

# Mediation as an Instrument of International Crisis Management: Cyprus—A Case Study

Gary S. Mendoza<sup>†</sup>

## Introduction

The incidence of violent conflict between States poses the gravest threat to the stability and well-being of the world community. In an increasingly interdependent global system, the consequences of international conflict can extend far beyond the borders of the disputing nations.<sup>1</sup> Given these systemic dangers, the global community has a profound interest in the peaceful settlement of international disputes.<sup>2</sup> Nonetheless, several facts of international life militate against recourse to peaceful settlement in all situations. In the context of a particular dispute, a disputant might not perceive peaceful settlement to be in its best interest. Rarely will a country be willing to sacrifice important national interests solely for the sake of global security. The emotions and volatility inherent in conflict situations may inhibit any effort to resolve a dispute peacefully. As a result, intervention by a third party, with a general or specific interest in the peaceful resolution of the conflict, may be essential to prevent the outbreak of hostilities or to facilitate negotiations once fighting has erupted.

<sup>†</sup> J.D. candidate, Yale Law School.

1. As evidenced by the effects of the Arab oil embargo, precipitated by the Yom Kippur War, conflict in the Middle East can lead to severe economic dislocations throughout the world. Localized disputes often adversely affect nations in the immediate vicinity of the conflict. For example, fighting in Cambodia between forces loyal to Pol Pot and those supported by Vietnam has led to a continuous flow of refugees into Thailand, thereby straining the resources of that country. *See* N.Y. Times, May 10, 1978, at 3, col. 1. In addition, the presence of these refugees may, in time, draw Thailand into a conflict with Vietnam. *See id.*, June 29, 1980, at 6, col. 3. Such a conflict could have far-reaching geopolitical consequences, given U.S. support for the Thai regime and Soviet support of Vietnam. *See id.*, Jan. 18, 1979, at 3, col. 5.

2. Numerous multilateral treaties have expressed this interest. *See, e.g.*, Hague Convention for the Pacific Settlement of Disputes, Oct. 18, 1907, art. 1, 36 Stat. 2199, T.S. No. 536 (contracting parties agree to use their best efforts to ensure peaceful settlement of disputes); Kellogg-Briand Peace Pact, Aug. 27, 1928, art. II, 46 Stat. 2343, T.S. No. 796 (contracting parties agree that settlement of all disputes shall never be sought except by peaceful means); Pact of Bogotá, Apr. 30, 1948, art. I, 30 U.N.T.S. 55 (contracting parties agree to have recourse at all times to peaceful procedures for settlement of disputes). Similarly, the U.N. Charter obligates Member States to settle their international disputes "by peaceful means in such a manner that international peace and security, and justice, are not endangered." U.N. CHARTER art. 2(3).

Mediation is an effective means for expressing and legitimating third-party interests in peaceful settlement.<sup>3</sup> A third-party intermediary can perform important services in the pursuit of peace. A mediator can be a catalyst to begin the search for peace and thereafter can profoundly affect the internal dynamics of the settlement process. A mediator can provide the disputants with a political safe harbor for the transmission and rationalization of the compromises needed for settlement. International mediation operates most easily when all parties to a dispute are favorably disposed towards peaceful settlement. Contrary to conventional doctrine on mediation,<sup>4</sup> however, the mediator may be able to function successfully in a less than ideal environment. Whatever the setting, international mediation can make an important contribution to global peace and stability.

In order to elucidate the particular contribution that international mediation can make to the maintenance of world peace and the management of international crises, this Article will examine efforts to mediate the Cyprus dispute, one of the most volatile and intractable conflicts in recent history.<sup>5</sup> As a source of additional background material on the mediator's role in the settlement process, Henry Kissinger's

3. Mediation is becoming the predominant mechanism for third-party intervention in the settlement of international disputes. In 1980-81, the Iranian hostage crisis and the conflict in Zimbabwe (formerly Rhodesia) have been peacefully resolved with the valuable assistance of a third-party mediator. Phillip Habib's recent mission to the Middle East and the Arab League's efforts to mediate the Iran-Iraq war, while not yet (Feb., 1982) completely successful, provide further evidence of the increasingly important role of international mediation.

4. Conventional doctrine on international mediation holds that acceptance of mediation is a voluntary act on the part of the disputants. *See, e.g.*, Hague Convention for the Pacific Settlement of Disputes, *supra* note 2, art. 7; F. NORTHEGE & M. DONELAN, INTERNATIONAL DISPUTES—THE POLITICAL ASPECTS 299 (1971); A. LALL, MODERN INTERNATIONAL NEGOTIATION 12 (1966); V. PECHOTA, THE QUIET APPROACH 19-20 (1971). This doctrine ignores the possibility that mediation may be conducted when one of the disputants concludes that peaceful settlement of the dispute is not in its best interests. As discussed in this Article, however, the usefulness of a coerced mediation cannot be denied.

5. Since independence from Great Britain in 1959, events on Cyprus have intermittently posed a significant threat to the peace and security of the eastern Mediterranean region. Throughout much of this period, the internal dynamics of the Cyprus conflict have led to an inherently unstable situation. The Cypriot population is composed of Greeks and Turks, peoples with a long history of animosity. *See* 13 ENCYCLOPEDIA AMERICANA 792 (1972 ed.). The Greeks are a clear majority of the population and have, on occasion, exploited that position to the detriment of the Turkish minority. This exploitation has antagonized Turkey, which considers itself the guardian of the security of the Turkish Cypriots. Among the three nations directly involved in this dispute, Turkey is clearly the dominant military power. *See* notes 64 & 102 *infra*. The combination of provocative behavior on the part of the Greek Cypriot majority coupled with Turkey's military superiority and fervent desire to protect the Turkish Cypriots has made Cyprus a powderkeg throughout much of its history as an independent state, and has on several occasions brought Turkey and Greece to the brink of war. *See* text accompanying notes 51-63, 90-94, 139-43 *infra*.

mediation of the Middle East<sup>6</sup> dispute immediately following the Yom Kippur War will also be reviewed.

### I. Identity of the Mediator

In any given conflict, there are often several actors in the world community that can serve as mediator; several factors determine which is chosen. Mediation may be performed under the auspices of the United Nations, regional security organizations, or by any number of willing nations. In certain situations, the disputants may perceive a particular third party to be a natural choice to serve as mediator. The choice of an otherwise natural mediator may be circumscribed by perceptions of that party's impartiality and objectivity. In some cases, the choice of a mediator may be based upon a rational assessment of the influence and effective power that the mediator can bring to the mediation arena. A careful consideration of these factors should indicate the party most suited to a given mediation effort.

The context and history of a particular dispute may lead to a perception that a certain third party is a natural and appropriate mediator. Great Britain's early diplomatic efforts to defuse the Cyprus dispute were based on this perception. In late 1963, Cypriot President Makarios proposed that the Cypriot constitution be amended in such a way as to dilute the political rights of the Turkish minority. This action precipitated violent clashes between Turkish and Greek Cypriots. As co-guarantor of Cypriot independence and integrity, Great Britain<sup>7</sup> assumed the responsibility of seeking a peaceful resolution of the conflict. Britain promptly called on Greece and Turkey to join in an appeal to Makarios to end the fighting. As a result of Britain's diplomatic efforts, the three governments extended their joint good offices in an effort to

6. Like Cyprus, the Middle East has frequently erupted into violent conflict. Arabs and Jews have a long history of antagonism. This history of strife has helped to produce an atmosphere of distrust that permeates this region. See Even-Zohar, *The Image of the Enemy: An Exploration of Some Psychological Aspects of the Arab-Israeli Conflict as They Affect Policy*, INT'L PROBS., Sept., 1974, at 32, 34-36. Since the founding of Israel in 1948, this mutual suspicion has led to four major wars between Israel and the Arab states. In light of its strategic, economic, and political importance, the Middle East has been an area of active competition between the United States and the Soviet Union since the mid-1950's. See generally Oden, *The Great Powers, Israel and the United Nations*, INT'L PROBS., Jan., 1974, at 291; Yishar, *Origins of the American Involvement in the Middle East*, INT'L PROBS., Jan., 1974, at 336. As a consequence of this competition, conflict in the Middle East poses a potentially grave threat to the public order of the world community.

7. Under the terms of the 1960 treaty entered into in order to facilitate Cypriot independence, Great Britain, Greece, and Turkey agreed to guarantee the constitutional and territorial integrity of Cyprus. See Treaty of Guarantee, Aug. 16, 1960, Great Britain-Greece-Turkey-Cyprus, [1961] Gr. Brit. T.S. No. 5 (Cmd. 1253), 382 U.N.T.S. 3.

resolve the difficulties that had precipitated the crisis.<sup>8</sup> Britain's swift response helped to establish an uneasy ceasefire and paved the way for subsequent negotiations between the parties. While the negotiations failed to produce a political settlement of the underlying issues, Britain's actions temporarily reduced the danger of a civil war that could have led to direct fighting between Greece and Turkey.<sup>9</sup>

Similarly, Henry Kissinger's mediation of the 1974 Syrian-Israeli disengagement, performed during his tenure as Secretary of State, was accepted by the parties as a natural and appropriate settlement effort. Kissinger's previous success in negotiating a disengagement of the Egyptian and Israeli forces clearly influenced this perception. Efforts to negotiate the Syrian-Israeli disengagement centered around Kissinger's role as mediator. Though the disputing parties never explicitly recognized the centrality of Dr. Kissinger's role, no effort was made to return to the Geneva Conference table, originally established as the locus for Arab-Israeli negotiations, or to substitute another method of negotiation for Kissinger's mediation. This can be attributed, in part, to a perception that Kissinger's mediation of the Syrian-Israeli disengagement was a natural extension of his earlier successful efforts.

As the preeminent world organization charged with maintaining world peace, the United Nations is often considered a natural party to conduct international mediation. Mediation performed under the auspices of the U.N. usually is undertaken by the Secretary-General or his official representative. U.N. mediation efforts have successfully defused tensions built up in the course of many international disputes.<sup>10</sup> These efforts are most often successful when the political and military balance strongly predisposes the disputants towards settlement.<sup>11</sup> U.N. mediation has not been particularly successful in facilitating a peaceful settlement of the Cyprus or Middle East disputes. In large part, this failure has resulted from the conflicts' political and military features that have not predisposed the parties to seek a peaceful

8. Letter dated Jan. 8, 1964 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council, 19 U.N. SCOR, Supp. (Jan.-Mar. 1964) 16, U.N. Doc. S/5508 (1964).

9. 24 FACTS ON FILE 3 (1964).

10. See generally V. PECHOTA, *supra* note 4, at 22-27, 45-47.

11. Darwin, *Mediation and Good Offices*, in INTERNATIONAL DISPUTES—THE LEGAL ASPECTS 82, 92 (1972). A predisposition to settle is particularly important to the success of U.N. mediation as the U.N. mediator generally has no effective power over the behavior of the disputants. In the absence of this control, a fundamental willingness to settle on the part of both sides can be crucial. See text accompanying notes 64-67, 102-06, 148-52 *infra*.

settlement of the underlying issues.<sup>12</sup>

A third party, which might otherwise be viewed as an appropriate mediator, may not be acceptable as such if perceived as biased. While the U.N. might ideally be envisioned as a forum without bias in any given dispute, reality does not necessarily conform to this ideal. When this divergence occurs, the usefulness of U.N. mediation may be effectively undermined. During the period preceding the Yom Kippur War, the various organs of the U.N. took a number of actions that, from an Israeli perspective, demonstrated an institutional bias in favor of the Arab position.<sup>13</sup> This led Israel to believe that the U.N. could not be counted on to deal with the Middle East dispute in an equitable manner.<sup>14</sup> Accordingly, Israel sought to minimize the role of the U.N. in the settlement efforts following the Yom Kippur War.<sup>15</sup>

The United States, on the other hand, made a concerted effort, throughout the Yom Kippur War, to appear as evenhanded as possible. During the course of the war, the United States sought to prevent a clear military victory by either the Israelis or the Arabs.<sup>16</sup> In the early stages of the war, in marked contrast to the Soviet Union's efforts on behalf of Egypt and Syria, the United States did not engage in significant resupply operations to further the Israeli effort. On the contrary, the United States resupply efforts were deliberately moderate. The U.S. undertook a massive resupply operation only when it became evident that the Soviet Union could not be persuaded to curb its supply efforts and that a quick Israeli victory, as originally expected, was

12. For a brief description of the political and military features of these conflicts that have militated against peaceful settlement, see text accompanying notes 5-6 *supra*.

13. In April, 1973, Palestinian terrorists attacked the Israeli embassy in Nicosia, Cyprus. In retaliation, Israeli commandos attacked the Beirut headquarters of Al Fatah. The Security Council passed a resolution condemning the Israeli attack without explicitly mentioning the Palestinian operation. S.C. Res. 332, 28 U.N. SCOR, Resolutions and Decisions 8, U.N. Doc. S/INF/29 (1974). The absence of an evenhanded denunciation prompted the U.S. to abstain. See 28 U.N. SCOR, (1708th mtg.) 9, U.N. Doc. S/PV.1708 (1973). Likewise, in July, 1973, the Security Council drafted a resolution strongly deploring Israeli occupation of territories occupied following the 1967 conflict and reaffirming the rights of the Palestinians. Draft Resolution, U.N. SCOR, Supp. (July-Sept. 1973) 20, U.N. Doc. S/10974 (1973). The United States vetoed this resolution on the grounds that it threatened the search for peace in the area. For an explanation of the U.S. veto, see 69 DEP'T STATE BULL. 272 (1973) (remarks by U.S. Ambassador Scali). From the Israeli perspective, these actions clearly undermined the appearance of U.N. impartiality.

14. See, e.g., 28 U.N. SCOR, (1708th mtg.) 15-17, U.N. Doc. S/PV.1708 (1973) (remarks of Israeli delegate to the U.N., Tekoah, prior to vote on Resolution 332, decrying absence of U.N. impartiality on the Middle East situation).

15. Sheehan, *Step by Step in the Middle East*, 22 FOREIGN POL'Y 1, 30 (1976); M. KALB & B. KALB, KISSINGER 522 (1974).

16. 69 DEP'T STATE BULL. 586, 623-24 (1973).

unlikely.<sup>17</sup>

The clearest American effort to demonstrate impartiality occurred near the end of the war. Following the breakdown of the first U.N. sponsored cease-fire, Israel's forces encircled the Egyptian Third Army. From an Israeli perspective, the destruction of the Third Army made great sense. The American government believed that such an action would have brought diplomatic disaster. Accordingly, Washington pressed Israel to allow supply convoys to reach the Third Army and threatened to withdraw support if Israel did not do so. Israel responded by permitting the Third Army to receive much needed food and medical supplies.<sup>18</sup> This action, coupled with U.S. policy during the earlier stages of the war, provided a clear signal to the Arab world that the United States was willing to pursue a more evenhanded policy in the Middle East.<sup>19</sup>

Perceptions regarding the impartiality of a third party have also affected the willingness of the disputants in the Cyprus conflict to accept certain offers of mediation. In June, 1964, the United States and Great Britain attempted to mediate a political solution to the problems underlying the Cyprus dispute. As a preliminary step, both parties sought to hold separate discussions with Greece and Turkey. After consultations between Turkish Premier İnönü and President Johnson, the U.S. and Turkey issued a joint communiqué that, in part, endorsed the validity of the 1960 treaties that had established Cypriot independence.<sup>20</sup> A similar communiqué was issued following meetings between İnönü and British Prime Minister Sir Alec Douglas-Home. Following the meeting with İnönü, Johnson held talks with Greek Premier George Papandreou. After these talks, Papandreou rejected U.S. mediation efforts. A few days later, Papandreou refused to visit Great Britain to discuss Cyprus. Ostensibly, the Greek response was based on a belief that "[n]o one was more competent than the United Nations mediator" to conduct the negotiation and, given the U.N. efforts, no other party was needed.<sup>21</sup> While this belief may have played a part in the Greek re-

17. *Id.* at 624-25 (1973); M. KALB & B. KALB, *supra* note 15, at 471; Sheehan, *supra* note 15, at 12-13.

