

# CYPRUS PROBLEM

The March 1986  
“Draft Framework Agreement”  
and the Greek Cypriot side’s attitude  
towards it

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## **I. Background**

In January 1985 the Secretary-General of the U.N. called the President of the Republic, Mr. Kyprianou, and the Turkish Cypriot leader, Mr. Denktash, to a high level meeting in New York in an attempt to get the two sides into a genuine dialogue on troop withdrawal and guarantees and to resolve other outstanding issues including territory.

The Turkish Cypriots refused to negotiate, and claimed that the high level meeting was only a formality to sign the documentation. The high level meeting was planned to last four whole days which completely disproves the Turkish claim. Mr. Denktash rejected all formulas of both the Secretary-General and Mr. Kyprianou. The Secretary-General in an effort to save the process actively promoted the proposal for a new high level meeting to discuss the basic issues of the withdrawal of non-Cypriot troops, territory, three freedoms and guarantees which remained undiscussed and unresolved. President Kyprianou agreed and accepted the new meeting whilst Mr. Denktash refused.

Subsequently the Secretary-General asked the two sides for a joint lower level meeting. The Greek Cypriot side accepted but the Turkish side refused and Mr. Denktash proceeded with the holding of "elections" and a "referendum" and the creation of other faits accomplis, thus leaving the Secretary-General with no alternative than to talk with the Greek Cypriot side (keeping of course, at a later stage, the Turkish side informed).

The Secretary-General, in his new approach requested from the Greek Cypriot side to give him its maximum concessions, assuring it that no further concessions would be asked from it, and that with these concessions in hand the promotion of further faits accomplis by the Turkish Cypriot side would be halted. Thus by April 1985, a Draft Agreement and a Draft Statement to be made by the Secretary-General and to be read as one, were formulated after numerous contacts with the Greek Cypriot side at all levels. The Greek Cypriot side while demonstrating its full cooperation with the Secretary-General in the search of a just and viable solution, made it absolutely clear that these documents reflected its final

positions and no alterations would be acceptable.

This attitude of the Greek Cypriot side was not dictated by a desire to negotiate on a "take it or leave it" basis but by the Greek Cypriot side's concern that certain limits must not be surpassed. These limits encompass the need for a **functioning** federal system as well as the need to establish a state that would respect fundamental human rights and freedoms in a practicing democracy. The April documents were accepted by the Greek Cypriot side precisely because they met Greek Cypriot concerns regarding the negotiating process and because improvements brought these documents within minimum standards prescribed by U.N. basic human rights documents.

The fact that these documents were accepted is a measure of extreme goodwill and flexibility by the Greek Cypriot side as they incorporate a long list of concessions the Greek Cypriot side has been making without a reciprocal movement by the Turkish Cypriot side. The long list of Greek Cypriot concessions has in fact reached a point where it is simply impossible to further augment it without seriously jeopardising the viability of the proposed federal state. The Greek Cypriot side's goodwill and earnest desire for progress, towards a compromise solution is amply demonstrated by the following major concessions: The Greek Cypriot side moved from its support for a unitary state to that of a biregional federal state; the Turkish Cypriot province to comprise up to 25% of the territory of the Republic, even though the Turkish Cypriot population's proportion is only 18%. In the constitutional aspect the Greek Cypriot side compromised on its demand for a strong federal government and accepted a federal government with powers reduced to a minimum. In the Executive the Greek Cypriot side accepted that the President and Vice-President be elected by the whole population; the President and the Vice-President have a vote in the Council of Ministers and in addition the Vice-President would replace the President in the latter's absence. In the legislature the Greek Cypriot side abandoned its position for a unicameral system to that of a bi-cameral system, the Upper Chamber to be composed on a 50-50 basis. On one of the most crucial issues, the withdrawal of the Turkish occupation troops, the Greek Cypriot side having accepted to negotiate without demanding their immediate withdrawal as called by U.N. resolutions, proceeded to accept that these troops be withdrawn prior to the establishment of the transitional federal government while the contingents under the 1960 Treaty of Guarantee might stay for a short period thereafter.

The Turkish Cypriot answer to these substantive concessions of the Greek Cypriot side has been a constant retreat into harder positions and renegeing on agreed positions. Having introduced the term "bizonality"

which meant biregionality, they proceeded to interpret it to mean two separate states. They refused to give concrete territorial proposals until 1981 after having committed themselves to do so in 1977.

