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## *Cyprus after Annan:*

NEXT STEPS TOWARD A SOLUTION

ROBERT I. ROTBERG

# **CYPRUS AFTER ANNAN: NEXT STEPS TOWARD A SOLUTION**

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## Introduction

Cyprus, long divided, is ripe and ready for reunification. UN Secretary-General Kofi Annan's 192-page "Basis for a Comprehensive Settlement of the Cyprus Problem" ("the Annan Plan"), tabled in its final form at the end of February, 2003, provides a carefully developed, fully integrated basis for the island's reunification. It was accepted by the principal leaders of the Republic of Cyprus ("South Cyprus,"), but rejected by the president of the unrecognized Turkish Republic of North Cyprus ("North Cyprus").

In the months since the three-year, UN-facilitated discussions with the presidents of South and North Cyprus culminated without agreement, a new government has been formed in the South and President Rauf Denktash's long rule in the North has been challenged by a diverse array of influential Turkish Cypriots. They affirm a willingness to sign the Annan Plan. Very large protests against Denktash and in favor of the Annan Plan took place in North Nicosia in January, February, and March, existing and new political movements were energized, and an umbrella pro-settlement opposition group is campaigning vigorously for seats in December's upcoming parliamentary elections against supporters of Denktash and against the status quo.

Those elections constitute a critical intervening event before the South joins the European Union on 1 May 2004. If Denktash and the political parties that back his refusal to sign the Annan accord lose at the ballot box in December, it is possible (not necessarily probable) that a new North Cyprus government could promptly agree to the Annan Plan and hold a referendum in the North to ratify it. That is what its leaders say that they will do, but Denktash will still remain president and Turkey will still be garrisoning 35,000 troops in the North and subsidizing the TRNC budget.

In December, 2004, the heads of government of the members of the European Union will also be meeting. One of the continuing topics will be whether the EU will or can set a favorable timetable for Turkey's accession to the EU. Resolving this issue in a manner which favors Turkey's eventual entrance into Europe, and sets out a specified chronological agenda, would greatly assist a reunification of Cyprus. If the EU can exhibit a posture responsive to Turkey's needs even earlier, preferably well before the magic date of 1 May 2004, the prospects for a Cyprus settlement would be en-

hanced. Indeed, absent a victory of the opposition in the North in December 2003, and absent substantial forward pro-Turkish movement from the EU, it is difficult to imagine how Cyprus can be re-joined in a sustainable manner before the magic date, or even long after. Putting Cyprus back together would then depend upon the decision of Denktash, who has set himself against the Annan Plan because—he says—it does not provide adequately for the psychological and physical security of Turkish Cypriots. The Annan Plan, he says, would turn North Cyprus into a section of a Greek Cypriot-dominated Cyprus, and Greek Cypriots, he believes, would then subjugate their less numerous Turkish-speaking brethren on the island.

When and if South Cyprus alone enters the European Union in May, it will become more and more difficult for reunification to take place smoothly, and there may then be fewer and fewer incentives for the South (not the North) to accept the Annan Plan. Likewise, if Turkey is not embraced strongly enough by the EU ministers before May, attitudes will harden in Ankara and Denktash, the chief refusnik, will have greater freedom than before or now to follow his separate political path.

On a practical plane, if the South enters the European Union before the two parts of the island are re-joined, the EU would be obliged to set up barriers along what is now the UN Green Line to prevent illegal immigrants, human and animal diseases, trade goods, and so on from entering the Union. The people of the North would not remain eligible for EU or other foreign assistance. In effect, what is now a reasonably relaxed border would become a major border between those inside the EU and everyone else.

Time is running out. That was one of the clear messages of a meeting—“Cyprus: Next Steps Toward a Solution”—held at the Kennedy School of Government, Harvard University, in September, 2003. (The meeting was organized by the World Peace Foundation and the Kennedy School’s Program on Intrastate Conflict, with the cooperation of the Kokkalis Program at the Kennedy School.) The participants included North and South Cypriot leaders and politicians, a former Turkish foreign minister, two key foreign ministry advisors from Greece, and the responsible diplomats and advisors from the European Union, the United Kingdom, the United States, and the United Nations. Everyone participating in the meeting was conscious both of how close to and how far from a solution Cypriots were, and how potentially decisive the upcoming elections, the EU enlargement approach to Turkey, and Turkey’s emerging politico-military balance was to a favorable outcome. (This Report represents the views of the author, not necessarily those of the participants.)

Absent any support for the rejectionist approach, the members of the group aligned themselves squarely with the Annan Plan. They even accepted the framework, if not every detail, of the more controversial portions of the plan—the right of return, especially. They were conscious that the Annan Plan represented a major, carefully calibrated, advance on all previous attempts by the United Nations, and by other interested parties, to knit the two sections of Cyprus back together. They also understood that the Annan Plan represented the last best chance for Cyprus to come together in peace.

## The Nature of Cyprus

The island's 855,000 people include 705,000 in South Cyprus and approximately 150,000 in North Cyprus. Nearly 80 percent of the total speak Greek as their mother tongue and are nominally adherents of the Greek Orthodox church, and 19 percent are Turkish Muslims. The remainder are Maronites, Armenians, and Roman Catholics who follow the Latin rite.

Cyprus, 3572 square miles in area, is just over half the size of Connecticut.

Since the island's de facto partition in 1974, the South has prospered, with an average annual per capita GDP of \$17,000, while the North has struggled to achieve an average annual per capita GDP of \$5,000. The precise amounts are controversial, especially for the north, but the size of the disparity is not. Whereas the South has become a major winter tourist destination and Nicosia has replaced Beirut as a financial entrepot, the North has been yoked to the devalued and inflation-prone Turkish lira, and the entire chaotic Turkish economy. As a result, Turkish Cypriots long ago lost their ties to a fiscally stable enterprise, run along prudent lines. They lost easy access to Europe, and to the emerging global economy. They imported a Turkish penchant for state capitalism—for interventionism, protectionism, and autocratic control and distribution of economic opportunity to favored clients. Corruption followed. Being unrecognized, except by Turkey, also prevented the beaches of North Cyprus from becoming a tourist destination.