18. 33 FACTS ON FILE 897 (1973); N.Y Times, Oct. 29, 1973, at 1, col. 8.

19. This effort was apparently successful in demonstrating U.S. impartiality, at least to Egypt. Compare Sadat, *Where Egypt Stands*, 51 FOREIGN AFF. 114, 120-22 (1972) (President Sadat blaming United States for Israel's perceived intransigence), with Sheehan, *supra* note 15, at 14 (Sadat, immediately following massive U.S. resupply effort, announcing that U.S. policy in the Middle East had been constructive). See also Even-Zohar, *supra* note 6, at 43-44.

20. 51 DEP'T STATE BULL. 49 (1964).

21. 24 FACTS ON FILE 210 (1964).

sponse, their answer may also be attributed to the public positions of both the U.S. and Great Britain regarding the 1960 treaties, which the Greeks had characterized as no longer valid.<sup>22</sup> American and British acceptance of the Turkish position on the validity of the 1960 pacts undermined an appearance of impartiality and, in turn, contributed to the Greek decision to reject their mediative services.

Greek perceptions regarding U.S. impartiality prompted a similar reaction to American efforts following Turkey's invasion of Cyprus in July, 1974. Both the Greek government and public felt that the United States had effectively supported Turkey during its invasion.<sup>23</sup> This belief generated widespread anti-American sentiment among the Greeks,<sup>24</sup> and, as a result, American offers to mediate the Cyprus dispute were rebuffed by the Greek government.<sup>25</sup> While U.S. diplomats may have thought that they could have played an effective and objective role in mediating the dispute, Greek perceptions of the U.S. as biased helped to foreclose this opportunity.<sup>26</sup>

A rational assessment of the power and influence which a particular third party may bring to the mediation effort is another important consideration affecting the willingness of the disputants to accept certain proffered mediative services. While this factor often is overlooked or

22. *Id.* But see note 60 *infra*.

23. The Greeks believed the United States had supported the Turkish invasion by failing to exert adequate pressure on Turkey to halt the invasion. N.Y. Times, Aug. 15, 1974, at 1, col. 4; *id.*, Aug. 16, 1974, at 1, col. 8; Karnow, *Foul-up in the Mediterranean*, THE NEW REPUBLIC, Sept. 7, 1974, at 6, 7. During earlier crises over Cyprus, the U.S. effectively thwarted a Turkish invasion threat by exerting considerable pressure on the Turks. See text accompanying notes 66-68, 102-06 *infra*. U.S. reluctance to pressure Turkey in 1974 was viewed by the Greeks as a perfidious act of support for Turkey. Karnow, *Greece in Transition*, THE NEW REPUBLIC, Sept. 21, 1974, at 14. The United States, however, may not have had the effective power necessary to influence Turkish behavior. See text accompanying notes 148-52 *infra*.

24. Anti-American sentiment was also fueled by prior U.S. support for the Greek military junta responsible for the *coup* on Cyprus that precipitated the Turkish invasion. This junta, toppled after the Turkish invasion, was not supported by a broad spectrum of the Greek populace. 34 FACTS ON FILE 592-93 (1974). As a result, prior U.S. support of the junta further aggravated anti-American feelings among the Greek government and public, see Karnow, *Greece in Transition*, THE NEW REPUBLIC, Sept. 21, 1974, at 14; TIME, Sept. 9, 1974, at 34 (interview with Greek Foreign Minister Mavros).

25. According to former Undersecretary of State George Ball, the U.S. offer to mediate the dispute evinced "an insensitivity beyond belief" given anti-American feelings in Greece. 34 FACTS ON FILE 678 (1974).

26. Perceptions regarding third-party impartiality do not necessarily determine the willingness of a particular disputant to accept an offer of mediation. At the outset of Cyrus Vance's 1967 mediation effort, Turkish public sentiment was decidedly anti-American. See N.Y. Times, Nov. 24, 1967, at 1, col. 8. Nonetheless, Turkey accepted Vance's mediation. In large part, this can be attributed to the degree of U.S. influence in Ankara. In effect, the United States coerced Turkey into accepting U.S. mediation. See text accompanying notes 101-06 *infra*.

slighted,<sup>27</sup> it can be a significant determinant of the identity of the mediator. Egypt's willingness to accept American mediation was, to a significant extent, based on a belief that the U.S. could influence Israel and therefore could facilitate a settlement of the dispute satisfactory to Egypt. Following the Yom Kippur War, it became evident to the Arab states, and particularly Egypt, that U.S. influence, rather than Russian arms, was the key to the achievement of their objectives. An appreciation of this reality helped to make the Egyptians, and later the Syrians, most anxious to accept U.S. mediation.<sup>28</sup>

In a similar fashion, Greek perceptions of the effective power and influence that Great Britain could bring to the bargaining table prompted Greece to dismiss British mediation efforts. Following the 1974 Greek sponsored *coup* on Cyprus, Great Britain, in accordance with its obligations under the 1960 treaties, sought to bring Greece and Turkey together to discuss ways to avert a potential clash. Despite British efforts, Turkey invaded Cyprus on July 20th, five days after the *coup*. Following the invasion, Great Britain persisted in its efforts to defuse the crisis. Under British sponsorship, Greece and Turkey met in Geneva to discuss methods of settling the dispute. These talks collapsed within two weeks, however, and Turkey subsequently extended its control over Cyprus. At this point, it became evident that Great Britain was incapable of controlling or significantly influencing Turkish behavior. As a consequence, Greece refused to respond to further British mediation efforts.<sup>29</sup>

## II. The Mediation

Once identified, the mediator can provide invaluable services in the effort to reach a peaceful settlement of the dispute. If a settlement is to be achieved, communication between the disputants is essential. During periods of crisis, however, no party may be willing to initiate the requisite communication. Popular passions can further inhibit the initiation of communication between the disputants. In such a situation, the leaders of the disputing nations may feel restrained by domestic political pressures from pursuing a moderate approach to the dispute.<sup>30</sup> Intervention by a third party, therefore, may be essential if negotiations

27. *See, e.g.*, O. YOUNG, *THE INTERMEDIARIES* 85 (1967).

28. As Kissinger explained, the Egyptians were interested in U.S. mediation as they could "get weapons from the Soviet Union. But [they could] get territory only from us." M. KALB & B. KALB, *supra* note 15, at 502.

29. 34 *FACTS ON FILE* 701 (1974).

30. *See* text accompanying notes 33-34, 129-36, 158-61 *infra*.

are to be initiated. The mediator often serves as the primary conduit of communication between the parties. Cyrus Vance, former Deputy Secretary of Defense and later Secretary of State, performed in this capacity during his mediation of the 1967 Cyprus dispute, as did Henry Kissinger following the 1973 Yom Kippur War.

Once thrust into the settlement arena, the mediator can have a significant impact on the course of the ensuing negotiations. A mediator can contribute to the settlement by controlling or influencing the negotiating agenda. During the early stages of his mission, the mediator should seek to discern the conditions *sine qua non* of each side. The mediator should then try to direct the attention of the parties towards resolving those immediate issues. This function can be of particular importance where the injection of certain issues, at an early stage in the negotiations, may lead to a collapse in the settlement efforts.

At the outset of his mediation, Vance convinced the Greeks and the Turks to concentrate on issues that could be resolved bilaterally without the participation of Cypriot President Makarios. Vance's action was based on a concern that any effort to expand the negotiating agenda to include issues requiring Makarios' participation in the early stages of the talks would have delayed, and possibly doomed, his peacekeeping mission.<sup>31</sup> Similar concerns prompted Henry Kissinger's successful efforts to keep discussion of the Palestinian issue out of the initial Israeli-Egyptian disengagement negotiations.<sup>32</sup> This course of action may narrow the scope of what can be achieved in the short-term, and this drawback must be balanced against the risk that another approach could lead to a complete failure.

The mediator may be able to facilitate settlement by shaping the disputants' perceptions. The mediator is in a position to help each side fully understand the position of the other, and thereby assist in drafting proposals that take the opposing positions more fully into consideration. By exposing one side to the views and attitudes of the other, the intermediary may help elucidate the justifications and rationales behind a proffered proposal. In addition, the mediator may help one side to begin to understand the constraints under which the opposing side is operating. For example, during the 1967 Cyprus mediation, Turkish Premier Demirel was under tremendous political pressure to invade

31. In the early stages of Vance's mediation, Greece and Turkey made efforts to expand the scope of discussion beyond issues that needed to be resolved in order to achieve a settlement of the immediate crisis. Vance was able to persuade Greece and Turkey to focus on the essential elements of a bilateral agreement. Interview with Cyrus R. Vance, in New York City (Apr. 13, 1981).

32. 69 DEP'T STATE BULL. 706 (1973); Sheehan, *supra* note 15, at 24-25, 27-28.

Cyprus. In partial response to this pressure, Demirel put forward a significant last minute condition regarding the internal security arrangements on Cyprus. This condition threatened a complete breakdown in the talks.<sup>33</sup> By explaining to the Greeks the political constraints under which Demirel was operating, Vance helped to elicit a favorable response to this demand.<sup>34</sup>

During his mediation, the intermediary may be called upon to explain or interpret a particular proposal made by a party. By clearing up misunderstandings concerning a proposal, the mediator may enable a party to make a more considered judgment concerning its acceptability. In addition, the mediator can interpret a proposal in such a way as to make acceptance more likely. In so doing, the mediator should be careful to avoid distorting the proposal. Otherwise, the mediator's stature could be compromised and his usefulness diminished.

The mediator may encourage the parties to accept a peaceful solution by emphasizing the costs of failure. During his "shuttle diplomacy" in the Middle East after the Yom Kippur War, Kissinger impressed upon the Israelis that failure of the negotiations could lead to renewed hostilities, increased Soviet influence in the Middle East, and further Israeli isolation in the world community.<sup>35</sup> During his talks with the Turks, Vance discussed the deleterious effects a failure in the negotiations could have on regional security and Turkey's economic well-being.<sup>36</sup> A sober analysis of the costs of continued conflict can enhance the disputants' willingness to accept a peaceful resolution.

The mediator may facilitate peaceful settlement by highlighting areas where compromise can be reached and by injecting independent proposals into the negotiations. During Vance's initial round of discussions with Greek and Turkish leaders, each side presented a list of negotiable issues. These issues clearly exceeded the requirements of an agreement settling the immediate crisis. To increase the possibility of short-term success, Vance synthesized the crucial conditions put forward by each side into a settlement package. This distillation was put forward as Vance's plan and served as the basis for the remaining ne-

33. N.Y. Times, Nov. 29, 1967, at 1, col. 8.

34. Interview with Cyrus R. Vance, *supra* note 31. In large part, Greek flexibility was not a function of an appreciation of the domestic pressures facing Premier Demirel. While this understanding was undoubtedly helpful, the Greek response principally resulted from a hard-headed calculation regarding the relative power relationship between the two nations. See text accompanying notes 81-89, 102 *infra*.

35. M. KALB & B. KALB, *supra* note 15, at 527; Sheehan, *supra* note 15, at 37-39.

36. Interview with Cyrus R. Vance, *supra* note 31.

gotiations.<sup>37</sup> Similarly, Kissinger formulated an "American plan" for settlement following his initial round of exploratory discussions with Israeli and Egyptian leaders. This proposal then served as the focus of the remaining disengagement talks.<sup>38</sup> This procedure has the advantage of allowing each side to avoid the appearance of making a concession or accepting a proposal thrust on it by the opposing side.

The participation of a third party in the settlement process may present the contesting parties with an opportunity to convey private assurances to the opposing side. If one side is reluctant to commit itself publicly to a particular position, such an opportunity may be particularly important. During the initial disengagement talks, Israel sought an Egyptian commitment to demilitarize the Suez Canal. Sadat refused to commit his government explicitly to this action, which he believed to be an affront to Egyptian sovereignty.<sup>39</sup> By incorporating agreement on this point into private assurances exchanged between the parties, Kissinger was able to elicit a significant concession from Egypt while affording Sadat the opportunity to proclaim that demilitarization of the canal was "purely a matter of Egyptian sovereignty" and was "in no way" linked to the disengagement accord.<sup>40</sup>

Cyrus Vance faced a similar problem during his mediation of the 1967 Cyprus crisis. After eliciting Greek and Turkish approval of adjustments in the internal security arrangements on Cyprus, Vance was unable to convince Makarios to accede to these agreements. Like Sadat, Makarios objected to these proposals on the grounds that they threatened Cypriot sovereignty.<sup>41</sup> Because Turkey was adamant that additional security guaranties for the Turkish Cypriots be forthcoming, Makarios' recalcitrance threatened to undermine the agreement. Fortunately, Vance was able to reach an implied understanding with Makarios regarding steps that would be taken to resolve the crisis. He conveyed these private assurances to the Turks, thereby salvaging the agreement.<sup>42</sup>

Once agreement on substantive issues is achieved, the presence of an intermediary may afford the disputants a convenient vehicle for announcing agreement. During the incipient stages of the 1967 Cyprus dispute, Turkey made several demands on the Greeks. The Turks backed up their demands with a threat to invade Cyprus and an omi-

37. *Id.*

38. M. KALB & B. KALB, *supra* note 15, at 535-36.

39. *Id.* at 534-35.

40. 34 FACTS ON FILE 38 (1974). See generally 70 DEP'T STATE BULL. 141 (1974).

41. N.Y. Times, Dec. 2, 1967, at 1, col. 3; *id.*, Dec. 3, 1967, at 1, col. 4.

42. Interview with Cyrus R. Vance, *supra* note 31.

nous show of force.<sup>43</sup> Although the Greeks were willing to accede on several points, they refused to do so under a Turkish threat of war.<sup>44</sup> To circumvent this potential stumbling block, Vance suggested that an appeal from U.N. Secretary-General U Thant serve as an umbrella for the announcement of the settlement agreement.<sup>45</sup> A settlement was thus reached without appearing to humiliate the Greeks. To avoid the appearance of an Israeli or Egyptian capitulation, the announcement of the initial Israeli-Egyptian troop limitation agreement was handled in much the same manner.<sup>46</sup> Arguably, such an arrangement is merely a public relations gesture. Nonetheless, public perceptions of national honor are legitimate concerns of national leaders. Consequently, the proffering of this illusion may be an important service in the pursuit of peaceful settlement through mediation.<sup>47</sup>

Where the disputants are unwilling to attempt to settle their differences through direct negotiations, third-party mediation may be an effective means of facilitating peaceful settlement. A mediator can help reach a settlement by controlling or influencing the negotiation agenda, shaping the disputants' perceptions of their opponent's motivations, emphasizing the costs of continued conflict, and injecting independent proposals into the negotiations. The presence of a mediator may help resolve the conflict by restraining the disputants and by presenting the belligerents with a mechanism for rationalizing and transmitting con-

43. Turkish warplanes made several menacing flights over Cypriot territory during the early stages of the crisis. See Letter dated Nov. 18, 1967 from the Representative of Cyprus to the President of the Security Council, 22 U.N. SCOR, Supp. (Oct.-Dec. 1967) 238, U.N. Doc. S/8251 (1967). If nothing else, these flights forcefully reminded the Greek Cypriots that Turkish jets were only 10 minutes from Cyprus, whereas Greek jets would have to fly hundreds of miles to protect the island and would arrive with nearly empty fuel tanks.

