

# **The Future of the United Nations Peacekeeping Force in Cyprus in a Settlement of the Cyprus Conflict**

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## **ABSTRACT**

The main purpose of this thesis is to forecast the future outcome of the United Nations Peacekeeping Force in Cyprus (UNFICYP) based on the Annan Plan and the Boutros Boutros Ghali Set of Idea for Cyprus settlement; presenting an overview of its effectiveness and transition from the past to the present. UNFICYP operation in Cyprus started in 1964 with the United Nations Security Council Resolution 186 (1964) mandating it to carry out a peacekeeping mission. This mission was to control the situation which came as a result of the constitutional change that the then Government of the Republic of Cyprus wanted to implement and which put the Turkish Cypriots on the disadvantageous side in the framework of the 1960 Republic of Cyprus. Since then UNFICYP has been in Cyprus keeping peace and ensuring that the violent uprising of the past did not re-occur again.

There is a belief in some quarters that it is the task of UNFICYP to make peace and settlement in Cyprus, however, this falls within the mandate of the UN Secretary General and other officials of the UN who represent the UN in the Cyprus peace talks. The responsibility of UNFICYP is to engender a peaceful environment for peacemaking. To effectively carry out its functions, UNFICYP has gradually metamorphosed from being just a traditional peacekeeping force to a modernized peacekeeping organization. The Annan Plan provided for a peacekeeping force too, but it should have another acronym different from UNFICYP in order to play a complementary role in the implementation of the Cyprus settlements.

**Keywords:** UNFICYP, Annan Plan, UN, Future, Effectiveness.

## ÖZ

. Bu tezin amacı Kıbrısta bulunan UNFICYP'in (BM barış gücü) geleceğini ön görmek, etkililiğini, getirdiđi anlaşmaları ve kuruluđu dönemden bugüne kadar geçiři. UNFICYP Kıbrıstaki hareketına birleşik milletin barış konseyin 186 kararı ile barışı sağlama adına 1964te basladı. Bu misyon o zamanki Kıbrıs hükümetin anayasa deđişikliđi ve Kıbrıslı Türklerin 1960 Kıbrıs Cumhuriyeti çerçevesine göre Kıbrıslı Türklerin dezavantajına olusan durumu kontrol etmekte.O gunden beri UNFICYP Kıbrısta olup barışı sağlamaya çalışması 1960 larda ve 70 lerde ortaya çıkan şiddetli olayların bir daha tekrarlanmaması aynı zamanda uluslararası barış ve düzenine tehdit oluşturmamasıdır.İlginç olarak bazı görüşler UNFICYP'in etkili olamayacağını ve Kıbrıs anlaşmalarında gelecekte hiçbir etkin rol oynamayacağını savunmuşlardır.

Bu tez başlıca Rum tarafının karşı çıktığı ve Turk tarafının kabul ettiđi Annan Planının temeline bakarak bu düşüncenin aksini savunmuştur.Bazıları UNFICYP'in görevi barışı sağlamak olduğunu düşünüyor.Bu BM Genel sekreteri ve Kıbrıs sorununda BM yi temsil eden görevlilerin işidir.UNFICYP'in sorumluluđu "PIEACEKEEPING" yani barışçıl bir ortam sağlamaktır. Bu hareketin başarılı olması için UNFICYP geleneksel bir barış gücünden aktivitesinde barış misyonu önde tutan bir modernliğe geçti.Annan Planı Kıbrıs sorunu çözülmesinde UNFICYP'e önemli rol sağlamıştır.

**Anahtar Sözcükler:** UNFICYP, Annan planı, UN, Gelecek, Etkileyicilik.

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# **Chapter 1**

## **INTRODUCTION**

### **1.1 Justification Of The Study**

When one thinks of the United Nations what readily comes to mind is the provision of international peace and order. Chapter one of this thesis strives to evaluate whether the United Nations has successfully discharged its responsibility of making the World a peaceful place. The United Nations is the biggest International Organization in the world that provides States with security and justice in times of conflicts; the various wings or departments of the United Nations thus provide these services. The United Nations was established in the year 1945 with the sole intention of providing international order and to preventing the recurrences of the First and Second World Wars in the history of mankind.

The United Nations has various tools in its disposition in the maintenance of international peace and order, and these tools are the good offices of the Secretary General, collective security and peacekeeping. This Thesis is an inquiry into the future of UNFICYP in the implementation of Cyprus settlement. UNFICYP started operation in 1964 as a result of the conflict that occurred in Cyprus between the Greek and Turkish Cypriots over the constitutional change, by the then President of

the Republic of Cyprus which was to put the Turkish Cypriots on the disadvantageous side, in the framework of the 1960 Republic of Cyprus.<sup>1</sup>

In its task of the maintenance of international peace and order, the United Nations Security Council sent a peacekeeping force to Cyprus to control the violent situation and make sure that it did not happen again in Cyprus. This mandate was based on the United Nations Security Council Resolution 186 (1964).<sup>2</sup> The importance of this study can be understood in the fact of UNFICYP roles in the maintenance of international peace, law and order. UNFICYP is entrusted with the responsibility of peacekeeping in Cyprus, but not peacemaking which could be misunderstood sometimes, however the making of peace is actually dependent on the peacekeeping operation because if Cyprus is still experiencing violence and military conflict as it was in the 1960s and 1970s there cannot be any platform of peace negotiations for the way out of the division of Cyprus today. Today we can see that the peace negotiations of the two leaders of the Island are on progress which highlights the importance of a research on the impact of UNFICYP in the outcome of the many meetings of President Mehmet Ali Talat of the Turkish Republic of Northern Cyprus and President Christofias of the Republic of Cyprus who have made various provisions for the sharing of power, the European Union membership and the aspect of the economy of Cyprus.<sup>3</sup> Dervis Eroglu the new leader of the Turkish Republic of Northern Cyprus is to continue the peace talks with the Greek Turkish side leadership of which there are no official reports of what the peace talks will be directed towards.

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<sup>1</sup> Zaim M. Necatigil, *The Cyprus Question and the Turkish Position in International Law*, (Oxford University Press, Walton, 1989) p.17.

<sup>2</sup> The United Nations Security Council Resolution 186 1964.

<sup>3</sup> The meeting of the two Cyprus leaders held on 30<sup>th</sup> March, 2010, Aljazeera news 2<sup>nd</sup> April, 2010.

In these meetings between the two leaders much were not said for public consumption, but they surreptitiously touched on the pivotal issue which is the mutual relationship that exists between the two leaders and affirmed that it will bring about a comprehensive resolution and talks that will be of great benefits for the Greek and Turkish Cypriots on the Island. The two leaders of the Island affirmed the role of the United Nations Peacekeeping Force (UNFICYP) in Cyprus and continue to appeal to the United Nations Security Council to renew its mandate every six months; this is evident that the role of UNFICYP is important today in Cyprus and cannot be disentangled from the future settlement of Cyprus. In a summary, the talks of the two leaders are still defined to be confidential.

On Friday 24<sup>th</sup> December, 2009 the leaders met, but the outcome is yet to be made public. The United Nations Secretary General Ban Ki- Moon eulogized the leaders for the progress made so far in their talks. It is understood that their talks are built on and towards a bi-communal, bi-zonal federation which will provide equality for the two sides in the framework of the 1960 Republic of Cyprus which is in line with some of the Resolutions of the United Nations Security Council Resolution.<sup>4</sup> For one to make a judgment on the future of UNFICYP, It is very important to take into account of how the Turkish and Greek Cypriots feel about UNFICYP peacekeeping. The survey of public opinion was carried out by the United Nations among the Turkish and Greek Cypriots, on the question which borders on UNFICYP control and patrol of the buffer zone or green line, if it brings and assures their security. From the sample size, 40.6% Greek Cypriots confirmed that they feel somewhat secure while on the other hand, while 39.5% Turkish Cypriots felt somewhat secured

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<sup>4</sup> Norma Salem, Cyprus, A Regional Conflict and its Resolution, ed. (St. Martin's Press, New York, 1992), p.124- 125.

by the UNFICYP role in the buffer zone. On the question of UNFICYP leaving the Island, 58.8 % of the Greek Cypriots confirmed that it will be a negative development whereas 30.1 % of the Turkish Cypriots equally agreed that it will be a negative development. On the question of the reduction of members of UNFICYP, 41.2% of the Greek Cypriots affirmed that it will be a negative light for Cyprus at large and similarly, 45.3% of Turkish Cypriots confirmed it to be a negative development.<sup>5</sup> From the sample analysis so far, one can say that there is a justification to research on UNFICYP because Greek and the Turkish Cypriots see UNFICYP as playing a very important role in their security and should continue to be on the Island in carrying out the mandate to maintain peace, law and order in Cyprus.

## **1.2 Research Questions**

The main purpose of this thesis is to forecast the future of the United Nations peacekeeping force in Cyprus (UNFICYP) and to that end, its effectiveness and the transition of what it was at the time of establishment to what it is today, the research questions give a clear direction of this Thesis and they are:

- (1) Can it be said that UNFICYP has a role in the settlement of Cyprus conflict?
- (2) In what sense can it be ascertained that UNFICYP peacekeeping is effective?
- (3) Can it be said that the UNFICYP that was established in 1964 has metamorphosed from a traditional peacekeeping force to a modern one today by practice?

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<sup>5</sup> UN Peacekeeping Force in Cyprus (UNFICYP) (2007), "UN in Cyprus: An Inter-communal Survey of Public Opinion by UNFICYP", February-June ([http://www.unficy.org/media/Survey\\_24\\_04\\_2007\\_ENG.pdf](http://www.unficy.org/media/Survey_24_04_2007_ENG.pdf)).

But ironically, some school of thought claim that UNFICYP is not effective and cannot have any future in Cyprus settlement and should be reduced to a main observation mission of the United Nations, which will just have civilians and policy in the composition, in this connection with Turkey on Security Council there might be the probability of the reduction of UNFICYP to an observation mission and the voting against the Security Council Resolution (1930) 2010 which recently extended the operation of UNFICYP peacekeeping in Cyprus is event that to show that the Government of Turkey perceive the force as that which should not be operating in Cyprus. With the exception of Turkey, out of the 15 members of the Security Council; 5 permanent and 10 non permanent members gave their support for the UNFICYP operation in the next 6 months in Cyprus. This is another indication that lack of support for UNFICYP by the Government of Turkey does not matter since it cannot vote against 14 members who will always vote for the extension of the peacekeeping in Cyprus.<sup>6</sup>

Going by the various reports of the Secretary General and the Security Council Resolutions extending the operation of UNFICYP, one can say that the force will continue to be on the Island, because those reports and resolutions eulogized the efforts of UNFICYP in the actualization of its mandate which is defined in the United Nations Security Council Resolution 186 ( 1964), this fact speaks volumes of the effectiveness of the force which is like the “Ratio decidendi” meaning that which is depended on another factor, in this connection UNFICYP effectiveness is a path to the future in the implementation of the Cyprus settlement.

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<sup>6</sup> Turkish Press.com <http://www.turkishpress.com/news.asp?id=347649>, accessed 28/ 6/2010.

The analysis of the future and effectiveness of UNFICYP are discussed in chapters three and four of this Thesis and is hinged on the actualization of mandate of UNFICYP; the various reports of the Secretary General and Security Council, the “Boutros Boutros Gali Set of Idea” and the Kofi Annan plan know as the “Annan Plan” which was rejected by the Greek Cypriots side and got support from the Turkish Cypriots side of the Island. It is scholarly meaningful to point out here that the United Nations has a lot of tools in the settlement of disputes, but the one that takes faster effect is peacekeeping, a temporary means of the settlement of physical combating of the conflict parts, but it should be said here that peacekeeping is different from peacemaking, peacemaking takes a permanent measures in the settlement of disputes and offend the success of it is the determine factor of the exit or future of the peacekeeping force like in the case of UNFICYP.

Peacemaking is defined within the good offices of the Secretary General; this fact has been misunderstood by some that UNFICYP has not been able to make a permanent settlement in Cyprus, but this falls within the mandate of the UN Secretary General and other officials of the UN who represent the UN in the Cyprus peace talk. UNFICYP was obviously not as effective as its in recent times, from 1964 to 1974 the force could not actually control the conflicting situation because at that time the Turkish and Greek Cypriots where leaving together, then the green line or buffer zone was not created, it was pretty impossible for the force to effectively carry out the mandate of the restoration of peace, law and order in Cyprus. But with the Turkish troop’s intervention against Greece aspiration to annex the Island, there came the partitioning of the Island between the Turkish and Greek Cypriots created the United Nations green line where UNFICYP is primarily positioned on the Island.

The confrontation between Greece and Turkey who are members of NATO in the face of the Cold War would have brought about the destabilization of NATO when it needed to be more organized and stabilized to face both the ideological and assumed engagement that was expected from the Soviet Union, but UNFICYP and the United States had intervened for the two members of NATO not to have military confrontation, and this challenge stood like a litmore test for the UNFICYP ahead of the many challenges in peacekeeping to determine its effectiveness and the future in Cyprus settlement. UNFICYP has experienced a transition of peacekeeping practice from what it was when it was established by the United Nations Security Council Resolution 186 (1964) to what it is today and this transition can be traced from the year 1974, when it became a more traditional peacekeeping force settled with the responsibility of operating the green line.

The transition of UNFICYP peacekeeping is made only in the practice, but not with the mandate as the mandate still remains what it was in 1964. And this can be understood that the resolution clearly defines its mission which was to prevent the recurrence of conflict and to bring law and order in Cyprus.<sup>7</sup> This is in pursuant of peaceful settlement by the Security Council to send UNFICYP to separate the two conflicting sides of the Island from conflicting as it was in the 1960s; this dictum is understood in the Charter of the United Nations which says that “All Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or any other manner inconsistent with the purposes of the charter”.<sup>8</sup> In the same vein the United Nations

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<sup>7</sup> The United Nations Security Council Resolution 186, (S/5575) 4<sup>th</sup> March ( 1964)

<sup>8</sup> The Charter of the United Nations , Article 2 (4)

Security Council Resolution mandating the deployment of UNFICYP is to stop the escalation of the conflict, but the primary assignment of UNFICYP is gradually changing in addition with the prevention of conflict. The United Nations Peacekeeping operation force is involved in humanitarian services in Cyprus, posting of letters from the North to the South of Cyprus, medical services and in the areas of the monitoring of water and electricity supplies.<sup>9</sup>

### **1.3 Methodology**

The research will employ historical analysis based on the United Nations peacekeeping operations in relation to Cyprus, in connection with the general peacekeeping framework of the United Nations. Peacekeeping operations have taken places in the world with different methods of terminating conflicts either leading to resolution or not. The historical analysis would help explore and identify the appropriate methods which were used for a particular conflict situation for peace agreement in the past by the United Nations in pursuant of peace. These strategies could also be recommended and practiced in Cyprus with a view of making comparative analysis with another peacekeeping and drew the relationship between peacekeeping and peacemaking. I will also employ as part of the methodology of this thesis, the discussion analysis which will be based on literature survey of peacekeeping operation of the United Nations. In a sense of textual and contextual interpretations the various documents, resolutions of the United Nations Security Council and the Secretary General's Reports on UNFICYP shall be employed as part of the methodology and interpreted according to the issues in line with the focus of this thesis.

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<sup>9</sup> Ahmet Sozen, 2<sup>nd</sup> International Conference on Security Challenges to Peace Operations in the 21<sup>st</sup> Century, 5- 7 April 2006, p 120.



However, there is limited literature in the academia on the United Nations peacekeeping force (UNFICYP) in Cyprus which makes it a big problem in making an optimal analysis of the future outcomes of the settlement of Cyprus conflict which is determined by its effectiveness. Therefore, much information would be collected from the United Nations Peacekeeping journals, articles, internet and some related books for analysis. This thesis is divided into five chapters.

Chapter one, deals with the introduction of the thesis, ranging from the justification of the study, the Turkish and Greek Cypriots leaders peace talks, with a view of defining a lasting solution to the Cyprus problem and the role of UNFICYP in the settlement of Cyprus conflict, the research questions, methodology and structure of the study are in this chapter. Chapter two explores the legal and institutional framework of peacekeeping, it looks at the definition of peacekeeping, the consent that must come from the states in which the United Nations peacekeeping operation will be carried out and the legal framework of the United Nations peacekeeping operation in general, impartiality financing, the consent and mandate and also the relationship between peacekeeping and peacemaking which shall be a matrix to chapters three and four.

Chapter three focuses on the United Nations peacekeeping force (UNFICYP) in Cyprus, the composition of UNFICYP, the financing of the peacekeeping operation, the legal framework and the task of UNFICYP. Chapter four is an analysis of the future of the United Nations peacekeeping force (UNFICYP) in Cyprus, in this connection, the effectiveness of UNFICYP is define within the framework of its mandate of operation according to the United Nations Security Council's Resolution 186 (1964) and other humanitarian tasks embarked upon in Cyprus. Chapter five,

based on the various chapters makes an evolution of UNFICYP, summary and recommendations on the future of UNFICYP in a settlement of Cyprus conflict.

#### **1.4 Literatures Review on Study**

Literature is the back bone of academic research; it gives us various opportunities to understand our world from not just only one paradigm. In academia no one scholar can research in isolation, he must consult the works of other scholars in a similar research field of study. In this connection, the United Nations in providing global peace and order through its tools of peacekeeping and peacemaking as Boyd affirms this fact, that the United Nations peacekeeping mission is very important especially in conflict areas, he is of the opinion that peacekeeping operation of the United Nations must go with peacemaking which should be carried out by the United Nations Secretary General using his good offices, for him the peacekeeping mission of UNFICYP is that which makes way for the peacemaking.<sup>10</sup> Peacekeeping and peacemaking cannot be disentangled from each other as the United Nations Peacekeeping is that which should be encouraged but serves the purpose of momentary peace in a conflict situation, but must go together with peacemaking aspect which falls within the United Nations bureaucracy often made up of diplomats and good negotiators to make the two conflicting parties come to a permanent peace agreement.