On the other side, by contrast, a market economy flourished. South Cyprus, running a much more open system, was able to take full advantage of opportunities as they arose in the eastern Mediterranean and in Europe, and later in post-Soviet Russia and in Asia. Economically, South Cyprus managed to recover in the 1980s from the loss to the Turkish Cypriots of agricultural land, tourist facilities, and functioning ports. By trading openly it prospered relatively and absolutely. At the beginning of the twenty-first century, South Cyprus depended for 21 percent of its GNP on tourism and retail trade, 18 percent on financial services, 14 percent on manufacturing, 8 percent on construction, and 6 percent on agriculture. Potatoes and citrus fruit, to Britain, and clothing, textiles, and pharmaceuticals to the rest of Europe, are South Cyprus' main exports. The Turkish Cypriot figures are 22 percent from retail trade and tourism, 16 percent from manufacturing, and 6 percent from agriculture. Its main exports are oranges and manufactured clothing.

Cyprus has been partitioned, de facto, since 1974, and intra-island trade has been limited by the separately focused nature of the two economies, their different currencies, and by South Cyprus' embargo against trade and traffic with what it considers a purloined part of its own territory. Even the surprise free movement of persons across the Green Line in 2003 has not led to any relaxation of the trade embargo, or of any significant change in the economic statuses of the two sections of Cyprus. Participants at the Harvard meeting wished that South Cyprus were less "legalistic" in its posture toward North Cyprus.

The enormous differences in personal income and available economic opportunity provide an incentive for the economically ambitious citizens of the North to enter the European Union together with their co-islanders from the South. At least, that may be one of the motivations of the large numbers of



Turkish Cypriots who took to the streets in 2003 to protest against Denktash's refusal to sign the Annan Plan.

Cypriots have been long apart. Whole generations have grown up separated, bitter, and estranged. Nevertheless, persons on either side of the Green Line, especially those of mature years, are still Cypriots, and think of themselves as Cypriots. Middle-aged and older people on both sides share a culture, a remembered mutual antipathy to and relationship with British colonial rule, a British common law heritage that today still informs legal practice on both sides, the English language, a European mentality and affinity, and memories, albeit fading, of an island where Turkish and Greek Cypriots lived and worked, interspersed, from one end to the other.

## Cyprus Separated

Cyprus, fought over during and before Alexander's era, was an outlying province of Venice from the late fifteenth century through the late sixteenth century, when Ottoman forces laid siege to Nicosia and Famagusta. The Ottoman Empire controlled the island until 1878, when it ceded Cyprus to Britain (an annexation formalized in 1914). Greek Orthodoxy, strong under Ottoman rule, flourished under the Crown. So did a local version of Islam; both Greek and Turkish languages persisted under the Crown, while English became the tongue of those of both backgrounds who sought preferment in the professions or in the British administrative service on the island. Most important of all, Turkish and Greek Cypriots cohabited. Segregation was not the rule, although farming villages were often monolingual. Yet, Turkish Cypriots lived in the Paphos region in the southwest, along the south coast in the cities (such as Limassol), and throughout Nicosia when it was a single municipality. To be an educated Cypriot under the Crown meant a secondary schooling in an English-medium institution, an ability to speak Greek even if one were of Turkish-speaking descent (Greek speakers were far more numerous on the island), and further training in London as much as in Athens and more than in Istanbul or Ankara. The common language, the common law, an inkling of representative democracy, and perceived Europeanness were fundamental to a twentieth century Cypriot intimation of proto-nationhood.

Cyprus under the Crown also remained predominantly agricultural. Belonging started in the villages, where the Church in the twentieth century grew unusually powerful. *Enosis*—union with Greece—became first a spiritual dream and later a political strategy of the Church and military rulers in Greece itself. It provided one path to post-imperial independence and a sure method of freeing Greek-speaking Cyprus from the long-held fear of being recaptured by post-Ottoman Turkey. Achieving those objectives would also boost the power of the Orthodox Church; beginning in the 1950s, Archbishop Makarios, as temporal and religious leader, sought to control the political and economic future of the island. Makarios saw himself as a freedom fighter, but he was a power-maximizer for the Hellenic cause, for the Church, and for himself.

After India's independence in 1948, the dismantling of the British Empire proceeded apace. By 1960, after five years of Greek Cypriot and Greek mainland agitation, violence fomented by EOKA (Ethniki Organosis Kyprion

Agoniston—the National Organization of Cypriot Fighters), and attacks by EOKA against Turkish Cypriots (there was a Turkish-speaking terrorist movement as well, but most leaders on the Turkish Cypriot side sought *taksim*, or partition, not independence), Britain opted for a studied withdrawal from the administration of the island.

The Republic of Cyprus came into being with provisions for a permanent Greek-speaking president (Makarios) and a Turkish-speaking vice-president. In order to preserve its language, culture, heritage, and political saliency, the Turkish Cypriot minority was intended to have a veto over critical legislation and budgets. According to the 1960 independence agreement, Britain, Greece, and Turkey were guarantors of the new constitution, so as to protect the communal rights of Turkish Cypriots from being trampled. Enosis and *taksim* were specifically forbidden.

This carefully constructed, imposed, quasi-democratic arrangement never worked. By late 1963, it was fully evident that Greek Cypriot leadership wanted to subject Turkish Cypriots to the will of the Greek-speaking majority. The drive for enosis continued. The presidency became more powerful. Ethnic cleansing became more prevalent during early 1964. The UN was compelled to send its first peacekeeping mission to Cyprus in that year in order to protect Turkish Cypriots who had gathered in Turkish-speaking enclaves north of what became the Green Line.

The realities of that period savagely pull Greek Cypriots and Turkish Cypriots apart. Turkish Cypriots, even those who now favor a comprehensive settlement, remember the prejudicial manner in which Greek Cypriots treated their compatriots, and often made them feel inferior. They cite the ways in which Archbishop Makarios eroded provisions in the 1960 constitution that had been intended to preserve the communal rights of the Turkish minority. Greek Cypriots say that the Turkish Cypriots failed to play by the rules of that constitution, and try to justify Makarios' manipulations by the other side's deceptions. Turkish Cypriots recall the ways in which Greek-speaking "patriots" successfully sought, during the 1960s, to intimidate Turkish Cypriots and to force Turkish Cypriots to cluster for safety in what became urban ghettos. Abandoned Turkish Cypriot villages in west Cyprus testify to the ways in which vigilantes hounded farmers from their homes.