44. N.Y. Times, Nov. 23, 1967, at 1, col. 6; at 12, col. 1.

45. Interview with Cyrus R. Vance, *supra* note 31. It is interesting to note that press reports at the time indicated that Greek Foreign Minister Pipinellis suggested the use of a U.N. umbrella. See N.Y. Times, Dec. 7, 1967, at 2, col. 4. By allowing Pipinellis to claim credit for this suggestion, Vance may have helped to assure the success of his efforts. See U Thant, *A Quiet United Nations Road to Accord*, U.N. MONTHLY CHRONICLE, July, 1970, at 122, 125 (any hint that the mediator might claim credit for a particular development can almost invariably render his efforts useless).

46. 70 DEP'T STATE BULL. 137 (1974); Sheehan, *supra* note 15, at 32-33.

47. At times, the necessity of using a mediator as a vehicle for communicating acceptance of a settlement can transcend the need to maintain public appearances. During the recent tensions in Lebanon, the United States, with the assistance of Saudi Arabia and other interested third parties, helped to negotiate a cease-fire between Israeli and Palestinian forces. As neither Israel nor the P.L.O. recognizes the other party, it became necessary to announce acceptance of the settlement through the offices of outside parties. See N.Y. Times, July 25, 1981, at 1, col. 6. Both sides were concerned that direct acceptance of the cease-fire could be viewed as tantamount to *de facto* recognition, a consequence both sought to avoid.

cessions. In this capacity, a third party can make a significant contribution to the maintenance of world peace.

### III. The Import of Outside Influence and Control

As the previous discussion makes clear, a mediator can provide valuable assistance to the parties in the search for a peaceful solution to a conflict. In certain situations, however, even the most skillful mediator may be unsuccessful. In the context of any given dispute, there are a number of factors that affect the willingness of the disputants to accept peaceful means of conflict resolution. The relative military strength of the belligerents and the degree of domestic political support for the respective governments have a profound, if not decisive, effect on the parties' perceptions of the utility of peaceful, as opposed to coercive, mechanisms of dispute settlement. Shifts in these factors, or in the parties' perceptions thereof, likewise will affect their willingness to resort to peaceful means of settlement. In addition, the interests at stake in the dispute and the value each side places on a perpetuation of the *status quo* will influence the willingness of a particular party to accept an offer of mediation. When the combination of these factors leads the parties to conclude that peaceful settlement is in their best interests, the probability of a successful mediation effort is significantly enhanced.

In some cases, these factors may militate against acceptance of mediation. If a party believes that it possesses superior military or political strength, it may prefer to use force to further its national interests. This preference is more likely where vital national interests are at stake in the dispute. In this situation, the success of a mediation effort may depend on external pressures brought to bear on the disputants.<sup>48</sup>

To a significant extent, the success of the mediation efforts undertaken to deal with the Cyprus conflict has been a function of external pressure. Such pressures have been mobilized when third parties have determined that a continuation of hostilities would be disadvantageous to all concerned. Often, external assessments of the costs of continued conflict have contrasted with the parties' own conclusions regarding the usefulness of continued hostilities. However, if third parties have possessed and exercised a significant degree of influence over the disputants, the disputants' predilections have yielded. The degree of

48. In the majority of mediative contexts, the disputants independently have concluded that peaceful settlement of the dispute is in their best interests. As a result, the parties are predisposed to accept the assistance of a mediator. This situation is therefore analytically distinct from cases where the effectiveness of external pressures is a significant determinant of the success of the mediation.

influence wielded by interested third parties has affected both the initial willingness of the disputants to accept mediation and the ultimate success of the settlement effort.

While a general concern for world peace provides some impetus for third-party intervention, third parties are most apt to take an active interest in the peaceful settlement of a dispute when they perceive their security interests to be threatened by continued conflict. American involvement in Cyprus has, in large part, been premised on this perception. A Cyprus conflict poses the threat of direct confrontation between Greece and Turkey. Both countries are allies of the U.S., and the prospect of a conflict between them has understandably caused concern in Washington. Both countries are members of NATO,<sup>49</sup> and both play an important role in securing NATO's strategically important southern flank. Efforts to prevent open warfare between these two putative allies has been animated, in large part, by Western concerns over the deleterious effects such fighting would have on NATO unity in general and security in the eastern Mediterranean region in particular.<sup>50</sup> The United States has exerted its influence to control the threat that the Cyprus dispute poses to Western security interests in that strategic region of the world. The United States' involvement in the Cyprus dispute demonstrates the importance of external influence and control to peaceful settlement in cases where mediation, or other settlement techniques, would not otherwise be voluntarily accepted.

#### A. *Cyprus, 1963-64: The Initial Crisis Period*

U.S. pressure to control the Cyprus dispute was first exercised after intercommunal fighting erupted on Cyprus following President Makarios' suggestion, in late 1963, that the Cypriot constitution be amended. After the initial crisis subsided, Great Britain sought to mediate the dispute.<sup>51</sup> The talks between Greek, Turkish, and Cypriot leaders soon reached an impasse, and the dispute was then referred to the U.N. Security Council.<sup>52</sup> The Security Council promptly adopted a

49. See North Atlantic Treaty, Apr. 4, 1949, 63 Stat. 2241, T.I.A.S. No. 1964, 34 U.N.T.S. 243, Additional Protocol, Oct. 17, 1951, 3 U.S.T. 43, T.I.A.S. No. 2390, 126 U.N.T.S. 350. The danger that conflict between Greece and Turkey poses to NATO was demonstrated during the 1964 crisis. At that time, both Greece and Turkey withdrew substantial portions of the forces they had assigned to NATO. See N.Y. Times, Aug. 18, 1964, at 1, col. 2. For a brief period, NATO forces on the southern flank of Europe were significantly weakened. More recently, fighting on Cyprus resulted in Greek withdrawal from the military wing of NATO. See text accompanying note 147 *infra*.

50. See, e.g., 50 DEP'T STATE BULL. 284 (1964); 51 DEP'T STATE BULL. 301, 399 (1964).

51. See text accompanying note 7 *supra*.

52. Letter dated Feb. 15, 1964 from the representative of the United Kingdom of Great

resolution calling for the introduction of a U.N. peacekeeping force and the appointment of a mediator to help promote a peaceful settlement of the dispute.<sup>53</sup> Before the U.N. force could be introduced, fighting between Greek and Turkish Cypriots intensified. Turkey threatened to intervene to protect the Turkish Cypriot community.<sup>54</sup> They relented when a U.N. peacekeeping force landed on Cyprus.<sup>55</sup> As a result of this Security Council action, strongly endorsed by the United States,<sup>56</sup> the Turks were persuaded to call off their invasion threat and accept U.N. mediation of the dispute.

The introduction of U.N. forces and U.N. mediation temporarily eased tensions on Cyprus. The mediation effort, however, did not move quickly towards settlement of the underlying issues. The respite from violence was shattered in April, 1964 when Greek Cypriots launched a major attack against Turkish Cypriot positions.<sup>57</sup> In May, the Cyprus government announced plans to conscript Greek Cypriots.<sup>58</sup> In response to these provocations, Turkey massed a huge invasion fleet along its southern coast. Sensing the danger that this conflict posed to regional security, the United States acted promptly and forcefully to avert a crisis. In a stern letter to Turkish President İnönü, President Johnson warned the Turks against invading Cyprus and threatened to withhold NATO assistance in the event that the Soviet Union intervened on the side of Cyprus. Consequently, Turkey called off its invasion.<sup>59</sup>

After the June crisis abated, efforts to mediate the dispute contin-

Britain and Northern Ireland to the President of the Security Council, 19 U.N. SCOR, Supp. (Jan.-Mar. 1964) 66, 67, U.N. Doc. S/5543 (1964).

53. S.C. Res. 186, 19 U.N. SCOR, Supp. (Jan.-Mar. 1964) 102, U.N. Doc. S/5575 (1964).

54. Letter dated Mar. 13, 1964 from the representative of Turkey to the Secretary-General, 19 U.N. SCOR, Supp. (Jan.-Mar. 1964) 135-38, U.N. Doc. S/5596 (1964).

55. N.Y. Times, Mar. 15, 1964, at 3, col. 1.

56. 50 DEP'T STATE BULL. 465-66 (1964).

57. Report of the Secretary-General to the Security Council on the operations of the United Nations Peacekeeping Force in Cyprus, 19 U.N. SCOR, Supp. (Apr.-June 1964) 87, 89, U.N. Doc. S/5671 (1964); N.Y. Times, Apr. 26, 1964, at 1, col. 6.

58. N.Y. Times, May 19, 1964, at 1, col. 7.

59. *Id.*, June 6, 1964, at 1, col. 4; *id.*, Jan. 14, 1966, at 12, col. 1. The Turks had good cause to be concerned that the Soviet Union might intervene to defend Cypriot sovereignty. While the Soviets have no special affinity for the Cypriots, they are reluctant to see this non-NATO country come under the dominance of a NATO ally. See Letter dated Feb. 8, 1964 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council, 19 U.N. SCOR, Supp. (Jan.-Mar. 1964) 56, 57, U.N. Doc. S/5534, Annex (1964). This strategic consideration prompted several expressions of Soviet support for Cypriot sovereignty and pledges of Soviet support in the event of foreign intervention on Cyprus. See, e.g., *id.*; Letter dated Aug. 10, 1964 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council, 19 U.N. SCOR, Supp. (July-Sept. 1964) 155, U.N. Doc. S/5873 (1964); N.Y. Times, Aug. 16, 1964, at 39, col. 3. As a result of this support, a Soviet attack was not an unforeseeable consequence of a Turkish

ued.<sup>60</sup> Tensions escalated when, in August, violent intercommunal clashes were renewed. Turkish warplanes then attacked Cyprus. Makarios responded by threatening to launch an all out attack against Turkish Cypriot positions if Turkish air strikes continued.<sup>61</sup> Calm was restored to the island when Turkey and Cyprus accepted a U.N. Security Council cease-fire call,<sup>62</sup> a course of action strongly supported by the United States.<sup>63</sup>

Absent U.S. pressure, the eastern Mediterranean likely would have erupted into open warfare. The Cypriot government had continually provoked the Turks during the 1963-64 crisis and Turkey was highly motivated to exploit its dominant military position, *vis-à-vis* Greece and Cyprus,<sup>64</sup> in order to respond to Cypriot provocations and to guarantee the security of the Turkish Cypriots. A Turkish invasion, however, posed a significant threat to NATO unity and regional security interests. From an American viewpoint, protection of the NATO security alliance was the paramount interest at stake in the dispute.<sup>65</sup> Accordingly, the U.S. pressured Turkey into abandoning its invasion plans and, in effect, coerced Turkey into accepting mediation of the dispute.

The U.S. was able to dissuade Turkey from taking advantage of its

invasion. This fear, coupled with the threat of withdrawal of NATO support in the event of a Soviet attack, obviously had a sobering effect on the Turkish leadership.

60. In July, 1964, President Johnson appointed former Secretary of State Dean Acheson to help mediate the dispute, ostensibly by assisting the U.N. mediator. N.Y. Times, July 4, 1964, at 1, col. 4. Both the Greeks and Turks accepted Acheson's mediation. The Greeks relented from their earlier refusal to accept U.S. mediative assistance, expressed just one month prior to that date. See text accompanying notes 20-22 *supra*. Suspicions were voiced at the time that the earlier refusal was based on a Greek need to avoid the appearance of capitulating to U.S. pressures after the U.S. had publicly adopted the Turkish position regarding the validity of the 1960 treaties. See N.Y. Times, June 29, 1964, at 3, col. 1.

61. N.Y. Times, Aug. 10, 1964, at 1, col. 8.

62. Letter dated Aug. 10, 1964 from the Prime Minister of Turkey to the President of the Security Council, 19 U.N. SCOR, Supp. (July-Sept. 1964) 158, U.N. Doc. S/5875 (1964); Telegram dated Aug. 10, 1964 from the President of Cyprus to the Secretary-General, 19 U.N. SCOR, Supp. (July-Sept. 1964) 160, U.N. Doc. S/5876 (1964).

63. 51 DEP'T STATE BULL. 318 (1964). While Turkey clearly intended to protect the Turkish Cypriots, by force if necessary, it abandoned this course of action in the face of the Security Council call, backed up by the threat of formidable U.S. sanctions.

64. For a comparison of the relative military strength of the belligerents, see N.Y. Times, Aug. 10, 1964, at 12, col. 8.

65. In addition to the threat to NATO unity and regional security, the Cyprus conflict entails other risks to United States security interests. Given the Soviet interest in the dispute, and Moscow's expressions of support for Cypriot sovereignty, see note 59 *supra*, this conflict could escalate into a major East-West confrontation. See 51 DEP'T STATE BULL. 301 (1964). In addition, conflict on Cyprus presents the Soviet Union with an opportunity to increase its influence in this strategic region of the world. See 51 DEP'T STATE BULL. 399, 477 (1964). These factors help explain the intensity of U.S. pressures on Turkey. See text accompanying notes 57-59 *supra*.

superior military position because Turkey depended on U.S. support for its own security. Turkey shares a long border with the Soviet Union, and these two countries have had a long history of conflict.<sup>66</sup> Soviet forces are far superior to those of the Turks, and Turkey is incapable of independently defending itself should those forces attack. Turkey depended on U.S. military assistance and the NATO security umbrella to insure its own security.<sup>67</sup> As leader of NATO and Turkey's major arms supplier, the U.S. was able to exert a considerable degree of influence and effective control over Turkish behavior. Turkey's dependence on U.S. support outweighed Ankara's deep, emotional interest in protecting the Turkish minority on Cyprus.

While third-party influence was sufficient to contain the fighting on Cyprus, the failure of the various mediation efforts to achieve an overall settlement of the dispute can be attributed, in large part, to the absence of effective external pressure in support of a political settlement. During the course of settlement talks, it was reported that Greece and Turkey were capable of reaching a compromise solution to the dispute.<sup>68</sup> Makarios, however, ever jealous of proposals that threatened Cypriot sovereignty, was less willing to compromise his positions.<sup>69</sup> Makarios effectively sabotaged efforts to mediate the dispute by engaging in provocative acts during the course of the negotiations,<sup>70</sup> and by publicly denouncing settlement proposals during sensitive stages of the talks.<sup>71</sup>

Makarios was able to thwart these efforts because he was under no effective pressure to moderate his position. While Cyprus was dependent, to some extent, on Greece for political and military support, the Greeks were unable, or unwilling to compel Makarios to accept a polit-

66. Modern conflict between the Russians and Turks goes back to the early 18th century. See 13 *ENCYCLOPEDIA BRITANNICA* 783 (1974 ed.).

67. For a discussion of Turkey's military capabilities, as perceived by U.S. policy makers, see 50 *DEPT STATE BULL.* 709, 897-98 (1964). For a discussion of the extent to which Turkey depended on U.S. military assistance, see *Foreign Assistance Act of 1963: Hearings on S. 1276 before the Senate Comm. on Foreign Relations*, 88th Cong., 1st Sess. 638-39 (1963); *Foreign Assistance Act of 1964: Hearings on H.R. 10502 before the House Comm. on Foreign Affairs*, 88th Cong., 2d Sess. 501-02 (1964).

68. At the outset of Acheson's mediation efforts, see note 60 *supra*, there was a feeling that "the interests of Greece and Turkey might not be irreconcilable." Acheson, *Cyprus: The Anatomy of a Problem*, 46 *CHI. B. REC.* 349, 353 (1965). Mr. Acheson submitted proposals to the Turkish and Greek governments that Turkey accepted as a basis for negotiation, see *id.* at 353, and that Greece seemed inclined to accept. *N.Y. Times*, Aug. 15, 1964, at 1, col. 6. Unfortunately, Makarios soon shattered the hope for political settlement.

69. *N.Y. Times*, July 31, 1964, at 4, col. 3; see *id.*, Aug. 24, 1964, at 1, col. 2.

