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HOW THE INTERNATIONAL COMMUNITY MADE A CYPRUS SETTLEMENT IMPOSSIBLE

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The crux of the current Cyprus problem is not the failure of Turkish Cypriots and Greek Cypriots to reach agreement, but the internationalisation of the issue, and the failure of the international community to recognise the enormity of the injustice done for nearly forty years to the Turkish Cypriots by the Greek Cypriots and by the international community itself. The failure of the international community to acknowledge the reality of Cyprus and to refrain from seeking to impose its own framework for a solution, starting from the fiction that there is today only one state and only one government in the island, has made a Cyprus settlement impossible. Until this international attitude changes, no amount of talks or diplomatic pressure will succeed or will deserve to succeed.

If the Turkish Cypriots are to engage in further talks, these must be with the Americans and, to a lesser extent, with the British and the EU, who have the power to change the international status quo. It is a fallacy to suppose that the UN has any substantive role to play, but if realistic international conditions were to be established, talks under UN auspices could be resumed with reasonable prospects of success.

The fundamental cause of the problem is that the international community has been, and still is, willing to overlook a systematic attempt at genocide by the Greek Cypriots in 1963 and again in 1964, 1967 and 1974, and the destruction by the Greek Cypriots in 1963 of the republic which was established by the 1960 Constitution and guaranteed by international Treaty. They have also been willing to overlook the fact that for 11 years after 1963 the Turkish Cypriots were driven from their homes, farms and businesses, and squeezed into defended enclaves comprising only three percent of the island, deprived of the basic necessities of modern life - all this despite the existence of a solemn international guarantee and UN troops actually in Cyprus since 1964.

Greek Cypriot policy after 1963 was summarised as follows in Fileleftheros on 20th September 1992:

"We the Greek Cypriots are now in full control of the government. We do not have the Vice-President with his veto or the three Turkish Cypriot Ministers in it. All the Ministers are Greeks. Our government is the only one recognised internationally - why should we bring the Turkish Cypriots back in? The Turkish Cypriots today control only 3% of the land. They have no rich resources and they are living through difficult times from an economic point of view. They will

ultimately have to accept our point of view - or go."

Not one Turkish Cypriot has ever been compensated for the destruction of their lives and property and yet the Council of Europe expects Turkey to compensate Greek Cypriots for property losses sustained in 1974. Those losses were, moreover, caused by the reckless attempt of their own Greek Cypriot leadership to destroy the Turkish Cypriots and annex the whole island to Greece. The Greek newspaper Eleftherotipia published an interview with Nicos Sampson on 26 February 1981 in which he said, "Had Turkey not intervened in 1974, I would not only have proclaimed enosis - I would have annihilated the Turks in Cyprus."

It is quite astonishing that the international community has ignored these appalling crimes and has imposed penalties not upon the Greek Cypriots, but upon the Turkish Cypriots, who have done no wrong.

The international community believed it could conveniently leave the Turkish Cypriots to their fate, whilst conducting business as usual with the Cyprus government from which all the Turkish Cypriot MPs, civil servants, judges and other officials had been expelled by force of arms in flagrant breach of the Constitution and the 1960 Treaties. The international community's record on Cyprus is shocking and disgraceful. The British record is particularly bad; having been responsible for leading international opinion on Cyprus until recently and having itself committed four serious breaches of the Treaty of Guarantee, which Britain signed in 1960.

The Turkish Cypriots did not give up. Though heavily outnumbered and possessing only a few light weapons, they continued to survive in Cyprus as best they could until rescued by Turkish soldiers in 1974. Three times - in 1963, 1967 and 1974 - the Turkish Cypriots called upon Britain as a Guarantor power to save them from genocide under Article 4 of the 1960 Cyprus Treaty but three times Britain failed them.

The Turkish Cypriots had every right to accept the fundamental Greek Cypriot repudiation of the 1960 settlement in 1963 and to establish their own state, but the international community, guided by Britain and America, acting in their own interests, has denied them that right. If one wishes to understand the Cyprus policy of those two states one need look no further than the British military bases in Southern Cyprus and especially the electronic intelligence equipment located there. Though Western strategic interests in Turkey are much greater than in Cyprus, Turkey has so far allowed Britain and America to pursue their Cyprus policy without any real costs for them.

