

CHAPTER 12

**The Annan plan and  
the April 2004 plebiscite.  
Cyprus entry to the EU,  
1999-2004**

N i k o s   C h r i s t o d o u l i d e s

## Aims

This chapter presents the developments from 1999 to 2004 which resulted, for the first time, in a Plan which was put in a referendum for the Greek Cypriots and Turkish Cypriots to vote. Special reference will be made to the role of the international community during the 1999-2004 period and how the prospect of Cyprus joining the European Union was approached as a catalyst for finding a solution to the Cyprus Problem.

After studying this chapter, students will be familiar with

- The main provisions of the Annan Plan,
- The reasoning behind the positions presented by the Greek Cypriot and Turkish Cypriot sides,
- The way the international community handled the efforts for finding a solution to the Cyprus Problem,
- The main reasons behind the decision of the Greek Cypriot community to vote against the Annan Plan V.

## Keywords

- Alvaro De Soto
- Glafkos Clerides
- Kofi Annan
- core issues
- property issue
- settlers
- security
- guarantees
- Framework Agreement
- referendum
- Burgenstock
- Annan Plan V
- Conclusions of the European Council in Helsinki
- proximity talks
- direct negotiations
- territorial adjustments
- constitution
- Annan Plan I
- Annan Plan II
- Annan Plan III
- the European Council in Copenhagen
- Tassos Papadopoulos
- Annan Plan IV
- Cyprus in the European Union

# Introduction

The prospect of Cyprus' entry in the European Union was approached by the international community as an opportunity for solving the Cyprus problem. In this regard, on 10 June 1999, the Ministers of Foreign Affairs of the G8 (the seven richest countries plus Russia) proposed to the UN Secretary General the launching of negotiations for the solution of the Cyprus Problem, without conditions, between the Greek Cypriot and Turkish Cypriot leaders (<http://www.g8.utoronto.ca/foreign/fm9906010.htm>). By accepting the resumption of the negotiations, the leaders of the two communities would have to commit themselves to four principles: (a) no preconditions, (b) all issues on the table, (c) the leaders will attend the negotiations in a good faith until a solution will be reached and (d) the relevant UN resolutions and agreements will be taken under consideration.

# The Conclusions of the European Union Council in Helsinki and the new effort for solving the Cyprus Problem

Following the call of the G8, the UN Secretary General asked the Greek Cypriot leader Glafkos Clerides and the Turkish Cypriot leader Rauf Denktash to agree for the resumption of the negotiations, under his auspices, for solving the Cyprus Problem. The two leaders replied positively to the call of the UN Secretary General, and on December 1999 the proximity talks started. In the meantime, the **Conclusions of the European Council** meeting in **Helsinki** (during the EU Finish Presidency) stated (among others) that the European Union welcomes the resumption of talks between the two communities in the island. In the Conclusions it was further mentioned that the solution of the Cyprus Problem would help the entrance of the Republic of Cyprus in the European Union, but if the solution of the Problem was not achieved before the conclusion of the negotiations of Cyprus with the European Union, the European Council would decide on the issue of Cyprus' joining the Union; thus the solution of the Cyprus Problem would not be a precondition for its entry ([http://www.europarl.europa.eu/summits/hel1\\_en.htm](http://www.europarl.europa.eu/summits/hel1_en.htm))

The negotiations for the solution of the Cyprus Problem under the auspices of the UN Secretary General continued with separate meetings of the UN Secretary General Special Advisor in Cyprus, the Peruvian diplomat Alvaro De Soto, with the leaders of the two communities. Together with Alvaro De Soto, the representative of the British Government for Cyprus, Lord David Hanney, the representative of the US President Alfred Mooses and the Special Coordinator for Cyprus of the US Department of State Tomas Weston played significant roles in the ongoing process (with meetings with the leaders of the two communities). Their major aim at the time was the replacement of the **proximity talks** with **direct negotiations** between the leaders of the two communities on the **core issues of the Cyprus Problem: territorial adjustments, property issue, settlers, constitution, security, guarantees**. Until that time the UN were proposing to the two sides different ideas on a number of issues and the two sides were replying to those proposals with their positions. Their aim through the replies of the two sides was to find common ground in order to be able to launch direct talks between the two sides.

After four rounds of proximity talks during the year 2000, the process reached a deadlock because of the positions presented by the Turkish Cypriot leader Rauf Denktash, and more specifically his

position for a confederal/two states solution to the Cyprus Problem. In September 2001, the UN Secretary General invited the leaders of the two communities to New York for separate meetings and with the aim of the resumption of the talks. The Greek Cypriot side replied positively to the invitation of the UN Secretary, while the Turkish Cypriot side, with the full support of the Turkish Government, replied negatively, stating that there was no common ground in order for the negotiations to be resumed. The international community, including the UN, the European Union and the major international actors in the Cyprus Problem (US and the UK), expressed their great disappointment with the position expressed by the Turkish Cypriot community and its unwillingness to commit itself in direct negotiations for finding a solution in the Cyprus problem.

# The first visit of a President of the Republic of Cyprus to the occupied areas – The first visit of Denktash to the free areas of the Republic

The continual efforts for the resumption of the talks, lead to two private dinners in Cyprus, between the leaders of the two communities, in the presence of Alvaro De Soto. More specifically, on December 5, 2001, Glafkos Clerides, leader of the Greek Cypriot community and President of the Republic of Cyprus, visited the occupied area in order to participate in a private dinner with the Turkish Cypriot leader in the latter's residence. On December 29, a second private dinner took place at the residence of Glafkos Clerides and Denktash visited the free areas of the Republic of Cyprus for the first time since the Turkish invasion of 1974.

