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Letter dated 23 October 1978 from the Permanent Representative of
Turkey to the United Nations addressed to the Secretary-General

I have the honour to attach herewith a letter dated 23 October 1978 addressed to you by Mr. Nail Atalay, the representative of the Turkish Federated State of Cyprus.

I would be grateful if this letter were circulated as a document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Orhan ERALP
Ambassador
Permanent Representative

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ANNEX

Letter dated 23 October 1978 from Mr. Nail Atalay
to the Secretary-General

I have the honour to enclose herewith a letter dated 9 October 1978 addressed to Your Excellency by His Excellency Mr. Osman Örek, the Prime Minister of the Turkish Federated State of Cyprus.

I would be grateful if this letter were circulated as a document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Nail ATALAY
Representative

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APPENDIX

Letter dated 9 October 1978 from Mr. Osman Örek
to the Secretary-General

I have the honour to refer to the current deliberations of the thirty-third session of the General Assembly on the "Question of Cyprus" and to invite, once again, your Excellency's attention to the following pertinent facts concerning the proper representation of the Republic of Cyprus:

1. The Republic of Cyprus is a binational State, based on the existence of two ethnic communities in the island, and the 1960 Constitution of the Republic envisages the participation of these two communities in the administration of the State in all its organs. Lawful authority in Cyprus has to be based on the will of both the Turkish and Greek communities, and this authority can neither be assumed nor exercised by either community without the consent of the other.

2. It is, indeed, ironical that, after continuously violating and disregarding the 1960 Constitution for 15 years - having, on several occasions, publicly declared that they considered this very Constitution as "dead and buried" and hence no longer valid - the Greek Cypriot leadership should now suddenly come up with an insincere suggestion purporting that a return to the 1960 Constitution in Cyprus would help solve the problem. This sudden change of policy by the Greek Cypriot leadership can only be regarded as a blasé tactic aiming to deceive world public opinion that the true facts and realities obtaining in the island is yet another effort to undermine the resumption of the intercommunal talks and thus gain time, in order to implement their actual policy of self-professed "long-term struggle". But even if, for the sake of argument, we were to assume, for a moment, a return to the 1960 Constitution, the proper representation of the Republic of Cyprus, as regards foreign affairs, would still have to conform with the relevant stipulations of the 1960 Constitution set forth below:

Article 50

"1. The President and the Vice-President of the Republic, separately or conjointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof concerning:

"(a) foreign affairs, except the participation of the Republic in international organizations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate.

"For the purposes of this subparagraph, 'foreign affairs' includes:

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"(i) the recognition of States, the establishment of diplomatic and consular relations with other countries and the interruption of such relations. The grant of acceptance to diplomatic representatives and of exequatur to consular representatives. The assignment of diplomatic representatives and of consular representatives, already in the diplomatic service, to posts abroad and the entrusting of functions abroad to special envoys already in the diplomatic service. The appointment and the assignment of persons, who are not already in the diplomatic service, to any posts abroad as diplomatic or consular representatives and the entrusting of functions abroad to persons, who are not already in the diplomatic service, as special envoys;

"(ii) the conclusion of international treaties, conventions and agreements ..."

Furthermore, article 57, paragraph 3 of the Constitution stipulates that:

"If a decision relates to foreign affairs, defence or security as in article 50 set out, the President or the Vice-President of the Republic or both shall have a right of veto which they shall exercise within four days of the date when the decision has been transmitted to their respective offices."

3. In 1963, when the first onslaught was launched against the Turkish community by the Greek side for the purpose of uniting the island with Greece, the Turkish Cypriot officials were ousted from the executive, legislative and judicial organs of the State by force of arms and were never allowed to resume their duties. Their positions were subsequently filled with Greek Cypriot officials and the Government of Cyprus became a Greek Cypriot monopoly.

4. The continuous violation of the Constitution by the Greek side ever since 1963 and the forcible ejection of Turkish Cypriot officials from the Government in that year rendered this Government illegal and unconstitutional. Yet, owing to its de facto superiority over the Turkish community, which was achieved by force of arms, the Greek Cypriot Administration managed to pose to the world as "the Government of Cyprus" until 1974. It is clear, however, that the claim of the Greek Cypriot Administration to governmental authority in Cyprus was neither based on the Constitution nor on the will of both communities in Cyprus. Therefore such an entity or authority as the Government of Cyprus has not existed since 1963.

5. The Greek coup d'etat of 15 July 1974 represents the final blow to the Constitution and the independence of the Republic. It was the timely intervention of Turkey that saved the independence of Cyprus and eliminated the danger of total annihilation of the Turkish Cypriot community. The Turkish Peace Operation also put an end to the de facto superiority of the Greek Cypriot Administration and, as a result, two autonomous administrations, each exercising control over its respective region in the island, were established.

