



Resolution 1362 (2004)¹

Situation in Cyprus

Parliamentary Assembly

1. The problem of Cyprus, which has now been divided for several decades, has seen some major developments since the adoption of Parliamentary Assembly [Resolution 1267 \(2002\)](#) on the situation in Cyprus, but Nicosia is the last and only capital city in Europe which is divided not only politically but also by military forces. Positive momentum has been generated by the direct negotiations between the leaders of the Cypriot communities in the framework of the good offices of Kofi Annan, United Nations Secretary General, the magnet effect of European Union enlargement, Turkey's more constructive attitude and the changes in public opinion in the northern part of Cyprus, leading to hopes that a just and lasting solution will at last be found to the Cyprus problem.

2. However, despite the efforts of the international community and the rallying of Cypriot political forces, the Cyprus problem remains unresolved and Cypriots divided.

3. The Parliamentary Assembly particularly deplores the failure, in March 2003, of negotiations on the settlement of the Cyprus problem on the basis of the plan presented by Kofi Annan, when Mr Denktash, the Turkish Cypriot leader, rejected the plan while Mr Papadopoulos, President of the Republic of Cyprus, appeared willing to sign it. The Assembly welcomes the recent statements by leaders of the Cypriot communities and by the governments of Greece and Turkey that they are prepared to resume negotiations on the basis of the Annan Plan, and calls on all the parties concerned to resume negotiations without delay, to conduct them in good faith and to be prepared to take into account each other's concerns and to make compromises in order to reach a settlement before European Union enlargement.

4. If no settlement is reached, a divided Cyprus will join the European Union on 1 May 2004. The Assembly fears this may result in a hardening of the two communities' leaders' positions and perpetuate the current deadlock.

5. While the Greek Cypriots will benefit from the advantages attendant on Cyprus' accession to the European Union, the Turkish Cypriots will be deprived of them, as the implementation of the *acquis communautaire* in the northern part of Cyprus will be suspended in accordance with Protocol No. 10 to the Treaty on Accession of the Republic of Cyprus to the European Union. There is a real danger that the Turkish Cypriot community will be increasingly sidelined, the economy will decline still further and tensions will increase. In this respect, the Assembly welcomes the set of measures adopted by the Government of the Republic of Cyprus in order to give the Turkish Cypriots the opportunity to enjoy several rights and benefits that the Republic of Cyprus offers to its citizens.

6. Furthermore, if a *de facto* divided Cyprus joins the European Union, this is likely to undermine the prospects for Turkey's accession and consequently destabilise the situation throughout this region of Europe. In this respect, the Assembly stresses that Turkey has a key role to play in the search for a settlement leading to the reunification of Cyprus. Although the question of Cyprus is not an explicit part of the Copenhagen criteria as such, the Assembly believes that if Turkey does not normalise its relations with Cyprus, this might be perceived by the European Union as a lack of readiness, on the part of Turkey, to fully remove obstacles to accession negotiations. The Assembly welcomes the Turkish Government's more open-minded and pragmatic approach to the Cyprus problem and invites it to exert all its influence in support of the United

1. *Assembly debate* on 28 January 2004 (4th Sitting) (see [Doc.10028](#), report of the Political Affairs Committee, rapporteur: Mr Eörsi). *Text adopted by the Assembly* on 28 January 2004 (4th Sitting).



Nations Secretary General's efforts to achieve a settlement. Moreover, while being aware of Turkey's concerns with respect to the security of Turkish Cypriots, the Assembly is confident that these concerns will be addressed once the settlement is reached. At the same time, the Assembly believes that Turkey should be given clearer guarantees that negotiations on European Union membership will start once the fulfilment of the Copenhagen criteria is confirmed by the European Union.

7. The elections held in the northern part of Cyprus on 14 December 2003 have shown that the Turkish Cypriot community is very divided with regard to the choices concerning its future.

8. The Assembly notes with satisfaction that a substantial proportion of the Turkish Cypriot community is now in favour of a settlement based on the Annan Plan and of a reunified Cyprus joining the European Union. Accession is seen increasingly as a source of hope rather than a threat, and division as an obstacle to the Turkish Cypriots' future in Europe rather than a means of protecting their rights. The Assembly welcomes the fact that Turkish Cypriot political leaders sharing these views have growing support from the population of the northern part of Cyprus. The Assembly is concerned, however, that some Turkish Cypriot political leaders perceive certain concessions as preconditions to the negotiation, while most, if not all, of those concessions can be achieved as a result of successful negotiations.

9. At the same time the Assembly is aware that many other Turkish Cypriots still perceive the Greek Cypriot community as a security threat and Turkey as the best guarantee that the tragic events of the past will not happen again. Consequently, reunification of the two parts of Cyprus and accession to the European Union without Turkey being a member still inspire mistrust. Some Turkish Cypriot leaders still use these feelings of mistrust to justify their uncompromising position. Recalling that one of the greatest achievements of the European Union has been its ability to resolve centuries-long conflicts among nations and ethnic groups, the Assembly believes that there are no grounds for these feelings. Noting with satisfaction that no incidents have occurred between Greek and Turkish Cypriots since the re-opening of the "Green Line", the Assembly believes that the persistence of such fears is a clear indication that Greek Cypriot authorities must do more to rebuild confidence between the two communities. Certain attitudes and statements on the part of the Greek Cypriot authorities would unfortunately seem to have substantiated these feelings.

10. It is for the leaders of the two communities to overcome the pattern of confrontation based on past fears and on efforts to secure unilateral advantages and to turn to the future of their communities, which share the same island and will hopefully have a common future within the European Union.

