

## THE CYPRUS CONFLICT, THE WESTERN PEACE SYSTEM IS PUT TO THE TEST

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### 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 towards 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 Greece and Turkey, nor to 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 Zürich, 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,

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has therefore referred to the Turkish-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-à-vis their present and future enemies. This system of peace is therefore at one and the same time legitimation and assurance for the existence of 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 will no longer be 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 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 the 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 be 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 Zürich, 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.<sup>1</sup> Essential

<sup>1</sup> On the history and contents of Cyprus solution of 1959-60 see Montague Woodhouse, *Das Zypern-Problem und die Abkommen von 1959*, in: 3 1960, pp. 63 et seq.; Pavlos Tzermias, *Der neue Status Zyperns*, in: *Archiv für öffentliches Recht*, Vol 84 (1959) pp. 459 et seq., *Die Verfassung der Republik Zypern*, in: *Jahrbuch des öffentlichen Rechts, Neue Folge* Vol. 10 (1961), pp. 485 et seq.; text of the Constitution of 16th August, 1960 *ibid* pp. 496 et seq.; text of the agreements of Zürich and London in: *Conference on Cyprus, Documents signed and initialled at Lancaster House on February 19, 1959*, London, Her Majesty's Stationery Office, Misc. No. 4 (1959) Cmdd 679.

points in this 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 diminution 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 cooperate 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 administrations 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, 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, Greek Cypriot President of the Republic, Archbishop Makarios, officially announced his revolutionary plans to the guaranteeing powers, 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 Zürich, 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. Mem-

bers of the civilized Greek nation could not 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 incompatible 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 that Constitution. The enforced consent of the Greek Cypriots to 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 Appraisal 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 is 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'état* 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.<sup>2</sup>

<sup>2</sup> For the legal appraisal of the Cyprus conflict cf. the detailed articles by Herman Raschhofer, which are also instructive in regard to the history of the conflict: *Wie Zypern zum internationalen Problem wurde, und Wer steht wo, in und hinter Zypern?* in: *Berichte und Informationen des Österreichischen Forschungsinstituts für Wirtschaft und Politik*, 1964. No. 923, pp. 1 et seq., and No. 924, pp. 3 et seq.



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. It is 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 equ

ality 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 absolutely<sup>3</sup>. 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 ac-

<sup>3</sup> Conference on Cyprus, Final Statements at the Closing Plenary Session at Lancaster House on February 19, 1959, London, Her Majesty's Stationery Office, Misc. No. 5 (1959) Cmmd. 680, p. 3.

hievment of which moreover, hardly any decisive advance has been made. from the Fact 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<sup>4</sup> 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

<sup>4</sup> For example pursuant to Article 87, Paragraph 1, lit. f of the 1960 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 co-operation 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 the 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.<sup>5</sup>

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 in-

<sup>5</sup> Reports of cases decided by The Supreme Constitutional Court of Cyprus, Vol. 1—4 edited by Chris. C. Fisentzides, Printed by Zavallis Press for the Government Printer of Cyprus, 1961—1963.



dustrialist Lanitis, in a reasonable and courageous article published in an English-Cypriot newspaper<sup>6</sup> 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 prerequisites 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 a programmatic passage in the Constitution, which ordered Parliament to pass a certain form of 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 these 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

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<sup>6</sup> Our Destiny, in: Cyprus Mail, 3, 4, 5, 6 and 7 March, 1963.

expression of an idealism — albeit a mistake one — insofar 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 Peloponnes mountains, the Attic woods and the Aegean island 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 on 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 peacekeeping 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 premise will have to be that 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 conflict. 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 chance of 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 respect, 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 a 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 this 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.<sup>7</sup>

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 counterweight of equal strength to oppose the forces of the Greek Cypriots, in order to prevent fresh aggression. Then the establishment of a temporary, subsidiary Graeco-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)

<sup>7</sup> It is therefore, still correct to accept Woodhouse's (loc. cit. p. 68) description of this "solution" as "a desperate way out".

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 Cypriot 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 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 to 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 strife 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. Insofar as military action appears necessary to terminate the Cyprus conflict, this, pursuant to the agreements of 1959, 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..