Another issue here is that mediation in a conflict cannot be disentangled from peacekeeping operation as asserted by Boyd above, Bercovitch view is not different as he talks more of the mediation aspect of the United Nations responsibility to the settlement of international disputes, which can be dangerous to international peace,

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<sup>10</sup> James M. Boyd, *International Organisation*, Vol. 20, No.1 ( Winter, 1966), p.11.

serenity and order if not properly achieved. This aspect of achieving peace falls within the ambience of the good offices of the Secretary General, as the peacemakers are connected to the peacekeepers, but actually he defined the ethics of mediation, that those who mediate between two conflicting parties must remain neutral, keep total secrecy and must be free from impartiality.<sup>11</sup> In this direction of Bercovitch, Burton and Dukes provide the way out in achieving peace in a conflict between two conflicting parties that the mediators should do well to meet with the conflicting parties so as to get a clear picture of the genesis of the conflict and from there ascertain their needs and interest as a way forward, after these stages, the mediators can now come out directly and define mediation plan for subsequent meeting.<sup>12</sup> In addition, Burton says that mediators should not force their decisions made on the conflicting parties but present them as recommendation which will be optional for the parties at conflict to accept or not, because the mediators are meant to bring the two parties together for resolutions cum settlement not to tell them by force what to do or not.<sup>13</sup>

From the forgoing, one can make an analysis that the mediators that are involved in the Cyprus peace talks are doing so on a neutral ground and this is still in reference to UNFICYP that has remained neutral in the peacekeeping operation in Cyprus, as the peacekeepers do not take to the Greek Cypriots side or the Turkish Cypriots side, it has kept to the rules of the practice of peacekeeping.

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<sup>11</sup> J. Bercovitch & J.Z Rubind (eds). "Mediation in IR", Structure and Diversity of Mediation (Basingstoke, Macmillan, 1992) p.9.

<sup>12</sup> Burton J. & Dukes F., Conflict Practices in Management, Settlement and Resolution, p.34.

<sup>13</sup> Burton J., Resolving Deep – Rooted Conflict, a handbook ( Lanham, London, Up of America, 1987) , p.5.

Another issue the literature points out is the effectiveness of UNFICYP, which is the determining factor in the role of UNFICYP in the settlement of Cyprus conflict, but before this is addressed, it is right and proper to find out its effectiveness in connection with how some scholars see and understood the UNFICYP. Paul H. Castleberry believes that UNFICYP is indispensable, that its effectiveness can actually be ascertained in the restoration of peace and order in Cyprus which is the primary mandate of the force indicated in the Security Council Resolution 186 (1964) of the United Nations. There is no doubt about the effectiveness of UNFICYP and perhaps the adaptability of its peacekeeping operation, to buttress this fact more of its effectiveness, Ahmet Sozen is not far from the other scholars, in his view, UNFICYP has been able to provide many services on top of its mandate to peacekeeping in Cyprus, but challenged by the general factors that every peacekeeping force experiences.<sup>14</sup>

Cassese is of the opinion that UNFICYP has achieved a lot in its task of peacekeeping, although he points out that a lasting solution to the Cyprus problem is yet to be achieved and as such UNFICYP will need co-operation in its task.<sup>15</sup> The effectiveness of UNFICYP cannot be underrated, in the face of the continuous movement of Turkish troops into Cyprus. Peter R. Baehr and Leon Gordenker view UNFICYP effectiveness as being challenged by the invasion of Turkey into the Island which makes it imperative for the continuation of UNFICYP mandate in peacekeeping while negotiations are carried on by peacemakers within the United

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<sup>14</sup> Amet Sozen op. Cit., p8.

<sup>15</sup> A. Cassese, *United Nations Peacekeeping*, ed., ( B.V., Alphen aan den Rijn, The Netherlands, 1978), p.6.

Nations bureaucracy.<sup>16</sup> Peter R. Baehr and Leon Gordenker disagree to make use of the word intervention of Turkey troops to the Island, rather they say it has “intervention” which many Turkish and Turkish Cypriots scholars disagree upon. But in reality the presence of the Turkish troops has brought calmness to the Island, because Greece and the Greek Cypriots will not just wake up one day and impose anything on the Turkish Cypriots, because the overwhelming military strength of Turkey must be taking into cognizance. Apart from the Turkish troops protecting the Turkish Cypriots side of the Island, its presence has brought security of life and properties.

The consent of State that the United Nations receives for peacekeeping is another sensitive issue that the literature gives account of, has there must be a consent from the host government where the peacekeeping operation is carried out, otherwise it will not be able to achieve the goal of peacekeeping, this is not unconnected with the views of Vaughan Lowe and Collin Warbrick who made their views on the United Nations peacekeeping as that which must be consented to by the sovereign Government in which it hopes to send troops to for peacekeeping mission, the absence of this will be illegal since the United Nations do not have authority over its members sovereign States and even a territory that its sovereignty is not clear like Northern Cyprus, the United Nations still need a consent there to send troops for peacekeeping mission<sup>17</sup>

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<sup>16</sup> Peter R. Baehr and Leon Gordenker, *The United Nations at the end of the 1990s*, 3ed., (St. Martin's Press, Inc, New York, 1999) p. 73.

<sup>17</sup> Lowe Vaughan and Collin Warbrick, *The United Nations and the Principles of International Law*, ed., (Routledge, London, 1994), pp. 168 – 169.

But for Michael Moran, he thinks that the United Nations Security Resolution 186 (1964) gives more room for the international community to begin to acknowledge the Greek Cypriots side as the legitimate Government of the Island, that the Greek Cypriots are respected and praised for their act of injustice to the Turkish Cypriots side. He sees the mandate of UNFICYP as not correct because there was no ceasefire agreement before it was asked to establish a peacekeeping mission in Cyprus and that the Turkish Cypriots government was not asked for the consent to send the United Nations Peacekeeping Force to Cyprus.<sup>18</sup>

The position of Michael Moran on the consent of UNFICYP is that which should be looked at from different perspectives; on the Island there are two governments, those of the Greek Cypriots and Turkish Cypriots, but ironically the Greek Cypriots side is the only part that gives consent to the operation of UNFICYP of which the force operations has a coverage on the Turkish Cypriots side, Michael Moran analysis is that the United Nations Security Council Resolution 186 (1964) justifies the negative treatment on the Turkish Cypriots by the Greek Cypriots, as the international community continue to see the Greek Cypriots as the legitimate government of the Island without a critical investigation on while the Turkish Cypriots left the 1960 Republic of Cyprus as the Greek scholars see it. Michael Moran does not see UNFICYP representing the Turkish Cypriots interest in the peacekeeping rather it is an institution which represents the Greek Cypriots and Greece, because they are the financiers of the force. UNFICYP is like a political instrument which is used to cover the nefarious actions of the Greek Cypriots against the Turkish Cypriots in the 1960s.

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<sup>18</sup> Michael Moran, Resolution 186, its Genesis and Significance, (CYREP, Lefkosa, TRNC, 1999), pp. 10 – 11.

The literature showcased how the Greek and Turkish Cypriots perception of UNFICYP is associated with the work of some scholars. A recent Survey of public opinion carried out by the United Nations among the Turkish and Greek Cypriots on UNFICYP, and one of the aims of this survey is to find out how the Turkish Cypriots and the Greek Cypriots perceive and see UNFICYP in its task of peacekeeping in Cyprus. But Murray J. M. Swan interest of UNFICYP is on the perception and views of the Turkish and Greek Cypriots on UNFICYP and according to him, the two sides of the island see UNFICYP as that institution which represents the efforts of the international community in bringing to an end the political and national conflicts that have put them apart from each other, and feel positively about this.

One of the characteristics of any peacekeeping force of the United Nations is the representation of the international community with a view of bringing peace to a conflicting zone with consent from the government where the peacekeeping operation is to be carried out. This is actually in agreement with the view of Stefan who has taking into account the consent aspect for the continuation of UNFICYP peacekeeping operation, which does not involve the Turkish Cypriots, is that which is an aberration to international law and does not represent the Turkey Cypriots in the framework.<sup>19</sup> A little shift from the position of UNFICYP but just to scholarly point out the balancing of opinion between the Greek Cypriots side and the Turkish Cypriots sides, the Greek Cypriots understand the Cyprus conflict from the point that Turkey has invaded part of the Island which is an aberration to international law and human rights, to this end, the Turkish Cypriots understand it to be from domination,

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<sup>19</sup> Stefan Talmon, International Peacekeeping: The year book of International Peace Operations, Volume 8, 2002, p.33- 63.

oppression and make the minority Turkish Cypriots not important in the Cyprus framework of 1960 according to the views of Hadjipavlou M.& Trigeorgis L.<sup>20</sup>

The scholarly views above makes it clear to us that in social sciences, scholars make their presentations on a subject matter based on what they think and understand. This aspect of the academia is interesting, bring to the fore different lenses and paradigms in the analysis of invents and topical issues. Some of the scholars see the importance and effectiveness of UNFICYP in Cyprus on one hand, but still pointed out the needs for a lasting peaceful solution to the Cyprus problem. The next chapter gives us background information about peacekeeping; harping on the theoretical framework and social constructivism.

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<sup>20</sup> Hadjipavlou M. & Trigeorgis L., “An Evolutionary Approach to Conflict Resolution”, *Journal of Conflict Resolution*, Vol. 37, No 2 (June 1992), pp. 346 – 347.



## **Chapter 2**

# **THE CONCEPTUAL FRAMEWORK OF UN PEACEKEEPING**

### **2.1 Introduction**

The conceptual framework of the United Nations peacekeeping gives a panorama of the components and practices of peacekeeping. To this end, can it be said that these components are constructed by scholars? In social sciences, speaking from the theory of “social constructivism”, everything in the world is constructed by man; can one think of anything that does not exist? Therefore, based on the works of scholars, I have made a construction of what peacekeeping of the United Nations, to this end the founding father of the United Nations Peacekeeping who constructed the practice for the United Nations in the person of Lester B. Pearson, presented peacekeeping to the General Assembly as an operation which was going to include military personnel to maintain peace as a result of the Israeli occupation of Egypt, this gave birth to the very first peacekeeping force of the United Nations which was known to be the “UN Emergency Force”, this peacekeeping operation was going to be like a litmus test for

the future peacekeeping of the United Nations in its mandate of providing international peace and order.<sup>21</sup>

Realist scholars of International Relations believe that there is anarchy in the International system which comes with conflict, this fact is evident today in the various conflicts that the United Nations tries to put an end to by sending peacekeeping operation forces to these trouble zones. The United Nations has been variously challenged by the task of maintaining International peace and order because of the many conflict zones in our World today. This chapter presents the basic fundamentals of peacekeeping which will be used in analyzing United Nations peacekeeping force (UNFICYP) in Cyprus in chapters three and four.

This chapter discusses the legal and institutional framework of the United Nations peacekeeping operations, the legal framework of peacekeeping, the financing, the cooperation from the conflicting parties with the United Nations peacekeeping force, the consent from the host government where the peacekeeping operation will be carried out and the mandate before a peacekeeping operation can be carried out. In this regards, the practice of peacekeeping operation starts with the presentation of the conflict by the parties involved, some states like to make their presentation to the Security Council and some to the General Assembly, but the Charter of the United Nations makes reference to both in which states can make their conflict presentation. The concept of peacekeeping is not defined in the Charter of the United Nations, but academics try to interpret chapters six and seven of the Charter of the United Nations

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<sup>21</sup> Lester B. Pearson's peacekeeping legacy, <http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=23028504&site=ehost-live>, accessed 26/ 6/ 2010

in reference to peaceful and forceful settlements. The effectiveness of the United Nations peacekeeping operations in recent times can be understood in its various peacekeeping operations across the world, and the United Nations has been actually addressing issues of conflict, human disasters like the recent happenings in Haiti and Chile which gave the United Nations a sudden task of providing food and shelter for the many displaced people.

## **2.2 Definition of UN peacekeeping**

It is always proper to precisely make a definition of concepts, especially those which are the focus of the analysis. Peacekeeping operation by the United Nations can be defined as the “operation involving military personnel, but without enforcement of power, established by the United Nations to help in the restoration of peace in areas of conflict”.<sup>22</sup> The understanding of the United Nations peacekeeping operation came about after the Second World War and has been one of the strategies to reduce conflict in the international system.

The definition of the United Nations peacekeeping operation above, lacks scholarly characteristic of a peacekeeping definition and as such, and should be criticized for not taking into account of the situation that will permit the use of force by the peacekeeper when it is clear to make use of force as the last option for self defense, in a situation that lives are obviously taking, the situation in Somalia during the United Nations peacekeeping operation at its peak proves the problem in the above definition when the United Nations peacekeeping force commander cried on top of his voice for the Security Council to give the mandate to make use of force so that lives can be saved. The Security Council never consented to his cry which caused the

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<sup>22</sup> United Nations, “The Blue Helmets - A Review of UN Peacekeeping”, Dep. Of Public Information (United Nations, 1985), p.3.

escalation of violence in Somalia. The definition comes from one of the United Nations documents “the Blue Helmets” although, this can be over looked because it lacks a scholarly validation. The United Nations peacekeeping force is quite different from the military troops of states that are meant to make use of force in operations. The United Nations peacekeeping force is that which helps in the separation of the conflicting parties from a recurrence of confrontation, the primary task is the maintenance of peace when international peace, law and order are threatened. It is in the same view that Karl Th. Birgisson defines the United Nations peacekeeping operation as that which “prevents a recurrence of fighting and as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions”.<sup>23</sup> This definition is very important because it defines the peaceful situation the international system should always experience, but any contradiction to this peaceful experience will be the breach of international peace and order which means that international organizations which have been established to maintain peace and order especially the United Nations must restore the situation to the experience of peace and order. Although the United Nations has various means of restoring peace and order at its disposal and the one that can instantly contain the escalation of a lawless situation that may end up becoming a threat to international law and the experience of peace and order is peacekeeping operation.

The United Nations peacekeeping is still the panacea to the containment of confrontation of conflicting states today. The use of good offices and mediation which bring the conflicting parties to the round table for settlement and the separation from fighting by the conflicting parties is done by the United Nations

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<sup>23</sup> Karl Th. Birgisson, “United Nations Peacekeeping Force in Cyprus”, in William J. Durch, ed., *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis* (New York: St. Martin’s Press, 1993), p.22.

peacekeeping force and peacemaking team as it is in Cyprus today. This definition can be criticized for not categorically pointing out means apart from peacekeeping that the United Nations can use in the maintenance of peace and international order. These two definitions above cannot be understood to be the very important definitions of the United Nations peacekeeping operation since the lacuna of pointing out other means of restoring international peace and order are not defined along side, like good offices and mediation.

To give a panorama of the definition of the United Nations peacekeeping operations, the definition included in the agenda for peace sponsored by Boutros Boutros Ghali the former Secretary General of the United Nations is very important and is by far the most important definition to take into account of, as he defines it as the “deployment of the United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military/police personnel and frequently civilians as well”.<sup>24</sup>

Boutros Boutros Ghali is authoritative in the definition of the United Nations peacekeeping operation since he was at a time the Secretary General of the United Nations. His definition is holistic because it points out to many facts of peacekeeping which must first receive a clear mandate from the Security Council and the consent from the conflicting parties sovereign governments where international peace and order are challenged, and the composition of the force which include the military and police personnel and also civilians, all working for the same goal of the restoration of peace and order. When there is no clear consent of peacekeeping operation from the

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<sup>24</sup> Boutros Ghali, An agenda for peace (New York, United Nations, 1992), p.11.

government of the host state, such peacekeeping operation cannot make out a meaningful impact as such in the view of the author of the above definition.

In the view of Boutros Boutros Ghali “peacekeeping is ineffective without an essential position in cooperation between the two conflicting parties”<sup>25</sup> Going by the position of the former Secretary General of the United Nations Boutros Boutros Ghali, there must be co-operation from the conflicting parties with the United Nations peacekeeping force for the sole purpose of restoring peace, law and order and also to create a mutual understanding between the two conflicting parties. Although peacekeeping has no provision in the Charter of the United Nations which means that the term is more technical in nature and was born out of practice.<sup>26</sup>

The United Nations peacekeeping force can apply force like any other soldier does when it is needed for self defense, this is against the established fact above that the peacekeeping force does not need the application of force, there must be a consent from the government hosting the peacekeeping force before that force can be used.<sup>27</sup>

As part of the mandate of the United Nations to maintain global peace, it has the right to take control of any area standing as a threat to international peace and order for some time pending when the tension is down and when peace talk is achieved between the two conflicting parties. Perez De Cuellar, a former Secretary-General of the United Nations, thus definition of peacekeeping is to meet the current crises and the future, and the tasks to be performed in broader perspective by peacekeepers. The restoration of international peace and order by the United Nations in the broader

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<sup>25</sup> Boutros Ghali, *An agenda for peace* (New York, United Nations, 1992), p.1.

<sup>26</sup> United Nations, “The Blue Helmets – A review of UN Peacekeeping

<sup>27</sup> James A., *The Politics of Peacemaking* (London, I.I.S.S., 1969), P.3.

sense is synonymous with three components, peacekeeping, peacemaking, and peace building.

In its broader sense and function of the United Nations peacekeeping mission, the International Peace Academy offers a cosmopolitan explanation and analysis of peacekeeping, that it involves the prevention, containment, and moderation with multinational military forces, police and civilians as third party interveners to put an end to conflict and war through a peaceful means in a particular state characterized by conflict. Peacekeeping is the field of the United Nations with its international peacekeepers engaging or including both military and civilians from different states across the globe with the sole mission to carry out peacekeeping operations both internally and internationally in conflict areas, with the permission from warring factions.<sup>28</sup> Peacekeeping is also the involvement of military troops with light arms to interpose between disputants for separation and can defend themselves when the situation demands it.

### **2.3 The legal and institutional framework of UN peacekeeping**

In the past of the international system, conflict and peace were understood to be linked to power politics especially in the face of the Cold War between the Soviet Union and the United States of America. This limited understanding was because of the meticulous watch of the United Nations over the Cold War not to escalate into military battle between these Great powers then, it was based on this light of analysis that this understanding came which means that the United Nations peacekeeping mission was mainly to preach about the stability of friendliness between these

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<sup>28</sup> Weiss, Thomas G., David P. Forsythe, and Roger A. Coate: *The United Nations and Changing World Politics* {Boulder, San Francisco: Oxford University Press, Inc, 1<sup>st</sup> ed, 1994}, p. 49

powers and by extension protecting their economic interest, therefore as an outcome of this understanding, peacekeeping mission was created as a means of power politics and a way to contain conflict both in the future.

