

Cyprus and the United Nations

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This paper is one of a short series treating themes relevant to the United Nations, in its fiftieth anniversary year.

The Cyprus dispute remains one of the most sensitive unresolved issues in international relations. It does not seem to have been affected radically by the end of the Cold War and there seems little immediate prospect of a solution. The UN has been closely involved both in attempts to keep the peace in Cyprus since the early 1960s and in efforts to facilitate a solution between the two communities. A recent suggestion by the Government of Cyprus that it will seek a discussion of Cyprus at the General Assembly could provoke a further deterioration of relations between the two sides. The UN context remains vital to an understanding of the situation as a whole.

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Introduction

The Cyprus question has many levels: human, political, economic, historical. The island is the site of one of the longest running United Nations peacekeeping operations and the UN is involved in a complex mediation process between the parties, the Government of the Republic of Cyprus, led by President Glafkos Clerides, which is backed by Greece, and the administration of the northern portion of Cyprus, led by Mr Rauf Denktaş and backed by Turkey.

This paper addresses the UN process. It does not address in detail the wider issues involved, although it touches on some. In the fiftieth year of the UN, a body established in large part to maintain peace and oversee decolonisation, a consideration of its efforts in Cyprus may indicate certain of the strengths and weaknesses of the organisation.

I History

The history of the Cyprus dispute is long and sensitive. It was dealt with in the Foreign Affairs Committee's Third Report of the 1986/87 session, entitled *Cyprus*¹.

There are considerable differences of interpretation between the parties to the dispute, and the genealogy of the problems is highly contentious. Indeed, the nature of the problems is also contentious: there are few who would argue that the current situation is satisfactory as a permanent settlement, but what exactly is wrong with it is also contested (the division of the island, the nature of the division, the presence of foreign troops, the perceived need for those troops, and so on).

The background to the situation over which the UN has been attempting to mediate in recent years stems from the partition of the island in 1974 following the Turkish landings, but that in itself is seen by supporters of the Turkish Cypriot position as having its roots in the collapse of power sharing arrangements between the two communities following independence in 1960.

¹ HC 23 1986/87. A full list of sources, including other historical ones, is printed at the end of this paper.

A. Breakdown of Constitutional Arrangements

In the period following independence, moves made by the Makarios Government to amend the 1960 constitution, and accompanying communal violence, were followed by what some saw as a withdrawal and others as an exclusion from constitutional organs of leaders of the Turkish community. Turkey undertook military actions in response to the situation.

In the late 1960s renewed terrorist activity by the EOKA group, which favoured *enosis* (union with Greece), heightened insecurity in the Turkish community.

On 15 July 1974, President Makarios was overthrown in a coup; the pro-*enosis* Government of Nicos Sampson which was then established was sponsored by the military régime in Greece, which was widely accused of involvement in the coup.

B. Turkish Intervention

Under the *Treaty of Guarantee*, concluded in February 1959 as one of a number of treaties and agreements transferring Cyprus to independence, Greece, Turkey and the UK (the outgoing colonial power) were named as guarantors of the independence, territorial integrity and constitution of the Republic of Cyprus, and they retained rights of political intervention to uphold or restore those conditions.

On 20 July 1974, Turkey sent troops by sea and air into the northern portion of the island, claiming the authority of the *Treaty of Guarantee*. The UN Security Council immediately passed Resolution 353 calling *inter alia* for an 'immediate end to foreign military intervention' contrary to the independence, sovereignty and territorial integrity of Cyprus and for the withdrawal of foreign military personnel other than those allowed under the *Treaty of Alliance* (again dating from the independence period), which allowed Greece to maintain a force of 950 men on the island and Turkey one of 650.

By 22 July 1974, some 30-40,000 Turkish troops had taken control of parts of the north of the island and the capital, Nicosia. The following day, the Greek military régime fell and Sampson resigned. Intermittent ceasefires were attempted for the next few weeks while talks took place in Geneva between the UK, Greece and Turkey. After the breakdown of the talks, in another two day action from 14-16 August 1974, Turkish troops occupied just over a third of Cyprus, the portion of the island north of the so-called 'Attila line', including much of the prime tourist area on the east coast. Several more Resolutions were passed in the Security Council during this period, reiterating the general provisions of UNSCR 353.

Supporters of the Turkish position argued that action was necessitated by the insecurities of the numerically smaller Turkish Cypriot population and justified by the constitutional crisis created by the coup. It followed years of communal tensions and violence and had been clearly signalled in advance. Opponents claimed the action was disproportionate, that it constituted a breach of sovereignty, harmed the civilian population and merely reinforced divisions. The island has remained divided along the Attila line ever since and the two communities are entirely separated.

C. Impact on Population and Economy

One of the most dramatic effects of the events of 1974 was a massive displacement of population, with around 160,000 Greek Cypriots leaving the north and around 45,000 Turkish Cypriots leaving the south in the first eighteen months after the Turkish intervention. This hardened communal divisions within the island and led to enduring disputes over property rights and land titles.

Since 1974, the Cyprus Government has repeatedly complained of a deliberate policy of demographic colonisation by Turkey. A Council of Europe report on *The Demographic Structure of the Cypriot Communities*, of 27 April 1992², found that the rate of population growth in the north was 48.35% between 1974 and 1990, while that in the south was 13.7%. This difference was attributed to migration from Turkey to the north.

The Cyprus Government also claimed that the areas occupied by Turkey were of special economic significance, accounting not only for the bulk of the island's tourist capacity but also for the main cargo port of Famagusta. It is pointed out by others that the north has suffered as a result of the division and its economy has not performed as well as that of the south. In the area of Famagusta was the Greek Cypriot town of Varosha, set to become a major tourist centre until it was deserted after the Turkish intervention; Varosha remains entirely deserted today and has been a central topic in discussions at the UN.