The island's people were more or less already separated (where once they had been integrated) when Nicos Sampson, a guerrilla fighter and publisher, forcibly ousted Makarios in 1974 with help from a mainland Greece-backed military operation. The goal of the coup was to end "the Turkish" problem, once and for all. But Turkey, no longer restrained by the United States' pleas and promises and anxious to support its linguistic kin and protect its own southern flank, crossed the narrow waters from the Turkish mainland to prevent Cyprus from joining Greece and to protect its co-speakers of Turkish and co-religionists from being swept into the Greek maw. The militarily weaker Greek Cypriot defenders were easily overwhelmed. Ultimately, about 18 percent of the islanders came to control nearly 38 percent of the land of the territory of the island, backed by 35,000 Turkish soldiers. Greek-speakers fled from the north to the south; the remaining Turkish-speakers fled the South and went north. The Green Line demarcated Greek

Cypriot- and Turkish-controlled territory; only very occasional border incidents have since challenged the de facto partition of the island.

From the late 1960s, Denktash has led Turkish Cypriot resistance to Greek Cypriot assertions of hegemony and to the continued legitimacy of the 1960 Republic of Cyprus. His TRNC developed slowly, in stages, finally flowering in its contemporary form in 1983. Ever since, Denktash has told almost everyone who cared to ask—the UN, the great powers, Turkey, Greece, and South Cyprus—that in order to prevent a recrudescence of the atrocities of the 1960s, the TRNC would never agree to put itself “under” a Greek Cypriot-majority on the island. In order to establish the equal sovereignty of the Turkish-speaking part of the island, he demanded recognition before negotiation. The official mantra was bi-zonal and bi-communal, with annexation to Turkey a plausible alternative (for him) to any failure to be accepted as the head of a legitimate polity.

Denktash demonstrated a high order of leadership skills from 1960 through mid-2002. He mobilized his followers to resist Greek Cypriot attempts to marginalize and terrorize them, to drive them from the island, and to deprive them of a lasting place on the island that they called home. He marshaled mainland Turkish support (via massive loans from the Turkish government) for Turkish Cypriots and for his government, gradually built up his own status from that of a pasha of a minor, easily ignored, satrapy into a formidable (if unrecognized) world statesman (of a troublesome but real polity). He gradually molded and strengthened the TRNC and, despite easily derided pretensions, won it acceptance as an entity that could not be ignored. Throughout the almost interminable UN-brokered negotiations, Denktash was accorded effectively equal status with President Glafcos Clerides.

Denktash, moreover, was and is a formidable negotiator—to Clerides’ and the UN’s exasperation. He put forward demands in the 1980s that were later granted by the UN and South Cyprus, but by the time that they were met, new demands had superseded the old. So as he gained advantage, he sought yet further victories. As the player with the theoretically weaker hand, but with the strong support of Turkish troops, Denktash was able to move relentlessly forward. Despite the Republic of Cyprus’s legal authority for the island internationally, the TRNC was able to carve out more and more local and international space for itself.

Since Greek Cypriots always insisted that they had been invaded and that a large part of their territory and their island-wide authority had been snatched by Turkish force, Denktash’s demands were impossible to entertain. How could the circle be squared?

## **UN Negotiations: Earlier Efforts**

After 1974, the UN attempted to reestablish the central government of the island and to reconcile the interests of the two sides. Turkish Cypriots, led by Denktash, sought political equality and bi-zonal autonomy. Greek Cypriots wanted to return as close as possible to a single island entity, with no recognition implied or otherwise of its northern separation. Archbishop Makarios, restored to the presidency, met with Denktash in 1977 and President Spyros

Kyprianou met with Denktash in 1979. Both negotiations led to communiqués and plans to talk seriously, but no real movement. After the North declared itself the Turkish Republic of North Cyprus in 1983, there were proximity talks in 1984 through UN representatives. A year later, and into 1986, Denktash and Kyprianou met in New York. Denktash accepted a UN settlement plan, which was later modified to meet Greek Cypriot objections. When the South agreed to embrace it, the North found the new document unacceptable. A further revision was opposed by the South.

In 1988 and 1989, Denktash met with President George Vassiliou of South Cyprus. Their direct talks were futile, and papers submitted from each side hardened their positions and their antagonisms. UN Secretary-General Javier Perez de Cuellar urged both sides to cease putting their positions into writing and offered to facilitate separate talks—proximity meetings. Denktash protested, wanting the recognition that direct talks would bring. Later, when Perez de Cuellar circulated a draft set of ideas for a settlement, Denktash claimed that the UN had exceeded its mandate. Only an accord drafted by the contending parties, together, was agreeable to him.

The efforts of the UN to resolve the long-simmering crisis in Cyprus became more active after 1990. Security Council Resolution 649 (13 May 1990) outlined a bi-communal formula for the constitution and a bi-zonal arrangement for territory. Denktash demanded recognition of the TRNC's sovereignty. In 1992, however, UN Secretary-General Boutros Boutros-Ghali issued a new prospectus for a bi-zonal federation of two politically equal communities, possessing one international personality and sovereignty. There would be three new constitutions. He proposed a bicameral legislature with a 70:30 ratio of members and an upper house evenly divided, 50:50. Non-Cypriot militaries would withdraw from the island. The embargoes would end; there would be free movement of persons across the island; a plan for the return of land, property, and refugees; a veto power in the executive; and referenda on both sides. Boutros-Ghali also issued a "non-map" containing territorial adjustments. A settlement seemed possible, especially when Denktash agreed to the UN's suggestions on how best to resolve the thorny right of return and right of property questions. But the non-map displayed the transfer of Morphou and other districts to the South, and Denktash objected, thus ending what had seemed substantial progress toward a definitive agreement.

The UN remained tireless and committed. In 1997, Secretary-General Annan called for proximity talks followed by direct face-to-face talks. Clerides, who had become president and was well known to Denktash from before 1960, met with him under UN auspices in Troutbeck, NY, and again in Geneva, Switzerland. Denktash said that he would not negotiate at all until the EU stopped talking to South Cyprus about its future accession to the Union. Denktash also wanted recognition and political equality, so the proposed parley failed. At the end of that year, after the EU formally began to negotiate Cyprus's entrance into the Union, Denktash declared all intercommunal talks at an end, and also suspended all intra-island bi-communal activities.