The United Nations is one of the major entities that have come in the vanguard of peacemaking and peacekeeping as its mandate and Charter clearly explain it within the ambience of Articles VI and VII, to this end, the fight against the recurrence of World War is done collective.<sup>29</sup> The part of the various units of the United Nations in the prevention of conflict is very important like the World Trade Organization and the Breton Wood institutions as the United Nations Security Council Resolution 1366 in the year 2001 explains.<sup>30</sup>

The point here and the argument is that who is the best channel to relate a situation of conflict in the international system? But the Charter of the United Nations obviously sees the Security Council as that which is the right channel but at the same time states can make their conflict presentation to the General Assemble of the United Nations; some states prefer to channel their conflicts via the General Assembly of the United Nations. But the point here is that the Security Council can give mandate to a peacekeeping operation of the United Nations to be carried out, having received the consent of the host state where it intend to position this mission of peacekeeping, to this end, the General Assemble lacks this power to deploy a peacekeeping force of the United Nations to a conflict zone must always get the authority of the Security Council for this task.

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<sup>29</sup> Simon, Thomas & Malone, *Law & Practice of the United Nations, Documents & Commentary* (New York Oxford University Press, 2008), p.19.

<sup>30</sup> The United Nations Security Council Resolution 1366 ( 2001)



From the foregoing, there is no doubt about it that the United Nations peacekeeping operation is actually understood to be a new phenomenon in the area of study in the academia. However, the writers of the Charter, the Great Powers never anticipated for anything like peacekeeping, in the same connection, academics today make interpretation of it either in Chapter VI or VII of the United Nations Charter, where it could either make the use of peaceful settlement of disputes or the use of force if necessary as the case may be.<sup>31</sup> This confusion may be pictured out as a result of the inability of the Great Powers not to take cognizance into intrastate conflict, rather gave more attention to disputes or conflicts involving state to states which could lead to international instability. Therefore, any armed conflict was to be handled by peaceful means.

The purpose of the Charter serves as a guiding principle for maintaining international peace and order.<sup>32</sup> The United Nations never had its own military and depends on states' benevolence and support for military personnel to make up the United Nations peacekeeping force. Since the effort of the United Nations to make peace and order in the international system, the Charter thus requests member states to contribute troops at a request of the organization to respond to any threat to peace or aggression to the international community. Peacekeeping was to calm regional conflicts that

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<sup>31</sup> Goldstein, Joshua S. *International Relations* 6th ed., {New York: Pearson Longman, 2005} pp. 268

<sup>32</sup> Cassese, Antonio, *International Law* 2nd ed., {New York: Oxford University Press, 2005} p. 326

could escalate into inter-states war has were the cases of the First and Second World Wars in the history of mankind.<sup>33</sup>

Due to the transition from the League of Nations to the United Nation, there was actually no constitution due to lack of consensus among Major Powers then, especially the United States of America, and this brought about problems of defining peacekeeping operation in the Charter. It was understood to be an improvised mechanism to counter states conflicts.<sup>34</sup> As pointed out by Claude, the Security Council was to act as a 'Directorate' to handle international Political Affairs and to carry out joint policy and action. The Security Council was also mandated to maintain peace and security with its Military Staff Committee in Article 47 of the United Nations Charter between member states and that of the council, to this end, the Military Staff in consultation with the Council members were to deal precisely with international disputes that stood and had characteristics of breaking international peace and order.<sup>35</sup>

The Great Powers wanted to avoid altering the status-quo of states and to have peaceful change in international affairs, which was a major point of concern. Therefore, they concentrated on immediate crisis management without foreseeing the needed future structure or anticipated for conflict in the future. The Security Council

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Fetherson, A.B., *Towards a Theory of United Nations Peacekeeping*. {London and Houndmills: Macmillan Press, 1<sup>st</sup> Ed, {1994} p. 3-4

<sup>33</sup> Ibid 268

<sup>34</sup> Weiss, Thomas G., David P. Forsythe, and Roger A. Coate. *The United Nations and Changing World Politics* {Boulder: Westview, 1st ed. {1994}}, pp. 48

<sup>35</sup> Levitt, Jeremy, ed., *Africa: Selected Documents on Constitutive, Conflict and Security, Humanitarian, and Judicial Issues*. {Ardsey, New York: Transnational Publishers, Inc, 2003} p. 17

was then empowered to maintain law and order among states.<sup>36</sup> Sir Brian Urquhart, points out that, the Charter was written from what they experienced during the interwar period to take quick action against future disaster as occurred previously, and could not make long-terms provision.

The United Nations is challenged with some factors of international crises and the inability to achieve its intended objectives, peacekeeping was created as a non-aggressive body which it is to an extent till date. Peacekeeping was generally accepted by all member states, without the usage of force in settling disputes during the Cold War era.<sup>37</sup> Diehl sees peacekeeping as the mobilization of delegated military troops from the international arena to calm down armed violence or protracted conflict which can be a big problem to international peace and order.<sup>38</sup> Due to the growing expansion and duties of peacekeepers as conflicts continue to occur and escalate. The United Nations peacekeeping operation is the peaceful means of restoring peace and order in a conflict area where it was lost due to conflict and war. The United Nations peacekeeping operation is done the world over in those zones where there are conflicts but with the sole aim of actualizing international peace and order.

The interpretation of the United Nations peacekeeping is born out of practice, but often the placement of the United Nations peacekeeping operation in the Charter is actually defined within Chapters VI and VII. Peacekeeping operations has various

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<sup>36</sup> {Ibid. p. 8}

<sup>37</sup> {ibid. 210}

<sup>38</sup> Diehl, Paul F. *International Peacekeeping: With a new epilogue on Somalia, Bosnia, and Cambodia* {Baltimore and London: The Johns Hopkins University Press, 2<sup>nd</sup> ed., 1994} p. 4-5

circumstances in which they operate, some peacekeeping operations of the United Nations, are observers, restoration of peace and order, positioned within the buffer areas and negotiators.<sup>39</sup> Therefore one can say that peacekeeping fall within the Charter of the United Nations in Chapters VI 1/2. Going by the United Nations Charter, it is designed by the custodians to mainly look at international peace and conflict resolutions without making mention of a peacekeeping force.<sup>40</sup>

The United Nations Charter can be understood as incomprehensive in critically looking at peacekeeping mission, as the Charter has no provision for peacekeeping mission. The various states in the international system contribute their military with a view to achieve the peacekeeping or conflict resolution. In other words, one can say that the United Nations is at the benevolence of the respective states in the international system in the actualization of meeting up its mandate to maintain international peace and order. The philosophy of the United Nations on peacekeeping is to contain adequate actions against threats to peace and order which could result to interstate-war in the respective regions in the international system, which can be understood clearly in the light of the First World War and Second World War.<sup>41</sup>

The collective security of the United Nations is not in the manifestation of the peacekeeping operation, but quite different from collective security, but at the same time has resemblance of collective security. Peacekeeping is meant to restore peace and order, with less military actions only on the ground of self defense it can make

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<sup>39</sup> A. Leroy Bennett, *International Organizations Principles & Issues*, 4th ed. (Prentice-Hall International, Inc. New Jersey USA 1991), P.141.

<sup>40</sup> Cassese, Antonio, *International Law* {New York: Oxford University Press, 2<sup>nd</sup> ed., 2005} p. 326. Fetherson, A.B., *Towards a Theory of United Nations Peacekeeping*. {London and Houndmills: Macmillan Press, 1<sup>st</sup> Ed, {1994} p. 3-4

<sup>41</sup> Goldstein, Joshua S. *op. cit.* p. 268

use of force and with the consent of the host government, but for collective security it is mainly with the intention to fight against a powerful state that tries to change the regimes of the international system with full military aggression on such aberrant state, as it was in the case of Germany<sup>42</sup> The point here is that the United Nations collective security efforts had been in existence before the practice of peacekeeping was born. Peacekeepers, who are members of the military force of other states sent to be part of the United Nations peacekeeping troops are undoubtedly elements of state organs, but are placed at the disposal of the United Nations by their respective states. However, the unit of a state is placed at the authority of international organization which shall be understood and considered within the framework of international law, an act of latter organization if the organization enjoys effective exercises of control over that conduct.<sup>43</sup>

International Law Commission espouses the application of the ‘effective control’ test to determine the conduct which is based on a principle held within the legal framework and international organizations such as the United Nations.<sup>44</sup> To this end, the effective control test has been ascertained and affirmed by the various legal institutions, and the very unique one amongst these institutions is the International Court of Justice in the cases of Nicaragua<sup>45</sup> and Bosnian Genocide.<sup>46</sup>The

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<sup>42</sup> A. Leroy Bennett, *International Organizations Principles & Issues*, 4th ed. (Prentice-Hall International, Inc. New Jersey USA 1991), P.140- 141.

<sup>43</sup> International Law Commission, *2004 Report*

<sup>44</sup> Giorgio Gaja, Special Rapporteur, Second Report on Responsibility of International Organizations, UN Doc A/CN.4/541 (2 April 2004).

<sup>45</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v US) (Merits)*[1986] ICJ Rep 14

<sup>46</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)* [2007] ICJ Rep 1, 142–5

International Law Commission had already dealt with the conduct of organs or units of an international organization in Article 4.<sup>47</sup>

The International Law Commission has taken a position in drafting Article 5, which is interesting in view of the United Nations Secretariat which stands on the legal status of peacekeeping forces. The United Nations Secretariat stated in February 2004 in response to an International Law Commission invitation to comment or contribute on the issue of the responsibility of international organizations that the United Nations peacekeeping force organized by the United Nations Security Council or the General Assembly is a subsidiary organ of the United Nations'.<sup>48</sup> The United Nations' Secretariat does not clearly welcome the International Law Commission's position that peacekeepers under the United Nations peacekeeping mission may not at all the time act under the authority of the United Nations and could sometimes act upon national directive.

To this end, peacekeepers in their performance of duties which is from the International Law Commission's suggestions in principally in Article 4 of the Draft Articles states that conduct can only be attributed to the international organization when it acts in the performance of the functions of that unit, which is the applicable principle.<sup>49</sup> However, this practice is clear in Article 6 of the Draft Articles, which states to this end unequivocally that conduct that exceeds the authority of the organ or contravenes instructions, remains attributable to the international organization so long as the acts are performed in the unit's official capacity when the unit acts in that

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<sup>47</sup> International Law Commission, 2004 Report .

<sup>48</sup> UN Secretariat, Responsibility of International Organizations: Comments and Observations Received from International Organizations, 56th sess, UN Doc A/CN.4/545 (25 June 2004)

<sup>49</sup> Marten Zwanenburg, Accountability of Peace Support Operations (2005) 106

capacity’.<sup>50</sup> However, the United Nations has made this singular fact known right from time that it has no liability for the ‘off-duty’ conduct of peacekeepers, whereby it considered ‘off-duty’ to mean that the peacekeepers were acting in a ‘non-official/non-operational capacity’.<sup>51</sup>

## **2.4 Transition of Peacekeeping from Traditional to Modern**

The United Nations peacekeeping experiences a transitional process from the traditional pattern of peacekeeping to a modern type of it. The focus of a traditional peacekeeping operation is defined within the framework of the mandate from the Security Council and also a total adherence to the maintenance of peace and order.<sup>52</sup> But the modern peacekeeping of the United Nations goes along side with the environment it finds itself, this type of peacekeeping is not defined to only peacekeeping, but have other responsibilities in addition to its mandate to make use of force, like community development, humanitarian services of providing health services to the people as it is with the United Nations peacekeeping operation in Cyprus today (UNFICYP).<sup>53</sup> Modern peacekeeping of the United Nations should be able to embrace adaptability to the environment so that it can be effective in the actualization of the goal of establishment.

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<sup>50</sup> International Legal Council, 2004 Report.

<sup>51</sup> Liability of the United Nations for Claims Involving Off-Duty Acts of Members of Peace-Keeping Forces — Determination of “Off-Duty” versus “On-Duty” Status’ [1986]UN Juridical Yearbook, vol XXIV, UN Doc ST/LEG/SER.C/24, 300.

<sup>52</sup> Wesis, Coate & Forsythe, *The United Nations Changing World Politics*, (Westview Press, San Francisco, United States of America, 1994), p. 52.

<sup>53</sup> Ahmet Sozen, the 2nd International Conference on Challenges to Peace Operations in the 21st Century, 5-7 April 2006, p.120.

There are differences between the traditional peacekeeping from modern peacekeeping as traditional peacekeeping is strongly defined for peacekeeping without the mandate to make use of force and carry out other activities on top of the peacekeeping operation. The modern peacekeeping is that which is different from the traditional one in mandate, as it has the right to make use of force, carry out community development and support efforts in the peacemaking process as it is with the United Nations force in Cyprus, not a modern force in mandate but in practice.<sup>54</sup> The hybrid peacekeeping of the United Nations and African Union in Sudan is one peacekeeping that can be understood to be a modern peacekeeping force because of its mandate which included the right to make use of force against the rebels in Sudan. The hybrid Mission's military composition incorporating the United Nations force Rapid-Reaction forces that could intervene with gun-battle against insurgents if the need arises, and civilian police. They were heavily armed with armored vehicles and combat helicopters.<sup>55</sup>

In modern peacekeeping, disarmament was not considered necessary, as was the case of the Suez Canal Crisis. Peacekeepers separated warring factions without disarmament. They maintained and monitored the buffer zones between conflicting parties to end the crisis and ensured cease-fire.<sup>56</sup> They were agitations both from outside Sudan that the United Nations should be made to use more force on the

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<sup>54</sup> Wesis, Coate & Forsythe, *The United Nations Changing World Politics*, ( Westview Press, San Francisco, United States of America,1994), p.51.

<sup>55</sup> *The Economist*: The UN May Send Troops Eventually, June 16th 2007) p. 44.

<sup>56</sup> Krasno, Jean E., ed., *The United Nations: Confronting the Challenges of a Global Society* (Boulder and London: Lynne Rienner, Publishers, Inc, 2004) p. 232.



rebels.<sup>57</sup> The United Nations peacekeepers disarmed rebel factions in Nicaragua after reaching negotiation, which led to peaceful election in 1993.<sup>58</sup> The international peacekeepers interceded to secure some causality by mustering their medical team experts to evacuate the affected victims and provided initial first aid.<sup>59</sup> In some aspects, the modern and hybrid peacekeeping have some qualities of commonness. Fact-finding, observation and supervision were some of the roles played by modern peacekeepers.<sup>60</sup> For instance, the modern peacekeepers carried out this role in Northern Greece, Kashmir to mention a few.<sup>61</sup>

There is no doubt about it that the United Nations peacekeeping across the world is gradually changing from a traditional peacekeeping to a modern one which is manifested in the mandate, the case of UNFICYP is understood to be practicing the modern peacekeeping but lacks it in the mandate. To this end, one of the research questions can be conceptualized here that the United Nations peacekeeping operation is experience a transition from the traditional peacekeeping to a modern one.

## **2.5 Constitutive Elements of Peacekeeping**

In social science it is understood that everything is a construction from the intellectual world, peacekeeping elements are matrix for peacekeeping, this analysis takes into account the mandate of any peacekeeping mission which comes from the

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<sup>57</sup> Waal, Alex, Darfur and the Failure of the Responsibility to Protect. *International Affairs* (Vol. 83, Number 6, 2007), p. 1050.

<sup>58</sup> Weiss, Thomas G., David P. Forsythe, Roger A. Coate, *The United Nations and Changing world Politics* (Boulder: Westview Press Inc, 1<sup>st</sup> ed., 1994) p. 61.

<sup>59</sup> UN News Centre: Bombing of Darfur Villages Unacceptable, Says Senior UN official, 27<sup>th</sup> May 2010) p 1 of 1.

<sup>60</sup> Weiss, Thomas G., David Forsythe, Roger A. Coate., *The United Nations and Changing World Politics* (New York: Westview Press, Inc, 194) p. 49.

<sup>61</sup> UN News Centre: Ban deplores ‘unacceptable’ attack on UN Peacekeepers in North Darfur( 9<sup>th</sup> July 2008) p. 1.

United Nations Security Council, the consent which must come from the host state otherwise you cannot talk of a peacekeeping operation, every peacekeeping force of the United Nations must experience a high sense of impartiality, must make a balance between the conflicting parties by not taking to one side against the other side, the financing of any peacekeeping operation must be defined and prompt so that it can be effective in its operation, every peacekeeping mission of the United Nations must be build upon the observation of law, the customary law of the host state, the Charter of the United Nations and international law especially humanitarian law and should be understood that peacekeeping and peacemaking cannot be disentangled from each other, peacekeeping set the right environment for peacemaking therefore this thesis will give account of this.

### **2.5.1 The Mandate and Consent of Peacekeeping**

The legitimacy of any peacekeeping force of the United Nations is the consent it must receive from the host state and the mandate of the Security Council. The concept of the United Nations peacekeeping consent is that which scholars understand to be the factor of the effectiveness of the peacekeeping operation.<sup>62</sup> When a state gives its consent to the operation of peacekeeping, it can later withdraw such consent which means that the peacekeeping operation ceases to hold. In the area of self defence, the host state must consent to a self defence by the peacekeepers otherwise if it goes ahead without the consent of the host states such will be understood as illegal. To this end, consent and mandate of peacekeeping operation cannot be disentangled from each other, as the mandate of the peacekeeping operation comes from the Security Council of the United Nations which can now act with the understanding that it enjoys international law backing since the modus

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<sup>62</sup> A. Cassese, *United Nations Peacekeeping Legal Essays*, ed. (Alphen aan den Rijn- The Netherlands, 1978), p. 118.

operandi of the United Nations is a reflection of the Charter which is an element of international law. The Security Council must define the nature of the operation and must also give mandate in case of a situation of self defence by the peacekeepers. The mandate of the peacekeeping force must be very clear so that the peacekeepers can act clearly in its operation. All of these points made fall within the framework of the legal analysis of the United Nations peacekeeping operations. Every peacekeeping force of the United Nations must have and be guided by the above.

The importance of the United Nations peacekeeping is understood and valid within the definition of consent of the host state. Just last week the governments of the Democratic Republic of Congo and Chad had withdrawn their consents from the United Nations peacekeeping missions, therefore by implication ending their operations in these two states. So the first thing that is of importance in any peacekeeping is the clear mandate from the Security Council and the consent it must receive from the host government where its mission is located, the lack of consent by implication means that the peacekeeping operation is invalid and cannot be effective in the peacekeeping mission.

### **2.5.2 The Impartiality of the United Nations Peacekeeping**

Within the legal framework of peacekeeping, the rules against impartiality is one aspect that must be adhered to by the peacekeepers under the United Nations peacekeeping operation, in the task of peacekeeping the United Nations peacekeeping operation must come to balance the equation by separating the warring parties not to confront each other again and in doing this, the peacekeepers must not take to one side of the parties against the other side otherwise the effectiveness of the

peacekeeping will be defeated.<sup>63</sup> The concept of impartiality can be understood from the differences between the collective security efforts of the United Nations and that of peacekeeping efforts. Collective security is aimed at reducing the efforts of any aberrant states that would want to change the entire regime of the international system by a collective contribution from powerful states.

