|  |  |
| --- | --- |
| Noel Lateef: | Good evening. I'm Noel Lateef, President of the Foreign Policy Association and I'm delighted to welcome you to the annual Spiros Voutsinas Memorial Lecture. |
|  | Spiros was a longtime director of the Foreign Policy Association and he is sorely missed. I look back fondly over long lunches that he and I had on a regular basis. We invariably discussed the situation on Cyprus. Those of you who knew Spiros will remember how he had an unfailingly optimistic outlook. He did not believe in insoluble conflicts. On the contrary, he felt that good diplomacy and good foreign policy could overcome even the most challenging impasse. |
|  | We are fortunate to have as our speaker this evening an extraordinary diplomat to introduce Ambassador Andrew Jacovides, I am pleased to turn to our director, Joe Ficalora, President and CEO of New York Community Bancorp. Joe? |
| Joe Ficalora: | Thank you all. I'm shorter than most. Thank you all for being here this evening. As has been the case in the past, we've always recognized Mr. Voutsinas for the many, many things that he's contributed to the banking industry and many other ways. It's truly a pleasure to have the opportunity to be here recognizing that Mr. Voutsinas has had an ongoing significant impact on many of us and certainly on the industry. He served on several different boards, including our board, until his passing. He was also president of the Atlantic Bank division of our institution. |
|  | Without further conversation, I'd like to take a moment and introduce our speaker this evening who has had a brilliant career. Mr. Jacovides was born in Nicosia. Interestingly enough, that's the name of my doctor, who I always thought was Italian, but I don't know. I only noticed this and I said to myself, "Geez. All this time I've been wrong, I guess." But it's Nicosia, Cyprus. He received his higher education in law, specializing in international law at the University of Cambridge, the Inns of Court and at Harvard Law School. At Cambridge, he graduated top of his class, received several prizes for academic distinction, and taught as a college supervisor. At Harvard, he was Henry Fellow and did research on state responsibility. There are such people, and we are about to hear from one this evening. |
|  | He was among the first to join the Cyprus Foreign Service in 1960 and was present at the admission of the Republic of Cyprus to the United Nations, 20 September 1960. He served in different in capacities at the United Nations: 1960 to '65, '69 to '79, '92 to '93, '97 to 2004. For 14 years, '79 through '89 and '93 to '97, as ambassador to the United States, where he was briefly dean of the Diplomatic Corps. He also served as ambassador in Germany at the time of German reunification, and as permanent Secretary of the Ministry of Foreign Affairs. He was nonresident ambassador to Brazil, Canada, Ecuador, Austria, Denmark, and to several Caribbean Commonwealth countries. |
|  | He represented Cyprus in many international conferences, including Law of Treaties and Law of the Sea, to non-aligned and Commonwealth heads of government meetings and to several international organizations, including the World Bank, IMF, OAS, ICAO, UNIDO, IAEA. Did you all get this? But he did this, the important thing. He is an arbitrator with ICSID, World Bank, a patron of the American Society of International Law, a former board member of the Georgetown Institute for the Study of Diplomacy. Among other professional assignments, UN Compensation Commission, Dormant Swiss Accounts Tribunal, Protection of Minorities Committee, et cetera, et cetera, et cetera. |
|  | Ambassador Jacovides is a board member of the AG Leventis Charitable Foundation and of CAARI, Cyprus American Archeological Research Institute. He received high decorations from the government of Greece, 1976, and of Austria, 1992. He is honorary citizen of several major American cities, holds honorary doctorates from American universities and is honorary fellow of St. John's College, Cambridge. |
|  | Ambassador Jacovides headed the Cyprus delegation to the Law of the Sea Conferences 1973 to 1982, and signed the resultant convention, 1982. He lectured on Law of the Sea issues at the International Law Commission seminar in Geneva and has been on the faculty of the Rhodes Academy of Oceans Law and Policy. In 2006, he was awarded the Onassis Distinguished Scholar award for his contribution to the development of the Law of the Sea. He was three-term member of the United Nations International Law Commission, having been elected to the United Nations General Assembly three times, 1981, 1986, 1991, where he was an early supporter of the creation of the International Criminal Court. |
|  | Ambassador Jacovides has written and published extensively on legal and political topics. His book "International Law of Diplomacy: Selected Writings" was published in 2011 by Brill Martinus Nijhoff with a foreword by Dame Rosalyn Higgins and received many positive reviews in the United States and Cyprus. |
|  | Did he speak as long as I spoke? He is obviously a substantially accomplished individual who I think we all should look forward to hearing from this evening. He's also a member of the board of Atlantic Bank. |
| Ambassador Andrew Jacovides: | Thank you very much, Mr. Ficalora. I'm afraid I should have had a chat with you before. Maybe you could have cut the introduction by 80% or so? Kidding, thank you very much. |
