

## Europe

### 29. The situation in Cyprus

**Decisions of 14 June 2000 to 25 November 2002: resolutions 1303 (2000), 1331 (2000), 1354 (2001), 1384 (2001), 1416 (2002) and 1442 (2002)**

During the period from 14 June 2000 to 25 November 2002, at each of the six meetings held on the agenda item,<sup>1</sup> the Security Council, unanimously and without debate, adopted a resolution<sup>2</sup> extending the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) for a period of six months, on the basis of the recommendations contained in the reports of the Secretary-General on the United Nations operation in Cyprus.<sup>3</sup>

In his reports, the Secretary-General stated that the situation along the ceasefire lines in Cyprus had remained stable. In his report dated 1 December 2000<sup>4</sup> and in subsequent reports, the Secretary-General noted that restrictions had been imposed on UNFICYP by the Turkish Cypriot authorities and the Turkish forces as from 30 June 2000, and called for the restoration of the military status quo ante in the area of Strovilia. In the prevailing circumstances, the Secretary-General considered the continued presence of UNFICYP essential for the maintenance of the ceasefire on the island and recommended the extension of the mandate of the Force. In resolution 1331 (2000) and subsequent resolutions, the Council urged the Turkish Cypriot side and Turkish forces to rescind the restrictions on the

operations of UNFICYP and to restore the military status quo ante at Strovilia.

At the 4155th meeting, on 14 June 2000, the President of the Council stated that he had received letters from the parties concerned; at the meetings held from 13 December 2000 to 25 November 2002,<sup>5</sup> the President stated that he had met with representatives of the parties, who had confirmed that they maintained their well-known positions vis-à-vis the item on the Council's agenda.

**Decision of 14 April 2003 (4740th meeting): resolution 1475 (2003)**

On 1 April 2003, the Secretary-General submitted a report on his mission of good offices in Cyprus.<sup>6</sup> In that report, the Secretary-General informed the Council on his intensive efforts undertaken from 1999 to early 2003 to assist the two sides in Cyprus to achieve a comprehensive settlement of the Cyprus problem, which would have allowed a reunited Cyprus to sign the Treaty of Accession to the European Union on 16 April 2003. The Secretary-General noted that, during that period, he had refrained from reporting in writing to the Council, other than by brief references in his reports on UNFICYP, while the members of the Council had been kept informed through regular oral briefings by his Special Adviser and himself. He recalled that the adoption by the Council of resolution 1250 (1999), together with the evolving Greek-Turkish rapprochement, the candidature of Turkey for accession to the European Union, and the prospect of accession of Cyprus to the European Union had presented a set of new circumstances and a unique opportunity. By resolution 1250 (1999), the Council had requested him to invite the leaders of the two sides to negotiations and had set the following four principles as guidelines for the negotiations, namely, no preconditions; all issues on the table; commitment in good faith to continue to negotiate until a settlement is reached; and full consideration of relevant United Nations resolutions and treaties.

<sup>1</sup> The 4155th (14 June 2000), 4246th (13 December 2000), 4328th (15 June 2001), 4436th (14 December 2001), 4551st (13 June 2002) and 4649th (25 November 2002) meetings. During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus, pursuant to resolution 1353 (2001), annex II, sections A and B. Those meetings were held on 7 December 2001 (4435th), 5 June 2002 (4549th), 21 November 2002 (4648th), 5 June 2003 (4769th) and 20 November 2003 (4866th).

<sup>2</sup> Resolutions 1303 (2000), 1331 (2000), 1354 (2001), 1384 (2001), 1416 (2002) and 1442 (2002).

<sup>3</sup> S/2000/496 and Corr.1, S/2000/1138, S/2001/534, S/2001/1122, S/2002/590 and S/2002/1243.

<sup>4</sup> S/2000/1138, submitted pursuant to resolution 1303 (2000).

<sup>5</sup> See footnote 1.

<sup>6</sup> S/2003/398.

As part of the good offices efforts under the auspices of the Secretary-General, proximity talks had been held between the United Nations and each of the parties from December 1999 to November 2000. Direct talks had then been facilitated from January 2002 to February 2003. During the process, the parties had not been able to reach agreement without third-party assistance. Accordingly, the Secretary-General had submitted a comprehensive settlement proposal (“Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem”) to the parties on 11 November 2002, which had then been revised and refined twice — once on 10 December 2002 and then again on 26 February 2003 — after further consultations with the parties.

The Secretary-General noted that his plan was not simply a framework but a truly comprehensive proposal, including all necessary legal instruments, and leaving nothing to be negotiated subsequently. In conformity with the vision of the Council for a settlement, the plan provided for a United Cyprus Republic with a single sovereignty, international personality and citizenship. It would comprise two politically equal constituent States — the “Greek Cypriot State” and the “Turkish Cypriot State” — which were to be joined together in a bicomunal, bizonal federation. The plan contained detailed proposals on all necessary aspects of governance, security, property, territory, constituent state residency, economic aspects, reconciliation and implementation. As a constitutive act for a reunified Cyprus, the plan required the holding of separate simultaneous referenda by the Greek Cypriot and Turkish Cypriot populations. The plan required the referenda to be held before 16 April 2003 to allow a reunited Cyprus to sign the Treaty of Accession to the European Union on that date.

