



Security Council

Distr.
GENERAL

S/18102/Add.1
11 June 1986

ORIGINAL: ENGLISH

**REPORT BY THE SECRETARY-GENERAL ON THE UNITED NATIONS
OPERATION IN CYPRUS**

(For the period 10 December 1985-11 June 1986)

Addendum

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. GOOD OFFICES OF THE SECRETARY-GENERAL	1 - 15	2
II. OBSERVATIONS	16 - 19	5

Annexes

I. Draft statement and consolidated draft agreement presented by the Secretary-General in April 1985	7
II. Draft framework agreement on Cyprus presented by the Secretary-General on 29 March 1986	13
III. Letter dated 29 March 1986 from the Secretary-General addressed to President Kyprianou and to His Excellency Mr. Denktas̄ presenting the draft framework agreement on Cyprus	18
IV. Letter dated 20 April 1986 from President Kyprianou addressed to the Secretary-General	20
V. Letter dated 21 April 1986 from His Excellency Mr. Denktas̄ addressed to the Secretary-General	21
VI. Letter dated 27 April 1986 from His Excellency Mr. Denktas̄ addressed to the Secretary-General	23
VII. Letter dated 10 June 1986 from President Kyprianou addressed to the Secretary-General	24

I. GOOD OFFICES OF THE SECRETARY-GENERAL

1. During the period under review, I pursued the mission of good offices entrusted to the Secretary-General by the Security Council in resolution 367 (1975) and continued in subsequent resolutions, most recently in resolution 578 (1985).
2. It will be recalled that in December 1984 I had presented to each of the two sides documentation resulting from the working points that had been agreed in Vienna in August 1984 and from three rounds of proximity talks between September and December 1984. This documentation contained elements for a comprehensive solution of the problem through the establishment of a Federal Republic of Cyprus. At a joint high-level meeting in New York in January 1985, the Turkish Cypriot side informed me that it accepted the documentation; the Greek Cypriot side stated that it could accept it as a basis for negotiations (see S/16858 and Add.2).
3. Being convinced that the gap between the two sides had never been so narrow, I considered it essential to pursue the initiative I had begun in August 1984 and concentrated my effort on overcoming the difficulties that had arisen during the January 1985 meeting. Toward this end, I incorporated the components of the documentation considered at that meeting into a consolidated draft agreement and an accompanying draft statement in which I tried to bring greater clarity to the various elements and devised possible procedural arrangements for follow-up action. The drafts described the matters therein as an integrated whole whose elements were interrelated, by which it was meant that they constituted a package and that each party's ultimate commitment to an overall solution would depend on their being able to resolve all outstanding issues to their mutual satisfaction. The procedures provided that, after the document had been accepted by both sides, an early high-level meeting would be convened to discuss inter alia the withdrawal of non-Cypriot forces and international guarantees. The texts of the consolidated draft agreement and the draft statement are contained in annex I. In early April 1985 the Greek Cypriot side sent me a letter containing an affirmative reply on the consolidated draft agreement and draft statement (see S/17227/Add.1). At the beginning of August 1985 I received a reply from the Turkish Cypriot side setting out the difficulties which it had with these drafts.
4. In order to break this impasse I held discussions in September and October 1985 with His Excellency Mr. Denktaş and President Kyprianou respectively. I stressed to both leaders the importance of preserving all that had been achieved since August 1984, as reflected in the documentation accepted by the Turkish Cypriot side in January 1985 and in the drafts accepted by the Greek Cypriot side in April 1985. I emphasized that the outstanding differences should not be insurmountable and that we should make a major effort to overcome them.
5. In my report of 9 December 1985 (S/17657/Add.1), I informed the Council that the two sides had agreed to the procedure I had proposed to overcome the remaining differences. This was to hold a series of lower-level talks with representatives of each side and for me thereafter to present a draft framework agreement simultaneously to both sides. As I reported, my aides met with representatives of the Turkish Cypriot side in London on 18 and 19 November 1985 and with those of the

Greek Cypriot side in Geneva on 30 November and 1 December 1985. Another round of lower-level talks was held in Geneva on 26 and 27 February 1986 with the Turkish Cypriot side and on 28 February and 1 March with the Greek Cypriot side; this was followed by further discussions with both sides in Nicosia during the week of 3 March. The purpose of these talks was to bring into clearer focus the respective concerns of the two sides on the issues which remained to be resolved and to explore in conceptual terms ways of reconciling them. The talks revealed many points of convergence as well as indicating ways of overcoming such divergences as remained and of dealing with the issues that remained outstanding.

6. On the basis of these discussions, I prepared a draft framework agreement which preserved all the points on which agreement had been achieved since August 1984, as reflected in the various texts referred to above, suggested solutions to the remaining divergencies in a manner that in my judgement protected the interests of both communities and proposed procedures for negotiation of the outstanding issues which remained to be tackled, including withdrawal of non-Cypriot forces, guarantees and the three freedoms (i.e., freedom of movement, freedom of settlement and the right to property). Once again, the draft described the matters therein as an integrated whole whose elements were interrelated, by which it was meant that they constituted a package and that each party's ultimate commitment to an overall solution would depend on their being able to resolve all outstanding issues to their mutual satisfaction. On 29 March 1986 I presented this document for the consideration of both sides. Its text is contained in annex II.

7. In my covering letter to the two leaders (see annex III) I stressed that acceptance of the draft framework agreement would allow, for the very first time, all the outstanding issues to be tackled in earnest as an integrated whole, and I assured the parties that I would spare no effort to maintain the momentum towards a just and lasting solution of the Cyprus problem and that the procedures contained in the text were designed towards that end. I concluded by expressing the hope that both sides would seize this opportunity to break through to a just and lasting settlement of the Cyprus problem.

8. Because of the significance of the stage we had reached, I gave a copy of the draft framework agreement together with the substance of my covering letter to the President of the Security Council and I requested him to give a copy to the members of the Council. I also gave copies to the Permanent Representatives of Greece and Turkey. In addition, at the invitation of the President of the Council, I briefed its members at an informal meeting on 24 April on the status of my latest effort.

9. On 20 April 1986 I received a letter from President Kyprianou (see annex IV). He stated that before the Greek Cypriot side could express its views on the draft framework agreement "it was necessary that there be agreement on the basic issues of the Cyprus problem as a matter of priority", namely on "withdrawal of the Turkish forces of occupation and settlers, effective international guarantees and the application of the three freedoms, that is freedom of movement, freedom of settlement and the right to property". Towards that end he requested that I convene an international conference to deal with the first two issues or, if this proved impossible, that I convene a high-level meeting to deal with all three issues.

10. On 21 April 1986 I received a letter from His Excellency Mr. Denktas (see annex V) in which he set out views and considerations in the light of which he informed me of the Turkish Cypriot acceptance of the draft framework agreement. In a further letter dated 27 April (see annex VI) His Excellency Mr. Denktas stated that he was prepared to sign the draft framework agreement as it was when the blank dates had been filled in. He further stated that he had examined President Kyprianou's letter of 20 April as published in the press and informed me that the Turkish Cypriot side could not accept any procedure other than that contained in the draft framework agreement.

11. In an oral message to President Kyprianou on 8 May 1986, I stated that I was fully aware of the fundamental importance of the questions of troop withdrawal, guarantees and the three freedoms and that I understood his concerns about them. I advised him that the two proposals contained in his letter of 20 April were not viable at the present time. In saying this, I was not commenting on the merits of the proposals but meant that they were not feasible as the Turkish Cypriot side had indicated that it would not accept any procedure other than that contained in the draft framework agreement. I emphasized, however, that the procedure in that document provided for these issues to be dealt with without delay at high-level meetings. I also informed him of the reply I had received from the Turkish Cypriot side and inquired whether the Greek Cypriot side was now in a position to express its views on the contents of the draft framework agreement.

