

THE CYPRUS CONFLICT

The Western Peace System Is Put To Test

By Dr. (jur) Christian Heinze

With an Introductory
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ABOUT THE AUTHOR

Dr. Christian Heinze, Doctor of Jurisprudence, is a well-known German jurist who has specialized in the field of Administrative and Constitutional Law. In October, 1962, while he was holding a legal post in the Federal Ministry of Economic Affairs of the Federal Republic of Germany, he was given leave of absence by his Government to become the Assistant of the President of the Supreme Constitutional Court of Cyprus which was then held by the world-famous Heidelberg Professor Dr. Ernst Forsthoff. Dr. Heinze was specially selected by Professor Forsthoff for this post in view of his special qualifications and capabilities. Dr. Heinze held this post in Cyprus until the departure in April, 1963 of Professor Forsthoff who found himself obliged to resign as a result of Greek intrigues.

In view of his actual experience in Cyprus in such an important capacity and at such a critical time, Dr. Heinze is well qualified to make an impartial and objective analysis of the nature and causes of the Cyprus tragedy.

INTRODUCTORY

PEACE OF JUSTICE V. PEACE OF EXPEDIENCY

In his well documented and factual article, which was originally published in German, in the Europa-Archiv in 1964, Dr. Heinze, who authoritatively exposed the concocted stories and calculated lies of the Greek Cypriot regime, regarding the Constitution of 1960 as well as the nature of the present conflict in Cyprus, had probably been the first western jurist to make a legal, political and historic appraisal of the conflict and the significance of its settlement to the Western community of nations.

Unfortunately, as Dr. Heinze pointed out, the attitude of the Western Community of Nations, vis-a-vis the settlement of the Cyprus conflict, so far, fell far too short of the values ostensibly upheld and cherished by them. These values, which were epitomized by the late President Kennedy in the following words "we want peace and security but not the peace of the grave nor the security of the slave," are the ideals for which two world wars were fought and an elaborate institution, the United Nations, was created. Indeed, with the advent of the United Nations, it was generally hoped with the Western powers in the lead, that, the Western concept of peace shall prevail; that peace should be a juridically as well as morally legitimate situation, created and upheld out of faith in the fundamental rights and the dignity of Man, as well as in conformity with the principles of justice and international law; and that, maintenance of peace should not merely be the maintenance of a factual situation of absence of armed violence from whichever side and for whichever alleged reason—regardless of origin and regardless of its bearing upon law, justice, and fundamental human rights. In short it was generally assumed during the proceedings at San Francisco, already in 1945, that the U.N. would be designed to deal with "peace founded upon justice" not with a "peace of expediency". But such high hopes unfortunately, did not or could not materialize. As M. Sorensen observed in 1968, "the Community of States still lacks a system for compulsory settlement of disputes through amicable means... *when negotiations between the parties have failed to end the dispute*". (1) Because, perhaps, as Professor de Garzia pointed out "if we were to trace the importance of International Law in the history of international affairs, we should describe it as a lusty infant in the seventeenth century, a promising child in the eighteenth century, a young adult

(1) Sorensen, M. Manual of Public International Law, London 1968, p.p. 746.

with a disturbing muscular weakness in the nineteenth century, and a helpless cripple in the present." (2)

It is true, that U.N. in its peace-keeping operations particularly in Cyprus had so far been successful in maintaining an "uneasy truce" thereby, curtailing the efforts of the stronger party (Greek Community) from totally overwhelming by armed might the weaker party (Turkish Community) and it is only fair to note here the welcome support both morally and materially given to UNFICYP by the Western Community of Nations in keeping a peace of expediency. But, in the sphere of peace making i.e. bringing about peace of justice, or a peaceful solution based on legality and morality after juridically evaluating all the real (not fabricated or alleged) merits and background of the conflict, as in the earlier cases of Korea, Kashmir, Arab-Israel conflict, south-east Asia etc., the U.N. machinery has almost been impotent and did not or could not do anything more than expressing, from time to time, a pious hope - sometimes bordering on hypocrisy - that negotiations between the parties for a peaceful solution should continue. For, it is obvious that in an a-symmetric conflict i.e., a conflict where there is a great disparity between the material strength, potential and size of the conflicting parties as is the case between the two Communities in Cyprus, unless there is an effective third party intervention for the making of a peace of justice, the party who can rely more on its capacity of intimidation, or the party who is more effective in making use of violence and justify it in appearance under a ruse, will, in the long run with almost mathematical certainty win the day and peace - of the grave for the weaker party, of course - shall prevail. Perhaps as Kurt Rable explains. (3)

"The fundamental difficulty appears to be that the U.N. have not succeeded, at least until today, in evolving institutional ways and means to bring the question how basic Charter principles are to be implemented against the background of a given situation, to an adequate, impartial, legally and morally unassailable, therefore generally acceptable and, if need be, enforceable decision."

But the seriousness of the situation becomes all the more important when in an a-symmetric conflict the party who resorted to the use of force as explained by Dr. Heinze, in defiance of U.N. Charter as well as Treaties and other sources of International Law (Human Rights Convention etc.) is the same party

(2) de Garzia, Alfred., Political Organization, Volume II p. 268 Free Press Paperbag edition 1967.

(3) Rable, Kurt, The Cyprus Problem before the U.N. Security Council, Indian Year Book of International Affairs, 1966 - 1967.

who tries to consolidate its unjust and unlawful position by choosing to ignore the issue or prematurely declares unilaterally negotiations closed (As Archbishop Makarios did a few weeks ago) (4), or protracts negotiations in bad faith, relying not only on its own illegal power position but also on U.N. support by aiming at abusing or misleading the world body.

It is common knowledge that in the case of Cyprus, the U.N. Peace-keeping machinery has been abused by the Greek Cypriot leaders whose avowed aim is uniting Cyprus (as a whole) to Greece (See Archbishop Makarios's statement on 14th March, 1971 at Yialousa). As Mr. Stegenga after a thorough study of United Nations Force in Cyprus very rightly observed : (5)

“ It is quite conceivable that there will again be states whose leaders, like Archbishop Makarios, may calculate that a plunge into violence and subsequent U.N. rescue would help them to bring about and/or consolidate desired internal political change.” He further warned that “ this (UNFICYP) third major experiment in United Nations peace-keeping, should alert the world's statesmen to *this novel technique of abusing the world body* ”

The shortcomings of the U.N., as well as the International Law being as they are, and the wiliness of some parties to a dispute being what they might be, is there nothing that the Community of Nations either as a whole or on a regional basis can do to help bring about peace, based on truth and justice? I think one would be too pessimistic to subscribe to the view expressed by some Asian leaders that U.N. “ aims at tranquility even at the expense of justice...” (6) I would rather think that there is a lot that could be done by U.N. and its Specialized Agencies and other regional bodies to deter or at least discourage those leaders or heads of state who may resort to the “ *Makariosian doctrine* ” of abusing the world body, thereby perilously increasing the chances of wider and more disastrous conflicts.