Two years later, the G-8 summit urged Annan to resume negotiations, with no preconditions.

## **The Genesis of the Annan Plan**

Under-Secretary-General Alvaro de Soto, a Peruvian diplomat and multi-year UN civil servant and troubleshooter with experience in the executive secretariat, in El Salvador, and in Burma, was assigned the problem of Cyprus in late 1999. He began facilitating proximity meetings between Denktash and Clerides at the end of that year, in New York. In early 2000, the talks moved to Geneva, where they continued throughout the year. In November, 2000, however, Annan "assessed" progress privately. Clerides welcomed his analysis and conclusions. Denktash rejected them and, after meeting in Ankara with Turkish generals and political leaders, Denktash withdrew from the proximity talks. When the TRNC was given recognition, Denktash declared, he would return.

The resumption of talks took place only in 2002. In August, 2001, in Salzburg, Annan and Denktash conferred for the first time since Denktash had walked out. Both Clerides and Denktash were in New York in September. In December, he and Clerides suddenly began having dinner in each other's residences. It was the first exchange of visits by such senior figures across the Green Line since 1974. Their cheerful meetings together excited Cypriots on both sides of the Line; a resolution of the Cypriot crisis seemed near at hand.

Throughout 2002, Denktash and Clerides, a few aides, and de Soto and his team met together within the UN area on Cyprus three times each week. By August of that year, however, it was evident to Annan and de Soto that the principals would continue to talk around the subject until a document were set before them. It was also clear to de Soto that it was impossible to obtain agreement on general principles or to forge a settlement. Likewise, with the Turkish government collapsing, and new elections called on the mainland for November 2002, it appeared prudent for the UN to prepare a proposal and to place it before the principals (and their motherlands) before the end of 2002.

When the Annan Plan was tabled in November 2002, there were South Cyprus presidential elections set for February 2003 and talks with the EU about Turkey's accession scheduled for December 2002. Those were two deadlines. Another was also in December, when the EU would finally vote positively on Cyprus's entry, separate or united, into the European Union.

Thus, when Denktash and Clerides first received the Annan plan in November, the clock of decision was already running. The new AKP (Justice and Development Party) government in Turkey seemed favorable, or at least open, to a Cypriot solution. Denktash appeared willing to entertain many of the provisions of the Plan. Clerides approached the task openly and positively.

As a result of de Soto's discussions with both sides, further thinking by the UN team, and consultations with the EU, the U.S. and the UK, the Plan as delivered in November was modified in December, and a final document presented in February of this year. By that point, the UN had finally switched from facilitating and mediating talks to negotiating, even forcing a negotiation based on provisions which had become very difficult to change. From February until a final meeting in The Hague with the Secretary-General, in March, intense pressure was put on the principals. Tassos

Papadopoulos, South Cyprus' new president (Clerides lost the election decisively) promised to sign. Denktash ultimately refused, and Cyprus remained divided, as it still is.

The Secretary-General's final word was "I do not propose to take a new initiative without a solid reason to believe that the political will exists necessary for a successful outcome."<sup>1</sup>

## The Essentials of the Plan

The proposed United Cyprus Republic would have a single international personality and sovereignty, and be formed by and of two constituent states that "sovereignly" would exercise all powers not vested in the federal government, "organizing themselves freely under their own constitutions consistent with the overall agreement." The laws of the federal entity and the two states would be equal.<sup>2</sup> Partition and secession would be prohibited.

After the first thirty months of its existence, a presidential council would exercise the executive functions of the Republic. (Until then, the constituent state presidents would be co-presidents.) Rejecting the 1960 formula, with a minority vice-president able to exercise a veto on specified issues, rotating presidencies, joint presidencies, consensus decision-making, and the election of the executive by weighted-voting because of the objection of one side or the other, the Secretary-General's team ultimately suggested that a presidential council of four persons from the South and no less than two persons from the North, with the chair (the presidency) rotating every ten months equally among the six, and always rotating to the other state, should run the new Republic. The members of the council would be elected from a single list, requiring the support of at least two-fifths of the members of the proposed senate from each state. A majority of the members of the proposed Chamber of Deputies would then ratify those selected by the Senate. The council would be empowered to take decisions based on a simple majority, providing that the majority included at least one Greek Cypriot and one Turkish Cypriot.

Each councilor would lead a department, and the heads of the departments of foreign affairs and European Union affairs would be from different states. Meetings of the Council, for the first ten years, could include the presidents of the constituent states, on a non-voting basis.

Independent of the Council would be a Central Bank, an office of an attorney-general of the Republic, and an office of an auditor-general of the Republic.

The Republic's legislation would emanate from the decisions of both houses of parliament—a 48-person Senate, with half of its members from each state, and a 48-person Chamber of Deputies elected according to population by voters from both sections of the island with a slight over-

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<sup>1</sup> In the Summary to the "Report of the Secretary-General on His Mission of Good Offices in Cyprus," 1 April 2003.

<sup>2</sup> Ibid., para. 76. The neologism is from that paragraph. See also Article 2 of the "Basis for a Comprehensive Settlement of the Cyprus Problem," 26 February 2003.

representation of the Turkish-speaking minority, and with a guaranteed minimum Turkish Cypriot representation of at least 12 seats.

In the Senate, decisions would take effect only if at least 25 percent of the senators from each state were part of an overall majority. Certain reserved subjects would require 40 percent of senators from each state to join a successful majority.

The Republic would be vested with powers sufficient for it to fulfill the international obligations of a member of the world community of nations and of the European Union, protect its integrity, borders, and ancient heritage, and share its limited water resources—nothing more. All other powers and responsibilities, including those which implied budgetary resources, would be left to the constituent states.