|  | Excellencies, distinguished guests, ladies and gentlemen, dear friends, I feel truly privileged to be addressing you on a subject, which has been of great importance to me over the years, and I'm grateful to the Foreign Policy Association and its president, my friend, Noel Lateef, and to Mr. Joseph Ficalora, the president of the New York Community Bank Corporation for introducing me the pleasant task of giving this year's Spiros Voutsinas lecture. |
|  | We honor now the distinguished place the Foreign Policy Association occupies in the field of foreign affairs for nearly 100 years. It so happens that Spiros Voutsinas was the one who selected to me to serve together with other distinguished friends, some of whom I see here, on the advisory board of the Atlantic Bank under the overall direction of the highly respected Joseph Figueroa. |
|  | Spiros, an immigrant from Greece, achieved through his ability and hard work the American Dream, and was most recently the president of the Atlantic Bank in the service of the Greek-American but also the broader American community, a task ably carried on by his successor, Nancy Papaioannou. I recall being invited by Spiros to my first event I attended at the Foreign Policy Association. I am honored to deliver this lecture dedicated to his memory. |
|  | If I may add, I am especially pleased to be speaking at the Harvard Club, where I have been a member for the past four and a half decades and where I lectured in the past as ambassador from the United States, at the suggestion of Dr. John Brademas, the then president of NYU, and a good friend of mine. |
|  | Before I go any further, let me make clear that I speak here not as a government official but as a private individual, Cypriot citizen and voter, passionately concerned over the future of my country, which I've served for many years beginning with its independence in 1960, as pointed out earlier. This has the advantage that I will speak not, I will tell you what I really think and not the official line. |
|  | I also regret to inform you that, perhaps as a generational thing, I will not be using any PowerPoints or even the teleprompter in delivering this lecture. Once somebody said that he thought that I was a warm speaker and I liked it until it dawned on me that by "warm" was meant "not too hot". |
|  | Ladies and gentlemen, dear friends, the topic today, the role of the UN in conflict resolution, would of course be too broad for a lecture if it were not limited to the case of Cyprus. The relevant articles of the UN Charter on conflict resolution are Article 2, paragraph 3, which reads: "All members shall settle their international disputes by peaceful means in such a manner that international security and justice are not endangered." While Article 33 reads: "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." |
|  | These basic provisions of the UN Charter should be read in the context of two other basic provisions, Article 2.1, which states that "The Organization is based on the principle of the sovereign equality of all its Members." This is a principle that mostly small states invoke and cherish, but you may recall that this is one on which President Trump placed great emphasis at his General Assembly presentation last month. |
|  | Now, Article 2, paragraph 4 is also a key relevant provision. It states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Under this basic Charter provision, which is a peremptory norm of international law, the prohibition against the use of threat of force against international relations is absolute and, with two exceptions, should be interpreted narrowly. |
|  | The eminent professor, Sir Humphrey Waldock, cogently stated that, and I'm quoting, "The final result is that Article 2.4 prohibits entirely any threat or use of force between independent states except in individual or collective self-defense under Article 51 or in execution of collective measures under the charter for maintaining or restoring peace." This may sound too idealistic but it is the law in force. This provision is particularly relevant in interpreting Article 4 of the 1960 Cyprus Treaty of Guarantee and is quoted in the key Security Council Resolution 186, as we shall see later. |
|  | Dear friends, it has long been my conviction that if the rules of international law have been applied, the problem we have been confronted with in Cyprus would not have arisen. And if they are applied now, the problem will be solved to the satisfaction of all Cypriots and for peace in the region. Of course, other factors, constitutional, political, psychological, historical are also relevant, but international law, in my view, is a major factor. |
|  | Ladies and gentlemen, bearing in mind that the basic charter provisions cited above, the case of Cyprus furnishes an excellent illustration of the way UN conflict resolution has been applied in a variety of ways over the years. The General Assembly and the Security Council played a major role through many resolutions. The Secretary-General, as early as 1964, exercised his good offices and continues to do so. |