The Greek Cypriot regime in Southern Cyprus has since 1964 been treated in the world as if it were the lawful government of all Cyprus and the Turkish Cypriot voice is excluded from all diplomatic channels. Among the worst of the international institutions has been the Commonwealth. At least the UN Security Council allows the Turkish Cypriot leader to address it from time to time and the UN Secretary-General often meets with him, but the Commonwealth has consistently excluded the Turkish Cypriots from all its meetings and from contact with its Secretary-General, and has allowed the Greek Cypriots to dominate its proceedings on Cyprus.

By Security Council Resolution 186 passed on 4 March 1964, the United Nations used the words 'Cyprus Government.' The Turkish government was willing to accept this resolution because in their view the term 'Cyprus Government' could, properly construed, only mean a government which, according to the 1960 Constitution, acted with the concurrence of both its Turkish Cypriot and Greek

Cypriot members. On 12 March 1964, the British government sent a telegram to Ankara¹ in which it said, "As regards the definition to be given to the expression 'Cyprus Government' we agree with the Turkish Government." This was soon forgotten in London and at the UN, but not in Ankara.

The Greek Cypriots, using their status as 'government of Cyprus' to which they have no legal or moral right, have since 1963 secured resolutions in their favour from the United Nations and other international bodies, and have secured court judgements to the great detriment of Turkey and the Turkish Cypriots. They also took all the central resources of the Republic for themselves, and built a well financed political lobby and close personal relationships with politicians, civil servants and journalists around the world, upon whom they lavished hospitality and to whom they have skilfully fed a constant diet of one-sided information.

The conventional wisdom in the world is therefore that the Turkish Cypriots are not entitled to their own state. They must be satisfied with a federal system, and will not get even that unless they pay for it with concessions acceptable to the Greek Cypriots. In the meantime, the international community is content that the Turkish Cypriots continue to suffer an embargo of their trade and communications and their diplomatic relations. Turkey is pilloried in the world for extending the protection of its army to the Turkish Cypriots against any renewed attempts at genocide, and for being the only Guarantor Power to comply with its obligations.

In such a false and dishonourable international environment, it is impossible to expect the two peoples of Cyprus to reach an agreement acceptable to both, or for the international community to expect much support from the Turkish public. The Turkish Cypriots have nevertheless been willing to compromise and on several occasions have been willing to accept international proposals for a settlement. On 14 June 1986, The Times of London reported:

"[T]he UN Secretary-General had cast his usual diplomatic discretion aside to blame the Greek Cypriot community for obstructing his attempts at a negotiated solution to the Cyprus dispute ... The warning was a rare concerted public effort to bring home the message to the Greek Cypriots that time was not on their side. With the Turkish Cypriots having firmly placed themselves in the right by accepting the UN package the door was open for further consolidation of their Turkish Republic of Northern Cyprus."

The Times continued, "It was also a deliberate effort to make it as difficult as possible for [Greek Cypriot President] Kyprianou to continue side-stepping the package in the hope of seeing it fade into obscurity." Unfortunately, the Greek Cypriots have to this day been permitted to continue sidestepping the package without any real diplomatic costs, while the Turkish Cypriots continue to suffer. To say, as some countries do, that they will never recognise two states in Cyprus means that the Greek Cypriots think they can be as inflexible as they like and can prolong the political uncertainty and economic embargo for the Turkish Cypriots indefinitely.

The international community has put the Greek Cypriots in a position where they have no real incentive to compromise, and from which they can continue their diplomatic efforts to exclude Turkey from Cyprus and take control of the whole island for themselves. Is this an unrealistic dream for them? Perhaps, but there are many in Southern Cyprus, and particularly in the Greek Orthodox Church, who do not think so.