12. In that message, as well as in a meeting I had with Foreign Minister Iacovou on 29 May, I reiterated that the procedures proposed in the draft framework agreement provided each side with every opportunity to ensure that the negotiations proceeded in a manner that took full account of their concerns and that the concept of an integrated whole meant that the parties' ultimate commitment to an overall solution would depend on the resolution of all issues to their mutual satisfaction. I also recalled that, in line with the draft framework agreement, a transitional government could be established only after an agreement on all issues had been achieved. I repeated that the issues of troop withdrawal, guarantees and the three freedoms would be included from the very outset in the agenda of joint high-level meetings which would begin when a favourable response had been received from both sides.

13. On 10 June 1986 I received a further letter from President Kyprianou (see annex VII) in which he set out his assessment of the underlying issues of the Cyprus problem, described the fundamental importance for the Greek Cypriot side of the three issues set out in his letter of 20 April (see para. 9), and commented on various aspects of the draft framework agreement. He concluded by proposing once again that I convene an international conference or a high-level meeting to consider the withdrawal of the Turkish troops and settlers, the question of guarantees and the application of the three freedoms. He stated that when substantive decisions had been taken for the resolution of these three major issues it should be possible to assess the results of the high-level meeting or the international conference and the content of the draft framework agreement.

14. The above paragraphs describe the developments related to my mission of good offices up to the present time. In addition, as the members of the Council are

/...

aware, on 21 January 1986, the Government of the Union of Soviet Socialist Republics requested that proposals it had issued entitled "Principles of a Cyprus settlement and ways of achieving it" be circulated as General Assembly and Security Council documents (see A/41/96 and Corr.1-S/17752 and Corr.1). In these proposals the Government of the Union of Soviet Socialist Republics set out a number of principles which in its view should govern a settlement of the Cyprus question and called on all sides to co-operate with the Secretary-General in carrying out his mission of good offices. The proposals called for the convening, under United Nations auspices, of a representative international conference on Cyprus for settling the international aspects of the Cyprus problem.

15. During the period under review the Committee on Missing Persons in Cyprus held twelve formal meetings. Work has reached an advanced stage of investigation on the 168 individual cases on which the members had decided to concentrate their initial efforts. Following the submission of several reports on the results of the investigation concerning 40 cases, the Committee initiated supplementary investigations for these cases. The Committee is endeavouring to complete its work on the 168 cases as soon as possible and the third member, Mr. Paul Würth, is exploring ways which might facilitate the decision-making process of the Committee in this regard.

II. OBSERVATIONS

16. In carrying out the mission of good offices entrusted to me by the Security Council, my objective has been to achieve an overall solution which would preserve the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus in accordance with the frequently expressed view of the Security Council. This would respond not only to the wishes of the people of Cyprus but also to the requirements of international peace and security in the region as a whole. In the course of the initiative I have pursued since August 1984, I have sought to obtain the two sides' agreement to a framework within which an overall solution could be promptly and conclusively negotiated. To that end, I have tried to build the largest possible measure of agreement between the two sides and to devise procedures for resolving the outstanding issues. I have also had to bear in mind the distrust which sadly exists between the two sides and the fact that certain issues were felt to be of special importance by one side or the other.

17. In the light of these various factors, I proposed negotiating procedures which would give each side an ample opportunity in the negotiations that lie ahead to assure itself of the good intentions of the other. These procedures included the convening of high-level meetings whose agenda would include from the outset the questions of troop withdrawal, guarantees and the three freedoms. I also proposed the concept of an integrated whole, that is that neither side would be ultimately committed to an overall solution until all issues had been resolved to its satisfaction.

18. The approach described above was reflected in successive versions of the documentation which has been presented to the two sides since December 1984. By March 1986 I believed that the differences between the two sides could be bridged by a decisive effort. I therefore presented to them the draft framework agreement

of 29 March 1986. I remain convinced that, if accepted by each of the two sides, this document will provide the right framework for negotiating a just and lasting solution to the Cyprus problem.

19. I have been heartened both by the support my efforts have received from the Security Council, notably in the statement issued by the President of the Council on 20 September 1985 (S/17486), and by the frequent declarations by both sides of their desire to achieve a final settlement of the Cyprus problem. I regret that, since one side is not yet in a position to accept the draft framework agreement of 29 March 1986, the way is not yet open to proceed with the negotiations I have proposed for an overall solution. In these circumstances I am concerned by the dangers inherent in the present situation. The way forward will require careful reflection by all concerned.

Annex I

DRAFT STATEMENT AND CONSOLIDATED DRAFT AGREEMENT PRESENTED BY
THE SECRETARY-GENERAL IN APRIL 1985

DRAFT STATEMENT BY THE SECRETARY-GENERAL ON THE AGREEMENT ON CYPRUS

The initiative which began in August 1984 in Vienna and which continued through the high-level proximity talks held in New York from September to December 1984 and the joint high-level meeting of January 1985, has now resulted in an important first step towards a just and lasting settlement of the Cyprus problem, bearing in mind the relevant United Nations resolutions.

The agreement, attached hereto, which is to be viewed as an integrated whole, contains the elements for an overall solution of the Cyprus question. The parties accept the agreement, and are expected to negotiate all outstanding issues in good faith and without any circumscriptions beyond those contained in the agreement and in this statement. They may jointly decide, in the course of the negotiations, on one or another adjustment in the agreement. The overall settlement will be submitted for approval when the working groups have completed their work, with the assistance, as necessary, of substantive guidance from subsequent joint high-level meetings.

The Secretary-General will remain at the disposal of the parties to facilitate this task and, if required, in the interpretation of this agreement.

The work leading to the establishment of the Federal Republic of Cyprus will be based on the elements which are explicitly or implicitly contained in the agreement. Accordingly, the Federal Republic of Cyprus shall have international personality whose attributes shall devolve upon the federal Government. Article 1.2 of the agreement implies that the residual powers shall rest with the two provinces or federated States. With respect to article 6.1, the specific areas of the two provinces or federated States will be determined on the basis of their respective proportion of the total territory of the Federal Republic and the actual territorial adjustments involved that will be agreed upon. I am aware that the number of displaced persons to be resettled is an important factor in this connection. It is my understanding that the percentage of the territory referred to in article 6.1 of the agreement reflects that which was mentioned during the high-level proximity talks. Furthermore, with regard to article 7.1, I understand that the Turkish Cypriot side does not a priori exclude any timetable for the withdrawal of non-Cypriot troops and that the Greek Cypriot side does not a priori exclude any country as guarantor.

It is understood that, while the agreement represents a clear step for arriving at a just and lasting solution of the Cyprus question, in the months to come, a number of issues remain to be negotiated within that context and keeping in mind the interrelationship among elements in an integrated whole approach. These issues include matters subject to separate majority vote in the two chambers of the legislature, the scope of issues subject to veto by the president and vice president, the determination of areas of territorial adjustments, the special status areas and their characteristics, and further matters concerning the "three freedoms".

Working groups will be established composed of delegations from the two sides and chaired by a representative of the Secretary-General. The working groups will begin their meetings on _____ at the United Nations premises in Nicosia. The working groups will prepare their respective programmes of work and will forward them to the Secretary-General, who will convene a joint high-level meeting at the United Nations premises in Nicosia on _____, which, on the basis of an agenda prepared by the Secretary-General, will review the programmes of work and provide guidance to the working groups, as well as discuss the timetable for the withdrawal of non-Cypriot forces and international guarantees.

The representative of the Secretary-General chairing each working group will, at the end of July 1985, prepare an assessment of the progress made by the working groups. On the basis of his review of these assessments, and in consultation with the parties, the Secretary-General will convene shortly thereafter another joint high-level meeting which, based on an agenda prepared by the Secretary-General, will provide the working groups with further substantive guidance on those issues which have not been successfully negotiated. The same procedure will be followed subsequently at regular intervals.