70. See text accompanying notes 57-59 *supra*.

71. Acheson, *supra* note 68, at 354-55; *N.Y. Times*, Sept. 5, 1964, at 1, col. 3.

ical solution to the dispute.<sup>72</sup> In fact, the Greeks contributed to Makarios' hard-line stance by expressing their willingness to come to Cyprus' aid in the event of a Turkish attack.<sup>73</sup> While the threat of Turkish invasion may have motivated Makarios to adopt a more conciliatory posture, this threat was mooted by consistent U.S. efforts to restrain Turkey. In addition, the Cypriot political position was bolstered by expressions of support from the Soviet Union and the United Arab Republic.<sup>74</sup> This political constellation protected Makarios from external pressures to moderate his stance and compelled Turkey to withdraw its threat to invade Cyprus without eliciting any guaranties for the security of the Turkish Cypriot minority.

### B. *Post 1964 Developments: Turkey's Hand is Strengthened*

After the 1963-64 crisis subsided, several unsuccessful efforts were undertaken to negotiate a peaceful resolution of the underlying political issues<sup>75</sup> involved in the dispute. In February, 1965, Galo Plaza, Secretary-General U Thant's personal representative on Cyprus, attempted to bring the Greek and Turkish Cypriots together to seek a solution. This effort failed as the parties refused to budge from their established positions.<sup>76</sup> U.N. efforts to mediate the dispute continued,

72. As the Cyprus conflict threatens to weaken NATO and bring Greece into direct confrontation with Turkey, Greece has a significant security interest in maintaining peace on Cyprus. Sensing the potential danger this fighting poses to its own security, Greece exerted a moderating influence on the Cypriot government during the 1963-64 crisis. *See, e.g.*, N.Y. Times, May 6, 1964, at 1, col. 2; *id.*, Aug. 9, 1964, at 28, col. 3. Greek ability to influence the Cypriot government is limited. Any effort to coerce the Cypriots risks a backlash among Greek Cypriots and their relatives in Greece. Such a backlash could threaten the political position of the Greek government itself. Makarios adroitly exploited this limitation in his efforts to resist outside pressures. *See* Acheson, *supra* note 68, at 354-55.

73. N.Y. Times, Aug. 9, 1964, at 28, col. 2; *id.*, Apr. 8, 1964, at 6, col. 7.

74. *See* note 59 *supra*; N.Y. Times, Aug. 25, 1964, at 1, col. 2; *id.*, Sept. 1, 1964, at 8, col. 3.

75. The central disagreement between the parties concerned the structure of the Cypriot government. The Greek Cypriots, led by Archbishop Makarios, wanted a government that fully reflected their majority status. The Turkish Cypriots, on the other hand, sought a governmental structure that assured them of a significant measure of self-government and political security. As reported by the U.N. mediator, these positions were incompatible. *See* Report by the United Nations Mediator on Cyprus to the Secretary-General, 20 U.N. SCOR, Supp. (Jan.-Mar. 1965) 199, 218-22, U.N. Doc. S/6253 (1965).

76. *See id.* at 223-24. In an effort to break the impasse, Mr. Plaza publicly offered his opinion regarding the appropriate terms of settlement. *Id.* at 235-52. In so doing, however, he seriously undermined his effectiveness as an impartial mediator of the dispute. Shortly after these pronouncements, Turkey accused him of overstepping his authority and demanded the termination of his mediation efforts. While defending Plaza's actions, U Thant acknowledged the negative impact the public declaration had on U.N. efforts to mediate the dispute. *See* Exchange of letters between the representative of Turkey and the Secretary-General, 20 U.N. SCOR, Supp. (Apr.-June 1965) 1-7, U.N. Doc. S/6267 & Add. 1 (1965); N.Y. Times, Apr. 3, 1965, at 1, col. 5. Subsequent efforts by Plaza to continue his mediation

but little or no progress was made.<sup>77</sup> In September, 1967, Greek Premier Kollias and Turkish Premier Demirel met in an effort to negotiate a solution to the conflict. This effort also failed to resolve the contested issues.<sup>78</sup>

During the course of these settlement efforts, several developments shifted the regional power balance in favor of Turkey. Following the 1963-64 crisis, the Turkish government began to reevaluate its ties with the United States in response to recent U.S. action on Cyprus. As part of this reevaluation,<sup>79</sup> Turkey cautiously sought closer ties with the Soviet Union.<sup>80</sup> Several high-level meetings took place,<sup>81</sup> resulting in a significant improvement in Turkish-Soviet relations.<sup>82</sup> The *rapprochement* with the Soviet Union helped diminish the fear of a Soviet invasion, thereby increasing Turkish feelings of security.<sup>83</sup> As a result of this relaxation of tensions, Turkey was in a stronger political position to deal with the Cyprus problem.<sup>84</sup>

Internal political problems in Greece further shifted the political balance in favor of Turkey. After the 1963-64 crisis abated, Greece was

was unavailing, and he resigned as U.N. mediator in December, 1965. See Exchange of letters between the United Nations Mediator on Cyprus and the Secretary-General, 20 U.N. SCOR, Supp. (Oct.-Dec. 1965) 542, U.N. Doc. S/7054 (1965).

77. See note 76 *supra*; Report of the Secretary-General on the United Nations Operation in Cyprus for the period December 9, 1965 to March 10, 1966, 21 U.N. SCOR, Supp. (Jan.-Mar. 1966) 204, 229, U.N. Doc. S/7191 (1966); Report of June 10, 1966, 21 U.N. SCOR, Supp. (Apr.-June 1966) 154, 193, U.N. Doc. S/7350 (1966); Report of Dec. 8, 1966, 21 U.N. SCOR, Supp. (Oct.-Dec. 1966) 110, 153, U.N. Doc. S/7611 (1966); Report of June 13, 1967, 22 U.N. SCOR, Supp. (Apr.-June 1967) 183, 237, U.N. Doc. S/7969 (1967).

78. N.Y. Times, Sept. 11, 1967, at 1, col. 4.

79. Turkey's reconsideration of its ties with the United States was further demonstrated by its announcement, in January, 1965, that Turkey would no longer consider participation in the U.S.-sponsored multilateral nuclear force. See N.Y. Times, Jan. 14, 1965, at 4, col. 6.

80. See, e.g., N.Y. Times, Feb. 27, 1965, at 2, col. 2; *id.*, Nov. 18, 1965, at 16, col. 1.

81. See *id.*, May 19, 1965, at 17, col. 7; *id.*, Aug. 10, 1965, at 5, col. 2; *id.*, Dec. 22, 1966, at 13, col. 3; *id.*, Sept. 20, 1967, at 4, col. 6.

82. As a result of this *rapprochement*, the Soviet Union extended substantial economic aid to Turkey. See *id.*, Aug. 21, 1965, at 29, col. 8; *id.*, Dec. 22, 1966, at 13, col. 4.

83. Following a meeting with Soviet Premier Kosygin two months before the 1967 Cyprus crisis, Demirel announced that the last traces of Turkish-Soviet hostilities had been eliminated. N.Y. Times, Oct. 13, 1967, at 9, col. 1. While this announcement was surely a diplomatic overstatement, it did reflect the significant improvement in Turkish-Soviet relations.

84. The Turkish-Soviet *rapprochement*, and the installation of a right-wing military dictatorship in Greece, see text accompanying notes 85-88 *infra*, prompted a shift in the Soviet attitude towards the Cyprus conflict. While the Soviet Union expressed support for Cypriot sovereignty during the 1967 crisis period, it no longer pledged assistance to Cyprus in the event of a foreign invasion. In addition, it castigated Greece and Greek military officials on Cyprus for precipitating the crisis, and it viewed Turkey's military response as an understandable reaction to Greek provocations. See Letter dated Nov. 27, 1967 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council, 22 U.N. SCOR, Supp. (Oct.-Dec. 1967) 249, U.N. Doc. S/8268 (1967).

the scene of a political struggle between military and civilian leaders<sup>85</sup> that culminated in a military *coup d'état* in April, 1967. The *coup* significantly undermined both domestic<sup>86</sup> and international political support for the ruling government. The *coup* was censured publicly by several Western European nations,<sup>87</sup> and vehemently criticized by the Soviet Union.<sup>88</sup> Greece's international position was weakened further when the United States partially suspended military aid in response to the *coup*.<sup>89</sup> This extra-constitutional change in government, coupled with Turkey's *rapprochement* with the Soviet Union, helped to tip the political balance in the region decidedly in favor of Turkey. This shift in the relevant power levels enabled Turkey to pursue its national policies with less concern about external pressures.

### C. 1967: The United States Again Maintains the Peace

Shortly after the *coup*, events on Cyprus again threatened to draw Greece and Turkey into direct conflict. In November, 1967, the Greek Cypriot National Guard, under the leadership of General Grivas, a passionate proponent of *enosis* (Cypriot union with Greece), attempted to assert its right of way in the Turkish section of Ayiostheodorus.<sup>90</sup> Intercommunal violence followed, resulting in the deaths of 24 Turkish Cypriots and 2 Greek Cypriots. In response to this provocation,<sup>91</sup> Turkey put its forces on alert and threatened to intervene to protect the security of the Turkish minority unless additional steps were taken

85. See N.Y. Times, July 16, 1965, at 4, col. 4; *id.*, Oct. 2, 1966, at 20, col. 4.

86. See *id.*, May 14, 1967, at 20, col. 4; *id.*, May 26, 1967, at 9, col. 1; *id.*, May 30, 1967, at 20, col. 1.

87. See *id.*, Oct. 3, 1967, at 1, col. 8; *id.*, Oct. 5, 1967, at 5, col. 3.

88. *Id.*, Apr. 25, 1967, at 3, col. 3.

89. *Id.*, May 17, 1967, at 1, col. 6.

90. Special report of the Secretary-General on recent developments in Cyprus, 22 U.N. SCOR, Supp. (Oct.-Dec. 1967) 215, 218-19, U.N. Doc. S/8248 & Add. 1-9 (1967).

91. Since the 1963-64 crisis, there had been a number of provocative acts on the part of the Greek Cypriots. In April, 1965, the Greek Cypriots temporarily blockaded the Turkish quarter of Nicosia following a clash between Greek and Turkish Cypriots. N.Y. Times, Apr. 17, 1965, at 2, col. 4. In July, 1965, the Greek Cypriot controlled Parliament passed a bill that extended the life of the Cypriot government. The term of Turkish representatives, however, was not extended. At the same time, the Parliament passed a bill that merged the Greek and Turkish voting rolls, thereby diluting the political strength of the Turkish Cypriots. *Id.*, July 23, 1965, at 2, col. 5. See also *id.*, June 4, 1966, at 8, col. 3. While Turkey protested these moves, it did not mobilize its forces or make other significant steps towards military intervention. It is likely that Turkey viewed the developments in November, 1967 as a particularly propitious opportunity to adjust the political balance on Cyprus, by force if necessary, in light of its recently improved relations with the Soviet Union and Greece's current isolation in the world community. As these changes caused a shift in the relevant power levels, the perpetuation of the *status quo* became less acceptable to the Turks.

promptly to guarantee their security.<sup>92</sup>

The threat of imminent war caused a flurry of activity by American, British, and Canadian diplomats determined to keep the peace. Despite these efforts, and the fact that Greece had recalled Grivas in an effort to ease tensions, the Turkish government and public remained intent on adjusting the political balance on Cyprus, by forceful intervention if necessary.<sup>93</sup> Turkey refused to negotiate with Greece until this balance had been adjusted. Given the Greek refusal to negotiate under the threat of a Turkish invasion, many observers believed that war was inevitable.<sup>94</sup>

In light of the apparent failure of the earlier diplomatic efforts, President Johnson appointed Cyrus R. Vance to be his personal representative in an effort to control the dispute.<sup>95</sup> Vance<sup>96</sup> first visited Ankara and received assurances from the Turkish government that it would not attack Cyprus until he had time to meet with Greek leaders. Vance then began a diplomatic shuttle between Athens and Ankara. Within a week, he had secured agreement between Greece and Turkey on the framework for reducing immediate tensions between the two parties.<sup>97</sup>

92. Special report of the Secretary-General on recent developments in Cyprus, *supra* note 90, at 220-21; N.Y. Times, Nov. 19, 1967, at 14, col. 4.

93. N.Y. Times, Nov. 24, 1967, at 1, col. 8. A spokesman for the Turkish government announced that "unless the threats to the Turkish population are removed, there is nothing to talk about. . . . The crisis has reached the point where discussions cannot be tolerated." *Id.* It seems evident that the Turks were not favorably disposed towards peaceful settlement of the dispute and were determined, at the inception of the conflict, to achieve their goals by coercive measures, either through threat or actual invasion.

94. *See* N.Y. Times, Nov. 25, 1967, at 1, col. 6.

95. *Id.*, Nov. 23, 1967, at 1, col. 7.

96. Vance's mission was coordinated with the mediation efforts of U Thant's special representative, Rolz-Bennet, and NATO Secretary-General Manlio Brossio. All parties agreed, however, that Vance's efforts should have primacy. This agreement was based on a shared perception that U.S.-sponsored efforts were likely to be more successful as the United States possessed greater influence with the parties. Interview with Cyrus R. Vance, *supra* note 31.

97. The basic terms of the settlement accepted by Greece and Turkey included 1) prompt withdrawal of Greek and Turkish forces to levels allowed under the 1960 security treaty; 2) demobilization of Greek and Turkish forces; 3) disarming of all local military forces, particularly the Greek Cypriot National Guard, and 4) an expansion of the role of the U.N. peacekeeping forces. N.Y. Times, Dec. 2, 1967, at 26, col. 3. The agreement to withdraw troops down to the levels allowed under the 1960 treaty was perhaps the most significant settlement provision. Under the 1960 pacts, Greece was permitted 950 troops on Cyprus and Turkey was allowed to station 650 soldiers on the island. Since 1963, however, Greece had infiltrated approximately 7000 soldiers onto Cyprus. *Id.*, Nov. 24, 1967, at 16, col. 3. The presence of these troops made invasion a more costly adventure for Turkey. It is clear from Turkey's actions during the crisis period, however, that these additional troops would not have dissuaded Turkey from launching an invasion if no significant Greek concessions had been forthcoming. While the removal of these additional troops served to halt the Turkish invasion threat in 1967, it made Turkey's subsequent invasion much less costly. *See* text accompanying notes 140-47 *infra*.

Several of the terms of the proposed settlement required the concurrence of Cypriot President Makarios. With the Greek and Turkish agreement in hand, Mr. Vance then directed his energies towards obtaining Makarios' acceptance. In his initial talks with Makarios, Vance apparently received Cypriot approval of the terms of the proposed settlement.<sup>98</sup> After the agreement was announced by Greece and Turkey, Makarios backed away from support of two elements of the proposed settlement.<sup>99</sup> He viewed the proposals to disband the Greek Cypriot National Guard and to increase the security role of the U.N. peacekeeping forces as affronts to Cypriot sovereignty. He refused to accept these proposals without a U.N. Security Council guaranty against military intervention in Cyprus. These objections threatened the entire settlement.<sup>100</sup> Mr. Vance, however, was able to elicit private assurances from Makarios regarding future measures to be taken to provide additional security for the Turkish minority. These assurances, together with the terms agreed to by the parties, were sufficient to keep the settlement intact.<sup>101</sup>

To a significant extent, the success of Vance's mediation efforts was a function of U.S. political control over the behavior of the disputants, particularly Turkey. As in 1963-64, Turkey was indisputably the dominant military power among the potential combatants.<sup>102</sup> The Turkish populace was highly inflamed, and, in effect, the Turkish government had declared that the time for talking had passed.<sup>103</sup> When Vance's mediation began, the Turks clearly believed that invasion of Cyprus was in their national interest. Nonetheless, they accepted Vance's mediation efforts.