|  | There has been mediation through Security Council Resolution 186 and also arbitration by the UN Special Representative in 2004. There has been as yet no resort to judicial settlement, but as I shall explain later, it was a distinct possibility to have resort to the International Court of Justice for an Advisory Opinion on the key question of Article 4 of the 1960 Treaty of Guarantee. Of course, there have been many relevant judicial decisions in the European Court of Human Rights, and in British and American courts, the Kanakaria mosaics case being a prime example. I am convinced that had there been a recourse to the International Court of Justice, Cyprus would have had an ironclad case. |
|  | Before we go into this, let me remind you by way of background that Cyprus, an island in the eastern Mediterranean, located in the crossroads of three continents, Europe, Asia, and Africa with a land area of 3,572 square miles and a population of about one million, of whom 80% are Greek Cypriots, 18% Turkish Cypriots, and the remainder other small minorities of Maronites, Armenians, and Latins, became independent on August 16, 1960 after 82 years of British colonial rule. |
|  | During our long, proud and turbulent history, stretching back to 6,000 years BC, as part of the Hellenic world of antiquity, referred to in Homer as the birthplace of Aphrodite the goddess of love and beauty, conquerors came and went, leaving behind them some traces and monuments to mark their passing and adding to our already rich culture and heritage, but never altering the basic ethnological character or unity of the island. Yet now, in the year of the United Nations, the specter of partition looms large and real. |
|  | The Turkish Cypriots appeared in Cyprus after the island became, as was the case with all other territories in the region, part of the Ottoman Empire following its conquest from the Venetians in 1571. They were interspersed throughout the island, living peacefully with the majority Greek Cypriot population. It was after the Turkish invasion and occupation in 1974, to which I shall revert, that in a greater manifestation of ethnic cleansing, the Turkish occupation forces expelled from their ancestral homes more than one-third of the Greek Cypriots, while our Turkish Cypriot compatriots were compelled by Turkey to relegate from the areas controlled by the Cyprus government in which they used to reside peacefully to the areas occupied by Turkey. |
|  | Through the continuous presence of over 40,000 heavily armed troops and through the importation of many tens of thousands of implanted Anatolian settlers in a deliberate effort to alter the age-long demographic character of the island, Turkey established an illegal entity, declared to be legally invalid by the Security Council, which is under its absolute political, economic, cultural, and religious control and dominance, and which is already steadily more and more Islamized. |
|  | So much by way of background. Reverting to the main theme of today's lecture, let me recall that the Cyprus conflict went through several phases, in all of which the United Nations played a very active role. In the middle and late 1950s, there was the pre-independence struggle of the Greek Cypriot majority with the support of Greece for self-determination and the Nazi's union with Greece. This was countered by the claim of the Turkish Cypriot minority with the support of Turkey for Taksim or partition with the encouragement of the colonial power applying the principle of divide and rule. |
|  | Following a number of inconclusive recourses by Greece to the General Assembly, the idea was suggested by, among others, Krishna Menon of India, that the solution should be to have neither an Enosis nor Taksim, but independence. This idea was accepted in principle by the Greek Cypriot leader Archbishop Makarios as a compromise and the Greek and Turkish governments reached an understanding in Zurich in February 1959, to which Britain was added in London a week later. |
|  | The Zurich-London Agreement constituted the UN-inspired compromise upon which the Cyprus independence was based. The package included Treaty of Establishment, the Treaty of Guarantee, the Treaty of Alliance whereby the three powers, Turkey, Greece and the UK, guaranteed an inflexible unique constitution of the new Republic of Cyprus. Parallel to this, the British government secured two substantial military sovereign bases, thus resolving the debate whether Britain should have a base in Cyprus or Cyprus as a base. |
|  | The circumstances prevailing in August 1960 many had misgivings about the future of the new republic and doubted whether its creation was a cause for celebration. In light of the turbulent and eventful experiences since that time, it can be stated with conviction that statehood and independence, even subject to the limitations imposed by the Zurich-London Agreement, has evolved from early 1964 on, have been an asset to be treasured and defended against the constant attempts to diminish and destroy it. |
|  | When Cyprus as an independent state was unanimously admitted to the United Nations on 20 September 1960, as I mentioned earlier, I had the honor to be a member of the delegation under the venerable Ambassador Zenon Rossides, the first ambassador of Cyprus for the UN, it started with a clean slate. It was hoped that the traumatic experiences of the years immediately preceding would be forgotten and that, despite the small size and population, Cyprus would be able to play a constructive role on the international affairs by taking positions and issues before the organization on the merits of each issue. In relation to the principles of the Charter, a position which authoritatively was articulated by President Makarios, it is addressed to the General Assembly in 1962, which if I may say, I helped draft. |
