



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/10242  
16 September 1975

ORIGINAL: ENGLISH

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Thirtieth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA  
OF THE THIRTIETH SESSION

QUESTION OF CYPRUS

Letter dated 16 September 1975 from the Permanent Representative of  
Cyprus to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to request, under rule 15 of the rules of procedure, the inclusion in the agenda of the thirtieth session of the General Assembly of an additional item entitled "Question of Cyprus".

In accordance with rule 20 of the rules of procedure, an explanatory memorandum relating to this request is attached hereto.

(Signed) Zenon ROSSIDES  
Ambassador  
Permanent Representative of  
Cyprus to the United Nations

ANNEX

Explanatory Memorandum

1. The question of Cyprus was an item on the agenda of the twenty-ninth session of the General Assembly and the over-all situation at the time was described in the explanatory memorandum annexed to the request for the inclusion of the item at that session. a/
2. General Assembly resolution 3212 (XXIX) of 1 November 1974 on this item was unanimously adopted by the General Assembly, including the assenting vote of Turkey.
3. On 13 December 1974, the Security Council, by its resolution 365 (1974) endorsed the said resolution of the General Assembly, thereby giving it mandatory effect. The Security Council further called upon the parties concerned to implement the said resolution as soon as possible, and requested the Secretary-General to report to the Security Council on the progress of the implementation.
4. The Secretary-General, acting in compliance with the above resolution, issued, on 24 January 1975, a note verbale addressed to the parties concerned, namely, Cyprus, Greece and Turkey, requiring them to supply all relevant information at an early date concerning the steps taken or contemplated to be taken by them in regard to the implementation of General Assembly resolution 3212 (XXIX) (see appendix I below).
5. The Government of Cyprus promptly responded to the Secretary-General's note verbale on 1 February 1975 (see appendix II below) to the effect that it had fully carried out its responsibilities under General Assembly resolution 3212 (XXIX) and the endorsing Security Council resolution 365 (1974) pointing out that the failure of implementation of the said resolution, and especially those parts which are stipulated to be "urgent", rested entirely with Turkey as responsible for such early implementation. The reply gives particulars of the grave situation in Cyprus resulting from such non-implementation, increasingly aggravated by further violations of international law, of human rights covenants and of specific treaties to which Turkey and Cyprus are parties.
6. Greece, likewise, replied to the same effect.
7. Turkey evaded or postponed response and finally made no reply, in disregard of the Secretary-General's note verbale and of her obligations under Security Council resolution 365 (1974).
8. In addition, on 13 February 1975, Turkey, acting through her instruments - the Turkish Cypriot leadership - made a new arbitrary and unlawful move by

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a/ Official Records of the General Assembly, Twenty-ninth Session, Annexes, agenda item 110, document A/9743.

unilaterally declaring the part of the territory of Cyprus, invaded and still occupied by her military forces, as a separate entity, a so-called "Turkish Federated State of Cyprus", thereby causing confusion and further deterioration of the situation. Such interventionist and unlawful action, in defiance of the aforesaid resolutions of the General Assembly and Security Council, was in effect an act towards the partition of Cyprus in blatant violation of the Treaty concerning the Establishment of the Republic of Cyprus (1960), b/ the Treaty of Guarantee (1960), c/ and the basic provisions of the Cyprus Constitution. Such action was furthermore calculated to affect prejudicially the solution of the problem through faits accomplis on matters which were obviously subject to negotiations.

9. On the same day, this Turkish action was denounced by the President of Cyprus, who stated that "in the circumstances, it is not possible to carry out constructive negotiations, as provided by resolution 3212 (XXIX) of the United Nations General Assembly".

10. On the following day, 14 February 1975, the Secretary-General of the United Nations, in a statement, expressed his concern at this turn of events and stressed his belief that "only the full and speedy implementation of the relevant resolutions of the United Nations can lead to a solution of the Cyprus problem".