The continuous efforts led to the beginning of direct talks in Cyprus between the leaders of the two communities (on January 16, 2002) in the presence of the UN Secretary General Special Adviser (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/EC16EB05F3AF7856C22578380034CAB8?OpenDocument>). During the direct talks no real progress was achieved due to the position of the Turkish Cypriot side for a two-state solution which was contrary to all relevant UN resolutions on Cyprus as well as the two High Level Agreements. At the same time all the positions put forward by the Turkish Cypriot side attempted to promote the idea of two separate states, while on core issues for the Greek Cypriot side (like territorial adjustments and property issues) the Turkish Cypriot side would not accept to discuss or propose positions that would change the existing status quo. Among the main positions of the Turkish Cypriot side was also the need for recognition of the so called "turkish republic of northern cyprus".

While the direct talks were continuing without real progress due to the positions of the Turkish side, the international community, and especially the UN, tried to keep equal distances from the two communities, without blaming Mr. Denktash for the lack of progress. The attitude of the UN was due to its attempts to keep the process alive.

# The Annan Plan I

In an effort to give new impetus to the process and to break the deadlock that had been reached, the UN Secretary General Kofi Annan visited Cyprus in May 2002 and had a meeting with the leaders of the two communities. The SG urged Clerides and Denktash, to continue the direct talks with the aim of reaching, as a first stage, a **Framework Agreement** regarding the core issues. The two sides exchanged documents on those core issues, like the property issue, and the one side commented on the other side's proposals. On September 6 and after more than fifty direct meetings between the leaders of the two communities, the UN Secretary General Kofi Annan invited Clerides and Denktash for a meeting in Paris (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/EC16EB05F3AF7856C22578380034CAB8?OpenDocument>). New meetings of the two leaders with the Secretary General took place in New York on October 3 and 4, 2002. The Secretary General informed the two leaders that the UN was planning to put forward to the two sides a proposed plan for the solution of the Cyprus Problem. The international community was attempting, through the submission of a specific plan, to take advantage of the fact that in December 2002, **the forthcoming European Council in Copenhagen (EU Danish Presidency)**, would decide over the future of the Cyprus' application in the EU.

On Monday, November 11, the UN submitted to the two sides a plan for the comprehensive solution of the Cyprus Problem (the so called "**Annan Plan I**"). The Plan with the title "Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem" was presented to President Clerides in Nicosia and to the advisor of the Turkish Cypriot leader Ergun Olgun in New York (the Turkish Cypriot leader was in hospital in New York for medical examinations). The Annan Plan I was also presented in New York to the Permanent Representatives to the UN of Greece, Turkey and the United Kingdom (the three guarantor powers under the 1960 agreements that established the Republic of Cyprus). It was the first time since the emergence of the Cyprus Problem that the UN proposed such a comprehensive plan (145 pages); its purpose was to be used for further negotiations between the two sides and as final aim, to reach a solution to the Cyprus Problem (for the full version of the Annan Plan I visit [http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf). See also [http://www.hri.org/docs/annan/Annan\\_Plan\\_Text.html](http://www.hri.org/docs/annan/Annan_Plan_Text.html)).

In the first page of the Plan was mentioned:

"We, the democratically elected leaders of the Greek Cypriots and the Turkish Cypriots, through negotiations under the auspices of the Secretary-General of the United Nations in which each side represented itself, and no-one else, as the political equal of the other, have freely agreed to settle the Cyprus Problem in all its aspects in the following comprehensive manner:

## Article 1 Foundation Agreement

1. The main articles of the appended Foundation Agreement (Appendix A) are hereby

agreed, as is the substance of the specially marked parts of the Annexes thereto and the map delineating the boundary between the component states. The Draft Annexes as a whole are hereby accepted as a basis for agreement to be finalized no later than 28 February 2003.

2. The finalization of all Draft Annexes shall be accompanied and facilitated by the appended measures. (Appendix B)

3. The Secretary-General is invited to certify the results of the finalization

process, and to include his suggestions, if any are indispensable, to finalize the Agreement.

4. That finalized Foundation Agreement shall be submitted by each side to referendum on 30 March 2003, together with other specified matters related to the coming into being of the new state of affairs, including accession to the European Union.

5. Should the Foundation Agreement not be approved at the separate simultaneous referenda, it shall be null and void, and the commitments undertaken in this Comprehensive Settlement shall have no further legal effect.

## **Article 2 Treaty on matters related to the new state of affairs in Cyprus**

Upon entry into force of the Foundation Agreement, the Co-Presidents of Cyprus shall, on invitation and in the presence of the Secretary-General of the United Nations (or his representative), sign the appended Treaty (Appendix C) with Greece, Turkey and the United Kingdom, which shall be registered as an international treaty in accordance with Article 102 of the Charter of the United Nations.

## **Article 3 Matters to be submitted to the United Nations Security Council for decision**

The Secretary-General of the United Nations is invited to request the Security Council to take decisions as appended. (Appendix D)

## **Article 4 Conditions of accession to the European Union**

Pursuant to the willingness of the European Union to accommodate the terms of a comprehensive settlement and to assist its implementation, as expressed in the conclusions of the Brussels European Council of 24 and 25 October, the requests to the European Union to attach the appended Protocol to the Act concerning the conditions of accession of Cyprus to the European Union, and to include the appended paragraph in the conclusions of the Copenhagen European Council, are hereby agreed.

(Appendix E)

Glafcos Clerides

Rauf Denktash

For the Greek Cypriot side

For the Turkish Cypriot side

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The Hellenic Republic, the Republic of Turkey, and the United Kingdom of Great Britain and Northern Ireland hereby agree with this Comprehensive Settlement of the Cyprus Problem, and commit themselves to sign together with Cyprus the appended Treaty (Appendix C) on matters related to the new state of affairs in Cyprus, which shall be registered as an international treaty in accordance with Article 102 of the Charter of the United Nations.