|  | The international climate at the time was conclusive to this end. It was a time for the emergence from colonial rule of many new states, several of them from Africa, which upon independence joined the United Nations, thus transforming its composition and voting patterns. It was a time when the concept of non-alignment was first elaborated upon in the 1961 Belgrade Conference, where President Makarios participated, and became a sizable force in world affairs. It was a time when, under President Kennedy and Chairman Khrushchev, respectively, the United States and Soviet Union were eagerly competing for influence among the non-aligned and newly independent states. |
|  | In short, the circumstances were propitious and the delegation of Cyprus, through its active participation on issues before the various UN organs, effectively played a role considerably exceeding that which would be expected if one only took into account its size and population. It should be remembered that the period of September 1960 to the end of 1963 was a time, in fact the only time, when Cyprus was not laboring under a problem of its own. During this formative period, Cyprus made the United Nations and the principles of its Charter central to its foreign policy and this had a significant and direct effect upon subsequent developments. |
|  | In December 1963, when following intercommunal clashes after the rejection of 13 Points proposal put forward by President Makarios in order to overcome the constitutional deadlock, the Republic of Cyprus was confronted by serious threats and acts of intervention by Turkey. It was only natural that it should turn for protection to the United Nations and seek the application to its case also of the Charter principles, for the application of which it had struggled in the case of others. Correspondingly, the organization responded positively to this appeal. |
|  | Cyprus problem was formally placed before the United Nations for the first time since the pre-independence event through a letter from the permanent representative of Cyprus who, on behalf of his government, lodged a complaint to the Security Council charging Turkey with acts of aggression and intervention in violation of Turkish obligation under the Charter. This letter, dated 26 December 1963, which I happened to have drafted for Ambassador Rossides' signature was inscribed on the council's agenda and subsequently supplemented, has been the basis of the Cyprus item in the Security Council from then on. The Security Council ignored the objection of the then Turkish Vice President Kucuk who alleged that he had the right of veto under the Cyprus Constitution on the ground that this letter emanated from the legitimate representative of Cyprus and who acted on behalf of the duly recognized president of Cyprus. |
|  | After the failure of the London conference in January in 1964, the Six-Power Conference, including the government of Cyprus by the way, and certain other initiatives by NATO, among others, the Cyprus question was referred back to the Security Council and was extensively considered in meetings during February and March 1964. After protracted negotiations and deliberations, it had opted on 4 March 1964 the landmark resolution 186, which has since been repeatedly reaffirmed and which provided the basic framework for the Security Council's action. Resolution 186 was based on the premise that under Article 2.4 all members of the United Nations shall refrain in their international relations from the threat or use of force against territorial integrity or political independence of any state. |
|  | In its three main elements, Resolution 186 provided: one, that the above principle should be respected with regard to Cyprus; two, that a United Nations Peace-Keeping Force in Cyprus, UNFICYP, be set up, with the consent of the Government of Cyprus, and laid down the mandate and modalities; and three, that the United Nations mediator be appointed for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus in accordance with the Charter. While the Council took no clear position on the validity or invalidity of the 1960 Treaty of Guarantee, by calling for respect for the principle cited in Article 2 above, it indirectly vindicated the Cyprus government's claim that the treaty conferred no right to use military force against Cyprus in violation of this peremptory norm of international law. |
|  | Let us now consider how the resolution was implemented. In so far as element one is concerned, Turkey continued the threat and use of force against Cyprus and this is necessitated additional Security Council emergency sessions, such as that of August 1964. Regarding element two, UNFICYP was set up and it is generally acknowledged that it has been discharging its functions, as set out in the resolution and interpreted from time to time in the light of factual development by the Secretary-General in a commendable manner. While it was set up originally for three months only, it has proven necessary to renew its mandate time and again in six monthly intervals as its presence is still considered indispensable. |
