
PREFACE

Whilst working on this study, the most obvious thought which kept recurring to mind was that the Cyprus question has remained unduly and far too long at a stalemate. A quarter of a century has gone by since the military invasion of the Republic of Cyprus by Turkish forces in 1974. It seems to be the only international problem that has remained static while the world around it has in the meantime been reshuffled many times over. The Soviet Union and the Eastern Block together with their ideological foundation have collapsed; a great number of new States have emerged in the area, some peacefully some through bloodshed. States that were purportedly extinct have resurfaced unscathed, like the Baltic Republics. Apartheid succumbed to the force of justice and equality of the citizens. The Iran – Iraq war has come to an end without world public opinion really knowing the reasons for the massive human carnage; Iraq's attempt to conquer Kuwait was reversed by the anger of the rest of the world. The Israeli – Palestinian conflict is gradually coming to an end despite relapses. The Falkland war is long forgotten. Foremost, Germany's *Wiedervereinigung* is a fact. The world witnessed two Yugoslavian crises that prompted international intervention and mobilisation of massive military forces, with the declared objective of re-establishing respect for humanitarian values. The European Union underwent rapid developments, from the EEC Treaty to the Single Act, to Maastricht, to Amsterdam, to a further process of enlargement. Members of the Warsaw Pact joined NATO. Turmoil continues in various parts of the world and efforts to secure world peace will not cease. Negative peace, however, is not always enough; prevalence of justice is sought in order to justify the hecatombs of human life at its altar.

A common thread links all these developments, that of international law or rather the Rule of Law, in a multiplicity of facets: respect for its prin-

ciples; universal reign of democracy, in fact a democracy which is closer to the people; respect for human rights and humanitarian law; in short, the quintessence of the righteous conscience of mankind. It is as if all these principles of worldwide application side-step the Cyprus problem, leaving it an exception to the rule of law. In this case *Realpolitik* and principles of law do not appear to converge.

The present study emerged from an exercise of stark logic: the existence of a problem and the search for its solution. In a primitive society a political problem can be solved without reference to any principles, since they are not developed and are not recorded in its context. In such societies, the force of arms or physical superiority may prevail in solving a problem. In developed societies of the 21st century, as in mathematics, if a proper solution to a problem is desired, it can only be achieved if based on some elementary axioms or principles.

The principles are there, what is being sought is the method, the formula for the solution of a problem, the series of acts that will secure it. First the establishment of the true facts is needed, then the ascertainment of the rules to be applied and finally, the application of these rules to the given set of circumstances must lead to the solution of the problem at hand. The method does not stand alone, it is invariably guided by rules; or can any method be independent of rules or principles? The answer must be “No”, unless what is being sought is any solution, nothing more than a convenient barter, however, short-lived and whatever the inherent risks: the risk of collapse of the settlement itself or, even worse, the risk of causing the collapse of the very system of rules that are universally thought to have been long established and tested. It seems, therefore, that by a simple process of elementary logic, if a lasting and proper solution is to be achieved to a problem, principles or axioms cannot be pushed aside, they must constitute its underlying basis.

The international community prides itself on adhering to rules, mainly to the rule of law. Flexible as this may be in its application to international political problems, it must be recognised that it embodies a basic unalterable core. Deviation from it signifies instant negation of the rule of law.

The aim of the present study is to track the principles of international law entwined in the Cyprus problem, in the light of what seems to be the *communis opinio* today, following a centuries-long process of development. It is well known that *Realpolitik* places limitations upon international law, what seems to be difficult to comprehend is why it must prevail over rules, principles and axioms. Common sense demands that it should at least be counter-balanced or mellowed by the interposition of principles in order to contain arbitrariness and the relapse into pristine behaviour.

Though the responsibility of all that is said in this study is entirely mine, I must acknowledge that many thoughts sprung from discussions and exchanges with numerous friends and colleagues both in Cyprus and abroad. For their input I am very grateful.

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