

Note of the Secretary-General's dinner with heads of delegation,  
Conference on Cyprus, Crans-Montana, 6 July; 9:15 p.m.

The Secretary-General

Mr. Eide

Ms. Spchar

Ms. Hett

Ms. Warne Smith, Note taker

Ms. Richardson, Note taker

Mr. Anastasiades, Head of Delegation

Mr. Mavroyiannis

Mr. Akıncı, Head of Delegation

Mr. Nami

Mr. Kotzias, Head of Delegation

Mr. Paraskevopoulos

Mr. Çavuşoğlu, Head of Delegation

Mr. Özügergin

Mr. Duncan, Head of Delegation

Mr. Allan

Ms. Mogherini, Head of Delegation

Mr. Maarten Verwey

**Key points raised:**

- The discussions were the culmination of the entire day of consultations and bilateral meetings between the Secretary-General and all delegations. The delegations focused on the issues of the future of the Treaty of Guarantees as well as presence of foreign troops. At the end, the Secretary-General gave his assessment it was probably best to close the conference saying that essential parts of an agreement could not be reached. Taking note of the concurrence around the table, the Secretary-General stated that a short statement would need to be issued stating that the conference was closed after no agreement was reached. No further comments would be given.

**Follow-up action:**

None.

**Summary of the discussion:**

1. By way of introduction, the Secretary-General noted that, despite the day's difficulties, it was important to acknowledge the hard work done and the many achievements made in this process, including the fact that, here in Crans-Montana, the sides had managed to reach consensus or near-consensus on many issues. The remaining issues were such, however, that the parties had come to voice clearly contradictory interests. His assessment had therefore been that the time had come to move to a packaging approach around 6 issues: territory, power-sharing, property, the rights of Turkish citizens, guarantees, and foreign troops. He proceeded with giving an overview of the state of play on each issue.

2. On territory, the Secretary-General outlined the latest proposals tabled by the sides as follows: the Greek Cypriots proposed to use the Annan Plan map, while the Turkish Cypriots proposed to use the map which they had tabled on 11 January in Geneva, but with the adjustment that was expected of them by the Greek Cypriot side as an additional element.

3. On governance and power-sharing, the Secretary-General said that the sides were "practically in full agreement". There would be a system of rotating presidency on a 2:1 basis, on the understanding that "nothing is agreed until everything is agreed" and that rotating presidency was linked to the outcome of discussions on territory and security and guarantees. On equivalent treatment of Turkish nationals, despite increased convergence, the Secretary-General pointed to lingering disagreements with regards to quotas for agricultural products and persons. On persons, the disagreement was about newcomers from Turkey after a settlement, for which the Greek Cypriots proposed a 4:1 ratio (one Turk for every four Greeks) whereas the Turkish Cypriots insisted on a 1:1 ratio (one Turk for every incoming Greek).

4. On property, the Secretary-General noted a "general agreement on philosophy", with solutions in the future Turkish Cypriot Constituent State favouring current users and solutions in territorially adjusted areas favouring dispossessed owners. In cases favouring current users, positions continued to differ as regards the issue of "emotional attachment" and references to the case law of the European Court of Human Rights, with the Turkish Cypriots insisting on explicitly defined criteria and the Greek Cypriots favouring a general reference. Some differences also remained in regards to the 1/3 rule and, more specifically, the issue of small plots, with Turkish Cypriots proposing a regime favouring current users and Greek Cypriots proposing a regime favouring dispossessed owners.

5. Moving to security and guarantees, the Secretary-General addressed first the issue of guarantees. Recalling his suggestion the previous week that it would be difficult to maintain the Treaty of Guarantee and the unilateral right of intervention contained within it, he took note of Turkey's position whereby the Treaty of Guarantee should be preserved. The Secretary-General noted that, in addition, Turkey had submitted a non-paper in which it suggested replacing the Treaty of Guarantee with a Treaty of Implementation. Having asked if Turkey could consider scrapping the Treaty of Guarantee immediately if it was replaced with a credible monitoring mechanism, Mr. Çavuşoğlu had responded to the Secretary-General that Turkey was open to dialogue on this issue, but that its flexibility would depend on progress made on the four other domestic issues.