DRAFT AGREEMENT ON CYPRUS

The parties agree on the following matters which are to be viewed as an integrated whole:

The Parties:

- (a) Recommit themselves to the high-level agreements of 1977 and 1979;
- (b) Indicate their determination to proceed, at the date referred to in paragraph 14 below, to the establishment of a federal republic that will be independent and non-aligned, bi-communal as regards the federal constitutional aspect and bi-zonal as regards the territorial aspect;
- (c) Reaffirm their acceptance of those introductory constitutional provisions that were agreed upon at the intercommunal talks in 1981-1982:
 - (i) The Federal Republic of Cyprus shall have international personality; the federal Government shall exercise sovereignty in respect of all of the territory.
 - (ii) The people of the Federal Republic shall comprise the Greek Cypriot community and the Turkish Cypriot community. There shall be a single citizenship of the Federal Republic of Cyprus regulated by federal law.
 - (iii) The territory of the Federal Republic shall comprise the two provinces or federated States.
 - (iv) The official languages of the Federal Republic shall be Greek and Turkish. The English language may also be used.
 - (v) The Federal Republic shall have a neutral flag and anthem to be agreed. Each province or federated State may have its own flag using mainly elements of the federal flag. The federal flag shall be flown on federal buildings and federal locations to the exclusion of any other flag.
 - (vi) The federal Government shall observe the holidays of the Federal Republic. Each province or federated State shall observe the federal holidays as well as those established by it.
 - (vii) Reaffirm all other points that were agreed upon during the course of the intercommunal talks as contained in "revision" dated 18 May 1982 concerning general provisions, part I, fundamental rights and liberties, part II, as well as parts III and IV.

1.1 The powers and functions to be vested in the federal Government of the Federal Republic shall comprise:

- (a) Foreign affairs;
- (b) Federal financial affairs (including federal budget, taxation, customs and excise duties);

/...

- (c) Monetary and banking affairs;
- (d) Federal economic affairs (including trade and tourism);
- (e) Posts and telecommunications;
- (f) International transport;
- (g) Natural resources (including water supply, environment);
- (h) Federal health and veterinary affairs;
- (i) Standard setting: weights and measures, patents, trademarks, copyrights;
- (j) Federal judiciary;
- (k) Appointment of Federal officers;
- (l) Defence (to be discussed also in connection with international treaties on Cyprus); security as it pertains to federal responsibility.

1.2 Additional powers and functions may be vested in the federal Government by common agreement of both sides. Federal legislation may be executed either by authorities of the federal Government or by way of co-ordination between the competent authorities of the federal Government and the two provinces or federated States.

2.1 The legislature of the Federal Republic will be composed of two chambers: a lower chamber with a 70-30 Greek Cypriot and Turkish Cypriot representation, and an upper chamber with a 50-50 representation. Federal legislation will be enacted with regard to matters of federal competence as referred to in (1) above. The adoption of legislation on major matters will require separate majorities in both chambers. The adoption of legislation on other matters will require simple majorities in both chambers. A working group will consider the issues which are major matters, as for instance on 10 of the 12 functions referred to in (1) above.

2.2 Appropriate constitutional safeguards will be incorporated in the federal constitution, including deadlock resolving machinery, and special provisions to facilitate action on matters necessary for the continued functioning of the federal government (e.g., on budgetary questions). Legislation adopted by the legislature may be taken to the Constitutional Court for ruling as to whether it violates the constitution or is discriminatory against either community. In case of deadlock in the legislature, the proposed legislation may be submitted, in the first instance, to a conciliation committee of the legislature, composed of three Greek Cypriots and two Turkish Cypriots, and whose decisions will be taken on the basis of majority vote including at least one Turkish Cypriot. If the deadlock persists, the matter may be taken to the Constitutional Court for ruling as to whether the proposed legislation violates the constitution or is discriminatory against either community. The matter may also be submitted to a referendum among the population of the community which opposed the draft legislation.

/...

3.1 The Federal Republic will have a presidential system of government. The President and the Vice-President will symbolize the unity of the country and the equal political status of the two communities. The executive will reflect the functional requirements of an effective federal Government.

3.2 The President will be a Greek Cypriot and the Vice-President will be a Turkish Cypriot. The President and the Vice-President will, separately or conjointly, have the right to veto any law or decision adopted by the legislature in areas to be agreed upon, it being understood that the scope will exceed that covered by the 1960 Constitution. The President and the Vice-President will have the right separately or conjointly, to return any law or decision of the legislature or any decision of the Council of Ministers for reconsideration.

3.3 The Council of Ministers will be composed of Greek Cypriot and Turkish Cypriot ministers on a seven-to-three ratio. One major ministry will be headed by a Turkish Cypriot. It is agreed to discuss in a working group that the Minister for Foreign Affairs will be a Turkish Cypriot, as well as that decisions by the Council of Ministers taken by simple majority including at least one Turkish Cypriot Minister will apply to matters of special concern to the Turkish Cypriot community.

3.4 In case of deadlock, the matter may be taken to the Constitutional Court for ruling as to whether it violates the constitution or is discriminatory against either community. The matter may also be submitted to a referendum among the population of the community which opposed it.

4.1 A tripartite body, including one voting non-Cypriot member, will have the responsibility of ruling on disputes relating to the distribution of powers and functions between the federal Government and the provinces or federated States, and on such other matters as may be assigned to it by the parties in accordance with the constitution.

5.1 A working group will discuss the exercise of the freedom of movement, freedom of settlement and right to property, including time frames, practical regulations and possible compensation arrangements, taking into account guideline 3 of the 1977 agreement.

6.1 Territorial adjustments, in addition to the areas already referred to in the 5 August 1981 Turkish Cypriot proposals, will be agreed upon, bearing in mind the criteria contained in the 1977 high-level agreement. These territorial adjustments will result in the Turkish Cypriot province or federated State comprising in the order of 29 per cent of the territory of the Federal Republic. Both sides agree to suggest special status areas adjacent to each other for the purpose of enhancing trust between the sides. These areas will remain under their respective civilian jurisdiction. A working group will consider the specific areas of the territorial adjustments as well as the specific areas and characteristics of the special status areas.

7.1 A timetable for the withdrawal of non-Cypriot military troops and elements, as well as adequate guarantees, will be agreed upon prior to the establishment of a transitional federal Government.

/...

7.2 In the meantime, military deconfrontation measures will be pursued by both sides, using the good offices and assistance of UNFICYP.

8.1 A Fund for Development of the Turkish Cypriot province or federated State shall be established with a view to achieving an economic equilibrium between the two provinces or federated states. A fund will also be established to facilitate the resettlement of the Greek Cypriot displaced persons, and of the Turkish Cypriots displaced as a consequence of the implementation of paragraph 6. The Federal Government shall contribute to these funds. Foreign Governments and international organizations shall be invited to contribute to the funds.

9.1 The Varosha area and the six additional areas delineated in the Turkish Cypriot map of 5 August 1981 will be placed under United Nations interim administration as part of the UNFICYP buffer zone for resettlement, by a date to be agreed upon at a future joint high-level meeting.

10.1 Both parties agree not to take any action tending to prejudice the process outlined in this agreement, both on the international scene and internally.

11.1 The Nicosia international airport will be reopened under interim United Nations administration with free access from both sides. The United Nations will conclude the arrangements to that effect by a date to be agreed upon at a future joint high-level meeting.

12.1 A committee composed of one representative from each side and a representative of the Secretary-General of the United Nations will be responsible for considering allegations of non-implementation of confidence-building measures and will make appropriate recommendations (i.e., paras. 7.2, 9.1, 10.1 and 11.1).