They denied that the issue of the settlement of Famagusta had a priority, contrary to the Kyprianou-Denktaş High Level Agreement. They invented the "Exchange of Populations Agreement" to deny the return of Greek Cypriot refugees to their homes. Moreover they proceeded to declare the area under Turkish occupation as an "independent state" in violation of solemn undertakings to the Secretary-General of the U.N. to the contrary. They refused to accept that Turkish troops be withdrawn with the reaching of an agreement, now demanding that these troops commence withdrawing after the installation of the transitional federal government, a significant number remaining indefinitely.

The Secretary-General submitted the two documents he had prepared to the Turkish Cypriot side in April 1985 but it was not until August 1985 that Mr. Denktaş replied with his comments amounting to rejection. In the meantime the Turkish Cypriot side proceeded to breach deliberately, systematically and continuously the terms of the "complete moratorium" which was an agreed, essential part of the Secretary-General's initiative. Nevertheless, continuing its attitude of full co-operation with the Secretary-General the Greek Cypriot side attended two rounds of Low Level Talks as well as other talks at various levels and venues, always reminding the Secretariat of their assurances that the April text was what the Turkish Cypriot side should accept.

Throughout these talks the Secretariat gave their continued and firm assurances that the documents they were working on would incur only "cosmetic" changes to the April documents and in fact would be their "twin brother". The President of the Republic in a letter dated 20 March 1986 reiterated the Greek Cypriot side's concerns regarding a document that would not reflect genuine understandings and agreement and repeated, thus making it abundantly clear, that the four main issues would have to be tackled in direct talks at a high level meeting before working groups could begin consideration of details of any agreement.

On 29 March 1986, the Secretary-General presented a new document which purported to "*reconcile the outstanding differences in a manner that protects the interests of both sides*". The document in fact adopts all Turkish Cypriot final positions as given in the past. All changes made are detrimental to the Greek Cypriot side, the most important being changes of the agreed procedure, the deletion of the number of Greek Cypriot refugees to return, which was a most significant factor in the determination of the territorial question, the very nature of the document.

It should be stressed that indeed, the new document incorporates or caters for every objection or point raised by the Turks as in Denktash's letter of 8 August 1985. In addition it accepts the Turkish Cypriot's position on the number of refugees to be resettled and on procedure. On the question of procedure as described in the April 1985 documents there were assurances by U.N. officials that the position as described in those documents had been accepted by the Turkish Cypriot side.

The March 86 Draft Framework is highly disadvantageous to the Greek Cypriot side for many other reasons, the most crucial of which are:

(I) That it does not compel the Turkish Cypriots to agree to a definite time-table for the speedy withdrawal of the Turkish occupation troops and (II) that it provides Turkey with the power to intervene unilaterally through the continuation of the treaties of alliance and guarantee.

## (II) Why The March 1986 Draft Framework Is Full Of Disadvantages

For the reasons given below, the Greek Cypriot side cannot accept either the procedure or the substance of the Secretary-General's Draft Framework proposals as they now stand.

### General

Whereas all matters of interest to the Turkish Cypriots (constitutional) are spelt out in great detail - fully in accordance with Turkish Cypriot positions - matters of vital interest to the Greek Cypriots such as withdrawal of non-Cypriot troops, guarantees, territory, three freedoms (of movement, settlement and right to property) are dealt with vaguely, in such a way as to lend themselves to interpretation to suit the Turkish Cypriot position, and are relegated to discussion by working groups. Therefore, if the Draft Framework Agreement were to be accepted, the Greek Cypriot side would have agreed to an unworkable constitutional arrangement which totally adopted the Turkish Cypriot positions, thus tying its hands without any room for give and take in discussing the document as a whole. The 1986 Draft Framework Agreement is therefore an imbalanced document.

### Procedural Objections

Our procedural objections to the Secretary-General's Draft Framework are:

(i) It creates the impression that overall agreement has been reached.

(ii) It relegates to mere working groups for elaboration of detailed issues fundamental to any settlement, which have never been discussed let alone agreed.

(iii) It does not contain provisions for adjustment, as in the April 1985 documentation, which made it clear that there was a negotiating procedure rather than an overall settlement.

(iv) It omits adequate machinery to oversee implementation of the handing over of Varosha to U.N. administration as was agreed in April 1985.