11. The Security Council was convened at the request of the Government of Cyprus on 17 February 1975 and, on 12 March 1975, the Council adopted resolution 367 (1975), in which it expressed regret for the unilateral decision of 13 February 1975, called for the cessation of intervention against the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and called for the urgent and effective implementation of General Assembly resolution 3212 (XXIX), as endorsed by Security Council resolution 365 (1974). It also requested the Secretary-General to undertake a new mission of good offices so that the resumption of negotiations, under his personal auspices, might be facilitated and to keep the Security Council informed of the progress made towards the implementation of resolutions 365 (1974) and 367 (1975) and to report before 15 June 1975.

12. Pursuant to that part of resolution 367 (1975), intercommunal negotiations were conducted in four rounds of talks. At the first meeting, held in Vienna from 28 April to 3 May 1975, the Greek-Cypriot representative put forward concrete and comprehensive proposals for the solution of the problem, which were admittedly moderate and conciliatory. The Turkish side, however, contrary to all expectations, presented no proposals, seemingly oblivious of Turkey's obligations to implement the aforesaid resolution and to act with a sense of responsibility in the talks.

13. Nevertheless, a second and a third meeting were held in June and July, which proved equally unproductive of substantive proposals from the Turkish side, although assurances were given that such proposals would be made.

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b/ United Nations, Treaty Series, vol. 382, No. 5476.

c/ Ibid., No. 5475.

14. At the end of the third round, it was only after the Turkish side made a firm commitment to present its proposals by the end of August, so as to prepare the ground for the talks, that a fourth round was agreed upon to take place in New York on 8 and 9 September. They again failed, however, to submit any proposals, as they had undertaken to do, and came to New York on 8 September once more with empty hands.

15. It has, therefore, become abundantly obvious that the Turkish side had no intention of negotiating seriously for the purpose of finding a solution. The talks were used by them in order to gain time to continue their arbitrary conduct of imposing by the use of force, faits accomplis, so as to strengthen Turkey's illegal military hold over territory of the Republic of Cyprus.

Among the faits accomplis are the following:

1. The systematic expulsion of the indigenous population from their homes in the invaded and occupied area to the figure of 200,000;

2. The importation of population from the mainland of Turkey and from the south of Cyprus, in order to colonize the area and usurp the homes and properties of the expelled population;

3. The unilateral declaration of that area as a purported separate "Turkish Federated State" and the subsequent arbitrary acts of:

(a) Setting up a so-called "Constituent Assembly";

(b) Drafting a "constitution"; and

(c) Holding a so-called "referendum" in order to approve it.

16. All these arbitrary acts were perpetrated unilaterally, because of Turkey's dominant position of force through the continuance of its military occupation of the invaded area in violation of the aforesaid resolutions. The talks, as demonstrably shown, were used as a cover in the pursuit of purposes alien and antagonistic to a just and peaceful solution.

17. It may be recalled that General Assembly resolution 3212 (XXIX), in commending in its paragraph 4 the contacts and negotiations between representatives of the two communities, refers to negotiations with a view to reaching "freely" a mutually acceptable political settlement, based on their fundamental and legitimate rights.

18. Such negotiations are obviously subject to the implementation of paragraphs 1, 2 and 5, to which the character of "urgency" is attributed in the resolution. They call for the respect of the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus (para. 1); for the "speedy" withdrawal of all foreign armed forces from the Republic, and the cessation of all foreign interference in its affairs (para. 2); and for the parties concerned to undertake "urgent measures" for the return of the refugees to their homes in safety (para. 5).

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19. It is self-evident that, under the pressure from Turkey's military occupation of the invaded territory, accompanied by the perpetration of faits accomplis, negotiations cannot be conducted "freely", as required by General Assembly resolution 3212 (XXIX).

20. The Government of Cyprus, however, under the urge of not refusing an early start of contacts and negotiations towards a solution, agreed to proceed to such talks on the assumption that there would be parallel progress in the implementation by Turkey of its mandatory obligations under the aforesaid resolutions. But, as abundantly shown above, the hope of the Government of Cyprus that some element of good faith and goodwill could eventually emerge from the other side has been wholly frustrated. It proved to be beyond the bounds of expectation from Turkey.

21. In these circumstances, there is definitely no alternative course to solution than the implementation of General Assembly resolution 3212 (XXIX), endorsed by Security Council resolution 365 (1964). It is, therefore, incumbent upon the General Assembly to take appropriate steps to this end, and forcefully to support action by the Security Council for the effective implementation of the aforesaid resolutions in accordance with the relevant provisions of the Charter.

