

**EUROPAUDVALGET**

Alm. del - bilaq 866 (offentligt)

Embassy of the Republic of Cyprus  
Copenhagen

Copenhagen, 13 May 2004

Mr. Claus Larsen-Jensen  
Chairman of the European Affairs Committee  
Folketing

A handwritten signature in cursive script, appearing to read "Claus".

Please find enclosed an Aide Memoire stating the position of the Government of the Republic of Cyprus in connection with the result of the referendum of 24<sup>th</sup> April, 2004 held in Cyprus.

I would like to highlight that Greek Cypriots have not rejected the solution of the Cyprus problem. They have not approved this particular plan.

I would be grateful if you could circulate for information the Aide Memoire among the members of the esteemed Committee.

A handwritten signature in cursive script, appearing to read "Yannis".

Yannis Iacovou  
Chargé d' Affaires

### **AIDE MEMOIRE**

On April 24<sup>th</sup> the People of Cyprus were asked to approve or reject, through separate, simultaneous referenda, the U.N. Secretary General's proposal for the Comprehensive Settlement of the Cyprus Problem (Annan Plan V). A clear majority of 75.8% of Greek Cypriots rejected the Annan Plan.

**It should be emphasized that Greek Cypriots have not rejected the solution of the Cyprus problem. They have not approved this particular Plan.**

According to the Agreement reached in New York on 13 February 2004, the Secretary General would finalize the Plan, exercising his discretion, after two stages of serious negotiations between the sides in order to reach agreement on all key issues. Unfortunately, the prospect of the finalization of the Plan by the Secretary General, at the end of the agreed procedure, has proved to be a counter-incentive for substantive negotiations in Cyprus and in Switzerland.

**Thus throughout the process, no real negotiations took place, since the Turkish side consumed most of the time by putting forward demands that were contrary, both to the fundamental principles of the Plan, as well as, to previously agreed "trade-offs".**

These Turkish demands have been satisfied in the Annan Plan as finalized by the Secretary General on 31 March 2004. In contrast, basic proposals of the Greek Cypriot side, all within the parameters of the Plan, have been disregarded. The clear outcome of the referenda in both sides confirmed the initial assessment of the Greek Cypriot side, that all third parties involved in the process concentrated their efforts towards satisfying the interests of the Republic of Turkey and ensuring a positive result of the referendum in the Turkish Cypriot community, while ignoring the fact that Greek Cypriots also had to be convinced to approve the Plan.

**The final package presented to the sides contained provisions, which could not be approved by the Greek Cypriots:**

- Greek Cypriots did not accept the presence of Turkish troops in perpetuity, which according to the Plan would remain in Cyprus even after Turkey's eventual accession to the European Union.
- Greek Cypriots did not accept the continuation of the Treaty of Guarantee for an indefinite period of time, with an expanded scope when compared to the 1960 Agreement following the independence of Cyprus. It should be noted that it is this very treaty that Turkey used as a pretext, in violation of the UN Charter, to justify its 1974 invasion of Cyprus. It was not possible for Greek Cypriots to accept the indefinite continuation of Turkey's Guarantor status over a country, which has suffered an invasion and subsequent occupation by this Guarantor power.
- Greek Cypriots rejected a Plan, which did not contain ironclad provisions for the implementation of the agreement, especially for those provisions where Turkey's cooperation was necessary. It is noted that demands of the Greek Cypriot side for additional guarantees and other safeguarding measures regarding the

gradual reduction of Turkey's occupying troops and the territorial adjustment, were ignored, thus increasing the feeling of insecurity for the Greek Cypriots.