D. Northern 'independence'

Since the collapse of the power-sharing arrangements of the independence constitution, Turkish Cypriot leaders have made consistent moves in the direction of autonomous administration. These culminated in the declaration in 1983 of a new independent state, the 'Turkish Republic of Northern Cyprus'.

² Doc 6589.

This declaration added a symbolic element to the *de facto* separation between the two communities, although Turkish Cypriot administrative structures of one form or another had been in place for many years prior to 1983.

It was argued that the declaration of an independent state was intended to establish a balance in the international representation of the two communities and hence expedite a just negotiated settlement, since the Greek Cypriots had been in a position to raise their case in international institutions to which the Turkish Cypriots did not have access³.

The move was not seen in these terms in the international community, and Turkey remains the only country to have recognised the putative state. UN Security Council Resolution 541 of 18 November 1983 deplored the declaration of secession, considered it legally invalid and called on all states not to recognise any Cypriot state other than the Republic of Cyprus.

II United Nations Involvement

A. Establishment of UNFICYP

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established in 1964.

Communal fighting, which had taken place sporadically for many years, intensified following the proposal of constitutional amendments in November 1963. Turkey undertook air and naval manoeuvres around Cyprus and there was widespread concern over the implications for international peace and security of the deteriorating situation in the island, as well as for the security of the Cypriot communities.

Cyprus referred the matter to the UN Security Council. There was some interest in an interposing force supplied by the Guarantor powers, but agreement could not be reached on this and the idea was opposed by the Soviet Union, which feared an effective NATO involvement. On 4 March 1964, UN Security Council Resolution 186 was passed, establishing UNFICYP.

³ The Government of Cyprus recently indicated its intention to seek a discussion on the Cyprus issue at the UN General Assembly, which provoked the Turkish side to recall the events of 1983 and warn of a possible end to negotiations if the discussion went ahead (*Summary of World Broadcasts*, 18 February 1995).

The purpose of UNFICYP was given in UNSCR 186 as follows:

the function of the Force should be, in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions⁴.

This mandate has been interpreted as a 'neutralist' one⁵, aiming to restore internal security, yet to avoid action which might influence the political situation. UNFICYP was not established as a buffer zone force, since there were no clear lines of demarcation to patrol, but rather to conduct duties of a policing type. These efforts to put an end to the violence within Cyprus were authorised primarily out of concern for international peace and security, prompted most obviously by Turkey's likely response should the violence continue (see Preamble to UNSCR 186). Shortly after UNSCR 186 was passed, Turkey formally declared its intention to act under the Treaty of Guarantee if violence against Turkish Cypriots did not end.

As well as authorising UNFICYP, the Resolution also called on member states to refrain from any action or threat thereof which might worsen the situation in Cyprus, called on the Cypriot Government to take all necessary measures to stop the bloodshed and called on the communities and their leaders to act with restraint. It also called for a mediator to be sent to work with the interested parties (at that time still including the UK) towards a solution to the problems.

At this time, the Security Council, while clearly responding to the kind of concerns over international peace and security for which it was established, was nevertheless prepared to take actions which were closely involved with the internal situation in a member state which had a functioning government and neither a civil war nor a ceasefire. It is arguable that these features were not conducive to a fully effective and efficient operation. Over time UNFICYP has come to be cited, by commentators coming from a UN perspective rather than a Cyprus perspective, as an example of how not to employ the resources of the UN in future.

B. UNFICYP up to 1974

A cessation of violence did come, though this was not immediate and further outbreaks of fighting followed over the next few years. Although UNFICYP was judged largely successful in its principal aims (though the 'return to normal conditions' was a sensitive and contested issue), it became evident that the neutralist ambition was impracticable.

⁴ para. 5.

⁵ White, 1990, p.202.

The very presence of the force had an impact on the political situation, in that it preserved the somewhat artificial *status quo*. Concern was already being expressed by the UN Secretary-General in the late 1960s over a possible reduction in the willingness of the parties to negotiate a settlement, given the added security provided by UNFICYP⁶.

C. UNFICYP since partition

UNFICYP was powerless to prevent the events of 1974, and despite intense interest in the Security Council, which passed a series of Resolutions on Cyprus at this time, the Council did not move to develop UNFICYP in such a way as to enable it to alter materially the course of events. However, following the cessation of hostilities UNFICYP did return to its role as preserver of the *status quo*.

Its formal mandate remained the same. In the course of 1974 Resolutions on Cyprus had become stronger, in Charter terms, with language suggesting a Chapter VII situation (allowing mandatory measures and the use of force to restore peace and security), rather than Chapter VI. However, UNFICYP remained a Chapter VI measure, based on the consent of the Cypriot Government and designed to further the pacific settlement of the dispute.

In practice its role now changed to that of patrolling a buffer zone (along the Atilla line) in order to separate former belligerents. It is this function - successfully achieved in the main - which has provided an important precondition in allowing the political situation to remain stable and thus arguably to set back the cause of reunification. Neither side was completely satisfied with the outcome after the events of the summer of 1974, but neither saw a realistic chance of furthering its aims if UNFICYP were withdrawn in the absence of a political solution. The presence of the UN peacekeeping force has thus served to maintain an equilibrium and to prevent further deterioration in the security situation, without especially encouraging improvements at the political level. This is a category of achievement often advanced in defence of the UN's peacekeeping efforts in general. It may not achieve a solution, but it contains the extent of the problem.

⁶ White, 1990, p.219.

D. Mediation

In addition to the peacekeeping role, the UN has been involved in mediation efforts for many years. There has been no attempt to impose a solution against the will of either or both parties, the kind of neo-colonial role occasionally mooted for the UN. Rather, successive Secretaries-General have undertaken missions of good offices in an attempt to facilitate progress towards a settlement. This has not prevented Secretaries-General, nor the Security Council, from attempting to cajole the parties to show willing in negotiations, and from time to time hints are made of a review of the long-term future of UNFICYP.