11. In this connection, the Assembly welcomes the steps taken by the Government of the Republic of Cyprus, on the one hand, and the Turkish Cypriot administration, on the other, to build confidence between the two communities, and encourages them to make further efforts and show greater openness in this respect.

12. The Assembly therefore:

12.1. calls on the leaders of the two communities:

12.1.1. to resume negotiations without delay, and in good faith, on the basis of the Annan Plan, with a view to reaching a political settlement of the Cyprus problem by 1 May 2004;

12.1.2. to make further efforts to build confidence between the two communities;

12.1.3. to respond in a constructive manner to steps taken in that direction with special regard to the concerns of the other community;

12.2. calls on the authorities of the Republic of Cyprus:

12.2.1. to continue to confirm their willingness to resume negotiations on the basis of the Annan Plan, with the aim of reaching a comprehensive settlement of the Cyprus problem by 1 May 2004, and to be ready to start negotiations as soon as the United Nations Secretary General resumes his mission of good offices;

12.2.2. during these negotiations, to show understanding of, and good will to address, the Turkish Cypriots' concerns, including those relating to the resettlement of the population, the use of property, the viability of the solution to be reached, and the perceived political and economic dominance of the Greek Cypriots;

12.2.3. to refrain from any attitudes, acts or statements that might be interpreted as designed to assert the dominant position of the Greek Cypriot community, or might be perceived as a threat by the Turkish Cypriot community, or might revive and fuel the mistrust and suspicion of the Turkish Cypriot community and Turkey;

- 12.2.4. to eliminate any remaining obstacles to contact and exchange between the two communities, including prosecution of those staying overnight in the northern part of Cyprus and confiscation of personal items bought there;
 - 12.2.5. to facilitate the Turkish Cypriot community's commercial exchanges with other countries;
 - 12.2.6. to develop relations with Turkey;
 - 12.2.7. to continue to confirm their commitment, after the enlargement of the European Union, not to oppose Turkey's application for membership;
- 12.3. calls on the Turkish Cypriot authorities:
- 12.3.1. to demonstrate their willingness to accept the Annan Plan as the basis of negotiations aimed at reaching a comprehensive settlement of the Cyprus problem by 1 May 2004, and to be ready to start negotiations as soon as the United Nations Secretary General resumes his mission of good offices;
 - 12.3.2. during these negotiations, to show understanding of, and good will to address, the Greek Cypriots' concerns, including those relating to the resettlement of the population, the use of property, the viability of the solution to be reached, and the viability and the functionality of a reunified Cyprus in terms of decision making and its responsibilities vis-à-vis the European Union;
 - 12.3.3. to refrain from pursuing the policy of establishing a separate sovereign "state" in Cyprus;
 - 12.3.4. to abstain from exploiting fears originating from the near or remote past in order to revive and fuel the mistrust and suspicion of the Greek Cypriot community and Greece;
 - 12.3.5. to further contribute to the freedom of movement across the "Green Line", including by cancelling the obligation for Greek Cypriots to present their passports and to obtain "entry permits"
 - 12.3.6. to adopt a more positive approach to the European Union;
 - 12.3.7. to take further measures to ensure freedom of expression and freedom of the media;
 - 12.3.8. to respect human rights, including the right to property and its peaceful enjoyment, and to respect the fundamental freedoms of all lawful Cypriot citizens throughout the territory of Cyprus, in particular those of the displaced and enclaved Greek Cypriots;
 - 12.3.9. to co-operate in the efforts for establishing the fate of missing persons and to respond positively to the latest appeal by the United Nations Secretary General of 3 December 2003, for the reactivation of the Committee on Missing Persons, which the President of the Republic of Cyprus accepted in his letter of 14 December 2003;
- 12.4. calls on Turkey:
- 12.4.1. to use its influence to assist the resumption and smooth conduct of the negotiations on the basis of the Annan Plan in good faith;
 - 12.4.2. to show good will for restoring confidence with the Republic of Cyprus by withdrawing, prior to reaching a comprehensive solution of the Cyprus issue, a considerable number of its troops deployed in the northern part of Cyprus;
 - 12.4.3. to develop relations with the Republic of Cyprus, including lifting the ban against entering ports in Turkey imposed on vessels registered in the Republic of Cyprus and on vessels sailing under other flags which enter the ports of the Republic of Cyprus, and to sign a trade agreement with the Republic of Cyprus in accordance with the commitment made by Turkey to the World Trade Organization and its obligations under its Customs Union Agreement with the European Union;
 - 12.4.4. to co-operate effectively in the efforts to ascertain the fate of the missing persons in Cyprus and to fully implement the judgment of the European Court of Human Rights in the case of *Cyprus v. Turkey* (2001) pertaining to the tragic problem of the missing persons and their families and abide by and fulfil, without any further delay, its obligations and duties stemming from the aforementioned judgment;

12.5. calls on Greece:

12.5.1. to contribute to the resumption of negotiations on the basis of the Annan Plan in good faith and encourage the authorities of the Republic of Cyprus to continue to confirm their willingness to accept the plan as the basis for a settlement;

12.6. calls on the European Union:

12.6.1. to reconsider how it could encourage Turkey's positive involvement in the search for a settlement of the Cyprus problem by giving the Turkish authorities clearer guarantees for the opening of accession negotiations, once the appropriate criteria are fulfilled and this is confirmed by the European Union;

12.6.2. to increase efforts to bring the northern part of Cyprus closer to the European Union;

12.6.3. to ease conditions for the access of products from the northern part of Cyprus to the single market;

12.7. encourages the United Nations Secretary General to resume his efforts as soon as an opportunity arises and urges him to pay special attention to security issues on the island, which are the main source of mutual mistrust, and to embark on negotiations with the flexibility required for the purpose;

12.8. decides to reconsider the issue after the enlargement of the European Union.