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QUESTION OF CYPRUSSECURITY COUNCIL
Forty-fifth yearLetter dated 24 September 1990 from the Permanent Representative of
Turkey to the United Nations addressed to the Secretary-General

Further to my letter of 17 July 1990, circulated as document A/44/966-S/21398, I have the honour to submit, enclosed herewith, a letter addressed to you by His Excellency Mr. Özer Koray, Representative of the Turkish Republic of Northern Cyprus, in connection with the Greek Cypriot application for full membership in the European Community (see annex).

I would be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(Signed) Mustafa AKSIN
Ambassador
Permanent Representative

ANNEX

Letter dated 24 September 1990 from Mr. Özer Koray
to the Secretary-General

I have the honour to attach herewith a supplementary note to the Turkish Cypriot memorandum of 12 July 1990 (which has been circulated as United Nations document A/44/966-S/21398) in relation to the Greek Cypriot "application" for membership of the European Communities.

(Signed) Özer KORAY
Representative of the
Turkish Republic of Northern Cyprus

APPENDIX

Supplementary note to the Turkish Cypriot memorandum of
12 July 1990 on the Greek Cypriot "application" for
membership to the European Communities

1. It will be recalled that the Turkish Republic of Northern Cyprus had addressed on 12 July 1990 a memorandum to the Council of Ministers of the European Communities in respect of the Greek Cypriot "application" of 3 July 1990 for membership.
2. In paragraph 2 of that memorandum, it was pointed out "that there are still two separate communities in Cyprus, and a legal background which recognizes the separateness and political equality of these two communities". Furthermore, it was underlined in paragraph 15 of the said memorandum that the Greek Cypriot application for membership was not only a constitutional illegitimacy but also occasioned an international illegitimacy. In view of the fact that the bicomunal Republic of Cyprus came about as the result of international treaties, the question of international illegitimacy clearly arises.
3. An examination of the minutes of the preparatory meetings to the London Conference at the end of which the Zurich and London Agreements were signed on 19 February 1959 (which minutes were recently released by the British Government under its "30 year rule") will show that the parties concerned clearly had in mind the creation of a bicomunal partnership Republic of Cyprus in which the two constituent communities of that Republic, namely the Turkish Cypriot and the Greek Cypriot communities, were to be politically equal. Not only were all the documents, including Treaties and Exchange of Notes, signed by the Representatives of both the Turkish Cypriot and Greek Cypriot communities, but also the extracts given below from the minutes of the preparatory meetings leave no doubt as to the political equality of the two communities.
4. The minutes of the meeting held in London on 11 February 1959 clearly show that both the Foreign Ministers of Turkey and Greece, throughout the discussions, had considered it proper that the representatives of the two communities should participate at all the stages leading to the establishment of the partnership Republic. For example, paragraph 49 of the minutes shows that the then Foreign Minister of Greece, Mr. Averoff, rightly insisted "that it was indispensable that the conference should be between the three governments and representatives of the two communities".
5. A careful examination and analysis of the various legal documents establishing the joint Republic of Cyprus in 1960, and the recently disclosed minutes of the meetings and conferences leading thereto, can leave no doubt that the state of affairs created by the documents in question, including the international Treaties and the Constitution of the new Republic, is one of political equality and equal constituent status of the two communities or two peoples.

6. Furthermore, the above-mentioned minutes, also throw light on, and underline, some of the well-known and indisputable sui generis features of the 1960 Cyprus settlement:

(a) In the paragraph beginning at the foot of page 3 of the minutes of the meeting of 13 February 1959, and continuing on page 4, both Mr. Averoff and Mr. Zorlu stressed, inter alia, that Greece and Turkey, vis-à-vis Cyprus, were not to be "regarded as Colonial Powers but as the Cypriots' two mother countries".

(b) In the same paragraph, it is also stressed by the two Foreign Ministers that "the present settlement would be based not on the British Government granting a Constitution to the island but on their signing an international treaty under which they would recognize the existence of the new Cypriot State together with its Constitution. The position under international law was that the United Kingdom was agreeing with Greece and Turkey to guarantee an independent State of Cyprus and the maintenance of certain essential elements in its Constitution".

(c) In paragraph 26 of the minutes of 11 February 1959, Mr. Averoff, in reply to a question by the British Foreign Secretary, drew attention to a unique feature of the proposed settlement, by pointing out "that in theory the Republic of Cyprus would be free to conduct foreign policy, but in practice the mechanism of the veto would ensure that foreign policy was conducted only in agreement with Greece and Turkey. He described the new régime as a joint Greek-Turkish adventure".

7. The recently disclosed minutes of the meetings leading to the establishment of the Republic, also throw some very interesting light on the point made in paragraph 16 of the Turkish Cypriot memorandum of 12 July 1960. As pointed out in that paragraph, the clear wording of the second paragraph of Article I of the 1960 Treaty of Guarantee prohibits, inter alia, the participation of the Republic of Cyprus "in whole or in part, in any political or economic union with any state whatsoever".

8. The following extracts from the minutes of the preparatory meetings held in London positively identify that the parties to the 1960 settlement had definitely intended to exclude the possibility of the economic union of Cyprus with any other country and it is interesting to note that both Mr. Averoff and Mr. Zorlu stressed this point.

(a) In the last complete paragraph on page 4 of the minutes of the meeting held on 12 February 1959, it is recorded that "M. Averoff and M. Zorlu said that the maintenance of Commonwealth Preference would not be excluded. The intention was to exclude more favourable bilateral agreements between Cyprus and countries other than the Three Powers, and also to avoid the possibility of either Greece or Turkey securing a more favourable economic position in Cyprus than the other - of Greece, for example, establishing a kind of economic enosis".

It is noteworthy that this almost prophetic statement was made at a time when the European Communities, in their present form, were not yet in existence.

(b) In the first paragraph of page 2 of the minutes of the meeting held on 12 February 1959 "M. Zorlu and M. Averoff both made it clear that there would be no objection to Cypriot membership of international associations of which both Greece and Turkey were members; e.g. the Postal Union, and any Free Trade Area".

The well-intentioned desire expressed in paragraph 19 of the Turkish Cypriot memorandum as to future membership of the EC of a legally constituted State of Cyprus should be read in the light of this reference.

9. It should also be noted that paragraph 23 of the Zurich and London Agreements of 19 February 1959, provides that "The Republic of Cyprus shall accord most-favoured-nation treatment to Great Britain, Greece and Turkey for all agreements whatever their nature".

10. It will be seen, therefore, that the second paragraph of Article I of the 1960 Treaty of Guarantee, has been incorporated in that Treaty, in order to give effect to, and to meet the requirements of, the points referred to above. That is why the need had been felt to refer specifically in that Article to "economic union" as well as to "political union".

11. It is for this reason that in paragraph 15 of the Turkish Cypriot memorandum of 12 July 1990, emphasis was laid, not only on the "constitutional illegitimacy" of the Greek Cypriot application for full membership of the EC, but also on the indisputable fact that the Greek Cypriot application also "occasions an international illegitimacy", having regard to the international treaties which gave birth to the 1960 state of affairs, as further elucidated by the minutes of the meetings leading thereto.

3 September 1990