|  | As for element three in the Resolution 186, the Secretary-General, designated as United Nations mediator, originally Mr. Tuomioja of Finland, and after his sudden death in August '64, Dr. Galo Plaza of Ecuador, Dr. Plaza's report, which he submitted to the Secretary-General in March 1965, was a closely reasoned, judicious, and constructive document, which was fully consistent with his mandate under paragraph seven of the resolution, in the opinion of all impartial observers, both have the time and in retrospect, and it could have formed the basis of a fair, just and viable solution to the Cyprus problem. |
|  | In some of his observations, Dr. Plaza proved prophetic when one looks at the report now in the light of the intervening developments and with the benefit of hindsight. Thus, referring to the Turkish proposals for federation, he wrote, and I quote: "seems to require a compulsory movement of the people concerned, many thousands on both sides contrary to all enlightened principles of the present time, including those set forth in the Universal Declaration of Human Rights." |
|  | He also wrote, and again I quote: "In fact, the arguments for the geographical separation of the two communities under a federal system of government have not convinced me that it would not inevitably lead to partition; and further that the physical division of the minority from the majority should be considered a desperate step in the wrong direction." |
|  | Despite the fact that the Secretary-General supported Dr. Plaza's interpretation of his mandate, his report was flatly rejected by Turkey on the spurious ground that he exceeded his mandate, and this caused the subsequent resignation of Dr. Plaza. Even though certain quasi-mediational functions were conferred by the Secretary-General upon his Special Representative in 1966 and the latter exercised his good offices in this regard, regrettably, the United Nations mediation system has remained dormant ever since that time. |
|  | Two comments are conferred in this regard. The first is that if the Security Council strongly supported the mediator appointed under its own resolution and the solution was reached upon his recommendations accepted by Cyprus, the problem would have been solved fairly and lastingly as of that time, and this would have spared Cyprus the disastrous effects of the events of 1974: the coup and the invasion. It would also have been made possible as early as 1965 the discontinuation of UNFICYP, as was the original design. This should be remembered especially now that the need for an exit policy for peacekeeping operations is given emphasis in the Security Council. |
|  | The second observation is that if the suggestion of Secretary-General U Thant and to refer the question of the legality of Article 4 of the Treaty of Guarantee and, in particular, whether it conferred a right of forcible intervention to the International Court of Justice for advisory opinion. If this had been done and the ICJ clarified the legal issue, we would not still have to face different interpretations, which partly caused the failure of the latest round of talks in Switzerland. |
|  | It so happens that our two gatherings of prominent international lawyers convened by Cyprus Attorney General in Geneva in 1999 and in Hague in 2000, where I happened to participate, this among other issues, was unanimously clarified on the correct lines. But the ICJ advisory opinion would, of course, have carried more weight. The ICJ directly dealt with the Cyprus situation in two reassuring paragraphs of the recent cause of Advisory Opinion that this was done to make the distinction between Cyprus and Kosovo, and thus it was not directed to the point. |
|  | It is sometimes overlooked that during this period the General Assembly was also seized of the Cyprus question at the initiative of the Cyprus Government. In 1965, it adopted General Assembly Resolution 2077, which was fully debated in the First Political Committee and amounted to a full vindication of the position for the full sovereignty, complete independence, and territorial integrity of Cyprus. Positive references were made to the Report of the UN Mediator and also to the Declaration of Intent and Memorandum by the Cyprus Government. This resolution was also brusquely rejected by Turkey. |
|  | During the period of 1968-74, intercommunal talks were carried out on constitutional issues within the framework of the good office of the Secretary-General and on the basis of a unitary, independent and sovereign state in Cyprus. Even though these talks made progress, they did not produce a breakthrough until they were brought to an abrupt end by the events of the summer of 1974. |
|  | In July 1974, the criminal coup d'etat by the Junta, which at that time was only in Greece, and Turkish invasion, which followed, using it as a pretext with the ethnic cleansing and continuing occupation, which followed, created a drastically different situation. Time does not allow furnishing the details of the UN response. UNFICYP responded by adjusting its mandate to the new situation and continued his operation as best as he could under the circumstances by interposing between the Turkish forces of occupation and the Cyprus National Guard. The Security Council responded by passing a series of resolutions beginning with Resolution 353 adopted in 20 July 1974, the very same day when the Turkish invasion began in which inter alia called for a ceasefire and demanded an immediate end to foreign military intervention, which were ignored by Turkey. |