Signature

Signature

Signature

Hellenic Republic

United Kingdom

Republic of Turkey

of Great Britain and Northern Ireland

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Witnessed by

Kofi A. Annan

Secretary-General of the United Nations”

The 5 Appendixes mentioned above were, Appendix A: Foundation Agreement, Appendix B: Measures to accompany and facilitate the finalization process, Appendix C: Treaty between Cyprus, Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus, Appendix D: Matters to be submitted to the United Nations Security Council for decision, Appendix E: Requests to the European Union with respect to the accession of Cyprus to the European Union.

According to the timetable of the UN, the first round of negotiations between the leaders of the two communities had to be concluded by the beginning of December and to have as a result the endorsement by the leaders of the two communities, of the Basic Principles which would be the basis for the solution of the Cyprus Problem. In fact, the United Nations and the International Community wanted the two sides in the island to agree and sign, before the European Council in Copenhagen, the

main articles of the Foundation Agreement.

According to Annan Plan I “Each side shall organize a **referendum** on 30 March, asking the following question: “Do you: i) Approve the Foundation Agreement and all its Annexes, including the Constitution of Cyprus; ii) Approve the Constitution of the [Greek Cypriot/Turkish Cypriot] component state and the provision as to the laws to be in force for the component state; iii) Approve the terms of the draft Treaty between Cyprus, Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus, and require the signature by the Co-Presidents of the Treaty; iv) Approve the accession of Cyprus to the European Union in accordance with the conditions of accession laid down in the draft Treaty concerning accession of Cyprus to the European Union, and require the signature and ratification by the Co-Presidents of the Treaty?”

Yes [ ]

No [ ]”

([http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf))

According to the Annan Plan I, after the signing of the said Agreement, there would follow, a second round of negotiations which would last until the day before the referendums. Should the Foundation Agreement not be approved at the separate simultaneous referenda, it would be null and void and the commitments undertaken in this Comprehensive Settlement would have no further legal effect.

During the period between the signature of the Comprehensive Settlement and the separate simultaneous referenda to approve the Foundation Agreement, certain provisions would be applied. Among these were that the two leaders would appoint Committees to finalize the Foundation Agreement, that a competition would be conducted to design a flag and compose an anthem for Cyprus, each side would have to prepare a draft of its constitution consistent with the draft Constitution of Cyprus, and the two leaders would, by consensus, select, from a list of candidates presented by the presumed members of the transitional Judiciary Board, three non-Cypriot judges and three judges from each side to sit on the transitional Supreme Court of Cyprus for a period of one year after entry into force of the Foundation Agreement.

According to the Plan, which it should be stated, was very complex and difficult for the people to understand, the status and relationship of the State of Cyprus, its common state government, and its component states, was modeled on the status and relationship of Switzerland, its federal government, and its Cantons. Accordingly:

a. Cyprus would be an independent state in the form of an indissoluble partnership, with a common state government and two equal component states, one Greek Cypriot and one Turkish Cypriot. Cyprus would have a single international legal personality and sovereignty and be a member of the United Nations. It would be organized under its Constitution in accordance with the basic principles of rule of law, democracy, representative republican government, political equality, bi-zonality, and the equal status of the component states,

b. The common state government sovereignty would exercise the powers specified in the Constitution,

which should ensure that Cyprus could speak and act with one voice internationally and in the European Union, fulfill its obligations as a European Union member state, and protect its integrity, borders and ancient heritage.

c. The component states would be of equal status. Within the limits of the Constitution, they would sovereignty exercise all powers not vested by the Constitution in the common state government, organizing themselves freely under their own Constitutions. ([http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf))

The functions and powers of the Central Government would be on issues regarding external relations, including the conclusion of international treaties and defense policy, relations with the European Union, Central Bank functions, including issuance of currency, monetary policy and banking regulations, finances, including budget and all indirect taxation (including customs and excise), economic and trade policy, security arrangements, and the international obligations of Cyprus, meteorology, aviation, international navigation and the continental shelf and territorial waters of Cyprus, communications (including postal, electronic and telecommunications), Cypriot citizenship (including issuance of passports) and immigration (including asylum, deportation and extradition of aliens), combating terrorism, drug trafficking, money laundering and organized crime, pardons and amnesties, intellectual property, weights and measures and antiquities. ([http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf))

According to Annan Plan I, the common state Parliament would be composed of two Chambers: the Senate and the Chamber of Deputies. Each Chamber would have 48 members, elected for five years on the basis of proportional representation. The component states would serve as electoral districts, unless special majority law provided otherwise, in which case each district might have no less than ten seats ([http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf)). Furthermore, according to the Plan, the Senate would be composed of an equal number of senators from each component state. The people of each component state would elect, on a proportional basis, 24 members of the Senate. The Chamber of Deputies would be composed of deputies from both component states, with seats attributed on the basis of the number of registered residents in each component state provided that each component state would be attributed a minimum of one quarter of the seats ([http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf)).

The Presidents of the two Chambers would not come from the same component state. The Vice President who under the Plan could not come from the same component state as the President of the relevant Chamber, would be the First Vice-President of that Chamber. Unless otherwise specified, decisions of Parliament would need the approval of both Chambers with simple majority of members present and voting, including one quarter of senators present and voting from each component state. A special majority comprising at least two fifths of sitting senators from each component state, in addition to a simple majority of deputies present and voting, would be required for: a. Ratification of international agreements on matters which fall within the legislative competence of the component states; b. Ratification of treaties and adoption of laws and regulations concerning the airspace, continental shelf and territorial waters of Cyprus; c. Adoption of laws and regulations concerning citizenship, immigration, and taxation; d. Approval of the common state budget; e. Election of the

Presidential Council; and f. Other matters which specifically require special majority approval pursuant to other provisions of this Constitution ([http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf)).