Given the length of time involved, it may be felt that little progress has been made. However, two 'high-level agreements' of 1977 and 1979 set out a very basic common position, such that any settlement should adhere to the principle of a bi-communal, bi-zonal federation, independent of any third country. This has remained the basis for mediation efforts since.

The current phase was entered in August 1992. The Security Council, and in particular those member states which paid the bulk of the bill for peacekeeping activities, had begun to express concern over its involvement with Cyprus. As the extent of peacekeeping and related activities grew in the post-Cold War period, so the financial and manpower resources of the UN became stretched. There was a feeling that the presence in Cyprus had ossified, and had allowed the political situation to do likewise. The resources of the UN were being drained, yet Cyprus was not advancing.

The UN Secretary-General Dr Boutros-Ghali responded to pressure from member states by putting forward a 'set of ideas' on a solution. These were based on the results of continuing discussions over the preceding two years and were followed by a set of 'confidence-building measures' to be adopted as a first step before the full settlement envisaged in the set of ideas.

1. 'Set of Ideas'

The set of ideas envisaged an agreement which would

result in a new partnership and a new constitution for Cyprus that will govern the relations of the two communities on a federal basis that is bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects⁷.

⁷ S/24472, 21 August 1992.

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The federal republic was to have a single sovereignty, international personality and citizenship, and would be independent. A final settlement reached on the basis of the set of ideas 'must exclude union in whole or in part with any other country or any form of partition or secession'.

There was a recognition that the relationship of the two communities should not be viewed as one of minority and majority, but of two communities within a federal republic, each retaining its cultural, religious, political, social and linguistic identity. There was to be political equality for the two communities, achieved through checks and balances designed to ensure that measures could not be taken affecting the interests of either community without its consent. The two federated states would be equal units, with identical powers and functions. The federal Government would be responsible for areas such as foreign policy, defence, currency, customs, immigration and citizenship, federal budget and taxation, federal policing, coordination of tourism and industrial activities and so on.

The structure of parliament and government envisaged in the set of ideas was to reflect the numerical balance of the two communities, but with features built in which would prevent the numerical position of the Turkish Cypriot community from causing it insurmountable political weakness.

Thus the presidents of the two houses of the bicameral parliament, and the president and vice president of any one house, were not to come from the same community. The lower house would have a 70:30 ratio of Greek Cypriots to Turkish Cypriots, the upper a ratio of 50:50. Quorums would be needed in both houses from both communities, and there would be provision to require that certain types of legislation achieve a separate majority among representatives of each community in the lower house.

The government would consist of a federal President and Vice-President (initially the heads of the respective federated states), plus a Council of Ministers, composed on a 7:3 ratio. The Ministers would be proposed by the President and Vice-President separately, but approved by them both. The Council of Ministers would take decisions by majority voting, but in certain areas (foreign affairs, taxation, citizenship and the like) the approval of both the President and the Vice-President would be needed. The President and Vice-President would each have the right to veto certain legislation or to refer back any legislation or decision of the Council of Ministers for reconsideration.

The judiciary was to operate at the state level, but with a federal Supreme Court consisting of equal numbers of Greek Cypriot and Turkish Cypriot judges, appointed jointly by the President and Vice-President with the consent of the upper house.

The set of ideas allowed for freedom of movement, settlement and the right to property, subject to a process of resettlement for displaced persons and for those affected by the territorial adjustments between the new federated states. It envisaged a reduction in the size of the Turkish portion of the island from 38% to 28% of the total and for a set of arrangements allowing households to stay in their current property, to reclaim old titles, or to seek compensation⁸.

2. 'Confidence-Building Measures'

The confidence-building measures revolved around the use of temporary UN administration in order to ease the situation regarding some of the most sensitive areas of dispute, and of cooperation between the communities outside the political arena. They included the transfer of the fenced area of Varosha to UN control and access to it for both communities, the opening of Nicosia airport under UN administration for the use of both communities, joint cultural and educational activities, joint development of water resources, business contacts and a reduction in the number of military posts along the green line in Nicosia⁹.

The fenced area of Varosha would be administered by the United Nations, and would be a site for contact and cooperation between the two communities. Greek Cypriots would be in a position to reclaim property, while both communities would be able to start businesses and conduct trade in the area. It was intended that this would be a major incentive to the Greek Cypriots, though not without benefits to the Turkish Cypriots. Varosha has become a major symbol of the losses incurred by Greek Cypriots after partition.

Balanced against this was the plan to open Nicosia international airport under UN control for the use of all Cypriots. This would overcome some of the isolation experienced by the Turkish Cypriots, allowing them to travel freely outside northern Cyprus and Turkey and to trade directly with other countries.

The Secretary-General put the intended balance of incentives thus:

the benefits of the confidence-building measures for the Turkish Cypriot side would mean the lifting for all practical purposes of the economic obstacles that have been weighing so heavily on that community, especially as regards overseas travel and trade and the development of a tourist industry. For the

⁸ On 25 February 1995 the coalition governing northern Cyprus collapsed over a proposal by its leader Hakki Atun's Democrat Party to convert into full title deeds the certificates of possession granted to Turkish Cypriots and Turkish settlers who have occupied Greek Cypriot property in the north.

⁹ S/26026, 1 July 1993.

Greek Cypriot side, they would open the way for owners of property in the fenced area of Varosha to reclaim possession of their property and to use it again¹⁰.

The confidence-building measures were not seen as an alternative to an overall solution, but as a step towards creating the conditions in which such a solution might become achievable. Likewise, the set of ideas was not intended as a final settlement; the assumption was that it might provide a basis on which to seek a final settlement following further negotiations.

