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REPORT OF THE UNITED NATIONS MEDIATOR ON CYPRUS
TO THE SECRETARY-GENERAL

Note by the Secretary-General

1. In its resolution of 4 March 1964, the Security Council recommended that the Secretary-General designate, in agreement with the Government of Cyprus, and the Governments of Greece, Turkey and the United Kingdom, a Mediator, who should use his best endeavours with the representatives of the communities and also the aforesaid four Governments, for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security.
2. In accordance with his terms of reference, the United Nations Mediator on Cyprus, Mr. Galo Plaza, submitted to the Secretary-General on 26 March 1965 a report on his activities up to that date. This report is transmitted herewith to the members of the Security Council for their information.

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I. INTRODUCTION

1. Following the death of Ambassador Sakari Tuomioja, you designated me on 16 September 1964, in agreement with the Governments of Cyprus, Greece, Turkey and the United Kingdom, to succeed him as the United Nations Mediator on Cyprus.
2. After completing my previous mission as your Special Representative in Cyprus I made a brief visit to Headquarters for consultations with you and took up my new duties in Cyprus on 28 September. The present report covers my activities from that date until 26 March 1965. It contains, in addition to an explanation of the present constitutional and general situation in Cyprus and an account of my mediation efforts, a detailed analysis of the positions of the parties concerned regarding a peaceful solution and an agreed settlement of the problem confronting Cyprus.

II. FUNCTION AND ACTIVITIES

3. The function of the Mediator on Cyprus, in the terms of the Security Council resolution of 4 March 1964, is to use his best endeavours with the representatives of the Cypriot communities and also with the Governments of Cyprus, Greece, Turkey and the United Kingdom, "for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security".
4. Mindful of the fact that any lasting solution of the problem confronting Cyprus must be based, first and foremost, on the views of the people of Cyprus and their aspirations regarding their future, I decided to establish my Headquarters in Nicosia. It has remained there during the period under review. My activities have required me also to visit the capitals of Greece, Turkey and the United Kingdom as well as the Headquarters of the United Nations.
5. During the period under review, I conducted three series of consultations with the parties to the Cyprus problem referred to in the resolution of 4 March 1964. In the first series of consultations, I stayed in Nicosia from 28 September to 7 October and again from 9 to 14 October, and I visited Ankara from 7 to 9 October,

Athens from 14 to 16 October and London from 26 to 28 October. The main purpose of these first consultations was to ascertain in all its aspects and to the fullest extent possible the position of each of the parties concerned and to seek those areas where compromises could be attempted and agreements possibly achieved. I was heartened to note that, while the basic positions adopted by the opposing sides were very far apart, all parties concerned showed willingness to discuss them.

6. Following this series of consultations I returned on 28 October to Headquarters, where on the basis of the positions of the respective parties concerned and of my discussions with them I prepared a set of ideas which, in my view, might lead to the elaboration of a working basis for the further discussion and negotiation of a peaceful solution and an agreed settlement of the Cyprus problem.

7. These ideas and suggestions were discussed with each of the parties concerned and certain aspects of their respective positions further clarified during my second series of consultations, which occupied me first in Nicosia (10-16 November), then in Athens (16-18 November) and Ankara (19-21 November), again in Nicosia (23-26 November) and finally in London (26-28 November).

8. In the course of this series of consultations, I noted that the positions taken on the opposing sides had considerably hardened since my previous talks with them. This increased rigidity of attitude, it seemed to me, was closely related to the expected approach of the debate of the General Assembly on Cyprus. I gained the impression that the Governments of Cyprus and Turkey, both of which had requested the General Assembly to discuss the Cyprus problem, each expected the Assembly to support its respective stand and would not yield to any substantial compromise until a decision had been taken by the Assembly. I therefore concluded that no great progress could be achieved in my mediation efforts until that time.

9. On 28 November, three days before the opening of the nineteenth session of the General Assembly, I returned to Headquarters where I reported to you orally on the progress of my mission. I informed you that I intended to persist in my efforts to find the grounds for an agreed solution in the context of the Security Council resolution of 4 March 1964 and, in particular, to undertake a third series of consultations after the General Assembly had, if that were its intention, examined the Cyprus problem.

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10. In the event, as you know, the General Assembly was not able to function normally, and when in early February it became evident that no debate on the Cyprus problem was likely to take place in the near future, I decided that the time had come to undertake a further round of consultations. From Headquarters, where I had meanwhile had a series of useful discussions with Ministers and other representatives of the Governments concerned, I departed once again on 9 February in order to proceed with my third series of consultations, in Nicosia on 11-17, 20-23 and 25-27 February, in Athens on 17-19 and 27-28 February, in Ankara on 23-25 February and in London on 28 February-2 March.

11. Having completed this third series of consultations, I returned to Headquarters on 2 March 1965 to prepare the present report.

12. During all of my periods of consultation in Cyprus I had frequent meetings with Archbishop Makarios, President of the Republic of Cyprus, and his colleagues on the one hand, and with Dr. Kuchuk, Vice-President of the Republic, and his advisers on the other. I also had many discussions with other leaders, both official and unofficial, of the two communities in Cyprus, including members of the Council of Ministers, members of the House of Representatives and of the Greek and Turkish Communal Chambers and leaders of commercial, professional and other societies. With regard to my consultations with the three external Governments which are indicated by the Security Council resolution of 4 March 1964 as being concerned in the problem of Cyprus, I had meetings in Ankara with the President of the Republic of Turkey and also with the Prime Minister, the Deputy Prime Minister, the Foreign Minister and other officials both of the Inonu Government and the new Government of Turkey formed on 20 February; in Athens with His Majesty the King of Greece, the Prime Minister, the Foreign Minister and other officials of the Government of Greece; and in London, with the Secretaries of State and the Ministers of State for Foreign Affairs and for Commonwealth Relations and their senior advisers. All the above-mentioned discussions were held in the most frank and friendly manner. I encountered from all the utmost courtesy and good will for which I express my deep gratitude.

13. I must also mention that my endeavours have greatly benefited from the work done by my predecessor, the late Ambassador Sakari Tuomioja. It may be recalled that he was designated by you as the first United Nations Mediator on Cyprus on ...

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25 March 1964. After a brief visit to New York for consultation with you, Ambassador Tuomioja established his Headquarters on 2 April in Nicosia where he stayed for a period of two months. During this stay he had frequent meetings with the President and the Vice-President of the Republic of Cyprus and many other leaders, both official and unofficial of the two communities. He also visited Ankara (17-18 April and 4 June), Athens (26-27 April and 3 June) and London (30 April, 4 May and 12 June) for consultations with the Governments of Greece, Turkey and the United Kingdom. On 5 July, after further consultations at Headquarters, he went to Geneva for another series of talks with special representatives appointed by the Governments of Greece, Turkey and the United Kingdom. Shortly after this series of talks was concluded and when he was about to make a new series of visits to Athens, Ankara and Nicosia, he fell on 16 August to the illness from which he never recovered.

14. From the day he assumed his mediation duties until his sudden and untimely illness Ambassador Tuomioja undertook, in addition to his untiring mediation efforts, a thorough study of all aspects of the Cyprus problem. I have made wide use of the results both of his mediation efforts and of his research, which have been of invaluable assistance. I wish to acknowledge here my debt of gratitude to him and to pay to his memory the warmest tribute.

III. THE BACKGROUND OF THE PROBLEM

15. What I have to report on the positions adopted by the various parties concerned and on my efforts to help bring about a peaceful solution and an agreed settlement of the problem confronting Cyprus can be best appreciated when viewed in the light of the circumstances which led to the adoption of the Constitution of 1960, the special nature of that Constitution, the developments which resulted in the inter-communal fighting of December 1963 and the general situation prevailing in the island since then. These subjects are briefly outlined below.

A. The Zurich and London Agreements

16. The present Constitution of the Republic of Cyprus, which dates from the first day of independence (16 August 1960), has its roots in the agreements reached

between the Heads of Governments of Greece and Turkey at Zurich on 11 February 1959, which in turn were incorporated in the agreements reached between these Governments and that of the United Kingdom at London on 19 February of the same year. On that date also the representatives of the Greek-Cypriot community and of the Turkish-Cypriot community accepted the documents concerned, and accompanying declarations by the three Governments, as "the agreed foundation for the final settlement of the problem of Cyprus". Eventually these agreements were embodied in the Treaties^{1/} and the Constitution signed at Nicosia on 16 August 1960, and thus became the legal framework for the independence of Cyprus.

17. I shall mention only briefly the circumstances which dictated those agreements. Although I do not feel that this report is the place in which to examine in any detail the long and complex history of Cyprus, it has had certain effects on the interrelationship of the population of the island that must be taken into account. Except for the small British community and for those smaller groups of Armenians, Maronites and others who have, on the whole, associated themselves with the Greek rather than the Turkish-Cypriot communities, the people of Cyprus are comprised essentially of persons of Greek and Turkish origin, in the ratio of approximately 80 per cent to 18 per cent.^{2/} Over the centuries, these two principal communities, while intermingled, have remained in many respects distinct and separate. In particular, each has retained its own religion and, associated with that, its own educational system, at least at the elementary level and at a large part of the secondary level, and its own laws, customs and traditions on such matters as marriage and personal status. The two languages have been retained, although there are many in both communities who speak both, and many who also, as a result of eighty-three years of British administration, speak English. Less tangibly, but none the less to an important extent, each community has preserved both physical and emotional ties with, and interests in, its respective homeland, and it cannot be said that Cyprus has been able or has wished to insulate itself entirely from the changing fortunes, over the generations, of relationships between Greece and Turkey.

^{1/} The Treaties of Alliance, Guarantee and Establishment.

^{2/} At the 1960 census, there were 442,521 Greek-Cypriots, 104,350 Turkish-Cypriots, 20,955 British, 3,628 Armenians, 2,708 Maronites and 3,453 others.

18. Yet it is equally important to understand that these distinctive features of the two communities do not imply that in normal times they have been physically separated from each other. The Greek-Cypriots and Turkish-Cypriots alike were spread widely over the island - not according to any fixed geographical pattern but rather as a result of the usual factors behind the movement and settlement of people over many generations: for example, the search for farming land and for employment, and other such economic and social motives. Within this island-wide intermingling of the population, there do exist local concentrations of people where one community or the other predominates. Thus, out of 619 villages at the time of the last census, 393 were wholly or predominantly Greek-Cypriot, 120 were Turkish-Cypriot, and 106 were classified as mixed. But the villages themselves are not usually to be found in clusters where one community or the other predominates; the more general pattern in any given area is a mixture of Greek-Cypriot, Turkish-Cypriot and mixed villages. The capital, Nicosia, and the other main towns such as Famagusta, Limassol and Larnaca, are also mixed in population, the two communities tending, in these towns and also in the mixed villages, to concentrate in separate quarters. Although inter-marriage has been rare - the differences in religion being presumably the main barrier - there is evidence of considerable intermingling of the two communities, more especially in employment and commerce but also to some degree at the social level.

19. It has been put to me that the presence of British authority, superimposed over these two main elements of the population, tended to conceal or restrain fundamental political differences between them in the years before independence. This is probably true of the leadership on each side, although I should hesitate to judge how deeply their political differences penetrated the strata of each society. It is beyond dispute, however, that open resistance against British rule was a Greek-Cypriot rather than a Turkish-Cypriot affair. And this leads to the further essential point that although Cyprus was at the time a British colony, its arrival at independence did not follow the more familiar pattern of a territorial nationalist movement winning its sovereignty by negotiation with or by a struggle against the colonial power alone. The strongest internal political pressure, which had led to armed revolt in 1955 on the part of the Greek-Cypriots, had been directed not at independence as such but rather at Enosis (union) with Greece.

This had produced a counter-pressure, no doubt motivated at least partly by fear of Greek domination, from the side of the Turkish-Cypriot leadership: in general, a resistance against the idea of Enosis, and eventually an insistence that the Turkish-Cypriot community had an equal right of union with Turkey, to be carried out by means of partitioning the country (Taksim).

20. Thus not only the United Kingdom as the colonial Power and also one with strategic interests in the island, but Greece and Turkey as well, claimed a vital stake in the outcome. The interests of these external parties brought to the Cyprus question a complexity of issues going beyond any immediate question of the well-being of the Cypriot people. These issues included, in particular, the relationships between Greece and Turkey and between them and the United Kingdom; the future of the British bases, which involved not only British national interests but also those of the military alliance in which the three Powers were associated; the concern of Turkey, again from both a national and an international viewpoint, about the security aspects of the internal situation in an island close to her shores; and by no means insignificant, the considerations of national honour, pride and other emotionally charged elements arising from the close ethnic ties between Greek and Greek-Cypriot and Turk and Turkish-Cypriot.

21. The settlement of 1959 envisaged Cyprus becoming a Republic with a regime specially adapted both to the ethnic composition of its population (approximately 80 per cent Greek and 18 per cent Turkish) and to what were recognized as special relationships between the Republic and the three other States concerned in the agreements. In the former respect, the agreements sought to recognize and preserve constitutionally a distinction between the two communities and to maintain a certain balance between their respective rights and interests. In the latter respect, they were intended to provide, by means of treaties, a multilateral guarantee of the maintenance of the state of affairs to be established by the basic articles of the proposed constitution. Both the union of Cyprus with any other State and the partitioning of the island were expressly forbidden. The settlement also permitted the United Kingdom to retain sovereignty over two areas to be maintained as military bases, these areas being in fact excluded from the territory of the Republic of Cyprus.

B. The Constitution of 16 August 1960

22. The Constitution which was eventually drafted within the rigid framework of the Zurich and London Agreements, and which became effective on the date of the independence of the Republic, consists essentially of four groups of provisions. The first group consists of those that recognize to each of the two communities a separate existence. The second consists of constitutional devices assuring the participation of each community in the exercise of the functions of government, while seeking in a number of matters to avoid supremacy on the part of the larger (Greek-Cypriot) community, and assuring also a partial administrative autonomy to each community. In the third group of provisions, the Constitution sets forth at some length the human rights and fundamental freedoms guaranteed by it. The fourth main series of provisions constitutes a complex system of guarantees of the supremacy of the Constitution.