The Secretary-General, in his report, noted that the process had come to an end, when, at negotiations in The Hague on 10 and 11 March 2003, the leaders of the two parties were unable to reach an agreement to submit the plan for approval at separate simultaneous referenda on 30 March 2003. Reflecting on the reasons for the failure of the parties to seize the opportunity to achieve a comprehensive settlement, the Secretary-General recalled that both sides bore a share of the blame for the many opportunities that had been missed over the years. With respect to the most recent failure, however, he held that the Turkish Cypriot leader bore prime responsibility. With a few exceptions, he had

declined to engage in negotiations on the basis of give and take, which had greatly complicated the efforts by the Secretary-General to accommodate both the legitimate concerns of principle and the concrete and practical interests of the Turkish Cypriots. At the negotiations in The Hague, the newly elected Greek Cypriot leader, while expressing misgivings concerning the plan of the Secretary-General, had agreed conditionally that the plan be submitted to referenda and had expressed the willingness not to reopen negotiations on the plan itself, albeit under very stringent conditions. The Turkish Cypriot leader had informed the Secretary-General that he was not prepared to agree to put the plan to referenda, citing fundamental objections to the plan to basic points and expressing the belief that further negotiations were likely to be successful only if they began from a new starting point and if the parties agreed on basic principles. Accordingly, the Secretary-General had drawn the conclusion that the process had reached an end. While noting that his plan remained on the table, the Secretary-General did not propose to take a new initiative without a solid reason to believe that the political will necessary for a successful outcome existed.

At its 4738th meeting, on 10 April 2003, the Council included in its agenda the above-mentioned report of the Secretary-General on his mission of good offices in Cyprus.<sup>6</sup> At the meeting, at which no statements were made, the Council heard a briefing by the Special Adviser to the Secretary-General on Cyprus. During his briefing, the Special Adviser expressed his belief that the settlement proposal had been a fair and honourable package, comprehensive in approach and only needing technical finalization. He held that the fact that a solution had not been achieved was deeply disappointing and seemed attributable to failings of political will rather than to the absence of favourable circumstances. He reiterated the regret of the Secretary-General that a unique opportunity had been missed and that the Greek Cypriots and the Turkish Cypriots had been denied the opportunity to vote to reunite Cyprus. Reiterating that the Secretary-General did not intend to take a new initiative unless and until such time that the political will necessary for a successful outcome existed, he expressed the view that this would come about only if there was an unequivocally stated preparedness on the part of the leaders of both sides, fully and determinedly backed at the highest political level in both motherlands, to

commit to finalizing the plan, without reopening its basic principles or key trade-offs, by a specific date, with United Nations assistance; and to putting it to separate simultaneous referenda, as provided for in the plan, on a certain date soon thereafter. He held that the onus was on the parties and the motherlands to demonstrate the political will to solve the problem on the basis of the plan of the Secretary-General.<sup>7</sup>

At its 4740th meeting, on 14 April 2003, the Council again included in its agenda the report of the Secretary-General.<sup>6</sup> A statement was made by the representative of the Russian Federation.

At the meeting, a draft resolution submitted by Bulgaria, France, Germany, Spain, the United Kingdom and the United States<sup>8</sup> was put to the vote and adopted unanimously and without debate as resolution 1475 (2003), by which the Council, *inter alia*:

Commended the Secretary-General for taking the initiative to present to the parties a comprehensive settlement plan aimed at bridging the gaps between them;

Regretted that, due to the negative approach of the Turkish Cypriot leader, culminating in the position taken at the meeting held in The Hague on 10 and 11 March 2003, it was not possible to reach agreement to put the plan to simultaneous referenda as suggested by the Secretary-General, and thus that the Turkish Cypriots and the Greek Cypriots had been denied the opportunity to decide for themselves on a plan that would have permitted the reunification of Cyprus and as a consequence it would not be possible to achieve a comprehensive settlement before 16 April 2003;

Gave its full support to the Secretary-General's carefully balanced plan of 26 February 2003 as a unique basis for further negotiations, and called on all concerned to negotiate within the framework of the Secretary-General's good offices, using the plan to reach a comprehensive settlement;

Stressed its full support for the mission of good offices of the Secretary-General as entrusted to him in resolution 1250

(1999); and requested the Secretary-General to continue to make available his good offices for Cyprus as outlined in his report.

Speaking after the vote, the representative of the Russian Federation stated that the basic parameters of the Secretary-General's plan were balanced in nature and called upon the parties to continue the negotiating process to reach a peaceful settlement, using those basic parameters as a basis for dialogue. He noted that the Russian Federation had supported resolution 1475 (2003) based on the belief that, taking into account the well-known concerns of both parties to the conflict regarding individual elements of the Secretary-General's plan, it would be possible to adjust the plan to reach a compromise solution.<sup>9</sup>

**Decisions of 11 June and 24 November 2003  
(4771st and 4870th meetings): resolutions  
1486 (2003) and 1517 (2003)**

At its 4771st and 4870th meetings, held on 11 June and 24 November 2003, respectively, the Council adopted unanimously and without debate resolutions 1486 (2003) and 1517 (2003), extending the mandate of UNFICYP for periods of six months, upon the recommendations contained in the reports of the Secretary-General.<sup>10</sup> In his reports, the Secretary-General stated that the situation along the ceasefire lines in Cyprus had remained stable. In the prevailing circumstances, the Secretary-General considered the continued presence of UNFICYP essential for the maintenance of the ceasefire on the island and recommended the extension of the mandate of the Force. At the meetings, the President of the Council stated that he had met with representatives of the parties, who had confirmed that they maintained their well-known positions *vis-à-vis* the item on the Council's agenda.

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<sup>7</sup> S/PV.4738, pp. 2-4.

<sup>8</sup> S/2003/418.

<sup>9</sup> S/PV.4740, p. 2.

<sup>10</sup> S/2003/572, submitted pursuant to resolutions 1442 (2002) and 1250 (1999); and S/2003/1078, submitted pursuant to resolutions 1486 (2003) and 1250 (1999).