Given the limited nature of the powers of the Republic, and the absence of a legally hierarchical relationship between the Republic and its states, the Secretary-General's team proposed a Supreme Court capable of guaranteeing "the harmonious functioning of the [central] state." The Supreme Court would have three Greek Cypriot and three Turkish Cypriot judges, plus three non-Cypriot judges. They would be charged with breaking all deadlocks in the functioning of the proposed executive and legislative chambers of the Republic. They would be responsible for resolving disputes between the states or between one or both states and the Republic. They would also be tasked with resolving on an interim basis deadlocks within federal institutions—in other words, to prevent the kind of crippling boycotts and purposeful deadlocks that characterized the 1960 arrangements and all non-coalition, bi-communal, federal constructs.

All Cypriots would be citizens of the Republic as well of their states, but citizenship of the states would complement and not replace central citizenship. Political rights would be exercised at local levels based on permanent residency. Article 3.4 of the "Basis for a Comprehensive Settlement" contains a detailed formula to enable North Cyprus to limit residents from South Cyprus, and thus to prevent the dilution of a Turkish-speaking majority.

The proposed constitutions of the Republic and its states would enshrine fundamental freedoms and rights and outlaw discrimination on the basis of ethnic or religious identity, gender, or internal citizenship status. Freedom of movement and freedom of residence would be limited only by the provisions intended to maintain the "Turkish" quality of North Cyprus.

The "Basis of a Comprehensive Settlement" restricts the continued presence on the island to no more than 6000 foreign troops each from both Greece and Turkey, with the provision that all forces would be withdrawn when and if Turkey becomes a member of the European Union. A UN peace-keeping contingent would remain on the island to monitor the implementation of the proposed agreement, together with a committee chaired by the UN. Moreover, Cyprus should be demilitarized, in phases.

The "Basis" also foresees boundaries between the constituent states that differ from those of the Green Line. Maps that are integral parts of the "Basis" show territorial adjustments in detail. Much of the Morphou area would revert to South Cyprus, as would the Varosha section of Famagusta. The total net amount of territory transferred, mostly to the South from the North,

would amount to 9 percent of the island, and North Cyprus would then hold more than 28 percent of the total geographical space, South Cyprus the remainder. Moreover, more than half of the substantial sovereign territory of the British bases on the island would be given to South Cyprus.

What ultimately became the most contentious section of the Secretary-General's proposal was Article 10—Property. This article envisages that an impartial property board composed of equal numbers of Greek and Turkish Cypriots, plus non-Cypriots, would adjudicate all claims for the return of property, or compensation. Everyone with valid claims who opted for compensation would receive the value of the original property, adjusted to reflect appreciation and current values. Those who were compelled to give up property after the board rules, and thus become dispossessed, would be eligible to receive property elsewhere in exchange, or compensation. Alternative accommodation would be provided for those who were dispossessed. The board would be able to provide cash and other incentives to obviate dispossession or facilitate property return and relocation. This part of the proposed agreement also contemplates restrictions on the number of land and residences in a state or a village or town which can be claimed/repossessed by residents of the other state, again to protect North Cyprus.

The exact manner in which Article 10 is meant to be implemented by the proposed property board is explained diagrammatically in Annex 1 to this report.

## **Parts of the Plan Requiring Further Thought**

The Secretary-General explains at some length and with refreshing candor why the "Basis for a Comprehensive Settlement" evolved as it did. He makes it perfectly clear how much of his final plan represents a compromise between the ideal and that which the two negotiating presidents would accept. President Clerides was more open to compromise on many proposed articles; President Denktash was more difficult to please.

A non-UN opinion is that the long process of sounding out the principals and then presenting a proposal and revising it twice in order to elicit two signatures—a noble effort that failed—resulted in a proposed weak central government. Whereas some previous informal proposals had constructed a Republic government with extensive powers, leaving only local responsibilities to the constituent states, the Annan Plan gives nearly all substantive authority to the states. Such an arrangement may facilitate ultimate agreement on the part of the leaders and peoples of North Cyprus and South Cyprus, but it inhibits the eventual political unification, should circumstances warrant it, of both sides of the island. Even long after Cypriots are reconciled to each other, and working together in harmony, under the Annan Plan the strength and political status and patronage of both states will make the erosion of territorial and other post-Plan differences hard to alter.

Potential alternative arrangements could specifically have encouraged harmonization and gradual merger. Cross-voting or other similar electoral methods to encourage, even mandate, coalition-building across ethnic and



state lines, was explicitly resisted by Denktash.<sup>3</sup> Even fancier methods of preferential voting or proportional representation, discussed in informal settings elsewhere, were likewise eschewed by the drafters of the "Basis" in order to maximize the possibility of achieving a final agreement. As a result, the Annan Plan could reunite the island and facilitate the resumption of many bi-state activities, even trade and movement, in the short term. Over the long term, the "Basis" might actually, in practice, prevent the long-term resumption of an integrated Cyprus. Thus the Hobson's choice of accomplishing an accord, preferably before 1 May 2004, may mean long-term stasis. Denktash, of course, would argue that that is the exact point. He says that Turkish Cypriots will never be "safe" and "free" within a majority-ruled state. However, cross-voting and other methods that emphasize cooperation across ethnic lines do, elsewhere, work to eliminate discrimination against minorities. What is needed, too, is a justiciable bill of rights enshrining individual rights and liberties. For Cypriots of all backgrounds, that protection may be inherent in Cyprus' membership in the Union, but setting out rights in a constitution for the island could never hurt.

The territorial and property articles of the proposed agreement in fact are positive in terms of enabling at least some gradual re-integration in parts of both states. They rightly, however, prevent the larger and wealthier of the two communities from overwhelming the other on the ground in terms of purchasing large swathes of land or property and thus becoming de facto dispensers of patronage, or returning to former residencies and using voting rights to reduce the political and social integrity of North Cyprus.

Coalition building along lines of shared interest is obviously a more positive path to follow to societal re-integration (if it is ever to be possible) than is a forceful takeover via land or territory.

Under the proposed settlement arrangements, unlike other contemplated outcomes, the Republic itself will have no territory at all, i.e. there will be no ground common to both communities, and the Republic's "property" will be a few buildings only, with its own tiny police force. That eliminates any territorially buffering capability, the transfer of any disputed or integrated areas to the Republic for mutual occupancy by citizens of either state, and any possibility that a "common" land could grow as the two states become more credibly confident of the security and harmony resulting from a settlement.