23. Thus, among the first group of provisions, the two distinct communities are identified (Art. 1) and defined (Art. 2) by the Constitution. An equal status is accorded to them in regard to the official languages of the Republic (Arts. 3 and 180), the choice of its flag and also the right to fly the national flag of Greece or Turkey as the case may be (Art. 4), and the celebration of the national holidays of the latter countries (Art. 5). All elections take place on the basis of separate communal electoral lists (Arts. 63 and 94) and separate voting (Arts. 1, 39, 62, 86, 173 and 178). Sound and vision broadcasting hours are allocated between the two communities according to a specified formula (Art. 171). The communities are accorded rights of special relationships with Greece and Turkey respectively, including that of receiving subsidies for institutions of education, culture, athletics and charity belonging to the respective communities and that of employing, if need be, schoolmasters, professors, and clergymen provided by the Greek or Turkish Government as the case may be (Art. 108).

24. The political system itself continues this distinction between the two communities. The President, who must be Greek, and the Vice-President, who must be Turkish, are elected by their respective communities (Art. 1) and may thus be said to be their undisputed leaders and the guarantors of their rights in each case. They designate separately the members of the Council of Ministers (seven Greek and

three Turkish Ministers)(Art. 46). In the House of Representatives, also, the President must be Greek and the Vice-President Turkish, each being elected by his own communal group of members (Art. 72).

25. In the second group of provisions, all of the organs of the State are designed to ensure the participation of the two communities as such in both their composition and their functioning. The basis of this participation, however, varies between different organs. In some it is represented by numerical equality, either with equality of functions (the judiciary as a whole) or without such equality (the President and the Vice-President) (Arts. 36-43). A number of "Independent Officers", namely, the Attorney-General, the Auditor-General and the Governor of the Issuing Bank (Arts. 112-121) and the heads of the army, the police and the gendarmerie (Art. 131) may by and large be appointed from either community, but each must have a deputy appointed from the other community. In other cases participation is based on a fixed ratio: thus, the army of 2,000 men is to be comprised of Greeks and Turks in the proportions of 60 per cent and 40 per cent respectively (Art. 129); this ratio also applies transitionally to the police and gendarmerie. A different ratio (70 per cent to 30 per cent) applies to the composition of the Council of Ministers (Art. 46), the House of Representatives (Art. 62), the Public Service (Art. 123) and eventually the police and gendarmerie (Art. 130).

26. Except for the President and the Vice-President, who may act separately on a large number of matters, these organs and institutions are in principle integrated, in the sense that their members may take part in them, as a general rule, without distinction as to their community of origin. In practice, however, several of them may divide, and in some cases are even required to divide, into two separate communal groups. Thus, although the laws and decisions of the House of Representatives are in general to be passed by a simple majority vote of all those members present and voting, an amendment to the electoral law, and the adoption of any law relating to the municipalities or imposing duties or taxes, require a majority in each communal group taken separately (Art. 78); separate two-thirds majorities are required for the amendment of those relatively less important articles of the Constitution which are in fact capable of amendment (Art. 182).

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27. Again, the Greek-Cypriot and Turkish-Cypriot Ministers are placed on an equal footing but are responsible, depending on their communities of origin, either to the President or to the Vice-President (Arts. 48 and 49). The Turkish-Cypriot and Greek-Cypriot judges are similarly equal in status, but in general they exercise their functions only in regard to members of their own communities (Art. 159). Public officers and also forces of the Republic stationed in parts of the country inhabited in a proportion approaching 100 per cent by members of one community are required to belong to that community (Arts. 123 and 132). Moreover, the division between the two communities of the posts of the "Independent Officers" and other senior officials and their deputies tended, according to my information, to serve as a pattern for the whole of the senior level of the Public Service.

28. There are a number of provisions in the Constitution which are designed to establish, in certain fields of action, an equality of function between the two communities even where their representation is unequal. I have given above the example of the House of Representatives as regards specific types of legislation of particular importance to the communal interests. A number of decisions within the authority of the President and the Vice-President also require the agreement of both: for example, the choice of the flag (Art. 4); the promulgation of legislation (Art. 51) and of decisions of the Council of Ministers (Art. 46); the designation of the Ministers (Art. 47), of the members of the Supreme Constitutional Court (Art. 133), of the members of the High Court (Art. 153), and of certain public officials and heads of the forces (Arts. 112, 115, 118, 124, 126, 131, 133, 153); the introduction of conscription (Art. 129); and increasing or reducing the strength of the army (Art. 130).

29. Both the President and the Vice-President also have the right to delay decisions in many matters and to vote them in others. Separately or jointly, they have the right of final veto on any law or decision of the House of Representatives concerning foreign affairs, with some exceptions; certain specified questions of defence; and certain specified questions of security (Art. 50). Also separately or jointly, they may return to the House for its reconsideration any law or decision (Art. 51) and they may similarly ask the Council of Ministers to reconsider any of its decisions (Art. 57); but in both cases they are bound, except in the fields where their veto applies, to accept the reconsidered decision of the organ concerned.

30. The general effect of these devices is to make most of the major affairs of the State subject to the agreement of the representatives of both the Greek and Turkish communities either by joint decision or by the renunciation of the right of veto. The negative side of this situation is that it can invite deadlock on any of the questions concerned when the two communities have sharply differing views on them, and this in fact happened - with results that contributed largely to the present crisis - in the case of tax legislation and the question of the municipalities. Recourse to the Supreme Constitutional Court does not necessarily provide a way out of such impasses, since the Court can only resolve problems of interpretation, and not political differences.

31. The Constitution provides for another level of political organs - those which are purely communal in representation and function. The highest of these are the two Communal Chambers, each elected exclusively by its own community, and having control over such matters as questions of religion, culture and education, personal status, and communal institutions such as sports and charitable organizations, co-operatives, etc. (Art. 87). In these matters they have power to impose direct taxation on the members of their respective communities (Arts. 87 and 88).

32. In the same category are the Subordinate Courts (when dealing with cases involving members of only one community) and the provision in the Constitution for separate municipalities to be established in the five main centres of the country, with a co-ordinating body in each case (Art. 173). It is worth noting that these municipalities are the only organs under the Constitution which are specifically designed to be based on the territorial separation of the two communities, applying as they do to towns where most of the people in each group live in separate communal areas.

33. The third group of provisions deals with the definition and the protection of fundamental rights and liberties. After stipulating that no law or executive or administrative decision should discriminate against any of the two communities or any person as a person or by virtue of being a member of a community, the Constitution spells out the fundamental rights and liberties granted by it (Arts. 6-35). It may be observed that these follow closely the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Cyprus is a contracting party.

34. The responsibility of protection against any violation of the Constitution, and therefore of the fundamental rights and liberties granted by it, is given to both the ordinary courts and the Supreme Constitutional Court, which, in fact, works not only as a constitutional court, but also as an administrative tribunal (Arts. 144 and 146). In this connexion, it should be noted that the judiciary possesses certain characteristics designed to maintain a balance between the two communities. The Supreme Constitutional Court is presided over by a neutral judge and consists otherwise of one Greek-Cypriot and one Turkish-Cypriot judge (Art. 133). The High Court, although it has two Greek-Cypriot judges and only one Turkish-Cypriot judge, is also to be headed by a neutral president who may cast two votes (Art. 153).

35. The fourth and last important group of constitutional provisions to which attention should be drawn are those which constitute a complex set of guarantees of the supremacy of the Constitution. These include, firstly, guarantees of a purely juridical nature: the establishment of the Supreme Constitutional Court which can annul any decision or law which it finds contrary to the Constitution (Arts. 137, 138, 139, 144, 146); the provision that, as far as concerns those articles of the Constitution which are capable of amendment, such amendment must be approved by a separate two-thirds majority of each communal group in the House of Representatives (Art. 182); the more practically important fact that the "Basic Articles" of the Constitution - in effect, the foundation of the Zurich and London Agreements - cannot be amended at all (Art. 182); and the international undertaking of the Republic, under the Treaty of Guarantee signed with Greece, Turkey and the United Kingdom - which itself is entrenched in the Constitution (Art. 181) - to respect the Constitution. As explained earlier, the judiciary itself, which constitutes the normal means of guaranteeing respect for the Constitution and the laws, possesses certain characteristics designed to maintain a balance between the two communities.

36. Other guarantees of the Constitution are embodied in the international treaties (Nicosia, 16 August 1960) entered into by the Republic on the first day of independence - the principles of these treaties having been, in fact, an integral part of the whole body of the Zurich and London Agreements. Cyprus is committed by the Treaty of Guarantee with Greece, Turkey and the United Kingdom "to ensure

the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution"; "not to participate, in whole or in part, in any political or economic union with any State whatsoever"; and to prohibit any activity likely to promote either union with any other State or partition of the island (Art. I). The three other contracting parties also guarantee the Republic's independence, territorial integrity and security, as well as "the state of affairs established by the Basic Articles of its Constitution" (Art. II). They undertake to consult together to ensure observance of the provisions of the Treaty, and in so far as common or concerted action may not prove possible, each reserves the right "to take action with the sole aim of re-establishing the state of affairs created by the present Treaty" (Art. IV).

37. The Treaty of Alliance between Cyprus, Greece and Turkey, which, like the Treaty of Guarantee, has constitutional force, has the effect of providing an immediate military guarantee by establishing a tripartite military headquarters in Cyprus, to which Greece and Turkey sent contingents numbering 950 and 650 respectively (Arts. III and IV and Additional Protocol No. 1). Finally, the existence of the military bases over which the United Kingdom has retained sovereignty under the separate Treaty of Establishment may also be thought to represent, to a certain degree, an additional military guarantee of the integrity of Cyprus and its Constitution.

C. The President's proposed amendments

38. In retrospect, and given the state of relationships between the two communities, it is hardly surprising that the application of the rigid provisions of these unique constitutional arrangements encountered difficulties almost from the birth of the Republic. It is not for me to establish the specific causes of these difficulties nor to apportion responsibility for them, but I have not been able to ignore their existence, because of the bearing which they have on the present situation in Cyprus and on the circumstances under which a new settlement may be found.

39. I can best cover this period of repeated constitutional crises and of accumulating tension between the leaders of the two communities by coming forward to the date of 30 November 1963, some three years after the Constitution came into

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force, when the President of the Republic publicly set forth thirteen points on which he considered that the Constitution should be amended. The President did so on the grounds that in its existing form the Constitution created many difficulties in the smooth functioning of the State and the development and progress of the country; that its many sui generis provisions conflicted with internationally accepted democratic principles and created sources of friction between Greek and Turkish Cypriots; and that its defects were causing the two communities to draw further apart rather than closer together.

40. Several of the most important amendments proposed by the President reflected deadlocks which had actually occurred in the functioning of the Constitution. For example, in proposing that the right of veto of the President and the Vice-President should be abolished, he referred to the fact that the latter had vetoed a majority decision of the Council of Ministers that the organizational structure of the Cyprus army should be based on mixed units comprising both Greek-Cypriots and Turkish-Cypriots, since the Vice-President had favoured separate units.

41. Again, in proposing that the constitutional provisions requiring separate majorities for the enactment of certain laws by the House of Representatives should be abolished, the President cited the failure of the House to enact an income tax law. Similarly, he proposed that unified municipalities should be established, on the grounds that the constitutional provision for separate communal municipalities in the five main towns had proved unworkable, one reason being the failure of the President and the Vice-President to reach agreement on the determination of the boundaries.

42. Difficulties in the functioning of the mixed Public Service Commission, where certain decisions require a minimum number of Greek and Turkish votes depending upon whether a Greek-Cypriot or a Turkish-Cypriot is concerned, led to the proposal by the President that all decisions of the Commission, without exception, should be taken by simple majority vote. He proposed also that the ratios of Greek and Turkish representation in the Public Service (70-30 per cent), the security forces (70-30 per cent) and the army (60-40 per cent) should be modified over a period of time to bring them into line with the ratio of Greeks to Turks in the population as a whole (then expressed as 81.14-18.86 per cent).

43. The President's proposals also included the following: the administration of justice to be unified; the division of the security forces into police and gendarmerie to be abolished; the numerical strength of the security and defence forces to be determined by legislation; the Greek President and the Turkish Vice-President of the House of Representatives to be elected by the House as a whole; the Greek Communal Chamber to be abolished.

44. Whatever possibility may have existed at that time - and by all accounts it was slight - of calm and rational discussion of those proposals between the two communities disappeared indefinitely with the outbreak of violent disturbances between them a few days later on 21 December 1963. The Turkish Communal Chamber subsequently described as "false propaganda" the President's claim that the Constitution had proved an obstacle to the smooth functioning of the Republic. The Turkish view, as thus expressed, was that the Greek-Cypriots had never attempted to implement the Constitution in full with sincerity and goodwill, and that the obstacles created were not due to the Constitution but to the Greek-Cypriots' determination not to honour those parts of it which recognized the Turkish-Cypriots' communal rights. The latter maintained that the whole structure of the Republic rested on the existence of two communities (and not of a "majority" and a "minority"); they, therefore, refused to consider the amendment of any of the provisions of the Constitution since all of the amendments proposed by the other side were directed against those parts which recognized the existence of the Turkish community as such. They described the difficulties which had arisen over the questions of the structure of the army, the establishment of separate municipalities, the income tax legislation and the observance of the fixed ratios in the public services and security forces as being due to the Greeks' desire to discriminate against them and their own determination to protect their rights.

D. The London Conference (1964)

45. I have been given to understand that by the time of the London Conference in January 1964, at which in the midst of extreme tension and hostility a new attempt was made to reach a settlement, the positions of the representatives of the two communities concerning the future structure of the Republic had greatly

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hardened and drawn much further apart. From the Greek-Cypriot side, there was a demand that the State should be allowed to take an independent, unitary, integral form, with all legislative power vested in a Parliament elected by universal suffrage on a common roll, the executive power vested in a cabinet responsible to the Parliament, and the judicial power vested in an independent, unified judiciary. The Treaties of Guarantee and Alliance would be revoked. Nevertheless, there would be certain devices to ensure Turkish representation in the Parliament and the Civil Service; the Turkish community would have autonomy in religious, educational and cultural matters; universally accepted human rights would be maintained as integral parts of the Constitution; and there would be a right of appeal to an international tribunal against violations of those rights.