(v) It will provide the Turkish Cypriot side with innumerable opportunities of further dragging out negotiations, with each point of detail requiring clearance and occasioning yet further delays.

### Substantive Objections

On substantive matters, the Draft Framework is a reflection of Turkish Cypriot positions on the constitution and even leans to their position on the mode of adjusting territory as between the two federal provinces.

Basic principles repeatedly required by U.N. Security Council and General Assembly Resolutions, such as

- (i) speedy withdrawal of all foreign armed forces;
- (ii) the inadmissibility of the acquisition of territory by force;
- (iii) cessation of unilateral actions including changes in the demographic structure of Cyprus;
- (iv) return to their homes in safety of all refugees; and
- (v) respect for the human rights and fundamental freedoms of every Cypriot

have been abandoned in the Draft Framework, which implicitly adopts the Turkish Cypriot position that such U.N. Resolutions have no applicability and are of no effect.

Among the most serious matters which the Draft Framework stipulates are:

- (i) Each province will have international personality and powers to act generally in the international sphere - virtually as independent states - thus being able to enter into treaties and international security arrangements.
- (ii) Virtually all federal legislation is to require approval by both Community majorities voting separately in both chambers of the legislature. Only in two minor categories will separate majorities not be necessary, and even in these areas some positive approval by the Turkish Cypriot community in the Upper House must be forthcoming.

(iii) The Greek Cypriot side had made agreement on effective deadlock resolving machinery a pre-condition to its consent that the Upper House should be equally composed of representatives of both Communities and to according considerable veto powers to the Vice-President. No such effective machinery has been incorporated in the 1986 Draft Framework, with the tiebreaker tripartite body of the April 1985 Documentation having disappeared. The result is likely to be legislative and executive paralysis.

(iv) The Greek Cypriot side had never accepted that the Minister of Foreign Affairs must be a Turkish Cypriot. This is in effect provided for by the wording of the Draft Framework.

(v) The Greek Cypriot side had been adamant that the executive must be workable and that as a general practice there could be no requirement of Turkish Cypriot approval for ordinary government decisions. In the 1986 Draft Framework a general practice of weighted voting (at least one positive Turkish Cypriot vote being required for every decision) is adopted, merely leaving open for discussion the possibility that the Turkish Cypriot side will not insist on this.

(vi) Even more disadvantageous are the provisions relating to the way in which the respective territory of the Greek Cypriot and Turkish Cypriot provinces is to be determined:

(a) In April 1985 there was to be negotiation on the quality and accessibility of land in each province; this is omitted in the March 1986 Draft Framework.

(b) It was made clear that Greek Cypriot constitutional concessions were conditional on Turkish Cypriot territorial concessions; this has disappeared.

(c) It was agreed in April 1985 that the Turkish Cypriot province would be in the order of 29% of the Republic (ignoring special status areas of 2% to 3%). In the Draft Framework, this has been changed to "in the order of 29+ per cent", which (according to Mr. Denktash was agreed with U.N. officials as meaning nearly 30%) is to be Turkish Cypriot;

(d) It was agreed as long ago as November 1981 that "the number of Greek Cypriot displaced persons to be resettled" was an important factor in making territorial adjustments. This was restated at Vienna in 1984 in January 1985 and April 1985, but by March 1986 it suddenly disappeared as a relevant criterion;

(e) In the 1986 Draft Framework a new criterion, "the questions related to resettlement" has been introduced. This was designed to allow the Turkish Cypriot side to refuse any particular adjustment because it would involve "resettlement" of Turkish colonists and

others who have acquired Greek Cypriot refugees' homes and businesses;

(f) In the 1986 Draft Framework, although the 1977 High Level Agreement had determined criteria for territorial adjustments (land ownership of each Community, productivity and economic viability), there is now added in a devious fashion the security of the Turkish Cypriot community within defensible borders. This has been done by stating that the two sides will have in mind... "certain practical difficulties which may arise for the Turkish Cypriot community". This phrase is the Turkish Cypriot code language for referring to security and demographic homogeneity in the Turkish Cypriot province. The reality is that there are no defensible borders in Cyprus, so that on that criterion the whole island would have to be Turkish to satisfy Turkish Cypriot concerns.

(g) Whereas the April 1985 documentation had envisaged serious negotiation on special status areas (which would have formed 2% to 3% of the Republic) and would have been open to all Cypriots, this suggestion, a significant factor in the Greek Cypriot side agreeing to a disproportionately large Turkish Cypriot province, has now been backpedalled.