3. Progress of Talks

Talks on the proposals broke down in June 1993, during the development of the confidence-building measures, with Turkish Cypriot leader Rauf Denктаş raising objections outside of the negotiations, during consultations in Nicosia and Ankara, and then withdrawing from the talks altogether. The UN Secretary-General regarded this late rejection in a negative light, observing:

I am disappointed that, despite the assurances he gave ... Mr Denктаş did not promote the acceptance of the package during his consultations in Nicosia and Ankara. I also deeply regret that Mr Denктаş failed to honour the agreement of 1 June to resume the joint meetings on 14 June¹¹.

Talks resumed early in 1994. At this stage there was guarded optimism at the UN that a settlement might be within reach. Following further shuttle diplomacy by the UN and the USA, Glafkos Clerides, President of Cyprus, and Mr Denктаş accepted the confidence-building measures in principle in February 1994. The Secretary-General's Special Representative, Joe Clark, and his Deputy, Gustave Feissel, began mediation on their implementation.

There was a feeling among the permanent members of the Security Council that the confidence-building measures constituted an achievable package which would break the deadlock and overcome some of the negative effects of division. The most optimistic saw a prospect of genuine cooperation between the communities in the context of the reopening of Varosha and Nicosia airport in a matter of a few months.

¹⁰ S/1994/629, 30 May 1994.

¹¹ S/26026, 1 July 1993.

Clark's mediation resulted in a set of 'draft ideas for implementing the package of confidence building measures', put forward in a paper of 21 March 1994¹². These were very detailed proposals intended to address various concerns that the implementation of the confidence-building measures should not conflict with the general principles that neither side should seek political advantage through the measures, that the benefits accruing to either side should be balanced in extent and timing and that the measures should enhance contact and cooperation between the two communities.

Neither party was entirely satisfied with the March paper. Mr Clerides indicated willingness to accept it if Mr Denktaş did likewise. Clarifications were sought by Mr Denktaş and then amendments to embody those clarifications. These amendments were not favoured by Mr Clerides, but again he expressed willingness 'to accept the revised text if the Turkish Cypriot side did likewise'¹³.

However, the Turkish Cypriot leadership was not able to accept the revised text and by the end of April 1994 detailed concerns had caused the discussions on the March paper to break down entirely¹⁴. Mr Denktaş' underlying complaint was that 'the balance of interests embodied in the package [of confidence-building measures] had been seriously altered in favour of the Greek Cypriot side'¹⁵.

The Secretary-General maintained that 'the draft ideas of 21 March 1994 for implementing the package of 1 July 1993 [the confidence building measures] ... are entirely faithful to that package' and that 'the draft ideas deliver to both sides, and especially to the Turkish Cypriot side, the benefits envisaged in the package of July 1993 and more'¹⁶. He concluded, 'I consider that the draft ideas of 21 March 1994, in addition to reflecting faithfully the July 1993 package, are both fair and reasonable'.

The process entered another period of stalemate. The Secretary-General gave a pessimistic appraisal of future prospects:

the status quo on the island, which the Security Council has repeatedly declared to be 'unacceptable', has not changed. Nor is it likely to change on

¹² Reproduced in S/1994/785.

¹³ S/1994/629, 30 May 1994.

¹⁴ These concerned the UN's map of the fenced area of Varosha, which Mr Denktaş argued defined too large an area on the southern side of Varosha, and the question of manning of the link road into the fenced area from the UN buffer zone. The UN wanted to see the road free of military or police personnel, Mr Denktaş was unhappy with this.

¹⁵ S/1994/629.

¹⁶ S/1994/629.

an agreed basis as long as there is, both on the island and in the region, a lack of political will for such change¹⁷.

4. A New Approach?

At this point, with the progress of the previous two years apparently lost, Dr Boutros-Ghali made clear his frustration with the attitude of the Turkish Cypriot side. Citing 'a lack of political will on the Turkish Cypriot side', he found it 'difficult to understand' the leadership's refusal to accept proposals which were 'reasonable and fair', would 'bring substantial and tangible benefits to its community' and would not compromise 'its security or its basic political positions'¹⁸.

While many have backed this position, some have sensed a possible compromise to the UN's neutrality in such comments. The personality of successive Secretaries-General has been an issue at the UN, but Dr Boutros-Ghali has sometimes been accused of a particularly autocratic and irascible style. The Turkish Cypriot leadership has tended to justify its extreme caution on the basis of the difficulties experienced before 1974, in particular Makarios' amendments to the independence constitution and the violence suffered by the Turkish Cypriot community.

The Secretary-General set out five options for further consideration in the light of the evident failure of the existing approach¹⁹.

The first was to conclude that the political will for a settlement does not exist and that scarce resources would be better employed elsewhere. The second was to adopt coercive measures against 'one side [which] has consistently flouted the wishes of the international community' in order to compel it to show greater flexibility in relation to the confidence-building measures. The third option was to move away from discussions on the confidence-building measures and resume substantive talks on the set of ideas. The fourth was for 'all concerned to undertake a fundamental and far-reaching reflection on how to approach the Cyprus problem in a manner that will yield results'. This would involve the Secretary-General undertaking consultations in depth with the Security Council, the Guarantor Powers, the leaders of the two communities and others. The fifth option was to continue efforts to reach agreement on the implementation of the confidence-building measures.

¹⁷ S/1994/629.

¹⁸ S/1994/629.

¹⁹ S/1994/629.

In early June 1994, before the Security Council had deliberated on the five options, some progress was made²⁰. The Turkish Cypriot leadership appeared satisfied that further clarifications, given shortly before the stalemate was entered in late April, were acceptable. However, Mr Denktaş sought amendments to the March paper to embody those clarifications. The Secretary-General instead intended to reflect the clarifications in a letter to be addressed to both leaders and placed before the Security Council to assist in its deliberations on how to proceed. This procedure was unacceptable to Mr Denktaş, and also now to Mr Clerides, who was unhappy at the prospect of further changes or renegotiation relating to the March paper. Although there was at last considerable substantive agreement between the parties on the modalities of implementing the confidence-building measures, disagreement over how to record their respective positions led to another deadlock.