As Mr. Kurt Rable of India suggested, they should at least see to it, “ that negotiations between parties of unequal strength can, and therefore have to be conducted without the stronger party being allowed to draw tactical and even material advantage from that inequality.” And that “ the weaker party is entitled to invoke every legal argument in its own favour without having to fear

(4) U.N. Secretary-General's Comments on Cyprus. Press Release UNS 434, Nicosia 19.9.1971.

(5) Stegenga, James A., The United Nations Force in Cyprus, Ohio State University Press, 1968 p. 180.

(6) Bhutto, Z.A., “Peace-keeping by the U.N.” International Affairs, Vol. 44 p. 198.

that the stronger adversary, relying on its capacity on intimidation will refuse to listen either by ignoring the dispute altogether or unilaterally declaring it closed." (7)

The implementation of this long established norm of *natural justice* in international relations would naturally entail a close co-ordination and synchronization of the efforts of the U.N. Security Council with other U.N. Bodies such as ECOSOC, UNDP and U.N. Specialized Agencies as well as Regional inter-governmental Associations such as OAS, Council of Europe or E.E.C. etc., primary concern of which is aimed at furthering the economic and social development of the peoples of member states with a view to maintaining peace - of justice - by bridging the gap between the developed and the developing. Because, as we have seen, the Security Council's primary concern, so far, has been to establish a peace of expediency or, at best, to see to it that actual physical violence is stopped without adjudication on the merits of a given situation. Such situations may arise, as in the case of Cyprus, where, the unqualified application of the principle of U.N. aid may lead to the material advantage of only one of the parties, with the result that the injustice to the weaker party may be furthered and the stronger party (the Greek Cypriot regime) may be encouraged to rely more and more on its material strength without feeling the urgency or advantage of agreeing to a fair and just settlement of the dispute. It is indeed a sad situation to see, as we do in Cyprus, that while the Security Council is still seized with the problem and despite the facts that its resolutions clearly indicate that "Law and Order" is yet to be established with the help of an international armed force, other U.N. bodies or Specialized Agencies without any heed to these resolutions, or the prevailing situation of armed confrontation in the country, continue to pump in aid, ostensibly meant for the whole population of Cyprus - but in fact being channelled to the Greek Cypriot Community - without first demanding satisfactory evidence of a fair and just distribution of such aid to the whole of the population without any consideration of political advantage to one or the other party to the conflict.

The same observations should apply to all international aid to Cyprus as well as to the European Economic Community with which Cyprus is about to be associated.

We learn from a press release of 4th March, 1971 of the EEC, that *de facto* Greek Cypriot Administration had approached the Community for membership in one form or another, basing its argument on the original application made

(7) Rable, Kurt., Ibid.

by the Cyprus Government proper early in 1962 i.e. before the Constitutional putsch undertaken by the Greek Cypriot Community and the ensuing violence were planned and carried out against the Turkish Community.

While negotiations for Cyprus' entry to, or association with, the EEC are continuing, Archbishop Makarios bluntly declared the Inter-Communal talks at an end (8) and the Cyprus Constitution and the Treaties giving birth to it as a dead letter. This attitude is no doubt a flagrant violation of one of the cardinal principles of the International Law as well as the Charter of the U.N. which in its preamble recognize the sanctity of Treaties. The Turkish Community of Cyprus through appropriate channels had already brought this situation to the notice of the EEC. It remains to be seen how far the European Community of Nations will live up to its own concept of peace. This is one of the reasons why we found Dr. Heinze's article extremely relevant even today and thought fit to reprint it. We hope that Dr. Heinze's reasoning and constructive suggestions as an impartial jurist will not remain a cry in wilderness.

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27th September, 1971

(8) U Thant, Comments on Cyprus. Ibid.

INTRODUCTORY TO SECOND EDITION

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TFS of Cyprus.

At the time I wrote the first introductory to this booklet in 1971, inter-communal strife and fighting in Cyprus was almost eight years old. Dr. Heinze's article had already been in the public view for seven years, yet, no state or International Organization had taken any meaningful action or interest to alleviate the unjust and inhuman situation forced upon all Turks in Cyprus by armed might and terroristic activities of the Greek Cypriot administration. The so called "Cyprus Government" of Archbishop Makarios after 1963 events, came to exist at the sufferance of the Turkish Cypriots and in the face of extreme tolerance shown by Turkey in the hope that a just, fair and honourable settlement of the dispute could be found by peaceful negotiations.

What I had tried to bring home there, was the fact that in an a-symmetric conflict like the one we had in Cyprus, it was absolutely necessary to have an effective and peaceful intervention of a third party for the making of a peace of justice. Because, it had already been clearly established that the stronger party (Greek Cypriot Administration unlawfully posing as the "Government of Cyprus") actively supported by Greece was inclined to rely more and more on its capacity of intimidation and material force within Cyprus. I also tried to point out to the authorities of EEC in Brussels, with which Cyprus was about to be associated, that unless this trend was reversed or unless international bodies and associations who are extending moral and material aid to Cyprus do not take care to ensure the fair and just distribution of such aid to both communities on equal basis, they will do more harm to Cyprus. Because that could encourage the Greek side to become less amenable to reconciliation thereby increasing the chances of a wider conflict.

In fact, Dr. Heinze had done this way back in 1964 when he concluded his article with the following passage :

"In so far as military action appears necessary to terminate the Cyprus conflict, this pursuant to Agreements of 1959 and 1960, is exclusively a matter for Greece, Turkey and Great Britain. It would seem by no means unavoidable, since it may be assumed that usurpation and breach of peace in Cyprus would soon come to an end if Greece could be compelled, through the unanimous advice of her Western friends, to discontinue her support to this destructive undertaking. Should this prove not to be possible, however, it would seem that no other consequence can appropriately be drawn than effective aid for the injured party, which is defending its right, against attacks."

As it will be seen from the above passage, Dr. Heinze, as an expert eye witness to the developments in Cyprus, thought it just and unavoidable for Turkey to come to the rescue of the Turkish Community in self-defence and in using her Treaty Rights in the very early stages of the intercommunal strife in early 1964, if Greece did not give up her policy of active support to the systematic massacre of Turks in Cyprus as a prelude to ENOSIS.

Did Greece ever give up her untenable ENOSIS policy over Cyprus? The answer to this question is best given by Mr. Andreas Papandreou, the leader of Greek Socialist Party and the son of the late Premier of Greece Mr. George Papandreou in his memoirs : (1)

“ Makarios visited Athens in April (1964). He and my father, who has handling personally all aspects of the Cyprus problem, reached complete agreement on four principles :

“ First, to seek a solution of the problem only through the U.N. ;

“ Second, that the ultimate target, the basic orientation, was ENOSIS ;

“ Third, that every effort should be made not to provoke Turks ;

“ Fourth, that Greece would come to the aid of Makarios' Government if Turkey attacked. ”

In keeping with this grand collusion in petty imperialism, as Mr. A. Papandreou reveals “ a clandestine operation began on a huge scale of nightly shipments of arms and troops, of volunteers who arrived in Cyprus in civilian clothes and then joined their Cypriot units. ”

Yet, despite this unabashed agreement to hoodwink the UNO and the entire world public opinion and despite relentless successive attacks on Turkish inhabited areas of Cyprus, Turkey did not use her Treaty Rights advocated by Dr. Heinze, except a limited air action in August 1964, as a last minute intervention to halt the Greek Army and the Greek Cypriot hoards of Makarios from massacring the Turks in five villages in the Kokkina Area of Cyprus.