But peacekeeping efforts can be understood as that which is not aimed at fighting any State, put to restore peace and order that were lost in the cause of the conflicts between one state and the other. The operation of peacekeeping by the United Nations is like that of good offices that does not participate in the settlement of conflict, in this connection peacekeeping impartiality is for the United Nations to separate the warring parties but not to participate in the conflict against the other.<sup>64</sup> Impartiality involves the non interference by the United Nations peacekeepers in the issues of governance of the conflicting parties, where the peacekeeping operation is carried out with the intention to give weight against the other state.

### **2.5.3 The Financing of the United Nations Peacekeeping**

The World over, without the economic institutions one cannot talk of a progressive World, the World was greatly challenged by economic crisis in the year 2008 up to 2009 and everything looked stagnant then. For the United Nations the economy is important in other for it to operate effectively and carry out the mandate in which it was established to maintain international peace and order, this is understood in the peacekeeping operations of the United Nations the World over.

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<sup>63</sup> Bourantonis & Wiener, *The UN in the New World Order*, The World Organization at Fifty, ed. (Macmillan Press Ltd, London, 1995), 109 .

<sup>64</sup> A Casses, *UN Peacekeeping, Legal Essays*. ( Alphen aan den Rijn, The Netherlands, 1987), p. 135.

The United Nations has various ways of going about the financing of its peacekeeping operations. First it falls back to Member States for funding by making taxation; this fact is understood in the philosophy of the United Nations which was built upon the collective security approach making sure that the recurrences of the first and second World wars are not experienced by mankind again. To this end, the United Nations cost for peacekeeping operation gets the endorsement from the General Assembly and considered to be expenses of the United Nations. If the peacekeeping operation is a small mission, it then can be financed from the regular budget of the United Nations and still will be shared among member States accordingly to their liability for the organization's expenses. But if the peacekeeping operation is a big one, a special account shall be opened for it and will need the permanent members of the Security Council to pay more in the allocation of the funding.<sup>65</sup>

Member States as a matter of urgency pay up their levy on or before fifty days after notification which is part of their obligations to the collective security agreement. Sometimes States do not pay on time due to the bureaucratic process it has to go through in their States, this is typological of the United States of America, that take time before the Senate gives approval. But States who do not meet their financial obligation will not be allowed to vote on the floor of the United Nations.<sup>66</sup> In all of the ways the financing of the United Nations go, the peacekeepers benefit more from it because as they are on peacekeeping operation, the United Nations pay them and at the same time their individual States pay them which make them get more money,

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<sup>65</sup> Vaughan Lowe & Colin Warbrick, *The United Nations & Principles of International Law*, ed., (Padstow Press, Britain, 1994), p.167.

<sup>66</sup> *Ibid* p.167

this fact is evident in Nigeria as Soldiers and Mobile Police personnel lobby their posting to the United Nations peacekeeping operations. But there is another type of funding of the United Nations Peacekeeping operation which is based on voluntary donations both from States and non State actors and this is a typology of the United Nations Peacekeeping operation in Cyprus.<sup>67</sup> It should be understood that the prompt financing of the United Nations peacekeeping operation will bring about effectiveness of the peacekeeping operation.

#### **2.5.4 Application of Law in Peacekeeping**

Peacekeepers must respect the various laws, the law of the State where the peacekeeping operation is carried out, the United Nations law which is defined within the framework of the Charter and above it must religiously adhered to the dictum of international law, especially humanitarian law. This part of the Thesis looks at the respect for humanitarian law by the peacekeepers, which is very important in any effective peacekeeping operation of the United Nations. Generally speaking, international law has “Humanitarian Law” which is part of it directed to the protection of civilians from molestation, violations during and after any national or international conflict or war as the case may be.<sup>68</sup>

This law is build upon the philosophy of ensuring that the both parties involved in warfare or disputes as a matter of fact must observe the basis of the humanitarian law which says that civilians should not be hurt and humiliated at any point in time. Within the milieu of international law, the combatants are not permitted to wage war

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<sup>67</sup> A Cassese, *United Nations Peacekeeping, Legal Eassays*, ed., (Alphen aan den Riji, The Netherlands, 1987), p.162.

<sup>68</sup> Newman, Frank and David Weissbrodt. *International Human Rights: Law, Policy and Process* {Ardsley, New York: Adderson Publishing Co, 1990} p. 684.

against civilians, but they must provide security for them. The strictness of this law is that when any leader directs it is military to attack civilians such leader will be charge for war crimes against humanity. Even at that this law protects combatant who lay down his arms, this is in line with the Geneva Convention 1V of 1949. In the face of all these, Article 3 of the Geneva Convention reiterate very that no faction group should cause any murder, cruel treatment, mutilations against civilians. In the vein of the Geneva Convention, Article 2 is very clear that, the injured should be taking care of by the State.<sup>69</sup>

## **2.6 Peacekeeping and Peacemaking in the Settlement of Disputes**

It is very important to make a clear differentiation between peacemaking and that of peacekeeping which has been misunderstood over the years. Although both cannot be disentangled from each other, as they save the intention of restoring law and order in those areas where international peace, law and order are threatened. The making of the peace and the keeping of the peace within the United Nations system is one that should be carefully distinguished; the two efforts are meant to be for the intent and purposes of the actualization of international peace, law and order in those trouble stops in the globe. Peacekeeping can be interpreted to be the separation of the warring parties from having direct contacts that will lead to confrontations. Therefore, one can say that peacekeeping is like a prerequisite for peacemaking in the sense that when the environment is still characterized by war the two conflicting parties cannot come to table for this peacemaking or peace talks.<sup>70</sup>

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<sup>69</sup>Roberts, Adam and Richard Guelff., eds., Documents on the Laws of Wars {New York and Great Clarendon: Oxford University Press, Inc, 3<sup>rd</sup> ed., 2000} p. 302.

<sup>70</sup> Bourtros Ghali, An agenda for peace (New York, United Nations, 1992), p.32.

One can say that peacekeeping has no confined definition but explained or interpreted in the context and sense in which it finds itself. The traditional view of peacekeeping points out that, the United Nations explanation of peacekeeping is understood as an operation includes military personnel without the use of force or enforcement power, undertaken by the United Nations to preserve or restore international peace and security in armed conflict, based on State consent and cooperation.<sup>71</sup> So therefore, the concept of peacekeeping is not the panacea to the conflict resolution but that which gives way for the panacea to conflict resolution which is peacemaking. In short, peacekeeping and peacemaking can be differentiated from the fact that peacekeeping is the means of helping the conflicting parties to come to table discussions which takes the definition of peacemaking and carried out by the bureaucracy of the United Nations, the good offices of the Secretary General or the means of mediation.

Peacekeeping helps the conflicting parties to maintain a cease fire agreement and to avoid violent confrontations. Although it should be made very clear here that peacekeeping operation cannot be disentangled from peacemaking, the two go along side must especially when the level of violence that has called for the conflict resolution is beyond internal strength of settlements. Peacekeeping is not defined in the Charter of the United Nations, but was born out of practice and is not one of the means of conflict resolutions but the panacea to the means of conflict resolutions. The next paragraphs shall give a panorama of other means of the settlement of disputes but will mainly focus on mediation and good offices of the Secretary General of the United Nations.

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<sup>71</sup> White, N.D. Keeping the Peace {Manchester and New York: Manchester University Press, 1<sup>st</sup> ed., 1997} p. 207.



Mediation, good offices, inquiry negotiations, conciliation, arbitration and the International Court of Justice are another means to the panacea to conflict resolution. They have different ways of addressing the settlement of conflict, but with the same goal of achieving settlement in the end. We can say that the above fall within the ambience of diplomatic ways of the settlement of disputes which can be buttressed from the Charter of the United Nations Article 33 which says that members should settle their international disputes through a peaceable manner.<sup>72</sup> Negotiation in a conflict settlement can be understood to be when the conflicting parties come together with a view of sorting out their differences and often times this is characterized by the nature of flexibility and the goodwill to build upon mutuality.

Inquiry is the means of settlement of conflict with the establishment of panel of inquiry that mainly get the facts that have led to the genesis of the conflict with the intention of finding out a resolution in an optimal sense. Conciliation although almost similar with inquiry but has to come up with a proposal for settlement which inquiry does not do. It should be understood here that the recommendations of the both commissions are not legal compulsory binding on the parties but optional for them to accept or not.<sup>73</sup> Arbitration is as a means of the settlement of disputes, defined within the framework of law, that means it has a legal principle and as such its position at the end of the day is binding on the conflicting parties. This can be

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<sup>72</sup> The Charter of the United Nations, Article 33, in *International Organizations Principles and Issues*, by A. Leroy Bennett, (4<sup>th</sup> eds, Prentice – Hall, Inc. 1991, New Jersey, United States of America), p. 443.

<sup>73</sup> Martin Doxion, *International Law*, (6<sup>th</sup> eds, University Oxford Press, London, 2007), pp. 270 – 280.

likened to the position of the International Court of Justice as a means of the settlement of disputes.<sup>74</sup>

The mediation process and the practice of peacekeeping go along side to achieve the goal of peace for the United Nations; theoretical framework of any peacekeeping mission by the United Nations sees the United Nations as a third party in the conflict between two states.<sup>75</sup> In doing this, meditation for peace and understanding, the United Nations do not take to one side of the conflicting parties, but stands as a neutral entity and tries to see the situation of conflict from more of holistic point of view. In its meditation approach to conflict resolution the United Nations peacemaking tries to see the need for the two conflicting parties to address the issue through more of communication. The United Nations insist on convincing the two conflicting sides to see and address the issue from the framework of negotiation so that they can see the need to charge their grounds.<sup>76</sup> Meditation by the United Nations peacemaking term, the understanding of equality is important in the negotiation of peace between two conflicting parties, the United Nations sees the parties involved in the conflict as equal, treating issues as such, otherwise, if it is not based on equality the ideal of an optimal peace talk cannot be obviously achieved.<sup>77</sup>

Looking at conflicts as one fact that has kept the United Nations under pressure, one can say that from the studies of International Relations and more specific from the

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<sup>74</sup> J. G. Merrills, *The UN & the Principle of International Law*, 1st eds. (Routledge, New York, USA), P. 54- 56.

<sup>75</sup> Mitchell C, *The structure of International Conflict*, ( London, Macmillan, 1981) p. 287.

<sup>76</sup> Touval S.& Zartman I.W (eds.), "International Meditation in Theory and Practice, School of Advanced International Studies, John Hopkins, Un, p.7.

<sup>77</sup> Bendahmanane D. & McDonald J.W (eds.), (*Perspectives on Negotiation*, Centre for the study of Foreign Affairs, Foreign Service Inst., US Dep. Of State (1986), pp.217-226.

Realist scholarship, It is understood that because of the absence of a sovereign government in the International system to direct the role of the international community, States are likely to fight for their selves alone which sometimes stands to be a threat to other States which results into conflicts, but in the face of all these, the United Nations Charter, Article 33(1) states that member states should as a matter of importance settle their conflicts in a peaceful way.<sup>78</sup>

Good offices is one of the means of the settlements of disputes, this draws the attention of the Secretary General of the United Nations to the settlement of disputes. He maintain a sense of neutrality in the settlement of dispute between the conflicting parties, he make sure that there are efforts to bring the conflicting parties to round table discussion and he does not participate in the negotiation but makes sure that the parties embrace negotiation. For the mediation the mediator participate in the negotiation and stand to be a guide to the negotiation but good offices task is mainly defined when it has achieved the intention of persuading the warring parties to come to negotiation.<sup>79</sup> The next Chapter will be an application of chapter two to the United Nations peacekeeping force in Cyprus.

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<sup>78</sup> Bercovitch J. & Rubin J.Z (eds). *Meditation in International Relations*( Basingstoke, Macmillan, 1992), p.7.

<sup>79</sup> Martin Doxion, *International Law*, (6th eds, University Oxford Press, London, 2007), pp. 277.

## Chapter 3

### ANALYSIS OF UNFICYP OPERATION IN CYPRUS

#### 3.1 Introduction

How can the operation and components of UNFICYP be understood? The World would have been more prone to conflict today without the United Nations; the United Nations is one big international organization responsible for the security of mankind. The World is characterized by conflict both at the State and international levels, since the year 1945, the United Nations provided international peace and making sure that conflict does not escalate into the threat of international peace and order.

The peacekeeping agenda of the United Nations has been extended to Cyprus since the year 1964 with the United Nations Security Council Resolution 186 (1964) establishing UNFICYP to restore peace and order which were breached by the warring parties in Cyprus who had a conflict based on the constitutional change that the Turkish Cypriots saw as making them minority in all aspects of the 1960 Republic of Cyprus framework. The task of UNFICYP is to make sure that there is no recurrence of the conflict.<sup>80</sup> This Chapter focuses on UNFICYP, its financing, legal framework, consent, impartiality, mandate and composition. Chapter two of this thesis gave us the general view of the United Nations Peacekeeping operation which is a matrix to this Chapter and Chapter four.

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<sup>80</sup> The United Nations S/RES/186/ 1964.

### **3.2 The Legal and Institutional Framework of UNFICYP**

UNFICYP presence in Cyprus is built upon the United Nations Security Council Resolution 186 (1964) which mandated it to carry out a peacekeeping operation in Cyprus as a result of the threat to order and international peace between the Greek Cypriots and the Turkish Cypriots in the year 1963 which led to many months of violence. The mandate of UNFICYP was authorized by the United Nations Security Council for it to solely maintain peace and restore law and order on the Island.

There is no doubt about it, that the United Nations Security Council resolution 186 of 1964 is the basis of UNFICYP mandate in Cyprus, this resolution spells out clearly the nature of the mandate the financial implication which the three guarantors States, Turkey, Greece and the United kingdom should take responsibility of.

It is stated in the resolution under review that the operation of UNFICYP duration was for three months.<sup>81</sup> UNFICYP consent and mandate are the bases of its standing which gives it authority to act on behalf of the United Nations otherwise it cannot act in the keeping of peace in Cyprus today. The peacekeepers in their peacekeeping operation must operate within the framework of international law, the Charter of the United Nations, customary law which means, the law of the land where they operate, the Republic of Cyprus law and that of the Turkish Republic of Northern Cyprus and above it must obey international law especially the law that protects humanity known as humanitarian law.

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<sup>81</sup> The United Nations S/RES/186/ 1964

### **3.3 The Consent for UN Peacekeeping in Cyprus**

The peacekeeping mission of the United Nations must have consent from the Government of the State where the peacekeeping mission will be carried out. UNFICYP mandate is renewed every six months by the United Nations Security Council.<sup>82</sup> The consent that must have a legal backing within the framework of International Law is that which there must be consent from the sovereign government where the United Nations peacekeeping mission will be carried out; this comes when violence and threat to international peace have not escalated to the point that the civilians are humiliated. But the other side of the stationing of a peacekeeping mission is that which it is of pivotal importance to save lives, and to avoid the violation of humanity and human rights in the conflict or in the threats, and this must be at the discretion of the United Nations Security Council who may direct a troop into such a State based on the interpretation of the United Nations Charter, Chapter VII.<sup>83</sup> Otherwise in the absence of these mentioned above, there must be a receiving consent from the government of that state where the peace operation will be located.

In peacekeeping, the host government consent can be understood as the prerequisite for the mandate from the Security Council because it must be sure that the consent will be given to the operation in the area, this can be understood in the cease of Israel's refusal to give consent to the continuous deployment of the United Nations

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<sup>82</sup> R. Siekmann, *National Contingents in United Nations Peace – keeping forces* (Dordrecht, 1991), p6. M. Bothe, “peacekeeping”, in B. Simma Ed., *The Charter of the United Nations. A commentary* (2<sup>nd</sup> edn., Oxford, 2002) Vol. 1, pp. 648 - 700 .

<sup>83</sup> Chapter 7(2) Charter of the United Nations.

force during the Suez crisis.<sup>84</sup> The then Secretary General of the United Nations adhered to the situation, and because of this the Security Council could not make the deployment of the United Nations Peacekeeping force to Israel in line with respect for the domestic authorities of Israel.<sup>85</sup> For Bowett, the inability of the Israeli authorities to give consent to the operation of the United Nations peacekeeping force (UNEF) is a clear indication of the importance of consent from the host government, and because of the withdrawal of consent, the force was withdrawn from Israel since the consent had been revoked.<sup>86</sup> And the point here and value from this peacekeeping force of the United Nations is that it gives the importance of consent from a State to the United Nations peacekeeping operation and the task of the traditional peacekeeping modern which is to separate the warring parties from flight as the force did separate the Jews and Arabs from fighting over the Suez canal.

The mandate of UNFICYP does not fall within Chapter VII of the Charter of the United Nations, but to this end falls within Chapter VI of the United Nations Charter.<sup>87</sup> The United Nations peace mission in Cyprus has its legitimacy, focus and direction within the Security Council of the United Nations resolution 186 of (1964). This resolution of the United Nations Security Council goes with the Government of Cyprus consent to its operation of peacekeeping.<sup>88</sup> It should be

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<sup>84</sup> GA Res. 997 (ES-I); GA Res. 998 (ES-I); GA Res. 1000 (ES-I); GA Res. 1001 (ES-I); and R. Higgins United Nations Peacekeeping 1946–1967. Documents and Commentary, vol. 1 (1969) 221–529.

<sup>85</sup> Second Report of the Secretary-General on the plan for UNEF, UN doc. A/3302 (1956), para. 9.

<sup>86</sup> Report of the Secretary-General on the Withdrawal of the United Nations Emergency Force, UN GAOR, Fifth Emergency Special Session, Annex, Agenda Item 5, UN doc. A/6730 (1967), Higgins, *op. cit.*, fn. 7, pp. 361–362.

<sup>87</sup> D. Bowett, *United Nations Forces: A legal study of United Nations Practice* (London 1964), p. 553.

<sup>88</sup> The United Nations Security Council Resolution S/RES/186 (1964) of 4 March para 4.

understood here that the consent that gives UNFICYP the legitimacy in Cyprus came from the Greek Cypriot side which is the recognized Government by the United Nations according to the Security Council Resolution 541 (1983).<sup>89</sup> The big question is that why is the United Nations or the Greek Cypriots Government not involving the TRNC Government in the consent to UNFICYP peacekeeping? In reality there are two Governments on the Island of which the United Nations sees the Greek Cypriots Government as the legal Government and the Turkish Cypriots Government as illegal, but in the face of this controversy, TRNC Government by what is right needs to be a participant in the consent which gives UNFICYP the legitimate right to operate in Cyprus of which part of the areas it covers are those of TRNC, like the military base close to the Eastern Mediterranean University, Famagusta.