In large part, Vance's mediation efforts were accepted because the Turks were dependent on U.S. military and political support. While the recent Turkish-Soviet *rapprochement* helped to increase Turkey's feelings of security, this relaxation of tensions occurred against the long

98. See N.Y. Times, Nov. 30, 1967, at 1, col. 1.

99. *Id.*, Dec. 3, 1967, at 1, col. 4.

100. In light of Makarios' intransigence, it can be argued that the decision to keep Cyprus on the sidelines until agreement between Turkey and Greece had been achieved was judicious. Had these problems been encountered in the early stages of the negotiations, it is not unlikely that Turkey, at the height of its war frenzy, would have invaded Cyprus. During the course of the negotiations, however, Turkish emotions had a chance to cool. When Turkey had the opportunity soberly to evaluate the terms of settlement and the costs of armed intervention, it reached the conclusion that the agreement was in its best interest, notwithstanding Makarios' objections. *But see* note 114 *infra*.

101. See text accompanying notes 41-42 *supra*.

102. For an evaluation of the relative military strengths of Turkey, Greece, and Cyprus, see N.Y. Times, Nov. 25, 1967, at 14, col. 8.

103. See note 93 *supra*.

history of Turkish-Soviet enmity and was not sufficiently established to serve as a central foundation of Turkish security.<sup>104</sup> Turkish security continued to depend on the NATO alliance.<sup>105</sup> As a result, the Turks were not in a position to refuse the services of the personal representative of the President of the United States. As Turkey's major ally, the United States effectively compelled Turkey to accept mediation of the dispute.<sup>106</sup>

American influence was sufficient to begin the process of seeking a peaceful solution to the dispute. As a result of the changes in the political and military balance since the 1963-64 crisis, however, the U.S. did not possess sufficient political power to control the conflict by merely issuing a strong warning that hostilities should cease.<sup>107</sup> Vance's efforts took due account of the geopolitical shifts in the region. From the outset, his efforts were carefully tailored to the changes in the degree of U.S. influence. His mediation was orchestrated in such a way as to capitalize and build on the degree of influence which the U.S. then possessed.

In marked contrast to U.S. actions during the 1963-64 crisis, the State Department asserted that Vance was not accompanied by any threats or pressures on his mission.<sup>108</sup> Despite the absence of public threats, U.S. pressures were discreetly brought to bear, particularly on Turkey. The U.S. issued a vague warning that an invasion of Cyprus would

104. See note 66 *supra*.

105. During its *rapprochement* with the Soviet Union, Turkey continually emphasized that these developments did not threaten or contradict its important ties with NATO or the United States. See, e.g., N.Y. Times, Feb. 27, 1965, at 2, col. 2; *id.*, Nov. 4, 1965, at 3, col. 1; *id.*, Oct. 13, 1967, at 9, col. 1. Turkish ambivalence about its improved relations with the Soviet Union represented an implicit acknowledgment of the continued importance of NATO and U.S. support to Turkish security. See 56 DEPT STATE BULL. 655 (1967) (remarks by Turkish President Sunjay, during visit to United States, noting importance of NATO and alliance with United States to Turkish security).

106. At the outset of Vance's efforts, the Turks clearly did not welcome U.S. mediation. Furthermore, the United States had interests in the dispute that favored a result that was contrary to Turkish perceived interests at the inception of the talks. See note 93 *supra*. It is likely that these two factors predisposed Turkey to reject a U.S. offer of mediation. According to conventional doctrine on mediation, see note 4 *supra*, the U.S. mediation effort therefore should have been doomed from the start.

107. Hostile gestures by the Turks continued during the course of Vance's mediation. See N.Y. Times, Nov. 24, 1967, at 17, col. 1; Letter dated Nov. 29, 1967 from the representative of Cyprus to the President of the Security Council, 22 U.N. SCOR, Supp. (Oct.-Dec. 1967) 258, U.N. Doc. S/8278 (1967).

108. N.Y. Times, Nov. 23, 1967, at 1, col. 7. In light of the inflamed Turkish passions and the diminution of U.S. influence, a return to the public heavy-handedness exhibited earlier could have endangered Vance's peace keeping efforts. The fact that President Johnson deemed it appropriate to send a trusted personal emissary, rather than a terse warning through diplomatic channels, also reflected U.S. recognition of its dwindling influence with Turkey and the commensurate need to accord Turkey more respect.

precipitate a suspension of U.S. military aid to Turkey.<sup>109</sup> Vance discussed this possibility, and the threat to NATO security and foreign investment in Turkey,<sup>110</sup> with the Turkish leaders.<sup>111</sup>

Mr. Vance's mediation agenda was likewise affected by the degree of U.S. influence with the disputants. In the early stages of the mediation, Mr. Vance directed his efforts towards Greece and Turkey. Greek and Turkish membership in NATO gave Vance considerable leverage in Athens and Ankara.<sup>112</sup> Cyprus was not a member of the Atlantic Alliance and did not depend on the United States for military assistance and security. American influence in Nicosia was therefore minimal. Only after achieving agreement between Greece and Turkey on the issues immediately involved in the dispute did Vance turn his attention to Makarios.

When Vance directed his efforts towards Cyprus, an attempt was made to coordinate external pressure on Makarios to accept the terms agreed to by Greece and Turkey. During the course of Vance's talks with the Archbishop, Greece and Turkey officially announced acceptance of the settlement. This move was designed to pressure Makarios to accept the proposed settlement terms.<sup>113</sup> This tactic back-fired. Announcement of the agreement significantly lessened the threat of a Turkish invasion. The alleviation of this threat reduced the effective pressures on Makarios and prompted him to harden his stand.<sup>114</sup> Unilateral Greek pressures on Makarios to accept the proposals also were unavailing.<sup>115</sup> In addition, the U.S. and Turkey did not possess any

109. The United States threatened to suspend military aid to Turkey pending a time-consuming review of Turkish compliance with the terms of the military aid package. N.Y. Times, Nov. 24, 1967, at 18, col. 3. This measure had been employed following the 1965 clash between India and Pakistan over Kashmir. On that occasion, the United States suspended military aid to both countries. *Id.*, Sept. 8, 1965, at 1, col. 5.

110. In addition to military aid, the United States provided Turkey with a significant amount of economic aid. See 57 DEP'T STATE BULL. 211-12 (1967). This provided the United States with an additional measure of influence with the Turkish leaders.

111. Interview with Cyrus R. Vance, *supra* note 31.

112. At the time of the 1967 crisis, the military and political balance in the region clearly favored Turkey. In addition, the Greeks were beginning to feel that their commitment towards Cyprus had been too excessive and costly. See N.Y. Times, Nov. 25, 1967, at 1, col. 8. As a result, the Greeks were favorably disposed towards peaceful settlement of the dispute. Accordingly, U.S. pressures against Greece were not nearly as important in facilitating a peaceful settlement as those applied against Turkey.

113. See N.Y. Times, Dec. 3, 1967, § 1, at 17, col. 4.

114. See *id.*, Dec. 5, 1967, at 1, col. 1. It might be argued that Vance erred in not involving Cyprus at an earlier stage in the mediation effort. It is possible that Makarios, under pressure from the threat of imminent Turkish invasion, might have been more willing to accept the compromise terms agreed to by Greece and Turkey. See *id.*, Dec. 10, 1967, § 4 (The Week in Review), at 4, col. 1. This course of action, however, could have threatened Vance's immediate goal, a reduction in tension between Greece and Turkey.

115. See note 72 *supra*. Greek influence with Makarios had been undermined recently

significant leverage with the Cypriot government. As a result, Makarios was able to thwart proposals that were negotiated without Cypriot participation and that he found to be incompatible with Cypriot sovereignty.

During the 1967 crisis, U.S. pressures and influence once again played a crucial role in securing a peaceful resolution of the conflict. Without U.S. restraints, it is likely that Turkey would have invaded Cyprus, thereby precipitating a disastrous conflict between Greece and Turkey. U.S. influence opened the door for mediation efforts and provided the opportunity for peaceful resolution of the dispute. Since 1964, however, shifts in the military and political balance decreased U.S. influence with the disputants, particularly Turkey. Mr. Vance's efforts were managed skillfully to reflect this fact. While U.S. pressure was sufficient to begin the process towards peaceful settlement, it is unlikely that this influence, without more, would have caused a cessation of hostilities. Had significant Greek concessions not been forthcoming, a Turkish invasion of Cyprus would have resulted. Once again, however, the absence of effective control over Cypriot behavior limited the scope of the resultant settlement. As a consequence of the political forces at work at this time, a Turkish invasion of Cyprus was once again thwarted. Unlike 1963-64, however, Turkey was successful in eliciting some additional security guaranties for the Turkish Cypriot minority.<sup>116</sup>

#### D. *Post 1967 Developments: Greece and Turkey Push for a Settlement*

Following the 1967 crisis, President Makarios began implementing measures to provide additional security for the Turkish Cypriot community. These measures helped to ease tensions on Cyprus and to provide a suitable atmosphere for the performance of U.N.-sponsored mediation.<sup>117</sup> Because of the general improvement in the conditions on Cyprus, Osorio-Tafall, the U.N. Special Representative on Cyprus, was

as a consequence of disagreement over the leadership of the Greek Cypriot National Guard. Makarios viewed the presence of General Grivas as a potential threat to his leadership. He had asked that Grivas be replaced, but the Greeks had refused. *See* N.Y. Times, Mar. 20, 1966, at 5, col. 1. The Greek decision not to replace Grivas must have caused Makarios to wonder if the Greeks were sufficiently concerned about his political security. As a result, this dispute caused a strain in Greek-Cypriot relations and diminished Greek influence with Makarios.

116. *See* text accompanying notes 41-42 & note 97 *supra*.

117. Report of the Secretary-General on the United Nations operation in Cyprus for the period Dec. 9, 1967 to Mar. 8, 1968, 23 U.N. SCOR, Supp. (Jan.-Mar. 1968) 217, 233-34, 251-53, U.N. Doc. S/8446 (1968).

able to bring the leaders of the Greek and Turkish communities together for direct negotiations.<sup>118</sup> These talks were carried on intermittently for over two years. They failed, however, to achieve any significant progress towards settlement of the underlying political issues.<sup>119</sup>

In 1971, Greece and Turkey became impatient with the progress of the intercommunal talks. Both countries were interested in developing closer relations. Progress on this front, however, was inhibited by continued tensions on Cyprus.<sup>120</sup> In light of this threat to their respective security interests, Turkey and Greece began to pressure the Cypriots to reach a solution to the dispute by threatening to seek their own solution if the intercommunal talks continued to prove unsuccessful.<sup>121</sup> Greece warned Makarios to settle the conflict or face the consequences of failure alone.<sup>122</sup> While Makarios once again objected to this threat of foreign intervention,<sup>123</sup> these pressures provided some additional impetus

118. See Report of the Secretary General on the United Nations operation in Cyprus, 23 U.N. SCOR, Supp. (Apr.-June 1968) 189, 208, 210-11, U.N. Doc. S/8622 (1968).

119. Report of the Secretary-General on the United Nations operation in Cyprus for the period June 8 to Dec. 2, 1968, 23 U.N. SCOR, Supp. (Oct.-Dec. 1968) 136, 153-57, U.N. Doc. S/8914 (1968); Report for the period Dec. 3, 1968 to June 2, 1969, 24 U.N. SCOR, Supp. (Apr.-June 1969) 175, 181-83, U.N. Doc. S/9233 (1969); Report for the period June 3 to Dec. 1, 1969, 24 U.N. SCOR, Supp. (Oct.-Dec. 1969) 120, 127-28, U.N. Doc. S/9521 & Add. 1 (1969); Report for the period Dec. 2, 1969 to June 1, 1970, 25 U.N. SCOR, Supp. (Apr.-June 1970) 190, 197-98, U.N. Doc. S/9814 (1970); Report for the period June 2 to Dec. 1, 1970, 25 U.N. SCOR, Supp. (Oct.-Dec. 1970) 57, 67-68, U.N. Doc. S/10005 (1970).

As the tensions precipitated by the 1967 crisis began to wane, the parties felt a less urgent need to reach a political settlement of the underlying issues. According to U Thant, the passage of time hampered efforts to resolve the dispute. See Report for the period Dec. 3, 1968 to June 2, 1969, *supra*, at 184. The reduction in tensions also affected the U.S. sense of urgency concerning the need for a settlement of the dispute. In 1968, Cyrus Vance, and several other diplomats, went to the State Department and urged the Administration to take a more active role in seeking a solution to the underlying issues. However, with U.S. attentions directed elsewhere, (*e.g.*, Vietnam), and with the relaxation of overt hostilities on Cyprus, significant U.S. support for peaceful settlement of the dispute was not forthcoming. Interview with Cyrus R. Vance, *supra* note 31.

U.S. failure energetically to pursue a comprehensive settlement of the dispute was to haunt U.S. policy-makers during the 1974 Cyprus crisis. By pressuring Turkey to forgo forceful intervention on Cyprus, the United States assumed, at least in Turkish eyes, an obligation to help resolve the crisis. By failing to fulfill this obligation, U.S. advice and suggestions lost credibility with the Turks. This loss undermined later U.S. efforts to control the 1974 crisis. See note 141 *infra*.

120. In May, 1971, U Thant warned that the lack of progress towards a peaceful settlement of the dispute threatened to lead to an eruption of violence on the island, thereby endangering the peace and security of the entire eastern Mediterranean region. See Report of the Secretary-General for the period Dec. 2, 1970 to May 19, 1971, 26 U.N. SCOR, Supp. (Apr.-June 1971) 50, 58, U.N. Doc. S/10199 (1971).

121. See Report of the Secretary-General for the period May 30, 1971 to Nov. 30, 1971, 26 U.N. SCOR, Supp. (Oct.-Dec. 1971) 42, 49-50, U.N. Doc. S/10401 (1971).

122. 31 FACTS ON FILE 618 (1971); N.Y. Times, July 7, 1971, at 5, col. 1.

123. N.Y. Times, July 25, 1971, § 4 (The Week in Review), at 2, col. 5; *id.*, Sept. 3, 1971, at 27, col. 1; 31 FACTS ON FILE 618 (1971).

to the U.N.-sponsored efforts to negotiate a settlement, led to an expansion of the intercommunal talks,<sup>124</sup> and helped to elicit conciliatory gestures from the Makarios government.<sup>125</sup>

Although the expanded intercommunal talks rekindled optimism concerning the settlement of the dispute,<sup>126</sup> they failed to make significant progress towards resolving the underlying political issues.<sup>127</sup> This failure can, in part, be attributed to Makarios' continued reluctance to accept any proposal that threatened Cypriot sovereignty.<sup>128</sup> The failure of the talks was primarily a consequence of the internal political dynamics on Cyprus, which militated against the effectiveness of external pressures.

The political forces on Cyprus were unstable during the course of the U.N.-sponsored intercommunal talks. While the Makarios government enjoyed the support of a significant portion of the Greek Cypriot population, it was continually being challenged by militant supporters of *enosis*. The *enosis* forces were led by General Grivas, a long-time rival of Makarios. Grivas, and his supporters, vehemently objected to any solution to the conflict that did not entail *enosis*,<sup>129</sup> a position that was anathema to the Turkish Cypriots.<sup>130</sup> The backers of *enosis* were organized into an underground army, EOKA-B, and posed a constant threat to the Makarios administration.<sup>131</sup>

124. The intercommunal talks were expanded to include active participation by U.N. Special Representative Osorio-Tafall and by representatives from Greece and Turkey. See Report of the Secretary-General, *supra* note 121, at 50-51. The Cypriots had earlier rejected Osorio-Tafall's peace efforts. N.Y. Times, Oct. 3, 1971, at 22, col. 8.