6. The Secretary-General noted that the Greek Cypriot side had tabled a proposal for an implementation monitoring mechanism. He said that that he himself had prepared a non-paper, which he circulated to the participants (attached), describing an implementation monitoring mechanism in which the UN and he personally would play an important role.

7. On the issue of troops, the Secretary-General noted that "zero troops, zero guarantees" was a red line for Turkey, whereas a long-lasting Turkish military presence remained a red line for the Greek Cypriots. He did not see prospect for further movement on this from either side and concluded that this was a discussion that needed to be held at a higher level [i.e. involving the Prime Ministers of Greece and Turkey]. The Secretary-General had asked if Turkey would consider a review of its troop presence, to which Mr. Çavuşoğlu had responded that Turkey had not objections to this being discussed at the Prime Ministerial level. The Secretary-General's assessment was that this issue could indeed be discussed at the level of

Prime Ministers, although there were no guarantee of a particular outcome. He had raised two possibilities with the sides: (a) he could convene the Prime Ministers in New York in the coming days; or (b) the Prime Ministers could come to Crans-Montana in the next few days to try and overcome the deadlock. He reiterated that both these options were presently on the table. The UN had no agenda, its only purpose was to serve and follow the lead of the two leaders.

8. The Secretary-General opened the floor for comments on his assessment.

9. Mr. Anastasiades asked if the non-paper distributed by the Secretary-General amounted to a proposal to replace the Treaty of Guarantee and the right of intervention. The Secretary-General responded that the two issues were separate. His assessment was that there was regardless a need for an implementation monitoring mechanism which gave high level responsibility to the UN.

10. Mr. Kotzias took the floor, saying that although much work had been done, preparations had been insufficient for discussing the core of the problem. One side was presenting positions based on international law and had tabled proposals for an implementation monitoring mechanism. Bearing in mind that there would be a Treaty on the New State of Affairs, Greece was not in favour of having another treaty [i.e. a Treaty of Implementation, proposed by Turkey]. He would be prepared to discuss the implementation monitoring mechanism only if this was intended as a replacement for the Treaty of Guarantee, not as a mere supplement to it.

11. Mr. Kotzias provided some comments on the Secretary-General's non-paper, saying that the mechanism proposed appeared over-complicated, with "too many levels" and a lack of clarity on what each level would do. More clarity was needed in particular in relation to the second level, the "Committee of the Parties". What would be the role of this committee and how would this be differentiated from "level 1" [ground-level operational monitoring and reporting]? The exact role of the [current] guarantors would need to be defined. He himself would not consider any role other than observation and reiterated that the parties could not monitor themselves. Turning to the third level, the group of eminent personalities, Mr. Kotzias deemed this as unnecessary. Finally, he welcomed the role foreseen for the Secretary-General (level 4) and the Security Council (level 5) in the mechanism, as well as acknowledgment that the EU would play a role in monitoring implementation of the acquis.

12. Turning to troops, Mr. Kotzias suggested that a distinction be made between those troops that arrived in 1974 and the 650 foreseen under the Treaty of Alliance. The first category would be expected to leave immediately on the pretext of "mission accomplished". Troops under the second category would also have to leave, though perhaps not immediately and through a different withdrawal "methodology". Mr. Kotzias was open to discussing a review process for those troops, although this would need to be done at Prime Ministers' level. He suggested that each delegation return to their capitals to prepare for final discussions and that technical work meanwhile continue to finalize the implementation monitoring framework. It was important to build on the achievements of Crans-Montana and keep the discussions going.

