

THE FOUR PILLARS OF A COUNTER-SECESSION FOREIGN POLICY: LESSONS FROM CYPRUS

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Introduction

We live at a time when the question of secession is at the forefront of international attention. As well as the current focus on Catalonia, the subject of Kurdish independence is also in the news. Meanwhile, the question of Scottish independence remains firmly on the agenda, despite the referendum that took place in 2014. Elsewhere around the world, there are anywhere up to a hundred other groups and territories seeking statehood.

Although significant attention is paid to the ways in which secessionist territories pursue their ambitions for independence, there has been rather less attention given to the way states facing an act of unilateral secession respond to such challenges. In many ways, the small eastern Mediterranean island of Cyprus has set the standard for states facing a secessionist threat. Over the course of the last thirty years, the Cypriot government has been engaged in a relentless – and, it must be said, often ruthless – battle to prevent the “Turkish Republic of Northern Cyprus (TRNC)” (or Northern Cyprus, as it is more commonly known), from gaining international recognition. By most benchmarks, these efforts have been extremely successful. While some international measures have been taken to ease the isolation of the Turkish Cypriots, especially after the failed reunification attempt in 2004, Northern Cyprus still has relatively little interaction with the wider world. In analysing the ways the Cypriot government has responded to the TRNC, it becomes clear that any successful counter-secession strategy is based on four separate but interlocking strands.

The Cyprus problem

In 1960, the small Mediterranean island of Cyprus became independent after 82 years of British colonial rule. A complex constitution was put in place that balanced power between the majority Greek Cypriots, representing 78% of the population, and the small Turkish Cypriot community representing 18% of the island's inhabitants. (The final 4% was made up of three small religious communities: the Maronites, Armenians

and Latins.) Meanwhile, the sovereignty, independence and territorial integrity of the new state were guaranteed by the United Kingdom, Greece and Turkey. Despite hopes that the new state could work, the power-sharing agreement soon broke down. In December 1963, fighting erupted. This led to the creation of a United Nations peacekeeping force (UNFICYP). However, the Turkish Cypriots had ceased to be a part of the government structures and the Republic of Cyprus had effectively become a Greek Cypriot entity.

During the ten years that followed, Cyprus was relatively calm. Tensions between the two communities subsided as the Turkish Cypriots withdrew into enclaves. This was broken when, in July 1974, the Greek government ordered a coup to overthrow the country's leader with the hope of uniting Greece and Cyprus. In response, Turkey ordered a military invasion of the island. After a month of heavy fighting Cyprus was left divided. At first, the stated plan of the Turkish Cypriots was to pursue a federal settlement. In 1977, the United Nations brokered an agreement between the leaders of the two communities that any future settlement would be based on a bizonal, bicomunal federation. This was reconfirmed in 1979. However, on 15 November 1983, the Turkish Cypriot authorities, seizing on political turmoil in Turkey, unilaterally declared independence, announcing the creation of the "Turkish Republic of Northern Cyprus". Turkey immediately recognised the new state. However, the move was just as quickly condemned by the UN Security Council, which declared the UDI illegal and called on states not to recognise the Turkish Cypriot entity. And no country has done so. Meanwhile, the UN has continued with its efforts to reunite the island. In 2004, a major initiative led to a referendum on reunification, which was rejected by the Greek Cypriots. The latest two-year effort collapsed in July 2017 following almost two weeks of intensive talks in the Swiss mountain resort of Crans-Montana.

The four pillars of the counter-secession strategy

Ever since the Turkish Cypriots declared independence, the government of Cyprus has gone to extraordinary lengths to ensure that the TRNC is neither officially recognised nor unofficially accepted on the world stage. In doing so, it is utterly uncompromising in its approach. No move, no matter how small, that could in any way be understood to amount to an "upgrading" of the Turkish Cypriot state can pass unchallenged. As one diplomat once noted, it is as if they have an army of officials watching for any move that suggests that the Turkish Cypriot state is gaining recognition. He was not far wrong. The entire diplomatic machinery of the republic is geared up to watch out for anything that could be understood to amount to legitimisation of the Turkish Cypriot entity. In broader terms, the Greek Cypriot approach is built around four elements. In many ways, these have become a blueprint for any other territory seeking to counter an attempt by part of its territory to secede.