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APPENDIX I

Note verbale date 24 January 1975 from the Secretary-General to  
the Permanent Representative of Cyprus to the United Nations

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Cyprus to the United Nations and has the honour to refer to Security Council resolution 365 (1974) of 13 December 1974. In that resolution, the Security Council endorsed General Assembly resolution 3212 (XXIX) and urged the parties concerned to implement it as soon as possible. The Security Council also requested the Secretary-General to report on the progress of implementation of its resolution.

In order to be in a position to fulfil the above-mentioned request of the Security Council, the Secretary-General would be most grateful to receive at an early date all relevant information from the Government of Cyprus concerning steps taken or contemplated in regard to General Assembly resolution 3212 (XXIX).

APPENDIX II

Letter dated 1 February 1975 from the Permanent Representative of Cyprus  
to the United Nations addressed to the Secretary-General

The Permanent Representative of Cyprus to the United Nations presents his compliments to the Secretary-General of the United Nations and in reply to his note verbale dated 24 January 1975, requesting information on the progress of implementation of General Assembly resolution 3212 (XXIX), has the honour to bring to his notice the following:

The Government of Cyprus responded in good faith and fully carried out its responsibilities under the aforesaid resolution and Security Council resolutions 364 (1974) and 365 (1974) of 13 December 1974, as can be seen below.

Regarding paragraph 1 of General Assembly resolution 3212 (XXIX), the independence, sovereignty and territorial integrity of the Republic of Cyprus continues to be grossly violated by continuing foreign military occupation of 40 per cent of its territory.

It may perhaps be recalled that Cyprus, a small defenceless State, Member of the United Nations, has been the victim of ferocious aggression and barbaric invasion by Turkey, another State Member of the United Nations. Cyprus is being still increasingly strangled under the oppressive foreign occupation of part of its territory. With its indigenous 80 per cent Greek Cypriot population of the occupied area forcibly expelled and rendered destitute refugees, its territory dismembered and its economy disrupted, Cyprus has been eagerly looking for justice and anxiously awaiting succour from the international community of the United Nations through the implementation of the relevant resolution on Cyprus.

However, nearly three months have elapsed since the adoption of resolution 3212 (XXIX) by the General Assembly without any indication of steps towards its implementation by Turkey, the party on whom full and grave responsibility falls for the present situation in Cyprus - in violation of resolution 3212 (XXIX) of the General Assembly, to which Turkey herself agreed and voted for in the United Nations.

It is to be noted, furthermore, that this resolution, having been endorsed unanimously by the Security Council, has acquired the validity of a Security Council decision, making its implementation mandatory upon the parties concerned.

Regarding paragraph 2 of the resolution, Turkey's refusal or failure so far to implement it and proceed to the "speedy" withdrawal of its armed forces, military presence and personnel from Cyprus, and to cease its interference in the affairs of the island, in accordance with the said paragraph, constitutes a continuing and renewed aggression, in further violation not only of the said resolution and the Charter of the United Nations, but also of customary and conventional international

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law and more specifically of the Treaty of Guarantee, 1960, which was blatantly abused by Turkey's aggression in the guise of guarantor of the independence and the territorial integrity of Cyprus.

In respect of paragraphs 3 and 4 regarding the local talks in Cyprus and calling for the continuation of relevant contacts and negotiations "with a view to reaching freely a mutually acceptable political settlement", my Government has done everything possible to encourage these talks and promote their progress in a positive spirit towards reaching freely agreement on normalization and on a workable political settlement.

Regrettably, however, the Turkish side has adopted delaying tactics. First, by placing irrelevant preconditions for the talks and subsequently by increasingly hardened and irrationally intransigent positions on all issues. This has been to a great measure, if not entirely, due to the arbitrary intervention in the talks by the Turkish Government, through dictatorial pronouncements, purporting to prejudge the solution of the problem.

A glaring instance of the negative effects of such interventions by Turkey is the recent agreement by both sides in the talks for the reopening of the airport on the basis of a plan worked out by United Nations and United States officials, which was frustrated by the uncalled-for intervention of the Foreign Minister of Turkey.