46. The Turkish-Cypriot representatives, on the other hand, now reverted to the previously suggested concept of separating the two communities physically, by concentrating members of their community in one or more large areas, and creating a new political and administrative structure on this basis. The Treaties of Alliance and Guarantee would continue in force. The underlying argument of the Turkish-Cypriot leaders was that events had now proved conclusively that the two communities could not live together in peace and must be physically separated.

47. The intervening period, and more especially the period since intervention by the United Nations was recommended by the Security Council on 4 March 1964, has seen these opposing positions elaborated and also further modified in some detail, and I propose to deal with them in the next chapter of this report. It has also seen the Cyprus Government and the House of Representatives, apparently acting under the powers given to them under the Constitution but without the participation of the Turkish-Cypriot representatives required by that Constitution, purport to pass legislation and to make decisions of a most serious kind, including the formation of a national guard, the introduction of conscription, the acquisition of large quantities of arms and other military equipment, changes in the structure of the judiciary, a system of taxation and the establishment of unified municipalities. Moreover, on 4 April 1964, the President of the Republic informed the Government of Turkey that on the grounds of the failure of the Turkish national contingent to return to its barracks, the Government considered the Treaty of Alliance to have been violated and therefore to have ceased to be in force.

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E. The general situation in Cyprus

48. The situation prevailing in Cyprus since the beginning of the United Nations Operation there has been described in detail in your reports to the Security Council on the functions and operations of the United Nations Peace-Keeping Force. I shall only emphasize here those elements which seem to me to bear directly and significantly on my own mission.

49. There is no question in my mind - and my knowledge of my predecessor's experience confirms this - that during the first six months of the United Nations Operation, the atmosphere in Cyprus was most unfavourable to efforts at mediation. The normal conditions which might be regarded as conducive to, or even a prerequisite of, any successful effort to find an agreed settlement did not prevail in Cyprus at any time during that period. The most conspicuous fact of life in Cyprus was that large numbers of armed men, in and out of uniform and apparently under widely varying degrees of control, were facing one another from fortified positions in many parts of the island. Their numbers had been greatly increased and their armament greatly enlarged, especially on the Greek-Cypriot side, and with assistance from Greece in particular, by the end of the period. While, as you have stated, the United Nations Operation could claim no small credit for having contained several situations which might have led to major military clashes, almost every day of the period saw one or more incidents of one kind or another. These incidents, which as you know reached their peak of violence during the first days of August, when they brought about intervention by the Turkish air force, prolonged and compounded the atmosphere of tension, insecurity and fear which had seized many members of the population since the outbreak of disorder in December 1963.

50. All through this period there were two kinds of "green line" in Cyprus, and few people dared to cross either kind. There were firstly the physical barriers, constructed out of road-blocks, strongpoints, fortified houses, sandbagged walls and trenches. These were the barriers which at many places in the island kept the two communities apart either by force or by the fear of arrest, abduction or gunfire. They prevented the normal flow of traffic for purposes of both business and pleasure, and became indeed part of the machinery of what came to be regarded as an economic blockade by the Greek-Cypriots against the Turkish-Cypriots. They

curtailed the functioning of government services and development activities. They prolonged the abandonment by many people of their houses, farms, businesses or jobs on one side or the other. And especially in Nicosia, the capital, the "green line" added a physical dimension to the breaking down of the Constitution: it barred, even if political motives alone might not have done so, the Turkish Vice-President and the Turkish Ministers from their offices and from meetings of the Cabinet, the elected Turkish parliamentarians from the sessions of the House of Representatives, and both Turkish-Cypriot and Greek-Cypriot public servants from their duties on the other side of the line.

51. The second kind of "green line" was the psychological kind. The long months of life in a situation in which violence and the means of violence increased rather than diminished, and which placed the larger community increasingly in a mood and in a position to dominate the smaller, could only breed distrust and intransigence where trust and compromise were needed if an agreed settlement were to be found. The physical impediments to normal contacts between the communities were serious enough; hardly less so was the psychological impediment caused by the suppression of the healthy movement of ideas, for which were substituted slogans and counter-slogans shouted by propaganda machines across the dividing lines in uncompromising, provocative or hostile tones.

52. You will recall that when you formulated in April 1964, with the assistance of the Commander of the United Nations Peace-Keeping Force, a programme of steps and objectives directed towards the restoration of freedom of movement and other immediate requirements for a return to normal conditions, you reported^{1/} to the Security Council that

"in the prevailing climate of mistrust and hostility, the communities concerned in the Cyprus problem are themselves often inhibited from taking the kinds of initiative which might lead to a substantial reduction of tension and conflict, and when proposals are put forth they are likely to be rejected, less on their merit than on the fact of their origin in one group or the other".

53. This same phenomenon which helped to delay a return to normal life in Cyprus worked with no less force against the prospects of a peaceful solution and an agreed settlement of the Cyprus problem in the longer-term sense. There was no

^{1/} S/5671, para. 12.

direct discussion between the parties of each other's proposals, and neither of them sought or would unequivocally agree to such a discussion. There was little calm and rational consideration by one party of the other's point of view. And there was the same tendency as you described for one side to reject the other's proposals out of hand on the basis not of merit but of suspicion and mistrust, and to close the door even to a discussion of possible compromise lest it be taken as a sign of weakness.

54. It could hardly have been otherwise in a situation where the force of arms had openly been adopted by both sides as the principal instrument for the defence of their interests. In the capital, where most of those who claimed to lead opinion in both communities were gathered on one side and the other, the Turkish-Cypriots purported to regard themselves as being under actual siege by the Greek-Cypriots, and to feel obliged to place before everything else the armed protection and defence of their political claims as well as of their persons and property. The Greek-Cypriots, on their side, where since December 1963 they have had in effect exclusive control of the central organs of the Republic, continued to regard the other community in general as being in a condition of rebellion, having designs on the security of the State, and enjoying the actual or potential support of military intervention from Turkey. Their decision towards the end of May, through the Greek-Cypriot members of the Council of Ministers, to bring about the enactment of a law to establish a national guard by means of conscription, and the subsequent large expansion of their forces, were openly "justified" on such grounds. The result on both sides was that reliance on the force of arms served to make even more rigid the positions which they had taken on the political future of their country and even on the question of their ability to share it in peace.

55. Such was the situation prevailing in the island during the first six months of the United Nations Operation. However, by September 1964, there appeared some encouraging signs pointing to a relaxation of tension. Because, in my capacity as your Special Representative, I was able to contribute in some measure to the implementation of your programme for a return to normal conditions, I myself was in a good position to observe and appreciate these changes for the better.

56. Since the fighting which took place at Tylliria at the beginning of August, and which saw the intervention of the Turkish air force, there have been no major

incidents in the island. The economic restrictions imposed by the Cyprus Government on the Turkish-Cypriot community, which caused the tension to rise again to the crisis level around mid-August, were thereafter considerably relaxed. There was also a gradual easing of restrictions on the freedom of movement of the population throughout the island. These positive steps towards a return to normal conditions, which you have already fully reported to the Security Council, had visible results in terms of some relaxation of tension in the island.

57. However, this improvement in the general situation in the island was a precarious one as the attitudes of the leaders of the two communities towards the future of the country remained basically unchanged. This state of affairs was reflected in the difficulties encountered by your present Special Representative and the Force Commander in their efforts to continue to improve the general situation in the island and promote the return to normal conditions. You will recall that, as you indicated in your report last December on the United Nations Operation in Cyprus,^{1/} UNFICYP submitted to the Cyprus Government and the Turkish-Cypriot leadership, respectively, a series of suggestions to that end. Although these suggestions mainly concerned humanitarian undertakings and carefully shunned basic political issues, one side or the other was unable to accept most of them because to do so would, in its view, prejudice its case with regard to the final settlement of the Cyprus problem. Concessions seemed to have been ruled out by the Cyprus Government because they might be considered as restoring the position under the Zurich and London Agreements and by the Turkish-Cypriot leadership because they might tend to consolidate what they considered as the illegal situation created by the Greek-Cypriots. Thus, both kinds of "green line" mentioned earlier remained essentially intact and continued to hamper the movement of persons and ideas and to keep at a high level feelings of fear and mistrust. Indeed, after a period of some relaxation, there appeared recently disturbing signs of increasing tension and frustration in the island and of renewed efforts on both sides to build up military strength. As you pointed out in your last report on the United Nations Operation in Cyprus,^{2/} the present

^{1/} S/6102.

^{2/} S/6228.

dangerous and unsatisfactory situation is little short of an uneasy truce with opposing armed elements facing each other in several parts in the island.

58. The caution about the political implications of making concessions, which was at the root of the difficulties encountered by UNFICYP, has also continued to hamper my own work. Nevertheless, the fact that there have been no major incidents in the island during the past seven months has brought about an atmosphere at least relatively more conducive to fruitful discussions and negotiations than before and has led me to hope that through further patient efforts and given the required time the many difficulties and obstacles which have stood in the way of a peaceful solution and an agreed settlement of the Cyprus problem will eventually be overcome.

F. The external effects of the problem

59. It is necessary also to mention, although not to dwell upon, the effects of the continuing crisis in Cyprus on international relationships, and more particularly on those between the two external Governments most directly concerned, namely, those of Greece and Turkey. The special interests of each in the Cyprus problem and its solution, and the fact that each tended to support the position of the Cyprus community to which its own people were ethnically related, led in the first several months of the crisis to differences between them hardly less acute than those which separated the Cyprus communities. These differences, however, did not prevent the Governments of Greece and Turkey from making some efforts, by exchanging views through my predecessor and through diplomatic channels, to find between them a basis for settlement capable of being supported by the other parties as well. But for a number of reasons these efforts failed.

60. The difficulties encountered by my predecessor continued after I assumed office as Mediator, but I was glad to observe that all three of the external Governments which are direct parties to the problem - that is to say, the Governments of Greece, Turkey and the United Kingdom - appeared genuinely anxious to see a peaceful solution found in the shortest possible time, and assured me of their full support in this respect. During recent months, moreover, both the Governments of Greece and Turkey exerted a moderating influence on the communities in Cyprus in an effort to keep the peace in the island and prevent tension from rising again.

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IV. POSITIONS OF THE PARTIES CONCERNED AND EFFORTS
AT MEDIATION

A. Initial positions of the parties and efforts at mediation

61. I regard it as important to a full understanding of the Cyprus problem in itself and of my own approach towards its solution to explain, firstly, where the parties stood at the beginning of the United Nations' efforts at mediation. For this purpose I have examined the documents, records and notes left by my predecessor, and whenever possible I have, in my own consultations with the parties concerned, verified the positions described and the developments recorded. These are summarized in the following paragraphs.

(a) The Greek-Cypriot Community

62. The attitude of the Greek-Cypriot community towards the future of Cyprus, as explained orally by many of its qualified representatives during the first phase of mediation and as formally stated on 13 May 1964 by Archbishop Makarios, President of the Republic, started from the stand that the Republic was founded on agreements (those of Zurich and London) which did not emanate from the free will of the people but were imposed upon them. Archbishop Makarios stated that the only alternatives open to him were either to sign the agreements as they stood or to reject them entirely, and that in view of the grave situation which would have ensued upon their rejection he had felt obliged to sign them.

63. Further, the Constitution based on these agreements was put into force on 16 August 1960, and the Treaties of Guarantee and Alliance were given constitutional force in it, without being approved either by the people of Cyprus directly or in constituent assembly by representatives duly elected for the purpose.

64. The Greek-Cypriot case cited the lesser numerical strength of the "Turkish minority", and its lesser ownership of land and contribution to public expenditure, as not justifying the Turkish community having been "put on the same level with regard to the exercise of political powers in the State with the Greek majority". It rejected the argument that the Turkish-Cypriots must be treated differently from other minorities in other countries because they formed part of the Turkish people of the nearby mainland and because their language, religion, customs and national aspirations were different from those of the Greeks of Cyprus.

65. The Greek-Cypriots maintained that besides the provisions based on the concept of "political communal segregation", the existing Constitution suffered from another fundamental defect in that its "Basic Articles" could not be amended. They considered that while such a provision might have political significance, it was of no legal value because the present constituent power had no right to restrict the constituent power of the future. Moreover, the Treaties of Guarantee and Alliance constituted an unacceptable limitation of the independence of Cyprus, in that they allowed interference with its domestic affairs.

66. From these premises, the Greek-Cypriots argued that the whole concept on which the present Constitution is based was entirely wrong, and that "completely new foundations" must be laid. For this purpose they put forward certain general principles, while insisting - since popular approval of the Constitution was one of those principles - that the details must be formulated by a constituent assembly.

67. In summary, these principles envisaged Cyprus becoming "a completely independent, unitary, integral, sovereign State", unfettered by any treaties and with all powers emanating from the people, who would be entitled to decide the future of their country on the basis of "the internationally accepted principle of self-determination". The constitution should be founded on the principle that the political majority at any election should govern and the political minority constitute the opposition. Elections would be by general suffrage on a common roll; all legislative power would be exercised by a single-chamber elected parliament, to which the executive power would be answerable; and the judicial power would be vested in an independent, unified judiciary.

68. Human rights should be safeguarded for all persons and entrenched in the constitution. Some domestic judicial remedies would be established, as well as a right of individual appeal to the European Commission on Human Rights. All "communities and minorities" should have complete autonomy in religious matters and certain aspects of personal status, such as marriage and divorce, and in the administration of religious properties. In the realm of education and culture they should also be guaranteed certain rights, but the general responsibility for education should lie with the Government.

69. Most amendments to the constitution should require a two-thirds majority vote of the total membership of the parliament, followed by approval by an absolute majority (five-sixths majority in the case of communal rights) of the total membership after a new general election.

(b) The Turkish-Cypriot Community

70. The point of departure of the attitude of the representatives of the Turkish-Cypriot community, as reiterated on many occasions during the first phase of mediation, and as formally stated in a memorandum submitted by the Vice-President of the Republic, Dr. Fasil Küçük, was that their greatest concern was the security of life and property of a people who were not a mere minority but a distinct community in their own right. From this viewpoint they did not object to the existing Constitution as such, but rather to the way in which it had been, in their opinion, misapplied by the representatives of the Greek-Cypriot community.