13. Speaking directly in response to Mr. Kotzias, Mr. Duncan said that, while the Greek Foreign Minister had stated that the parties should not waste an opportunity, that was exactly what he [Mr. Kotzias] was doing. He acknowledged that all were governed by their

constituencies but insisted that, at some point, the parties needed to "take risks". This problem had gone on for too long. His sense was that "there may be movement". The Secretary-General had stated that the unilateral right of intervention had to go. If the parties were ignoring this movement, were they not missing a historic opportunity? Mr. Duncan proposed that the parties focus on the achievements made and "banked them", returning to the details at a later stage. If, indeed, there was "movement", he urged the parties to acknowledge it. Hearing no response, he said that the prevailing silence perhaps suggested that there was.

14. Mr. Çavuşoğlu said that the Secretary-General's statement whereby the unilateral right of intervention was "not sustainable" was well noted. Also noted was the Secretary-General's statements that troops might stay. He reiterated that "zero troops zero guarantees" was a non-starter for Turkey. He had shared proposals with the Secretary-General concerning both the Treaties of Guarantee and Alliance. He had showed further flexibility by adding an additional element, suggesting that the unilateral right of intervention could be reviewed subject to agreement on other issues. It was important to focus first on the comprehensive settlement, to establish how this would be monitored, and then certain things could be discussed. Mr. Çavuşoğlu added that, although he was committed to doing his best to be more flexible, he did not trust that his proposals would remain confidential. The Greek Cypriots' leaking of Turkey's proposals had made him hesitant. He added that, although he had shown flexibility on guarantees, full troop withdrawal was a red line for Turkey and yet, Greece and the Greek Cypriots continued to insist on it. Mr. Akıncı confirmed that there was a proposal for a significant troop reduction immediately after the settlement.

15. Recalling that the Conference on Cyprus was not only about security and guarantees, Mr. Çavuşoğlu noted that there were still some outstanding issues in the five chapters and asked the leaders if they thought they would be able to resolve them. Noting that this was "the last conference", he asked the Secretary-General if there was any prospect of bringing the Prime Ministers to Crans-Montana in a few days. If so, he personally could stay. What he could not agree to was for the delegations to leave with no decisions being made.

16. Emphasizing that he had not been afraid to put his proposals in writing, Mr. Anastasiades asked why the Greek Cypriot side did not know the proposals of Turkey. He needed to know what Mr. Çavuşoğlu meant by "flexibility", as well as what would be the role of the guarantors in the monitoring mechanism. How could he be sure that the proposal being tabled was not just the Treaty of Guarantee under a different name? He repeated that he had not, until now, heard that the Secretary-General's proposal for a monitoring mechanism was in any way connected to the unilateral right of intervention or the end of guarantees. He deplored the absence of moves from Turkey to meet the Greek Cypriots' concerns and insisted he needed clarity.

17. Mr. Çavuşoğlu responded that the parties had made a deal not to disclose each others' proposals and yet, Turkey's paper had been leaked. He also pointed to the fact that, in the version of its own paper it leaked to the press, the Greek Cypriot side had included a reference to "rejecting the notion of rotating presidency". He could not trust Mr. Anastasiades. Mr. Anastasiades interjected, saying that the best way to occupy a country was "the peaceful way". Unless he had clarity, flexibility meant nothing.

18. Mr. Akıncı noted that the two sides were not at the same level of urgency. Some delegations thought that it was high time to solve the problem and that the parties were at risk

of missing an opportunity. The solution was slipping out of their hands and all would be responsible towards young generations. His assessment was that it was possible for the sides to agree on a package on the six issues identified by the Secretary-General and set a date for the referenda. They could then return to Cyprus to make the necessary preparations. He urged Mr. Anastasiades to "make a last attempt", adding that if they failed to do it, they would be accountable to their people. The last chance for reunification was before them. Mr. Anastasiades asked how he could possibly sign up to this. Mr. Çavuşoğlu responded that he [Mr. Anastasiades] had heard that there could be a review of the guarantees after 15 years.

19. Mr. Kotzias said that the sides needed to engage from a common starting point, identify the common interests and build a positive agenda. He urged the sides to engage, as he had done, on the monitoring mechanism and look for commonalities and shared interests.

