forward that TCs are *people* with a distinct identity by means of ethnicity, language, and religion from the GCs. Historically, politically, and legally speaking, the TC people have never been a *minority* on the island. The TC side is also a co-founder and a co-owner of the 1960 partnership state of Cyprus. These facts demonstrated that as equals, Turkish Cypriots possess inherent sovereign equality and equal international status as Greek Cypriots. Therefore, Turkish Cypriots possess all of the attributes of statehood and are entitled to the same rights and status that the Greek Cypriot side currently exercises.

However, the international community's persistent denial to recognize these legal rights and factual realities on the ground since 1964 resulted in an

illusion that the GC government has the capacity to represent the whole island. The usurpation of the 1960 Republic by the GC side illegally and asymmetrically confer legitimacy on them. This illusion is the creator of the Cyprus issue and the guardian of its existence.

The historical realities and the failure of *all* the efforts to solve the Cyprus issue over the years prove that negotiations on the same failed basis namely; bi-zonal, bi-communal federation have been exhausted and will only perpetuate the problem and the *status quo*. In order to break this vicious circle, the TC side proposed a *Two-State* solution for a sustainable settlement in Cyprus. It is put forward that a new and formal negotiation process could only start after establishing the equilibrium between the two sides. This could be satisfied through the reaffirmation of the inherent sovereign equality and equal international status of the Turkish Cypriots that would pave the way for a cooperative relationship between the two sides. Accordingly, the cooperative relationship between the two sides under a *two-state solution* would not only provide mutual benefits for the two peoples on the island but also contribute to the much-needed security, stability, and prosperity in this already volatile region.

### **Conflict of Interest Statement**

There is no conflict of interest with any institution or person within the scope of this study.

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