71. They claimed that the recent events had proved that the various contractual and actual guarantees provided in the past were insufficient to meet the needs of their community for security. Additional and more effective guarantees must therefore be secured.

72. The additional guarantees, they maintained, could best be obtained by providing a geographical basis for the state of affairs created by the Zurich and London Agreements. In short, they wished to be physically separated from the Greek community. Their first inclination had been to seek this separation through the outright physical partitioning of Cyprus between the Turkish and Greek nations, of which in their opinion the Turkish and Greek communities constituted an extension. However, "considering that this would not be willingly agreed to by Greek and Cypriot-Greeks", they modified this concept to that of creating a federal State over the physical separation of the two communities.

73. Their proposal envisaged a compulsory exchange of population in order to bring about a state of affairs in which each community would occupy a separate part of the island. The dividing line was in fact suggested: to run from the village of Yalía on the north-western coast through the towns of Nicosia in the centre, and Famagusta in the east. The zone lying north of this line was claimed by the Turkish-Cypriot community; it is said to have an area of about 1,084 square miles or 38 per cent of the total area of the Republic. An exchange of about 10,000 Greek families for about the same number of Turkish families was contemplated.

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74. Each of the two separate communal areas would enjoy self-government in all matters falling outside federal affairs. Each could have cultural and economic relations directly with Greece or Turkey as the case might be. Each area could also enter into international agreements with Greece or Turkey as the case might be to regulate "relations of neighbourhood such as the provision of a certain special pass system" between that area and Greece or Turkey.

75. To the federal authorities would be reserved the subjects of foreign affairs, defence, the federal budget, customs; commerce, banking, currency, standards of measurement, nationality, passport matters, post and telecommunications services and criminal legislation and jurisdiction. The federal legislature would consist of a House of Representatives composed of 30 per cent Turkish and 70 per cent Greek community representatives, and a Senate divided equally between the two. The federal President and Vice-President would be elected by the Greek and Turkish communities respectively. The 30-70 ratio would be maintained for the Council of Ministers and the Public Service, and the 40-60 ratio for a small federal army and a police force for customs, traffic and tourist affairs.

76. Among other general principles reflecting those of the existing Constitution, the union of the Federal Republic with another State, or the partitioning of the island, would be prohibited under national and international undertakings. The provisions of the Treaties of Alliance and Guarantee would continue to form an integral part of the Constitution.

(c) The other parties

77. Of the other parties whom the Mediator's terms of reference require him to consult, the Government of Greece gave my predecessor to understand that it considered the Zurich and London Agreements to have proved in practice to be unworkable. In its view at that time, the only possible and lasting solution was the application of the principles of international justice and of true democracy, with the full safeguarding of the right of the majority to rule and of the minority to criticize. In addition, on account of the special conditions of the case, and in order that there should be no fear of any possible abuse of the power of the majority, it would be possible to arrange that the rights of the Turkish-Cypriot minority should be safeguarded by the United Nations. The Greek Government stated further that full and untrammelled independence allowing the Cypriot people in free exercise of their sovereign rights to decide their future was the only solution.

78. The Government of Turkey, for its part, indicated that it considered a solution to the Cyprus problem to lie along the lines of a federal State, and it communicated to the Mediator an informal note containing general principles similar to those referred to above in regard to the position of the Turkish-Cypriot community. The present guarantees, including those against either union or partition, would be maintained.

79. The Government of the United Kingdom indicated to the Mediator its support for his endeavours to help to promote a peaceful solution and an agreed settlement of the problem in accordance with his terms of reference, and its desire to support such a settlement.

(d) Incompatibility of the parties' views

80. Between the extreme and rigid positions held throughout that period by the leaders of the Greek-Cypriot community on the one side and those of the Turkish-Cypriot community on the other concerning the future of their country, my predecessor observed that it was not possible for the two sides to find sufficient common ground to provide a basis for discussion. He noted that they chose to adhere to "solutions" that were wholly irreconcilable, because their points of departure were entirely different; and, at least under the prevailing circumstances, they chose not even to meet together to discuss their differences.

81. It is my understanding that from all the evidence at his disposal and from all the arguments adduced before him by either side, my predecessor came to the conclusion that the possible basis for an agreed solution lay neither in the federal regime suggested by one community nor in the system of what might be called "uninhibited democracy" suggested by the other, if for no other reason than that neither side was prepared to accept the other's views as a basis for discussion. In view of this impasse between the views of the Greek-Cypriot and Turkish-Cypriot leaders, whose positions were more or less supported by the Greek and Turkish Governments respectively, the previous Mediator's notes show that he felt it his duty to discuss with the parties other possible foundations for a settlement which might at the same time appear practicable, capable of producing common ground for negotiation, and consistent with the principles on which the Security Council, by its resolution of 4 March 1964, would wish to see a solution based.

82. A number of such possibilities had been raised in the past or were put forward in the course of the mediation activities. One group of them included various combinations of exchanges of territories and/or populations as between Cyprus, Greece and/or Turkey, designed solely to convert the population of Cyprus into one of virtually purely Greek ethnic origin. None of these ideas, however appeared either to have been put forward or to have been taken up seriously by any of the parties concerned; none of them appeared likely to command the support or meet the wishes of any large section of the Cyprus population; they all had inherent objections, especially in regard to the compulsory movement of peoples, or at least their movement under duress. My predecessor therefore did not see in any of them a realistic basis for a solution.

83. There appeared at that time to remain only one other possible solution for which any claim could be made that, at some time in the recent history of Cyprus, it had been, firstly, a well-recognized political objective; secondly, one which might have had a reasonable chance of securing the support of a majority of the people; and thirdly, one which might be capable of being implemented without a compulsory disruption of the present structure and distribution of the population. This was the conception of Enosis, or union with Greece, which had been the theme of the resistance against United Kingdom rule but which had also been - at least formally and in fact constitutionally - set aside by the agreements of 1959-60.

84. My predecessor observed - and from my own knowledge I can confirm - that there could be no concealing the fact that the formal "prohibition" of the Enosis idea did not suppress it in Cyprus. It continued to be discussed and advocated (as well as opposed), in and out of the institutions of government, long after the date of independence. It was and remains impossible to escape the impression that for a large body of the Greek-Cypriot leaders' following, and for many of the leaders themselves, the official demand for "full independence and self-determination" had no other meaning than this: that Cyprus should be released from the treaty and constitutional obligations which limited her freedom of choice, whereupon she would opt by some acceptable democratic procedure for union with Greece, this union to take place by agreement exclusively between Cyprus and Greece.

85. The records of the previous Mediator show that the possibility of majority support for Enosis - together with the need to find a way of avoiding a situation

in which it might have to be imposed on an unwilling Turkish-Cypriot minority - led to a search among a number of the parties concerned in the Cyprus problem for a formula of union between Cyprus and Greece which might prove acceptable to them all. My predecessor observed that such a formula would clearly need the agreement of all of them, for juridical as well as political reasons. In principle, it would need not only to satisfy the aspirations of a numerical majority of the population of Cyprus but also to avoid provoking the active resistance en bloc, or nearly so, of the Turkish-Cypriot community and assure them of the reasonable protection of human rights and fundamental freedoms; and it would need in addition to satisfy the legitimate interests of the other parties to the problem, namely the Governments of Greece, Turkey and the United Kingdom.

86. The search for such a formula was undertaken during the presence of my predecessor at Geneva from 5 July until he was stricken on 16 August and in the first instance mainly with the Governments of Greece and Turkey. I have been given to understand that these discussions sought to find an agreed formula for Enosis which would permit a Turkish national presence on the island, on either a sovereign or a leasehold basis, and at the same time provide satisfactory guarantees of the rights of those Turkish-Cypriots who would come under Greek rule.

87. With these efforts at an indecisive stage, my predecessor was preparing to embark on further direct discussions of his own with the Governments of Cyprus, Greece and Turkey when he fell to the illness from which he never recovered. At the time of my appointment as Mediator, the search for a solution based on an agreed form of Enosis had failed for the time being at least. My first concern, as I have stated earlier, was to return the scene of mediation to the island of Cyprus.

B. Further efforts at mediation and present positions of the parties

88. The formal positions of the parties concerned have remained essentially unchanged since I assumed the office of Mediator. During my first round of consultations, in September-October 1964, I found that, while the opposing sides maintained their basic demands, they seemed willing to make some concessions and

adjustments in regard to the manner of implementation of these demands in order to facilitate a solution. But their positions had reverted to their original rigidity by the time of my second round of consultations in November and have remained largely frozen since then. As I indicated earlier, this hardening of attitudes was partly attributable to the expected approach of the debate of the General Assembly on Cyprus. But it was also due to other considerations, related to both internal and international politics.

89. During my successive consultations with the parties concerned, I constantly had in mind that the cause of mediation could best be served by bringing the parties together in direct discussion and negotiation. Moreover, while I considered it useful to establish lines of communications between some or all of the parties concerned at any levels, I always regarded as desirable the holding of talks between the two Cypriot communities as a first step leading eventually toward multilateral talks between all the parties concerned. I sounded the parties concerned on this subject and endeavoured to impress upon them the desirability of holding such talks at the earliest possible moment. On the other hand I could not ignore the risk that hastily prepared meetings would give rise to futile and bitter wranglings instead of constructive discussions and might break up abruptly. Far from promoting the mediation efforts, such meetings would on the contrary lead to a further deepening of the present impasse. I therefore considered it necessary that before any meetings could be arranged a minimum common understanding would have to be reached among the participating parties. In the event, the positions of the parties concerned have remained too far apart for such an understanding to be achieved in any degree and none of them has been willing to meet the others except under conditions mutually unacceptable.

90. The detailed positions of the parties concerned regarding both the solution of the Cyprus problem and the more specific question of direct negotiations are set forth in the following paragraphs.

(a) The Greek-Cypriot community

91. It may be pointed out at the outset that the leaders of the Greek-Cypriot community are also the leading officials of the Cyprus Government, their most authoritative voice being that of Archbishop Makarios. Therefore, the position remains essentially unchanged. The Greek-Cypriot community continues to insist that

any settlement must be founded on the unfettered independence of Cyprus, in the sense that the Republic must be freed from the limitations imposed in 1960, and on the right of self-determination, which they point out is an inevitable corollary of unfettered independence.

92. However, in order to facilitate a solution of the Cyprus problem, the leaders of the Greek-Cypriot community are willing to make two concessions. Firstly, they agree that Cyprus, as long as it remains independent, should be made a demilitarized and non-aligned country. Secondly, although they consider the guarantees they have already agreed to provide for the protection of human and minority rights (see para. 68) as fully adequate, they are prepared to take additional measures in this regard.

93. I discussed at some length with Archbishop Makarios and his associates the additional measures which the Cyprus Government should take to ensure the protection of human and minority rights. Taking into account the assurances they have already given regarding the protection of human and minority rights, Archbishop Makarios and his associates agree to the following guarantees:

- Provisions should be made in the constitution for the exercise of human rights and fundamental freedom not less than those set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Cyprus is a party, and in conformity with those set forth in the Universal Declaration of Human Rights. The constitution should declare these rights and freedoms to be immediately applicable in the internal law of Cyprus. Under the Constitution proper, the strictest respect for human rights and fundamental freedoms for all persons regardless of race, ethnical origin, language and religion should be guaranteed by appropriate judicial procedures permitting every aggrieved person to obtain redress by means of a simple and prompt action.

- Each of the "minorities" should be permitted to continue to enjoy a broad autonomy, to be guaranteed by the constitution and by legislation, in special matters of religion, education and personal status.

- Provisions should be made by the Government of Cyprus to prevent discrimination on account of race, ethnical origin or religion in the appointment and treatment of members of the Public Service.

- For the purpose of restoring confidence between Greek and Turkish Cypriots, the Government of Cyprus, as one of its first official acts after agreement was

reached, should decree a general amnesty in respect of all crimes and offences related to the events beginning in December 1963, except for certain expressly defined crimes in common law.

- For a purely transitional period of defined duration and again for the purpose of helping to restore confidence between the Greek and Turkish Cypriots, the Government of Cyprus should invite the United Nations to appoint a Commissioner who, assisted by a staff of observers and advisers, would observe on the spot the application of the foregoing provisions.

- The foregoing guarantees notwithstanding, each Turkish Cypriot should be entitled to decide freely whether he wishes to remain in Cyprus or to be resettled in Turkey. The Government of Cyprus should, in co-operation with the Government of Turkey and during an initial period of fixed duration, give adequate compensation and all other possible assistance to those who would opt for resettlement.

94. The demand of the Greek-Cypriot community for the right of self-determination requires certain clarifications. Its leaders have indicated that the exercise of the right of self-determination should be taken in the sense that, once fully independent, it will be for the Cypriot people alone to decide their political status and enter into relationships with any other State or States. It has usually been taken for granted that this will mean, in practical terms, a choice by the Cypriot people, by such means as a referendum, between continued independence and union with Greece (Enosis) and past discussions have proceeded on that basis. But the leaders of the Greek-Cypriot community have remained vague both as regards the timing of the proposed referendum and the form of Enosis. On the timing of the referendum, Archbishop Makarios has indicated that it is a decision for the people of Cyprus to take and that the proposed referendum could, for example, take place either immediately, or in a year, or in five years. On the form of Enosis, Archbishop Makarios has merely said that this would be decided by the Government of Cyprus in agreement with Greece before the Cypriot people are consulted on the subject. He has also left it to be understood that in the event that Enosis is chosen, any arrangements to be made after it has taken place would fall under the exclusive responsibility of Greece.

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95. The question of the two British sovereign bases, which lie on the island of Cyprus but not within the boundaries of the Republic as constituted in 1960, has also been raised during my discussions with the leaders of the Greek-Cypriot community, particularly in the context of the possible demilitarization of Cyprus. Archbishop Makarios holds the view that the British sovereign bases should be incorporated in the Republic of Cyprus as soon as possible. As a first step towards that end, he suggests that, for example, the status of the bases could be changed to that of a leasehold of a fixed duration. At the same time, he also points out that in the event of Enosis, the question of the future of the bases will become a matter to be raised by the Greek rather than the Cyprus Government.