According to Annan Plan I, the Office of the Head of State would be vested in a six-member Presidential Council, which would exercise the executive power. The members of the Presidential Council would be elected by Parliament for a fixed five-year term on a single list by special majority. The composition of the Presidential Council would be proportional to the population of the two component states though at least two members should hail from each component state. The Presidential Council would strive to reach all decisions by consensus. Where it would fail to reach consensus, it would make decisions by simple majority of members voting unless otherwise stated in the Constitution. However, such majority should in all cases comprise at least one member from each component state ([http://www.kypros.org/Occupied\\_Cyprus/unplan.pdf](http://www.kypros.org/Occupied_Cyprus/unplan.pdf)).

According to the Plan, the President and Vice-President of the Council would not hail from the same component state. The offices of the President and Vice-President of the Council would rotate every ten calendar months among members of the Council on the basis of time spent on the Council since last serving in either office and with no more than two consecutive Presidents to come from the same component state. Among members of the Council who would have spent equal time on the Council without having served as President or Vice-President, a lot shall be drawn, unless the members concerned agree to an order of precedence. The Vice-President of the Council would assume the duties of the President in the absence or temporary incapacity of the President. Neither the President nor the Vice President of the Council would have a casting vote.

Each member of the Presidential Council would head a Department which would be attributed by decision of the Council. Where the Council would be unable to reach a decision, departments would be attributed on the basis of time spent on the Council; among members who have spent equal time, a lot shall be drawn. The heads of the Departments of Foreign Affairs and European Union Affairs would not hail from the same component state ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

The Presidential Council would appoint the judges from among the candidates listed by the Judiciary Board, three judges hailing from each of the component states and three non-Cypriot judges who would not be citizens of Greece, Turkey or the United Kingdom. According to the Plan, Cyprus would be an independent and sovereign state with a single international legal personality and a common state government and consists of a Greek Cypriot component state and a Turkish Cypriot component state. The independence, territorial integrity, security, and constitutional order of Cyprus would be safeguarded and respected by all. Union of Cyprus in whole or in part with any other country, any form of partition or secession, and any other unilateral change to the state of affairs established by the Foundation Agreement and this Constitution would be prohibited. The component states were of equal status and exercise its authority within the limits of this Constitution and its territorial boundaries as set out the attachment to this Constitution. The component states would have their own anthems and flags, while the component state flag would be flown on component state government buildings, along with and in the same manner as the flag of Cyprus. No other flags would be flown on

component state government buildings or public property. Each component state would determine and observe its own holidays in addition to those of the common state ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

Concerning the composition of diplomatic missions of Cyprus, the heads of mission of Cyprus to the United Nations in New York, the United Nations in Geneva, the European Union, Greece, Turkey, the United Kingdom, France, the United States, Russia and China would hail in equal numbers from each component state. The official languages of the common state would be Greek and Turkish, while the use of English for official purposes would be regulated by law. All persons would have the right to address the authorities of the common state in any of the official languages and to be addressed in that same language. The official languages of the common state would be taught mandatorily to all secondary school students. The National Holiday of Cyprus would be the day of the referenda on the Foundation Agreement. In addition to Sundays, the following official holidays would be observed throughout Cyprus: 1 January (New Year's Day), 1 May (Labour Day), 25 December (Christmas), Good Friday, Easter Monday, the first day of Ramadan/Sheker Bayram, the first day of Kurban Bayram and the birthday of the Prophet Mohammed. According to the Plan, public servants of the common state would be entitled to observe, in addition to the above, the official holidays of either one component state or the other ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

Concerning the very important issue of the settlers, in the Plan was stated that upon entry into force of the Foundation Agreement, the following persons would be considered citizens of Cyprus:

- a. Any person who held Cypriot citizenship in 1960 and his or her descendants;
- b. Any 18 year old person who was born in Cyprus and has permanently resided for at least seven years in Cyprus;
- c. Any person who was married to a Cypriot citizen and has permanently resided for at least two years in Cyprus; and
- d. Minor children of the persons in the above categories who were permanently residing in Cyprus.

In addition to the above, persons whose names would figure on a list agreed by the two sides would be considered citizens of Cyprus upon entry into force of the Foundation Agreement ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

According to the Plan, the Treaty of Alliance would permit the stationing in Cyprus of Greek and Turkish contingents, each not exceeding a four digit number that will be agreed by both sides. At the same time, there would be a United Nations peacekeeping operation to monitor the implementation of the Agreement and use its best efforts to promote compliance with it and contribute to the maintenance of a secure environment, to remain as long as the government of the common state, with the concurrence of both component states, does not decide otherwise. The supply of arms to Cyprus would be prohibited in a manner that was legally binding on both importers and exporters. Cyprus would not put its territory at the disposal of international military operations other than with the consent of Greece and Turkey, while the common state and the component states would be demilitarized ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

There were two maps attached to the Plan. According to the first map, the area of the Turkish Cypriot component state would be 28.5% **of the territory of the island Cyprus** and according to the second map 28.6%. Areas subject to territorial adjustment which would be part of the Greek Cypriot component state upon entry into force of the Agreement, would be administered during an interim period no longer than three years by the Turkish Cypriot component state. Administration would be transferred under the supervision of the United Nations to the Greek Cypriot component state in agreed phases, beginning 90 days after entry into force of the Agreement with the transfer of administration of largely uninhabited areas contiguous with the remainder of the Greek Cypriot component state. Special arrangements would safeguard the rights and interests of current inhabitants of areas subject to territorial adjustment, and provide for orderly relocation to adequate alternative accommodation in appropriate locations where adequate livelihoods may be earned ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