Today UNFICYP is understood to be a representation of the Greek Cypriots by some views because the opinions and consent of TRNC are not considered, this is one factor that lingers the peace process not to have brought a comprehensive result based on the fact that there is no equal footing for the two parties to be represented by the United Nations because of the interpretation of TRNC as illegal. The lawfulness of the Government of TRNC has made it not to take measures that can stop UNFICYP not operate on the Turkish Cypriots side; the Government has shown a level of cooperation with UNFICYP. <sup>90</sup>

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<sup>89</sup> United Nations Resolution S/RES/541/1983

<sup>90</sup> Republic of Turkey, Ministry of Foreign Affairs, Press Release Regarding UNFICYP Unofficial Translation June 16, 2001. [http://www.mfa.gov.tr/press-release-regarding-unficyyp\\_br\\_unofficial-translation\\_br\\_june-16\\_-2001.en.mfa](http://www.mfa.gov.tr/press-release-regarding-unficyyp_br_unofficial-translation_br_june-16_-2001.en.mfa) accessed 2/7/2010 .



In this connection, peacekeeping operation actualizes its purposes and intent, in the sense that when the host government consents to the operation as defined, this results in a smooth peacekeeping operation which is built upon co-operation instead of challenges of cooperation. This principle of consent is understood in sovereignty of Statehood which is in connection with the work of the United Nations and cannot be optimal without the cooperation and support of the State.<sup>91</sup> Consent is another way in understanding that the conflicting parties are ready to consider settlement which at the end gives the Security Council the picture to give a clear mandate for the deployment of peacekeeping force to the troubled zone.<sup>92</sup>

The consent of the United Nations peacekeeping force in Cyprus (UNFICYP) is a bit unclear about how the consent to it was given to by the Republic of Cyprus which is a representation of the Greek Cypriots, thus, the Turkish Cypriots government was not part of the consent which makes the presence of UNFICYP and its operation not legally right for Michael Moran. Therefore, by implication UNFICYP is based in Cyprus on the permission and consent of the Greek Cypriots Government the recognized government in Cyprus by the international community.

### **3.4 The Composition of UNFICYP**

The composition of UNFICYP is within the framework of the United Nations Security Council Resolution 186 (1964), which unequivocally states that the United Nations Secretary General shall constitute the size of UNFICYP, of which this will be in discussion with the guarantor powers which were the Governments of the United Kingdom, Turkey and Greece. To this end, the commanding officer of the

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<sup>91</sup> Report of the Special Committee on Peace-Keeping Operations, Report A/57/767 ( 28 March 2003). Para. 45.

<sup>92</sup> S. Sur, 'Leçons de terrain', in *Opérations des Nations Unies* (1995) 377 at 385–389

Force shall be at the discretion of the Secretary General who makes the appointment upon who he considers best to be the commander, after the appointment of the commander by the Secretary General, he will report directly to the Secretary General from time to time on the activities of the Force and by principles of bureaucracy, the Secretary General shall make his report to the Security Council every six month on the activities of the United Nations Peacekeeping Force UNFICYP in Cyprus.<sup>93</sup> The Secretary General shall be in touch with the Governments of Turkey, Greece, the Republic of Cyprus and the United Kingdom on their responsibility on UNFICYP expenses from time to time.<sup>94</sup>

The point here is that the case of UNFICYP was left totally to the Secretary General to constitute the force with the mandate of the Security Council. Although in the past the Secretary General had been challenged by some factors with the constitution of UNFICYP and these were the challenges of the funding, standing and responsibility of the force. These various challenges can be known from the fact that UNFICYP was hastily established because of the escalating nature of the crisis in the then Republic of Cyprus and the only composition of the British force started the peacekeeping operation in 1964, to this end, for UNFICYP to effectively go after its goal of establishment, the Security Council had to come up with another Resolution directing those concern to cooperate with the Security Council Resolution 186 (1964).<sup>95</sup>

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<sup>93</sup> The United Nations S/RES/186/ 1964/Para. 4

<sup>94</sup> The United Nations S/RES/186/ 1964/Para. 6

<sup>95</sup> Wainhouse, Water., International peacekeeping at the Crossroads,( McMillian, New York, America 1973) pp.123- 125.

The second Resolution of the United Nations Security Council 187 (1964) is interpreted from the point that the United Nations security efforts are defined within the framework of “collective security”, which means that every Member State of the United Nations must cooperate with the United Nations efforts in peacemaking and peacekeeping in the international system. The Charter of the United Nations is much explicit in this; one of the greatest challenges of UNFICYP is that of cooperation from member States of the United Nations. The composition of UNFICYP will not be complete if there is no breakdown of men and officers that make up the force and also their countries as at 31<sup>st</sup> October 2009.

#### **COUNTRIES MILITARY PERSONNEL**

Argentina	295
Austria	4
Canada	1
Hungary	4
Peru	2
Slovakia	200
United Kingdom of Great Britain and Northern Ireland	272
<b>Total</b>	<b>858</b>

#### **COUNTRIES**

#### **UNITED NATIONS**

#### **POLICE**

Australia	15
Bosnia and Herzegovina	3

Croatia	4
El Salvador	8
India	7
Italy	4
Ireland	18
Montenegro	1
Netherlands	7
Ukraine	2
<b>Total</b>	<b>69</b>

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The above gives a panorama of the composition of UNFICYP and their States. UNFICYP is a composition of both police and military officers. Every six months the United Nations Security Council renews the mandate of the operation in Cyprus, also internally deployments and redeployments are made among the officers. From the table above, Argentina makes more donations of personnel with 295 officers follow by the United Kingdom of Great Britain and Northern Ireland 272, in all UNFICYP has 927 men and officers strength on peacekeeping operation in Cyprus. The British troops have been in the picture of a ceasefire in the Cyprus conflict, its involving the guarantor governments of the Republic of Cyprus.<sup>97</sup> UNFICYP is understood to be the longest United Nations Peacekeeping missions in the world as the conclusion of the mission is depended on the settlement of dispute by the

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<sup>96</sup> Report of the Secretary – General on the United Nations operation in Cyprus to the Security Council , 25 November, 2009, S/2009/609.

<sup>97</sup> J.W. Bridge, The Legal Status of British Troops Forming part of the United Nations Force in Cyprus, Vol.34, No.2 ( Mar., 1971), pp. 5

peacemakers. To this end UNFICYP established in 1964 could not stop the Turkish troops from occupying part of Cyprus.<sup>98</sup>

When you take a look into the military strength of UNFICYP it is relatively cheap when making comparison with other peacekeeping missions like that of the hybrid forces in Sudan. For instance, the United Nations Resolution 1706 on peacekeeping anticipated about 17,000 troops together with police and other staff to form hybrid peacekeeping<sup>99</sup> and projected full operation of 26,000 troops by the end of 2007 into the conflict region, less than 10,000 troops are in Darfur.<sup>100</sup> Against this backdrop, one can clearly understand that UNFICYP is cost effective both in man power with about 1000 men and officers on peacekeeping mission. The next paragraph shall be analyzing the financing aspect of UNFICYP which is another dimension of its challenges today, its financing is defined to be that which comes from donor States, UNFICYP do not have a particular account where it financing comes from, and this is quite different from other peacekeeping foundlings across the World.

### **3.5 The Impartiality of UNFICYP Operation**

The United Nations peacekeeping operation for it to be effective must possess the characteristic of impartiality in its operation of peacekeeping; this is in connection with the modus operandi of peacekeeping, this means that the peacekeepers should not at any time of operation hold any bias or prejudice against any of the parties to

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<sup>98</sup> Alan James, The UN Force in Cyprus, Vol. 65, No.3 ( Summer, 1989), p.1

<sup>99</sup> Gantz, Peter. {22<sup>nd</sup> November, 2006}, Sudan: Hybrid Peacekeeping Force for Darfur Must Comply with UN Requirements. Refugee International Bulletin}

<sup>100</sup> UN News Centre: At five-years Mark, Darfur Crisis is only Worsening, {22<sup>nd</sup> April 2010}, p. 1, <http://www.un.org/apps/news/story.asp?NewsID=26422&Cr=darfur&Cr1>

the conflict.<sup>101</sup> The peacekeepers must not take to one side of the parties in the conflict, and must not begin to make a change in the course of the conflict.<sup>102</sup> Conflicting States must see the peacekeeping operation of the United Nations as that which represents the international community in the restoration of peace, law and order, the United Nations Security Council in defining its mandate to the peacekeeping operation looks at the situation in the conflict zone both politically and remains impartial in issuing the mandate.<sup>103</sup> The provision for impartiality in peacekeeping of the United Nations can be interpreted from Charter VI which is obviously not synonymous with the collective Security efforts of the United Nations, meaning that it is not defined to make use of force except on the ground of self defense and must remain impartial in the operation of peacekeeping and as such can never prejudice against any of the participants in the conflict.

The Security Council decision in restoring peace, law and order to a conflict zone is not with any prejudice against the conflict parties, but as a matter of fact the parties must respond to the dictum and efforts of the peacekeeping operation of the United Nations all with a view of restoring international peace and order.<sup>104</sup> In this connection, one can take a position to say that the United Nation is to be understood as the basic legal framework of peacekeeping.<sup>105</sup> In the particular analysis of

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<sup>101</sup> J. Boulden, 'Mandates Matter: An Exploration of Impartiality in the United Nations Operations', (2005)

<sup>102</sup> The United Nations, doc. A/3943 (1958), 8–10; Higgins, vol. III, *op. cit.*, fn. 7, pp. 131–132; SC Res. 743 (1992), para. 10.

<sup>103</sup> The United Nations Charter, Articles 25 and 2(5).

<sup>104</sup> The United Nations Charter, Article 40.

<sup>105</sup> E.M. Miller, 'Legal Aspects of the United Nations Action in the Congo', (1961) 55 AJIL 1 at 4–6; Bowett, *op. cit.*, fn. 26, pp. 175–178, 280–285; Higgins, vol. III, *op. cit.*, fn. 7, pp. 55–57 (in relation to Congo); N.D. White, *Keeping the Peace* (1993) 197–202.

impartiality of the United Nations, one can say that the United Nations Peacekeeping Force in Cyprus (UNFICYP) has remained impartial in its peacekeeping operation since 1964. There are no records to show that UNFICYP has been partial in its operation in Cyprus between the Turkish and Greek Cypriots. The pattern of operation is that which gives the either parties equal consideration or working relationship.

The recent survey carried out by the United Nations on UNFICYP between the Greek and Turkish Cypriots in Chapter one of this thesis is an indication that UNFICYP is not a partial peacekeeping force as both sides perceive it to be balancing the equation of the conflict. The mandate of the United Nations Peacekeeping force in Cyprus (UNFICYP) is defined within the Security Resolution 186 of 1964 mandating a military force of the United Nations to be deployed peacekeepers to Cyprus and stop the fighting, restore peace and order in Cyprus that were broken-down by the conflict between the two parties of the Island.<sup>106</sup>

The big task of the United Nations to carry out any peacekeeping mission is depended on the Security Council approval, the establishment of the United Nations peacekeeping mission with the mandated as in the general principle means to prevent a recurrence of fighting and, as necessary, to make efforts in the contribution to the maintenance of peace and restoration of law and order and also to return the conflict situation to normalcy.<sup>107</sup>

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<sup>106</sup> The United Nations Security Council Resolution 186 of 1964

<sup>107</sup> Karl Th. Birgisson, "United Nations Peacekeeping Force in Cyprus," in William J. Durch, ed., *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis* (New York: St. Martin's Press, 1993), p. 222.

Often times it is understood that before the United Nations Security Council authorizes any peacekeeping force, there is one fact that is for sure the primary task of the force, which is to restore peace, law and order. This impeccable fact is enshrined in the Charter of the United Nations in Chapters VI and VII. The Resolution 186 (1964) of the Security Council of the United Nations, states the task of UNFICYP which is to this end to prevent a recurrence of fighting and making impact in the restoration of law and order on the Island of Cyprus.<sup>108</sup> In practical and current terms, that UNFICYP's chief responsibility in Cyprus is to separate the two conflicting parties and thus foster conditions conducive for negotiating which will lead to a peace settlement.

As have mentioned earlier on, there is no doubt that due to the anarchical nature of the international system there is bound to be conflict of one kind or the other which therefore by implication defines the primary intention and objective of the establishment of the United Nations in the same international system to maintain peace and order. The legal framework of the United Nations peacekeeping mission is defined and understood from its Charter, Chapters, VI and VII which says that it can make use of peaceful settlement of conflict or dispute as the case may be or the use of sanctions and force. However there should be a proper understanding here that the Charter thus does not speak of United Nations Peacekeeping mission directly but can only be understood indirectly.

The consent that the United Nations receives from host government to carry its peacekeeping mission is the main foundation for any peacekeeping mission. The

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<sup>108</sup> United Nations, 1964 Doc ,S/5545



United Nations Security Council Resolutions (186 1964) and 649 (1990) are the bases upon which the mandate of UNFICYP to maintain peace and order in Cyprus are build upon likewise its tasks both ahead. The analysis in this Chapter covers the legal framework of UNFICYP, consent, composition, impartiality, mandate, financing and the peacekeeping and peacemaking connection in Cyprus.

### **3.6 The Financing of UNFICYP Peacekeeping Mission in Cyprus**

It is a truism that, without money the World will always remain standstill and stagnant. The United Nations is able to coordinate the affairs of the globe. The United Nations obviously need money so that it can actually carry out its basic functions and mandate of maintaining international peace and order which was one of the pivotal needs it was established. The issue of peacekeeping by the United Nations is a sensitive issue as it as to make sure that the financial obligation is adequately planned so that its peacekeeping mission at the end will not fail.

Originally, the financing of the United Nations peacekeeping Force in Cyprus is defined within the framework of the United Nations Security Council Resolution 186 (1964) which is the actual foundation of the Legal framework of UNFICYP in Cyprus, thus states that the various Governments sending peacekeepers to Cyprus for peacekeeping operation should as a matter of fact benevolently support the contingents financially since it is the collective project for every government in the international community to make harmoniously efforts to the maintenance of glob peace and order. Often times because of the financial implication and other commitments of these governments in other peacekeeping missions of the United Nations in other parts of the World, they find it hard to promptly support and send more contingents to the United Nations peacekeeping mission in Cyprus.

The United Nations Secretary General had expressed pains and almost disappointment in the poor responses of the various governments to actually support the peacekeeping operation of UNFICYP, that the supports were not forthcoming as such from the governments concerned that are saddled with the responsibility of collective security in the international community, and this fact has made the United Nations to have a deficit for UNFICYP of about 33 million United States of America dollar and he made clear that the better part of the funding comes from voluntary benevolent minded governments . The recent approval resources for peacekeeping operations for the period that covers from 1 July 2009 to 30 June 2010 indicates that UNFICYP is one of the poorest funding peacekeeping missions of the United Nations as the sum of (\$ 55 897 000) was budgeted for its operation from the above period. Making comparison with other missions like UNIFIL (\$589 799 200) and MINURCAT (\$ 690 753 100).<sup>109</sup> UNFICYP is low in financing and can be understood to be cost effective, in the face of this; UNFICYP results for peacekeeping have been optimal, to this end one can assume that this is one of the reasons the Secretary General to recommend for its continuation to the Security Council.

Just to point out here that NATO member states have actually supported the United Nations peacekeeping operations in Cyprus as they have donated so far 93.3 percentage of the total pledges made of about 166 million United States of America dollar which has been logical and effective within the time space of March 1964 – March 1975, and other benevolent minded entities that have obviously contributed towards the success of the United Nations peacekeeping operation in Cyprus have

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<sup>109</sup> A/C.5/64/15 Sixty- fourth session, fifth Committee, Agenda item 146, Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations. 22 January, 2010.

being Germany and Greece.<sup>110</sup> But the Greek Cypriots sides continue to support the financing of UNFICYP thinking that the partitioning of the Island was going to be momentary, for the Greek Cypriots side, UNFICYP is worthy of financing because of its tireless efforts in the stationing at the buffer zone which will help in to control of any situation that will cause international peace and order. <sup>111</sup>

The effectiveness of the United Nations Peacekeeping force cannot be achieved when the financing is not clearly define, UNFYCYP is one mission actually depended on the benevolence of voluntary donors .The truth is that in carrying out a peacekeeping mission anywhere, the peacekeepers must be paid their allowances and some of them see it as a means of improving upon their economy lives because as the United Nations pays them, their respective State governments pay them also, and that is while in Nigeria military personnel lobby to be sent on the United Nations peacekeeping mission.

But the mission of UNFICYP is very important as the peacekeepers will need mobility for their operation, cars and big trucks. When these pointed out are lacking or are not promptly provided, it will bring about a peacekeeping operation that will not be effective. The various United Nations Security Council resolutions continue to thank those countries that contribute to the financing of UNFICYP operation, must especially Greece and Cyprus for their generosity and called for more contributions from member States and international organizations.<sup>112</sup> The main contributors are

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<sup>110</sup> The United Nations Doc. S/11662, 31 March 1975.

<sup>111</sup> Ker J. Lindsay, *The Work of the United Nations in Cyprus: Promoting Peace and Development*, ( Palgrave Publishers Hampshire, UK, 2001), pp. 84- 85.

<sup>112</sup> The United Nations Security Council Resolutions 1818 ( 2008).

Greece and the Republic of Cyprus, but on top of this, the General Assembly allocated in June 30<sup>th</sup> 2009, the sum of \$54.4 million for the operation of UNFICYP through its resolution 63/290, June 30<sup>th</sup> 2009 and this allocation covers from 1<sup>st</sup> July 2009 through 30<sup>th</sup> June 2010.<sup>113</sup> It is worthy of note here that the total assessed outstanding contribution made to the UNFICYP special account got up to the sum of \$24.7 million covering the period from the month of June 31<sup>st</sup> 1993 to that of 31<sup>st</sup> August 2009. At the same time, the sum of \$2,150 million as the total outstanding assessed donations was made to the efforts of all peacekeeping operations.<sup>114</sup>

Therefore, the financing of UNFICYP is that which the expenditures are not actually defined in any office documents that can be presented as fact here, but the voluntary contributions to the financing obviously comes from the Republic of Cyprus and that of Greece.