If anyone should doubt that there was indeed an attempted genocide, let them read The Genocide

Files by the British journalist Harry Scott-Gibbons² and the contemporary newspaper reports and official documents. Here are some of them:

"We went tonight into the sealed-off Turkish Cypriot Quarter of Nicosia in which 200 to 300 people had been slaughtered in the last five days. We were the first Western reporters there and we have seen sights too frightful to be described in print. Horror so extreme that the people seemed stunned beyond tears."³

"When I came across the Turkish Cypriot homes they were an appalling sight. Apart from the walls they just did not exist. I doubt if a napalm attack could have created more devastation. Under roofs which had caved in I found a twisted mass of bed springs, children's cots, and grey ashes of what had once been tables, chairs and wardrobes. In the neighbouring village of Ayios Vassilios I counted 16 wrecked and burned out homes. They were all Turkish Cypriot. In neither village did I find a scrap of damage to any Greek Cypriot house."⁴

On 12 January 1964, the British High Commission in Nicosia wrote to London:⁵

"The Greek (Cypriot) police are led by extremists who provoked the fighting and deliberately engaged in atrocities. They have recruited into their ranks as 'special constables' gun-happy young thugs. ... Makarios assured Sir Arthur Clark that there will be no attack. His assurance is as worthless as previous assurances have proved."

On 14 January 1964, the Daily Telegraph reported that the Turkish Cypriot inhabitants of Ayios Vassilios had been massacred on 26 December 1963, and reported their exhumation from a mass grave in the presence of the Red Cross. A further massacre of Turkish Cypriots, at Limassol, was reported by the Observer on 16 February 1964, and there were many more. On 17 February 1964, the Washington Post reported, "Greek Cypriot fanatics appear bent on a policy of genocide."

On 31 December 1963, the Guardian reported:

"It is nonsense to claim, as the Greek Cypriots do, that all casualties were caused by fighting between armed men of both sides. On Christmas Eve many Turkish Cypriot people were brutally attacked and murdered in their suburban homes, including the wife and children of the Turkish Cypriot head of army medical services - allegedly by a group of forty men, many in army boots and greatcoats."

Although the Turkish Cypriots fought back as best they could, there were no massacres of Greek Cypriot civilians then, or in 1967 or 1974.

On 13 February 1964, the Greeks and Greek Cypriots attacked the Turkish Cypriot quarter of Limassol with tanks, killing 16 and injuring 35. On 15 February 1964, the Daily Telegraph reported:

"It is a real military operation which the Greek Cypriots launched against the six thousand inhabitants of the Turkish Cypriot Quarter yesterday morning. A spokesman for the Greek Cypriot Government has recognised this officially. It is hard to conceive how Greek and Turkish Cypriots may seriously contemplate working together after all that has happened."

Professor Ernst Forsthoff, the neutral President of the Supreme Constitutional Court of Cyprus told Die Welt on 27 December 1963, "Makarios bears on his shoulders the sole responsibility of the

recent tragic events. His aim is to deprive the Turkish community of their rights."

More than 300 Turkish Cypriots are still missing without trace from the massacres of 1963-64. These dreadful events were not the responsibility of the Greek Colonels of 1974, nor an unrepresentative handful of Greek Cypriot extremists. The persecution of the Turkish Cypriots was an act of policy, executed by the Greek Cypriot militia in accordance with a written plan.⁶ Articles 2(a), (b) and (c), and 3(b)-(e) of the 1948 UN Genocide Convention are clearly satisfied but no action has yet been taken against the men responsible, many of whom are still alive and living in Southern Cyprus.

The UK House of Commons Select Committee⁷ found:

"There is little doubt that much of the violence which the Turkish Cypriots claim led to the total or partial destruction of 103 Turkish villages and the displacement of about a quarter of the total Turkish Cypriot population, was either directly inspired by, or certainly connived at, by the Greek Cypriot leadership."

The Greek Cypriots sometimes claim that it was they who were attacked by the Turkish Cypriots, who were determined to wreck the 1960 agreements. However, the Turkish Cypriots were not only outnumbered by nearly four to one, they were also surrounded in their villages by heavily armed Greek Cypriots; they had no way of protecting their women and children, and Turkey was 40 miles away across the sea. The very idea that in those circumstances the Turkish Cypriots were the aggressors is absurd.

