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LETTER DATED 28 FEBRUARY 1975 FROM THE PERMANENT REPRESENTATIVE OF
TURKEY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a letter dated 17 February 1975
addressed to you by H.E. Mr. Rauf R. Denktaş, President of the Turkish Federated
State of Cyprus.

I should be grateful if you would circulate this letter as a document of the
Security Council.

(Signed) Osman OLCAY
Ambassador
Permanent Representative

Letter dated 17 February 1975 from Mr. Rauf R. Denktas
addressed to the Secretary-General

I am once again compelled to address Your Excellency on the question of the representation of Cyprus at the United Nations.

It has come to my knowledge that the Greek Cypriot Administration has sent a Greek Cypriot delegation, headed by Mr. Glafcos Clerides, purporting to represent "Cyprus as a whole" at the Security Council in the event of the Council meeting to discuss the Cyprus problem.

As Your Excellency is aware, the 1960 Constitution of the Republic of Cyprus which is based on the Zurich and London Agreements of February 1960 between Turkey, Greece and Britain, provides for the establishment of a binational State in which the two founder communities, namely the Turkish and Greek communities, share in the independence, sovereignty and administration of the State. It is for this reason that the Constitution contains express and entrenched provisions for the participation of both communities in the administration of the State and in all its organs and at all levels.

Ever since the Turkish Cypriot partners in the binational Republic of Cyprus were ousted from the Administration of the State by force of arms as from 21 December 1963, the remaining Greek Cypriot wing of the Administration could not have any constitutional or lawful existence on its own as the constitutional Government of the Republic of Cyprus.

Article 46 of the 1960 Constitution provides, inter alia, that the Council of Ministers, through which the executive power is ensured, shall be composed of seven Greek Ministers and three Turkish Ministers. It follows, therefore, that in the absence of the three Turkish Ministers the Greek Cypriot Council of Ministers has not, for this reason alone, been constituted and could not be regarded as functioning, since 21 December 1963, as the "Council of Ministers of the Republic" in accordance with the provisions of the Constitution.

Furthermore, apart from the absence of a constitutional Council of Ministers and a Government composed of both the Turkish and Greek elements of the binational State which could represent and act for the State as a whole, there has been no constitutional President of the Republic of Cyprus in any event since the coup d'état of 15 July 1974 which physically and effectively deposed the former President of the Republic. As is well known, on 15 July 1974 a military coup was carried out by the Greek Cypriot National Guard under the command of Greek Army officers. As this coup was effective vis-à-vis the former President, Archbishop Makarios, who was compelled to flee the capital and subsequently the State altogether and who had to remain outside the State for over four months, he can no longer be regarded in law as being the President of the Republic. That Archbishop Makarios was effectively and finally deposed by the military coup is borne out by the fact that the Greek Cypriot Community, who under the Constitution

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had elected him as President in the first place, had acquiesced in the effectiveness of his deposition and proceeded to regard and acknowledge Mr. Glafcos Clerides as the new substantive President for over four months. Mr. Clerides was continuously referred to by the Greek Cypriot Administration in all its official and public pronouncements as the "President of the Republic" right until the time of Archbishop Makarios' return became imminent; while continuing to refer to Mr. Clerides as "the President of the Republic", the Greek Cypriot Administration and Community started referring to Archbishop Makarios as "the elected President". A deposed President, whose deposition has been effectively recognized and acted upon by those who had elected him and who has been succeeded by a new President, cannot resume office again without going through the process of re-election.

Archbishop Makarios on his return appointed his new Council of Ministers composed, as has always been the case since December 1963, entirely of Greek Cypriots. Apart from the fact that a deposed President can no longer exercise constitutional powers, the appointment of such a "Council of Ministers" is in any event contrary to article 46 of the Constitution. Consequently, all the decisions and acts of the Greek Cypriot Council of Ministers, including those relating to foreign affairs, cannot in any way bind the Republic of Cyprus as a whole and particularly the Turkish Cypriot Community.

The Greek Cypriot Administration, which had usurped the government machinery in December 1963, has for the last 11 years been posing as the "Government of Cyprus" and arbitrarily exercising this authority merely on the strength of the de facto superiority which it had acquired by the use of force. After the coup of 15 July 1974 and the Turkish Peace Operation which followed it in order to save the binational State of Cyprus, whose independence was in imminent danger of being destroyed by the organizers of the coup, this "de facto superiority" came to an end and two autonomous administrations, Turkish Cypriot and Greek Cypriot, each exercising control and authority over its respective region, have come into being. This fact has been internationally recognized by the Geneva Declaration of 30 July 1974.

Your Excellency will appreciate that, for the reasons given above, the Greek Cypriot delegation (which has been sent to New York by an Administration which under the 1960 Constitution cannot represent the binational Republic of Cyprus and the purported head of which Administration was deposed last July) cannot under any circumstances conceivably represent the Republic of Cyprus as a whole and in particular the Turkish Cypriot Community.

I shall be grateful if this communication is circulated as a Security Council document.

(Signed) Raul R. DENKTAŞ
President
Turkish Federated State of Cyprus