|  | By December the same year, the Security Council, in addition to renewing UNFICYP's mandate, unanimously adopted the Resolution 365 by which it endorsed the GA Resolution, earlier adopted with the authority of the Security Council. |
|  | The General Assembly also held extensive debates in 1974 in subsequent years and adopted several landmark resolutions by very large majority in favor of Cyprus, with only Turkey voting against. Major declarations taking support of the Government of Cyprus and calling for the withdrawal of the foreign troops and the return of the refugees were also adopted by successive non-aligned and commonwealth conferences in Havana and Lima and Kingston. All these were diplomatic successes, but of no practical effect. |
|  | It is sometimes said that UN resolutions the wording is intentionally vague and Turkey is not pointed out by name. There is an element of truth in this, but it is not correct where all the factors are considered. For instance, General Assembly Resolution 37/253, the General Assembly, and I quote: "Demands the immediate withdrawal of all occupation forces from the Republic of Cyprus." The same resolution deplores the fact that part of the territory of the Republic of Cyprus is still occupied by foreign forces and all unilateral actions to change the demographic structure of Cyprus, and reaffirms the principle of inadmissibility of occupation and acquisition of territory by force. |
|  | Likewise in Security Council Resolutions 541 and 550, Security Council takes categorical positions on the purported Unilateral Declaration of Independence by the so-called Turkish Republic of Northern Cyprus, TRHC, describes the declaration as "legally invalid" and calls for its withdrawal. It also called upon all states not to recognize any Cyprus state other than the Republic of Cyprus and condemned all secessionist actions, including the purported exchange of ambassadors between Turkey and the Turkish Cypriot leadership, declares them illegal and invalid and calls for their immediate withdrawal. To this date, no state other than Turkey recognizes the so-called TRNC. |
|  | Returning now to our main team, the role of the UN in conflict resolution in Cyprus, many negotiations have taken place and the successive secretary generals, Waldheim, Perez de Cuellar, Boutros-Ghali, Kofi Annan, Ban Ki-moon, and Antonio Guterres, the last one being in Crans-Montana, Switzerland in July this year, progress has been made in some respects but they have not produced any breakthrough. In terms of reference on which these negotiations are conducted are set out in Security Council Resolution 939 and these are the agreed basis on which the talks have been conducted by special representatives of the secretary-general, the most recent one being Espen Barth Eide of Norway. |
|  | Here I have to quote, it's another long paragraph, but it is relevant because it has to do with the basis on which the talks are conducted. I quote from the Resolution 939: "Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession." |
|  | This has been the basis upon which the UN has been endeavoring to resolve the Cyprus conflict and remain so. Two significant developments occurred in 2004. The one was the culmination of the process of the accession of the Republic of Cyprus to the European Union, a process began in July 1990, when I happened to be the Permanent Secretary to Cyprus Minister of Foreign Affairs. It was concluded in 2004, together with nine other European countries, Cyprus was found to have fully satisfied the requirements of membership and it was acquitted even though the Cyprus problem was still pending. There was a protocol for the content, under which the key community was not applicable to the occupied part of the island. |
|  | The other event which occurred in 2004 was the rejection of the Annan Plan by the Greek Cypriots in a referendum by a vote of more than 76%. Much can be said about the Annan Plan. In fact, the plan of Alvaro de Soto and David Hannay, but time does not permit to go into ... Perhaps we can try and touch on this during question and answer. What is relevant to our topic is that the arbitration was a major factor agreed reluctantly in February 2004 in New York by the two sides. The way arbitration was exercised by Alvaro de Soto was to accept virtually all of Annan's demands, and this made inevitable the plan's rejection by the Greek Cypriots, and thus, the opportunity was unfortunately lost. The Greek Cypriot's rejection of the plan was definitely not a rejection of the solution, but the rejection of the plan as designed and presented by its creators. |
|  | This leads me to the present phase in light of the failure of the July talks in Switzerland, due primarily to the Turkish government's position on guarantees, rights of forcible intervention, and indefinite presence of Turkish troops on the island. Several other issues also remain outstanding, property, territory, EU law, the cost of solution, et cetera. We shall see what the next steps would be in light of the Justice Report of the Secretary-General and pending the Cyprus presidential elections in early 2018. President Anastasiades' statement before the German sentry on 21 September is a good document to take into account as to how they stand. |