In his memoirs, the American Under-secretary of State, George Ball, said:

"Makarios' central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots. Obviously we would never permit that."

The fact is, however, that neither the US, the UK, the UN nor anyone other than Turkey (eleven years later) took effective action to prevent it. The British government recorded⁸ that George Ball "thought that Makarios' aim was to get the Cyprus problem into the UN orbit where the slogan of self-determination, supported by the communist bloc and the neutralists, could exert pressure towards the establishment of an independent unitary state, where he could do what he liked with the Turkish Cypriots."

Similarly, the former British Prime Minister, Sir Alec Douglas-Home, said in his book, *The Way the Wind Blows*, "I was convinced that if Makarios could not bring himself to treat the Turkish Cypriots as human beings he was inviting the invasion and partition of the island."

Greek Cypriots also claim that the Turkish Cypriots withdrew voluntarily from their positions in the state. They were in fact excluded by threats to their personal safety. On 12 January 1964, the British High Commission in Nicosia wrote to London,⁹ "The Greek (Cypriot) police ... threaten to try and to punish any Turkish Cypriot police who wish to return to the Cyprus government."

Further, the UK Commons Select Committee found:

"When in July 1965 the Turkish Cypriot members of the House of Representatives sought to resume their seats they were told that they could do so only if they accepted the legislative changes to the operation of the Constitution enacted in their absence [i.e. if they agreed to fundamental

constitutional changes to the great disadvantage of their community, imposed upon them by force of arms]."

Accordingly, even if there had been any substance to Greek Cypriot claims that they were operating the government alone of necessity because the Turkish Cypriots were leaving their places vacant, there can be no justification for that claim after July 1965. The Select Committee continued: "In February 1966 Makarios declared that the 1960 Agreements had been abrogated and buried."

"If the Security Council had assessed the situation as a whole, it could not possibly have concluded that the conduct of the Turkish Cypriot community violated the controlling legal instruments while the conduct of the Greek Cypriot community did not. Nor could it have reached any other conclusion than that the action of the Greek Cypriot community justified the conduct of the Turkish Cypriot community."¹⁰

Not only did the Greek Cypriot militia shoot down Turkish Cypriot men, women and children in their hundreds, but the Turkish Cypriot population was driven out of its homes, farms and businesses. Cyprus was therefore divided not in 1974 but ten years earlier, when the Turkish Cypriots were forced to withdraw into defended enclaves and had to establish an elected authority to govern themselves.

On 14 January 1964, *Il Giorno* of Italy reported:

"Right now we are witnessing the exodus of Turkish Cypriots from the villages. Thousands of people abandoning homes, land, herds. Greek Cypriot terrorism is relentless. This time the rhetoric of the Hellenes and the statues of Plato do not cover up their barbaric and ferocious behaviour."

Turkish Cypriots had become refugees in their own land and it was in 1964 that the Turkish Cypriots were first subjected to the embargo on their trade and communications that persists to this day. During the period 1963 to 1974, the freedom of movement of Turkish Cypriots was severely restricted;¹¹ they were denied postal services;¹² their access to building materials, electrical equipment, motor parts, fuel, chemicals and many other commodities was severely restricted¹³ and Turkish Cypriot refugees had to live in tents and caves.

On 10 September 1964, the UN Secretary-General reported:

"The economic restrictions being imposed against the Turkish Cypriot communities, which in some instances has been so severe as to amount to veritable siege, indicated that the Government of Cyprus seeks to force a potential solution by economic pressure."¹⁴

Even after the Turkish Cypriots were rescued in 1974 and set up their own administration in the North, the Greek Cypriots, by virtue of their illegal but accepted status, have required the international community to participate in a vindictive boycott against Turkish Cypriot trade and communications and diplomatic relations, which still continues, with no authority under Chapter 7 of the UN Charter. The Greek Cypriot intention was that the Turkish Cypriots would be starved into submission, but it has served only to bring them closer to Turkey. How could the international community be, and remain, participants in such a scheme?