13.1 Working groups will be established to elaborate the details of the agreement.

14.1 The required working groups having completed their work, the parties agree that the transitional federal Government of the Federal Republic of Cyprus will be set up on a date to be agreed upon at a future joint high-level meeting.

Annex II

DRAFT FRAMEWORK AGREEMENT ON CYPRUS PRESENTED BY THE
SECRETARY-GENERAL ON 29 MARCH 1986

Recognizing with satisfaction that the initiative of the Secretary-General, which bore in mind the relevant United Nations resolutions and which began in August 1984 in Vienna and continued through the high-level proximity talks from September to December 1984 and the joint high-level meeting of January 1985 held in New York, has now resulted in an important step towards a just and lasting settlement of the Cyprus problem;

The parties agree on the following matters which are to be viewed as an integrated whole:

1.1 The Parties:

- (a) Recommit themselves to the high-level agreements of 1977 and 1979;
- (b) Indicate their determination to proceed, at the date referred to in paragraph 15.1 below, to the establishment of a Federal Republic that will be independent and non-aligned, bi-communal as regards the federal constitutional aspect and bi-zonal as regards the territorial aspect;
- (c) Reaffirm their acceptance of those introductory constitutional provisions that were agreed upon at the intercommunal talks in 1981-1982:
 - (i) The Federal Republic of Cyprus shall have international personality. The Federal Government shall exercise sovereignty in respect of all of the territory. The attributes of international personality shall be exercised by the Federal Government in accordance with the federal constitution. The provinces or federated States may act in their areas of competence in accordance with the federal constitution and in a manner that would not duplicate the powers and functions of the Federal Government as defined in the federal constitution.
 - (ii) The people of the Federal Republic shall comprise the Greek Cypriot community and the Turkish Cypriot community. There shall be a single citizenship of the Federal Republic of Cyprus regulated by federal law.
 - (iii) The territory of the Federal Republic shall comprise the two provinces or federated States.
 - (iv) The official languages of the Federal Republic shall be Greek and Turkish. The English language may also be used.
 - (v) The Federal Republic shall have a neutral flag and anthem to be agreed. Each province or federated State may have its own flag using mainly elements of the federal flag. The federal flag shall be flown on federal buildings and federal locations to the exclusion of any other flag.

/...

(vi) The Federal Government shall observe the holidays of the Federal Republic. Each province or federated State shall observe the federal holidays as well as those established by it.

(vii) The parties reaffirm all other points that were agreed upon during the course of the intercommunal talks as contained in "revision" dated 18 May 1982 concerning general provisions, part I, fundamental rights and liberties, part II, as well as parts III and IV.

2.1 The powers and functions to be vested in the Federal Government of the Federal Republic shall comprise:

- (a) Foreign affairs.
- (b) Federal financial affairs (including federal budget, taxation, customs and excise duties).
- (c) Monetary and banking affairs.
- (d) Federal economic affairs (including trade and tourism).
- (e) Posts and telecommunications.
- (f) International transport.
- (g) Natural resources (including water supply, environment).
- (h) Federal health and veterinary affairs.
- (i) Standard setting: weights and measures, patents, trademarks, copyrights.
- (j) Federal judiciary.
- (k) Appointment of federal officers.
- (l) Defence (to be discussed also in connection with the treaties of guarantee and of alliance); security (as it pertains to federal responsibility).

2.2 Additional powers and functions may be vested in the Federal Government by common agreement of both sides. Accordingly, the residual powers shall rest with the provinces or federated States. Federal legislation may be executed either by authorities of the Federal Government or by way of co-ordination between the competent authorities of the Federal Government and of the two provinces or federated States.

3.1 The legislature of the Federal Republic will be composed of two chambers: a lower chamber with a 70-30 Greek Cypriot and Turkish Cypriot representation, and an upper chamber with a 50-50 representation. Federal legislation will be enacted with regard to the matters of federal competence as referred to in paragraph 2.1 above. The adoption of legislation on major matters,

as for instance on ten of the twelve functions referred to in paragraph 2.1 above, will require separate majorities in both chambers. The adoption of legislation on other matters will require majorities of the membership in each chamber.

3.2 Appropriate constitutional safeguards and deadlock-resolving machinery including special provisions to facilitate action on matters necessary for the continued functioning of the Federal Government (e.g., on budgetary questions) will be incorporated in the federal constitution. In case of deadlock in the legislature, the proposed legislation may be submitted in the first instance to a conciliation committee of the legislature composed of three Greek Cypriots and two Turkish Cypriots, whose decision will be taken on the basis of majority vote including at least one Turkish Cypriot. If the deadlock persists, the President and Vice-President of the Federal Republic will, upon request, appoint on an ad hoc basis one person each, selected for their knowledge of the subject involved, who, with the assistance of experts as needed including from outside the Federal Republic of Cyprus, will advise the legislature on ways the deadlock could be resolved. The matter may also be submitted to a referendum among the population of the community which opposed the draft legislation. Legislation adopted by the legislature may be taken to the Constitutional Court for ruling as to whether it violates the constitution or is discriminatory against either community.

4.1 The Federal Republic will have a presidential system of government. The President and the Vice-President will symbolize the unity of the country and the equal political status of the two communities. In addition, the executive will reflect the functional requirements of an effective federal government.

4.2 The President will be a Greek Cypriot and the Vice-President will be a Turkish Cypriot. The President and the Vice-President will, separately or conjointly, have the right to veto any law or decision of the legislature and the Council of Ministers in areas to be agreed upon, it being understood that the scope will exceed that covered by the 1960 constitution. The President and the Vice-President will have the right, separately or conjointly, to return any law or decision of the legislature or any decision of the Council of Ministers for reconsideration.

4.3 The Council of Ministers will be composed of Greek Cypriot and Turkish Cypriot ministers on a 7 to 3 ratio. One major ministry will be headed by a Turkish Cypriot, it being understood that the parties agree to discuss that the Minister for Foreign Affairs will be a Turkish Cypriot. The Council of Ministers will take decisions by weighted voting, that is a simple majority including at least one Turkish Cypriot minister. It is understood that the parties agree to discuss that weighted voting will apply to all matters of special concern to the Turkish Cypriot community to be agreed upon.

4.4 Appropriate constitutional safeguards and deadlock-resolving machinery related to decisions by the Council of Ministers, including special provisions to facilitate action on matters necessary for the continued functioning of the Federal Government, will be incorporated in the federal constitution. In case of deadlock, the President and Vice-President of the Federal Republic will, upon request, appoint on an ad hoc basis one person each, selected for their knowledge of the

/...

subject involved, who, with the assistance of experts as needed including from outside the Federal Republic of Cyprus, will advise the Council of Ministers on ways the deadlock could be resolved. The matter may also be submitted to a referendum among the population of the community which opposed the draft decision. A decision by the Council of Ministers may be taken to the Constitutional Court for ruling as to whether it violates the constitution or is discriminatory against either community.

5.1 The Constitutional Court, when ruling on disputes relating to the distribution of powers and functions between the Federal Government and the provinces or federated States and on such other matters as may be assigned to it by the parties in accordance with the federal constitution, will be composed of one Greek Cypriot, one Turkish Cypriot and one non-Cypriot voting member.

6.1 As regards freedom of movement, freedom of settlement and right to property, a working group will discuss the exercise of these rights, including time-frames, practical regulations and possible compensation arrangements, taking into account guideline 3 of the 1977 agreement.

7.1 Territorial adjustments, in addition to the areas already referred to in the 5 August 1981 Turkish Cypriot proposals, will be agreed upon. These territorial adjustments will result in the Turkish Cypriot province or federated State comprising in the order of 29+ per cent of the territory of the Federal Republic. It is understood that when discussing the actual territorial adjustments the two sides will have in mind the 1977 high-level agreement including "certain practical difficulties which may arise for the Turkish Cypriot community" and the questions related to resettlement. Both sides agree to suggest special status areas adjacent to each other for the purpose of enhancing trust between the sides. These areas will remain under their respective civilian jurisdictions.