Likewise, without territory, the Republic has no symbolic presence, and arch-nationalists among politicians in either state would be able (despite other safeguards in the "Basis") to campaign against the Republic at a future date.

Ethnic out-bidding and appeals to chauvinism are the main worries for the future Republic contemplated by the Annan Plan, as thorough and as carefully-constructed as are its provisions. Unscrupulous or ambitious individuals in both states could in theory campaign (as amid the ongoing Belgian compromise) against the weak Republic and what it offers to the neighboring state. Or decisions taken by the Republic, or deadlocks broken by the supreme court, may occasion political repercussions which cannot be contained by a Republic whose laws are not superior, a court which cannot rule the legal

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<sup>3</sup> Report of the Secretary-General, paragraph 83.

opinions of the courts of constituent states out of order, and a court which cannot rule in favor of a grieving individual within one of the states. In many ways, the Republic may be too weak to do more than propel Cyprus into the European Union. The central government may be insufficiently robust, and thus insufficiently resilient unless the parliamentary and executive council provisions which are meant to encourage coalition-building across ethnic groups politically supersede countervailing tendencies within the states.

Article 11 of the "Basis" calls for an independent joint Reconciliation Commission (with at least one non-Cypriot member) to "promote understanding, tolerance and mutual respect between Greek Cypriots and Turkish Cypriots." But the drafters of the Plan did not have time to specify exactly what they meant by "reconciliation" or what steps the proposed commission should take to promote that elusive goal. Thus it remains an open question whether post-settlement Cyprus will be ripe for a historical clarification commission to investigate by methods of forensic history exactly who did what to whom between, say, 1955 and 1974; a truth and justice commission to do so on the basis of the testimony of individuals, not the historical record; or to promote the writing of a composite narrative and textbooks with similar histories. There will be a need, too, for a commission to listen to grievances, innovate bi-communal projects that promote harmony across the languages and religions, and act as a kind of human rights commission with advisory powers. The federal government, as presently contemplated in the Plan, has too few powers to implement these kinds of decisions since anything that affects citizens of the states has been left to the states. (But see Article 14 of the proposed constitution.) That is a possible flaw in the otherwise comprehensive proposal.

The Harvard conferees from Cyprus asserted that nearly all of the components of the Annan Plan were reasonable and appropriate. Although several had helped to devise a similar proposal with somewhat more generous authority for the central government, they were not disposed at this late stage to question or suggest improvements to the array of powers and checks and balances in the governmental sections of the Plan. They did not choose to question even the territorial adjustments that were proposed in the Plan, or the details of its maps. But they were concerned, along with many Cypriots, about the specific details of the property adjustment and transfer regime. How would it work? Who would be compensated, and how? (Their questions are intended to be answered in Annex 1.)

Few of the conferees believed that a truth commission was necessary. Many believed that it would open up old wounds. Only those participants who were deeply acquainted with the role of truth and historical clarification commissions in helping torn societies to repair their wounds and move forward argued that Cyprus might be able to knit its communities together only after some such exercise in examining the past.

## Next Steps

Given the general acceptance of the overall framework and the detailed elaboration set out in the "Basis of a Comprehensive Settlement" in South Cyprus, among the opposition in North Cyprus, and throughout the G-7 and the European Union, there are three critical, remaining variables that, depending on how they unfold, could hasten or prevent the document's ratification and, hence, enhance or deter a successful removal of Cyprus' nearly thirty-year saga of separation.

- North Cyprus's elections
- South Cyprus' changing political configuration
- Turkey's accession to the EU

### *The Elections*

On December 14, North Cyprus will hold regular parliamentary elections. In previous polls, the National Unity Party and its right-leaning allies from the Democrat Party (which backs Denktash and his politics) have always won a majority of the seats and formed a government. Four years ago, the Communal Liberation Party of Mustafa Akinci won a significant percentage of the seats and became the junior partner in a government once again headed by Dervis Eroglu of National Unity. However, in 2002, Akinci and his party left the government and moved into opposition. Now, Akinci and his new Peace and Democracy Movement are allied to the larger Republican Turkish Party led by Mehmet Ali Talat and to the Solution and EU Party led by Ali Erel, head of the influential Turkish Cypriot Chamber of Commerce. Indeed, all of the once fractured groups opposed to Denktash have now united behind Talat's banner, and solidly favor signing the Annan Plan.

Talat, Erel, and Akinci have made their positions clear, as have their supporters. Talat, if his coalition wins solidly and becomes the government in the North, promises immediately to accept the Annan Plan and then to put it explicitly and quickly before the voters in the North. The December elections thus constitute an implicit referendum on the acceptability of the Annan Plan among the Turkish-speaking voting public.

Given the 50,000 or so Turkish Cypriots who rallied against Denktash earlier this year in several large protests, it would be easy to assert that the opposition will win the election and form the next government of North Cyprus. But that conclusion assumes that the voters' registers will not be padded with non-Cypriots or with sudden citizens. It assumes that Turkish military influence or other kinds of intimidation will not occur. The existence of freedom of expression, freedom of assembly, and freedom of the press during the crucial weeks prior to the elections would also have to be assumed, despite those freedoms having often been honored in the breach. An opposition victory further assumes that ballot boxes will not be stuffed by the existing regime and that votes will be counted fairly. It assumes that Denktash, who will remain as president of North Cyprus through 2005, will not be in a position to influence the vote or the vote count adversely. Further, it assumes that Denktash would accept the mandate of the voters and install a victorious government from the opposition. None of these assumptions can be tested beforehand.

Denktash has said both that he would never sign the Annan Plan because it removes Turkish troops from the island and that he would “veto” the policy of any new government in North Cyprus if he disagrees with its policies. “If this [veto] is proved to be useless,” Denktash also announced, “I will say bye, bye and resign.”<sup>4</sup>

Well-placed Turkish Cypriots told the Harvard meeting that voters’ rolls were open to inspection and could not be tampered with successfully. They also asserted that however the current regime attempted to pressure or influence the voters, such interference would be ignored and would not succeed. They were sanguine about the likely essential fairness of the poll in December, despite examples of electoral chicanery in previous parliamentary elections in North Cyprus.