Poor as the prospects were for a Cyprus settlement in the international environment described above, those prospects were completely wrecked when the EU held out to the Greek Cypriots the prospect of membership for Cyprus as a whole without requiring them first to reach a settlement with the

Turkish Cypriots. The Greek Cypriots now see EU membership as an alternative to a settlement and as a means by which to negate the Turkish military guarantee and exert pressure upon Turkey to deliver the Turkish Cypriots into their hands.

"If there is going to be an application to [the EU] this must be a joint application of both communities,"¹⁵ stated the US Special Co-ordinator for Cyprus, Ambassador Nelson Ledsky. Nevertheless, on 4 July 1990, the Greek Cypriot administration, led by George Vassiliou, applied for membership and purported to do so on behalf of Cyprus as a whole. They had no legal or moral right to take this action. Under the 1960 International Agreements, sovereignty was vested jointly in the Turkish Cypriots and Greek Cypriots, and such a fundamental step could not therefore be taken without the authority of the elected leaders of both the Turkish Cypriot and Greek Cypriot co-founders of the Republic. The Turkish Cypriots, having been excluded from government since 1963, were not even consulted.

The European Union must be careful not to give any encouragement to the reckless strategy that Greek Cypriot President, Clerides, revealed to Fileleftheros on 14 August 1993. He said: "[E]ven if Turkey has the right of unilateral military intervention in Cyprus, such a right would not be exercised against a state which is an EU member." Taken together with the massive military build-up in Southern Cyprus, this is an alarming statement. The Greek Cypriots must not be allowed to delude themselves into thinking that the European Union would act as a shield for them if they were to provoke further violence in Cyprus.

On 6 June 1995, US Ambassador Ledsky said, "[T]he question of membership inside Europe for Cyprus is a divisive issue rather than a unifying one. In the past it has been a source of misunderstanding between the two communities, not a source of understanding."¹⁶ The application should proceed no further until the two peoples of Cyprus are in a position to make a joint request that it be further considered.

British Foreign Secretary, Malcolm Rifkind, said, "[W]ithout a unified Cyprus, the problems of accession to the European Union will be extremely difficult, and very difficult to realise."¹⁷

Membership of a political and economic system such as the EU is completely impractical without the concurrence of both the peoples of Cyprus, and the application should never have been made. The reality is that there have been two fully functioning democratic governments in Cyprus since the 1960 Constitution broke down in 1963, each exercising jurisdiction in its own part of the island to the exclusion of the other. In these circumstances, it would be impossible for Cyprus to implement its commitments under the EU Treaties.

The Turkish Cypriots would welcome membership of the European Union as part of an overall Cyprus settlement within which it would be possible for EU membership to be effectual, but if the Greek Cypriot application were to be accepted without the agreement of the Turkish Cypriots, they would feel that they had no alternative but to integrate with Turkey. Those members of the international community who profess concern for the prosperity of the Turkish Cypriots, and encourage them to join the EU for that reason, should first stop participating in the Greek Cypriot boycott of their economy.

The Greek Cypriots often compare Cyprus with the situation in Germany at the time the Federal Republic became a founder member of the European Communities. The analogy is, however, false

since the government of the Federal Republic did not claim to be the government of all Germany and did not seek to bind the government and people of East Germany without their consent.

There are some voices in Turkey, especially in business circles, who say, "Let us abandon the Turkish Cypriots and remove the Cyprus obstacle to our own EU membership." They are deluding themselves, for those in the EU (and there are many) who do not want Turkey to join at any price, would soon raise other obstacles. If the Greek Cypriots were allowed to join, there would then be an insuperable obstacle because (unlike Greece) they could never be persuaded to lift their veto against Turkey. To abandon the Turkish Cypriots would be a dishonourable policy, and no Turkish government who did so would survive the next election.

Cyprus membership of the European Union would be illegal since it would violate Article 1 of the 1960 International Treaty of Guarantee by virtue of which the Republic of Cyprus bound itself "not to participate, in whole or in part, in any political or economic union with any State whatsoever." It is sometimes argued that the EU is not a state, but when an applicant joins the EU it does not enter into a union with the EU itself but with each of the member states which constitute the European Union.