The Security Council passed Resolution 939 on 29 July 1994. It chose to endorse broadly the fourth option outlined by the Secretary-General, namely to request him

to begin consultations with members of the Council, with the Guarantor Powers, and with the two leaders in Cyprus with a view to undertaking a fundamental and far-reaching reflection on ways of approaching the Cyprus problem in a manner that will yield results²¹.

However, the Security Council also urged the parties to cooperate with the Secretary-General in the further pursuit of agreement over implementation of the confidence-building measures. The Security Council seems to have taken the view that too much progress had been made to abandon the process of early summer 1994 altogether, but has arguably limited the extent to which the reflection called for could be fundamental and far-reaching in fact.

5. Consultations

In his latest report²², the Secretary-General reported that no great progress had been made, but that further consultations were underway. He declined to offer a definitive and substantive account of his efforts, but outlined the nature of the consultations. Written responses on the issues raised in UNSCR 939 were received from all the Guarantor Powers and from most members of the Security Council. Detailed discussions were also held by Joe Clark with the Guarantor Powers and the Cypriot leaders, in September 1994. Mr Clark indicated to the Secretary-General that 'matters were close to an impasse both on the substance of the Cyprus

²⁰ S/1994/785, 1 July 1994.

²¹ UNSCR 939, para 3. UNSCR 939 is reproduced in Annex I

²² S/1994/1229, 29 October 1994.

problem and on the confidence-building measures²³. In October 1994 a series of informal meetings began between the two leaders and the Deputy Special Representative Mr Feissel.

E. UNFICYP as Part of the *Status Quo*

There is now quite open discontent in the Security Council and the Secretariat over the lack of progress on Cyprus and the apparently open-ended commitment to UNFICYP which follows from it. UNFICYP has become so integral to the *status quo* that its removal in the absence of a settlement could have an impact on the political situation, contrary to the original mandate of the force. Attention has therefore shifted to ideas for a new approach which might hasten a settlement.

The UN's approach so far in Cyprus has combined a peacekeeping force with a mediation effort, and has included no pressure on the parties beyond exhortations to reach a settlement and non-recognition of the 'Turkish Republic of Northern Cyprus'. This has had the effect of reducing the stakes for either side to turn down any given settlement so much that neither side sees an absolute need to settle.

The international community is careful to stress that it does not want to impose a solution, since this approach is considered unlikely to result in a lasting peace. However, it is rare that a settlement in a dispute of this kind leaves both sides perfectly happy. It could be that some sense of external pressure to settle might concentrate minds on the positive aspects which each party could gain from a package, without seeming so concerned at the countervailing benefits available to the other. At the same time, the fact that each side has backing from an external source, one a member of the European Union, the other a regional military power, constrains the options for pressure to be applied. Whereas, in another internal dispute, changing circumstances in southern Africa allowed the UN to impose an arms and oil embargo on UNITA, neither side in Cyprus could be made subject to mandatory sanctions without causing great concern in the region as a whole.

As yet there is no clear consensus in the Security Council as to how to proceed. The USA sent a Presidential Emissary, Richard Beattie, to meet the two leaders and hold discussions in January 1995, and the European Union may also have a part to play (see below). However, it is possible that what emerges after the Secretary-General's latest soundings may include some cautious element of prospective pressure if concrete progress is not recorded within a reasonable period of time.

²³ S/1994/1229.

III The European Dimension

A. Accession to the European Union

One source of external pressure, independent of the UN process, relates to the question of European Union membership for Cyprus. The Corfu European Council of June 1994 concluded that, subject to the conclusion of negotiations with Cyprus and Malta over the fourth financial protocols, 'the next phase of enlargement of the Union will involve Cyprus and Malta'²⁴. It did not link membership with a settlement to the Cyprus dispute, but simply reiterated its respect for the basic UN principles that any solution must 'respect the sovereignty, independence, territorial integrity and unity of the country'²⁵.

Membership of the EU for the Republic of Cyprus would exaggerate its economic advantage over northern Cyprus. This might conceivably lead to internal pressure on Mr Denktaş, although hitherto the already considerable economic disparities have not led him to modify his political position in the direction of significant compromise. Likewise, there are those who would argue that northern Cyprus cannot be pressurised into a settlement since such a settlement would have no chance of long-term success.

Mr Clerides has welcomed the EU position on his membership application and argues that accession would 'force Turkey to think seriously'²⁶. Mr Denktaş argues that accession 'will secure the full integration of the Turkish Republic of Northern Cyprus with Turkey'²⁷, a position echoed by Turkish Prime Minister Tansu Çiller when she said, 'if southern Cyprus is accepted into the Customs Union before a final solution is reached on the island then we will unite with northern Cyprus'²⁸.

Responding to questions after his statement on the Corfu European Council, John Major made the following comments on the Cyprus situation and the relations between the timing of accession to the EU and a possible solution being reached to the dispute in Cyprus:

The Prime Minister: It is a considerable way off before Cyprus is likely to be admitted as a member of the Community. Certainly, if the dispute between the north and south is unresolved, it will be extremely difficult for Cyprus to be admitted to the Community. What we have said is that we

²⁴ Presidency Conclusions, p.14.

²⁵ p.15.

²⁶ *Summary of World Broadcasts*, 4 May 1994.

²⁷ *Summary of World Broadcasts*, 4 May 1994.

²⁸ *Summary of World Broadcasts*, 14 February 1995.

will look at that and consider the case in the next phase of enlargement-that is certainly some years away. But I share a view that I think the hon. Gentleman would accept: first, we must continue with the United Nations' efforts to try to find a satisfactory accommodation to the long-standing problem of Cyprus. We have, for example, had British troops there now for nearly 30 years, and other United Nations countries for a similar period, so we will continue to seek that accommodation. Secondly, although this is not yet a matter discussed with our European partners, clearly we hope that that dispute will be resolved before it is possible for Cyprus to become a member of the European Union ²⁹.