125. In January, 1972, Czechoslovakia clandestinely exported a large quantity of arms to Cyprus. Both Greece and Turkey protested the introduction of these weapons. N.Y. Times, Feb. 10, 1972, at 8, col. 1. As a result of pressure brought to bear upon Makarios, particularly by Greece, Makarios agreed to U.N. control over the illegally imported weapons. See Special report of the Secretary-General on recent developments in Cyprus, 27 U.N. SCOR, Supp. (Jan.-Mar. 1972) 64, U.N. Doc. S/10564 (1972).

126. See Report of the Secretary-General on the United Nations operation in Cyprus for the period May 27 to Dec. 1, 1972, 27 U.N. SCOR, Supp. (Oct.-Dec. 1972) 53, 60-61, U.N. Doc. S/10843 (1972).

127. See Report of the Secretary-General on the United Nations operation in Cyprus for the period June 1 to Dec. 1, 1973, 28 U.N. SCOR, Supp. (Oct.-Dec. 1973) 240, 247-49, U.N. Doc. S/11137 (1973).

128. See N.Y. Times, Feb. 13, 1972, at 2, col. 4; *id.* Feb. 22, 1972, at 3, col. 1. In his effort to thwart outside pressures for settlement, Makarios enjoyed limited support from the Soviet Union. See *id.*, July 7, 1971, at 5, col. 1. However, Makarios' most effective support came from the Cypriot populace. His ability to tap this support made a significant contribution to his effort to keep outside pressures at bay. See *id.*, Feb. 16, 1972, at 3, col. 5; *id.*, Feb. 26, 1972, at 28, col. 2; *id.*, Mar. 3, 1972, at 10, col. 4.

129. 30 FACTS ON FILE 433 (1970); N.Y. Times, Sept. 16, 1971, at 51, col. 3.

130. See Letter dated Apr. 10, 1971 from the representative of Turkey to the Secretary-General, 26 U.N. SCOR, Supp. (Apr.-June 1971) 26, U.N. Doc. S/10174 (1971).

131. In 1970, advocates of *enosis* attacked Makarios' helicopter shortly after it took off from the palace in Nicosia. Makarios escaped unhurt. N.Y. Times, Mar. 9, 1970, at 7, col. 1;

Greek pressures, although putatively designed to support the peace process, further exacerbated the conditions on Cyprus that threatened the success of the U.N.-sponsored talks. Greece and Turkey viewed Makarios as an obstacle to peace settlement. The Greeks, therefore, made a concerted effort to undermine Makarios' political position.<sup>132</sup> In so doing, the Greeks offered some measure of support for General Grivas,<sup>133</sup> thereby increasing Makarios' insecurity concerning the continued viability of his government and aggravating the political instability in Cyprus.

The threat that the Grivas forces posed to political stability in Cyprus severely restricted the negotiating flexibility of the Makarios government. These restrictions became evident in October, 1972, when the Turks made an important compromise proposal. Turkish Cypriot negotiators offered to reduce their demands for constitutional guarantees, which Makarios opposed, if the Greek Cypriots renounced *enosis*.<sup>134</sup> Acceptance of this offer might have broken the impasse in the U.N.-sponsored settlement talks.<sup>135</sup> The presence of armed, impassioned men, fervently in support of *enosis*, prompted the Makarios government to move cautiously in response to this proposal.<sup>136</sup> Consequently, the opportunity was lost. The tension within the Greek Cypriot community that, in part, was due to policies of the Greek government, undermined Greek and Turkish efforts to pressure the Cypriots to reach a settlement of the dispute, and clearly had a deleterious effect on the settlement efforts.<sup>137</sup>

*id.*, Mar. 10, 1970, at 12, col. 3. Following the assassination attempt, tensions between supporters of *enosis* and the Makarios government continued to destabilize the Cypriot political environment. See *id.*, Nov. 28, 1971, § 4 (Week in Review), at 3, col. 2; *id.*, Feb. 13, 1972, at 2, col. 4; *id.* June 11, 1972, at 22, col. 1.

132. See *id.*, Feb. 13, 1972, at 2, col. 4; *id.*, Mar. 12, 1972, at 1, col. 5.

133. *Id.*, Feb. 15, 1972, at 10, col. 5; *id.*, May 6, 1972, at 4, col. 4.

134. *Id.*, Oct. 29, 1972, at 3, col. 2.

135. A significant portion of the Greek Cypriot population felt ambivalent about *enosis*. While the Greek Cypriots have a natural affinity for Greece, the attraction of *enosis* was tempered by distrust of the Greek military regime. In addition, the Cypriots enjoyed a greater degree of prosperity than the Greeks. *Enosis* might have threatened the economic health of the island. See N.Y. Times, Mar. 8, 1972, at 42, col. 4. In a more stable political environment, these considerations might have prompted Makarios, who also questioned the value of *enosis*, to accept the Turkish proposal.

136. See N.Y. Times, Oct. 19, 1972, at 3, col. 2; *id.*, Dec. 5, 1972, at 14, col. 1.

137. Report of the Secretary-General on the United Nations operation in Cyprus for the period Dec. 2, 1972 to May 31, 1973, 28 U.N. SCOR, Supp. (Apr.-June 1973) 58, 67, U.N. Doc. S/10940 (1973). In 1973, the Greeks recognized that the political pressures on Makarios were having a counterproductive effect upon the settlement talks. As a result, the Greeks made some effort to bolster the political stability of the Makarios administration. N.Y. Times, Feb. 2, 1973, at 2, col. 1; *id.*, Mar. 9, 1973, at 12, col. 4; *id.*, Aug. 25, 1973, at 12, col. 4. By this time, however, significant damage to the peace process had already occurred.

The orchestration of Greek and Turkish pressures was further undermined by a dispute between Greece and Turkey over mineral rights in the Aegean Sea. In January, 1973, a significant gas find was reported in the Aegean. In early 1974, Greece and Turkey began to dispute ownership of the rights to exploit this portion of the Aegean Sea. The dispute aggravated the tensions resulting from the Cyprus conflict, and caused a severe strain in Greek-Turkish relations.<sup>138</sup> This disagreement, and the events that quickly unfolded on Cyprus, brought an end to Greek-Turkish efforts to pressure the Cypriots to resolve the dispute.

#### E. 1974: *Cyprus Explodes, The United States Loses Control*

Shortly after the Aegean Sea rift developed, events on Cyprus once again raised the threat of war between Greece and Turkey. On July 15, 1974, *enosis* hardliners, with the support of the Greek government,<sup>139</sup> engineered a *coup d'état* on Cyprus which toppled the Makarios regime. Turkey warned that it would not accept this seizure of power and reaffirmed its right to intervene to restore the constitutional order under the 1960 treaty guaranteeing Cypriot independence.<sup>140</sup> Two days later, Turkish Premier Ecevit flew to Great Britain to discuss ways to enforce the security guaranties under the 1960 treaties. British efforts were assisted by American Undersecretary of State, Joseph Sisco, who shuttled between Athens and Ankara in an effort to forestall the crisis.<sup>141</sup> Despite these efforts, Turkey invaded Cyprus on July 20th.

138. N.Y. Times, Apr. 16, 1974, at 6, col. 4; *id.*, May 30, 1974, at 6, col. 1.

139. In January, 1974, General Grivas died. At the time, there was widespread belief that Grivas' death could facilitate a settlement of the Cyprus problem on the basis of continued Cypriot independence, coupled with local autonomy for the Turkish minority. *See id.*, Jan. 29, 1974, at 9, col. 1; *id.*, Feb. 20, 1974, at 5, col. 1. Grivas' heir apparent, George Karousos, expressed an interest in a reconciliation with the Makarios government. This opportunity was lost, however, when he was ousted by hardliners who opposed his moderate approach. *Id.*, Mar. 3, 1974, at 13, col. 1. This event prompted a precipitous decline in relations between the *enosis* forces and the Makarios government. In June, Makarios unsuccessfully attempted to purge Greek officers in the Cypriot National Guard who supported EOKA-B. *Id.*, June 16, 1974, at 4, col. 1. In July, Makarios accused these officers of plotting to overthrow his government. *Id.*, July 6, 1974, at 2, col. 4. Ten days later, this fear was borne out. During the course of these internecine disputes, the settlement talks broke down following a rancorous public debate over negotiating proposals. *See Report of the Secretary-General on the United Nations operation in Cyprus for the period from Dec. 2, 1973 to May 22, 1974*, 29 U.N. SCOR, Supp. (Apr.-June 1974) 131, 139-40, U.N. Doc. S/11293 (1974).

140. *See* Letter dated July 17, 1974 from the representative of Turkey to the Secretary-General, 29 U.N. SCOR, Supp. (July-Sept. 1974) 26, U.N. Doc. S/11341 (1974); N.Y. Times, July 17, 1974, at 12, col. 8; 34 FACTS ON FILE 570 (1974).

141. Sisco first went to London and conferred with Turkish Premier Ecevit. Ecevit informed him that Greece must come forward with some immediate concessions or Turkey, fearing Greece was using delay to build up its position on Cyprus, would invade. N.Y. Times, July 19, 1974, at 1, col. 1. Sisco then went to Athens, where he was unable to elicit

Immediately following the Turkish invasion, the U.N. Security Council adopted a resolution calling for a cease-fire.<sup>142</sup> A cease-fire was instituted on July 22nd. Following the cease-fire, mediation efforts by the United States and Great Britain elicited formal agreement to begin negotiations in Geneva to reach a resolution of the conflict.<sup>143</sup> During the course of these negotiations, Turkey steadily increased its hold over Cyprus.<sup>144</sup> On August 14th, the Geneva talks broke down following Turkey's refusal to grant a 36-hour recess to allow the Greek and Greek Cypriot representatives to consult with their respective governments over a recent Turkish proposal. Within hours, Turkish forces launched a major offensive and secured a significant portion of additional Cypriot territory.<sup>145</sup> Greece, while highly motivated to come to Cyprus' aid, bowed to the realities of the power relationships extant in the region and announced that it would not go to war with Turkey.<sup>146</sup> In retaliation for an alleged American failure to restrain the Turkish advances, the Greeks withdrew their armed forces from NATO.<sup>147</sup>

After the events on Cyprus unfolded, numerous criticisms were leveled against American policy during the crisis period. The United States was criticized for not acting forcefully to head off the *coup* in Cyprus. The United States was also criticized for failing to express unequivocal disapproval of the *coup* once it took place. Some observers felt that an American condemnation of the *coup*, and a promise to work to restore the Makarios government might have helped to deter a Turkish invasion of Cyprus. Kissinger's rejection of a suggestion, put forward by Henry Tasca, then U.S. Ambassador to Greece, that the Sixth

the needed concessions. In marked contrast to earlier U.S. efforts, Sisco failed to convince the Turks to afford a little more time to the efforts to reach a peaceful solution of the crisis. *Id.*, July 20, 1974, at 1, col. 8; *id.*, July 21, 1974, at 21, col. 5. Turkey had played by U.S. rules during the last two crisis periods, and no significant progress had been made towards settlement of the underlying political issues. The Turks were unwilling to let this opportunity pass by at the behest of the United States. As Ecevit reportedly told Sisco, "[w]e have done it your way for 10 years. Now we are going to try it our way." Stern, *Bitter Lessons*, 19 FOREIGN POL'Y 34, 64 (1975).

142. S.C. Res. 353, 29 U.N. SCOR, Resolutions and Decisions 7, U.N. Doc. S/INF/30 (1975).

143. N.Y. Times, July 31, 1974, at 1, col. 1.

144. *See id.*, Aug. 8, 1974, at 3, col. 1.

145. *Id.*, Aug. 13, 1974, at 3, col. 2; *id.*, Aug. 14, 1974, at 1, col. 8; *id.*, Aug. 15, 1974, at 1, col. 8.

146. For a comparison of Greek and Turkish military strength, see *id.*, July 20, 1974, at 8, col. 3.

147. *Id.*, Aug. 16, 1974, at 1, col. 8. Following the Turkish invasion, the Greek military junta collapsed and civilian leadership was restored. This change of government was greeted enthusiastically by the Greek populace. *Id.*, July 24, 1974, at 1, col. 8. This development, however, diminished U.S. influence with the Greeks who held the United States in muted contempt for its previous support of the junta, see note 24 *supra*.

Fleet be interposed between Cyprus and Turkey to block a Turkish invasion was viewed as another lost opportunity to control the conflict. The U.S. was also criticized for not having pressured Turkey into curbing their territorial ambitions once they had established their presence on Cyprus. These alleged policy failures were held to have contributed to the tragic events on Cyprus.<sup>148</sup>

While these criticisms are an understandable response to the human tragedy on Cyprus, they ignore a central feature of successful third-party intervention. Third-party intervention in support of the peaceful resolution of international disputes does not operate in a vacuum. The existing power relationships are a critical variable in determining the effectiveness of external intervention. In order to be effective, it is often essential that the third-party actor possess the effective power to control or influence significantly the behavior of the disputants. In the absence of a fundamental willingness of the parties to settle the dispute peacefully, external intervention, not premised upon effective control, is likely to be ineffectual. Indeed, it may be counterproductive to the settlement process and may also undermine the national interests of the potential intervenor. By ignoring the importance of the existing power relationships, these criticisms mistake form for substance.

Since 1967, there had been a perceptible shift in the regional power relationships that restricted U.S. ability to compel all parties to accept mediation of the dispute. The Turkish-Soviet *rapprochement*, begun in 1964, had continued unabated.<sup>149</sup> This *rapprochement* led to a significant relaxation of tensions between the Soviet Union and Turkey. In 1974, the Turks need not have feared that the Soviet Union would attack in response to a Turkish invasion of Cyprus. On the contrary, the Soviet Union cautiously supported the Turkish right to protect the independence and integrity of Cyprus following the Greek-sponsored *coup*.<sup>150</sup> The Turkish-Soviet *rapprochement* greatly increased Turkish feelings of security, and, in so doing, markedly reduced Turkish depen-

148. See, e.g., N.Y. Times, Aug. 19, 1974, at 3, col. 5; *Humanitarian Problems on Cyprus: Hearing Before the Subcomm. to Investigate Problems Connected with Refugees and Escapees of the Senate Comm. on the Judiciary*, 93rd Cong., 2d Sess. 1, 7 (1973) (remarks of Dr. Skiotis); Karnow, *Foul-up in the Mediterranean*, *supra* note 23, at 7; Stern, *supra* note 141, at 77-78.

149. See N.Y. Times, Oct. 21, 1970, at 3, col. 4; *id.*, Apr. 18, 1972, at 18, col. 1; *id.*, Apr. 24, 1972, at 3, col. 1.

150. See *id.*, July 17, 1974, at 12, col. 8; *id.*, July 21, 1974, at 1, col. 8; *cf. id.* July 20, 1974, at 1, col. 6; Letter dated July 23, 1974 from the representative of the Union of Soviet Socialist Republics to the Secretary-General, 29 U.N. SCOR, Supp. (July-Sept. 1974) 57, U.N. Doc. S/11367 (1974).

dence on the United States and NATO.<sup>151</sup> The decline of Turkish reliance on foreign guarantors of its own security significantly restricted U.S. leverage with the Turks.