|  | Presidential candidate Nicholas Papadopoulos published his new strategy offering a different approach. The Secretary-General's much-awaited latest report was just submitted to the Security Council. I'm not even certain if it was officially publicized. I know it was submitted, but whether it was made public, I'm not sure. In this report, he gives an account of what happened in the past two and a half years, expresses regret at missing the opportunity of reaching a solution in the July talks, but, and this is the relevant part of our topic today, stresses that his good offices remain available, and I quote: "to assist the parties should they jointly decide to engage in such a process with the necessary political will in order to conclude the strategic agreement that was emerging in Crans-Montana." No doubt we shall be hearing a lot about this report in the next days and weeks, perhaps longer. |
|  | President Erdogan's statements and actions, call it megalomania or wishful, impose [inaudible 00:46:48] his political ambitions for Turkey to be dominant in the region, ignoring the true interest of the Turkish Cypriots themselves are evident and very discouraging. But the UN's role in conflict resolution continues and so does UNFICYP's role. UNFICYP, in fact, as you know, is now under review. But it's presence is necessary even if it is 53 years after it was first enacted. |
|  | Before giving a chance to your questions, permit me to very briefly address a topic, which I have been familiar since the early 1970, as Joe Ficalora pointed out. This is the relevance and application of the Law of Sea of Cyprus. An important topic in view of the hydrocarbons in the Eastern Mediterranean. The governing rules are set out in the UN Convention on the Law of the Sea, UNCLOS of 1982, which I had the opportunity to negotiate and sign on behalf of Cyprus, and which has since acquired the force of customary law, have been ratified by the overwhelming majority of states in the world. |
|  | The very concept of the exclusive economic zone, EEZ, was created by the confidence and partly as a result of our efforts and those of like-minded states, Article 121 on the regime of islands, provides that islands are fully entitled to the maritime zones of jurisdiction, which are territorial sea, contiguous zone, exclusive economic zone, and continental shelf. On the basis of these rules, Cyprus proclaimed its EEZ and concluded EEZ the limitation agreements with three of its neighbors namely, Egypt, Lebanon and Israel, on the basis of the median line and with a provision for the settlement of disputes by the arbitration. |
|  | These are very important model agreements which should definitely be preserved in any future settlement. Turkey, not a party to UNCLOS, has not only put forward claims for itself encroaching on the EEZ rights of Cyprus, but also claims that the Turkish Cypriots have rights to the EEZ resources. The Cyprus government has declared that any such resources are to the benefit of all citizens of Cyprus in any future settlement, and has a support virtually all states in its right of the EEZ, with important international companies, Total of France, Eni of Italy, ExxonMobil and Noble of the United States, among others, participating in exploration agreements. |
|  | What is beyond doubt is that the EEZ resources of any state belong to the recognized government of that state and not to any ethnic or minority groups of communities within the state. If this were otherwise, why should not, for example, the Copts of Egypt, the Maronites in Lebanon, the Muslims in India, and why not the Kurds in Turkey not have the same rights? Turkish claims, recently reiterated by President Erdogan and other senior Turkish officials, ring alarm bells and this is another area where the UN's role in conflict resolution, whether the Security Council, the General Assembly, or the International Court of Justice may have to be called upon into play. |
|  | Now since I'm speaking to American, primarily American audience, allow me to depart by way of a footnote from our team and address very briefly Cyprus-US relations and the US role in Cyprus developments. As was already indicated, I spent 14 years ambassador in Washington under the four US presidents. |
|  | There is a tendency among, some in Cyprus, generally and uncritically, to take a negative view of the United States. No doubt there have been situations on which such criticism was well-founded. The George Ball and Dean Acheson activities in 1964 and certainly Henry Kissinger's policies and tiltings in 1974 are such examples. |
|  | But it is often overlooked that there is also another side. Back in 1962, President Kennedy invited President Makarios on a state visit to Washington with full honors attaching to such visits. There followed several other visits by successive Cypriot presidents to the White House since then, the last one being of President Clerides in 1996. In fact, there had been four visits during my 14 years in Washington. |
|  | In July 1964, it was President Lyndon Johnson's letter to Premiere Inonu of Turkey that was instrumental in averting the then threatened Turkish invasion. |
|  | In 1967, it was Cyrus Vance's dexterous diplomacy that defused the crisis over the Kophinou incident and averted another threat of invasion. |