As a result of the joint Greek and Greek Cypriot aggression in Cyprus, Turkish Community had gone through a ten year period of ordeal and deprivations reminiscent only of the dark days of the Middle Ages. Reports of the Secretary-General of the U.N. to the Security Council bear overwhelming testimony to these ordeals. Massacres and armed attacks had not been the only

(1) (c.f. *Papandreou, A. Democracy At Gun Point, Andre Dentch, London, 1970.* pp. 100

means adopted by Greece and Greek Cypriots to subjugate Turks during this period. More subtle methods of economic strangulation of the entire Turkish Community had been scrupulously applied.

At times complete economic blockades were enforced upon Turkish controlled areas in order to starve-out and cause the complete capitulation of the Turkish Community. This is what the U.N. Secretary-General reported on 10th September 1964 to the Security Council on the economic situation in Cyprus :

“The economic restrictions being imposed against the Turkish communities in Cyprus, which in some instances have been so severe as to amount to verifiable siege, indicate that the Government of Cyprus seeks to force a potential solution by economic pressure as a substitute for military action.”

At times the brutalities, privations and threats inflicted upon the Turkish Community took the form of collective punishment and as such jolted the conscience of those news correspondents who saw for themselves the real situation in Cyprus. The following report in the Washington Evening Star of September 12, 1964 is an illuminating example :

“Indeed there is a quiet move afoot among some small nations to bring charges of crime against Archbishop Makarios. His policy of a starvation blockade against Turkish Cypriots, violates precedents set by the Nuremberg war crimes trials, and he would not have an easy time for getting his way out of charges that this blockade constitutes a crime against humanity.”

However, Governments, big or small, which were guided by the political expediency rather than principles of justice in their realtionship with Archbishop Makarios, who by trampling under foot all the norms of the constitution of the Republic of Cyprus usurped and grossly misused the powers of a legal Government in Cyprus, refused to act upon such impartial reports. Hence, the Greek side was left free to continue the unlawful and inhuman situation created by the use of violence, terrorism and force for the years to come with thirty thousand Turks (1/4 of the entire population) were uprooted and forced to become refugees without any international support, while the entire Turkish population were deprived of the economic, administrative and financial resources of the state.

At the time of the first publication of the present booklet measures of economic attrition against the Turks, after seven years, were still in full force. That is why I thought fit to conclude that I hope Dr. Heinze's impartial observations should not remain a cry in the wilderness.

Unfortunately not only Dr. Heinze's report but all admonitions, protests or prayers of the Turkish side consistently fell on deaf ears for ten long years. Emboldened from this indifferent attitude of the world public opinion, the Greek side were misled to believe that in any event Cyprus problem would be settled on their terms. That is why they could afford to indulge into the strife which culminated in the bloody coup of July 14, 1974. Intra-Greek strife was over the dispute whether ENOSIS should be declared forthwith as advocated by the Greek Junta and EOKA 'B' or whether it should be left to time to take care of the situation as suggested by Makarios and his supporters.

As regards the fate of the Turks, both Greek factions were in full agreement. One way or the other all Turkish Cypriots opposing ENOSIS should be exterminated. They only disagreed on the procedures. The Colonels in Athens and EOKA 'B' supporters were in favour of a general pogrom against the Turks to be carried out with lightning speed which would not give time enough to Turkey to take action. After all they had the experiences of 1964 attacks as well as the 1967 onslaught on two important Turkish villages. In both cases it had been proved that at least a week to ten days was necessary for the Turkish Government; a) to take a decision, b) to consult other guarantor powers for joint action; c) to mobilize the armed forces to such extent as to defend the country against any external attacks whilst engaged in Cyprus. So, the coupists argued, with the huge arms and heavy war materials imported, and immense fortifications built around the island, while the inter-communal talks were continuing from 1968 to 1974, Turkey would most certainly be deterred from taking any action. These dastardly plans had been discovered by the Turkish side which were later confirmed by the documents captured from Greek National Guard Camps. (See "Cyprus Question and Greek Extermination Plans, published in Nicosia 1977).

On the other hand Makarios was after a more subtle way of extermination of the Turks in time through oppressive economic measures. He knew from his earlier experiences that Turkey, even late, would in any event take military action to stop ENOSIS, and he did not trust the ability of the Greek Government to come to his aid in such instance. This was the case in August 1964, when after the unabashed April agreement referred to above, George Papandreou did not keep his promise and did not allow the Greek air-force to engage in action against the limited Turkish police air-action in the Kokkina area. Hence he was hesitant in at least overtly giving support to the imposition of ENOSIS by military action. In their turn, the Colonels in Athens, did not trust Makarios and his hesitation was construed as an intention on his part to continue his worldly power and pomp as the President of Cyprus. So, they decided to remove him from the

scene while imposing ENOSIS both on the left (AKEL) and left of the center (EDEK) Greeks and the Turks by Military action.

During the first four days of the 14th July Coup, more than three thousand Greeks were murdered, abducted or maimed by the Greek and Greek Cypriot armed forces in a spree of violence. Many Greeks who saw what was in store for them in the hands of a fascist coup, tried to telephone the Turks whom they knew to beg them to invite Turkey to intervene and save them from this bloody coup. That is why when finally Turkey decided to intervene on the 20th of July, this operation was called a "Peace Operation."

Indeed, before the Turkish paratroopers were dropped, pamphlets in Greek were thrown out from the Turkish air planes warning all Greeks that Turkish Troops were coming in peace under the Treaty of Guarantee and that they would not fire unless they were fired at. Ankara radio carried the same statement in Turkish and Greek at about 5 o'clock in the morning of 20th July 1974.

At first there was a hesitation on the Greek side which was almost a panic. But within a very short spell of time Sampson, the play-acting so-called President of Cyprus acting under orders from Athens made a fiery statement from the CBC calling upon all Greeks to unite in "throwing out the enemy back to the sea". So, the peaceful intervention of the Turkish armed forces turned into a war because of the Greek and Greek Cypriot aggression.

Turkish Troops had landed in only one place near Kyrenia in northern Cyprus. Turkish paratroops had only landed in Turkish Nicosia in the north. But the Greeks leaving aside the bloody quarrel amongst themselves, immediately attacked all Turks and every Turkish inhabited village, town or area of Cyprus with such heavy arms and might that all Turkish Cypriot held areas except where Turkish army had landed were overrun and occupied by Greek troops and irregulars. All male Turks who could survive the attacks were taken hostages and untold brutalities were carried out against women children and elderly people. In some cases (Tokhni is the illuminating example) the whole of the male population of Turkish villages were carried away in front of their womenfolk and after being shot in cold blood were buried in mass graves. Had Turkey not been in a position to carry out its operation in a very quick manner, there would have remained no Turks in Cyprus to be saved. That was the plan of action of the Greek and Greek Cypriots. Fortunately, Turkish army and the Turkish Cypriot fighters were more quick in action than what the Greeks had estimated.