According to Anna Plan I, in areas subject to territorial adjustment, properties would be reinstated to dispossessed owners. In areas not subject to territorial adjustment, the arrangements for the exercise of property rights, by way of reinstatement or compensation, would have the following basic features: Dispossessed owners who opt for compensation or whose properties would not be reinstated under the property arrangements should receive full and effective compensation on the basis of value at the time of dispossession plus inflation; Current users, being persons who have possession of properties of dispossessed owners as a result of an administrative decision, may apply for and should receive title if they agree in exchange to renounce their title to a property, of similar value and in the other component state, of which they were dispossessed. Current users might also apply for and should receive title to properties which have been significantly improved provided they pay for value in original condition. There should be incentives for owners to sell, lease or exchange properties to current users or other persons from the component state in which a property was located ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

The Plan provided the right to a component state to restrict the right to reside of Cypriot citizens who did not hold its internal component state citizenship status, if the number of such residents had reached one-third of the total population of a municipality or village. Without prejudice to the provisions of the above Article, component states might, during a transitional period of 20 years after entry into force of the Agreement, further restrict the establishment of residence of Cypriot citizens who did not hold the relevant internal component state citizenship status, if the number of such residents had reached a certain percentage of the total population of a municipality or village. According to the Plan, the relevant percentage should be 1% for the first year after entry into force of the Agreement, and should rise by 3% for each three year period thereafter. There should be no limitations for establishment of residence by former inhabitants and their descendants in certain villages like those in the occupied areas where Greek Cypriot enclaves reside ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

According to the Plan, Cyprus should grant equal treatment to Greek and Turkish nationals with respect to entry and residency rights to the extent permissible under European Union law and the conditions of accession of Cyprus to the European Union. The Aliens Board would not authorize

further immigration of Greek nationals if the number of permanently resident Greek nationals had reached 10% of the number of resident Cypriot citizens who hold the internal component state citizenship status of the Greek Cypriot component state nor should it authorize further immigration of Turkish nationals if the number of permanently resident Turkish nationals had reached 10% of the number of resident Cypriot citizens who hold the internal component state citizenship status of the Turkish Cypriot component state. For the purpose of this Article, persons who were citizens of both Cyprus and Greece or Turkey should be counted as citizens of Cyprus only ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html))

The Plan provided that Cyprus should be a member of the European Union and the governments of the component states should participate in the formulation of the policy of Cyprus in the European Union. Cyprus would be represented in the European Union by the common state government in its areas of competence or where a matter predominantly concerns an area of its competence. Where a matter falls predominantly or exclusively into an area of competence of the component states, Cyprus could be represented either by a common state or a component state representative, provided the latter was able to commit Cyprus. Obligations of Cyprus arising out of European Union membership should be implemented by the common state or component state authority which enjoys legislative competence for the subject matter to which an obligation pertains. If a component state failed to fulfill obligations of Cyprus vis-à-vis the European Union within its area of competence and Cyprus might be held responsible by the Union, the common state should, after notification of no less than 90 days, take necessary measures in lieu of the defaulting component state, to be in force until such time as that component state discharges its responsibilities ([http://www.hri.org/docs/annan/Annan\\_Plan\\_November2002.html](http://www.hri.org/docs/annan/Annan_Plan_November2002.html)).

# The Annan Plan II

On December 5, 2002, the two sides presented to the UN their comments on the Annan Plan I. Following bilateral meetings of the UN team for the Cyprus Problem with the leaders of the two communities, the Secretary General with a letter to Clerides and Denktash, dated December 10, presented **Annan Plan II** which was a revised version of Annan Plan I ([http://www.unannanplan.agrino.org/1revised\\_un\\_plan.pdf](http://www.unannanplan.agrino.org/1revised_un_plan.pdf)).

Annan Plan II was different from Annan Plan I in minor aspects. The most important changes were

(a) the transitional period concerning the return of Greek Cypriot refugees decreased to 15 from 20 years,

(b) on the same issue, the paragraph in Annan Plan I under which “if the number of such residents has reached a certain percentage of the total population of a municipality or village; the relevant percentage shall be 1% for the first year after entry into force of the Foundation Agreement, and shall rise by 3% for each three year period thereafter” changed as follows: “Permissible restrictions include a moratorium on such residence during the first four years after entry into force of the Foundation Agreement. Thereafter, there may be restrictions if the number of such residents has reached 8% of the population of a village or municipality between the 5th and 9th years and 18% between the 10th and 15th years”,

(c) The reference in the Annan Plan I that Greek and Turkish contingents, each not exceeding a four digit figure, to be agreed by the two sides, changed. In the new Plan, it was mentioned that the number of soldiers should be between 2,500 and 7,500,

(d) Upon entry into force of the Agreement, the leaders of the two sides would become Co-Presidents of Cyprus for thirty calendar months (instead of three years which was mentioned under Annan Plan I)

(e) on the issue of the persons whose names would be given to stay in Cyprus and considered citizens of the Republic of Cyprus, in Annan Plan II was added that “each side’s list may number no more than 33,000 persons”. In the relevant paragraph, it was also added that the persons should be included on the list based on the length of their residence in Cyprus,

(g) In the relevant paragraph for the settlers, it was added that “Persons who do not so receive permanent residence may apply for financial assistance to relocate to their country of origin if they have lived in Cyprus for no less than [five] years. Such assistance shall be in the form of cash grants payable on their arrival in their country of origin, within five years of entry into force of the Agreement. The amount of the grant shall be in accordance with a scale, based on a figure of no less than 10,000 Euros for a household of four”.

([http://www.unannanplan.agrino.org/1revised\\_un\\_plan.pdf](http://www.unannanplan.agrino.org/1revised_un_plan.pdf). See also <http://www.philenews.com/afieromata/news/ekselikseisdec.htm>).

In his letter to the two leaders, the Secretary General, besides asking them to urgently study the new Plan and have their answer before the Copenhagen European Council meeting (which would decide about EU enlargement) on December 11, mentioned that there was a great opportunity for solving the Cyprus Problem and for a united Cyprus to join the European Union. The Secretary General closed his letter by stating that Cyprus had an appointment with History and should not lose it.