The relaxation of tensions between Turkey and the Soviet Union paralleled the general reduction in East-West tensions. While the general relaxation in East-West tensions enhanced the security position of the superpowers, it also weakened their international political dominance. The policy of *détente* helped to break down the bi-polar political structure of the world. By easing the threat of East-West confrontation, *détente* served to lessen the significance of bloc allegiance as a central feature of the security and foreign policy perspective of many nations. This reduction in the importance of East-West bloc allegiance similarly reduced the ability of the superpowers, particularly the United States, to control, or significantly influence, the behavior of nations that were previously viewed as subordinate client states. As a consequence, many nations, including Greece and Turkey, were given a freer hand with which to pursue their national policy objectives.<sup>152</sup>

Although Turkey and Greece became less dependent on the United States for their own security, and hence less susceptible to U.S. political dominance, the United States continued to rely on Greek and Turkish goodwill to enhance U.S. security interests. The United States maintains several important military bases in Greece. The most important of these, at Suda Bay in Crete, serves as the major supply point for the Sixth Fleet in the eastern Mediterranean. The Suda Bay airfield is vital to the service of aircraft carriers operating in the region. The fear of losing these strategic installations played an important role in curbing American pressures against the Greeks.<sup>153</sup>

151. See N.Y. Times, Aug. 18, 1974, § 4 (Week in Review), at 19, col. 2.

152. For a discussion of the effects of *détente* on the ability of the superpowers to control world events, see Kissinger, *Moral Purposes and Policy Choices*, 69 DEP'T STATE BULL. 525, 530 (1973); *Humanitarian Problems on Cyprus*, *supra* note 148, at 19 (remarks of Dr. Skiotis).

This increased freedom was manifested during the period preceding the 1974 Cyprus crisis. In early 1974, Turkey formally lifted a 1971 ban on opium poppy cultivation. This action defied strong United States pressure to retain the ban and congressional threats to suspend military aid to Turkey if the ban was lifted. See N.Y. Times, Mar. 14, 1974, at 40, col. 1; *id.*, July 10, 1974, at 11, col. 2; *Humanitarian Problems on Cyprus*, *supra* note 148, at 33 (statement of Mr. Hartman, Assistant Secretary for European Affairs). Moreover, during the Yom Kippur War, both Greece and Turkey permitted the Russians to fly over their territory during the Soviet supply missions to Egypt. Both countries, however, refused to permit U.S. supplies *en route* to Israel to pass through their territory. See 69 DEP'T STATE BULL. 617 (1973); 70 DEP'T STATE BULL. 280-82, 389-91 (1974); N.Y. Times, Oct. 25, 1973, at 1, col. 2. The Greek decision to withdraw its forces from NATO's command structure in response to alleged Western failures to restrain the Turkish drive, *see* text accompanying note 147 *supra*, is another example of the extent to which *détente* had weakened allegiance to, and dependence on, political structures dominated by the United States.

153. N.Y. Times, July 30, 1974, at 33, col. 2. It is far from certain that intense U.S.

Significant strategic considerations also curbed U.S. freedom in dealing with Turkey. Administration officials were concerned that intense American pressures against Turkey could lead to the loss of U.S. military facilities in Turkey, facilities that serve as important supply centers for NATO operations and intelligence outposts for monitoring developments within the Soviet Union.<sup>154</sup> To a greater extent, however, U.S. flexibility was circumscribed by fears of severely damaging United States-Turkish relations.<sup>155</sup> In light of Turkey's strategic importance, a deterioration in these relations could pose a serious threat to U.S. security interests. Such a deterioration could have prompted Turkey to reevaluate their international political alignment and commitment to Western security arrangements in general, and NATO in particular.<sup>156</sup> This fear was increased by Soviet efforts to ingratiate themselves with the Turks.<sup>157</sup> The U.S. interest in maintaining close relations with Turkey, dictated in large part by legitimate security concerns, restrained U.S. diplomatic flexibility *vis-à-vis* the Turks.

In addition to the shift in the regional power relationships, the political situation in Greece and Turkey during the crisis period compounded American difficulty in controlling events. During Sisco's first visit to Athens, the Greek government was in complete disarray.<sup>158</sup> The disintegration of the Greek government severely hampered Sisco's peace mission. The political climate in Turkey also militated against successful U.S. intervention. Turkish Premier Ecevit headed a shaky coalition government<sup>159</sup> and was under tremendous domestic pressure to intervene<sup>160</sup> in response to the Greek sponsored *coup*. In addition, there was residual anti-American sentiment among the Turkish population in light of prior U.S. intervention in the Cyprus dispute. Given

pressures against Greece could have contained the Cypriot crisis. Given Greece's military disadvantage *vis-à-vis* Turkey, *see* note 146 *supra*, it is likely that Greece would have favored a negotiated solution to the dispute. Unfortunately, Greece was not the principal actor in the drama; Turkey was. In addition, the Greek government was fragmented during the crucial crisis period, *see* text accompanying note 158 *infra*, and was not in a position to respond to U.S. pressure.

154. N.Y. Times, July 20, 1974, at 9, col. 1. This fear was later borne out. *See* text accompanying notes 170-71 & note 171 *infra*.

155. *See* N.Y. Times, Aug. 16, 1974, at 1, col. 8; 71 DEP'T STATE BULL. 354-55 (1974).

156. *See* text accompanying notes 170-80 *infra*. During the early stages of the crisis, the Turks reportedly warned Kissinger that severe pressure by the U.S. against Turkey would result in the withdrawal of Turkey from the Atlantic Alliance. Karnow, *Tough Turkey*, THE NEW REPUBLIC, Oct. 5, 1974, at 12, 14. While this statement may have been mere diplomatic posturing, the United States could not dismiss lightly the possibility that it was serious.

157. *See* text accompanying notes 149-51 *supra*.

158. *See* N.Y. Times, July 22, 1974, at 13, col. 5; *id.*, July 23, 1974, at 1, col. 5.

159. *See* N.Y. Times, May 5, 1974, at 2, col. 3; *id.*, May 20, 1974, at 8, col. 4.

160. *Id.*, July 19, 1974, at 1, col. 1; *id.*, at 11, col. 7; *id.*, July 21, 1974, at 21, col. 3.

this political background, Ecevit was in no position to respond to U.S. pressures. Had he done so, it is likely that his government would have fallen and been replaced by one more stridently nationalistic. This certainly would not have prevented the Turkish invasion plans. It would, however, have sounded the death knell for any significant U.S. influence with the Turkish government.

The responsibility for the failure of efforts to control the 1974 Cyprus crisis can not be placed on the United States. These efforts failed, not as a result of U.S. procedural blunders or diplomatic oversights, but as a consequence of changed circumstances. These changes left the disputants less responsive to U.S. pressures and more willing to pursue national policies without considering the effects on regional security arrangements, or U.S. political or military support for their respective governments. United States policy was premised on a realistic appreciation of these changed circumstances and the resultant inability of the United States to control events.

#### F. *Post 1974 Developments*

The Turkish invasion of Cyprus soon brought the Ford Administration into a heated debate with Congress. Several members of Congress felt that Turkey had violated a legal condition for continued military assistance by using U.S.-supplied weapons for aggressive purposes.<sup>161</sup> In order to express U.S. displeasure with the Turkish invasion, and in an effort to compel Turkey to make concessions in the U.N.-sponsored Cyprus negotiations, several congressmen proposed a suspension of military aid to Turkey.<sup>162</sup> The Ford Administration vehemently argued against this course of action. It feared that such an action would poison the negotiating atmosphere and, more importantly, undermine U.S. security interests in the eastern Mediterranean.<sup>163</sup> Over strenuous Administration objections, and several presidential vetoes,<sup>164</sup> Congress suspended military aid to Turkey in early 1975.<sup>165</sup>

161. *Id.*, Sept. 6, 1974, at 5, col. 1; *id.*, Sept. 18, 1974, at 7, col. 1.

162. *See id.*, Aug. 29, 1974, at 12, col. 4; *id.*, Sept. 13, 1974, at 7, col. 1.

163. *See* 71 DEP'T STATE BULL. 739 (1974) (remarks of President Ford). In defending U.S. arms assistance to Turkey, Secretary of State Kissinger continually stressed that the aid was not given as a favor to Turkey but rather was an expression of a mutual interest in the security of Turkey. *See* 71 DEP'T STATE BULL. 909, 916 (1974); 72 DEP'T STATE BULL. 5 (1975). However, after the Vietnam *débâcle*, many congressmen were suspicious of military entanglements, and were, as a result, unwilling to accept this *realpolitik* rationale.

164. *See* 71 DEP'T STATE BULL. 655-59 (1974).

165. N.Y. Times, Feb. 2, 1975, at 1, col. 1. An important force behind the arms cutoff was the potent pro-Greek lobby in the United States. Persons sympathetic to Greece's position were able to generate considerable political support. By contrast, Turkey enjoyed limited political support in the United States. By taking advantage of the American domestic

While the congressional action may have been well-intentioned, and perhaps legally required,<sup>166</sup> it was ill-conceived and ill-timed. It was directed against the country that had the greatest stake in the perpetuation of the *status quo*, and that had the strongest bargaining position among the parties directly involved. In addition, the suspension of military aid was announced during a period of political instability in Turkey, thereby making it extremely risky for any Turkish leader to capitulate to this affront to Turkish honor.<sup>167</sup> As a result, it is not surprising that the suspension of military aid proved to be both counterproductive to the search for peace and damaging to U.S. security interests in the region.

Immediately following the suspension of military aid, efforts to negotiate a settlement of the conflict suffered a setback. Turkish Foreign Minister Esenbel cancelled a meeting with Kissinger, Greek Foreign Minister Bitsios, and Greek and Turkish Cypriot leaders that was to deal with the Cyprus negotiations.<sup>168</sup> One week later, the Turkish Cypriots dealt a significant blow to the settlement efforts by declaring the establishment of a separate state in the section of Cyprus controlled by Turkish troops.<sup>169</sup>

In addition to hindering the search for peace, the arms embargo precipitated a severe strain in Turkish-U.S. relations and compromised American security interests in the region. Following the suspension, Turkish and American political leaders engaged in public recrimina-

political environment, the Greek lobby helped to bolster Greece's negotiating position. *See* N.Y. Times, Oct. 12, 1974, at 3, col. 1.

166. Under U.S. law, military aid

shall be furnished solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security. . . .

22 U.S.C. § 2302 (1976). Military assistance "shall be terminated" if a recipient country uses the military materials for any purpose not authorized by § 2302. 22 U.S.C. § 2314(d) (1976). Proponents of the arms embargo successfully argued that these provisions mandated a suspension of military aid to Turkey.

167. *See id.*, Feb. 10, 1975, at 11, col. 1; *id.*, Apr. 2, 1975, at 38, col. 1; *id.*, May 3, 1975, at 31, col. 1. The aid cutoff soon became an issue in Turkish electoral politics, *see id.*, Aug. 5, 1975, at 9, col. 1. Domestic political pressure prompted Turkish leaders to refuse to make any concessions in the face of U.S. pressures, *see id.*, Sept. 11, 1975, at 3, col. 1, and to retaliate against the American action, *see id.*, July 26, 1975 at 1, col. 6; *id.*, Aug. 1, 1975, at 3, col. 1. Congressional insensitivity to Turkish political reality served to produce results detrimental to the interests of all concerned.

168. *Id.*, Feb. 6, 1975, at 13, col. 1.

169. *Id.*, Feb. 14, 1975, at 1, col. 3. While the Greeks were willing to negotiate the issue of a Cypriot federation, they refused to do so in the face of this Turkish *fait accompli*. *Id.*, Feb. 14, 1975, at 3, col. 6. The Turkish Cypriot declaration clearly damaged the negotiating atmosphere.

tions against each other.<sup>170</sup> In addition, Turkey retaliated against the aid cutoff by closing several important U.S. military bases.<sup>171</sup> This action damaged Western security interests in the eastern Mediterranean and proved to be a high price for the paltry, if not non-existent, benefits that the embargo produced.

The Turkish reaction to the aid cutoff prompted a congressional re-evaluation of the wisdom of that action. In October, 1975, the Administration convinced Congress to pass a measure partially lifting the arms embargo.<sup>172</sup> Following the easing of the embargo, Turkey and the United States reached a four-year agreement that would have allowed U.S. military installations to reopen in return for a pledge of approximately \$1 billion in U.S. grants and loans.<sup>173</sup> Approval of this agreement was delayed by electoral considerations in the United States and continued congressional insistence that further U.S. aid be linked to Turkish concessions on Cyprus.<sup>174</sup>

Following the election of President Carter, implementation of the new agreement was further delayed. In seeming disregard for the counterproductive effects of the earlier embargo, the Carter Administration tried to link future arms aid to Turkish concessions in the settlement talks.<sup>175</sup> Once again, the Turks vociferously rejected this linkage.<sup>176</sup> Turkish political leaders felt that the embargo obstructed the Cyprus negotiations by increasing the intransigence of the Greek

170. See *id.*, Feb. 5, 1975, at 5, col. 1 (Turkish Premier Irmak accusing U.S. Congress of great misunderstanding that will damage U.S.-Turkish cooperation in NATO); *id.*, June 24, 1975, at 1, col. 6 (Kissinger warning Turkey against thinking they are doing the U.S. a favor by remaining in alliance with U.S.); *id.*, Aug. 20, 1975, at 12, col. 2 (Turkish President Koruturk attacking "treason" of Turkey's friends and allies).

171. *Id.*, July 26, 1975, at 1, col. 8. The bases that were closed provided the United States with information about Soviet activity in the southern Soviet Union and the Black Sea, *id.*, July 30, 1975, at 3, col. 4, and were particularly important for monitoring Soviet missile deployment and Soviet compliance with the SALT agreements, see 73 DEP'T STATE BULL. 322-23 (1975); N.Y. Times, Aug. 2, 1975, at 3, col. 1.

172. Foreign Assistance Act of 1975, Pub. L. No. 94-104, 89 Stat. 508 (1975). The proponents of this measure were animated, in part, by concern for the effect of the embargo upon the negotiations. However, the principal justification for this action was the need to safeguard U.S. security interests. See H.R. Rep. No. 94-500, 94th Cong., 1st Sess. 1, reprinted in 1975 U.S. CODE CONG. & AD. NEWS 965, 968. Administration protestations, which previously fell on deaf ears, were beginning to register with Congress.

173. N.Y. Times, Mar. 27, 1976, at 1, col. 1.

174. *Id.*, Mar. 30, 1976, at 1, col. 5.

175. *Id.*, Apr. 20, 1977, at 1, col. 5; *id.*, Mar. 12, 1978, at 3, col. 4.

176. In late 1977, hope for settlement was rekindled when then opposition leader Ecevit promised to press for a solution of the Cyprus problem, without waiting for the United States to resume aid to Turkey, if he regained power. *Id.*, Dec. 15, 1977, at A6, col. 1. Once returned to the premiership, Ecevit outlined a program partly aimed at settling the Cyprus problem. *Id.*, Jan. 13, 1978, at A6, col. 2; *id.*, Jan. 18, 1978, at A5, col. 1. Hope was quickly dashed when Premier Ecevit threatened to retract the Turkish proposals on Cyprus in response to renewed U.S. public efforts to link the resumption of arms aid with Turkish con-

Cypriots.<sup>177</sup> In addition, the unstable political climate in Turkey continued to militate against capitulation to U.S. pressures.<sup>178</sup> In the face of mounting evidence of the damaging<sup>179</sup> and counterproductive fruits of U.S. pressures, the embargo was completely lifted in September, 1978.<sup>180</sup>

The arms embargo was a misguided, if well-intentioned, foreign policy endeavor. Its enactment reflected a failure to recognize the decline in U.S. influence with the Turks and the inhibiting effects of political instability extant in Turkey. In lifting the embargo, the United States was paying heed to strategic and political realities that had been ignored, with damaging consequences to U.S. security interests.<sup>181</sup> While the lifting of the embargo did not immediately lead to a peaceful settlement of the divisive issues in the Cyprus dispute, as could be expected, it did remove an obstacle to Turkish acceptance of settlement proposals.<sup>182</sup> In so doing, this action certainly improves the likelihood that a successful resolution will be found to this contentious imbroglio.

cessions. *Id.*, Mar. 13, 1978, at A2, col. 3. These gratuitous U.S. actions continued to plague the U.N.-sponsored settlement talks.

177. *See id.*, Mar. 12, 1978, at A2, col. 3; *id.*, Apr. 20, 1978, at A16, col. 1.