Thanks to the Turkish intervention, main body of the Turkish community were saved from an imminent threat of destruction a third time in one decade. However, although the Turkish peace operation of 1974 freed the Turkish Cypriots from Greek oppression both economically and socially, it stopped short of making them politically equals with the Greeks. For, the operations halted at a pre-decided line leaving more than half of the island in Greek hands. Taking advantage of this situation, Makarios who for all intents and purposes was thrown out of the Republic and its Government by his own people was brought back and unconstitutionally restored to the position of the "President of Cyprus" only for the Greek held part of Cyprus. No sooner Makarios came back than he started roaming around the country blaming the Turks for the lives of about three thousand Greek who were killed during the bloody coup by either his supporters or their opponents. He also started to talk of "long struggle" and "complete withdrawal of Turkish Troops" etc.... Thus, for a second time in a decade, world Community of Nations repeated the same grave mistake by letting Makarios free to continue to occupy a position i.e., the position of Head of State of The Republic of Cyprus which is a bi-communal state based on the partnership of the two communities, without any legal, political or moral basis whatsoever.

As Mr. Anthony Mann wrote in the Daily Telegraph of 7th May 1977 :

"Whatever the situation today, the 1974 Turkish landings in Cyprus were in exercise of rights or obligations (which applied equally to Britain) they resulted from the illegal arrival on the island of hundreds of Greek Army Officers, who staged a coup d'état, attempted to murder President Makarios and replace him with the self-confessed assassin Nicos Sampson. But today we hear only of the Turkish invasion of Cyprus, which, incidentally, has never been Greek territory during our era."

Unfortunately for a long time to come, we shall continue to hear of, "Turkish invasion" etc.... unless some firm steps are taken by the world Community of Nations to discourage Makarios from continuing to misuse the usurped powers of the Presidency of the Republic of Cyprus to further the cause of "Hellenism in Cyprus."

To day despite all the lessons to be drawn from past experiences, Archbishop Makarios is let free to continue to dominate on behalf of Cyprus as a whole and without any legal basis whatsoever, all the international platforms to wage a relentless war against Turkish Cypriots and Turkey. Turkish Community is cut-off from all the financial resources of the Republic as well as aid pumped into Cyprus by international bodies. The currency

reserves as well as foreign exchange reserves of the Republic are exclusively utilised by the Greek Cypriot section of the population. Turkish citizens of Cyprus travelling abroad are without the protection of their own state. The consular services of Cyprus are serving exclusively the Greek Cypriot citizens. Funds made available by the U.N. High Commissioner for Refugees, (which became operational in Cyprus after ten years and only after some Greeks also became displaced) are transferred only through Greek banks thereby leaving the utilization of the foreign exchange exclusively to the benefit of the Greek Cypriot Community. Likewise, the foreign exchange arising out of the spendings of UNFICYP are exclusively utilised by Greeks. All the movable and immovable properties left behind by the 65,000 Turkish refugees from the south are occupied and utilized exclusively by Greek Cypriots with the blessings of Archbishop Makarios's regime. A strict economic blockade which was applied against all Turkish Cypriot towns and villages for eleven years from 1963 to 1974, is now being applied by the Greek Cypriot regime against the whole of the Turkish Cypriot Federated State of Cyprus. Ports and air-ports in the Turkish north of Cyprus is now declared illegal by Makarios' regime in order to prevent any inflow or outflow of goods or persons. To put this suffocating blockade into force, the captain of a Danish ship which had earlier called on the Famagusta Harbour was arrested and imprisoned on 26th May 1977 by Archbishop Makarios' regime when he called at Larnaca port, on the false charges of illegal entry to Cyprus. Foreign tourists in Britain and West Germany are likewise threatened by Greek Cypriot regime with criminal prosecution if they come to the Northern part of Cyprus.

All these and many other unlawful and aggressive measures are being taken daily against Turks in order to impose on them the will of Archbishop's illegal and unconstitutional Government.

Therefore, it is high time for people who sincerely believe in the establishment of peace based upon justice as we do, to act. The bells of danger are ringing. Archbishop Makarios is out with his mischievous irreconcilable activities to create more trouble both in and around Cyprus. That is why it was deemed fit to re-print Dr. Heinze's article at this particular juncture. Let us hope, at least this time, that his admonitions will be heeded before it is too late.

THE ATLANTIC SIGNIFICANCE OF THE CYPRUS CONFLICT

The recent history of the Republic of Cyprus has revealed serious defects in the mechanism of association and order within the Western community of nations of the North Atlantic sphere. The civil war between Greek and Turkish Cypriots has provoked an attitude of Greece and Turkey toward each other which makes the outbreak of war between the two States appear possible. The Western community of nations has so far not been able to settle the conflict between Greece and Turkey, nor adopt any clear, not to mention any unanimous opinion and attitude towards the Cyprus conflict, in particular with regard to the political and legal responsibility for events in Cyprus. The weakness of the Western Community of nations is brought to light, not only by the fact that Greece and Turkey have so far been unable to agree on a solution of the Cyprus conflict which has been raging anew since Christmas, 1963 but still more by the insufficient binding force of the agreements on the future of Cyprus which were concluded on the 11th and 19th February, 1959, and 16th August, 1960, between Greece and Turkey, Great Britain and Cyprus, in Zurich, London and Nicosia. The lapse of the alliance between Greece and Turkey was decisively promoted by the announcement on the part of Greece of her intention to prevent by force the exercise of Turkey's right of intervention which was established in these agreements. The Turkish Prime Minister, İsmet İnönü, has therefore referred to the Turco-Greek friendship as being dead.

The Western community of nations of the North Atlantic sphere claims to be able to solve international problems with the help of its system of peace, which has been developed and consolidated in the changeful course of North Atlantic, and especially of European history. This system of peace is founded on international law, and above all on the binding force of agreements. It contains, moreover, the principles of freedom and of the political right of self-determination of peoples and of individuals. This system of peace imposes on the Western states the obligation of settling their differences in a spirit of mutual respect and of co-operation conducive to the common welfare. Through this the Western community of nations claims to have overcome war and violence and to differ from, and be superior to the rest of the world, and the Eastern world in particular.

The Western states believe that an association, based upon this system of peace, will best enable them to assert themselves vis-a-vis their present and future enemies. This system of peace is therefore at one and the same time legitimation and assurance for the existence the community of Western

states. To endanger this system would therefore imply a far graver threat to the Western world than a "Cypriot Cuba", the vague picture of which is occasionally conjured up, or than secession of partners — even should they join the Eastern camp — who felt no longer obliged to head the rules of the system of peace. Should the Western community of nations cease to be able to rely upon a well-functioning system of peace, new fundamental questions of far-reaching consequence would arise for the foreign policy of the individual states of this community. The consequence of this interdependence is the competency of all the Western states in the Cyprus conflict between Greece and Turkey. This becomes obvious through the close engagement of the United States of America in the Cyprus conflict. If the West is to uphold its claim of guaranteeing an exemplary system of peace, it must prove able to solve such a problem as has arisen through events in Cyprus. The Western community of nations cannot withdraw from this test case in order not to disturb its members. Those who are not prepared to support the application of the Western system of peace to the Cyprus conflict cannot expect that it will ever become effective for their own protection.