This caused concern among Greek Cypriots. The Cyprus Government called in the British High Commissioner to express its 'disappointment', while opposition parties spoke of 'proof of the negative, if not hostile, stance by Britain' and described the statement as 'provocative and anti-Cypriot'³⁰.

More recently, Mr Hurd sought to reassure those who might be concerned over the impact on negotiating positions if it were felt that accession to the EU definitely could not progress without a settlement. He made the point that 'we certainly do not believe that anyone has a veto on the application of the Republic of Cyprus'³¹. Foreign Office Minister David Davis subsequently gave the following account of HMG's position:

Mr David Davis: We agreed at the Corfu European Council that Cyprus would be involved in the next phase of enlargement. We welcome that prospect. The Council is currently reviewing Cyprus's application. We want to see the whole island join the EU, and want to help remove the obstacles presented by the intercommunal dispute³².

On 6 February 1995, EU Foreign Ministers reached an agreement in principle on the future of relations with Cyprus and Turkey. It was agreed that discussions aimed towards accession for Cyprus could start six months after the 1996 Inter-Governmental Conference, while progress was made towards implementing a customs union with Turkey³³. However, there were delays in finalising the agreement, with Greece blocking the customs union on the basis that the language on Cyprus was not sufficiently definite³⁴. On 6 March 1995 Greece lifted its veto on the customs union, being satisfied that there was sufficient commitment to begin the accession talks with Cyprus six months after the IGC.

²⁹ *HC Deb* 27 June 1994, c.567.

³⁰ *Summary of World Broadcasts*, 1 July 1994.

³¹ *HC Deb* 14 December 1994, c.922.

³² *HC Deb* 15 February 1995, c.685w.

³³ *Agence Europe*, 8 February 1995.

³⁴ There were other matters about which Greece was also concerned, but it was made clear that a specific timetable for the Cyprus accession was the most important

The US Assistant Secretary of State for European Affairs, Richard Holbrooke, has suggested that Cyprus' accession to the EU would be a desirable prospect, but that it should be 'a membership for an undivided island'³⁵. US Ambassador to Cyprus, Richard Boucher, has stressed that the Clinton administration supports parallel progress on accession and the customs union with Turkey, which was important to the stability of the region³⁶.

B. European Court of Justice Ruling on Imports from northern Cyprus

On 5 July 1994 the European Court of Justice ruled that the authorities in the north of Cyprus are not legally entitled to issue certificates relating to the export to EU states of goods originating in the territory which they administer.

The judgement was made on points of legal detail, but has been opposed on political grounds. It creates barriers to imports into the EU of produce from northern Cyprus, especially agricultural produce. Effectively, agricultural produce cannot be imported from northern Cyprus, while manufactured goods (principally textiles) are now subject to levies. The northern administration has charged that this will have a serious impact on its economy, since exports to the EU of potatoes and citrus fruits comprise an important source of income.

The judgement was made in the context of English judicial review proceedings against the UK Ministry of Agriculture, Fisheries and Food, brought by Republic of Cyprus exporters over the UK's acceptance of certificates issued in northern Cyprus.

The ruling related to two types of certificates: movement certificates, which verify the place of origin for imported goods, and would allow preferential access under the 1972 EEC/Cyprus Association Agreement, and phyto-sanitary certificates, which guarantee the health of plants under the 1977 Plant Health Directive³⁷. The Court's position was that the certificates régime is based on the principle of cooperation between the party issuing the certificate and the party accepting it, so that origins can be verified in the case of disputes or suspected fraud. It concluded that such cooperation could not exist with an entity such as the Turkish Republic of Northern Cyprus, since neither the UK nor any other member of the EU recognised that entity.

The UK accepted the ruling, although it had opposed the case, along with the European Commission, on the grounds that the special status of Cyprus meant that an exception had to

³⁵ *Reuter's*, 22 February 1995.

³⁶ *Summary of World Broadcasts*, 21 February 1995.

³⁷ 77/93/EEC.

be made in order to satisfy the requirement in Article 5 of the Association Agreement that the rules governing trade with Cyprus should not give rise to discrimination between the two communities³⁸.

The judgement was beneficial to the efforts of the Cypriot Government to increase the economic pressure on the north to become more compliant over a settlement to the Cyprus dispute. It led Mr Denktas̄ to argue that 'obviously the European Court of Justice has been influenced by the barrage of false allegations by the Greek Cypriot authorities' and that, as long as the judgement stood, the aim behind the confidence-building measures that the opening of the airport and of Varosha would lead to economic benefits for both communities could not be realised³⁹. He regarded the negotiation process as being blocked by the judgement and implied that signature of an agreement on the confidence-building measures would be conditional on a change in the legal position.

C. Council of Europe Report

In February 1995, Lord Finsberg, as Rapporteur of the Political Affairs Committee, presented the Parliamentary Assembly of the Council of Europe with a report on the political situation in Cyprus⁴⁰.

Describing the situation as 'among the potentially destabilising factors in the Mediterranean region', Lord Finsberg argued for continued support of the UN process. He went into detail on the positions expressed by representatives of both communities and various political parties and other groups in Cyprus. He concluded that 'perhaps the most noticeable features of my visit were fear and mistrust' and that very few people on either side 'believed in the sincerity of the other side'⁴¹.

Much of his thought was directed towards measures which might be taken to break down the mistrust, such as changes in the use of propaganda by either side and in the manner in which schoolchildren are educated about the history of Cyprus and the nature of the two communities. He also called for progress in the area of freedom of movement across the line of division, and came to a sonorous conclusion:

³⁸ *Financial Times*, 12 July 1994; *HC Deb* 21 July 1994, c.514w; ECJ Judgement in case C-432/92.

³⁹ S/1994/902, 30 July 1994.

⁴⁰ Doc 7206.

⁴¹ paras 82 & 83.

now may be the last time to avert a fresh catastrophe and whoever obstructs the United Nations efforts will bear an immense responsibility⁴².