8.1 A timetable for the withdrawal of non-Cypriot military troops and elements, as well as adequate guarantees, will be agreed upon prior to the establishment of a transitional Federal Government. In the meantime, military deconfrontation measures will be pursued by both sides, using the good offices and assistance of UNFICYP.

8.2 The two sides undertake to discuss these issues in good faith and to consider each other's concerns on them.

9.1 A fund for development of the Turkish Cypriot province or federated State shall be established with a view to achieving an economic equilibrium between the two provinces or federated States. A fund will also be established to facilitate the resettlement of the Greek Cypriot displaced persons, and for the Turkish Cypriots displaced as a consequence of the implementation of paragraph 7.1. The Federal Government shall contribute to these funds. Foreign Governments and international organizations shall be invited to contribute to the funds.

10.1 The Varosha area and the six additional areas delineated in the Turkish Cypriot map of 5 August 1981 will be placed under United Nations interim administration as part of the UNFICYP buffer zone for resettlement by _____.

/...

11.1 Both parties agree not to take any action tending to prejudice the process outlined in this agreement, both on the international scene and internally.

12.1 The Nicosia international airport will be reopened under interim United Nations administration with free access from both sides. The United Nations will conclude the arrangements to that effect by _____.

13.1 Adequate machinery for considering allegations of non-implementation of confidence-building measures will be agreed upon. The Secretary-General will make appropriate recommendations to both sides in this regard.

14.1 The parties agree to establish working groups to work out the detailed agreements on the matters referred to in this Agreement, whose elements are interrelated and constitute an integrated whole. The working groups will carry out their work under the direction of joint high-level meetings. These joint high-level meetings will take place every three to four months, on the basis of an agenda prepared by the Secretary-General, to discuss the issues which remain to be negotiated under this agreement, to review the work and provide guidance to the working groups. The joint high-level meetings will be convened by the Secretary-General after adequate preparation.

14.2 Each working group will be composed of delegations from the two sides and will be chaired by a representative of the Secretary-General. The working groups will begin their meetings at the United Nations premises in Nicosia on _____. Each working group will prepare a programme of work and will submit it for approval and guidance to the joint high-level meeting which will take place at the United Nations premises in Nicosia on _____.

14.3 The representative of the Secretary-General chairing each working group will every three months prepare an assessment of the progress made by the working group, which will be presented to the next joint high-level meeting together with the views of the Secretary-General.

15.1 The parties agree that, the required working groups having completed their work and having obtained the approval of the two sides, the transitional Federal Government of the Federal Republic of Cyprus will be set up on _____.

16.1 The Secretary-General will remain at the disposal of the parties to assist in the elaboration of this agreement, and, if required, in its interpretation.

Annex III

LETTER DATED 29 MARCH 1986 FROM THE SECRETARY-GENERAL ADDRESSED TO
PRESIDENT KYPRIANOU AND TO HIS EXCELLENCY MR. DENKTAŞ, PRESENTING
THE DRAFT FRAMEWORK AGREEMENT ON CYPRUS

I wrote to you on 24 January with my assessment of the point we had then reached and my proposals about how we should proceed. I have now carefully studied reports on the discussions that took place with each side during the lower-level meetings. It is evident that both sides have made a real effort to overcome the remaining differences. I would like to take this opportunity to express to you my appreciation for the constructive approach taken by your representatives.

The talks that took place with each side in Geneva and in Nicosia proved most useful in bringing into clearer focus their respective concerns and indicated points of convergence on the substance of the issues which remained to be resolved. This has made it possible to draft a framework agreement which preserves all that has been achieved since August 1984 and endeavours to reconcile the outstanding differences in a manner that protects the interests of both communities.

I am pleased to present to you herewith the draft framework agreement as it has emerged from our joint efforts. When considering this text, I would urge both sides to keep the following in mind:

This framework agreement is an indispensable step in an ongoing process. Both sides have agreed on the matters that will be negotiated after the framework agreement is accepted, and to do so in good faith and with a willingness to consider each other's concerns.

These negotiations will provide each side with ample opportunities to assure itself of the good intentions of the other. While the text commits the two parties to proceed towards an overall solution within an agreed framework, its ultimate implementation will depend on both sides being able to negotiate to their mutual satisfaction the matters on which agreement has yet to be achieved.

Acceptance of the draft framework agreement will allow, for the very first time, all the outstanding issues to be tackled in earnest and in a decisive manner as an integrated whole.

Upon receiving both sides' acceptance of the draft framework agreement, I shall spare no effort to maintain the momentum towards a just and lasting solution of the Cyprus problem. The procedures set out in paragraphs 14.1 to 14.3 of the enclosed draft are designed towards that end.

Both sides have made it clear that they do not wish negotiations to drag on. It is therefore important that these meetings, whether at the high-level or working-level, be carefully prepared. This approach would ensure that all outstanding issues will be thoroughly and expeditiously dealt with.

/...

I hope that the two sides will be able to advise me soon of their acceptance of the draft framework agreement. I propose that thereafter senior members of my staff should visit Nicosia to finalize the dates to be inserted in the framework agreement and to prepare for an early joint high-level meeting, with my personal participation, to formalize the Parties' acceptance of the framework agreement and the steps that follow from it. I propose that this preparatory meeting in Nicosia should take place on 21 April.

Much effort has been expended by the two sides and by the United Nations in our joint endeavour since August 1984. I believe it to be of the greatest importance that we should all now seize the present opportunity to break through to a just and lasting solution of the Cyprus problem. In doing so, we shall not only respond to the wishes of the people of Cyprus; we shall also fulfil our responsibility to relax tensions and promote international peace and security in the region as a whole.

/...

Annex IV

LETTER DATED 20 APRIL 1986 FROM PRESIDENT KYPRIANOU
ADDRESSED TO THE SECRETARY-GENERAL

I acknowledge receipt of your letter of 29 March 1986 with which you enclosed the document entitled "Draft framework agreement".

I should like to assure you that we are committed to a just and lasting solution of the Cyprus problem as a matter of urgency. It is precisely because of that commitment that we believe that, before the Greek Cypriot side expresses its views on the contents of the "Draft framework agreement" you have presented, it is necessary that there be agreement on the basic issues of the Cyprus problem as a matter of priority.

For this reason I request you to adopt one of two alternative procedures:

- I. To convene an international conference in respect of the international aspects of the Cyprus problem, namely,
 1. Withdrawal of the Turkish forces of occupation and settlers; and
 2. Effective international guarantees.
- II. In the event that the holding of such an international conference proves impossible, to convene a high-level meeting to deal with the following matters, namely,
 1. Withdrawal of the Turkish forces of occupation and settlers;
 2. Effective international guarantees; and
 3. Application of the three freedoms, that is freedom of movement, freedom of settlement and the right to property.

These issues should be resolved in conformity with the Charter of the United Nations and Security Council and General Assembly resolutions on Cyprus, including Security Council resolutions 541 and 550.

I am anxious that your mission of good offices should succeed and I consider that adoption of one of these two procedures is the best way to ensure that rapid progress is made to a just and lasting solution of the Cyprus problem.

/...

Annex V

LETTER DATED 21 APRIL 1986 FROM HIS EXCELLENCY MR. DENKTAŞ
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to state herebelow the views of the Turkish Cypriot side on the "Draft framework agreement on Cyprus" which you presented to us with your letter of 29 March 1986.

At the outset, I would like to recall that the Turkish Cypriot side responded favourably to, and supported, your current initiative, undertaken within the framework of the mission of good offices entrusted to Your Excellency by resolution 367 (1975) of the Security Council. This initiative, having started in Vienna in August 1984, culminated, after three rounds of talks, in the summit meeting of January 1985. That meeting failed as a result of Mr. Kyprianou's rejection of the package documentation presented by Your Excellency.