The success of the Western system of peace in the Cyprus conflict first of all presupposes the adoption of a point of view with regard to the operations which determine the conflict. This point of view must include the question of the political and legal responsibility for the conflict. It is a mistake to think that any lasting solution of the problem can be achieved without previous conditions in Cyprus from the point of view of a concrete conception of order, and such an appraisal can only be adequate if it takes into consideration the historic development which has led to the present situation. Anyone who shrinks from an evaluation of conditions in Cyprus under such a historically and politically substantiated conception of order, will at best achieve an armistice, but not peace in Cyprus and between the neighbouring countries. An enforced calm without order is deceptive and fragile. Whoever wishes to establish peace must, in order to be just and successful and not endanger himself also be willing and able to establish order.

HISTORICAL BACKGROUND OF THE GREEK CYPRIOT COUP D'ETAT OF 1963-1964

In developing an opinion on the Cyprus conflict the following facts must be taken as the point of departure:

In the Treaties of Zurich, London and Nicosia, Great Britain, Greece and

Turkey, with the consent of the representatives of the Greek and Turkish Cypriots elected in December 1959, have agreed that the Republic of Cyprus should be established and that Great Britain should cede its sovereignty over Cyprus to this Republic, which was to be ruled according to a Constitution which came into force on 16th August, 1960. In these Treaties the three States undertook to guarantee the continued existence of the said Constitution as regards its fundamental features. Essential points in the Constitution are certain rights of cooperation by the Turkish Cypriots, the exercise of which may have the same effect as a veto, in the spheres of legislation, government and administration, as well as guarantees of a definite structure of the organisation of local government and the civil service and the judiciary, which are aimed at preventing the Turkish Cypriots from being overwhelmed by the majority of Greek Cypriots. The co-operative rights of the Turkish Cypriots are, of course, not more comprehensive than those of the Greek Cypriots; the right of veto and other guarantees of political influence apply equally in favour of the latter.

The Constitution of 1960 guarantees partnership between the Greek and Turkish communities in the exercise of the right of self-determination of the Cypriots. Since its coming into force and after the Greek Cypriots by accepting the Constitution had succeeded in persuading Great Britain to relinquish her sovereignty over Cyprus, and Turkey to abandon her demand for a division of the Island, the Constitution has been boycotted and attacked with growing consistency by Greek Cypriots, some of whom held official positions at all levels, including several Ministers and the President of the Republic, who is of Greek origin.

A propaganda campaign supported by the same Greek Cypriot official circles put forward the claim for Greek rule over the Island, and denied the Turkish Cypriots the right of effective political co-determination in their native land. Official Greek Cypriot circles commemorated the Greek Cypriot victims of the uprising against Great Britain in official celebrations and public speeches for their support of the union of Cyprus with Greece, and contended that the Constitution of 1960 was an injustice which had been forced upon them.

The partisan organization EOKA (Ellenikos Organismos Kypriakon Agoniston - Hellenic Organization for the Struggle for Cyprus), which had been the back-base of the uprising against Great Britain, was not disbanded after the foundation of the Republic of Cyprus, but was, on the contrary, promoted still further by the Greek section of the Cypriot Government through the appointment of its members to what were in part important and leading official positions. Since its original and most important objective - to get rid of British rule - had been attained, the reason for the continued existence of EOKA could

only be the second objective, which from the beginning had formed an important integral part of the ideological foundation of the uprising - namely the aim of uniting Cyprus with Greece, or at least of unrestricted Greek rule in Cyprus. Since union of Cyprus with Greece was prohibited by Article 185, Paragraph 2 of the Constitution of 1960, this organization was unconstitutional. Its toleration and promotion contravened the obligations of Cyprus pursuant to the agreements of 1959 and 1960.

The simplification of the objectives of EOKA made the Turks "Enemy No 1"; the elimination of the Turkish Cypriots from government in Cyprus was a prerequisite for the success of EOKA. Under pressure from EOKA, the Greek Cypriot parliamentary deputies refused from the time the Constitution came into force to negotiate with their Turkish colleagues in regard to the joint taxation and organizational laws envisaged in the constitution. All they were in essentials prepared to do was to accept the confirmation of their majority decisions by the Turkish Cypriots. Greek Cypriot officials refused to co-operate loyally in the setting up of separate Greek and Turkish municipal administrations, for which the Constitution had made provision, in the five large towns of Cyprus. The Greek Cypriot President of the Republic refused to allow the Turkish Cypriot Vice-President anything approaching the influence on Cypriot foreign policy which was guaranteed to him in the Constitution.

As the part played by the Cypriot delegation to the United Nations at the beginning of 1964 showed very clearly, this foreign policy was aimed at Greek domination in Cyprus, an aim which was inconsistent with the Constitution. When at last one of the violations of the Constitution by the Greek Cypriots of the gravest political consequence to the Turkish Cypriots, namely a violation of the Constitutional provision for separate Greek and Turkish municipal administration in the five towns, was brought before the Supreme Constitutional Court of the Republic of Cyprus, the Greek Cypriots lost their case. But even before, and all the more after the Judgement given in April 1963, the Greek part of the Cypriot government announced that they would ignore the decision. This meant that the violation of the Constitution had now become officially judicially notorious, and that the only independent instance in Cyprus before which disputes between Greek and Turkish Cypriots could be brought, the Supreme Constitutional Court, had been rendered impotent. This constitutional state of affairs was confirmed in May, 1963, by the resignation of the President of the Court, the Heidelberg Professor of Public Law, Ernst Forsthoff.

On 4th December, 1963, the Greek Cypriot President of the Republic, Archbishop Makarios, officially announced his revolutionary plans to the guaranteeing powers, Great Britain, Greece and Turkey. When, under these

circumstances, Greek Cypriot para-military irregular groups of EOKA began, around Christmas, 1963, to carry out Turkish pogroms all over Cyprus in comprehensive, carefully planned operations, the organization of which had been prepared long in advance, and in which dozens, (meanwhile hundreds) of their Turkish compatriots - including women, old people, children and cripples - were slaughtered, the Turkish Cypriots entered the fight and defended themselves for months with the courage of desperation.

THE ATTITUDE OF GREECE

According to the Agreements of Zurich, London and Nicosia, Greece was obliged to exert her influence for the observance of the Constitution of 1960. At the very latest when the Turkish pogrom began, Greece, together with the other partners to the Agreements, should have intervened in order to prevent the shedding of blood and to restore constitutional order. But Greece not only announced that she was not prepared to take any such action, but even threatened to employ military counter-measures should Turkey avail herself of her right, which has actually never been seriously contested, to intervene in Cyprus (without Greece and Great Britain.)