IV Lessons for Conflict Resolution

What lessons does the UN involvement in Cyprus have for future conflicts and disputes?

Perhaps the most obvious is that the organisation cannot enforce a solution against the will of the parties. This may be cited as a defence of the UN against those who criticise it for a kind of neo-imperialism. While in practice the solutions promoted for particular disputes may reflect certain of the interests of the major players on the Security Council, it is rare for the UN to become involved in dispute settlement in a way which is antagonistic to one of the parties. Particularly where external powers provide support to the parties involved, it is extremely difficult to force a compromise.

At the same time, this can be seen as a weakness. In the absence of a clear timetable for withdrawal, the states which contribute financially or in kind to a peacekeeping operation can face a virtually open-ended commitment. This is particularly so if, as in the case of Cyprus, the peacekeeping presence becomes an indemnity against failure in negotiations. It is easy to argue that peacekeeping is intended precisely to reduce the likelihood of a return to fighting before a solution is reached, but it is also arguable that a very long-term presence by the UN encourages ossification in the political situation. Writing about Cyprus in *The World Today*⁴³ Robert McDonald made the point thus:

Peacekeeping troops simply preserve the status quo and relieve human suffering. They do not actively find a settlement - that is down to the locals⁴⁴.

In Cyprus, one move which could help to ease this problem would be the demilitarisation of the island, so that the chances of major organised conflict would be reduced in the event of a withdrawal of UNFICYP. Both sides have put forward proposals on this matter, but there is no realistic chance of progress on it for the time being.

It is unlikely that a new operation of the UNFICYP type would be undertaken today. As the number and scope of peacekeeping operations has mounted, major contributors have begun to complain of overstretch, in terms both of personnel and of finance. The British, American

⁴² para. 97. The Resolution and Recommendation adopted on the basis of this Report are reproduced in Annex II.

⁴³ October 1993.

⁴⁴ p.184

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and other Governments have begun to reject the notion that the UN can usefully or should become involved in all conflicts; a desire has grown that a clear, timetabled set of achievable objectives should be in place before a new peacekeeping operation is authorised. In July 1993, HMG's *Reply to the Secretary-General on United Nations Peacekeeping*⁴⁵ argued that:

The Security Council and the United Nations Secretariat need to analyse the situation on the ground carefully before agreeing to establish a United Nations peacekeeping operation. Such operations need clear and achievable objectives linked to an on-going political process which can provide a solution, and a precise mandate as well as the consent of the parties and confidence that the necessary resources will be made available.

Mrs Madeleine Albright, the US Permanent Representative to the UN, outlined similar concerns in a statement to a sub-committee of the Senate Armed Services Committee on 12 May 1994. Referring to a Presidential Decision Directive on Reforming Multilateral Peace Operations (PDD-25), she stipulated questions which should be addressed before embarking on a peacekeeping operation. These included the following:

Does the proposed peacekeeping mission have clear objectives and can its scope be clearly defined?

If the operation is a peacekeeping, as opposed to peace enforcement mission, is a ceasefire in place and have the parties to the conflict agreed to a UN presence?

Are the financial and personnel resources needed to accomplish the mission available?

Are there realistic criteria for ending the operation?

Concerns of this sort increasingly inform the establishment of new peacekeeping operations. Recently the operation in Somalia, UNOSOM, began its withdrawal after almost three years of mixed performance, in which the political situation advanced little. It is now rare for a peacekeeping force to be established in the absence of a formal peace agreement which can guide the activities of the UN force and the duration of its mandate.

⁴⁵ Dep 9675

V Conclusion

To some extent the unique nature of the Cyprus problem may reduce its relevance as a general model. The strategic location of the island, the involvement of two relatively powerful states with a traditional enmity and with membership, sometimes in common, sometimes separately, of major international political and security organisations provide a context for the internal dispute and its attendant mistrust which make it almost impossible for the Security Council to set an ultimatum and then pull out if progress is not made.

Yet it seems clear that the level of mistrust, the divergence of interests, an apparent lack of political will and other factors prevent the Secretary-General from having a realistic chance of succeeding in his task of mediation in the current circumstances. It is possible that some external source of pressure might lead to a shift from one or other party. However, such pressure might also lead to greater entrenchment of positions, and so long as the patronage of Greece and Turkey remains it is unlikely that anything other than genuine internal pressure, such as public opinion or business concerns, will force the leaderships to reconsider their approaches.

In the meantime, the two communities enter their third decade of separation, and concern grows that the difficulties of reintegration may soon approach an insurmountable level. Beyond preventing further deterioration, the long UN involvement has achieved little.

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Annex I :

UN Security Council Resolution 939

RESOLUTION 939 (1994)

Adopted by the Security Council at its 3412th meeting, on 29 July 1994

The Security Council,

Recalling its relevant resolutions on Cyprus,

Welcoming the report of the Secretary-General of 30 May 1994 (S/1994/629) and his letter of 28 June 1994 (S/1994/785), concerning his mission of good offices,

Reaffirming, in this context, that the confidence-building measures, while not an end in themselves, nor a substitute for the wider political process, would offer significant benefits to both communities and would facilitate the political process towards an overall settlement,

Recalling the acceptance in principle by both parties of the confidence building measures, and **welcoming** the acceptance by the leader of the Greek Cypriot Community of the 21 March 1994 "Draft Ideas for implementing the package of confidence-building measures" (S1994/785, annex), and **welcoming also** the considerable progress towards agreement made by the leader of the Turkish Cypriot community, as described in the Secretary-General's letter of 28 June 1994,

Noting that there is now a substantial measure of agreement on the substance of the confidence-building measures and the modalities for their implementation, but also **noting with concern** that neither leader is yet prepared to proceed to their implementation on the basis outlined in the Secretary General's letter of 28 June 1994,