96. As regards the question of direct negotiations Archbishop Makarios has expressed opposition to the holding of multilateral talks among all the parties for reasons both of principle and substance. He considers that the question of the future of Cyprus concerns only the Government and the people of Cyprus and therefore he is opposed to discussing this problem with any external governments. He takes the view that in any case nothing could result from such discussions, and that their failure would entail increased tension. On the other hand, he accepts in principle bilateral talks with qualified representatives of the Turkish-Cypriot "minority", and he has stated on several occasions his willingness to undertake these; but he has made it clear that the discussions should be limited to the question of their minority rights, that the principles of unitary State, majority rule, etc, were not negotiable and that any negotiations would end abruptly if the Turkish-Cypriots brought up proposals for partition or federation.

(b) The Turkish-Cypriot community

97. The Turkish-Cypriot community holds firmly to its previous position and in particular continues to insist on a solution based on the geographical separation of the two communities under a federal system of government.

98. In a memorandum submitted to me on 22 February 1965, Vice-President Küçük summed up the views expressed on many previous occasions by restating the reasons in support of the proposal for the geographical separation of the two communities. He claims a firm conviction on the part of the Turkish-Cypriot community that the Greek-Cypriot community and Greece will never genuinely give up their alleged

ambition to bring about the annexation of Cyprus to Greece and their alleged desire to subjugate and destroy the Turkish-Cypriot community, either within the framework of an independent Cypriot State or through Enosis. Therefore, he maintains, any solution of the Cyprus problem must make it physically impossible to pursue these two objectives.

99. Vice-President Küçük goes on to say that the Turkish-Cypriot community knows from bitter experience that "paper guarantees" in any form will be inadequate to prevent the Greeks from destroying or enslaving the Turkish-Cypriots and that some form of physical and geographical separation is essential to make it possible for the two communities to live and work together. The Turkish-Cypriots, he states, ask nothing more than their right to be free from threats as individuals and as a community and to be able to enjoy their basic human rights and to preserve their communal interests. He does not think it goes against the United Nations Charter to suggest that there should be a "voluntary exchange" (by which I understand him to mean an agreed exchange) of population under United Nations supervision. On the other hand, he believes that it will go against the Charter to reject his proposal, because such rejection would amount to compelling the Turkish-Cypriots to live where they do not wish to live for personal security reasons.

100. The position of the Turkish-Cypriot community on the question of direct negotiations has been explained to me during my many meetings with their leaders and is restated in Vice-President Küçük's memorandum. The Turkish-Cypriot community favours multilateral talks among all the parties concerned to discuss the Cyprus problem. In his memorandum, Vice-President Küçük states that the Turkish-Cypriot community is convinced that the Cyprus problem should and can only be settled by peaceful means through negotiations among the interested parties, namely, the Greek and Turkish-Cypriot communities and the three Guarantor Powers, and that it has never refused to hold talks with those parties nor has it put forward any conditions before accepting to participate in them.

101. As to the bilateral talks between the two communities, the Turkish-Cypriot leaders have indicated to me that they are willing to meet with the Greek-Cypriots to discuss the day-to-day administration of the island, but insist, in effect, that certain conditions should be met before such talks are held. As the first precondition they indicate that the constitutional order should be restored and

the proposed talks take place in the institutions provided by the Constitution, such as the Council of Ministers. Another precondition is that the balance of power before the December 1963 events should be re-established by the removal of the armed forces created by the Greeks and Greek-Cypriots since then as, he states, the Turkish-Cypriots refuse to negotiate under duress. Enlarging upon this stand, Vice-President Kuchuk recalls in his memorandum that since March last he has repeatedly called upon the Greek-Cypriot leaders to meet with the Turkish-Cypriots as envisaged by the Constitution so as to ensure that pending the finding of an agreed political solution the rule of law and security of life prevail in the island. He states that the Greek-Cypriot leaders, by not responding to any of his appeals and by indicating instead that they would agree to meet the Turkish-Cypriots as representatives of a minority, are only trying to perpetrate a ruse aimed at imposing on the Turkish-Cypriots the present unlawful regime created by the Greek-Cypriots. While the Turkish-Cypriots are ready and willing to take part in any honest discussion of the problem, he continues, they cannot be expected to abandon their status and their rights before they sit at the conference table. Vice-President Kuchuk also indicates that the Turkish-Cypriots are opposed to bilateral talks with the Greek-Cypriots for the purpose of discussing a final settlement of the Cyprus problem as they consider that Turkey, Greece and the United Kingdom cannot, in any way, be excluded from such discussions, and that it would be unfair to ask the beleaguered Turkish-Cypriot community to sit with the Greek-Cypriot leaders at a time when Cyprus has been placed under "the military occupation of Greece" with an armed force of 30,000 Greek-Cypriots and 15,000 Greeks.

(c) The Government of Greece

102. The Government of Greece continues to support the demand of the Greek-Cypriot community for the unfettered independence of Cyprus and the right of self-determination. The Greek Prime Minister and his colleagues have stated that the political future of Cyprus must be determined by the majority of Cypriots, expressing themselves in full freedom, and that Greece will respect their decision, whether they should choose continued independence or Enosis. Greece, they have

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added, will not obstruct the free choice by the Cypriot people, but neither will it accept that their right of self-determination should be hindered by anyone else, either through legalistic devices or through obstacles of any other nature. They have also stated that the Government of Greece places itself squarely behind the course of action pursued by the Cyprus Government.

103. With regard to the form of Enosis, the Government of Greece agrees with Archbishop Makarios that this question should be decided by the Cyprus Government in agreement with Greece before the people of Cyprus are consulted. It considers this as a "family affair" which should not lead to any difficulties.

104. In the event that Enosis should take place, having been freely chosen by the people of Cyprus, the Government of Greece has given the assurance that it would continue all the guarantees promised by the Cyprus Government for the full protection of human and minority rights. While it does not consider that Turkey has any legitimate claims on it, the Government of Greece has also expressed willingness, in the event of Enosis, to make certain concessions in favour of Turkey and to enter into negotiations with the Turkish Government to that effect if the latter so desires.

105. Regarding the question of direct negotiations, the Greek Government is in favour of bilateral talks between the Greek and Turkish-Cypriots for the specific purpose of discussing the question of human and minority rights. It is opposed to multilateral talks among all the parties concerned under present circumstances, as such talks in its view would serve no useful purposes. However, the Greek Government would agree to participate in such talks if they were called for by the Security Council or any other competent organ of the United Nations and if a basis of understanding were found before the talks were held.

(d) The Government of Turkey

106. Let me say at the outset that the recent change of government in Turkey has not altered in the least its position regarding the Cyprus problem. The new Prime Minister, Mr. Suat Hayri Urganlu, has made it clear to me that the Cyprus problem is a national issue in Turkey and that the new Government will follow the same policy on it as its predecessor and with no less firmness. I have therefore based the following summary of the Turkish position on the view expressed to me by the two successive Governments which I consulted.

107. The Government of Turkey continues to insist that any settlement of the Cyprus problem must contain the following two elements: firstly, the prohibition of Enosis; and secondly, the geographical separation of the two communities under a federal system of government.

108. The Turkish Government considers that the demand made by the Government of Cyprus, and supported by the Government of Greece, for the exercise of the right of self-determination by the Cypriot people is only a device to bring about Enosis against the will of the Turkish-Cypriot community. It has made it clear that it will never agree to such a manoeuvre and that, if Enosis should be brought about despite its opposition, it will exercise its treaty right of intervention. Any settlement, the Government insists, should include the prohibition of Enosis, which could be stipulated and guaranteed by an agreement similar to that reached for Austria against any possibility of Anschluss.

109. The proposal of the Turkish Government for the geographical separation of the two communities under a federal system of government remains essentially the same as the plan previously submitted by itself and the Turkish-Cypriot leadership (see paras. 73-75). However, at one stage of the discussions the Turkish Government indicated that it was prepared to agree to a reduction in the area originally claimed for the Turkish-Cypriot community (about 1,084 square miles, according to the Turkish estimates, or about 38 per cent of the total area of the Republic) to about 750 square miles or about 20 per cent of the total area of the Republic. This would shorten the line of separation to a point on the north coast to the west of Kyrenia, from which it would run southwest to take in the Turkish sector of Nicosia and across to the east coast to and including the northern (Turkish) sector of Famagusta. The Turkish Government has also indicated that the transfer of the population which would be entailed by its proposal need not be effected precipitately. The transfer of Greek-Cypriots from the Turkish-Cypriot zone could be carried out progressively over a period of five to ten years, until the number of Greek-Cypriots in the area was reduced to less than 10 per cent of the total population. The movement of Turkish-Cypriots into the zone would not, in the Government's opinion, raise any difficulties.

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110. During the first stage of my discussions with the Turkish Government, I gained from the then Prime Minister of the Turkish Government and his colleagues the impression that Turkey was open, in effect, to a solution which would, to a reasonable degree, satisfy the basic principles of protecting the well-being of the Turkish-Cypriot community and of ensuring the security of Turkey itself. In this connexion, I endeavoured to ascertain from the representatives of the Turkish Government whether these principles would not be largely satisfied, firstly, by providing firm guarantees, constitutional and other, for the protection of human and minority rights within a unitary system of Government in Cyprus and, secondly, by Cyprus becoming a demilitarized and non-aligned country. The Turkish Government, however, continued to believe that only the geographical separation of the two communities could provide adequate protection for the Turkish-Cypriot community. With regard to the idea of Cyprus becoming a demilitarized and non-aligned country, the Turkish Government considered this to be a positive step but pointed out that it would be meaningless if Enosis were not effectively prohibited. The new Government reaffirmed the insistence of Turkey that any settlement firstly must maintain the equilibrium of territorial interests in the eastern Mediterranean and especially as between Turkey and Greece and therefore must not permit Cyprus to become Greek territory, and secondly, must ensure the security and well-being of the Turkish-Cypriot community.

111. The position of the Turkish Government regarding the question of direct negotiations between the parties concerned is based on the argument that the Cyprus problem is related directly to the territorial equilibrium in the eastern Mediterranean, in particular as between Greece and Turkey. It insists that the problem is not one that concerns, or can be solved by, the people of Cyprus alone, and that Greece, Turkey and the United Kingdom have equal interests in the matter. Therefore, the Turkish Government strongly advocates the holding of five-party talks to discuss the solution of the Cyprus problem rather than bilateral talks between the Greek-Cypriots and Turkish-Cypriots.

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(e) The Government of the United Kingdom

112. The United Kingdom Government has taken and maintains the position that it does not wish to put forward any proposals or views of substance on the settlement of the Cyprus question as long as the efforts at mediation under the United Nations continue. Its representatives have indicated to me that they will do everything possible to facilitate the mediation efforts and will not stand in the way of any solution agreed upon by the other parties. At the same time, they do not contemplate that such a solution will not provide for the British bases on Cyprus to continue in existence, emphasizing the fact that the present sovereign base areas in any case fall outside the territory of the Republic.

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V. OBSERVATIONS ON THE PAST AND FUTURE COURSE OF MEDIATION

A. Introduction

113. I come now to the conclusions I have reached as the result of my endeavours so far, and I believe that from these conclusions there may flow some indications of the possible future course of the process of mediation envisaged by the Security Council.

114. Let me begin by stating briefly the present situation as I see it. More than fourteen months from the beginning of the present crisis, and twelve months after the Security Council decided that action by the United Nations as well as by the parties directly concerned should be taken to help bring the crisis to an end, the problem of Cyprus remains unsolved. The United Nations has helped to achieve the primary and vital objective of preventing recurrences of fighting. But the "peaceful solution and agreed settlement" aimed at by the Security Council in its resolution of 4 March 1964 - a solution and settlement that must, as stated by the Council, be consistent with the Charter, with the well-being of the people as a whole and with the preservation of international peace and security - have yet to be achieved.

115. For want of such a solution, Cyprus continues to be the centre of a dispute which endangers both the safety of its own population and the relationships of the countries most directly concerned - Cyprus itself and Greece and Turkey - and therefore the peace of the eastern Mediterranean area and possibly the world as a whole.

116. The people of this young State are still living, as they have for more than a year, in an atmosphere of constant uncertainty, recurring tensions, and, at the level at any rate of the Greek-Cypriot and Turkish-Cypriot leadership, continuing hostility and distrust, overshadowed by the danger or the hope, as the case may be, of possible intervention from the outside. They are still pointing guns at each other in a number of localities in the island. Barricades are still in position between the communities:^{1/} in many places life looks "normal" behind the barricades, but everywhere it is fraught with fears of what may happen next. And

^{1/} I use this phrase in the ordinary sense of two distinct ethnic groups, and not with any legal or political connotation. See paragraph 128 below.

for many thousands of Turkish-Cypriots displaced by force or fear from their farms, jobs and homes, life does not bear even the superficial appearances of normality. 117. The Government of the Republic, except for a part of the judicial system, is exclusively in the hands of the Greek-Cypriot majority community. And this community, through the Government, has at its disposal, both for the defence of the Republic and for the maintenance of internal authority, substantial armed forces. These forces are not purely Cypriot. They have been reinforced by military elements from Greece, as well as armaments and equipment from a variety of outside sources. With this power behind it, the Government exercises its authority everywhere in the Republic except in certain scattered areas and pockets containing probably between one third and one half of the Turkish-Cypriot community. The Government holds the limits of these areas by force, through armed police controls or manned fortifications or both. Inside these areas the Turkish-Cypriots - similarly reinforced from the outside, but on a much lesser scale, by soldiers, supplies and money from Turkey - maintain their own police and military controls and such public services as they are able to provide. Within the limits of this kind of self-segregation, there is some movement in and out of these areas, more especially by Turkish-Cypriots, and electricity, water and limited telephone services, where they exist, are generally allowed to cross the lines.