1) Maintain the claim to territory

The first element of any counter-secession strategy is to ensure that the world knows that the attempted secession is unacceptable. As Sir Hersch Lauterpacht, the esteemed international lawyer, once observed, while

a state facing an act of secession may tacitly accept that a territory has been lost, it will often wait decades to acknowledge this reality in formal terms. This means that other countries will often watch how the parent state (as the state from which the territory is seceding is most usually known) reacts to an act of secession when deciding how they should respond to the situation. If it appears as if the parent state has accepted the secession, and is merely waiting to recognise the new state of affairs, it is more likely that other states will choose to recognise it, or at least interact with it freely. For this reason, the most important first step is to challenge the purported secession and indicate clearly and in no uncertain terms that it has an ongoing claim to the territory.

There are numerous ways in which a parent state can indicate its opposition to a declaration of independence. Perhaps the most obvious is to issue a decree or a parliamentary resolution annulling the purported secession. For extra measure, the ringleaders may be charged with treason. Both actions send out a clear message. Beyond this, the emphasis must be on maintaining that the territory is still considered to be an integral part of the state. In the case of Cyprus, this is done in many ways. For instance, there are still MPs in the parliament representing the areas “under occupation”. However, it also goes far further than this. Cyprus even maintains local councils for these districts. Of course, these are only skeletal bodies with no actual territorial responsibilities. However, the fact that they even exist sends out the message that the state still regards the areas they represent or “govern” as essential and inalienable parts of their sovereign territory.

2) Prevent recognition

The second element of the strategy is the most obvious: to prevent other states from formally recognising the breakaway territory, and stop the territory from joining international organisations. In this task, parent states are aided by the deep aversion of the international community to accepting unilateral acts of secession. In fact, since 1945, only one country has seceded without permission and gained full international recognition: Bangladesh. However, even in this case, it only joined the UN after it had been recognised by Pakistan. Every other secessionist territory has fared far worse. Even Kosovo, which seceded from Serbia in 2008, and is widely regarded as the most successful contemporary act of unilateral secession, has only been recognised by a little over half of the members of the United Nations a decade later. While it has been able to join some international organisations, full UN membership is highly unlikely for the foreseeable future due to objections from Russia and China.

However, while states are extremely reluctant to recognise unilateral acts of secession, it is still important for parent states to make their case. This requires an active diplomatic campaign. However, this can be expensive and beyond the means of many countries. In such cases, states need to concentrate their firepower where it will achieve the most results. In this context, the UN General Assembly can often be a vital chance to engage with as many other states as possible. Meetings of other international and regional bodies can also be ideal opportunities to lobby. For Cyprus, its membership of the Non-Aligned Movement (NAM) gave it access to

many developing countries. Although it had to relinquish membership of the NAM when it joined the European Union, EU membership has proven to be an incredibly powerful tool in the Cypriot counter-secession efforts. It seems highly unlikely that any country would recognise the TRNC knowing that it would face inevitable and strong consequences in terms of its relations with the EU.

3) Stop legitimisation

While stopping formal recognition is a key plank of any counter-recognition strategy, states also need to guard against the gradual acceptance of a breakaway territory on the international stage. In some ways, this is really a far bigger problem than recognition. Speaking to Cypriot officials, they do not believe that the TRNC will ever gain widespread formal recognition. One or two states may recognise it, but it will never join the UN. What worries them far more is that it will slowly become a *de facto* reality and that it will gain recognition in all but name.