(h) Perhaps most significantly, the question of Varosha, which is an essential aspect of the territorial question, has been the subject of broken understandings. In January 1985 and subsequently the Secretary-General had undertaken that the Turkish Cypriot side would ultimately consider the return of more than the limited area it had indicated as a negotiating position in August 1981. This undertaking has now gone.

(i) Finally, the mode of handing over Varosha for resettlement under U.N. interim administration has in the 1986 Draft Framework been so organised that its resettlement, which has since May 1979 been agreed as a priority, is now relegated. Varosha can only be resettled at a date after an indeterminate date by which the U.N. will, with Turkish Cypriot consent, have assumed administration. Each day Greek Cypriot refugees are kept from their homes and properties, as a bargaining card by the Turkish Cypriots to ensure the kind of settlement they want; there is a continuing breach of their fundamental rights to home and family life and property.

If two overwhelming defects have to be singled out, they are the absence of any provision in the 1986 Draft Framework forcing the Turkish Cypriot side to agree on a definite time-table for the speedy departure of Turkish occupation forces and the provision that Turkey will have power to intervene in Cyprus by reason of continuation of the treaties of

guarantee and alliance.

The lee-way the Turkish Cypriot side is given in respect of withdrawal of the Turkish occupying force passes understanding. Indeed, the drafting is such as to entitle the Turkish Cypriot side to contend that Cyprus should continue under Turkish occupation, that the present Government of the Republic should dissolve itself and hand over power to a Transitional Government without any effective decision-making machinery and that only thereafter shall Turkish troop withdrawals commence.

Indeed, the Draft Framework permits the Turkish Cypriot side to put forward its contention that such troop withdrawals cannot be time-tabled even at a high level meeting, but only at an international conference consisting of Turkey, the United Kingdom and Greece. For this reason, above all others, the Greek Cypriot side must insist on first settling the question of the withdrawal of the Turkish army of occupation and the matter of guarantees.

Cyprus, which has suffered so disastrously from Turkey's invasion in 1974 and earlier interventions, is, according to the Draft Framework, to be subjected to yet further possibilities of Turkish invasion. This is because the Draft Framework accepts the 1960 treaties, and thus Turkey's alleged right of unilateral intervention. This is totally unacceptable to the Greek Cypriot side.

### III. The Way Forward

The history of successive and interminable rounds of negotiations since January 1975 has proved beyond doubt that the procedure followed has been a failure, not leading to any results. For the reasons set out in the previous paragraphs, the contents of the Draft Framework and the procedure envisaged by it offer even less promise of success than previous attempts.

The Greek Cypriot side is committed to a just and lasting solution as early as possible, since this is its only hope of redressing some of the grievous hardships suffered by the Greek Cypriots as a result of the Turkish invasion. For this reason, it is anxious that an effective procedure should at last be adopted. Since there are some issues which are so basic that no overall agreement is possible unless they are resolved satisfactorily, the only way forward is to seek agreement on these issues as a matter of priority. Furthermore, the outcome of such issues will affect willingness to compromise on other issues dealt with in the Secretary-General's Draft Framework.

It is for this reason that the Greek Cypriot side has proposed to the Secretary-General the alternative procedures mentioned below.

It must be repeatedly emphasised that these basic issues are:

- (i) Withdrawal of the Turkish occupation force and settlers from Turkey;
- (ii) Effective international guarantees with no unilateral military intervention being permissible;
- (iii) Return of Greek Cypriot refugees to their homes and properties in areas to be administered by the Greek Cypriot Province and the area of the Turkish Cypriot Province ("the three freedoms", which are connected to territory).

The only method of ensuring that the basic issues of the Cyprus problem are addressed and resolved as a matter of priority is for the Secretary-General to adopt one of two alternative procedures:

#### Either

I. To convene an international conference in respect of the international aspects of the Cyprus problem, namely,

1. Withdrawal of the Turkish forces of occupation and settlers; and
2. Effective international guarantees.

#### Or

II. In the event that such an international conference cannot be held, to convene a high level meeting to discuss the following matters, namely,

1. Withdrawal of the Turkish forces of occupation and settlers;
2. Effective international guarantees; and
3. Application of the three freedoms.