118. In such a situation there is no apparent willingness - and indeed in practical terms little ability - on the part of the leaders of either community to offer any substantial concessions to an agreed political settlement. Each side rests its widely differing political ideas rigidly, and sometimes menacingly, on the amount of military force at its command. The forces immediately available, like the relative numerical strength of the two communities themselves, are greatly disparate, those of the Greek-Cypriots being much superior to those of the Turkish-Cypriots. But an uneasy equilibrium is maintained by two other factors: on the one hand the possibility (admitted on both sides) of further armed intervention by Turkey in accordance with the rights claimed from the Treaty of Guarantee, and on the other hand the presence and activity of the United Nations Force, as long as its function of helping to keep the peace has to be carried on without a political settlement in sight.

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119. Externally, the continuing dispute has gravely embittered relations between the two other parties most directly concerned, namely, the Governments of Greece and Turkey. Each is deeply involved in it, historically as well as actually: there is no concealing the support which each is giving, not only morally but also substantially, to one side and the other. During the crisis, moreover, each Government has felt obliged from time to time to place its mainland forces on the alert and take other precautionary measures. There is no doubt that the crisis has been costly to both Governments in more ways than one. I have been given to understand that, on the one hand, it interrupted and set back hopeful moves towards greater economic integration and closer relations of other kinds between Greece and Turkey; and that, on the other hand, the actual cost both of assistance to the communities in Cyprus and of defensive preparations at home since December 1963 has diverted funds sorely needed for and not easily spared from economic and social development in both countries.

120. This whole state of affairs, both inside and outside Cyprus, has inevitably been far from conducive to the efforts at mediation. My task has been to try to promote a peaceful solution and an agreed settlement of the problem. I underline the word "agreed". It has required me in the first place to try to find in the positions and aspirations of the parties concerned sufficient common elements to serve as a basis acceptable to all of them for a negotiated settlement. I have been obliged to look for this common ground with each of them separately, since, under the circumstances which I have described, none of the principal parties has been willing to meet the others except under conditions mutually unacceptable. During the course of my activities, I have been increasingly concerned to try to bring about as a first step towards wider consultations between the parties concerned, a meeting between representatives of the two Cyprus communities. I have emphasized to each of them the need to open some line of direct communication and to engage in a discussion of any aspect of the problem. I found the leadership of both sides agreeable in principle yet unable in practice to come together. This was because each made the acceptance of certain basic considerations a precondition of any such meeting. The Greek-Cypriot leadership has repeatedly stated to me, and up to very recent times has affirmed this in public, that it is prepared only to discuss with the other side the question of

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minority rights within the framework of a unitary state. The Turkish-Cypriot leadership, in turn, insisted through my last meeting with them that any discussion with the other side could only be within the context of a return to the 1960 Constitution and in the framework, in particular, of the mixed Council of Ministers established by that Constitution.^{1/} The result has been that as long as such preconditions have kept them from meeting, the two sides have also been unwilling to modify significantly their separate conceptions of the methods by which the principles at issue should be applied.

121. In spite of this impasse, however, I do not feel entitled to suggest to you that the mediation effort has reached its absolute limits and that it has finally been proved to be incapable of bringing about an agreed settlement of the problem of Cyprus. I have considered very carefully the meaning to be attached to my terms of reference. Clearly, my first duty was, as I have said, to undertake consultations with each of the parties concerned in order to explore the possibility of their reaching agreement among themselves. I have done that, and it has led me to believe that, without a change in present circumstances, no such possibility exists. It has accordingly been suggested to me, by some of the parties concerned, that my next responsibility is to bring forward in this report my own proposals for those conditions of a settlement which, in my opinion, would allow the parties to go as close as circumstances permit to their legitimate objectives. But another of the parties has contended that any such proposals, especially since they would in a sense bear the stamp and accordingly the moral force of the United Nations, would tend to place me in the position of an arbitrator rather than a mediator and therefore to carry me beyond the limits of my terms of reference.

122. I do not necessarily accept that contention. In any event, however, I consider that there is an intermediate phase which does fall well within my terms of reference and which I believe capable of serving a useful purpose: namely, to bring forward now the results of my analysis of the positions of the respective parties, and to hope that, from the conclusions I have reached from this independent

^{1/} For a more detailed explanation of their positions, see paragraphs 96 and 100-101.

examination of their basic needs and aspirations, there will flow possibilities of bringing them together. I can see no other way of bringing about conditions under which the parties can agree to meet.

123. I believe - and I must emphasize that this is a matter of my own judgement - that the parties principally concerned have brought themselves to positions to which, for one reason or another, they feel publicly committed and which they cannot volunteer to modify. It is also my belief, and I hope that my analysis of their positions will show, that their respective conceptions of the principles at stake are not so different in terms of their real interests, as to be beyond reconciliation. If that is true, there must obviously be some hope for a reconciliation of the methods by which they seek to implement those principles and to protect those interests.

124. In giving the results of my analysis of the positions of the parties I therefore have a clear purpose in mind. It is to indicate, by implication and without any suggestion of seeking to impose upon the parties a course of action, some directions along which they should reasonably be expected to meet and try to seek an agreement. They need not be called upon to subscribe as a matter of course to the results of my assessment of their positions, for which I alone am responsible. But it may be, and I hope that this will be the case, that they will find in my examination of their fundamental attitudes and aspirations sufficient cause to allow the search for an agreed solution to enter upon a new and more fruitful phase. I can hardly emphasize too strongly the need to create, through mediation, the conditions under which the parties concerned can agree to meet for constructive discussions. If these efforts were now to come to an abrupt end, it would leave a dangerous and explosive situation. Mediation must go on, and I am gratified to be able to report that all of the parties wish it to do so; but to be fruitful it must now be aimed at providing the parties with a basis for coming together in direct discussions. The observations which follow are directed towards that end.

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B. Some general considerations

125. It would be useful at the outset, I think, to mention some general considerations to which one party or another attaches importance. The first of these is the relative standing of the parties in relation to the Cyprus problem. I have taken my terms of reference, as set forth in the Security Council resolution of 4 March 1964, to identify the parties directly concerned in the Cyprus problem as those which the resolution enjoins me to consult: namely the communities of Cyprus (which I naturally assume to mean essentially the Greek-Cypriot and Turkish-Cypriot communities), the Government of Cyprus and the Governments of Greece, Turkey and the United Kingdom.

126. The Governments thus identified are those subscribing to the Treaties signed at Nicosia on 16 August 1960, which were also referred to by the Security Council in the resolution already mentioned and which laid down, in effect, the conditions for the independence of Cyprus, including the very nature and political structure of the Republic. The "communities" are those which adhered to the Zurich and London Agreements that formed the basis of the Treaties. Accordingly, I must accept that the Security Council would expect me to regard the two communities and the four Governments as being parties with an equal interest, from the legal standpoint, in the settlement of the problem of Cyprus. It follows that an "agreed settlement" must be a settlement to which all of them can subscribe. On the other hand, the United Nations is dealing in this case with one of its Member States, by definition a sovereign and independent nation, and for this as well as for other practical reasons I feel entitled to assume that a viable political solution must be sought in the first instance among the Cypriot people themselves and therefore, as matters stand, between the two main communities. I have proceeded, and will continue to proceed, on the understanding that no solution is feasible which does not meet with the acceptance of the Greek-Cypriot and Turkish-Cypriot communities. It is between those communities that peace, understanding and agreement must be found before there is any solution to the Cyprus problem; it is, at base, they who bear arms against each other; and it is they who must live under the terms of any settlement.

127. I therefore think it logical from the point of view of mediation that a settlement should be reached in two stages: the first between the two main

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communities of Cyprus, and the second by the other parties adhering to such a settlement. I would go further and say that, in the nature of things, such a procedure may prove essential in order to preclude any suggestion that a settlement is being imposed from the outside. This is a pragmatic approach, and I think necessarily so: it assumes that the other parties will find it in their own best interests to agree to a settlement arrived at among the parties within the Republic itself.

128. Secondly, I see a need to draw attention to the expressions "community" and "communities", to explain the meanings - for they are at variance - which the opposing sides attach to them, and to make clear the sense in which I myself generally refer to them in this report. For the Turkish-Cypriot leadership, as also for the Turkish Government, the two communities are distinct legal entities recognized as such by the Constitution of 1960 and differing in status only in so far as the provisions of the Constitution establish such differences. From their standpoint there is no such thing as a "majority community" or a "minority community" in Cyprus. It is fundamental to the Greek-Cypriots' argument, on the other hand, that the organization of the Republic should be based on the existence of a majority capable of governing and a minority entitled to the protection afforded by a normal democratic system. It is not of basic concern to their viewpoint that the present majority and the minority should happen to be identifiable by their ethnic origins. This difference of approach is obviously one that can only be resolved by a settlement of the Cyprus question as a whole, and not by any opinion which I could put forward. For my own purposes, and for no other reason than convenience, I use the words "community" and "communities" without any legal or political connotation and simply to identify the two ethnic groups.

129. Thirdly, I feel bound to refer to the question of the status of the Treaties and Constitution of 1960. For reasons on which I need not dwell, the Turkish-Cypriot leadership and also the Turkish Government have attached particular importance to this question and have insisted on the validity of the Treaties and the Constitution, declaring that it is the fault of the other side that their implementation has been prevented. On the other hand, the Greek-Cypriots and the Greek Government regard them as not being in effect because they are unworkable; and the Government of Cyprus, as I have recorded earlier, has gone so far as to declare formally that it considers the Treaty of Alliance to have been terminated, basing

this position on the refusal of the Turkish Government to order its national contingent in Cyprus to return to its barracks. I do not myself feel called upon to make any judgement on these matters. At the same time, having taken it to be the clear intention of the Security Council that the "agreed settlement" of the Cyprus problem should be one agreed upon by the very parties which adhered to the Treaties of 1960, I think it logical to expect that the agreed settlement will not be one which merely restores the situation existing before 1963 and that, by agreeing to the settlement, the parties would necessarily agree also formally to abrogate or at least modify those Treaties. It is obvious that the Cyprus problem cannot any longer be solved by trying to implement fully the Nicosia Treaties and the Constitution governed by the Treaties. The succession of events, as well as the points of view held by the parties concerned, have left no doubt that the existence of the Treaties and the difficulties encountered in applying them constituted the origin of this crisis and have continued to influence its development. It is of no great importance to try to determine whether the Treaties were in fact incapable of being applied or whether their application was made impossible through the fault, deliberate or otherwise, of one or more of the parties concerned. It is enough to observe that the difficulties in implementing the Treaties began almost immediately after independence and became increasingly serious. The events which have taken place in Cyprus since December of 1963 have created a situation which makes it psychologically and politically impossible to return to the previous situation. Moreover, the very act of appointing a Mediator in order to help bring about "an agreed settlement of the problem confronting Cyprus" can be said to indicate the conviction of the Security Council that some new solution would have to be found in order to bring an end to the existing crisis.

C. Analysis of the parties' positions

130. It will be understood that my own view of the positions taken by the parties to the Cyprus dispute must necessarily be governed by certain criteria. Foremost among these are those which emerge explicitly or implicitly from the Security Council's resolution of 4 March 1964. Others are imposed by the actual circumstances of Cyprus, and I have felt bound to take these into account to the extent that they are not inconsistent with the resolution of the Security Council. According to these criteria, I have concluded that any settlement of the problem must take account of the following considerations:

- it must recognize, as the Security Council did by recommending the appointment of a Mediator, that the problem of Cyprus cannot be resolved by attempting to restore the situation which existed before December 1963, but that a new solution must be found;

- it must, in order to become an "agreed settlement", be capable of securing the support of all the interested parties identified by the Security Council in its resolution of 4 March 1964: namely, the Governments of Cyprus, Greece, Turkey and the United Kingdom and the representatives of the Cyprus communities;

- it must be consistent with the provisions of the United Nations Charter, of which the following in particular seem relevant: the purposes, principles and obligations relating to the maintenance of international peace and security, the peaceful settlement of disputes, respect for the principle of equal rights and self-determination of peoples, respect for human rights and fundamental freedoms, recognition of the sovereign equality of the Member States, abstention from the threat or use of force against the territorial integrity or political independence of any State, and respect for treaty obligations not in conflict with those of the Member States under the Charter;

- it must be in the interest of the well-being of the people of Cyprus as a whole, and to this effect it must be capable of satisfying the wishes of the majority of the population and at the same time of providing for the adequate protection of the legitimate rights of all of the people;

- it should also, in order truly to serve the interests of international peace and security and the well-being of the people of Cyprus, be a settlement capable of lasting.

131. I have examined the positions of the parties with all these considerations in mind. I find it convenient to group my observations under three main headings: (a) independence, self-determination and international peace; (b) the structure of the State; and (c) the protection of individual and minority rights.

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(a) Independence, self-determination and international peace

132. The Republic of Cyprus is a sovereign, independent State: it was admitted as such into the membership of the United Nations, it continues to be a Member State, and the Security Council resolution of 4 March 1964 refers to it explicitly as "the Sovereign Republic of Cyprus".

133. But the burden of the complaint of the Greek-Cypriot leadership and the basis of their political claims - in which they have the support of the Government of Greece - is that the independence and sovereignty of the Republic, and therefore its "sovereign equality" with the other Members of the United Nations and its "right of self-determination", were impaired by the Treaties of 16 August 1960 which formed an integral part and governed the nature of the Constitution of the same date. The effect of these Treaties was indisputably to forbid the people of Cyprus from amending their own Constitution, or at any rate the basic articles which determined the structure of the State; to prohibit the union of Cyprus with any other State; and to forbid the partitioning of the country. The Greek-Cypriot leadership claims to have accepted these restrictions under duress, in that the only alternative at the time would have been to suffer an attempt to partition the country. The political objective of the Greek-Cypriots has therefore been to secure for Cyprus an "unfettered independence" which would allow the population freely to determine its own future according to the principle of majority rule and minority protection (including some special transitional measures) and to have the right to set aside the treaty restrictions on both the internal institutions of the State and its external relationships.