Such creeping legitimisation can happen in all sorts of ways. And nothing is seemingly too small to oppose. For example, there have been many occasions when word has leaked that a major international singer is booked to perform in Northern Cyprus, at which point a concerted effort is made to persuade them to abandon their performance. In this effort, the government is often supported by the vast army of the Cypriot diaspora, which is often happy to use its influence to persuade the hapless pop star to back down. However, acceptance can come in all sorts of other ways, such as allowing Turkish Cypriot sportsmen and women to compete in competitions, or even through cultural visits. It is telling just how utterly determined the Cypriot government is when it comes to such matters.

4) Pursue legal avenues

The fourth main strand of any counter-secession strategy is the use of legal avenues to prevent the recognition of breakaway territories. Perhaps the most obvious such example was the decision of the Serbian government to refer Kosovo's unilateral declaration of independence to the International Court of Justice. While the Cypriot government participated in this process, and made a strong case against Kosovo, it has so far refrained from taking such a high-profile course of action itself. This is largely because it has no need to do so. UN Security Council Resolution 541 (1983), passed at the time of the Turkish Cypriot declaration of independence, provides all the necessary cover. As one Cypriot official noted to the author, international courts can be very unpredictable bodies. The risk of taking a case before such bodies unless necessary is just too high.

However, Cyprus has shown how international courts can be extremely important in counter-secession efforts in other ways. Perhaps the best example was a case brought before the European Court of Human Rights (ECHR) by a Greek Cypriot refugee. The court ruled that the refugee had not only been illegally deprived of the rightful use of her

land, it also noted that Northern Cyprus is under Turkish occupation. This was a huge victory for the Greek Cypriots. In one fell swoop, the ECHR not only further undermined any claim to legitimacy by the TRNC, it also reinforced the Greek Cypriot message that Northern Cyprus is not a product of Turkish Cypriot self-determination, but is the result of external military aggression. It is a message that other states facing secessionist challenges, such as Georgia, have also sought to emulate.

Present and future counter-secession efforts

While the Cypriot government has had remarkable success in its efforts to prevent the recognition or legitimation of Northern Cyprus – especially considering the size and diplomatic clout of Turkey, the TRNC's main patron – there has undoubtedly been a change in international attitudes towards the Turkish Cypriots over the years. Perhaps the most significant development was the Greek Cypriot rejection of the 2004 UN proposal for reunification. Although this did not lead to any formal recognitions, as some Greek Cypriots claimed could happen, it did change wider international attitudes towards the Turkish Cypriots. The EU moved to open trade with them, although plans for direct trade were thwarted by Greek Cypriots. At the same time, the Organization of Islamic Cooperation (OIC) upgraded the standing of the "Turkish Cypriot state", and has called on its members to increase their economic and cultural contacts with the Turkish Cypriots. Meanwhile, the election of a more moderate leadership in the north has also seen more diplomats accredited to the Republic of Cyprus crossing the line that divides the two communities and engaging with Turkish Cypriot officials and political figures – much to the evident annoyance of the Cypriot government. Certainly, Northern Cyprus is far less isolated today than it was fifteen or twenty years ago.

But in so many other ways, the Turkish Cypriots remain cut off from the wider international community. As noted, the prospects of any further recognitions remain dim, even after the collapse of the latest UN talks. Of course, it is always possible that some state might be persuaded to take the plunge. However, it seems unlikely that many would really do so. The costs would be too high. Also, repeated efforts to try to ease the position of the Turkish Cypriots in other ways fall on deaf ears. There is little prospect that Turkish Cypriot football clubs will be allowed to compete in international competitions. This in fact highlights the greatest danger now facing the Greek Cypriots. Given that there is little prospect that the TRNC will ever be able to ease its isolation, and that many Turkish Cypriots now believe that the Greek Cypriots have no real desire for reunification, perhaps the only realistic prospect is for the north to unite with Turkey. If so, Cyprus will be faced with a rather different problem. It will no longer be engaged in counter-secession. It will have to formulate a counter-annexation strategy.

