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QUESTION OF CYPRUS

SECURITY COUNCIL
Thirty-sixth year

Letter dated 14 April 1981 from the Permanent
Representative of Turkey to the United Nations
addressed to the Secretary-General

In view of the document issued under the symbol A/36/123-S/14399, I have the honour, upon instructions from my Government, to bring to your attention the following.

Turkey has always respected, and continues to respect, the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus.

The Republic of Cyprus was established by an international treaty which specified and defined the "Basic Articles" of its Constitution.

The "fundamental provisions" of the Constitution of the Republic of Cyprus recognized and reflected a reality intrinsic to the island, namely, the existence of two socially distinct and politically organized communities: the Turkish community and the Greek community. This reality has dominated all human relations on the island without exception for centuries.

The Turkish nation maintains an undeniable special relationship with the Turkish community of Cyprus. This special relationship has its roots firmly anchored in history; its content consists of common moral and spiritual values and a common language and civilization. This spiritual community is virtually untouched by the vicissitudes of time or circumstance.

It is equally true that the Greek community of the island also maintains a similar special relationship with the Greek nation.

Any political solution to the Cypriot problem which ignored this fundamental dual fact would be doomed to failure.

That is why, after the Nicosia agreements of 16 August 1960, the "Basic Articles" of this Constitution could not be the subject of amendments. That

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obligation was accepted by the Republic of Cyprus both in article 182 of its Constitution and in the Treaty of Guarantee, to which Greece, the United Kingdom and Turkey were also parties as guaranteeing Powers, this Treaty itself being regarded as having constitutional force. It was henceforth clear that, in accordance with the universal principles of international law, the "Basic Articles" of the Constitution of the Republic of Cyprus could not be amended without the prior agreement of each of the three guaranteeing Powers, since those "Basic Articles" had the validity and force of contractual rules of international law.

The leaders of the Greek community of Cyprus, in pursuit of their goal, which is the destruction of the bicomunal nature of the Republic, have, especially since 21 December 1963, resorted openly and on a wide scale, in order to subjugate the Turkish community, to armed aggression and unilateral amendments and practices which are manifestly in violation of the "Basic Articles" of the Constitution and, consequently, the Treaty of Guarantee. The leaders of the Greek community, who launched a continuous process of coup d'état against the constitutional régime, were thereby violating the principle of respect for international treaties as laid down in the United Nations Charter. We should, at this juncture, cite the preamble of this Treaty, which described the new State as "the Republic of Cyprus, as established and regulated by the Basic Articles of its Constitution". The constitutional institutions of the Republic which were established in accordance with those "Basic Articles" were completely destroyed by the leaders of the island's Greek community in December 1963.

Consequently, Turkey has ever maintained that the Republic of Cyprus, whose legal existence as an entity of international law it has always continued to recognize, could not be legitimately represented on the level of international relations by leaders who had usurped the title of "Government of the Republic of Cyprus" and who, in law and in fact, could validly claim only to represent and administer the Greek community, which by itself could never claim to supplant the bicomunal State of Cyprus. These are the reasons why, in the Turkish Government's view, no organ currently exists which can be validly recognized as the Government of the Republic of Cyprus controlling the two politically organized communities, whose organs are competent only to administer and represent their respective communities. The very fact that Turkey continues to respect the legal existence of the Republic of Cyprus as an entity of international law precludes its recognizing as the Government of that State a team which continues to usurp this title, in flagrant violation of the bicomunal base of the Cypriot State, a base established by contractual rules of international law.

It is therefore because it still respects the legal existence of the Republic of Cyprus that the Cypriot Turkish community has adopted a strictly "federal" structure, and it recognizes the federal character of the island's Greek community also.

In view of the unilateral destruction of the bicomunal institutions of the Republic of Cyprus, in violation of the international Treaty which governs them, Turkey has thus had no other choice, in the context of the legal entity that is the Republic of Cyprus, than to recognize as such the Turkish "Federated" State of

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Cyprus until such time as the new structures of the Republic are agreed upon by the two communities so that they can subsequently be established, as previously, as contractual rules of international law. Turkey's recognition of the Turkish "Federated" State of Cyprus as such thus constitutes a further proof of its desire to respect the principles of the independence, sovereignty and territorial integrity of the Republic of Cyprus.

This Republic must henceforth, in the view of the Turkish community of Cyprus and of Turkey, have a federative structure, in order effectively to preserve and guarantee its bicomunal base.

Nor must it be forgotten that the Nicosia intercommunity negotiations are based precisely, on the principle that the parties to those negotiations are none other than the island's two Turkish and Greek communities.

From the above explanation it follows that the inclusion in the list of diplomatic missions published by the Turkish Ministry of Foreign Affairs of the Mission of the Turkish Federated State of Cyprus in Ankara can be interpreted only in the context of Turkey's official views concerning the legal nature of the said "federated" State and in no way constitutes an act contrary to the principles of the independence, sovereignty and territorial integrity of the Republic of Cyprus. It should, moreover, be emphasized that every independent State has the right to determine in a sovereign manner the entities other than independent States whose representatives shall enjoy the benefits of diplomatic privileges and immunities in its territory. In this regard, it may usefully be noted that the Mission of the Turkish Federated State of Cyprus in Ankara is placed on the list in question under the head of missions which represent entities which do not have the status of an independent State.

With regard to the non-alignment of the Republic of Cyprus, Turkey has several times solely undertaken to respect the free choice which may in the future be validly expressed to that effect by that State, and it has always favoured such an orientation.

Before ending, I would like to reiterate my Government's support for the intercommunity negotiations currently taking place at Nicosia under your auspices. Turkey's constructive attitude at the thirty-fifth session of the General Assembly, in the debate on the extension of the mandate of the United Nation's Peace-keeping Force in Cyprus in the Security Council and, in particular during the recent summit session of the Islamic Conference are well known to you. You know also which is the party which has so far in the course of these negotiations agreed to take important steps towards a compromise. You know how much Turkey has worked for the success of your own initiative. My country's ancient diplomatic traditions are averse both to futile rhetorical exercises and to one-sided polemics. For that reason, at this stage of the negotiations, the Turkish Government will not yield to the temptation to draw comparisons that would not only be prejudicial to the smooth progress of the negotiations but would also violate the principle of diplomatic secrecy, which is so essential to their ultimate success.

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I would request you to arrange for the text of this letter to be circulated as a document of the General Assembly, under item 35 of the preliminary list, and of the Security Council.

(Signed) A. Coskun KIRCA
Ambassador
Permanent Representative