The attitude of Greece was substantiated in the following manner: the Greek Cypriots were morally in the right in attempting to overthrow the Constitution. Their struggle was directed against the demands of the Turks, whose sole legitimation was to be found in the brute force with which the Turks had invaded Cyprus in 1571, as they had previously invaded other parts of Europe. Members of the civilized Greek nation could be expected to tolerate restrictions on their self-government through Turkish rights of co-operation. The whole world recognizes the democratic principle of majority rule. In Cyprus there is only one Turk to every four Greeks, and therefore the Turkish Cypriots were obliged, in controversial questions of government, to obey the Greek Cypriots. The constitutional rights of the Turkish Cypriots made slaves of the Greek majority of the population, such dependence was incomptable with the right of nations to self-determination. In any case it was naive to think that members of the Greek and Turkish nations, who in the past had wounded each other so severely, would ever be able to rule each other jointly. Moreover Cyprus was a purely Greek country. It had therefore been irresponsible to force the Agreements and the Constitution of 1959 and 1960 upon the Greek Cypriots. It had proved impossible to implement this Constitution. The enforced consent of the Greek Cypriots to the Agreements and Constitution could never be binding and had at any rate become obsolete, politically and legally, through events

since 1960. For this reason Greece herself was not bound by these Agreements either.

These arguments brought forward in substantiation of the Greek attitude, which made the Greek irregulars of 1963-64 appear like latter-day comrades-in-arms of Prince Eugene, cannot convince anyone either from the legal, or from the historical or political point of view.

A LEGAL, POLITICAL AND HISTORICAL APPRAISEMENT OF THE CONFLICT

No serious doubts can arise in respect of the legal binding force of the Agreements of 1959 and 1960. It is true that international law recognizes the lapse of the basis of agreement as a legal ground for the dissolution of contractual obligations, and agreements under international law may, as an exception, lack binding force, should they have been concluded under compulsion or should their contents conflict entirely with political actuality. This can however under no circumstances apply to the Cyprus Agreements. The Constitution agreed upon may, perhaps, not be regarded as politically just in all respects, and it may be granted that the Greek Cypriots got the worst of the bargain. But it is an enormous exaggeration to speak for this reason of an inapplicable or even a fundamentally inappropriate Constitution. The only decisive pressure to which the partners were subjected in the matter of the acceptance of the Cyprus Agreements was the pressure of their own interests in the rights which were to be granted to them by these Agreements, or to the respective Cypriot national groups with which they were allied.

Nor were events since 1960 of such a nature as to cancel the binding force of the Agreements on the principle of a fundamental change in actual conditions. It is true that in some cases history is mightier than justice. But this is a historical law and not a legal one, and is therefore applicable only to the past, but not valid for the appraisal of contemporary events, not to mention future plans. Breakers of contracts and revolutionaries act illegally as long as no new, consolidated and general order has been established, and as long as the usurpatory power has not finally asserted itself.

As long as the revolution of the Greek Cypriots is not successful, and the Turkish Cypriots can manage to defend their Constitutional right of self-determination successfully the appeal of the Greek Cypriots to some sort of "normative force of actual fact" and to the right of success in an anticipation of a future they hope for, to which no more than the value of a political ideal

and propaganda slogan can be attributed. Therefore as long as the Makarios "government", which since December, 1963, has become responsible for the Greek Cypriot coup d'etat aiming at the forcible suppression of the Turkish Cypriots, does not succeed in assuming governmental authority over the whole of Cyprus within the meaning of the principle of effectivity under international law, its de facto recognition by the United Nations and certain States is dubious in international law.

The violent attempt of the Greek Cypriots to overthrow the Constitution also cannot be justified politically or historically. Were it true that the Constitution of 1960 made it possible for the Turkish minority to oppress the Greek majority, although according to this Constitution the majority never enjoys less but in all important respects more rights than the minority, how much more must the minority fear suppression by the majority, as it is being denied even those rights which were accorded to it under this Constitution equally with the allegedly oppressed majority! According to the Constitution of 1960 the status of equality of the Turkish minority in Cyprus is restricted to certain official functions. But even within the framework of this partial equality of status the majority retained its natural political, sociological and economic ascendancy, and was able to increase this ascendancy still further in the period after 1960. It is the majority argument in particular, therefore, which speaks against the revolution of the Greek Cypriots: the majority is far better able to accept equality of status than the minority. In this connection majority and minority are not to be understood in the sense of the democratic principle, which the Greek Cypriots are therefore not able to put forward in defence of their point of view. One can never speak of democratic rule where a national group, the members of which are a constant factor, is permanently subjected to a majority of similar constancy, which is basically different from the minority in national customs, religion and claim to unrestricted rule.

The principle of democratic majority rule can only be applied where the aims of domestic policy are uniform and based upon fundamental political equality or at least equal chances for all citizens. It presupposes that the group to which the individual citizen belongs constantly changes from majority to minority and vice versa, or at least that such a change is possible at any time not only in theory. If specifically these conditions which do not exist in Cyprus in the relationship between Greeks and Turks.

In order to make co-government by the Turkish Cypriots possible, it is scarcely possible under these circumstances to conceive of any other guarantees than those contained in the Constitution of 1960. In so far, however, as the Greek Cypriots try to claim that national minorities are never granted equality

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of political status by the states in which they live, in the sense of the Cypriot Constitution of 1960, their argument is based upon the *petitio principii* that Cyprus is a Greek country. This allegation naturally provokes the contrary assertion on the part of the Turks that Cyprus is much rather a part of Turkey, so that in truth the Greek Cypriots must be regarded as a national minority.

In actual fact the supposition of the exclusively Greek character of Cyprus appears to be very dubious even in respect of the time previous to the conquest of the Island by the Turks. There are few countries which have attracted so many and different peoples and cultures as the Island of Cyprus, which lies at the junction of many routes of the old world between East and West, North and South. From the beginning of history not only Greek tribes, but throughout many centuries also conquering peoples from Asia Minor, as well as Egyptians and Romans have lived and ruled in Cyprus; here Crusaders of various origin, Genoese and Venetians exercised their sovereignty and their cultural and ethnological influences. The intensive civilizing effect of British rule is, after all, still to be recognized everywhere today. For psychological reasons alone it can hardly be expected that the Turks should acknowledge the claims of the Greeks to superiority with regard to Cyprus.

In his speech at the conclusion of the Cyprus conference in London on 19th February, 1959, the British Prime Minister, Mr. Harold Macmillan, explained the severity of the foregoing struggles in Cyprus, in which the Turkish Cypriots had also been involved, by saying that all the participants belonged to proud nations rich in traditions, who were accustomed to defend their ideals and interests resolutely. It is not least their disregard of this fact which has committed the group of Greek Cypriots now in power to their present policy. One of the strongest proofs of the faultiness of this policy is its lack of success, which has brought blood, suffering, destruction and economic and cultural decline to the country in place of peace and progress, making it the victim of an aim which cannot be substantiated rationally, and towards the achievement of which, more-over, hardly any decisive advance has been made. From the fact of their links with Europe, a progressive policy might have been expected of their links with Europe, a progressive policy might have been expected of the Greek Cypriots. Fanatic nationalism belongs to an epoch which is past in Europe, and it is incomprehensible why the Cypriots should be unable to achieve historic advance beyond this epoch, without having to repeat for themselves the total national conflicts which were fought to the bitter end in central Europe.