|  | In 1972, the US averted an impending coup by the Greek Junta against Archbishop Makarios through the timely action of US Ambassador David Popper. This, of course, did not happen in 1974 under Kissinger despite the timely warnings of the State Department Cyprus desk officer Thomas Boyatt. |
|  | In 1978, the US-British-Canadian Plan, in fact, Matthew Nimetz's plan, could have been, in my view then and in retrospect, a sound opportunity for progress towards a solution and certainly would have secured the return of Famagusta even if no solution was achieved. |
|  | In November 1983, the Unilateral Declaration of Independence of the so-called TRNC was strongly condemned, both in Congress in the joint resolution and by the administration, including support for Security Council Resolution 541 and specially arranged visit by President Kyprianou to the White House to meet President Reagan. The US was instrumental in averting the recognition of the legally invalid entity by Islamic countries, such as Bangladesh and still does. |
|  | In late October 1984, a letter by President Reagan to President Evren elicited Turkey's acceptance of 29-plus on the territorial aspect, and this, I may have to explain if there is a question later, and the non-insistence on rotating presidency, not enough for a breakthrough in the then ongoing Kyprianou-Denktash talks, but significant concessions nevertheless, as seen in perspective, certainly on the issue of the rotating presidency. |
|  | In 1995, Richard Holbrooke, as Assistant Secretary of State for Europe, was instrumental in securing the support of the US for accession course of the Republic of Cyprus to the European Union, a strategic move towards the solution of the Cyprus problem through Greece, Cyprus, and Turkey being or becoming EU members, on the parallel of the Northern Ireland Good Friday situation. |
|  | In more recent years, Vice President Biden has tried to assist towards the Cyprus solution and, to some extent, so is currently Vice President Pence. I will not even attempt to relate the numerous ways in which Congress, both the Senate and the House, supported the cause of Cyprus, other than to mention the congressionally imposed arms embargo on Turkey in 1975 on the rule of law issue; the financial aid to Cyprus over the years, being tripled every year by Congress over the administration's request, which went a long way towards alleviating the suffering caused by the invasion; major initiatives, such as the Pressler-Biden Amendment in 1984 and the overwhelming support in Congress for the significant resolution in 1995 endorsing the Clerides' proposal on the demilitarization of Cyprus. |
|  | Richard Haass, the current President of the Council on Foreign Relations and a special State Department Cyprus coordinator in the early '80s, I don't know how many of you know that, he did deal with Cyprus in the early '80s. In a book entitled "Unending Problems" listed the Cyprus problem as one which needed to be managed since it could not be solved. So far he has proven right in his assessment. My own view is that the Cyprus problem is solvable since the UN procedure is there and the constitutional basis is agreed. |
|  | What is missing is Turkey's willingness to accept that the United Cyprus should be a normal state. In the apt term used by Secretary-General Guterres recently: free of foreign troops and settlers, without anachronistic foreign guarantees and rights of forcible intervention, which in any case are incompatible with peremptory norms of modern international law. A functional state which can continue to play within the UN and the EU, a constructive role in the region and it has been successfully endeavoring to do in recent years despite the current limitations due to foreign occupation. A state economically flourishing through tourist, shipping, and services, and with the resources of its EEZ for the benefit of all Cypriots. It is an achievable objective worth striving for. |
|  | If a fair and functional solution is reached, every effort will be made to erase the memories of the recent past. Cyprus will maintain friendly relations in cooperation with all countries in the region, including, of course, Greece and Turkey, but also Israel and Egypt and other states in the region on the basis of the principles of sovereign equality and good neighborliness. |
|  | Cyprus has the economic and human potential as well as the geographical position to become a bridge of peace and understanding in the eastern Mediterranean and the Middle East, as Switzerland and Austria are in Central Europe. It is very much our hope that this can become a reality for the benefit of all of the people of Cyprus and for peace and stability in the region. |
|  | Before concluding, let me summarize, the United Nations can enhance trade, the considerable role in conflict resolution regarding the Cyprus situation. The Security Council, the General Assembly, as well as the Secretary-General have played and continue to play in the role since the problem arose in late 1963, and even earlier in the days before independence. This role needs to continue, both in terms of peace-making and peace-keeping. But the problem is solvable on the basis of the UN Charter and resolutions and the principles of the European Union so that the reunited Republic of Cyprus can be a normal state for the benefit of all its inhabitants and for peace and stability in the region. |
|  | Thank you very much for your patience. I'd be happy to answer questions. |