20. In response to Mr. Kotzias' comments, the Secretary-General repeated that he had been very clear that there could not be any unilateral right of intervention. The proposal for an implementation monitoring mechanism in his non-paper was based on the idea that the Treaty of Guarantee shall not prevail. This was the idea. His sense from his discussions that day was that Turkey could consider putting an end to guarantees. Mr. Akinci interjected and said to Mr. Anastasiades that the Secretary-General was telling him that the 'glass' for security and guarantees was "not empty" but that he could not hear it. Mr. Anastasiades confirmed that "he did not see it".

21. Ms. Mogherini took the floor, asking if the parties could find a way to capture the very significant steps made in relation to the agreement. She could see much substance being "built" but feared that this could all be lost. She urged the parties not to waste the opportunity or they could be blaming themselves in one year's time.

22. Mr. Çavuşoğlu said that this process could not go on for another six months, or another year. The sides were wasting time. The time for decision was now.

23. The Secretary-General said that he could present a "Guterres plan" but that this would be a disaster. He would not do it. He was at the disposal of the parties and was ready to invite the Prime Ministers. Although he would personally need to leave the next day [Friday], he could return to Crans Montana on Monday. He then shared his opinion, which was that he did not know if final agreement could be reached by the Prime Ministers on the question of troops. He insisted, however, that the flexibility shown by Turkey to adapt the Treaty of Guarantee in the context of a solution was an important step and that, although it was "not everything", it would be a mistake not to recognize it. His sense was that it may be helpful to gather those who had a more direct democratic mandate [i.e. the Prime Ministers] to see if agreement could be reached. His sense on the four domestic issues was that a give-and-take was possible.

24. Mr. Kotzias asked Mr. Çavuşoğlu to once again clarify his position, to which Mr. Çavuşoğlu responded that he was still hearing "zero guarantees, zero troops" from Greece and the Greek Cypriots, which was a non-starter for Turkey. Both had heard Turkey's positions "many times". Mr. Kotzias said that he understood that to mean that Turkey wanted to maintain its intervention rights.

25. The Secretary-General interjected saying that, what he personally could testify was that Turkey could accept an end to the right of intervention in the context of a settlement

→ 3 proposals during  
where all the necessary elements were in place Mr. Çavuşoğlu said that the Secretary-General had "just said it" but that, unfortunately, Mr. Kotzias and Mr. Anastasiades did not believe it.

26. Returning to his non-paper, the Secretary-General drew the delegations' attention to three elements in particular: (i) the central role given to the Secretary-General; (ii) the inclusive nature of the mechanism; and (iii) the fact that Turkey, Greece and the UK did not have any executive power. On that basis, he did not think that the proposed mechanism could be understood as a "Treaty of Guarantee in all but in name". To Mr. Anastasiades' suggestion that the proposal was "ambiguous", the Secretary-General responded that "it was not ambiguous. It could be rejected, but it was not ambiguous".

27. Taking the floor for the first time, SASG Eide said that, in his understanding, there could be significant change on security and guarantees; there was also a potential breakthrough on governance and powersharing; Mr. Akıncı had moved on territory; property was slightly more complicated but, with work, the sides could get there. He therefore could not understand why the deal was "slipping away" from their hands. He reminded the delegations that people were protesting at Ledra Street and that "the whole world" was ready to support this process and the sides; the EU had said that it would be prepared to "accommodate anything". He asked if there was something he was missing? Why was this dinner a sad occasion? The leaders would have a lot to answer to.

28. Mr. Anastasiades reacted angrily, saying that SASG Eide refused to understand the people who would have to vote in a referendum, to which SASG Eide responded that, thanks to their efforts, the leaders had achieved an agreement that was better than the Annan Plan. He confirmed that the Greek Cypriots had made some significant moves on governance and power-sharing. Mr. Anastasiades insisted that he was not sure how the new state would function. Mr. Mavvoyiannis asked if a solution was possible with a requirement for one positive vote for every decision.