- Greek Cypriots failed to understand why, despite their numerous protestations, **45000 Turkish settlers, were to be given citizenship of Cyprus, in addition of those who are married to Turkish Cypriots or have been born in Cyprus, plus a further, at least 20000 were to be given permanent residence with the prospect of gaining citizenship in a period of four years.** It suffices to remind that the Republic of Turkey, in violation of the 1949 Geneva Convention, the Statute of the International Court and the Treaty of Establishment, illegally implanted these settlers in Cyprus.
- Moreover, people did not understand why **all Turkish settlers, who constitute a majority of persons on the "electoral rolls of the TRNC", have been permitted to vote in the referendum, in spite of the principle, laid down by the International Court of Justice, "requiring the free and genuine expression of the will of the people concerned" as well as, the precedent applied in East Timor.**
- In addition, Greek Cypriots rejected a Plan, which effectively allow a permanent flow of Turkish nationals in Cyprus.
- Greek Cypriots did not consent to a Plan that would have established a **complicated and dysfunctional state, through the possibility of continuous deadlocks on clearly political issues unsuitable for judicial arbitration.** This could, with a high degree of certainty, lead to paralysis.
- Greek Cypriots rejected the Plan, certain provisions of which are clear violations or long-term suspensions of the enjoyment of fundamental rights. These provisions institutionalize a divisive structure in the political sphere, on questions of residency, in the exercise of the right to property and even the right to conduct business.
- Greek Cypriots disapproved a plan that **denied to the majority of refugees the right of return to their homes in safety.** Moreover, the proposed complex mechanism, relevant to the exercise of the property rights of refugees, with the numerous conditions attached to reinstatement of property, failed to convince that it would effectively function. In addition, the scheme for compensation was fraught with ambiguities that raised serious concerns about its future economic viability.
- Greek Cypriots rejected a Plan imposing on them the liability to pay the large claims for loss of use of properties in the Turkish occupied area. Greek Cypriots simply refused to assume the cost of the *fait accompli* created by the 30-year occupation of their land.
- Greek Cypriots rejected a Plan, which provides that Cyprus shall not put its ports or airports at the disposal of the European Union, in the context of European Security and Defense Policy, without the consent of Greece and Turkey. Acceptance of such provisions would deprive Cyprus of enjoying sovereign rights even as a member of the European Union.

The disappointment of the international community, for not arriving at a settlement, is fully understandable. The Republic of Cyprus shares this disappointment. Nevertheless it should be noted that the international community should aim at finding and securing viable, just and lasting solutions to international problems. The efforts for a solution of a complex international dispute, such as the Cyprus problem, must continue. The solution, to be viable and to withstand the test of time, must be just and perceived as such by the people who have to live with it.

Though this particular effort did not succeed in resolving the Cyprus problem, the international community should remain committed in addressing the root causes of the problem. This is none other than the illegal invasion and occupation of part of the Republic of Cyprus by Turkey and the forceful separation policies inflicted on the Greek Cypriots and Turkish Cypriots by 30 years of Turkish military occupation.

The Greek Cypriots are not turning their backs to their Turkish Cypriot compatriots. On the contrary, we shall work for a solution that will meet the hopes and expectations of both communities. We want a common future for all Cypriots within the European Union, without any third parties dictating that future.

In this spirit, a package of measures, to the benefit of the Turkish Cypriots, which have been described as generous by the international community and has already led to tangible economic and other benefits to the Turkish Cypriots is being implemented by the Republic of Cyprus since last year. In particular more than 12% of the Turkish Cypriots are working in the Government controlled area. Moreover, a considerable number of Turkish Cypriots is using, free of charge, the medical facilities of the Republic.

In addition to the package implemented, the Republic of Cyprus announced to the European Union on 26 April 2004, its intention to expand the trade, subject to the procedures and rules of the European Union, of wholly obtained goods (agricultural, mining and fishery products) as well as the intra-island trade of the manufactured goods produced in the occupied area. Furthermore, the Government of the Republic of Cyprus has advocated that the 259 million euros earmarked by the European Union for the Turkish Cypriots in the event of a Cyprus settlement, for the period 2004-2006, be made available as from now. Turkish Cypriots will be given the opportunity to enjoy, to the extent possible, the benefits of Cyprus's European Union accession.

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