A further objection made to the Constitution of 1960 is that a community composed of opposing nationalities in the proportion of one to four cannot be

expected to govern itself by a system under which important political and legislative measures can be taken only by mutual agreement, and that such an expectation is particularly unrealistic in the case of Cyprus, because the Cypriots are not even experienced in normal parliamentary and democratic self-government. This objection has not been confirmed by actual developments in Cyprus between 1960 and 1963. During this peaceful period economy and culture experienced a surprising upswing. The achievements of the government, the administrative organs and the judiciary sufficed as basis for this development. Legislative tasks were, in the main, likely to arise only in the future, because a codification of British colonial law which suffices for all practical needs continued to be in force for the time being. Only in individual cases has the refusal of the Greek Cypriots to collaborate with their Turkish countrymen led to serious difficulties in official life. This applies in particular to the failure to achieve a joint legislation on taxation and a constitutional municipal administrative law.

Separate collection of taxes for Greeks and Turks, however, remained possible to a large extent both legally and in practice, so that the lack of an overall legislation on taxation could in part be compensated. This failure to achieve a joint legislation was not due to the incompetency of those concerned, but to the fact that the ruling group of Greek Cypriots made no serious effort to co-operate or arrive at a compromise, but insisted with growing determination on ignoring and abolishing the existing Constitution. For this reason the practicability of the Constitution could never be tested. The reason for its failure is rather due to the lack of good-will to make use of it.

A realistic policy must, it is true, also take the fact of such lack of good-will into account; in fact negligence on the part of the contracting powers of 1959 and 1960 may be seen here, who, apart from the famous right of intervention, provided neither legal nor political sanctions or alternatives in the event of the expected cooperation failing to come about, or indeed being obstructed; to the contrary; free play was allowed to those forces which even at the time when the Constitution came into force were determined to fight it. It is of course possible to destroy any Constitution by violence, without this forming an argument against Constitution itself.

If EOKA had been dissolved in good time, and the guaranteeing powers, above all Greece and Turkey, had been determined upon joint intervention and subsidiary legislative or executive measures in case the Cypriots failed to carry on a constitutional self-government, had the guaranteeing powers taken the initiative promptly and energetically, for example at the end of 1962, the failure of the Cyprus solution of 1959-60 might, perhaps, have been prevented. In place of such

initiative, however, a stagnation of Western diplomacy with regard to the Cypriot constitutional situation must be noted between 1960 and 1963. Wherever, on the other hand, the Constitution of 1960 was put into application, despite the anti-constitutional strivings of 1960 to 1963, it stood the test. This is evidenced by the four volumes of the collection of decisions of the Supreme Constitutional Court of the Republic of Cyprus.

The legal institution of contract would be untenable if unfavourable parts of a contract were not to be considered valid. It may be true that the Cypriot Constitution of 1960, and so the Agreements on Cyprus, are detrimental to the Greek Cypriots on some points. But this disadvantage bears relatively slight political weight. In regard to the complaint of the Greek Cypriots, for example, that, although they constitute some 80 per cent of the population, they were given only 70 per cent of the posts in public services, the prominent Cypriot industrialist Lanitis, in a reasonable and courageous article published in an English-Cypriot newspaper at the beginning of 1963, pointed out that this allocation of the posts in the public services enabled the Greek Cypriots to play a considerably more prominent part in the economy than do the Turkish Cypriots, because the proportion of persons suitable for leading positions is naturally somewhat restricted in both sectors of the population.

Of greater weight than this prejudice of the Greek Cypriots is the fact that the Constitution left undecided certain questions of joint self-government in Cyprus. If, for example, the pre-requisites for the exercise of the rights of veto accorded to the Turkish Cypriots in government and legislation had been more exactly defined in the Constitution, and if the exercise of the right of veto had been subjected to a neutral control, important friction would have been avoided. The inclusion of programmatic passage in the Constitution, which ordered parliament to pass a certain form of a municipal legislation in the political interests of the Turkish Cypriots, also gave the Greek Cypriots the possibility of precipitating a severe constitutional conflict by mere inactivity.

These defects, the practical effect of which acted in the interests of the Greek Cypriots, appear of far greater consequence than the provisions of the Constitution which were prejudicial to them. But whatever politically justifiable claims to an amendment of the Constitution of 1960 the Greek Cypriots may have had, these have been lost through their policy of hostility towards the law and the agreements, which ended in violence and organized murder. If Greece and the Greek Cypriots had employed every diplomatic means to assert their claims to a change in the 1959 and 1960 Agreements on Cyprus, no objection could have been made. If they had remained basically loyal to the Constitution, it would have probably even been possible in the course of time to effect a change in the

constitution to the advantage of the Greek Cypriots through political channels. But through its disregard of law and the Agreements the Greek side has put itself in the wrong. One may respect the struggle of the Greek Cypriots for dominance of the region in which they live as the expression of an idealism - albeit a mistaken one - in so far as it is carried on in a chivalrous and responsible manner. But their fight cannot be justified either legally, politically or historically. This is, at the same time, an expression of opinion with regard to the policy of Greece. Should this policy be successful there is the danger that it would set an example, and that, when the next conflict arose in connection with the Western system of peace, other Western states would also ignore Agreements and justice, in order to further their interests, which had not found understanding with all means, including violence.

THE ATTITUDE OF THE WESTERN COUNTRIES AND THE ACTION TAKEN BY THE UNITED NATIONS

It is of course understandable that many Europeans hesitate to range themselves against the Greek point of view in a matter which the Greek Government describes as one dear to the national heart of its people. Through cultural tradition, habits of life, ethnic relationship, religion and many other factors, Europe is more closely linked with the Greek than with the Turkish nation. The emanations of the Greek spirit are a fundamental integral part of European education, and the landscapes of the Peloponnese mountains, the Attic woods and the Aegean islands are more deeply impressed upon the minds of Europeans as part of the picture of Europe than are the coasts of the Black Sea, the Plateau of Anatolia or the Taurus mountains.

But these facts must not be allowed to influence the attitude of the European states with regard to the Cyprus conflict. It is close links in particular which impose a high degree of responsibility in judging the behaviour of one's friends correctly. Courage to pass such a judgement of the Cyprus conflict may be gained from the conviction that the judicious Greeks do not feel basically happy over this patronage of Cypriot injustice, and that in reality they despise those who abet a wrongful cause. The Greeks must fear that those who support them in the Cyprus conflict may be just as ready on the next occasion to ignore Greek rights, and to drop the Greek cause in the same way as they have ignored Turkish rights in the Cyprus conflict. For this reason it is these very allies whom they have been able to gain in the Cyprus conflict who will, in the long run, be of least use to them.

Most of the Western governments have refrained as far as possible from adopting an opinion or attitude with regard to the Cyprus conflict, and have contented themselves with demanding that an end be put to the bloodshed. The Western governments were accordingly satisfied and indeed in part used their influence that the solution of the Cyprus conflict should be handed over to the United Nations. When this organization succeeded in sending a "peace-keeping force" to Cyprus, and appointing a mediator, a sigh of relief, unfortunately unfounded, was to be heard throughout the Western world. Responsibility seemed to have been shifted to the United Nations, and the Western governments believed they would be able to continue to pursue their policy of disengagement still more consistently.