29. Mr. Akıncı noted that effective participation in federal institutions was mostly there and that the Turkish Cypriots had made a move in not requesting one favourable vote in all institutions; property should be finalized according to the principles laid out by the Secretary-General. He asked Mr. Anastasiades to compare the deal at hand with the status quo. Was it not better to have a deal where the Greek Cypriots would be mostly satisfied on the unilateral right of intervention and on troops? Mr. Nami added that Mr. Anastasiades should think about what he would tell his people when he returned to Cyprus [without a deal]. He insisted that, with respect to guarantees and troops, it was not Turkey that was asking, it was the Turkish Cypriots. Turkey could, in dialogue with the Turkish Cypriots, sacrifice certain rights not for itself but for the Turkish Cypriots. Turkey had indicated in private that it would be prepared to make further moves.

30. Mr. Anastasiades insisted that, in order to know how to proceed, he would need to see written proposals from Turkey and have more clarity on the implementation framework. Mr. Kotzias echoed the Greek Cypriot leader's message, saying that his Prime Minister would need to see a written text from Turkey saying that it was prepared to relinquish the Treaty of Guarantee and intervention rights, and get further clarity on the implementation monitoring mechanism. He would also require a concrete orientation on the question of troops. How could Turkey point to a "historic opportunity" or expect Greece to "sign anything" without putting anything in writing?

- 31) The Secretary-General proposed that, to break the deadlock and assuming he secured the approval of the parties, he produce a small text outlining his clear understanding from the day's discussions that the Government of Turkey was prepared to relinquish the Treaty of Guarantee (and, therefore, the right of intervention) in the context of a solution, and in which it would be possible to give adequate consideration to some of the remaining concerns of the Turkish Cypriot community in relation to effective participation and property. Another sentence could be added saying that there was also a willingness on the part of all parties to discuss the question of troops, in the presence of the Prime Ministers of the guarantor powers.
- 32) Mr. Çavuşoğlu insisted that there would need to be clarity on all issues of concern to the Turkish Cypriots, including primary law and satisfaction on implementation – such as three terms of the rotating presidency. He deplored the fact that some parties had not moved from “zero troops zero guarantees”. He was fully authorized to reduce troop numbers to an agreed level. Mr. Anastasiades asked if primary law was a new precondition in Turkey’s view to which the Secretary-General responded that, although it was important, it was not part of his “package”.
- 33) The Secretary-General repeated that his proposal was to put something in writing himself with the objective of bringing the Greek Prime Minister to the conference. Mr. Kotzias insisted that what Prime Minister Tsipras wanted was a written commitment on the part of Turkey ending the Treaty of Guarantee upon entry into force of the settlement. Mr. Çavuşoğlu insisted that he would not put anything in writing. The Secretary-General reiterated that his understanding was that, in the event of 100% satisfaction for the Turkish Cypriots, there would be a willingness on the part of Turkey to reconsider the Treaty of Guarantee and intervention rights. Mr. Çavuşoğlu said that, in his first proposal, the Treaty of Guarantee and the Treaty of Alliance would apply mutatis mutandis. He had then suggested that this could be reviewed – perhaps after 10 to 15 years – once the Turkish Cypriots’ requests were met and an implementation mechanism was put in place. Without seeing successful implementation, how could anyone expect Turkey to renounce its rights?
- 34) Mr. Kotzias argued that there was a mistaken understanding that Turkey had changed its positions [on guarantees]. His assessment was that there was no change. He could not, therefore, recommend to his Prime Minister that he come to Crans-Montana or that he travel to New York [to meet the Secretary-General].
- 35) Mr. Akinci recalled what he had told the Secretary-General earlier that day: that the unilateral right of intervention was not sustainable. Sustainability was a long-term concept. If the current system was to fade away, he would need to have clarity on what would be put in its place. He suggested that it might be worth the Secretary-General putting what he had understood in writing; otherwise, this could be the end. Recalling the 4 June 2017 statement of the Secretary-General, Mr. Anastasiades reiterated that, without a solution on security and guarantees, there could not be a solution. Could we really say a solution was at hand when Turkey was speaking of a 10-15 year review of the right of intervention?
- 36) The Secretary-General said that there had clearly been a misunderstanding on his part. His assessment was that there was no realistic chance of an agreement and that it was probably best to close the conference saying that essential parts of an agreement could not be reached. Based on what the parties were saying, he did not think either that the conditions were there to convene the Prime Ministers. Taking note of the concurrence around the table.

the Secretary-General stated that a short statement would need to be issued stating that the conference was closed after no agreement was reached. No further comments would be given.