Any resolution of these issues should be in conformity with U.N. Security Council and General Assembly Resolutions on Cyprus, including Security Council Resolution 541 and 550.

Only by **direct** meetings on these basic issues can there be progress. When messages are carried by U.N. officers they often get the wrong signals, so that misunderstandings arise. Alternatively, views of what they think the parties might have agreed are paternalistically substituted. Such officials (particularly junior ones) are not there to mediate (a point the Turkish Cypriots have also made).

To say the least there have been misunderstandings. Thus:

- (i) In November 1984 the Greek Cypriot and Turkish Cypriot sides were given very different pictures of what each side had or had not agreed to. For example the Greek Cypriot side was given to understand that Turkish troops would be withdrawn before setting up a transitional government, but this was not indicated to the Tur-



kish Cypriot side. Again the Turkish Cypriot side was told the Greek Cypriot side would accept decision-making procedures and constitutional matters which they had not agreed.

(ii) In January 1985 the two sides were summoned to a high level meeting in New York, with the Turkish Cypriot side being told it was merely to sign an agreed document, while the Greek Cypriot side was induced to attend by being told that the documentation was to be negotiated. This was why the January 1985 meeting collapsed, as the documentation presented largely reproduced the Turkish Cypriot side's views of what was acceptable.

(iii) In April 1985 the Secretary-General drew up a Draft Statement he was to make and a Draft Agreement reflecting Greek Cypriot concerns. This documentation incorporated numerous Greek Cypriot final concessions requested by the Secretary-General, who agreed the documentation would not be altered.

(iv) In March 1986 the Secretary-General then produced the current Draft Framework proposals. These reverted to the Turkish Cypriot positions of November 1984. It even went beyond these by abandoning long-standing criteria for the settlement agreed by the two sides and forming the basis on which the Secretary-General's initiative had been accepted by the Greek Cypriot side. In particular it abandoned as a criterion for determining the areas of the provinces the number of Greek Cypriot refugees who could return to their homes under Greek Cypriot administration.

There is also considerable injustice and unfairness in a procedure in which one side has continuously been pressurised to make concessions which are then taken for granted - even though agreed as final - with thereafter more concessions being demanded. In particular, in April 1985, the Secretary-General assured the Greek Cypriot side that if they gave him further concessions on decision-making in the executive so as to give greater power to the Turkish Cypriot Community, this would be the last he would ask. Such promises have apparently been forgotten.

Unless the basic issues are decided as matters of priority, negotiations will be dragged out interminably until Cyprus is permanently and irrevocably divided with the fruits of her military aggression being harvested by Turkey.

#### Conclusion:

The Greek Cypriot side had repeatedly informed the Secretary-General while he was still working on the document he termed "Draft Framework Agreement" that its interests and concerns would have to be taken into consideration if the acceptance of his new document was to be

facilitated. It was made abundantly clear that a well-balanced document within the integrated whole approach leading to a comprehensive solution was a *sine qua non* in the ongoing search for a just and viable solution to the Cyprus problem. The Greek Cypriot side is anxious to see, at last, an effective procedure adopted that would bring about the desired results. The experience of Cyprus in the past should make it obvious that no permanent peace can be achieved unless the fundamental issues that constitute the core of the problem be tackled first as a matter of priority.

It is to be hoped by all those who desire the long-awaited peace to return to Cyprus that the U.N. Secretary-General would find it possible to convince the Turkish Cypriot side to accept the procedure proposed by the Greek Cypriot side as fair and reasonable. When questions of such paramount significance, affecting the very survival of Greek Cypriots, are at stake, it is only fair and reasonable that they be discussed as a matter of priority.

It is also hoped that recent outbursts of Turkish intransigence, such as the provocative visit of the Turkish Prime Minister to the occupied area of Cyprus, accompanied by innumerable threatening statements, will not prove an impediment to the continuation of the Secretary-General's good offices mission. The Turkish Prime Minister's statements concerning international recognition of the illegal regime in the occupied area, while indicative of Turkish intentions, are putting in serious jeopardy the Secretary-General's initiative on which so many hopes for a just and lasting solution were pinned.

The Greek Cypriot side which is still suffering the effects of the Turkish invasion, has extended its full co-operation to the U.N. Secretary-General and is supporting his initiative within the scope of his mandate of good offices entrusted to him by the Security Council in the hope that the Turkish Cypriot side will change its attitude and allow the initiative to come to fruition.