But the action of the United Nations was doomed to failure in advance, because it does not aim at the establishment of a definite order in Cyprus. Unfortunately no adequate publicity was given to the Commissioning of the peace-keeping force. It can scarcely be derived from the behaviour of this force itself. Striking in its cynicism, but obviously absurd, is the interpretation of the Greek Cypriots, that the peace-keeping force had been ordered to support the Greek Cypriots in their "struggle for peace and security against the Turkish rebels". It is true that this interpretation was upheld by the Secretary-General of the United Nations, U Thant himself, should the report be accurate that he is said to have remarked that the solution of the Cyprus problem was first and foremost a matter for the "Cypriot government". The promise will have to be that the task of the peace-keeping force of the United Nations is restricted to effecting a cease-fire in Cyprus.

Apart from the question as to whether the plenipotentiary powers of the peace-keeping force will suffice to attain this end, it is at any rate clear that the action is an expression of the refusal to adopt any attitude to the Cyprus conflict. The question may be left open as to whether the United Nations would altogether be able to work out a concrete and substantive conception of order in relation to the Cyprus conflicts. At any rate an intervention which lacks the basis of such a conception cannot be justified, since the United Nations, no more than everyone else, can establish a lasting peace unless at the same time it is able to set up an order in place of conflict. The action of the peace-keeping force for Cyprus confirms the experience which all governments in history have made in regard to the essential connection between sovereign force and constitutional order. There is no police force which does not serve for the maintenance of a concrete, substantive order, except the denaturalised police force of a tyrannical despotic regime.

Today it becomes apparent that the difficulty of solving the Cyprus conflict is greater after the action of the United Nations than it was before. The Western states have not gained anything by postponing a statement of their opinion and attitude but have only given the ruling group of Greek Cypriots the opportunity of continuing to pursue their campaign of suppressing the Turkish Cypriots. The delay has, in particular, not furthered the cause of peace, since the advantages which the ruling Greek Cypriots have gained in the field of diplomacy and home politics through the intervention of the United Nations has been utilized to strengthen their fighting power considerably, and instead of a few thousand, a whole army of Turkish soldiers is now assembled on the coast of Asia Minor.

POSSIBILITIES OF SOLVING THE PROBLEM OF CYPRUS

Which solution of the Cyprus problem would seem, after all this, worthy of attainment? On this point the following may be said in brief :

The suggestion that Cyprus should be united with Greece includes, in the form which presents the greatest chances of success, a scheme that the Turkish Cypriots should be resettled, in return for financial compensation and the cession of certain districts to Turkey. While it is true that such a suggestion holds out a promise of a lasting solution which also corresponds to the idea of balancing advantages and disadvantages in a quantitative respects, it is not compatible with the principle of the right to one's homeland which is an integral part of the Western system of peace. The proposal recalls other resettlements of our century, which resulted in severe prejudice to the success and well-being of millions of persons, and also, for example, the fantastic plan of rebuilding Berlin inside Western Germany. It is based upon the materialistic conception that one's homeland can be sold and the right to one's homeland expropriated in return for compensation. In reality the suggestion means resignation in face of the task of arriving at a solution corresponding to the substantive conception of order and declaration of bankruptcy on the part of the ordering forces of the Western community of nations.

A division of Cyprus, similar to a cession of territory, would necessitate mass resettlement and therefore comes up against the same objections. It is true that the solution would give consideration to the actual power relationships of the parties concerned, and that it would also take into account their links with third

parties and their political requirements. Moreover division would be preferable to the continuance of bloodshed and the permanent threat of bodily harm to Turkish Cypriots. It would not, on the other hand, be a civilized solution, but a regrettable chapter in the chronicle of the Western community of nations, which might easily have prejudicial effects on the solution of similar problems in the future.

A truly satisfactory solution can probably only be hoped for on the basis of the status quo ante. Here the defects of the 1960 solution must be avoided. First and foremost there must be a military counter-weight of equal strength to oppose the forces of the Greek Cypriots, in order to prevent fresh aggression. Then the establishment of a temporary, subsidiary Greco-Turkish condominium over Cyprus might be considered, which would become operative whenever Cypriot self-government on a partnership basis reached a deadlock. The extent of the co-operative rights of the Turkish Cypriots in this partnership must be defined more exactly than was the case in the 1960 Constitution, and the exercise of them placed under the control of the Supreme Constitutional Court or another neutral authority. Programmatic constitutional passages should be dispensed with, and the settlement aimed at (for example in tax collection or local government administration) should be effected in their place. It would also seem right that the number of seats in parliament and offices in the public services allocated to Turkish Cypriots should be adjusted in accordance with their numerical strength. In addition, a federalisation of the Cyprus Constitution through the establishment of cantonal autonomous bodies on Swiss lines might be considered. Those Greek and Turkish Cypriots who were willing to co-operate in constructive self-government after 1960 were faced with such downright obstacles as were calculated to destroy many a more stable official organization. These obstacles are specifically known, and so could be done away with, although perhaps only by force.

The obstacles referred to have little to do with a specific national or even racial difference between Greek and Turkish Cypriots. There is therefore no reason for those concerned to retract from the courage they showed in 1959-1960, only because a resolute and unscrupulous organization has used violence to undermine and finally destroy peace. History has shown that disputes, however bitter they may be, do not form an insuperable barrier to later peaceful and orderly co-existence of the former enemies.

It is obvious that anyone who is not able to assert himself by force may be willing to come to a friendly agreement. An important attraction which such an arrangement might well have for the Greek Cypriots is that otherwise a division of the island is scarcely to be avoided.

The union of the Western states may become a vital question for these. Greece and Turkey did everything in their power to help bring about such a union. Why then should it be utopian to hope that they will continue along this path, and that the Greek and Turkish Cypriots will follow them. Only if the blood which has been shed in Cyprus teaches all concerned to live together in mutual respect and in respect of the law and of international Agreements, this bloodshed will acquire a significance which is greater than the mere reason of self-preservation.

Cyprus may serve to recall to the Western nations that it does not suffice to desire peace and external security, but that both these can only be attained if the Western community of nations is ready to engage openly and determinedly in the search for realization of the substantive principles of its system of peace.

A concrete contribution to the solution of the Cyprus conflict on the part of the Western states must first of all take the form of a conscientious and clearly-defined public statement of opinion. This would at the same time enable the Western world to refute the impudent lies with regard to responsibility and breach of peace, which they have had to tolerate from Cyprus for months past. The statement of opinion must be followed by advice, with which the Western states must not be reticent. The force of this advice will grow with the degree of unanimity with which it is given.

In so far as military action appears necessary to terminate the Cyprus conflict, this, pursuant to the Agreements of 1959 and 1960, is exclusively a matter for Greece, Turkey and Great Britain. It would seem by no means unavoidable, since it may be assumed that usurpation and breach of peace in Cyprus would soon come to an end if Greece could be compelled, through the unanimous advice of her Western friends, to discontinue her support to this destructive undertaking. Should this prove not to be possible, however, it would seem that no other consequence can appropriately be drawn than effective aid for the injured party, which is defending its rights against attack.