The Greek Cypriot leader Glafcos Clerides travelled to Copenhagen on 11 December. In the Danish capital, besides the leaders of all the EU member states, they were representatives of the UN and the Representatives of the US and the UK for the Cyprus Problem, the Turkish Prime Minister Abdullah Gul and the leader of the Turkish ruling party Tayip Erdogan. On 12 December the Turkish Cypriot leader Raouf Denktash was hospitalised in Ankara and did not attend.

# The EU Conclusions in Copenhagen

As it was mentioned before, the UN was trying to reach an agreement on the Cyprus Problem before the Conclusions of the European Council in which it was planned to have special reference to the issue of Cyprus joining the European Union. On December 13, the negotiations for solving the Cyprus Problem collapsed due to the Turkish intransigence despite the great efforts for all the parties involved. While the Greek Cypriot side expressed its willingness to further discuss the Annan Plan II and reach an agreement, the representative of Mr Denktash in Copenhagen, refused to further discuss the Plan. Thus, the Conclusions of the European Council included the following regarding Cyprus: “10...Cyprus will be admitted as a new Member State to the European Union. Nevertheless, the European Council confirms its strong preference for accession to the European Union by a united Cyprus. In this context it welcomes the commitment of the Greek Cypriots and the Turkish Cypriots to continue to negotiate with the objective of concluding a comprehensive settlement of the Cyprus problem by 28 February 2003 on the basis of the UNSG’s proposals. The European Council believes that those proposals offer a unique opportunity to reach a settlement in the coming weeks and urges the leaders of the Greek Cypriot and Turkish Cypriot communities to seize this opportunity. 11. The Union recalls its willingness to accommodate the terms of a settlement in the Treaty of Accession in line with the principles on which the EU is founded. In case of a settlement, the Council, acting by unanimity on the basis of proposals by the Commission, shall decide upon adaptations of the terms concerning the accession of Cyprus to the EU with regard to the Turkish Cypriot community. 12. The European Council has decided that, in the absence of a settlement, the application of the *acquis* to the northern part of the island shall be suspended, until the Council decides unanimously otherwise, on the basis of a proposal by the Commission. Meanwhile, the Council invites the Commission, in consultation with the government of Cyprus, to consider ways of promoting economic development of the northern part of Cyprus and bringing it closer to the Union”. ([consilium.europa.eu/uedocs/NewsWord/en/ec/73842.doc](http://consilium.europa.eu/uedocs/NewsWord/en/ec/73842.doc). See also <http://www.moi.gov.cy/moi/pio/pio.nsf/All/7D04838DC508B311C2256DDD004A3B41?OpenDocument>)

# The Annan Plan III

In the meantime, the UN did not stop their efforts of finding a solution. The window of opportunity which was the Conclusions of the European Council in Copenhagen was lost, but the last opportunity was the entrance of Cyprus in the EU on 1 May 2004. In mid January 2003, the negotiations resumed once more in Nicosia. The aim was to reach a solution by the end of February, the date set in the Annan Plan I.



President Tassos Papadopoulos

Two internal factors of the time decisively influenced the developments in the Cyprus Problem. The first was the growing reaction within the Turkish Cypriot community against its traditional and historical leader Denktash and his negative stand at the negotiating table. The Turkish Cypriots in the occupied areas organized demonstrations in favour of a solution and a united Cyprus joining the European Union (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/EC16EB05F3AF7856C22578380034CAB8?OpenDocument>). The other internal factor was the presidential elections in the Republic of Cyprus, scheduled for February 16, 2003. The elections were won by **Tassos Papadopoulos** who became President, ousting the incumbent, Glafcos Clerides (<http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/0/B5E35A288C6D3544C22571880039E62B?opendocument>).

The negotiations between the new Greek Cypriot leader Papadopoulos and the Turkish Cypriot leader Rauf Denktash continued in Nicosia. At the end of February (26 to 28) the UN Secretary General visited Cyprus and had meetings with the two leaders and the leaders of all Greek Cypriot and Turkish Cypriot parties, asking them to work for the solution of the Cyprus Problem. At the same time, the Secretary General submitted to the two leaders a new version of his Plan, the **Annan Plan III** which was more detailed from the previous versions running to 450 pages ([http://www.unannanplan.agrino.org/2revision2\\_un\\_plan.pdf](http://www.unannanplan.agrino.org/2revision2_un_plan.pdf)).

With the submission of the Annan Plan III, the Secretary General invited the two leaders to the Hague (on March 10) in order for them to inform him if they were ready to sign a “declaration of commitment” to put the proposed plan to separate referendums, on 30 March 2003 (<http://www.philenews.com/afieromata/news/xagi.htm>).

Some of the new provisions in the third version of the Annan Plan were,

- (a) the new state would be called United Cyprus Republic
- (b) in the article concerning the Citizenship of the new State the following paragraph was added: “Until Turkey’s accession to the European Union, a constituent state may limit the establishment

of residence by persons hailing from the other constituent state. To this effect, it may establish a moratorium until the end of the sixth year, after which limitations are permissible if the number of residents hailing from the other constituent state has reached 7% of the population of a village or municipality between the 7th and 10th years and 14% between the 11th and 15th years and 21% of the population of the relevant constituent state thereafter. After the second year, no such limitations shall apply to former inhabitants over the age of 65 accompanied by a spouse or sibling, nor to former inhabitants of specified villages”,

(c) in the article concerning Demilitarization it was added that “upon accession of Turkey to the European Union, all Greek and Turkish troops shall be withdrawn from Cyprus unless otherwise agreed between Cyprus, Greece and Turkey”,

(d) in the reference in the Annan Plan II that Cyprus should not put its territory at the disposal of international military operations other than with the consent of both constituent states, it was added the sentence: “until the accession of Turkey to the European Union, the consent of Greece and Turkey shall also be required”,

(e) The number of the persons to be included in the list (to be citizens of the new State) changed to no more than 45,000 persons ([http://www.unannanplan.agrino.org/2revision2\\_un\\_plan.pdf](http://www.unannanplan.agrino.org/2revision2_un_plan.pdf)).