Thus, the talks are deprived of their substance and the essential requirement of free and unencumbered negotiations. Worse still, the Turkish Government tries arbitrarily and forcibly to create faits accomplis, in a manner disruptive of the progress of the talks and even destructive of their meaning and purpose.

To this end, Turkey obtained the permission of the British Government to transfer 10,000 Turkish Cypriot refugees from British bases to the north of Cyprus via Turkey, in order to take the homes and lands of the forcibly expelled Greek Cypriots, in violation of the resolutions of the Security Council and the General Assembly, which call for the return of the refugees to their homes in safety. It is also a "grave breach" of the Geneva Convention of 1949, article 149. a/ It also contravenes the Universal Declaration of Human Rights and the relevant covenants.

To this illegal performance, the Foreign Minister of Turkey gives the name of "new reality", completely ignoring the criminality and injustice involved, and their wider ramifications. These facts have been the subject of my Government's protests to Your Excellency, dated 21 and 29 January 1975 (S/11603 and S/11611), to which I beg to refer for relevant particulars showing the conduct of Turkey in respect of the talks.

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a/ United Nations, Treaty Series, vol. 75, No. 973.



In these circumstances and having regard to the resulting inability of the Turkish Cypriot representative to act otherwise than as the spokesman of Ankara and the Turkish military, it is not surprising that no progress has been made in the talks towards normalization, and not a single aspect of the political solution of the problem has even been broached. In this connexion, the hope is expressed that it will be possible to provide a freer climate for the harmonization of efforts and for more meaningful negotiations.

Parallel, however, to any such important and necessary efforts for progress in negotiations towards the solution of the problem, which in any case require time, there is the compelling urgency for putting an end to the aggression by the withdrawal of the forces of invasion and the return of the refugees to their homes.

In particular reference to paragraph 5 of the resolution, calling upon the parties concerned to undertake urgent measures for such return of the refugees, my Government has made it abundantly clear that the Turkish Cypriots are free to return to their homes and has offered them all safety in such return, with the additional assurance from the presence of the United Nations Force, which has full freedom of movement in the territory of the Republic under the control of the Government (in contrast to the prohibitions placed on such movement in the Turkish controlled area).

The Turkish Cypriot leadership, however, from political motives, inspired by Ankara, prevents the Turkish Cypriots from returning to their homes under threat of punitive measures for those who would disobey. The political objective being to force them to abandon their residences in the south and be transferred to the north, where they would be illegally transplanted into the usurped properties of the forcibly expelled Greek Cypriot population of that area.

It is a well-known fact that many of the Turkish Cypriot refugees in the British bases wanted to go back to their homes in the south, but were forcibly prevented from doing so, as testified by independent evidence (see S/11610 of 29 January 1975).

The magnitude of the refugee problem, however, lies in respect of the 200,000 Greek Cypriots, forcibly expelled and uprooted from their homes and lands by the invading army and the resulting grave disruption of the economy of the country. The Turkish Government not only does not adopt "urgent measures" for the return of the displaced persons to their homes, as provided in resolution 3212 (XXIX), but does not even allow their return and, moreover, through its military forces in the island, adopts tactics of intimidation, threats of violence and ill-treatment of the remaining Greek Cypriots in the occupied part of Cyprus, with the object of forcing them out of the area. Thus, tension is increased and the general situation in the island further aggravated.

It is most regrettable that a climate of criminality dominates the actions of the Turkish military forces in Cyprus, of which there are increasing manifestations.

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The underlying sinister purpose is the destruction of the territorial integrity of Cyprus, involving a direct threat to its very existence as an independent State Member of the United Nations.

The failure of implementation so far of the General Assembly and Security Council resolutions in the case of a small country, relying on the United Nations for its security and existence, will inevitably have grave repercussions in the precarious situation of the Middle East and in the world.

The Permanent Representative of the Republic of Cyprus to the United Nations wishes to express his Government's deep appreciation of the Secretary-General's abiding interest and concern over the problem of Cyprus and particularly for the constructive measures he has initiated for the implementation of General Assembly resolution 3212 (XXIX) under the provisions of Security Council resolution 365 (1974), and expresses the hope that these measures will yield the desired results.

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