### **3.7 Peacemaking and Peacekeeping in Cyprus**

There is no doubt about it that peacekeeping and peacemaking can never be disentangled from each other. In the case of Cyprus, the two aspects work hand in hand, all with the sole purpose of achieving a lasting solution to the Cyprus conflict that has resulted to the separation of the Island today. The United Nations has been a major vanguard in the efforts to find a panacea to the Cyprus conflict. The United Nations bureaucracy through the good offices of the Secretary General had also made efforts too in bringing to an end the Cyprus conflict through the various plans and high level talks.<sup>115</sup>

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<sup>113</sup> *ibid*

<sup>114</sup> *ibid*

<sup>115</sup> Ghali Broutros, Set of idea on an overall framework agreement on Cyprus.

The then Secretary General of the United Nations Boutros Boutros – Ghali came up with the High Level Talks, which made some pare metals for the Cyprus problem and went ahead to make provision for UNFICYP in the settlement of Cyprus problem as one of the implementers of the agreement if it had worked out. To this end, Kofi Annan former Secretary General of the United Nations, came out with a plan called the Annan Plan which was to bring a comprehensive solution to the Cyprus problem of separation, but this plan was put off by the Greek Cypriots side of the Island, this plan did make provision for the stay of UNFICYP after the settlement of the conflict. The above give us like a panorama of the relationship between the peacemaking and that of peacekeeping, the United Nations Secretary General using is good offices to bring a solution to the Cyprus problem also oversee the operation of the peacekeeping force operation and makes report of the operation and activities of the force to the United Nations Security Council.<sup>116</sup> Every six months the United Nations Secretary General makes report on the activities of UNFICYP and the land marks made so far.

He made a report on the activities of UNFICYP in Cyprus and a renewal appeal for the extension of UNFICYP operation in Cyprus. Peacekeeping involves the military presence of the United Nations in the restoration of law and order and on the other hand, peacemaking involves the good office and mediation of the Secretary General, the two go together with a view of achieving the United Nations mandate of making international peace and order. Peacekeeping makes the save environment for peacemaking, like in Cyprus today if the two conflicting parties are still having physical conflict, the various peacemaking efforts would not have been achievable,

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<sup>116</sup> Report of the Secretary – General on the operation of UNFICYP to the Security Council, 25, November 2009.

this is a credit that should go to the efforts of the peacekeeping made by UNFCYP, the two are inter related in obvious ways.

The tireless efforts of the United Nations in peacemaking and peacekeeping since 1964 in Cyprus which are yet to bring a totally result can be understood from the points of history and ethnic differences between the Greek and Turkish Cypriots which by implication always see themselves as different people who cannot come under one system.<sup>117</sup> It is always right for the conflicting parties to settle their differences without inviting a third party to separate them from conflicting further, however, the potentials of peacekeeping of the United Nations have been underestimated as a result of biases and prejudices of which conflicting parties do not have total confidence in it to resolve their confrontations<sup>118</sup>, to an extent this is not the case with UNFICYP in the restoration of peace, law and order in Cyprus. There may be this assumption from the United Nations that when the debate for the settlement of Cyprus conflict has taking a very long time, the two parties may finally come to settlement on their own, to this end, the Cyprus conflict that is yet to bring a settlement can be understood from the system of the United Nation which allow voting at the Security Council and the General Assembly in decision making, otherwise there would have since been a settlement in the Cyprus conflict.<sup>119</sup>

One of the best ways to bring an end to the Cyprus conflict is for the peacemakers to understand the issues of Cyprus holistically from the economy, demography, psychology of the Greek and Turkish Cypriots communities, historical account and

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<sup>117</sup> Van Coufoudakis, United Nations Peacekeeping and Peacemaking and the Cyprus Question, Vol.29, No.3 (Sep., 1976), pp. 457 – 473

<sup>118</sup> Michael Harbottle, Lessons for UN Peacekeeping, Vol.50, No.4 ( Oct., 1974) 544- 553

<sup>119</sup> Suhu Bolukbasi, The Cyprus Dispute and the United Nations: Peaceful Non- Settlement between 1964 an 1996, Vol.30, No3. (Aug., 1998) pp. 411- 434

geography, because it is evident that the settlement is been addressed from one point only which is the political aspect and has not brought results since the process of peacemaking.<sup>120</sup> The peacekeeping and peacemaking in Cyprus cannot be disentangled from each other, each playing a role of making Cyprus a peaceful settlement for all, these two dimensions of bringing peace to Cyprus have been the initiative of the United Nations and of which the Secretary General has played a conspicuous role in this connection. The good offices of Secretary General in Cyprus can be linked to the efforts made in the restoration of peace by the United Nations in the conflict between Iraq and Iran.<sup>121</sup>

In the efforts of the United Nations to bring a comprehensive settlement to Cyprus, the Secretary General has a representative in Cyprus by name Lisa M. Bottenheim and the Chief of Mission and SRSG Michael Moller who assist the Secretary General in the areas of administering the peace process in Cyprus and report to him from time to time and in turn the Secretary General reports to the Security Council on his good offices in Cyprus every 12 months and report on the activities of UNFICYP every six months in which he makes recommendations on the extension of the operation of the force in Cyprus. The next chapter shall be analyzing the role of UNFICYP and its place in the Cyprus settlement in future. The analysis on the effectiveness of UNFICYP will determine if it can have a role in the settlement of Cyprus conflict.

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<sup>120</sup> Jean Pierre Cot, Critical Remarks on John Burton's Paper on Resolution of Conflict with Special Reference to the Cyprus Conflict, Vol. 16, No.1 ( Mar. 1972), pp.31-39

<sup>121</sup> Kjell Skjellsbaek, The United Nations Secretary General and the Mediation of International Disputes, Vol. 28, No.1, Special Issue on International Mediation ( Feb.1991),p.99-115.

## **Chapter 4**

# **THE FUTURE OF THE UNITED NATIONS FORCE IN CYPRUS**

The United Nations force in Cyprus (UNFICYP) has been in operation since 1964. And it has actually played obvious roles in the restoration of peace and order in Cyprus. The peacekeeping operation and that of peacemaking go in hand within the framework of the United Nations, but this chapter of this thesis focuses on the role of the United Nations Peacekeeping force in a settlement of Cyprus conflict. The truth is that before one can talk about the role of UNFICYP in a settlement of Cyprus conflict, it is imperative to take a look at its effectiveness within the definition of establishment of the force in 1964 as stated by the United Nations Security Council Resolution 186 (1964).

Effectiveness can be understood within a context, when a particular organization is achieving its goal and mission based on the intention of its establishment. And it can be said that such an organization is effective. The effectiveness of the United Nations peacekeeping operation in Cyprus can be ascertained in the maintenance of peace and the restoration of law and order. The operation of UNFICYP is not the making of peace as may be understood, but the maintenance of peace and order through its



mechanism of the United Nations Peacekeeping. The United Nations peacekeeping operation UNFICYP in the settlement of the Cyprus conflict, means that UNFICYP operation in Cyprus will not just end after the goal of unification has been achieved, but will need sometime to help in the implementation of the agreements reached by the both parties which is the analysis of the future of the force in Cyprus as the next paragraphs shall be analyzing the effectiveness of UNFICYP in its peacekeeping before the analysis of the future.

#### **4.1 The Effectiveness of UNFICYP Operation**

To focus on the security measures in the face of the Cyprus conflict, the United Nations Security Council mandated a peacekeeping force known as UNFICYP to carry out a peacekeeping mission, which has its mandate from the United Nations Security Council Resolution 186 of March 4<sup>th</sup> 1964, with the sole purpose of preventing conflict between the Turkish Cypriots and the Greek Cypriots which was already escalating and to make possible efforts in the restoration of law and order.<sup>122</sup>

There is no doubt about it that UNFICYP roles in the Cyprus problem have been of pivotal importance, most especially in the maintenance of peace and order. There are opinions suggesting that the mission of UNFICYP is that which is indispensable while others see it as not important in Cyprus. However, we can say that given the nature and magnitude of the Cyprus conflict at its peak until UNFICYP came to the Island, makes it clear that the mission of UNFICYP is important based on the relative peace experienced today. The United Nations Security Council Resolution 186 of 1964 defines and states unequivocally the task of UNFICYP in Cyprus.<sup>123</sup> To this

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<sup>122</sup> K. Birgisson, "United Nations Peacekeeping Forces in Cyprus", in W.J. Durch (Ed.), *the Evolution of UN Peacekeeping: Case Studies and Comparative Analysis* (New York, 1993), pp. 218-236. *The Blue Helmets. A Review of United Nations Peace-keeping* (3rd ed., New York, 1996), pp. 147-170

end, one cannot fail to give credit to the efforts of the Turkish troops in the support of the relative peace that is experienced in Cyprus, especially in the Northern part of the Island as these efforts paradoxically complement the efforts of UNFICYP against the backdrop that Turkish troops represent and mainly defend the Turkish Cypriots. In this connection one can say that the relationship between Turkey and UNFICYP is the not far from the 1960 treaties that of Guarantee, Alliance and Establishment of which Turkey is a part of the three States that signed them of which by obligation Turkey has the right to restore peace and order in Cyprus just the way UNFICYP does. The Turkish military presence in Cyprus is to see that the Turkish Cypriots are not militarily intimidated by other external forces. In the same connection, the relationship between UNFICYP and Turkey is in line with peace restoration in Cyprus. UNFICYP is like the middle party standing between the Turkish troops and that of the Greek Cyprus National guard.

The primary mandate of UNFICYP in Cyprus is to prevent a return of hostility and, as essential, to contribute to the preservation and restoration of law and order.<sup>124</sup> The current peace mission of UNFICYP can be understood in its twenty four hours watch of the buffer zone positioned in Nicosia/Lefkosia.<sup>125</sup> UNFICYP does a lot on the buffer zone line by reducing the tendency of confrontational escalation between the two sides, tries to stop any form of harassment that may come from one side against the other including the civilians of Turkish and Greek Cypriots as the case may be. On the buffer zone, the peacekeepers do experience a potential situation that could

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<sup>123</sup> R. Higgins, *United Nations Peacekeeping, Documents and Commentary*, Vol.4, Europe 1964-1979, pp77.

<sup>124</sup> Karl Th. Birgission, "United Nations Peacekeeping Force in Cyprus, in William J. Durch, ed., *The Evolution of UN peacekeeping: Case Studies and Comparative Analysis* (New York: St. Martin's Press, 1993), p.222.

<sup>125</sup> United Nations, S/1996/411, PP1-3, *United Nations, Blue Helmets*, 2 ed., pp. 306- 307.

bring about violence, as school children shown their aggressiveness like in the case of October 1993, some children had gone away from school to protest around the buffer zone line which output did injure five UNFICYP personnel.<sup>126</sup>

UNFICYP's effectiveness is understood in its humanitarian services, all with a view of actually achieving optimal peace and set the path way for peacemaking. The Republic of Cyprus observed the international day for peace and was conspicuously marked by the peacekeepers (UNFICYP) in Cyprus on the 28<sup>th</sup> September 2009 with the candle light procession ceremony carried out within the Buffer zone. As part of the celebration, there was a call by the officers for the need for peace of the Island, admonishing the Turkish and Greek Cypriots to live in harmony so that the goal of peace talks can be achieved within the nearest time limit.<sup>127</sup> The United Nations peacekeeping force UNFICYP has the mission of supplying relief materials for humanitarian purposes to Cypriots especially the Greek Cypriots which the United Nations High Commissioner for Refugees and the Red Cross are directly part of which shows the obvious effectiveness of UNFICYP in its peacekeeping mission in Cyprus.<sup>128</sup>

The major task of UNFICYP is the restoration of peace and order in Cyprus which is the cardinal focus of the United Nations Security Council Resolution 186 which established UNFICYP peacekeeping operation in Cyprus in 1964. But on top of this task and the modern peacekeeping in practice of UNFICYP, it takes into providing

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<sup>126</sup>Report of the Secretary – General in connection with the Security Council's Comprehensive Reassessment of the United Nations Operation in Cyprus, November 22, 1993, S/26777, paragraph 68

<sup>127</sup> UNFICYP monthly magazine, The Blue Beret, August/ September, 2009, p.6

<sup>128</sup> United Nations Doc. S/11568, 6 December 1974 paras 16 – 18.

humanitarian assistance for the Greek Cypriots and Turkish Cypriots on issues that are linked water and electricity supply. UNFICYP facilitates farming within the buffer zone, provide deliveries of letters or mails from the Turkish Cypriots side to the Greek Cypriots side provide for both communities emergency medical services and constantly pay regular visit to Turkish Cypriots who are in the Greek Cypriots side of the Island and provide contact with their relatives who live in the Northern part of the Island.<sup>129</sup> The two Cyprus communities continue to ask for the assistance of UNFICYP in helping out in issues emanating from the division of Cyprus that have affected their day today lives which include educational matters, economic transfer of the dead, religious and socio-cultural gatherings. UNFICYP as part of the modern peacekeeping practice has been involved in the above issues.

UNFICYP is involved in the facilitation of the United Nations Development Programme (UNDP) in Cyprus today, in this connection; UNFICYP involves the Turkish and the Greek Cypriots to come up with a joint project especially which will stabilize the buildings at the Ledra Street/ Lokmaci which is traced along the buffer zone.<sup>130</sup> The efforts of UNFICYP is the promotion of the actualization of peacemaking and the unification of Cyprus speaks volumes, as the force has made cooperation both with domestic and international bodies to help facilitate the peace process in Cyprus. In May 2010, UNFICYP facilitated about 118 bicomunal gathering which in all had 5,648 participants from the Turkish and Greek Cypriots communities.<sup>131</sup> It should be noted that this gathering took place at the Ledra Palace Hotel located around the buffer zone is a neutral venue. UNFICYP has conducted

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<sup>129</sup> Ahmet Sozen, 2<sup>nd</sup> International Conference on Security: Challenges to Peace Operations in the 21<sup>st</sup> Century, paper presentation, 5-7 April 2006, at the Izmir University of Economics. P. 120

<sup>130</sup> The Report of Good Offices of the Secretary General of the United Nations on Cyprus, 28th May, 2010.

<sup>131</sup> *ibid*

about 59 humanitarian convoys and made visits to 361 Greek Cypriots on the Southern part of Island of which, most of whom are aged and are in need of medical care and attention. The modern peacekeeping of UNFICYP is not only focused on the Greek and Turkish Cypriots but also on the Maronites who are in the Northern of Cyprus.

The humanitarian services of UNFICYP are those which still cut educational development, and the force involves in assisting Turkish Cypriots resident in the south with a privilege to welfare services especially in housing and education. In Limassol and Paphos, UNFICYP continued to work with the domestic authorities and community representatives to strengthen its support in educational and social areas. UNFICYP is involved in the projects inside the buffer zone which included the construction, both residential and agricultural, and water management and extraction activities. As part of the humanitarian services that UNFICYP offers on top of its peacekeeping is the maintaining of cordial rapport with the Turkish Cypriots and the Greek Cypriots and also building confidence on the both sides to understand that their efforts are needed in the settlement of the Cyprus division, and this UNFICYP does through its various programme enumerated above. UNFICYP facilitates access to sites and icons of religious and significance of cultural heritage of the Greek Cypriots and the Turkish Cypriots. UNFICYP organized eight religious and remembrance events in Cyprus and out of these, six involved crossing the buffer zone to the northern part of the Island, and two were held in the buffer zone.<sup>132</sup>

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<sup>132</sup> The Report of Good Offices of the Secretary General of the United Nations on Cyprus, 28th May, 2010.

UNFICYP has achieved its primary establishment which was to maintain peace and order against the back drop of the major crisis between Turkey and Greece. Based on my research there are no records to show for UNFICYP members in Cyprus misconducts, unlike in the cases of the United Nations Peacekeeping Force in Somalia and Sudan where members of the peacekeeping force were engaged in illegal acts. This fact is evident to actually prove the effectiveness of the peacekeeping mission of UNFICYP as officers and men of the contingent are told to understand their mission as selfless and to be of good behavior in their relationship with civilians and also even their fellow peacekeepers. The United Nations Security Council Resolution 1283 (1999), report speaks of the issue that is related to missing persons in Cyprus and called for expedient action to this end for UNFICYP mandate to be extended based on the agreements reached by the Government of Cyprus.<sup>133</sup> The United Nations Security Council Resolution 1442 (2002) is not that different from the one above in terms of its extension of mandate of peacekeeping operation in Cyprus.<sup>134</sup> Resolution 1442, (2002) of the Security Council gives UNFICYP additional task to be one of the agents that will be responsible for the sensitization of HIV/ AIDS in Cyprus. UNFICYP peacekeeping operation as the Security Council continues to have its extension due to the efficiency and indispensable roles UNFICYP has played in the restoration of peace and order in Cyprus.

The United Nations Security Council Resolution 1517 (2003) is still a confirmation and affirmation of Resolution 1442 2002, defining the task of UNFICYP and asking

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<sup>133</sup> The United Nations Security Council Resolution 1283 of 15th December, 1999, para 1&2

<sup>134</sup> The United Nations Security Resolution 1442 of 25<sup>th</sup> November, 2002, para 2& 3

for the extension of it, in its operation in Cyprus.<sup>135</sup> To this end, the Security Council of the United Nations gives credit to UNFICYP for the peace experienced today in Cyprus, and affirms the imperative need to extend the operation of UNFICYP, the report thanked the Governments of Cyprus and Greece for their voluntary contributions to the operation of UNFICYP and admonish other member States and organizations to support financially the operation of UNFICYP.<sup>136</sup>

In this connection, one can say that the continuation of UNFICYP operation by the United Nations Security Council is evident enough to speak for its effectiveness. No one hopes to invest in what at the end of the day will not be profitable to him, as the Secretary General presents his report annually on his good offices in Cyprus; he does the same but every six months for the continuation of UNFICYP to the Security Council. UNFICYP may be challenged today by finance, in this sense, that the effectiveness of UNFICYP can be understood in the cost effective for the United Nations on like other peacekeeping missions across the World. The Security Council continues to draw attention to the need to address the issue of missing persons in Cyprus and sees it essential to keep UNFICYP in the front of this great task.

The Security Council of the United Nations renews the operation of UNFICYP every six months based on the fact that it has been effective in its operation, the Security Council in its Resolution 1728 (2006) confirmed the effectiveness of UNFICYP at the same time pointing out that there was a clear experience of peace in Cyprus which by implication should be credited to the effectiveness of UNFICYP.