Certain provisions in the Plan were not filled and in the Plan was mentioned that: “insert agreed text no later than 25 March 2003. If agreement is not reached by that date, the constituent states shall, *ad interim*, exercise the functions governed by this law, upon entry into force of the Foundation Agreement. A committee established by the Co-Presidents shall present a common draft of this law for approval by the transitional federal Parliament no later than 15 September 2003. The transitional Parliament shall resolve any outstanding issues regarding the law and adopt it no later than 15 October 2003. Should the law not be adopted by the transitional Parliament by the specified date, the Supreme Court shall decide on the unresolved issues giving due regard to the positions of both constituents and promulgate the law within six weeks of that date” ([http://www.unannanplan.agrino.org/2revision2\\_un\\_plan.pdf](http://www.unannanplan.agrino.org/2revision2_un_plan.pdf)).

In the **Hague**, the leaders of the two communities met separately at first and then together with the UN Secretary General. In the Dutch capital, they were also present Representatives of the Greek, Turkish, British and the US government. Following three days of intense meetings and exchange of ideas, the Secretary General announced that while the Greek Cypriot leader replied positively in his request and accepted, under certain conditions, to put the Plan to the people in a referendum, the Turkish Cypriot leader replied that he was not ready to do this, because he had serious disagreements with some of its major provisions (<http://www.philenews.com/afieromata/news/xagi.htm>).

# The Annan Plan IV

The developments in the Hague were followed by two major events. The first took place in Athens, on April 16, when the leader of the Greek Cypriot community and President of the Republic of Cyprus signed the **Accession Treaty of the Republic of Cyprus in the EU** ([http://www.europa-eu-un.org/articles/en/article\\_2310\\_en.htm](http://www.europa-eu-un.org/articles/en/article_2310_en.htm)). Few days later and following pressure from the international community and the Turkish Cypriots against his negative stance in the efforts for finding a solution to the Cyprus Problem, the Turkish Cypriot leader decided the **partial lifting on the movement restrictions between the occupied areas and the areas under the effective control of the Republic of Cyprus**. As a result, hundreds of thousands of Greek Cypriots visited the occupied areas for the first time after 1974 to see their houses, their fields, their schools, graveyards and churches (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/E620A587100F0FF6C22578380036872D?OpenDocument>).



Ledras Street after the partial lifting of the movement restrictions

Following the developments in Copenhagen and the Hague, and the signing of the Accession Treaty of the Republic of Cyprus in the European Union, the international community set May 1, 2004, the day of Cyprus' entry in the European Union, as the new deadline for solving the Cyprus Problem. In this regard, on 4 February 2004, the UN Secretary General sent a letter to Papadopoulos and Denktash, inviting them to New York on February 10. In his letter, Kofi Annan also mentioned that if the two leaders accepted his invitation it meant that they accepted to negotiate, having as base the Annan Plan III and without renegotiating the basic principles of his Plan. He also stated in his letter that the two leaders by replying positively to his invitation agreed to put the Plan to simultaneous separate referendums, set for 21 April 2004.

The two leaders accepted the invitation of the Secretary General and visited New York. As a result of their meetings in the UN headquarters on **February 10**, it was agreed that "the parties have committed to negotiating in good faith on the basis of his [Secretary General's] plan to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004" (<http://www.philenews.com/aferomata/news/ekselikseisfeb2004.htm>). In the UN announcement was also stated: "To this end, the parties will seek to agree on changes and to complete the plan in all respects by 22 March 2004, within the framework of the Secretary-General's mission of good offices, so as to produce a finalized text. In the absence of such agreement, the Secretary-General would convene a meeting of the two sides - with the participation of Greece and Turkey in order to lend their collaboration - in a concentrated effort to agree on a finalized text by 29 March. As a final resort, in the event of a continuing and persistent deadlock, the parties have invited the Secretary-General to use his discretion to finalize the text to be submitted to referenda on the basis of his plan...The Secretary-General welcomes these commitments as well as the assurances of the European Union to accommodate a settlement and the offer of technical assistance by the European Commission. He looks forward to drawing on this assistance as well as that of others in the course of the negotiations" (<http://www.un.int/cyprus/intercommunal.htm>).

# The Annan Plan V

The negotiations between the leaders of the two communities resumed in Cyprus (**February 19**), as planned with the timetable agreed in New York. Due to the stance of the Turkish Cypriot leader, the negotiations were not proceeding as scheduled and the next step, according to the agreement of the two communities with the UN Secretary General (February 13), was the participation of Greece and Turkey in the negotiations. On March 23, the leader of the Greek Cypriot community and President of the Republic of Cyprus Tassos Papadopoulos, accompanied by the leaders of all the Greek Cypriot parties arrived in **Burgenstock**, Switzerland for the second phase of the negotiations. The Turkish Cypriot leader informed the secretary General that he will not attend the second phase of the negotiations and that he authorized the so called “prime minister” Mehmet Ali Talat and the so called “minister of foreign affairs”, to participate in the negotiations. Greece was represented in the negotiations by the Minister of Foreign Affairs Petros Molyviates, while Turkey was represented by the Minister of Foreign Affairs Abdullah Gul. The involvement of Greece and Turkey did not result in the conclusion of the Plan since no formal negotiations took place and the procedure moved to its third phase which was the conclusion of the Plan by the UN Secretary General. On March 27, 2004, Kofi Annan arrived in Switzerland and two days later submitted to the interested parties the **Annan Plan IV**. In Switzerland also arrived the newly elected Prime Minister of Greece Costas Karamanlis and the Turkish Prime Minister and Tayyip Erdogan. With the submission of the fourth version (which was more than 9000 pages – the most detailed ever proposed plan) of his Plan, the Secretary General asked from the leaders of the two communities to give their comments until the next day in order for the UN to finalize the document, by March 31 (**Footnote**). The changes in the Plan were approaching the Turkish positions, and the Greek Cypriot side asked for changes on the issues of settlers and security. In the fourth version of the Plan, the constitutions of the two constituent states and the constitution of the United Cyprus Republic were also included. On April 1, 2004, the United Nations Secretary General submitted to all interested parties the fifth and last version of his Plan, asking the Greek Cypriot and Turkish Cypriot leaders to submit it before the Cyprus people in separate and simultaneous referendums, now set for 24 April 24, 2004 ([http://www.unannanplan.agrino.org/Annan\\_Plan\\_MARCH\\_30\\_2004.pdf](http://www.unannanplan.agrino.org/Annan_Plan_MARCH_30_2004.pdf). See also [http://www.hri.org/docs/annan/Plan\\_Information.html](http://www.hri.org/docs/annan/Plan_Information.html)).