134. For their part, the Turkish-Cypriot leaders and the Government of Turkey do not dispute the restrictive nature of the conditions under which Cyprus acceded to independence. From their standpoint, however, these limitations were deliberate and essential: to secure for the Turkish-Cypriots their treatment not as a minority but as a community with distinct political rights, and to secure for Turkey the maintenance of an equilibrium in the eastern Mediterranean which, in the Turkish Government's view, would be especially seriously disturbed should Cyprus become Greek territory. These two basic purposes complement each other, and help to explain the solidarity of the attitude of the Turkish-Cypriots and the successive Turkish Governments towards the settlement of the problem. They

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contend that any acceptable alternative to the 1960 settlement must serve exactly the same purposes. For them, therefore, any formula envisaging Cyprus continuing as an independent State must contain a guarantee against union with Greece and iron-clad protection of the safety and rights of the Turkish-Cypriots as a community: hence their proposal for the geographical separation of the two Cyprus communities under a federal government bound by treaty obligations against union with any other country and also - as their own quid pro quo - against the partitioning of Cyprus. Likewise, they contend that any "right of self-determination" accorded to the Greek-Cypriots could only be accorded as an equal but separate right to the Turkish-Cypriot community; if the Greek-Cypriots chose to exercise it in favour of union with Greece, the Turkish-Cypriots would be free to exercise it in favour of union with Turkey, insisting therefore on the partitioning of the country.

135. Different though these approaches may be, it is still possible to read into the positions of the two sides an objective which, so long as it is stated in very broad terms, would seem acceptable to them both: namely, an independent Cyprus with adequate safeguards for the safety and the rights of all its people. I have found it useful, in my own examination of their positions, to trace the paths back from that apparent common objective to determine where and why they diverge, and to consider the alternative routes that appear open.

136. If the independence of Cyprus is to be considered as the first and most important basic principle on which the parties could agree, it will be necessary for all the parties to understand and agree on what it means in the context of the circumstances of Cyprus. And it is here that the most difficult aspect of the whole problem arises. The Greek-Cypriots have coupled their aspiration for "unfettered independence" with the demand for the right of self-determination. Many of them have not concealed their hope and belief - and the Turkish-Cypriot leadership has not concealed its suspicion and fear - that the purpose and result of the exercise of this right would be to realize the long-cherished aspiration for union (Enosis) with Greece. These hopes on the one hand, and fears on the other, have been encouraged by the knowledge that the necessary consent of the Greek Government would be forthcoming. As far as the positions of the other parties are concerned, there has been a tendency by the Greek-Cypriots to disregard them on the assumption that "unfettered independence" and the removal of the treaty limitations would already have been achieved, leaving self-determination in this sense a matter between Cyprus and Greece exclusively.

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137. I am certain in my own mind that the question of Enosis is the most decisive and potentially the most explosive aspect of the Cyprus problem. I have been assured by the Turkish-Cypriot leadership and by the successive Governments of Turkey that any attempt to bring it about against their will would provoke active and vigorous resistance. And I judge this to be true, short of a change in attitudes which only a long passage of time could bring about. I feel bound, therefore, to examine this question with the greatest care.

138. The question of Enosis itself has several aspects. If its imposition in present circumstances would be judged from the Turkish side as tantamount to an attempt at annexation to be resisted by force, it is also a question which, to the best of my understanding, does not enjoy unqualified support among the Greek-Cypriots as a whole. It is true that among them, as among many people in Greece, the word and the thought of Enosis have a highly emotional quality: it serves to some as a symbol of Pan-Hellenistic ideals, to others as the battle-cry of the resistance against colonial rule, and in the worst times of the present crisis it seemed like a banner under which the Greek-Cypriot community as a whole found their rallying-point. But as a practical step in the political evolution of Cyprus it has struck me, in discussions with a wide range of Greek-Cypriot opinion, as having a much less united and imperative driving force behind it.

139. This may be in part because there have been few precise indications of the form which Enosis should take and of the economic, social and political consequences which would flow from it. I understand Enosis to mean in its literal sense the complete absorption of Cyprus into Greece, but I would hesitate to say that this is what every Greek-Cypriot favouring it intends it to mean.

140. The Greek-Cypriot leaders in the Government of Cyprus - maintaining the position that Enosis would be a matter purely for Cyprus and Greece to decide - could tell me nothing about the form in which they envisaged it taking place except that this would be determined by the Cyprus Government in agreement with Greece before the Cypriot people were consulted on the subject. I had sought clarification of this question not only because of the existing Turkish opposition to the idea but also because I had no doubt that the implementation of Enosis, even should it be accepted as an element of the settlement of the Cyprus problem, would entail many complex problems, political, economic, financial and other. For example, Cyprus and Greece have not different bases for their systems of law and

administration of justice; Cyprus, which produces essentially the same sorts of agricultural commodities as Greece, now exports most of its products to the United Kingdom under conditions of commonwealth preferences; it has a higher standard of living and a higher wage level, a different tax structure and a more comprehensive social security system; it also has a different currency system and, being a member of the sterling bloc, its pound is maintained on a parity with the pound sterling and under present arrangements is freely convertible into any other sterling bloc currency and relatively freely convertible for dollars.

141. All such matters would require adequate adjustment should Enosis be brought about. Their effects would vary widely depending upon whether Enosis would take the form of a complete union with Greece, in the sense that Cyprus would become one or more provinces of Greece, or whether Cyprus would be given some privileged status within the Kingdom of Greece. In either case, a number of complex problems would arise and require urgent solutions and it seemed to me indispensable that the Cypriot people should be fully informed of them if they were to be called upon to make their choice. To the best of my knowledge, there is no common understanding on either the Greek-Cypriot or the Turkish-Cypriot side, nor between the Cyprus and Greek Governments, of what form Enosis would take and what its effects and implications would be.

142. I have stated the foregoing as matters of fact and of impression. I do not wish it to appear that I have any opinion on the merits or otherwise of Enosis. Moreover, I must also make it clear that neither the President nor the Government of Cyprus, in their discussions with me as the Mediator, actually advocated Enosis as the final solution of the Cyprus problem. Archbishop Makarios and members of the Government acknowledged that Enosis had been the original aim of the uprising against British rule and that it remained a strong aspiration among the Greek-Cypriot community. They went so far as to express the opinion that if the choice between independence and Enosis were to be put to the people there would probably be a majority in favour of the latter. Some of the Ministers and other high officials of the Government have openly advocated it in public statements; but for the Government as a whole the formal objective is limited to unfettered independence, including the right of self-determination. I understood this

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position, of course, not to preclude the possibility of Enosis, which would obviously be implied in the right of the people of Cyprus, once "fully independent", to choose whatever future course they wished.

143. It is far from me, in any event, to dispute the principle that the people of an independent country possess the right to determine their own future, including their relationship with any other State. This right follows naturally from the fact of sovereign independence. If Cyprus should become "fully independent" by being freed from the 1960 treaty limitations, it would automatically acquire at the same time the right of self-determination; and if it were an independent State based on democratic principles, it would be entitled to insist that the right should be exercised by the people as a whole, acting directly by such means as a referendum or indirectly through their Government.

144. This brings me to what I regard as the most crucial aspect of the question of Enosis. What are the considerations by which a modern sovereign State exercises its right of self-determination? I suggest that just as the enjoyment by the citizen of his fundamental rights is not an absolute matter but is governed by consideration for the rights and legitimate interests of his fellow-citizens, so also is the exercise by the State of its right of self-determination governed by its obligations as a State. These obligations relate both to the well-being of all its citizens and, especially in the case of a State which has undertaken the solemn commitments laid down in the United Nations Charter, they relate also to the cause of international peace and security.

145. I believe that the Government of Cyprus, which has professed its desire for a peaceful solution to its country's problem, can be expected to follow this general rule. I am confident that in informing, influencing and responding to public opinion on the future status of the country, the Government will recognize that it has a most serious duty to satisfy itself that all of its obligations are being met, towards both the well-being of its own citizens and the peace and security of the region which it shares with other nations. It will wish to be satisfied that any action which it may take, in the name of the right of self-determination, will help to heal rather than aggravate the dissensions among its own people, and to serve rather than jeopardize international peace and security.

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146. I must state here in all frankness how I myself see the Enosis question in the light of the above considerations. My observations of the situation in Cyprus over a period of many months, my discussions with many of its citizens, and my consultations with representatives of all the parties concerned have made it difficult for me to see how any proposed settlement which leaves open the possibility of Enosis being brought about against the will of the Turkish-Cypriot minority can secure agreement at present or in the foreseeable future. Serious warnings have been given that an attempt to impose such a solution would be likely to precipitate not only a new outbreak of violence on Cyprus itself but also a grave deterioration in relations between Turkey on the one hand and Cyprus and Greece on the other, possibly provoking actual hostilities and in any case jeopardizing the peace of the eastern Mediterranean region. The question can be raised, consequently, whether it would not be an act of enlightened statesmanship - as well as a sovereign act of self-determination in the highest sense - if the Government of Cyprus were in the superior interests of the security of the State and the peace of the region to undertake to maintain the independence of the Republic. This would imply, of course, a decision on the part of the Government to refrain, for as long as the same risks persisted, from placing before the population the opportunity to opt for Enosis. Should the Government of Cyprus undertake such a course of action, I am confident that the Government of Greece, in the same spirit, would be prepared to respect it. I must emphasize again that in view of the sovereign prerogatives which the Cyprus Government would enjoy, this decision would naturally take the form of a voluntary act on its part. To maintain the independence of Cyprus would have to be a free undertaking on the part of the Government and people of Cyprus and not a condition to be imposed upon them. It would remain open to the Government, if it wished the population as a whole to share directly in this exercise of the right of self-determination, to seek through some such means as a referendum its approval of the proposed terms of settlement including the undertaking to maintain the independence of Cyprus. I should like to emphasize here my view that the whole of any proposed settlement based on continued independence, and not the question of independence alone, should in that case be put to the people. My reasons for this will become obvious

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from the rest of my report. At this point, I need only add that I am convinced that the present leaders would be in a strong position to explain such proposals to the people and to gain the understanding and acceptance of the majority. It would also be open to the Government, if it wished to use this further means of encouraging the whole population to vote freely, to invite the United Nations to observe the referendum.

147. Assuming a course of action such as I have described, the common objective would now be considerably more precise: a "fully independent" state which would undertake to remain independent and to refrain from any action leading to union with any other State. I should regard this clarification as not only satisfying the principle of self-determination but also as going a long way towards meeting another essential requirement of a settlement: namely, that it should contribute to the maintenance of international peace and security. I should mention here another useful action in that direction which the Government of Cyprus has already indicated its willingness to take. The President, Archbishop Makarios, has declared his readiness to bring about the demilitarization of Cyprus, as a contribution to the peace and security of the region. He has reacted favourably to the idea that international assistance, through the United Nations, should be invited for this task. Moreover, he has indicated his desire to see Cyprus refrain from aligning itself with any grouping of nations for military purposes. For its part, the Government of Turkey indicated to me when I first raised this question with it last November, that the demilitarization of an independent Cyprus, but only if effectively carried out, and only within the context of a settlement which guaranteed the independence of Cyprus, would serve the interest of Turkey's considerations of security.

148. The suggested demilitarization of Cyprus has inevitably raised the question of the future of the two British sovereign base areas. The position of the United Kingdom Government is that, since those areas lie outside the territory of the Republic, they do not form part of the present dispute. I am encouraged to believe, however, that this question could, if it were to become a vital aspect of the settlement as a whole, be constructively discussed among the parties to the Treaty of Establishment by which the base areas were reserved from the territory of the Republic.

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(b) The structure of the State

149. The next important point of divergence between the parties concerns the structure of the independent State. On the one hand, the Greek-Cypriot leadership insists upon a unitary form of government based on the principle of majority rule with protection for the minority. On the other hand, the Turkish-Cypriots envisage a federal system within which there would exist autonomous Turkish-Cypriot and Greek-Cypriot States, the conditions for whose existence would be created by the geographical separation, which they insistently demand, of the two communities.

150. It is essential to be clear what this proposal implies. To refer to it simply as "federation" is to oversimplify the matter. What is involved is not merely to establish a federal form of government but also to secure the geographical separation of the two communities. The establishment of a federal regime requires a territorial basis, and this basis does not exist. In an earlier part of this report, I explained the island-wide intermingling in normal times of the Greek-Cypriot and Turkish-Cypriot populations. The events since December 1963 have not basically altered this characteristic; even the enclaves where numbers of Turkish-Cypriots concentrated following the troubles are widely scattered over the island, while thousands of other Turkish-Cypriots have remained in mixed villages.

151. The reason why the Turkish-Cypriot leadership seeks a geographical separation, which does not now exist, of the two communities should also be understood. If the fear of Enosis being imposed upon them is the major obstacle to a settlement as seen from the Turkish-Cypriot side, one reason for it is their purported dread of Greek rule. Their leaders claim also, however, that even within the context of an independent Cypriot State, events have proved that the two communities, intermingled as they are now, cannot live peacefully together. They would meet this problem by the drastic means of shifting parts of both communities in order to create two distinct geographical regions, one predominantly of Turkish-Cypriot inhabitants and the other of Greek-Cypriots. They claim that this would now be merely an extension of the process that has been forced on them by events: the greater concentration than usual of their people in certain parts of the island, notably around Nicosia and in the north-west.

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152. But the opposition of the Greek-Cypriots to this idea of geographical separation is hardly less strong than the opposition of the Turkish-Cypriots to the imposition of Enosis, and I have felt bound to examine the proposal with as much care as in the case of Enosis. Much has been written and argued on both sides in Cyprus about the economic and social feasibility (or lack of it) of bringing about through the movement of the populations concerned the only possible basis for a federal state. I have studied these arguments and I find it difficult to see how the practical objections to the proposal can be overcome.

153. In the first place, the separation of the communities is utterly unacceptable to the majority community of Cyprus and on present indications could not be imposed except by force. The opposition to it is in part political: Greek-Cypriots see in the proposal a first step towards the partitioning of the island, although this is vigorously denied by the Turkish-Cypriot leadership as well as by the Turkish Government. But to my mind the objections raised also on economic, social and moral grounds are in themselves serious obstacles to the proposition. It would seem to require a compulsory movement of the people concerned - many thousands on both sides - contrary to all the enlightened principles of the present time, including those set forth in the Universal Declaration of Human Rights. Moreover, this would be a compulsory movement of a kind that would seem likely to impose severe hardships on the families involved as it would be impossible for all of them, or perhaps even the majority of them, to obtain an exchange of land or occupation suited to their needs or experience; it would entail also an economic and social disruption which could be such as to render neither part of the country viable. Such a state of affairs would constitute a lasting, if not permanent, cause of discontent and unrest.