Subsequently, however, in October, leaders of the Turkish Cypriot opposition reported that the TRNC government was stuffing mainland Turks onto the North Cyprus voters roll. Thousands of Anatolians were lining up at immigration offices in North Cyprus and being given TRNC citizenship through a process of instantaneous naturalization. Five thousand Turkish Cypriots protested in the streets of North Nicosia in mid-October; they called for Denktash’s resignation and shouted slogans in favor of the EU. Simultaneously, Akinci filed suit in the local supreme court to prevent the illegal naturalization of Anatolians.

The optimism of the Turkish Cypriot participants in September spoke to the maturity of the political system in North Cyprus. But it clearly underestimated the extent to which the Denktash political machine can and is trying to control the electoral outcome in December. There is sufficient skepticism in Europe and the United States about Denktash’s intentions. Concerned outside powers have warned Denktash and Turkey not to meddle; the entire electoral process must be free and fair if Turkey is to gain entrance into the EU. The U.S., the UK, and the EU want monitors from outside Cyprus and the motherlands to observe the December poll, and to determine its freedom or otherwise.

Denktash says that he will welcome observers if they come with the consent of the TRNC. He would give permission to official bodies invited by the TRNC, “upon their official application to the TRNC and on the condition that they commit to recognize the TRNC following the election results.”<sup>5</sup>

South Cyprus, however, never permits anything to occur that provides recognition for the entity that it asserts is an illegal usurper. So no “official bodies” of the usual kind would be sanctioned by South Cyprus as monitors of the elections in the North. President Papadopoulos also asserts that any monitoring would be too late, coming long after thousands of settlers from mainland Turkey had been included fraudulently in the official electoral lists.

The EU has said that it would not observe the elections. The U.S. government will not finance the usual American observing missions. Nor will the UK. From the view of the UN, the U.S., and the EU, therefore, the only internationally acceptable outside observer missions would be private ones; internally,

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<sup>4</sup> Denktash, quoted in *Yeni Duzen*, 3 October 2003; Denktash, quoted in TRNC news, 6 October 2003.

<sup>5</sup> TRNC News, 24 September 2003.

the opposition in the TRNC promises to attempt to monitor the poll itself. Civil society in the North may also be able to provide domestic observers.

Closely monitoring the TRNC electoral process from the moment an official date is selected through the final counting of ballots is widely thought to be essential if a fair result is to be achieved. How to arrange such observations when recognition is demanded in exchange, and when no external official groups will be allowed to confer or imply recognition, is a conundrum. One participant in the Harvard meeting suggested that the local UN association in North Cyprus be encouraged to invite UN associations from elsewhere to send observer delegations, but that straw is unlikely to be grasped.

### *The Politics of South Cyprus*

The opportunity for reunifying Cyprus may vanish after South Cyprus enters the EU on its own, absent an opposition victory in the December elections and/or a decision by Turkey to pressure Denktash to accede to the Annan Plan, preferably before the elections or before May 1, 2004. Once South Cyprus enters the EU, its leverage increases and its willingness to make concessions to the North, as implicit in the Annan Plan, will likely decrease. Until May, participants in the Harvard meeting averred, it would be politically impossible for the Papadopoulos government to renege on its promise to sign the settlement agreement. After May, the dynamics of any resumed negotiations will change.

Recently, Papadopoulos' official spokesman has said that South Cyprus wants to improve the Plan. "The issue of balance" was important to the South, he said, but without taking rights from "our Turkish compatriots."<sup>6</sup> Winning the necessary referendum in the South might also become much more difficult after the South enters the EU on its own. Already, there are many politicians in the South who criticize the Annan Plan for giving too many property rights and territory to the North, as well as ratifying the overall "theft" of 1974.

Moreover, President Papadopoulos has a reputation as an old-fashioned rejectionist, and was expected to be much more critical than Clerides of any agreement that sanctioned the existence of the North as a state. In the event, Denktash's own intransigence enabled Papadopoulos to avoid appearing as the Cypriot spoiler. Cypriots who attended the Harvard meeting believe that he will remain a signatory only through 1 May 2004, so time is of the essence.

### *The Turkish Factor*

The Cyprus problem would be much easier to solve if and when what one Harvard participant called the Turkish "deep state"—the military and corporate establishment—were able to be assured of entry into the European Union according to an accession timetable. Both Greece and South Cyprus now want the EU to provide those promises. They, and the U.S., believe that any EU embrace of Turkey would then enable Turkey to cease holding Cyprus

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<sup>6</sup> Kypros Chrysostomides, quoted in Cyprus News Agency website, 24 September 2003.

hostage, as a bargaining card, in order to ensure its entry into the Union and into Europe.

On the flip side of this equation, Turkish help in reuniting Cyprus would assist the favorable consideration of its entry into the Union. Thus, in addition to all of the other EU demands on Turkey for a modernized human rights approach, greater respect for the rights of the Kurds, enhanced political freedoms, better governance, and reduced corruption, being seen to assist the reunification of Cyprus is one of the factors conducive to Turkey being embraced by Europe.

The ruling AK party in Turkey appeared to understand these converging issues earlier this year, and seemed favorable to a settlement. But it missed an opportunity to encourage Denktash to sign the Plan, in March, and recent public statements have been mixed, even discouraging. In September, Foreign Minister Abdullah Gul said that it was "impossible" to accede to the Plan in its "current form," although he hoped that the Plan would eventually be turned into an acceptable document.<sup>7</sup>

The Turkish military are part of the "deep" state. It has long regarded a hellenically-controlled Cyprus as a security threat to the soft underbelly of the mainland. Given the prospect of busy oil and gas terminals along Turkey's southeast coast, that proposition might at one time have been valid theoretically. Nowadays, however, given the enormous power of the Turkish armed forces, and the ability of Turkey to over-fly and over-power any likely threats from Cyprus, such concerns seem outdated. Given a demilitarized island, as envisaged by the Plan, Cyprus ought further to dip beneath the radar of real Turkish concern.

## Conclusion

If the Annan Plan remains a document only, and the long negotiations go for naught, then South Cyprus will enter the European Union next year without North Cyprus, and the partition of the island will become more effective and potentially longer lasting. Economically, South Cyprus will continue to prosper and North Cyprus to languish. Whatever Denktash says, the future of tiny North Cyprus politically, socially, and economically, alone or as a small, outlying province of a much poorer Turkey, will be less than promising.