Clearly if Cyprus were to join the EU she would be participating in both a political and an economic union not only with one state, but with each of the fifteen member states. It is also argued that the purpose of this article was solely to prevent union with Greece or Turkey. The article is not drawn as narrowly as that and, in fact, refers to any State whatsoever, but even if it were, Greece is one of those fifteen states.

It is argued that since members of the EU retain their sovereignty, membership of the EU does not constitute participation in a union within the meaning of the Treaty. This is not a sustainable argument because the Treaty prohibits union in whole or in part. The treaty also prohibits political or economic union, and cannot therefore be taken to apply only to total political unions.

The Cyprus Treaty of Guarantee is sometimes compared with the Austrian State Treaty which it is said should have prohibited Austrian membership of the EU. There are many differences between the two treaties, but the overriding factor is that Austria joined the EU with the agreement of all parties to their treaty, who thereby waived any potential breach. No such agreement has yet been reached in the case of Cyprus.

By Article 2 of the 1960 Treaty of Guarantee, the United Kingdom and Greece bound themselves "to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly ... union of the Republic of Cyprus with any other State...". They are therefore bound by the 1960 Treaty to exercise their veto power as members of the European Council to prohibit the accession of Cyprus until such time as all parties to that Treaty give their consent. Similarly, the other member states of the EU, and the institutions of the EU, whilst not themselves parties to the 1960 Treaty, would be condoning breaches of international law by Cyprus, Greece and the United Kingdom if they agreed to the accession of Cyprus.

If Britain were officially to make the argument that Article 1 prohibits union with one state but not with fifteen, it would be seen in the world as a country which will not comply with the clear words of its legal obligations, and will instead resort to legal sophistry to avoid them, as they did in 1963, 1967 and 1974 in relation to their obligations under Article 4. Instead, British officials say "we do

not interpret the Treaty in the same way as Turkey" which, having regard to the clear words of the Treaty, is much the same thing.

Even more dangerous is the argument, sometimes heard, that "this is a political matter and we need not therefore pay any attention to the Treaty."

In answer to a question in the House of Lords on 30 July 1997, the British government affirmed that it considers both the 1960 Treaty of Guarantee and Treaty of Establishment to be in force.

In the context of Cyprus, Britain's attitude undermines respect for treaties and its own efforts and those of the UN to promote an agreed settlement. How could Britain expect the Turkish Cypriots to rely on international assurances, even in a treaty, if they are going to be told later that the words do not really mean what they say, or that "this is a political matter?" The Turkish Cypriots already have good reason to doubt Britain's commitment to international agreements.

On 15 August 1996, the Daily Telegraph wrote:

"The EU tends to be sympathetic to the Greek position, and has allowed Greek Cyprus to apply for membership on behalf of the whole island (a flagrant breach of the Cyprus constitution, which prohibits political or economic union with any other country)...The current unrest is aggravated by the Greek Cypriot application to the EU which, on the proposed terms, would amount to enosis under any other name. Britain should insist that an internal settlement is in place before that application is allowed to proceed."

The recent UN proximity talks process did not help to bring the parties together. Time after time the Secretary-General failed to bear in mind his 12 September 2000 statement that the parties were political equals who represented no one but themselves, and put to the Turkish Cypriots proposals that no Turkish Cypriot leader could accept and that would have been unworkable in practice. His paper on property was in particular misconceived as it envisaged large-scale uprooting of families that have been settled for as much as 26 years. The correct solution is to leave people where they are, and for those on both sides who have suffered loss to be compensated in cash or property by their own government.

In one extraordinary paragraph in his 8 November 2000 paper, the Secretary-General sought to limit the parties to commenting on his ideas and to take away their right to put forward their own ideas.

The international community must put the Turkish Cypriot state and the Greek Cypriot state on an equal footing in all respects, including the removal of the embargo, and make it clear that UNFICYP is in Cyprus by consent of both governments. They must also make it clear to the Greek Cypriots that they will have to abandon any thoughts of making Cyprus a Greek island and that no further violence will be tolerated. If this were done, it is more than likely that over a period of time succeeding generations in Cyprus would see the sense of doing business with each other, leading perhaps to a new political association made in their own time and in their own way.

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