154. Moreover, the proposed federated States would be separated by an artificial line cutting through interdependent parts of homogeneous areas including, according to the Turkish-Cypriot proposals, the cities of Nicosia and Famagusta. Would not such a line of division inevitably create many administrative difficulties and constitute a constant cause of friction between two mutually suspicious populations? In fact, the arguments for the geographical separation of the two communities under a federal system of government have not convinced me that it would not inevitably lead to partition and thus risk creating a new national

frontier between Greece and Turkey, a frontier of a highly provocative nature, through highly volatile peoples who would not hesitate to allow their local differences to risk involving the two home countries in conflict and consequently endangering international peace and security.

155. Again, if the purpose of a settlement of the Cyprus question is to be the preservation rather than the destruction of the State, and if it is to foster rather than to militate against the development of a peacefully united people, I cannot help wondering whether the physical division of the minority from the majority should not be considered a desperate step in the wrong direction. I am reluctant to believe, as the Turkish-Cypriot leadership claims, in the "impossibility" of Greek-Cypriots and Turkish-Cypriots learning to live together again in peace. In those parts of the country where movement controls have been relaxed and tensions reduced, they are already proving otherwise.

156. It is essential, I think, to reconsider the objective intended to be served by the geographical separation of the two communities and to look for other ways to achieve that objective. I am inclined to regard separation not as, in itself, a basic principle in the proposals of the Turkish Government and the Turkish-Cypriot leadership, but rather as the only means which they consider workable of ensuring respect for the real principle at stake: namely, that the Turkish-Cypriot community must be protected and protected adequately. I fully support that principle. I feel strongly that the protection of the Turkish-Cypriot community is one of the most important aspects of the Cyprus problem and that everything possible must be done to ensure it, including safeguards of an exceptional kind. But I would think it essential for the Turkish Government and the Turkish-Cypriot leadership to reconsider their contention that nothing short of the geographical separation of the two communities can ensure adequate protection.

157. I have found agreement on all sides that there must be practicable and effective safeguards for the security and the rights of all the citizens of Cyprus, as well as the legitimate rights of the Turkish-Cypriots as a community. To be practicable, it is difficult to see how they can take the drastic form of geographical separation of the communities. To be effective, as well as practicable, they could conceivably include certain special measures of a different kind, as discussed below.

(c) The protection of individual and minority rights

158. One of the principles of the Charter which I regard as having the highest relevance to any settlement of the Cyprus problem is that of respect for human rights and fundamental freedoms, without discrimination. The fact that the population of the island continues to consist of two principal ethnic communities, the further fact that they are unequal in numbers and finally the gravity of the conflict which has developed between them - all these elements have given and must continue to give rise to serious difficulties in applying this principle, and must be made the subject of special attention.

159. From the moment a settlement is in sight, the Charter's insistence on respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion, will assume a capital importance in Cyprus. It will be an indispensable condition for the progressive rebirth of confidence and the re-establishment of social peace. The obstacles against the full application of the principle cannot be over-estimated; and they are no less psychological than political. The violent sharpening of "national" sentiments over the months of crisis will for some time make it extremely difficult for officials at all levels to impose or even exercise strict impartiality and understanding towards all the citizens of the country, and without that impartiality and understanding there will be a constant risk of acts of discrimination, even if laws are respected in the formal sense. Furthermore, there are personal hatreds which will last beyond any political settlement. Again, not all of the too many weapons which are in too many hands are likely to be surrendered readily. These factors will, for a period whose duration can only be guessed at, create problems of personal security on a serious scale.

160. For all these reasons there is no doubt in my mind - and on this point all parties are in agreement - that there must be established in Cyprus the most rigorous possible guarantees of human rights and safeguards against discrimination. For some time, in order to help the two communities to find their way out of the vicious circle of deep distrust between them, I am convinced, indeed, that certain international guarantees must be provided.

161. It is hardly necessary for me to say that while the safeguards would apply to all the people of both communities, in practice it is the Turkish-Cypriot

minority which will stand most in need to them. The safeguards are justified not only by the need to re-establish a durable peace in the life of the island, nor only by the need to ensure that the settlement accords with the Charter of the United Nations. Simple equity also demands that these safeguards should be provided. It will need not to be forgotten that the Turkish-Cypriot community obtained from the Zurich and London Agreements a series of rights greatly superior to those which can realistically be contemplated for it in the future. In addition, it would be just and fair to recognize that however effective the safeguards that can be devised, any Turkish-Cypriot who fails to find in them a basis for reasonable confidence in the new order of things, would have the right to resettle in Turkey, and should be assisted to do so, with adequate compensation and help in starting a new life. Appropriate assistance should also be provided, without discrimination, to rehabilitate all those whose property has been destroyed or seriously damaged as a result of the disorders. This will be a task of reconstruction for which, I am confident, external assistance, including that of the United Nations family of organizations, would be forthcoming at the Government's request.

162. I must point out also that the fact that the population of Cyprus consists, even without geographical separation, of two main communities gives rise to another special problem in regard to the application of the United Nations principles of human rights. Each of the two communities is profoundly attached to the "national" traditions which were bequeathed to it by history, and each has always enjoyed a large degree of autonomy in what it has regarded as the essential fields of religion, education and personal status. In the light of widespread modern conceptions of the need for the integration and assimilation of differing peoples in the interests of national unity, it may be a matter for regret that little was done under any of the previous regimes, ancient or recent, to bridge the separateness of the Greek-Cypriot and Turkish-Cypriot communities. Recent events have, however, made these distinctions more rather than less acute, and to try to eliminate them now by drastic measures could only mean taking a distinctly backward step in the field of the protection of human rights as far as the minority community particularly is concerned. Since independence the Greek-Cypriot community - being in the majority not only in terms of numbers but also in the governing institutions of the State - has been in a position to deal freely with

its own affairs of religion, education and personal status within the framework of the State: should it have the same powers in respect of the Turkish-Cypriot community, the latter would feel itself deprived of some of the most fundamental of human rights.

163. I have shown earlier in this report that the 1960 Constitution went to unusual lengths in trying to meet this situation by conferring on the Turkish-Cypriot community, as such, a number of political rights designed to allow it to protect itself from being completely subjugated by the majority community. It is, however, this feature of the constitutional system which has been most severely criticized and which has given rise to the most serious difficulties of implementation. It seems impossible to obtain agreement on maintaining such a constitutional oddity in the future against the will of the majority. Yet the problem behind it cannot be ignored, and that problem - the hard fact of the distinctive character of the two communities, sharpened by the recent events - requires that some special measures should be applied in order to ensure to the members of the minority community a proper voice in their traditionally communal affairs and also, without weakening the unity of the State, an equitable part in the public life of the country as a whole. Such measures will be a necessary condition for any settlement that must take account, as the Security Council's resolution requires, of the "well-being of the people of Cyprus as a whole". They need only be transitional: indeed they should be clearly understood by all sides to be so; but they seem to me in fact the only practical way to ensure in the longer run, the political unity of the country. Failure to provide a transitional means of ensuring a share by the Turkish-Cypriot community in the political life of the State could only, I am convinced, have the opposite effect from accelerating their integration. It would only perpetuate their separateness, because it is in the general nature of things that the larger community tends to dominate and that the smaller to be dominated; and it is in the present nature of things in Cyprus that this could prolong the ferment of hostility between them and the risk of endless acts of violence. I cannot emphasize this matter too strongly. It is not a question of denying the right of a political majority to rule, but a question of the need to avoid the excessive dominance of one presently distinct community over another, to an extent and in a manner likely to delay indefinitely the unity of the population.

164. I have therefore been pleased to be able to record the assurances which Archbishop Makarios has given of his concern for these aspects of the problem and the specific measures which he has expressed his willingness to apply. As regards individual rights, these measures include, on the one hand, a number of permanent provisions: the incorporation in the Constitution of human rights and fundamental freedoms conforming with those set forth in the Universal Declaration on Human Rights adopted by the United Nations; judicial procedures for their application, and vigilance to ensure equal treatment in appointments and promotions in the public services. They include, on the other hand, certain exceptional and transitional provisions: of foremost importance among these, in my opinion, an invitation to the United Nations to appoint a commissioner, with a staff of observers and advisers, to be present in Cyprus for as long as necessary; and also the granting of a general amnesty and provision for the resettlement of Turkish-Cypriots who wished to leave the island and for the rehabilitation of those who would remain. The need for such measures having been conceded in principle, I feel confident that their improvement and extension are, if need be, matters susceptible of negotiation between the parties. I attach particular importance to the presence and role of a United Nations commissioner, a unique and extraordinary safeguard whose very existence would, I believe, engender confidence in all Cypriots.

165. In regard to the second aspect - the matter of the position of the Turkish-Cypriots as a community - I have been pleased also to find some measure of sympathetic understanding in the attitude of the President. He has already offered them a continuation of their previous autonomy in certain fields of religion, education and personal status. Moreover, he conceded to me the desirability of finding some means, for a transitional period at least, of ensuring representation of the Turkish-Cypriots in the governmental institutions. This might be done by a system of proportional representation or reservation of seats in the parliament, and also, perhaps by the appointment of a Turkish-Cypriot Minister responsible for the affairs of his community - without prejudice, of course, to other Turkish-Cypriots being elected or appointed on merit. In this field, too, I am therefore confident that negotiations between the parties could be fruitful. Another question that will need to be examined and agreed between

them is that of the official languages of the State, for use in the administration, the courts and other institutions. It may be that besides Greek and Turkish it will be necessary to give English the transitional status of an official language to serve as a bridge between the other two. The control and staffing of the police force is another matter for careful and sympathetic study. So also is the possibility that municipal and other forms of local government could be so organized as to give the greatest possible measure of local autonomy so that in areas where one community or the other predominates, it would feel that it is playing an effective and equitable part in the management of local affairs.

D. The question of guarantees

166. In any progress made towards a settlement the question of the means of guaranteeing its provisions will inevitably arise. It would, of course, be open to the parties to embody the terms of the settlement in treaty arrangements; but my impression is that, for very different reasons, both sides to the dispute would approach such a course with misgivings.

167. On the one hand, the conception of treaty arrangements which would affect the internal affairs of the Republic is anathema to many Greek-Cypriots. It conjures up the restrictions and impositions which they claim to have suffered by reason of the Treaties of 1960. Even if - and this is essential - the terms of the new settlement are in every respect freely and consciously agreed to by the people of Cyprus, it is conceivable that the old stigma would remain. On the other hand, the Turkish-Cypriots feel also that they have had a painful experience in placing excessive faith in treaties, having seen many of their treaty rights forcibly suspended and the Guarantor Powers fail to act in the crisis as the Turkish-Cypriots expected them to.

168. It may be that a different form of guarantee will have to be devised. In this regard I see an opportunity for the United Nations, to play an invaluable role, if it so agreed. The possibility could be explored, I believe, of the United Nations itself acting as the guarantor of the terms of the settlement. It might prove feasible, for example, for the parties to agree to lay before the United Nations the precise terms of the settlement and ask it not only to take note of them but also to spell them out in a resolution, formally accept them as the agreed basis of the settlement, and request that any complaint of violation

or difficulty in implementation be brought immediately before it. Such a role for the United Nations would, I believe, be in full accordance with the letter and the spirit of the Charter.

E. Concluding remarks

169. For the reasons stated at the beginning of this chapter I have not felt it appropriate at this stage to set forth precise recommendations or even suggestions of a formal kind for a solution to the problem of Cyprus. I have tried instead, by analysing the positions of the parties and defining their objectives as I see them, to make apparent certain directions which they themselves should explore in the search for a peaceful solution and an agreed settlement. I have done so because it became clear to me that the purpose of mediation could not be further served by my continuing to hold separate consultations with the parties under the existing circumstances.

170. If I have any formal recommendation to make, it is that the parties concerned should try, in the light of the observations I have made in this report, to see their way clear to meet together - with or without my presence, according to their wishes - at a suitable place on the earliest possible occasion. In my view the procedure most likely to produce fruitful results would be for such a meeting or series of meetings to take place in the first instance between representatives of the two principal parties who belong to Cyprus: the Greek-Cypriot and Turkish-Cypriot communities. I have explained earlier (see paras. 126 and 127) my reasons for holding this view. However, my suggestion by no means precludes other alternatives that may prove acceptable - whether initial meetings between all of the parties concerned, or a series of meetings, consecutive or even simultaneous, at different levels and among different groups of the parties. Moreover if, as I believe, the most useful beginning can be made at the level of the Cyprus communities, this does not alter the fact that, as I have stated earlier, an "agreed settlement" in the context of the Security Council resolution of 4 March 1964 must have the adherence of all the parties mentioned in the resolution. Any agreement arrived at between the Cyprus communities would therefore require endorsement by the other parties concerned.

171. I do not suggest a formal agenda for these meetings, nor do I expect that at present it would be feasible for the parties concerned to provide one. They may be agreeable, in the first instance, simply to take the observations in my present report as the basis for an exchange of views - all the more so should they agree to accept the report, as I intend it, as a document for which I alone am responsible.

172. Should this procedure lead the way eventually to an agreement on all major issues at the leadership and governmental level, and should it then be found necessary to refer the terms of settlement to the people of Cyprus directly, I consider that it would be essential to put to the people the basic settlement as a whole. They should be asked to accept or reject it as a single package, and not in its various parts. This is because any settlement which might be arrived at will necessarily be in the nature of a compromise involving concessions to be made by both sides from their original positions. It seems to me inevitable that it will have to be a carefully balanced series of agreements, each relying on the other and all of them on the whole. It will also be accepted, I believe, that should there be a majority vote against the terms of the settlement, this should not be construed as a vote in favour of any other particular solution. Instead, it would only signify that the process of seeking an acceptable form of settlement would have to begin anew.

173. I reiterate and emphasize my conviction that every endeavour must continue to be made to bring about a peaceful solution and agreed settlement of the Cyprus problem. By any and all appropriate means, the search must go on, with patience, tolerance and good faith. The well-being of the Cypriot people demands it; so does the cause of international peace and security.