178. During the early days of the Carter Administration, Turkey was in the midst of an electoral campaign. During the campaign, Premier Demirel ruled out any concessions on Cyprus until after the election. *Id.*, Feb. 23, 1977, at 7, col. 1. The election results gave neither of the two major parties a strong governing hand. *Id.*, June 7, 1977, at 14, col. 3. As a result, Turkey went through a period of shaky coalition governments. *See id.*, July 4, 1977, at 2, col. 3; *id.*, Aug. 2, 1977, at 4, col. 3; *id.*, Jan. 1, 1978, at 1, col. 3. Given the importance of protecting national honor, it is unlikely that any Turkish political leader would have remained in power if he had appeared to surrender a superior bargaining position in response to external pressures. As a result, the absence of a strong government clearly inhibited bold peace initiatives.

179. While the arms embargo remained in effect, strategic U.S. military bases remained closed, and U.S.-Turkish relations continued to sour. *See id.*, Nov. 30, 1977, at 11, col. 1 (Turkey threatens to expel all U.S. military forces if the aid package is not passed by early spring). Furthermore, the Turkish-Soviet *rapprochement* received additional impetus. *See id.*, Jan. 12, 1978, at 2, col. 3; *id.*, June 24, 1978, at 3, col. 2.

180. *Id.*, Sept. 27, 1978, at 8, col. 2.

181. The resumption of aid to Turkey helped to repair the earlier damage to U.S. security interests. Immediately following resumption of aid, Turkey agreed to reopen U.S. bases, on a temporary basis. *Id.*, Oct. 4, 1978, at 13, col. 4. In 1980, a new long-term agreement between the two nations was consummated. *Id.*, Mar. 30, 1980, at 1, col. 1. The ill effects of the cutoff continued to linger, however, as evidenced by subsequent Turkish refusals to allow U-2 flights over Turkish territory to verify Soviet compliance with SALT. *Id.*, May 24, 1979, at A13, col. 6; *id.*, Sept. 13, 1979, at A8, col. 1.

182. Several months after the embargo was lifted, U.N. Secretary-General Kurt Waldheim succeeded in convincing Greek and Turkish Cypriots to resume the intercommunal talks that had been suspended since 1977. *N.Y. Times*, May 20, 1979, at 1, col. 3. While these talks have yet to produce a fundamental resolution of the Cyprus dispute, their resumption markedly improves the prospects for such a settlement.

### Conclusion

International mediation has become an increasingly important procedure for the peaceful settlement of international disputes. Where an outside State or group of States has a particular interest in the peaceful resolution of a conflict, mediation can be an effective tool to further these interests. Whether promoting global or national interests in a peaceful settlement, the third-party mediator can provide the disputants with invaluable assistance in the search for peace. The initial interjection of a third party may provide the disputants with a much needed vehicle for communication; something both sides may desire yet feel inhibited from initiating. Once the initial communication between the parties has been established, the presence of a third party can significantly affect the course of the ensuing negotiations. A mediator can contribute to a peaceful settlement by manipulating the negotiation agenda to keep the disputants focused on issues that can and must be resolved. By helping the disputants to appreciate the constraints and pressures under which the opposing side is operating, by impressing upon the parties the costs of continued conflict, and by encouraging conciliatory, or less provocative, behavior on the part of the disputants, the mediator can foster an atmosphere conducive to peaceful settlement. A third-party intermediary can help to make peaceful settlement politically palatable by injecting independent proposals into the negotiating arena, by providing the disputants with an opportunity to exchange private assurances, and by serving as a neutral vehicle for announcing settlement. In so doing, the disputants are provided with an opportunity to make the concessions needed for agreement without appearing to accept a position thrust on them by the opposing side. An interested third party who skillfully discharges these mediative services can make a profound contribution to the maintenance of world peace and stability.

When discharging these services, several general principles should guide the mediator's conduct. Perhaps most importantly, the mediator must recognize that he is dealing with political elites who must placate their national constituencies. In order to facilitate a settlement, it may be necessary to assuage these political sensibilities, either by engaging in a public relations charade<sup>183</sup> or by allowing a particular person to take credit for certain salutary developments.<sup>184</sup> In addition, the mediator should recognize that the public announcement of proposed settle-

183. See text accompanying notes 46-47 *supra*.

184. See note 45 *supra*.

ment terms before the initiation of negotiations is likely to weaken a particular party's political position, thereby frustrating settlement efforts.<sup>185</sup> A demonstrated lack of sensitivity to the political needs of the parties with whom he is dealing can seriously hinder the mediator's efforts.

In any settlement context, the mediator must carefully assess the limits on what can possibly be achieved. At the outset of his mission, the mediator should seek to identify those issues that are ripe for settlement and those parties the mediator can successfully influence. His initial efforts should focus on these issues and parties. This strategy may limit the scope of any short-term settlement. However, once an initial success has been achieved, momentum for further settlement may be generated. The mediator may then be in a position to build on his earlier successes and expand the settlement efforts to include issues and parties not previously addressed.<sup>186</sup>

The skill with which the mediator performs his services is an important, but hardly determinative, ingredient of success. When the disputants have independently come to the conclusion that peaceful settlement of a dispute is the best means to further their respective national interests, the probability of success is obviously enhanced. In certain situations, however, the parties to a dispute might not conclude that peaceful settlement is the best vehicle for furthering their interests. The willingness to compromise important national interests, in the pursuit of a peaceful settlement, is markedly lessened when a nation enjoys a significant military or political advantage over potential adversaries. This advantage may lead one party to conclude that coercive settlement of contested issues is the best mechanism to promote its national interests. In these circumstances, it is essential that this party's independent calculus of the utility of coercive means of resolving the dispute be revised if peace is to be maintained. Intervention by a third party that exercises a degree of effective control over the behavior of this disputant may be required if mediation, in this context, is to succeed.

The history of the Cyprus dispute vividly demonstrates the potentially crucial relationship between effective third-party control and a successful mediation effort. Throughout the history of this conflict,

185. Compare text accompanying notes 20-22 and note 76 *supra* with 69 DEP'T STATE BULL. 540 (1973) (Henry Kissinger refusing to discuss specific proposals before the initiation of the Egyptian-Israeli disengagement negotiations).

186. This strategy was successfully employed by Henry Kissinger in the initial Arab-Israeli disengagement talks. See text accompanying notes 9-10 *supra*. In 1967, Cyrus Vance set the groundwork for a similar effort. Unfortunately, the followup to his initial successes was not forthcoming. See note 119 *supra*.

Turkey has been the dominant power among the potential combatants. In 1963-64 and again in 1967, the calculus of regional power relationships led Turkey to conclude that invasion, or the threat of invasion, was the preferred method of adjusting the political balance on Cyprus. A Turkish invasion, however, threatened the United States' security interests in the region. As a result, the United States interceded in both instances and prompted Turkey to reevaluate the utility of invasion. By exercising its political control over Turkish behavior, the United States effectively coerced Turkey into accepting mediation as the vehicle for pursuing its national interests.

Where this effective control has been lacking, efforts to mediate the Cyprus dispute have enjoyed limited success. By 1974, United States influence with Turkey had declined significantly. As a consequence, U.S. efforts to mediate the dispute during the crisis period were unavailing, and subsequent pressures on Turkey, mobilized in support of the U.N.-sponsored settlement talks, were both ineffectual and damaging to U.S. security interests. Similarly, the absence of effective external control over the actions of the Cypriot government served to limit the success of the mediation efforts undertaken in 1963-64 and in 1967. When a party to this conflict has been under no effective pressure to modify its stance, the success of the mediation efforts has suffered.

The history of the efforts to mediate the Cyprus conflict provides several important lessons for the future conduct of international mediation. As this history illustrates, the starting point for any mediation effort must be a careful evaluation of the respective bargaining strengths of the disputants. This evaluation should give primary consideration to their relative military and political power. In addition, the potential mediator should consider the interests of third States. If politically relevant third States have an interest in the conflict, they may lend political or military support to one side or the other. As the Soviet support for Cyprus, and later sympathy for Turkey demonstrates, these external expressions of support can have an important impact on the relative bargaining strengths of the disputants. Lastly, the potential mediator should consider the value each side places on a perpetuation of the *status quo*. The forces of inertia give the party with a stake in the maintenance of the *status quo* an important advantage. This advantageous position was exploited by Cyprus during the early stages of this conflict and later by Turkey in the post-invasion period. This evaluation should provide a potential mediator with an important understanding of which parties are likely to perceive peaceful settle-

ment of the dispute to be in their best interest and which are likely to be intransigent should the mediator succeed in initiating negotiations.

If the existing power relationships do not predispose all parties towards peaceful settlement, the potential mediator should consider what resources he possesses to alter this predisposition. As forcefully demonstrated by U.S. efforts during 1963-64 and 1967, the mediator may be able to exert a considerable degree of leverage in support of peaceful settlement if one, or all, of the disputants is dependent on the mediator for military, political, or economic support. If the mediator does not possess any significant degree of leverage with one or both of the disputants, he should seek to enlist the support of other politically relevant parties, a tactic tried, albeit unsuccessfully, by Cyrus Vance with respect to Cyprus in 1967. It should be recognized, however, that efforts to pressure the disputants entail risk,<sup>187</sup> as evidenced by Turkey's retaliation against the United States following the post-invasion arms embargo. The potential mediator should carefully consider the limits on his effective control resulting from this potential for retaliation.

Efforts to pressure the disputants might be further limited by political realities in the State attempting to exercise effective control. If a disputant can enlist the loyalties of potent political forces within the intervening State, efforts to coerce that disputant towards a peaceful settlement may be undermined.<sup>188</sup> Indeed, a disputant might be able to manipulate the policies of the intervening State to its own ends by skillfully exploiting political forces within the intervening State. The arms embargo against Turkey, resulting, in part, from the activities of the

187. While efforts to coerce the disputants entail special risks, risk is an element in any mediation effort. Should the mediation fail, the mediator is a convenient scapegoat. *See* text accompanying notes 23-24 *supra* (Greek leaders attacking the United States for supporting the Turkish invasion following the failure of U.S. efforts to mediate the 1974 crisis). In addition, failure can provide evidence that the mediating party is not a formidable presence in the world arena. *See* text accompanying note 29 *supra* (Greece dismissing further British mediation efforts following failure of Britain's mediation during the 1974 crisis period); Hazard, *The League of Frightened Men*, *THE NEW REPUBLIC*, Jan. 19, 1980, at 17 (Kurt Waldheim's failure to mediate an end to the Iranian hostage crisis reaffirms the non-importance of the U.N. Secretary-General in world affairs). In any settlement context, the mediator exposes himself to the risk of failure. His willingness to do so must be an element in the initial decision whether or not to offer his mediative services.

188. In 1963-64, for example, Archbishop Makarios was able to thwart Greek pressures by appealing to the Greek populace. *See* Acheson, *supra* note 68, at 354-55. Similarly, Henry Kissinger's flexibility in dealing with the Israelis was circumscribed, to varying degrees, by the Jewish lobby within the United States. *See* Sheehan, *supra* note 15, at 13, 55-58; *cf.* Emerson, *The Petrodollar Connection*, *THE NEW REPUBLIC*, Feb. 17, 1982, at 18 (Saudi Arabian manipulation of the U.S. corporate lobby to secure passage of the AWACS sale).

U.S. Greek lobby,<sup>189</sup> is a most vivid example of this potentiality. The mediator must assess the effects that domestic political realities will have on his flexibility in the settlements efforts.

The political atmosphere existing in the disputing nations may also limit the efficacy of external pressures. If the political environment is unstable, leaders may feel inhibited from making the concessions necessary for settlement, even if this might otherwise be perceived as appropriate. In 1971-72, President Makarios clearly felt restrained from responding to Greek and Turkish pressures by the political instability on Cyprus. Likewise, the political atmosphere in Turkey, following the embargo, prompted Turkey to resist those pressures adamantly and to take retaliatory measures arguably contrary to Turkish security interests.<sup>190</sup> The domestic political climate in the disputing nations should be an important factor in the mediator's evaluation of the likely success of efforts to exert pressure towards a peaceful settlement of the dispute.

A scrupulous evaluation of the relative bargaining strengths of the disputants and the likely efficacy of external pressures will provide the potential intermediary with an essential understanding of the context of any peace-keeping mission. This evaluation should indicate the probable success of any mediation effort and the possible scope of any settlement. It is unrealistic to expect that the resolution of a dispute will deviate significantly from the relevant power levels. Any effort to coerce the parties towards peaceful settlement in contravention of this reality is likely to be counterproductive and damaging to the interests of the intervenor, a lesson the United States learned at significant cost following the arms embargo. Where the relevant power levels militate against the usefulness of quasi-coercive mediation, discreet and unobtrusive support for peaceful settlement is likely to be the best path to follow.<sup>191</sup> Where appropriate, however, this form of quasi-coercive

189. See note 165 *supra*.

190. Despite the Turkish-Soviet *rapprochement*, the NATO alliance was still an important guarantor of Turkish security. See *N.Y. Times*, June 27, 1975, at 2, col. 3 (Turkish Foreign Minister Caglayangil noting that Turkey continues to rely on U.S. nuclear umbrella to guarantee its security and that NATO bases provide important benefits to Turkey). Nevertheless, in the face of tremendous domestic political pressure, the Turkish government felt compelled to retaliate against the U.S. embargo, thereby weakening an important bulwark of Turkish security.

191. The Turkish invasion of Cyprus brought the political balance on the island more in line with the regional power balance. As a partial consequence, stability on the island has been enhanced. Since the invasion, Cyprus has enjoyed an extended period of relative peace and calm, despite the existence of some tensions due to the absence of a comprehensive political solution to the dispute. See Report of the Secretary-General on the United Nations operation in Cyprus for the period June 10 to Dec. 8, 1975, 30 U.N. SCOR, Supp. (Oct.-Dec. 1975) 54, 60, U.N. Doc. S/11900 & Add. 1 (1975); Report for the period June 6 to Dec. 6, 1976, 31 U.N. SCOR, Supp. (Oct.-Dec. 1976) 38, 45-46, U.N. Doc. S/12253 & Add. 1 (1976);

mediation can make a significant contribution to the maintenance of global stability.

The promotion of community and/or national interests in peace is the manifest function of quasi-coercive mediation. In addition, this settlement technique serves a less obvious, latent function.<sup>192</sup> This form of mediation obfuscates and legitimates the exercise of effective control over a sovereign State. By engaging in quasi-coercive mediation, a third party is able to inject itself obtrusively into the affairs of an independent State in order to protect its own interests. The coercion of a sovereign State, which might be deemed intolerable in other contexts, is legitimated in the eyes of the global community, when employed to further a widely accepted global value, the preservation of peace. As a result, this settlement technique affords a third-party actor with the opportunity to manipulate subtly the policies of a sovereign State for its own purposes, while at the same time receiving the approbation of the global community. Quasi-coercive mediation therefore is a valuable diplomatic tool for any State with the will and the means to employ it.

Report for the period June 8 to Nov. 30, 1977, 32 U.N. SCOR, Supp. (Oct.-Dec. 1977) 79, 84, U.N. Doc. S/12463 & Add. 1 (1977); Report for the period June 1 to Nov. 30, 1978, 33 U.N. SCOR, Supp. (Oct.-Dec. 1978) 78, 84, U.N. Doc. S/12946 & Add. 1 (1978); N.Y. Times, Dec. 26, 1980, at A11, col. 1; *id.*, May 31, 1981, at 5, col. 1. In late 1980, Greece rejoined the NATO military wing. N.Y. Times, Oct. 21, 1980, at 1, col. 3. It does not appear that the U.S. arms embargo, or other overt pressures against Turkey, made any significant contribution to these beneficial developments.

192. For a discussion of the distinction between manifest and latent functions, see R. MERTON, *SOCIAL THEORY AND SOCIAL STRUCTURE* 61-66 (rev. ed. 1957).