Deeply appreciative of your untiring efforts for the finding of a negotiated solution of the Cyprus question, aimed at the establishment of a bi-communal, bi-zonal federal republic, based on the equal partnership of the two federated States, the Turkish Cypriot side adopted, from the very beginning, a constructive and forthcoming attitude, with respect to your initiative.

Your Excellency is well aware of the principles and the general understanding which underlie the Turkish Cypriot position, i.e., the equal political status of the two communities, bi-zonality, the security of the Turkish Cypriot people, the effective and equal participation of the Turkish Cypriot people in the decision-making process and in all the organs as well as in the functioning of the future federation and the continuation in law and in practice of the effective guarantee of Turkey, which the Turkish Cypriot people consider as the sole assurance of their security, of all their rights and their very existence.

Our views on the vital matter of Turkey's effective guarantee and on the issue of the withdrawal of troops have been comprehensively communicated to Your Excellency's representatives throughout the course of the lower-level talks. The guarantee of Turkey in both law and practice is the sine qua non condition for the security and survival of the Turkish Cypriot people. But for this guarantee, Cyprus would have long been annexed to Greece. As for the withdrawal of non-Cypriot troops excluding those that are to remain on the island, there can be no withdrawal until all aspects of the Cyprus problem have been settled, agreed to and approved by the two sides, that is, until the Greek Cypriot Administration representing exclusively one of the two national communities of Cyprus is actually replaced by the transitional federal government and military troops and elements in the south are disposed of in accordance with the terms of the Agreement - whose aim would be to assure that no security gap for us is created at any time.

Another crucial issue is the question of the "three freedoms" referred to in paragraph 6.1 of the "Draft framework agreement". During the lower-level talks, it was enunciated by the Turkish Cypriot side that those "freedoms" should be regulated as already agreed at the summit meeting of 1977, in such a way as to insure that the security of the Turkish Cypriots would not in any way be endangered and that the agreed basic characteristics of the federation (i.e. bi-communality and bi-zonality) are preserved and protected.

/...

I would also like to underline the importance that we attach to the interrelated character of all the elements of the "Draft framework agreement", which constitute an "integrated whole" as has been consistently emphasized by Your Excellency, since August 1984, and explicitly stated both in the preamble and in paragraph 14.1 of the current text. Accordingly, the concept of the "Draft framework agreement" constituting an "integrated whole" and its consequences must be taken into full account particularly when considering the functioning of the working groups, the preparation of the joint high-level meetings and the filling of the blanks that now exist in the "Draft framework agreement".

Our position on these and all the other matters dealt with in the "Draft framework agreement" has been set out in detail in my letter of 8 August 1985, as well as in our oral and written presentations made throughout the lower-level talks.

It is with these views and understanding that the Turkish Cypriot side approaches the present "Draft framework agreement".

In regard to the question of procedure as a whole, Your Excellency has always rightly pointed out that your mission is one of "good offices", not one of "mediator", a principled position which enjoys our full backing. I am, therefore, confident Your Excellency would insure with the utmost care that the application of paragraphs 13.1, 14.1, 14.2, and 16.1 of the "Draft framework agreement" is at all times consistent with our shared understanding of the mission of "good offices". Indeed the exercise of the functions given to the United Nations Secretary-General and his representatives under the said paragraphs would be compatible and consistent with the mission of good offices only if it rests in each and every case on the mutual and explicit consent and agreement of both the Turkish and Greek Cypriot sides. I felt obliged to put on record our views on this point of particular importance to us, since the Turkish Cypriot side was not forewarned by the United Nations Secretariat about the eventual introduction into the text of the present draft of certain significant provisions concerning matters of procedure.

I would also like to point out to Your Excellency that any progress towards the peaceful solution of the Cyprus question will be dependent on the removal of the inhuman economic embargo imposed on the Turkish Cypriot people and on the cessation of hostile activities directed against us by the Greek Cypriot side on the domestic and international scene.

I need hardly stress that in case the Greek Cypriot side does not accept the "Draft framework agreement" as is, the Turkish Cypriot side will no longer be bound by any of the sacrifices it has so far made for the sake of a peaceful settlement.

Finally, I would like to reiterate our heart-felt appreciation and thanks for all the efforts you have made throughout your personal association with the Cyprus question, in order to find a just and lasting solution.

It is in the light of the views and considerations expressed above that I have the honour to inform Your Excellency of our acceptance of the "Draft framework agreement" presented on 29 March 1986.

/...

Annex VI

LETTER DATED 27 APRIL 1986 FROM HIS EXCELLENCY MR. DENKTAŞ,
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to acknowledge receipt of your letter of 23 April in which you inform me that you are carefully studying my letter of 21 April and that you hope to send me a further communication about it in due course.

I would like to reiterate at the outset that, as I had stated in my letter to you of 21 April, I am prepared to sign the "Draft framework agreement" as it is when the draft has been completed by filling in the blank dates.

I have examined the text of the letter which Mr. Kyprianou is reported to have sent to you on 20 April and which has now been published in full in the Greek Cypriot press as a Reuters despatch. It is quite obvious from the text of this letter that the Greek Cypriot reply cannot be regarded as anything other than a clear rejection of the "Draft framework agreement". This fact was further clarified by Mr. Papandreou in his address to the Greek Parliament on 23 April 1986. Indeed the attempt, evident in the Greek Cypriot reply, to secure your agreement for a summit meeting with a special agenda, by using the pretext of an international conference, is totally opposed to the concept of the "Draft framework agreement" constituting an "integrated whole". As you have already made it quite clear in your letter dated 29 March 1986, your proposals constitute an "integrated whole" with all its component elements, and even for the convening of a preparatory meeting for a summit, the acceptance, in advance, of the said "Draft framework agreement" by both sides, is a sine qua non condition, in order to make progress within this framework.

Your Excellency,

I am not, of course, in a position to anticipate what you, as the author of the "Draft framework agreement", would consider to be the proper course to follow in the present circumstances. I believe that you would not resort to any course which would result in the Turkish Cypriot side paying for the price of the Greek rejection of your "Draft framework agreement". However, I feel obliged to inform you in the clearest possible terms of the position of the Turkish Cypriot side in the light of these developments.

The Turkish Cypriot side is definitely against any new procedures envisaging any form of secret or "shuttle" diplomacy or any kind of summit meeting prior to the Greek Cypriot acceptance of the "Draft framework agreement". Such new procedures would clearly fall outside the scope of the integrated-whole character of the "Draft framework agreement".

In conclusion, I would like to state that this exercise, which has taken a great deal of your time and effort, has not been in vain, and I would like to take this opportunity to thank you once more. As in the case of the summit meeting of 17 January 1985, the international public opinion has, once again, witnessed, with clear and concrete proof that it is the Turkish Cypriots who desire a peaceful solution in Cyprus, and that it is the Greek Cypriots who oppose it.

/...

Annex VII

LETTER DATED 10 JUNE 1986 FROM PRESIDENT KYPRIANOU
ADDRESSED TO THE SECRETARY-GENERAL

I wish to thank you for your oral message conveyed to me on 8 May 1986, regarding my reply of 20 April 1986 to your letter of 29 March 1986, in which you refer to such issues as the "integrated whole" approach and invite us to offer our views on the "draft framework agreement".

Let me at the outset assure you once again of our support for your mission of good offices which was entrusted to you by the resolutions of the Security Council. As you are well aware, we are firmly committed to a just and lasting solution as early as possible.