Having studied the options and ideas for future action set out in paragraphs 57 to 62 of the Secretary-General's report of 30 May 1994,

1. **Reiterates** that the maintenance of the status quo is unacceptable;

2. **Reaffirms** its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant security Council resolutions, in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;
3. **Requests** the Secretary-General to begin consultations with members of the Council, with the Guarantor Powers, and with the two leaders in Cyprus with a view to undertaking a fundamental and far-reaching reflection on ways of approaching the Cyprus problem in a manner that will yield results, and **reiterates** its call to the parties to demonstrate their commitment by cooperating fully to this end;
4. **Urges**, in this context, the parties to cooperate fully with the Secretary-General and his Special Representative to achieve agreement on the modalities for implementing the confidence-building measures at the earliest possible time;
5. **Also requests** the Secretary-General to submit a report by the end of October 1994 including a programme for achieving an overall solution to the issues involved in the Cyprus problem following his consultations referred to in paragraph 3 above and on progress made towards the implementation of the confidence-building measures;
6. **Decides** to remain actively seized of the matter.

Annex II:

Recommendation and Resolution adopted 2 February 1995 by Council of Europe Parliamentary Assembly

I Draft recommendation

1. The Assembly believes that the situation in Cyprus is one of the potentially destabilising problems in the Mediterranean region. It directly concerns four member states of the Council of Europe, namely the Republic of Cyprus and the three guarantor powers of its 1960 Constitution, Greece, Turkey and the United Kingdom.
2. In all its texts adopted on Cyprus, the Assembly has expressed its unwavering support for the efforts of the Secretary General of the United Nations to reach a comprehensive settlement of the problem.
3. In August 1992, the Secretary General of the United Nations submitted a "set of ideas" to the two communities - Greek Cypriot and Turkish Cypriot - to serve as a basis for an overall framework agreement. However, the talks on this proposal showed that there was deep-seated mistrust separating the two parties. In order to overcome this, the Secretary General of the United Nations proposed, in November 1992, a series of "confidence-building measures" designed to create a new climate, more favourable to the negotiation process.
4. After more than one year of intercommunal talks and faced with the absence of agreement between the two sides, in July 1994 the United Nations Security Council adopted Resolution 939 in which it reiterated that the maintenance of the status quo is unacceptable and requested the Secretary General to begin consultations with the two parties, the guarantor powers and members of the Security Council.
5. The Assembly welcomes the proposal for the demilitarisation of the island set out by the President of the Republic of Cyprus and urges the Turkish Cypriot administration to give it proper consideration. Such demilitarisation would

mean that Turkish troops now illegally present in the country, as resolved by the United Nations, would withdraw according to an agreed time-table.

6. The Assembly considers that the Council of Europe should continue to back the efforts of the Secretary General of the United Nations to progress towards a comprehensive solution of the Cyprus problem while preserving the unity of the island and accommodating the two communities within a federal bi-zonal state. The Council of Europe should also help to build a climate of trust between Greek Cypriots and Turkish Cypriots. Direct contacts between them are the best way of creating confidence.
7. The Assembly therefore recommends that the Committee of Ministers:
 - i. urge the political leaders of both communities to accept the proposals of the Secretary General of the United Nations forthwith and thus demonstrate that the political will for a settlement really exists by accepting at the same time all the Secretary General's proposals for implementation of the "confidence-building measures";
 - ii. ask the Government of the Republic of Cyprus and the Turkish Cypriot administration to allow at the earliest possible moment the exercise of the right to free movement of persons between the two parts of the island together with all other rights and freedoms guaranteed under the European Convention on Human Rights;
 - iii. invite the Government of Turkey, the Turkish Cypriot administration and the Government of the Republic of Cyprus to co-operate to allow normal international telephone and postal access to the northern part of the island;
 - iv. launch an appeal to both communities to refrain from using propaganda against the other community;
 - v. invite both communities to revise, with the Council of Europe's assistance, the textbooks used in schools on both sides in order to put more emphasis on what unites the two communities than on what separates them;
 - vi. promote the establishment of a climate of trust between the two communities by sponsoring practical initiatives for this purpose, in particular in the fields of culture, education, youth, sport and commerce;
 - vii. play a more active role as regards the settlement of the Cyprus problem, in accordance with its Declaration of 10 November

1994 on compliance with commitments accepted by member states of the Council of Europe and ask the Government of Turkey to co-operate in the implementation of United Nations resolutions and the rule of law.

II Draft resolution

1. The Assembly, referring to its Recommendation ... (1995)[above] on the situation in Cyprus, declares its continued readiness to contribute to a climate of trust between Greek Cypriots and Turkish Cypriots. Demilitarisation of the island is essential to this purpose.
2. Promoting dialogue between the representatives of both communities should be a permanent endeavour of all members of the Assembly.
3. The Assembly gives its full backing to the efforts of the Secretary General of the United Nations to progress towards a comprehensive solution of the Cyprus problem and considers that the "confidence-building measures" he proposed constitute the best prospect for a settlement, on which foundation further progress can be made.
4. It invites the leaders of both communities to look forward, whilst drawing lessons from the past, when considering the proposals of the Secretary General of the United Nations.
5. The Assembly reiterates that the only state recognised by the United Nations and the Council of Europe is the Republic of Cyprus, but notes that at present the voice of the Turkish Cypriot community is not heard in the Organisation.
6. The Assembly therefore decides:
 - i. to continue to monitor very closely the confidence-building effort by the Secretary General of the United Nations;
 - ii. to invite representatives of political parties of the two communities, when considered appropriate, to attend committee meetings, on an *ad hoc* basis, when they deal with issues directly concerning Cyprus;
 - iii. to encourage its members, when visiting Cyprus, particularly to meet political leaders and representatives of youth organisations of both communities;

- iv. to call upon all its members to refrain from any actions that could be interpreted as extending recognition to the entity in the occupied part of Cyprus, in accordance with United Nations resolutions.

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