This bleak scenario will change dramatically, at least in theory, if Denktash's opponents win the parliamentary elections in December, if Turkey before or after the elections acts decisively to encourage a settlement, and if the EU helps Turkey reach such a decision by being more responsive to its potential EU accession.

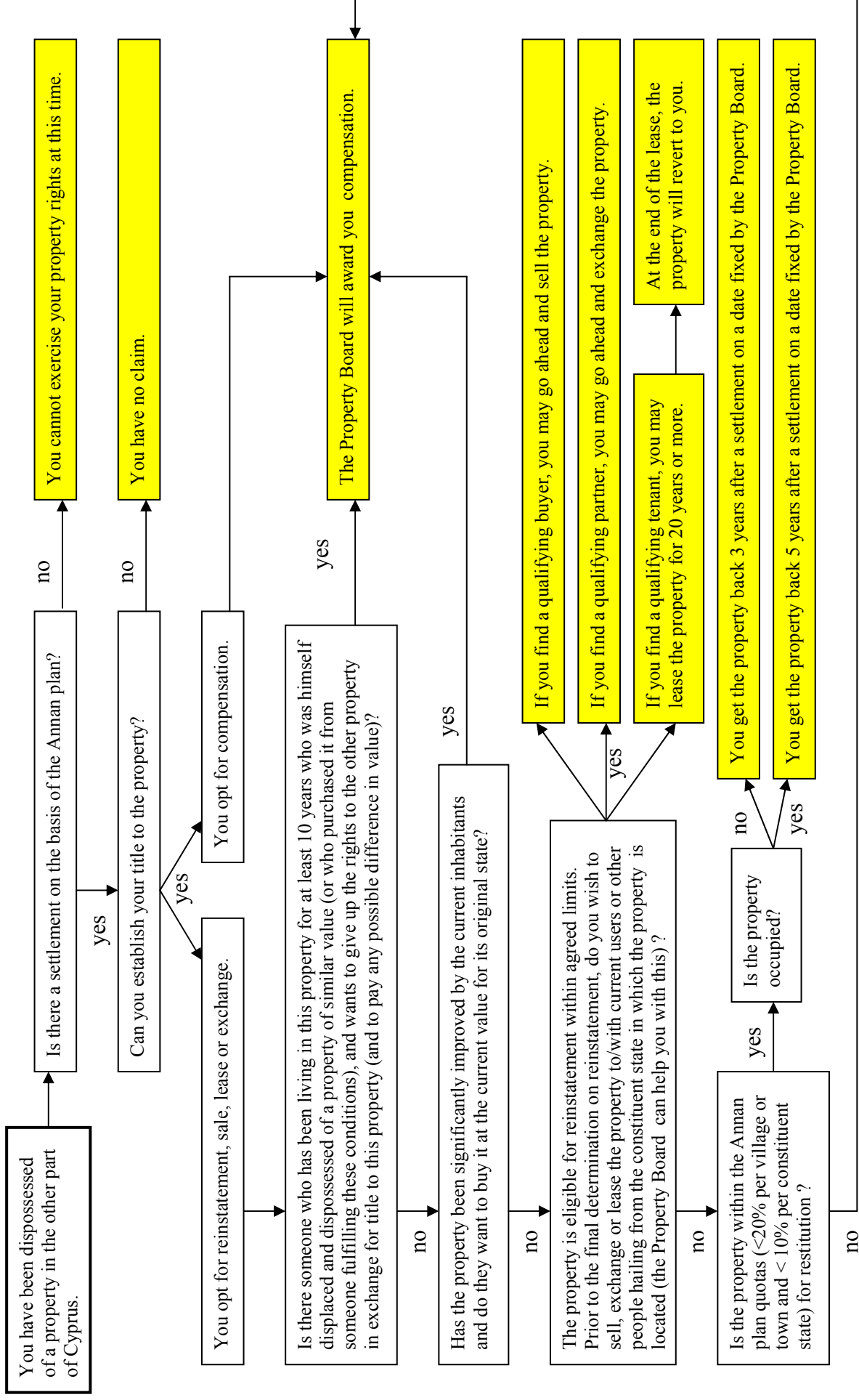
Cyprus is alert, as it always is, to new possibilities and new opportunities. At the same time, the political realities that have long fostered separation and antagonism will remain if the peoples on the two sides, the two leaderships, the ruling groups in the motherlands, and outside powers fail once again to thrust Cyprus toward the comprehensive solution that the UN has provided.

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<sup>7</sup> Gul, quoted in *ibid*, 24 September 2003.

## Property in Cyprus: The Annan Plan's Proposed Decision-Making Tree

(for properties located in areas which are not subject to territorial adjustment)



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- **Dominick Chilcott**, European Union Directorate, Foreign and Commonwealth Office, United Kingdom
- **Katie Clerides**, Democratic Rally Party, Republic of Cyprus
- **Robert Dann**, Executive Office of the Secretary-General, United Nations; former Special Assistant to the Special Advisor on Cyprus
- United Nations
- **Alvaro De Soto**, Under-Secretary-General, Special Representative for Western Sahara, Secretary-General's former Special Advisor on Cyprus, United Nations
- **Dimitri Droutsas**, Ministry of Foreign Affairs, Greece
- **Şefika Durduran**, attorney, Turkish Republic of North Cyprus
- **Kutlay Erk**, Mayor of Nicosia, Turkish Republic of North Cyprus
- **Ronald Fisher**, American University
- **David Hannay**, former UK Government Special Representative for Cyprus; Independent Member of the House of Lords
- **Brian Mandell**, Kennedy School of Government
- **Leopold Maurer**, EU-Cyprus Accession Negotiator, European Commission
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- **Averof Neofytou**, Democratic Rally Party, Republic of Cyprus
- **Michalis Papapetrou**, former Government Spokesman, Republic of Cyprus; Scordis, Papapetrou & Co.
- **Elaine Papoulias**, Director, Kokkalis Program, Kennedy School of Government
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**The content of this Report expresses the analysis and opinions of the author and need not reflect the views or positions, official or unofficial, of the other participants, except in Annex I.**





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