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<sup>135</sup> The United Nations Security Council Resolution 1517, 24<sup>th</sup> November (2003)

<sup>136</sup> The United Nations Security Council Resolution 1568, 22<sup>nd</sup> October, 2004

This Resolution calls the parties involved in the Cyprus conflict to shun every action which could bring about unnecessary tension and fear in Cyprus. The Resolution points out the effectiveness of UNFICYP on the Green line as there are some levels of calmness and called for the parties to involve themselves in consultations with UNFICYP in the area of demarcation of the buffer area as this was part of the mandate of UNFICYP.

The above resolution of the Security Council is that which the effectiveness of UNFICYP peacekeeping operation in Cyprus is known, but presented to be more comprehensive in information as it drew attention to the extension of UNFICYP, the issue of missing persons in Cyprus. Also the need for the conflicting parties to engage in consultation with UNFICYP on demarcation of the Green line area of Cyprus. It drew the attention of UNFICYP peacekeepers to the conduct of the United Nations on peacekeeping operation against sexual exploitation and abuses. Resolution 1758 (2007) calls for the extension of UNFICYP operation in the maintenance of peace and order considering the circumstance of Cyprus and called on the parties involved in the Cyprus conflict to always co-operate with UNFICYP in its efforts of the maintenance of peace and order, appealed for more financial support of the operation, at the same time shown gratitude to the Governments of Cyprus and Greece for their tireless efforts in the financing of UNFICYP operation. The Security Council in the Resolution called for the adjustment of UNFICYP mandate in terms of the modus operandi of operation. The resolution eulogized the efforts of Ibrahim Gambari, one of the very senior aids to the Secretary General for bringing about a solution to the Cyprus conflict. The Resolution draws the attention of UNFICYP to



be opened to the sensitization of HIV/ AIDS and the like of other infirmity in the environment.<sup>137</sup>

The Resolutions of the United Nations Security Council on Cyprus continue to follow almost the same line of affirmation of the effectiveness and extension of the operation of UNFICYP in Cyprus. As the Security Council Resolution 1818 (2008) points out very clearly that the needed settlement of Cyprus conflict is within the powers of the Cypriots and that the United Nations is there to assist in their efforts to actualize unification. It called on the parties not to restrict the movement of UNFICYP in its operation as this might bring about fears that rather should give their unflinching support to the operation of UNFICYP. It recommended the importance of the Secretary General to always review the operation of UNFICYP in Cyprus at the same time expressed optimism that the effectiveness of UNFICYP is understood in the calmness and peacefulness of Cyprus today and continue to recommend for its extension of operation.

This Resolution appreciates the financial efforts made by the Governments of Cyprus and Greece towards the operation of UNFICYP. It called for the pivotal need for the peacekeepers to be properly educated on HIV/ AIDS and that the peacekeepers must tenaciously identify with the Secretary General's zero tolerance in its operation.<sup>138</sup>

Falling back to the various Resolutions of the Security Council of the United Nations under review, one can say that the effectiveness of UNFICYP is understood by the United Nations which has made it to extend its mandate every six months. The United Nations peacekeeping force generally will always have a future in a

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<sup>137</sup> The United Nations Security Council Resolution 1758 of 15<sup>th</sup> June (2007).

<sup>138</sup> The United Nations Security Council Resolution 1818, 13<sup>th</sup> June 2008.

settlement in the disputes which have led to its peacekeeping operation in Cyprus. The Annan Plan and the Boutros Boutros Gali Set of Ideas shall be the focal point of analysis in this chapter with a view of looking at the future of UNFICYP in a settlement of Cyprus conflict.

## **4.2 UNFICYP in the Documents of Settlement**

The focal point of this Thesis is to find out if the United Nations peacekeeping force in Cyprus has a role in a settlement of Cyprus conflict, because UNFICYP is the oldest peacekeeping missions and one of the first of the United Nations across the World. There are many documents that made provision for the future of UNFICYP in a settlement of Cyprus conflict of which the Boutros Boutros Ghali Set of Idea and the Annan Plan are the important documents for this Thesis analysis. The Ghali Set of Idea saw UNFICYP as that institution that should help monitor the implementation of the agreement reached by the Turkish and Greek Cypriots; this was still the line of the Annan Plan making UNFICYP as part of the implementation of the agreement of which the Annan Plan is seen as the most comprehensive plan for Cyprus settlement. However the plan makes provision for the mandate and the change of the acronym of UNFICYP to some thing different to what we know today. “The High Level Talk” another important document but which did not make provision for a role for UNFICYP in the settlement of Cyprus conflict. The point here is that even if there is an agreement to resolve the Cyprus conflict or not the role of UNFICYP will continue on the Island has it has been since 1964, because if there is a settlement, it has to stay on ground to help monitor and implement the agreements reached and if there is no agreement it has to remain in Cyprus pending

when agreement will be reached, this fact makes UNFICYP a unique institution in Cyprus.

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was always part of a solution in Cyprus settlement which makes it indispensable. UNFICYP engages in the separation of the conflicting parties on the buffer zone, and has been very instrumental in the facilitation of the peacemaking process on the Island which is another way of understanding the relationship between peacekeeping and peacemaking. The dynamics and flexibility of UNFICYP is actually understood in the transformation of what it was in 1964 to what it is today, from the traditional peacekeeping to modern peacekeeping in practice but not in mandate. This fact is evident in the flexibility of the force to have stood the test of time of the environment of Cyprus. UNFICYP continues to work in collaboration with the Greek and Turkish Cypriots police with a view of providing security on the Island.<sup>139</sup>

The past Secretary Generals of the United Nations, Boutros Boutros – Ghali came up with the “Set of Ideas on an Overall framework Agreement on Cyprus” and Kofi Annan who came up with the “Annan Plan”. In the analysis of the future of the United Nations peacekeeping force UNFICYP in a settlement of Cyprus conflict, it shall be looking at from the provisions of the documents provided for the future of UNFICYP in the future settlement of Cyprus.

#### **4.2.1 The Gali Set of Ideas on an Overall Framework Agreement on Cyprus**

Article IV of the Set of Ideas on an Overall Framework Agreement on Cyprus which has it as a sub heading, “Security and Guarantee” says that based on the consensus

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<sup>139</sup> Report of the Secretary General on the United Nations Operations in Cyprus to the Security Council, 25<sup>th</sup> November 2009.

reached by the Turkish Cypriots and Greek Cypriots sides in different referenda, the United Nations Peacekeeping Force (UNFICYP) shall help in the implementation of the agreement concluded upon. UNFICYP shall come out with a monitoring framework which would help to reduce the other military contingents in Cyprus that came after the independence of the Republic of Cyprus that the Alliance Treaty did not make provision for at any time.<sup>140</sup> In its task UNFICYP will be implementing the agreements reached by the two parties and to this end, makes its mandate to change from peacekeeping to the peacekeeping operation of implementation and support of the other verification committees in the set of idea framework.<sup>141</sup>

“All military modernization programmes and strengthening of positions will cease. The two sides will cooperate with UNFICYP in extending the unmanning of positions along the buffer zone to all areas where the troops of both sides remain in close proximity to each other. The freedom of movement of UNFICYP throughout Cyprus will be ensured”.<sup>142</sup> Going by the above quotation it is understood here that even with the Turkish Cypriots and Greek Cypriots national guards, UNFICYP which acronym will change, was expected to be the organizing force that will be responsible for the implementation of the operations of the military forces. It will have free movement within the Republic of Cyprus in ensuring the firm adherence to this agreement. In this connection, one can link the military relationship between Turkey and Greece to NATO of which the two States are members of NATO,

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<sup>140</sup> Ghali Boutros, Set of ideas on an overall framework agreement on Cyprus, Article IV, number 63, in Ahment Sozen, The Cyprus Conflict and the Nagotiations, A Political and International Law Perspective, ( Can Reklam, Ankara Turkey, 1998), p.124 - 141

<sup>141</sup> Ghali Boutros, Set of ideas on an overall framework agreement on Cyprus, Article IV, number 66 in Ahment Sozen, The Cyprus Conflict and the Nagotiations, A Political and International Law Perspective, ( Can Reklam, Ankara Turkey, 1998), p.124 - 141

<sup>142</sup> *ibid.*

although Turkey and Greece almost had a military confrontation over Cyprus in 1974. Another relationship between Turkey and Greece will be Cyprus as the two States are understood to be mother States to Cyprus since the both including the United Kingdom signed the treaties of guarantee, alliance and establishment that established Cyprus.

Going by the provision of the Set of Idea, the stationing of UNFICYP in Cyprus is not on the buffer zone alone, but everywhere in Cyprus meaning that UNFICYP will be defined to be the biggest security provider in the Republic of Cyprus of which the other military forces shall have limits in their operations and positions in the Republic of Cyprus. The United Nations Peacekeeping force by implication mandate will change obviously from the Security Council Resolution 186 (1964) to something that will legally show its transition from a peacekeeping force that was sent to restore peace, law and order to that which is there to help the parties implement agreements reached.

#### **4.2.2 The Annan Plan**

It is very important that this fact is well understood, there have been various plans and strategies in bringing to an end the Cyprus conflict which drew attention from the local people and the international community. The most comprehensive plan is “The Comprehensive Settlement of the Cyprus Problem” known as the Annan Plan in the year 2004. The Annan Plan which was supported by the United States of America is seen as the best UN efforts in the unification of Cyprus. But the United States of America has remained reluctant in making commitments to the resolution of the Cyprus problem, both financially and militarily.<sup>143</sup> To this end, the European

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<sup>143</sup> Dinko Dinkov and Stoyan Stoyanov The Cyprus Problem: International Politics Simulation, Volume 47 Number 3 (4/ 2005), pp. 173 – 216.

Union had always wanted the unification of Cyprus, which is one condition Turkey has to achieve before its membership can be considered, this put in our mind without no doubt that the European Union perceived and appreciated the Annan Plan has that comprehensive solution to the Cyprus problem.

The Annan Plan makes provision for UNFICYP in the settlement of Cyprus conflict, thus, making the force help in the implementation of the agreement reached. But the irony here is that the Annan Plan provision changes in the acronym of UNFICYP to something else and the mandate, but will still remain the United Nations Peacekeeping force. To this end, it is evident based on the future of the force in a settlement of Cyprus problem that a UN force will continue operation in Cyprus regardless of settlement or the absence of it, or change of the modus operandi and acronym. The provision for the United Nations force (UNFICYP) to stay in a place of the Cyprus conflict is evident in the fact, that UNFICYP is effective in the mandate which has brought it to carry out a peacekeeping operation in Cyprus.

Article 8 of the Annan Plan which speaks about demilitarization, spells out clearly that the United Nations Peacekeeping force (UNFICYP) in Cyprus shall be responsible for the supervision of the implementation of the agreement reached by the two parties in making such that its efforts are directed toward the maintenance of peace and order.<sup>144</sup> UNFICYP, according to the Annan Plan will continue to monitor the implementation of the security agreement reached based on this plan in the comprehensive solution to the Cyprus conflict. In the implementation of the agreement the both communities shall unflinchingly co-operate with the United

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<sup>144</sup> The Comprehensive Settlement of the Cyprus Problem, Article 8(1d) 13 March 2004.

Nations Peacekeeping force (UNFICYP).<sup>145</sup> In the face of this special task of UNFICYP, this does not affect the various treaties that have established the Republic of Cyprus, that of Guarantee, Establishment and Alliance, in the same vein, (UNFICYP) will co-operate with the federal and regional units of the police, Investigation Agency in Cyprus to actualize this goal.<sup>146</sup> The United Nations Peacekeeping force (UNFICYP) in Cyprus shall closely supervise and be part of the activities and programs that are related to territorial transfer which shall be improve upon by the last months before there will be handover of areas clearly defined by the Annan Plan agreements.<sup>147</sup>

One of the important institutions the United Nations has used in the reduction of tension in Cyprus is UNFICYP which has played a great role in the restoration of law and order. Today Cyprus is a peaceful place which has more of foreigners inhabiting it; this peaceful environment can be credited to (UNFICYP) and other security agencies especially the Turkish troops, in their tireless efforts in the restoration of peace, law and order. It is obvious that Cyprus cannot have a settlement without a place of UNFICYP in the solutions, even if some people are of the view that UNFICYP will be reduced to an observation mission with Turkey membership on the UN Security Council can bring the possibility of that if she can convinced other members of the Security Council.

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<sup>145</sup> The Comprehensive Settlement of the Cyprus Problem, Article 8(5) 13 March 2004

<sup>146</sup> The Comprehensive Settlement of the Cyprus Problem, Article 8(6) 13 March 2004

<sup>147</sup> The Comprehensive Settlement of the Cyprus Problem, Article 9(2) 13 March 2004

The talks of the leaders of the both sides of the Island hope to bring out a positive result in conjunction with the United Nations Secretary General, for now there are no concrete information on the current negotiations of the Greek and Turkish Cypriots leaders on the solution of Cyprus conflict. Based on my prediction in the Cyprus settlement it will be much easier to come up with a comprehensive plan if UNFICYP is identified to be part of the future agreement and implementation just the way the Annan Plan and the Ghali Set of Idea thus make provision for UNFICYP. In whatever way it goes the role of UNFICYP is indispensable in the peace process and after the process.

The Annan Plan, very comprehensive is like a mirror to other future plans in the unification of Cyprus stands to be that which has changed the entire efforts of the settlement of the conflict with the attitude of levity in which the Greek Cypriots treated it, as Kar James Lindsay points out that the failure of the Annan Plan will bring about the reduction of the size, change of mandate in the future and operation of UNFICYP. This point is not far from the progress of Turkey towards becoming a member of the European Union and the most of the possibility is the current membership of Turkey on the Security Council of the United Nations.<sup>148</sup> In this connection, Wojciech Forsysinski sees the United Nations efforts in resolving the Cyprus problem as tireless with the failure of the Annan Plan and the Gali Set of Ideas to bring about a settlement, he looked at the various resolutions of the United Nations on Cyprus both those of the Security Council and the General Assembly from a legal point of view, with more attentions on the legitimacy and effectiveness of the various resolutions, the failure of the Annan Plan for him brought another

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<sup>148</sup> Kar James Lindsay, *The UN Force in Cyprus after the 2004 Reunification Referendum*, *International Peacekeeping*, Vol.13, No.3, September 2006, pp.410–421



dimension of the peace plan in Cyprus with a view of ascertaining the legitimacy and effectiveness of the resolutions.<sup>149</sup>

However, the frantic efforts of the United Nations to bring an end to the Cyprus problem are tireless using its various tools to this end; the way out on top of the efforts of the United Nation is for the Greek and Turkish Cypriots to make sincere efforts towards finding a lasting and comprehensive solution to their conflict.

### **4.3 The Balance Sheet of UNFICYP Peacekeeping**

The successes of UNFICYP can be understood in the analysis that shows its effectiveness and role in the settlement of Cyprus conflict. The evaluations of the function of peacekeepers illustrate that; the peacekeeping segment must be reorganized to allow to them function well. The United Nations Department of Peacekeeping Operations therefore, must be checked seriously to eliminate all the loopholes hampering its operations. The poor response to military and logistics support by Member States to tackle promptly conflict crisis which has been a source of confrontation. The case of UNFICYP is evident where military capabilities and capacities, logistics, political will have been impaired.

In this connection one can say that the less concern of the great powers especially the United States of America about the Cyprus conflict has not been unequivocal and has made the United Nations efforts especially the peacekeeping operation look ineffective, as these great power do not have any financial commitment to the peacekeeping process making it almost impossible for the needed facilities for an

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<sup>149</sup> Wojciech Forsynski, "The Legal Effects of the United Nations Resolutions Relating to Cyprus: The Question of Legitimacy and Effectiveness", Proceedings of the Fifth International Congress on Cyprus Studies, Volume I, edited by Ulker Vanci Osam, 14-15 April 2005, pp. 37-48.

obvious effective peacekeeping to be achieved. Some foreigners who enter Cyprus from the Northern side enter the Southern part of Cyprus illegally by jumping over the barbed- wires standing as demarcation between the South and North. Another fact to show for the failure, as UNFICYP is the oldest peacekeeping mission of the United Nations which in my thinking is a negative omen.

The United Nations Peacekeeping force in Cyprus needs more efforts to be understood as effective force, by being pro-active in its operation so that the various parties involved in the conflict can see it hundred percent reliable as that institution of the international community to bring restoration of peace, law and order. The views of the Turkish and Greek Cypriots on UNFICYP is part of chapter one of this thesis based on the survey carried out by Erol Kaymak between the Greek and Turkish Cypriots on different areas of perception. Just to recap the provisions of the Annan Plan and that of the Boutros Boutros Ghali Set of Ideas which provided a place for UNFICYP to be part of the panacea to the Cyprus conflict today which is evident in its future roles.

The overwhelming presence of the Turkish troops in Cyprus has brought about the lack of pro-activeness of UNFICYP in its task of peacekeeping. At a time UNFICYP could not get direct access to the South of Cyprus, from Famagusta which is just about 5 kilometers from the camp, because of the Turkish troops' position on that boundary part. UNFICYP members had to move from Famagusta to Nicosia about 100 kilometers to get to the Greek Cypriots side, ordinarily what would have just been for 5 kilometers. The inability of UNFICYP to have control over the Turkish troops shows for the weakness of its operation. The constant sending of ammunitions by Turkey without control and limitation into North Cyprus is evident to show the

weakness of UNFICYP. The United Nations properly perceive Turkish troops in Cyprus and the constant migration of Turkish citizens as two factors complicating the negotiations aimed at bringing solution to the Cyprus problem. The strength of the Turkish troops is obviously over whelming than that of UNFICYP, Turkish troops have the right to the use of ammunitions which UNFICYP do not have; this makes UNFICYP weak in its operation. The Security Council of the United Nations should change the mandate of UNFICYP from a traditional mandate to a modern mandate so that the force can have the right to arms to effectively control the expansionism of the Turkish troops.

Another point to be understood here properly while the Great powers have not had much more financial and military commitments in the operation of UNFICYP could be that they are tired of the peacemaking process not to have brought a lasting solution to the division of the Island, this is not far from the less commitment made by the Turkish and Greek Cypriots in the actualization of this purpose for the common good of the entire Island. The big questions is that “when will there be a solution that can be as comprehensive as that of the Annan Plan and the Boutros Boutros Ghali Set of Idea”? The turning down of the Annan Plan is a great set back in these three decades efforts of the unification of Cyprus.