The last version of the Plan was not a result of an agreement between the two sides and created different reactions in the two communities. In fact, Tassos Papadopoulos stated from Switzerland that “The Turkish Cypriot side not only continued its negative stance and insisted on its intransigent positions throughout the talks, but Turkey added 11 new additional demands aiming at serving mainly, through Cyprus, her aims and interests. These demands, through the procedure of the Secretary General using his discretion to finalize the text, were met either fully or to some extent” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C670F739E1636C14C225783800390D72?OpenDocument>). After his return in Cyprus, Papadopoulos in a televised statement to Greek Cypriots asked

them to reject the Annan Plan V. The Greek Cypriot leader characterized the Plan as dangerous and further mentioned that “With the final Annan Plan Cypriots have not been satisfied, however Turkey’s pursuit to control and dominate Cyprus has been fully met...The particular plan would not lead to the reunification of the two communities but on the contrary it would promote the permanent division with restrictions on movement, settlement, the right to acquire property, the exercise of political rights and other divisive elements” ([http://users.uoa.gr/~nektar//history/3contemporary/tassos\\_papadopoulos\\_diaggelma.htm](http://users.uoa.gr/~nektar//history/3contemporary/tassos_papadopoulos_diaggelma.htm)). The newly elected Greek Government of Costas Karamanlis decided to keep a “neutral’ position regarding the Plan, while the Turkish Government stand was in favor of a Yes vote in the Plan. Denktash was against the proposed Plan, while his so called “prime minister”, Mehmet Ali Talat asked the Turkish Cypriots to vote in favour of the Plan.

**On 24 April 2004, 75.83% of the Greek Cypriots (313.704 out of 428.587) voted against the proposed Plan of the United Nations, while 64.91% of the Turkish Cypriots voted in favor.** As a result, and according to the relevant provision in the Annan Plan, the Plan became null and void. In a statement to the Foreign Media, Papadopoulos repeated that “throughout the process, no real negotiation took place. Most of the time had been consumed by the other side putting forward suggestions that either were not genuinely within the parameters of the Plan, or were contrary to its fundamental principles, or important “trade-offs” agreed by my predecessor or contradicted its core provisions. Sadly, these demands appear to have been satisfied, almost in total, in the revised Plan of 31 March through the adoption of all 11 demands made by Permanent Undersecretary Ziyal, of Turkey, particularly those in an EU context. Let me point out, that, in contrast, basic concerns of the Greek Cypriot side, within the spirit of the Plan, have been disregarded. It seems that everybody involved in the talks were anxious to bring on board Turkey and ensure a “yes” vote by the Turkish Cypriot community ignoring the fact that the far bigger Cypriot community had also to be convinced to vote “yes” on the Plan. Thus, this process has failed in addressing the legitimate concerns, need and interests of both sides” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/07CBD376111D42FDC2256E82003ABA3D?OpenDocument>).

According to President Papadopoulos, the major reasons behind the No vote of the Greek Cypriots were the

(a) “presence of Turkish troops in Cyprus in perpetuity as well as the continuation of the Treaty of Guarantee for an indefinite period of time and the expansion of its scope in comparison to the 1960 agreements. It is this Treaty that Turkey used as a pretext to justify its 1974 invasion of Cyprus”,

(b) the fact that “Greek Cypriots failed to understand why, under the Plan, 45,000 Turkish settlers were to be given citizenship of Cyprus plus a further 20-25,000 (in addition to those who are married to T/Cs or have been born in Cyprus) were to be given permanent residence with citizenship in 4 years’; and

(c) “Greek Cypriots disapproved of a Plan according to which the right of return to their homes in safety of “refugees” should be denied to the great majority of displaced persons”, so that even in 2023, they may only total 18% of the population of the Turkish-speaking area, 50 years after Turkey’s occupation of Cyprus and expulsion in or denial of the right of return to such persons” (<http://www>.

[moi.gov.cy/moi/pio/pio.nsf/All/07CBD376111D42FDC2256E82003ABA3D?OpenDocument](http://moi.gov.cy/moi/pio/pio.nsf/All/07CBD376111D42FDC2256E82003ABA3D?OpenDocument)).

One week later, the Republic of Cyprus became a member of the European Union. According to the relevant EU decision, the whole island entered the EU, whereas the *acquis* was suspended in the areas not under effective control of the Government of the Republic of Cyprus. The Turkish Cypriots as citizens of the Republic of Cyprus enjoy the same rights as all EU citizens.

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2. The Annan Plan (text) ([http://www.hri.org/docs/annan/Annan\\_Plan\\_Text.html](http://www.hri.org/docs/annan/Annan_Plan_Text.html))
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