37. In response to the Secretary-General's comments, Mr. Anastasiades said that his proposals were "null and void". Mr. Akıncı lamented that this outcome would be a huge disappointment and that his sense was that the sides had been within reach. Mr. Namı said that the Turkish Cypriots' proposals, including the map, were also "off the table". Mr. Akıncı added that he was at peace with himself, but that there clearly was a different sense of urgency to solve the problem.

38. Mr. Kotzias, for his part, said that he would continue to try. He said that the methodology adopted – whereby security and guarantees would be discussed at the end of the process – had failed. The process had not been well prepared. It was not realistic to expect these difficult questions to be solved within 10 days-time.

39. Ms. Mogherini said that, unlike that of the other delegations, the proposals of the EU remained squarely on the table. The EU remained fully committed and prepared to accommodate and support in any way possible.

40. Mr. Çavuşoğlu said that now he saw why this could not be solved "for fifteen years". For the first time, Turkey had tabled proposals on security and guarantees departing from the concept of "mutatis mutandis". That said, the parties would not be enemies, they would part "as friends"; Turkish troops would not pose a threat to Greek Cypriots; there would be no negative impact on Turkey's relations with Greece; it was clear that the UN Good Offices could not fulfil its mandate under these circumstances. He thanked the UK for proposing new ideas with respect to the monitoring mechanism and for being prepared to relinquish territory in the context of a solution. He thanked the EU as well, which had pleasantly surprised him throughout the conference.

41. In closing, SASG Eide said that a few hours ago, the parties had come closer to a solution than maybe they could even understand. The lesson, however, was that "if we push too much, we lose things".

42. The Secretary-General thanked the delegations and concluded the dinner.

Celia Richardson  
OSASG Cyprus  
12 July 2017



## NON PAPER - implementation monitoring framework

Implementation by the parties of the following elements of the agreement, based on their respective responsibilities:

1. Constitutional aspects of settlement
2. Territorial adjustment
3. Policing provisions
4. Withdrawal of foreign troops, demobilization of domestic forces
5. Implementation of the property settlement
6. EU acquis compliance (monitoring by EU)

### LEVEL 1: ground-level operational monitoring, including of troop withdrawal and demobilization

Performed by the UN mission; reports to the UN Security Council every three months on all aspects of the agreement.

(Other actors may also play a role – e.g. EU for acquis compliance related issues, etc.)

### LEVEL 2: Committee of the Parties (COP)

Composition: 2 Representatives from the Federal Government (1 GC, 1 TC), 1 representative from each of the constituent states, 1 representative from Turkey, 1 representative from Greece, 1 representative from the UK, 1 representative from the UN acting as chair.

#### Role:

- Non-executive body, but with responsibility for:
- Assessing overall implementation by reviewing draft reports prepared the UN mission
- Providing input over content of reports, where relevant, but with no editorial role (chance to explain etc)
- Addressing any issues in implementation through consultation, problem-solving.

### LEVEL 3 (OPTIONAL): group of eminent persons

Eminent and trusted Cypriot and/or international personalities

Role: provide advice, support, recommendations in relation to implementation; receive input from implementing parties present on the Committee of the Parties (COP); advising the UN Secretary-General and/or the implementing parties on progress made in implementation.

### LEVEL 4: Impartial certification of implementation by the UN Secretary-General

Based on reports prepared by the UN mission, the UN Secretary-general pronounces himself or herself on whether or not implementation of the settlement is on track. He/she could also receive inputs directly from the implementing parties.

**LEVEL 5: UN Security Council**

As an additional measure, Turkey, Greece and Cyprus could be invited to attend sessions of the Security Council when the implementation reports are tabled and considered.