Indeed, a just and viable solution of the Cyprus problem is the only way towards long-term peace, tranquillity, prosperity and security for the people of Cyprus. It is also the only way through which some of the grievous hardships suffered by the people of Cyprus and particularly by the Greek Cypriot community can be redressed. The Greek Cypriot community, representing 82 per cent of the total population of Cyprus, has suffered enormously as a result of the Turkish invasion of 1974 and the occupation of about 37 per cent of the territory of Cyprus. Forty per cent of the Greek Cypriot population, over 180,000 in number, were forcibly and brutally expelled from their homes, land and properties by the Turkish army of invasion and occupation and took refuge in the free areas of the Republic. In an attempt to change the demographic structure of Cyprus, Turkey imported 60,000 colonist settlers from Turkey, a factor which has inevitably complicated the search for a solution of the Cyprus problem even further. These are the realities behind the efforts of Turkey which culminated in the announcement in November 1983 of an artificial and illegal entity in the occupied territory of the Republic of Cyprus and which was forthrightly condemned by the Security Council in resolutions 541 (1983) and 550 (1984).

It is our continuing intention to pursue through your good offices a just and viable solution of the Cyprus problem in accordance with the principles of the Charter and the resolutions of the United Nations. These resolutions are explicit on many of the important component issues of the Cyprus problem and provide amongst others for the withdrawal of all foreign troops, the cessation of foreign interventions, the return of refugees to their homes, the preservation of the demographic structure of Cyprus and the restitution of basic human rights and fundamental freedoms to all citizens.

Your oral message does recognize the fundamental importance of the three issues set out in my letter to you of 20 April 1986, namely the withdrawal of the Turkish troops and settlers, effective international guarantees and the three fundamental freedoms (freedom of movement and settlement and the right to property). These issues are of determinative importance to a solution of the Cyprus problem. They should, of course, have been urgently resolved immediately after the Turkish invasion, in conformity with the United Nations resolutions. Regrettably, not only have they not been resolved according to the wishes of the international community, but they have not even been discussed. The refusal of the

Turkish side to discuss these issues is a measure of its intransigence. The fact that we have so far agreed to a procedure involving discussion of mainly constitutional and territorial issues is a measure of our conciliatory attitude and evidence of our co-operation with the Secretary-General. It should be recalled that, throughout this 12-year period, proposals made by the Greek Cypriot side were linked with conditions regarding the resolution of the questions of withdrawal of troops and settlers, of guarantees and of the three freedoms. It has been a matter of concern that, whilst all the concessions made by the Greek Cypriot side have been incorporated in recent texts, the associated sine que non conditions, relating to the major questions, have been omitted. A promise to discuss these matters in the future is certainly no substitute for their actual resolution, nor does it represent a concession on the part of the other side.

The Greek Cypriot position has been clear all along. Throughout your latest initiative, which started in Vienna in August 1984, the Greek Cypriot side insisted that it was necessary to discuss as a matter of priority the questions of withdrawal of troops and settlers, guarantees and the three freedoms. Our present position is therefore consistent with our position all along.

For many years it had been understood that the solution of the Cyprus problem would be in the form of a package of interrelated elements. It should therefore be impossible to expect that either side could be asked to accept some elements, or part of the package, without knowing the other elements or the rest of the package. It is also conceptually unsound to expect views on elements which have already been discussed in detail without having the same or at least some level of detail in respect of other interrelated elements.

When confronted with the proposals of the "draft framework agreement" the concept of the integrated whole on its own is not sufficient protection for our position, as the Greek Cypriot side would find itself bound by unworkable constitutional and other arrangements prejudicial to it, without benefiting from any corresponding obligation on the part of the Turkish Cypriot leadership with regard to all those matters which are of vital concern to the Greek Cypriots. The inevitable result would be that the Turkish Cypriot leadership, having obtained all they wanted, would have no incentive whatsoever to move from their known positions on any of the matters of concern to the Greek Cypriots, who would be completely deprived of their negotiating potential.

The proposition of the Greek Cypriot side that the three fundamental issues must now at last receive priority is fully supported by the argumentation advanced above. The validity of the Greek Cypriot position is also borne out by recent Turkish menacing utterances.

Mr. Denktaş, in his letter to you of 21 April 1986, leaves no doubt as to his position that the Turkish troops must remain in Cyprus indefinitely, nor as to the nature of guarantees he envisages and the refusal of serious negotiation regarding the application of the three freedoms: "Our views on the vital matter of Turkey's effective guarantee and on the issue of withdrawal of troops have been comprehensively communicated to Your Excellency's representatives throughout the course of the lower-level talks". And he adds: "As for the withdrawal of non-Cypriot troops, excluding those that are to remain on the island, there can be

no withdrawal until all aspects of the Cyprus problem have been settled, agreed to and approved by the two sides, that is, until the Greek Cypriot administration representing exclusively one of the two national communities of Cyprus is actually replaced by the transitional federal Government and military troops and elements in the south are disposed of in accordance with the terms of the agreement - whose aim would be to assure that no security gap for us is created at any time".

Mr. Denktas further states: "Another crucial issue is the question of the 'three freedoms' referred to in paragraph 6.1 of the 'draft framework agreement'. During the lower-level talks, it was enunciated by the Turkish Cypriot side that those 'freedoms' should be regulated, as already agreed at the summit meeting of 1977, in such a way as to ensure that the security of the Turkish Cypriots would not in any way be endangered and that the agreed basic characteristics of the federation (i.e. bi-communality and bi-zonality) are preserved and protected".

The aggressive Turkish intentions and the blank Turkish refusal to face up to these questions are apparent also in recent statements by Turkish leaders threatening to occupy the whole of Cyprus. Such statements provide full justification for the demand that the questions of troop withdrawal and guarantees must be resolved first.

As stated earlier, numerous Greek Cypriot concessions have been made on condition that the major questions would be resolved speedily. The picture reflected in the "draft framework agreement" is one of imbalance amongst its various elements. This imbalance must be redressed urgently. In the light of the implications of the interrelationship of the various elements of the "draft framework agreement" a valid expression of views on some of its elements in the absence of any information on the major elements is impossible. Some views of an indicative nature are given below illustrating the problems posed by the interdependence of elements and fully supporting the soundness of our position.

The three freedoms (para. 6.1)

The importance of this issue cannot be underestimated as the non-application of these principles would be tantamount to departure from those minimum standards set by the United Nations in order to ensure a democratic régime and the unity of the country.

Furthermore, the Greek Cypriot side has always attached the greatest importance to the three freedoms, as these will ensure the ability of refugees to return to their homes and will keep the whole country open to all its inhabitants. It has therefore insisted that the right to freedom of movement and of settlement and the right to property as set out in articles 13 and 23 of the 1960 Constitution must be implemented in practice and not merely agreed in principle.

The relationship between the application of the three freedoms and the vital issue of territory becomes obvious. Apart from its inherent importance, as the balance between the rightful expectations of the Greek Cypriot community representing 82 per cent of the Cypriot people and those of the Turkish Cypriot community representing 18 per cent of the Cypriot people, it is also closely connected with the rights of refugees. Indeed, throughout the negotiations, the

major sustaining factor for the Greek Cypriot side has been its desire to resolve, through successful negotiations, the refugee problem. Thus, when the Vienna working points, which formed the basis of your current initiative, were adopted in August 1984, the criterion, with regard to territory, of "the number of Greek Cypriot displaced persons to be resettled" was to be a major factor, as was also the mutual recommitment of the two sides to the May 1979 high-level agreement, point 5 of which provides for the priority resettlement of Varosha.

The omission from the "draft framework agreement" of the yardstick of "the number of Greek Cypriot displaced persons to be resettled" casts doubts on such resettlement whilst the wording of the provision relating to the resettlement of Varosha (para. 10.1) relegates it to an indefinite time in the future. Thus, although the 1979 high-level agreement is reaffirmed, the applicability of its point 5 is in fact precluded.

