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TO DESKBY 091200Z FCO

TELNO 118 OF 091000Z APRIL 86

INFO DESKBY 091330Z UKMIS NEW YORK

INFO IMMEDIATE ATHENS, ANKARA, WASHINGTON,

INFO PRIORITY ROME, PARIS, BONN,

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YOUR TELNO 117 TO UKMIS NEW YORK: PRIME MINISTER'S
MEETING WITH PRESIDENT KYPRIANOU

1. YOU WILL RECALL THAT ON 27 MARCH (MY TELNO 107) KYPRIANOU TOLD ME THAT HE WOULD HAVE PREFERRED THE NEW UN DOCUMENT NOT TO BE CALLED 'FRAMEWORK AGREEMENT' BUT SOMETHING LIKE, SAY, A 'MEMORANDUM OF UNDERSTANDING'.

2. THERE IS ACTUALLY NO REFERENCE TO 'SIGNATURE' IN THE NEW DOCUMENT OR IN THE SECRETARY GENERAL'S COVERING LETTER. THE EXACT METHOD THAT WOULD BE USED 'TO FORMALISE THE PARTIES' ACCEPTANCE OF THE FRAMEWORK AGREEMENT' IS NOT SPECIFIED. BUT KYPRIANOU CLEARLY OBJECTS TO THE TERM 'AGREEMENT' AS GIVING TOO DEFINITIVE A CHARACTER TO WHAT IS AN INCOMPLETE FRAMEWORK AND I AM SURE HE DISLIKES THE IDEA OF PEREZ DE CUELLAR ARRANGING FOR ITS ACCEPTANCE TO BE FORMALISED WITH GREAT FANFARE, WHEN THE GREEK CYPRIOTS SEE IN IT NO REASON FOR CELEBRATION AT ALL.

3. I DO NOT KNOW WHETHER, HAVING PRESENTED THE NEW DOCUMENT IN ONE FORM, PEREZ DE CUELLAR COULD NOW CONTEMPLATE PRESENTING IT IN ANOTHER. BUT IT WOULD CERTAINLY BE A GOOD DEAL EASIER FOR KYPRIANOU IF IT COULD BE PRESENTED AS A MEMORANDUM OF UNDERSTANDING. WHAT IS ENVISAGED BY THIS IS THAT THE PARTIES WOULD BE ASKED TO EXPRESS THEIR ACCEPTANCE OF THE CONTENTS OF THE NEW DOCUMENT, AS A MEMORANDUM OF UNDERSTANDING OF THE STAGE REACHED IN THEIR DISCUSSIONS, AND ON THE BASIS THAT THE CONTENTS WOULD NOT BE INCORPORATED INTO A DEFINITIVE AGREEMENT THAT WOULD BE BINDING ON BOTH SIDES UNTIL THEY HAD BEEN ABLE TO NEGOTIATE TO THEIR MUTUAL SATISFACTION THE MATTERS ON WHICH AGREEMENT HAS YET TO BE ACHIEVED.

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4. SOME MONTHS AGO I WAS TEMPTED TO FAVOUR THE IDEA OF THE SECRETARY GENERAL USING THE TACTIC OF SECURING THE PARTIES' TACIT ACQUIESCENCE (AS OPPOSED TO EXPLICIT ACCEPTANCE) IN HIS OWN SUMMARY OF THE STAGE REACHED, AS THE BASIS FOR MOVING ON TO THE NEXT STAGE. BUT I AM AFRAID THAT NOW, AS THINGS HAVE DEVELOPED, KYPRIANOU COULD NOT BE ABSOLVED FROM GIVING EXPLICIT ACCEPTANCE OF THE CONTENTS OF THE NEW DOCUMENT (EVEN IF ONLY IN THE FORM SUGGEST IN PARA 2 ABOVE) WITHOUT PEREZ DE CUELLAR RUNNING A SEVERE RISK OF LOSING THE COOPERATION OF THE TURKISH SIDE. FOR ONE THING, DENKTASH WOULD CERTAINLY ARGUE THAT THE CONSTITUTIONAL SAFEGUARDS WERE A KEY ELEMENT IN JUDGING WHAT SECURITY TURKISH CYPRIOTS COULD EXPECT TO ENJOY IN THE FUTURE, AND THAT HE COULD NOT MOVE ON TO DISCUSS THE TURKISH TROOP WITHDRAWALS UNTIL THE CONSTITUTIONAL SAFEGUARDS HAD BEEN DETERMINED.

5. AS WE HAVE REPORTED THERE IS INCREASING AND WIDESPREAD GREEK CYPRIOT CONCERN THAT THE PROPOSED CONSTITUTIONAL ARRANGEMENTS WOULD PROVE UNWORKABLE AND WOULD ONLY PROVOKE FURTHER CONFLICT LEADING TO FURTHER TURKISH INTERVENTION. (SOME EVEN SEE THE CONSTITUTIONAL ARRANGEMENTS AS PURPOSELY DESIGNED TO PROVIDE THE EXCUSE FOR THIS.) THE LOGIC OF A CONCERN FOR WORKABLE ARRANGEMENTS WOULD LEAD ONE STRAIGHT IN THE DIRECTION OF AN EVEN MORE MARKEDLY CONFEDERAL SYSTEM, WITH THE MEREST FIGLEAF OF A CENTRAL FEDERAL STRUCTURE. I HAVE ALWAYS REGARDED THIS AS THE SAFEST ARRANGEMENT AND MANY GREEK CYPRIOTS WOULD ACCEPT IT, BUT NOT YET KYPRIANOU AND HIS BEVY OF LEGALISTIC ADVISERS. NOR COULD WE EXPECT PEREZ DE CUELLAR TO MAKE SUCH A BIG CHANGE OF TACK AT THIS POINT. BUT EVEN IF THE PRESENT CONSTITUTIONAL DRAFT FRAMEWORK IS ACCEPTED THERE WILL STILL BE SOME SCOPE (TO THE EXTENT THAT BOTH SIDES AGREED) FOR MAKING IT MORE WORKABLE THROUGH THE GUIDANCE WHICH IT IS ENVISAGED THAT FUTURE HIGH LEVEL MEETINGS WOULD GIVE TO THE WORKING GROUP CHARGED WITH FLESHING OUT THE CONSTITUTION.

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