## **Chapter 5**

# **EVALUATION, SUMMARY, RECOMMENDATIONS ON UNFICYP PEACEKEEPING IN CYPRUS**

### **5.1 Evaluation of UNFICYP**

One cannot categorically state that UNFICYP operation has accomplished much since the tribulations it faces affect it in achieving its goal. And these are the tribulations of low response from member States to send more military personnel in the peacekeeping operation, low response of voluntary donations from Member State and the helpless situation that it does not have the mandate to make use of force in the control of situation that need disarmament Despite the peacemaking process by the United Nations which has always consulted with the Greek Cypriots governments, yet the operation of UNFICYP is still on, with the hope that the peacemaking process will bring about a clear definition of when a total peace will be achieved in Cyprus by the United Nations peacemaking and that of peacekeeping processes. It is risky for one to make a prediction or evaluation that UNFICYP will continue to guarantee the world of a total restoration of peace and order in Cyprus if the peacemaking is going to be indefinite.

There are inadequate resources to give efficiency to the peacekeeping operation of UNFICYP in Cyprus; this fact can be understood in the low responses of states to the financing of UNFICYP. The major responses to this are Greece and the Republic of Cyprus, the international support has been very weak and slow in delivering logistics, funds and equipment for the operations.<sup>150</sup> If UNFICYP had sufficient funding, it would have been able to carry out its modern peacekeeping practice of humanitarian services and get up to date vehicles for its operation. Financial sustainability of peacekeeping is one option that can strengthen UNFICYP peacekeeping mission in Cyprus and its future operations. Funds obtained from member States and donors would be used to purchase transport equipment and other logistics to enhance the operation. This cannot be fulfilled without donors' contributions and supports. Well, the peacekeeping operation might have achieved the mandate, but without funds to supplement it, then it will become ineffective and is bound to fail.

UNFICYP operation cut across different areas, just the way Amet Sozen gives account of UNFICYP.<sup>151</sup> The United Nations, the biggest security provider for States continue to receive invitations for peacekeeping due to the complicity and the characteristics of conflict in the international system, although the Department of Peacekeeping of the United Nations has been on the ground to see that these requests are considered prudently and promptly.<sup>152</sup> A successful peacekeeping operation is that which achieves its mandate within which it was established, but before this

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<sup>150</sup> The United Nations Security Council Resolution 1898 (2009) on the extension of UNFICYP in Cyprus

<sup>151</sup> Ahmet Sozen , 2<sup>nd</sup> International Conference on Security Challenges to Peace Operations in the 21<sup>st</sup> Century, 5- 7 April 2006, p 120.

<sup>152</sup> Frank Thomas M., The United Nations Peacekeeping: Past, Present and Pure Conjecture, European Journal of International Law, Vol: 06, No: 03, 1996.

mandate can be achieved optimally, the conflicting parties must cooperate with the peacekeeping operation. And to this end one can say that the Turkish and Greek Cypriots have actually made this move of corporation with UNFICYP peacekeeping operation in Cyprus. The United Nations Security Council Resolutions on Cyprus continue to ask for this cooperation from the Greek and Turkish Cypriots with UNFICYP.

UNFICYP operation is moving towards a kind of peacekeeping force that is obviously characterized by modern peacekeeping, because it supports the peacemaking process in Cyprus. In this connection one can ask a question in the absence of conflict in Cyprus today, what is UNFICYP doing? This question can be understood in the effectiveness analysis and literature review of this Thesis which explain that UNFICYP is engage in humanitarian services by providing health care, monitoring of electricity and water supplies, stand as a means of communication between the Turkish and the Greek Cypriots in its services of letter posting from the Greek Cypriots side to the Turkish Cypriots side all this on top of the buffer zone watch of twenty four hours. This fact is another way to explain in a summary the change of the force operation from a traditional peacekeeping to a modern one in practice, but not included in the mandate. As the traditional peacekeeping is solely for the separation of the conflicting parties from fighting often time positioned on the green line, but the modern peacekeeping has the mandate of the use of weapons for disarmament of the conflicting parties which the traditional peacekeeping like UNFICYP in mandate do not have.

The modern peacekeeping does other things like humanitarian services which UNFICYP is involved in today, therefore one can say that UNFICYP by mandate is

a traditional peacekeeping, but in practice is a modern peacekeeping which makes it a unique force. In reality the mandate of UNFICYP became one traditional after 1974 when the buffer zone was created with the partitioning of the Island gave it the clear definition of separating the two parties who were together as one community the Greek and the Turkish Cypriots. This separation gave the force the chance to carry out its primary assignment of separating the parties from fighting which was not that possible before then. So therefore the transition of UNFICYP based on its practice and the changing environment of Cyprus give indications of the metamorphous of UNFICYP today.

The United Nations Security Council Resolution 186 (1964) is the bases for the operation of UNFICYP which categorically states the mission of the force on the Island, but today there is a shift by practice from a traditional mandate to something akin to modern peacekeeping. This resolution on UNFICYP was to be a purely traditional peacekeeping force which was sent to separate the conflicting parties from fighting, the restoration of peace, law and order, this go along side with the adoptability and flexibility of the force to the new dimension from traditional peacekeeping to modern peacekeeping which in recent times the resolutions of the Security Council continue to make provision for UNFICYP on top of its peacekeeping operation humanitarian services.

The continuity of conflicts in the world has also widened the scope of peacekeeping strategies from that of the traditional peacekeeping which can no longer rely on solely traditional peacekeeping. This signifies that, the traditional peacekeeping has undergone sophisticated modifications to suit modern conflicts with different operational capabilities. Conflicts are unique at each level to control and therefore,

must adopt various tactics in dealing with them. The place of UNFICYP in a settlement in Cyprus problem can be understood from its modern form of peacekeeping which is obviously one of the factors that supports peacemaking of the United Nations. UNFICYP is one institution that stands to be a source of communication between the Turkish Cypriots and that of the Greek Cypriots as its efforts to see that the two sides resolve their differences in a way that the status quo can be brought back which the Republic of Cyprus is created in 1960.

## **5.2 The Challenges of UNFICYP**

UNFICYP has been challenged by the reduction in peacekeepers as donor States withdrawal their military personnel from time to time, this is indicated by the table showing the various donor States in Chapter three of this Thesis. In the past there were a lot of States that respond to the call of contributing military personnel in Cyprus, but today it is reducing and this and can be understood as a result of the long duration of the operation, because many States do not see more reason to continue to keep their officers in Cyprus because of the financial burden of it. This long duration of the operation of UNFICYP is the direct link between peacekeeping and peacemaking in Cyprus as the peacemaking process is yet to produce a last solution to the Cyprus conflict.

The force is greatly challenged by the lack of financial support from members of the United Nations; the only States that contribute to the financing of the force is Greece and the Republic of Cyprus. Now the question is with the financial crisis in Greece, will the government of Greece continue to make this contribution to the operation of UNFICYP? UNFICYP is challenged by confrontation it gets on the buffer zone from the Greek and Turkish Cypriots. The force is challenged by the inability of the



peacemaking process of Cyprus to produce a result of settlement so far. The force is challenged by the inability of the permanent members of the United Nations Security Council to make collective efforts towards the actualization of the peace process in Cyprus, although they support collectively the continuation of operation of UNFICYP every six months in the various resolutions on the Security Council of the United Nations.

### **5.3 Summary of Study**

The operation of UNFIYCP is that which is quite unique given the nature of its mandate from the Security Council Resolution 186 (1964), for it to maintain peace and order which the Cyprus conflict had challenged. To this end, one can say that the peacekeeping and peacemaking of the United Nations efforts in Cyprus should complement each other, but what we see today in Cyprus is almost in the same vein as the United Nations peacekeeping operation pave the smooth path for the making of the peace which means that the concerned parties must come to round table for discussion for settlement and make their position known. At the same time, it can be understood that the elongation of UNFICYP operation in Cyprus is the result of the inability of the peacemaking process to conclude talks. Thus, the status quo which means that things will continue the way they are until the peacemaking process is able to produce a result. In this scenario, the link between the peacekeeping and peacemaking of the United Nations is clearly tied to each other and cannot be disentangled.

In his operation of good offices, the United Nations Secretary General reports to the Security Council every six months on the activities of UNFICYP and makes another report on the progress made with the peacemaking through his good offices in

Cyprus. The future of UNFICYP in the settlement of the Cyprus conflict cannot be understood without first taking account into its effectiveness which is defined within the framework of its mandate to restore peace, law and order in Cyprus. The effectiveness of UNFICYP no doubt about it has been within the mandate of the Security Council Resolution 186 (1964) and the other resolutions that came with a view of the renewal of operation in Cyprus. UNFICYP operation in the Cyprus environment is that which shows the transitional process of the force from a traditional peacekeeping force of what it was in the 1960s when it was only peacekeeping operation without supporting the peacemaking process and to what it is today. Therefore, with the Annan Plan and the Boutros Boutros Gali Set of Idea making provision for UNFICYP in a settlement of Cyprus conflict, one can say that UNFICYP is more of a modern peacekeeping than traditional which its mandate speaks volumes of.

The inefficiency of UNFICYP if there is any, is an attribute of the slow process of peacemaking by the United Nations, although both are directed to make out a solution that will return the status quo, but in this actual sense of the settlement of Cyprus conflict, the peacemaking process is only that which can bring about a permanent solution to the problem not the peacekeeping operation. The peacekeeping operation is temporarily to restore the situation of conflict to normalcy pending when the peacemaking process produces a permanent result, in this connection, this is the predicament and environment UNFICYP has found its self today. The Annan Plan defines UNFICYP to be an implementer force on top of its peacekeeping operation, UNFICYP was meant to help out monitor and implement some of the agreements that would have been reached by the two sides in the conflict of Cyprus. The Boutros Boutros Gali Set of Ideas, made UNFICYP to be part and parcel of the arrangement

of settlement in Cyprus. In all of these, the panacea to the Cyprus conflict is within the framework of peacemaking which must always get UNFICYP involved for it to achieve a result of solution to the Cyprus problem that will stand the test of time and be understood as optimal.

One of the greatest challenges faced by UNFICYP is the lackadaisical attitude of the great powers to give their support to the peace process. Apart from the United Kingdom that sends military personnel for the peacekeeping operation, the United States, Russia, China and France do not contribute to the operation which makes the whole process not to have much weight today. This is not far from what I can refer to as “Great Power Politics” or properly they are tired of the Cyprus problem or Cyprus conflict is not a significant issue to the international community because of absence of fighting unlike Africa where conflicts are inherent in the environment which leads to the loss of lives and properties. To this end, these Great Powers who are the permanent members of the Security Council of the United Nations may not have contributed financially and militarily to the operation of UNFICYP, but support it on the Security Council extending its operation every six month, although the United Kingdom contributes militarily and was the first State to start the United Nations peacekeeping operation in Cyprus.

The United Nations Peacekeeping force in Cyprus continues to experience retrogression in personnel as some States like to withdraw their military personnel sent on the peacekeeping operation, and this can be understood to be as a result of insufficient financial support from these great powers. In the reports of the Secretary General of the United Nations to the Security Council on the operation of UNFICYP, he always call for more supports admonishing States to contribute to this

peacekeeping operation, Greece and the Republic of Cyprus are the main States contributing to the operations of UNFICYP and this can be understood to be a veiled statement to the Cyprus Government that the international community is not happy with the attitude of levity shown towards the Annan Plan and the continued intransigent behavior and position to the Cyprus conflict by the Greek Cypriots.

Finally, the purpose of UNFICYP operation in Cyprus since 1964 is being actualized since there is peace and order in Cyprus, both in the Turkish and Greek Cypriots areas. The effectiveness of UNFICYP gives it the opportunity to play a part in the settlement of the Cyprus conflict; the reports of the Secretary General of the United Nations to the Security Council on the activities of UNFICYP speak volumes and are evidence to show that UNFICYP has a role in the settlement of the Cyprus conflict which makes it indispensable and important as a research topic.

In the analysis of this Thesis we come to understand that UNFICYP role in the settlement of Cyprus conflict is evident in the first research question, which has a link to the Boutros Boutros Gali Set of Idea, the Annan Plan and the various reports of the United Nations Security Council pointing toward this direction of the future of UNFICYP in a settlement of Cyprus conflict. The point here is that even if there is a settlement or no settlement of the Cyprus conflict, UNFICYP will remain on the Island if there is no settlement until there is settlement, and if there is a settlement, it will still remain to help implement and monitor the agreement researched as the Annan Plan and the Gali Set of Idea provided. It's obvious that from the above that UNFICYP is indispensable in the Cyprus conflict and at the same time, ironically, there is a probability that it can be reduced in the next six months to a main observation mission since Turkey is on the Security Council. The possibility of

considering UNFICYP for reduction to an observation mission is almost not possible going by the United Nations Security Council recent Resolution 1930 (2010) extending the operation of UNFICYP for another six months, in this resolution the Security Council expressed satisfaction on the effective operation of UNFICYP and admonished the force to continue to embrace the Secretary General zero tolerance in peacekeeping. The Security Council called on the Turkish and Greek Cypriots to make more efforts in the settlement of the Cyprus problem which the United Nations will continue to support them in. <sup>153</sup>

The effectiveness of UNFICYP can be better understood in its cost effectiveness when one draws comparison with other peacekeeping operations across the World and the accomplishment of the mandate which is to restore peace and order in Cyprus. The reports of the Security Council of the United Nations on the extension of the operation of UNFICYP speaks volumes for its effectiveness, the effectiveness of UNFICYP operation is the second research question of this Thesis, which I have analyzed that effectiveness cannot be generally be bench marked within a particular framework in which its defined. The main framework of the bench marking of the effectiveness of UNFICYP is understood in the United Nations Security Council Resolutions 186 (1964) which mandated the operation of UNFICYP in Cyprus.

The last research question that this Thesis put forth is the metamorphism experienced by UNFICYP from what it was in 1964 at the time of establishment to what it is today and the adaptability of the force in the Cyprus environment ranging from the 1974 crisis of the attempted coup by Greece and the intervention in Cyprus by the

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<sup>153</sup> S/RES/1930 (2010)

Turkish troops.<sup>154</sup> UNFICYP operation changed from when the Turkish troop intervened, because of the traditional mandate, the force could not do any thing to confront the Turkish troop's occupation of North Cyprus.<sup>155</sup>

#### **5.4 Recommendations of Study**

Based on my findings on the role of UNFICYP in Cyprus which was determined by the effectiveness of its operation and adaptability of its transition from the traditional peacekeeping force to a modern peacekeeping, some recommendations on the operation of UNFICYP and the peacemaking process which falls within the ambience of the good offices of the Secretary General of the United Nations will be made. The international community should take the Cyprus peacekeeping process with all sense of seriousness, UNFICYP operation should be supported by member States by making financial donations like Greece and the Republic of Cyprus to the operation and with this UNFICYP can be more effective and proactive in operation. But the truth is that UNFICYP is the choice of the Republic of Cyprus, because TRNC has no consent to its operation as this comes from the Republic of Cyprus, this is not far from the point while the Republic of Cyprus and Greece are in constant support both financially of its mission because according to Michael Moran this is that institution that represent the Greek Cypriots.

UNFICYP should tidy up security measures on the buffer zone so that illegal immigrants will not be entering from the North to the South of Cyprus. The above recommendations will help, if implemented in bringing about a lasting settlement of

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<sup>154</sup> Claire Palley, *An International Relations Debacle, The United Nations Secretary General's Mission of Good Offices in Cyprus 1999- 2004*, ( Oxford, England, 2005), p.17

<sup>155</sup> John Terence O' Neill and Nicholas Rees, *United Nations Peacekeeping in the post- Cold War Era*, (Routledge Taylor & Francis Group, London and New York, 2005), p. 92- 93.

Cyprus conflict, involving the United Nations Peacekeeping Force UNFICYP to be part of every peacemaking plan in Cyprus. Another recommendation for the peacekeeping operation in Cyprus will be a hybrid force with the European Union peacekeepers since the European Union has its jurisdiction covering the Republic of Cyprus and the European Union will be closer to understand the intricacies of the Cyprus problem. This synergy of peacekeeping with the European Union will be like an aberration to the Alliance and Guarantee which established the Republic of Cyprus of 1960, this may draw reaction from Turkey, however, with the entering of Turkey into the European Union in the closest future this may not be a very big problem.

The force if considered to be a hybrid one will take the dimension of the peacekeeping in Sudan. Since 1964 UNFICYP has been on ground in Cyprus on peacekeeping and one is not sure when this operation will come to an end, but change is the only constant thing, it will not be out of place if the hybrid force which will be the United Nations and European Union forces come together to have the peacekeeping operation. The operation of UNFICYP is mainly centered on the buffer zone which has a big land mass coverage; I recommend that there should be a reduction of the land mass of the buffer zone which will help the force to maximize the number of officers and men to effectively achieve its peacekeeping operation both in other areas in Cyprus since there is no much conflict on the buffer zone today.

The buffer zone is mainly one of the bases the Security Council ascertain the effectiveness of UNFICYP, if the buffer zone which is the ceasefire line is calm. The buffer zone covers about 3 per cent of the entire Cyprus land and is approximately

180 kilometers from East to West Cyprus.<sup>156</sup> It is meaningless making this big portion of Cyprus as the buffer zone which can be made use of in other areas like for agriculture and recreation centers, to this end, if the cut down of the buffer zone portion is not done, the interpretation of UNFICYP by some views to be meaningless may not be far from it.

The United Nations in trying to resolve the Cyprus problem must try to balance its perception, which means that the Greek Cypriots and Turkish Government in reality on the Island should be perceived as equal, as sure the TRNC Government should be consulted especially with the operational consent of UNFICYP. When balance is made the two sides will be happy and ready to cooperate with the guidelines of the United Nations for peacemaking. Although it is most likely that the Greek Cypriots Government may not be happy with this, but the point is that the Turkish Cypriots as everything that characterizes a sovereign entity, it can represent itself and people, provide security for life and properties and have external relationships with other sovereign States as she does with Turkey today.

Going by the various Security Council Resolutions on UNFICYP, it is evident that the Greek and the Turkish Cypriots should settle their conflict excluding other external bodies, like the United Nations, Greece, Turkey and the United Kingdom. It is most likely that the complicated Cyprus conflict is as a result of the third parties' involvement in it and the various treaties that established the 1960 Republic of Cyprus which was the work of the United Kingdom. The point here is that Greek Cypriots and Turkish Cypriots settlement is very possible if the two parties come

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<sup>156</sup> Kypros Chrysostoomides, *The Republic of Cyprus, A Study in International Law*, (Kluwer Law International, Hague, The Netherlands, 2000) p. 226.



together outside the third party. The presence and future of UNFICYP is as a result of the inability of the two parties to settle their dispute since 1963 amicably.

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