The statement that the two sides will have in mind "the questions related to resettlement" (para. 7.1), rather than the specific rights of Greek Cypriot refugees, is a cause of great anxiety to the Greek Cypriot side. The net effect of the formulation would be that a criterion relating to a basic right long agreed by the two sides and the basis, on which the Greek Cypriot side had participated in the negotiations, would be substituted by a new criterion which might be used to protect settlers and others who have usurped Greek Cypriot refugees' homes, lands and properties.

It should also be pointed out that the Greek Cypriot side has never agreed to the figure "in the order of 29+ per cent" (para. 7.1). Furthermore, the understanding contained in "non-paper 2" (November 1984) and repeated to the Greek Cypriot side at the lower-level talks, that the line on Varosha, as per the Turkish map of August 1981, does not represent the last word, is omitted (para. 10.1).

The formulation of paragraph 7.1 has further suffered through the introduction of the element of "practical difficulties which may arise for the Turkish Cypriot community". This quotation, which is extracted from guideline 3 of the high-level agreement of 1977, relates exclusively to the three freedoms. The extension of the "practical difficulties" idea to the territorial question represents an unwarranted extension of a guideline. The extension has not been agreed upon by the Greek Cypriot side. It is therefore most surprising that it should now find its way into the "draft framework agreement". The formulation of this paragraph also virtually negates the proposition of special status areas.

Adequate international guarantees (para. 8.1)

The Greek Cypriot side has always insisted on adequate international guarantees. This emanates from its experience of the arbitrary interpretation of the 1960 Treaty of Guarantee given by Turkey when attempting to justify its invasion of Cyprus in 1974. The Greek Cypriot position is that any treaty of guarantee, if agreed to be necessary, would be a multilateral one not giving unilateral rights to any one country. As to the membership of the scheme of guarantees, the Greek Cypriot side has always expressed the view that States with direct interests in Cyprus should not be involved in such a scheme.

However, in an attempt to seek agreement, it accepted the formulation of the Secretary-General that it would not a priori exclude any guarantor, in exchange for a commitment of the Turkish Cypriot side that it would not exclude a priori any date for the withdrawal of the Turkish troops. The "draft framework agreement", under the innocent heading of Powers and functions of the Federal Government, Defence (2.1.(1)) reintroduces the terms "treaties of guarantee and of alliance" in preference to the previous terminology of "international treaties". This has never been agreed.

In the light of the agreement for a federal solution but to the exclusion of a confederal one, the Greek Cypriot side finds the constitutional provisions which are envisaged in the "draft framework agreement" (paras. 3 and 4) to be contrary to the federal concept and unworkable. It has always insisted on the functionality of any constitutional arrangements. The principles of functionality and workability of the federal institutions were expressly stated in the Vienna working points of 1984. It is an important consideration which must be satisfied. Yet the wording of the "draft framework agreement" is such as to convert this primary consideration into a mere supplementary afterthought.

The unworkability of the decision-making process envisaged in the "draft framework agreement" (paras. 3 and 4) coupled with any claimed rights of intervention under a treaty of guarantee (which the Greek Cypriot side is not prepared to accept), would be disastrous for the future Federal Republic of Cyprus. This is obvious from a study of the provisions relating to weighted voting (paras. 3.1 and 4.3), veto powers (para. 4.2) and deadlock-resolving machinery (paras. 3.2 and 4.4).

The Greek Cypriot side is, and has always been, opposed to a general practice of weighted voting in the Executive since such a process would inevitably impede the executive function and create constant deadlocks. For this reason, the Greek Cypriot side was only prepared to consider it in relation to matters of special concern to the Turkish Cypriot community.

Another relative factor is the extent of vetoes. Under the 1960 Constitution, vetoes over executive decisions are confined to decisions relating to foreign affairs, defence and security (articles 50 and 57 of the 1960 Constitution). The "draft framework agreement" extends vetoes beyond this scope (para. 4.2). In any case, the Greek Cypriot side considers that weighted voting in matters of special concern to the Turkish Cypriot community would make provisions with regard to vetoes superfluous and would render an already cumbersome Executive even less functional and more unworkable.

Another element conducive to functionality of government is speedy and effective deadlock-resolving machinery in both the Executive and the Legislature. The procedure now envisaged (paras. 3.2 and 4.4) is cumbersome and so dependent on considerations that must first be satisfied, as to be virtually ineffective, rendering the government organs impotent.

Another factor connected with international guarantees is the question of international personality which is closely linked with the essential attribute of sovereignty and is vital in ensuring the unity of the country and the limitation of disputes. For these reasons and in the light of its commitment to a federal solution, the Greek Cypriot side has insisted all along that it should be beyond doubt that only the Federation and federal Government should have international personality.

Any formulation which is open to misrepresentation and confusion would be detrimental to the viability and integrity of the future Federation.

Withdrawal of all non-Cypriot troops and elements (para. 8.1)

The Greek Cypriot side's position in the current initiative has been that all Turkish troops will withdraw before the establishment of any Transitional Government. It would be irresponsible for any Government of the Republic of Cyprus to agree to dissolve itself and to hand over to a transitional Government when there were Turkish troops on its soil and when there were 60,000 Turkish colonist settlers. Related to the demand for the withdrawal of settlers but also more generally important, is the need to clarify under the powers of the Federation questions relating to immigration, nationality and passports.

The absence from the "draft framework agreement" of any provision for a definite timetable for the speedy departure of all Turkish troops before a transitional federal Government is established and the inclusion of a provision that might be interpreted as a continuation of the treaties of guarantee and alliance (para. 2.1.(1)) - which Turkey interprets as giving it the right to intervene in Cyprus - would have calamitous consequences on the future of Cyprus. Not only would the "draft framework agreement" entitle the Turkish Cypriot leadership to contend that Turkish troops should remain in Cyprus after dissolution of the present Republic and the hand-over of power to an impotent transitional Government, but it would even permit the Turkish Cypriot leadership to contend (a contention reasserted in Mr. Denktas's letter of 21 April 1986) that withdrawal of all Turkish troops cannot be timetabled even at a high-level meeting.

The combination of Turkish troops, unilateral rights of Turkish intervention and an unworkable federal Government are a certain prescription for extinction of the independent State of Cyprus, and would also jeopardize international peace. On the other hand, the early withdrawal of the Turkish troops would greatly contribute to stability in the area.

These reasons, above all others, demonstrate the Greek Cypriot side's justifiable anxiety that the question of the withdrawal of all Turkish troops and settlers and the matter of guarantees must be resolved first.

You will recall of the numerous and longstanding assurances that the withdrawal of the Turkish troops and elements, i.e. settlers, and international guarantees would be discussed at the first high-level meeting.

We have always been anxious to see agreement on an efficient negotiating process leading to an overall settlement. It is in this spirit that the Greek Cypriot side has insisted that important political issues should be dealt with at the highest possible political level. In the case of the issues of the withdrawal of Turkish troops and settlers and international guarantees we have already proposed that these should be dealt with either by an international conference or a high-level meeting. The question of the three freedoms should be dealt with at a high-level meeting. The two proposals should not be considered as being conflicting but rather as being complementary.

The integrated whole approach implies that issues which have never been discussed before must be brought into the foreground without delay. This has been highlighted earlier. We therefore propose once again, Mr. Secretary-General, that you convene an international conference or a high-level meeting to consider urgently those issues which have never been dealt with, more specifically the withdrawal of the Turkish troops and settlers, the question of guarantees and the application of the three freedoms.

When the substantive decisions for the resolution of the three major issues in accordance with United Nations resolutions are taken as a matter of priority, we should be able to assess together the joint results of the outcome of this high-level meeting or international conference and the content of your "draft framework agreement".

I should like to assure you of our willingness to co-operate with you in pursuing the negotiating process further and through it a negotiated settlement of the Cyprus problem.