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The existence of two communal administrations in Cyprus was recognized by the three guarantor States - Turkey, Greece and the United Kingdom of Great Britain and Northern Ireland - by their declaration at Geneva on 30 July 1974. ^{a/} Furthermore, subsequent resolutions adopted by the General Assembly recognized the existence of two communities in Cyprus and stressed, *inter alia*, that the constitutional system of the Republic of Cyprus was the concern of both the Turkish and Greek communities, which should be decided through negotiations held on an equal footing. Until such constitutional system is established within the framework of the final solution to the Cyprus problem, it is natural that each community in Cyprus should run its own affairs both at home and abroad. Neither one of these communities has been entrusted, through mutual consent, with the authority to represent Cyprus as a whole in internal or external affairs.

6. As Your Excellency is well aware, on 13 February 1975, in order to forestall Greek Cypriot efforts aimed at reducing the Turkish Cypriot community to the unacceptable status of utter "statelessness", the Autonomous Turkish Cypriot Administration was restructured as "The Turkish Federated State of Cyprus" and, in the referendum held on 8 June 1975, its Constitution met with the approval of the overwhelming majority of the Turkish Cypriot community. Under this Constitution, free and democratic elections were held on 20 June 1976 in the Turkish Federated State of Cyprus and new representatives were elected, by universal suffrage, to the legislative and executive organs of its Government at both central and local levels.

It should be noted, however, that the Turkish Federated State of Cyprus does not claim to be a fully independent, separate State. Its Constitution is clearly an interim Constitution, drafted in such a way as to leave the door open to amendment, if and when the proposed Federal Republic of Cyprus, of which the Turkish Federated State of Cyprus will be a component State, is set up. In the meantime, the Turkish Federated State of Cyprus, which today is the only legitimate authority entrusted by public referendum with the task of running the affairs of the Turkish Cypriot community, will continue to exercise the inalienable political rights accorded to this community by international agreements, in 1960, as the co-founder partner of the bi-national Republic of Cyprus (see enclosure 1).

7. At the summit meeting of 12 February 1977, held in Nicosia in Your Excellency's presence, between His Excellency Rauf Denktas, President of the Turkish Federated State of Cyprus, and the late Archbishop Makarios, the establishment in Cyprus of an independent, bi-communal, bi-zonal, federal republic was agreed upon. To this end, the Turkish Cypriot side has since been showing every effort to resume the intercommunal talks and, in April 1978, submitted new peace proposals for the resumption of these talks, which were described by Your Excellency as "concrete" and "substantial". Upon the rejection of these proposals by the Greek Cypriot side, the Turkish Cypriot side also made it known that it was prepared to start the talks on an open

^{a/} Official Records of the Security Council, Twenty-ninth Year, Supplement for July, August and September 1974, document S/11398.

agenda and, on 20 July 1978, it went further and proposed the reopening of Varosha, which would allow the resettlement of as many as 35,000 Greek Cypriots in the town, commencing shortly after the resumption of the intercommunal talks.

In the absence of a central authority in Cyprus capable of representing both communities of the island and at a time when intensive efforts are being made for the resumption of the intercommunal talks with a view to determining, inter alia, the constitutional system of the Republic, it is obvious that the Greek Cypriot Administration does not have the right or authority to represent the country unilaterally either at home or abroad. It is also obvious that, if allowed to do so, the Greek Cypriot Administration will have no reason to sit at the negotiating table with the Turkish Cypriot side to talk peace terms, and the present state of stagnancy will drag on, no matter how much goodwill is shown by the Turkish Cypriot side as regards the resumption of the talks and an over-all peaceful solution. In this regard, I would like to invite Your Excellency's kind attention to the latest resolution of the Legislative Assembly of the Turkish Federated State of Cyprus (resolution No. 22 of 2 October 1978, the full text of which is given in enclosure 2), which reiterated that, since at present there is no legal and constitutional Head of State in Cyprus to reflect the binational nature of the State, the Head of the Greek Cypriot Administration, Mr. Spyros Kyprianou, cannot represent the Republic or the Turkish community of Cyprus.

In view of the recognition of the bi-communality of Cyprus both at the intercommunal as well as at the international level, the Greek Cypriot Administration's continued attempts to act as the sole representative of Cyprus as a whole is obviously devoid of any legal basis. I wish to stress, therefore, that the recognition of Mr. Spyros Kyprianou as the President of the binational Republic of Cyprus, or of his appointed Permanent Representative to the United Nations as if he were the true representative of the whole of Cyprus, would amount to allowing the Greek Cypriot Administration to consolidate its unconstitutional status as the so-called "Government of Cyprus" and affording it with the opportunity to continue its policy of discrimination against the Turkish Cypriot community. It would also encourage this Administration to continue its present intransigent policy as regards the intercommunal talks, and would thus hamper prospects for a just and lasting solution to the Cyprus problem.

I would like to avail myself of this opportunity to reiterate once again that, until a mutually agreed solution is found to the Cyprus problem, the only proper and constitutional authorities entitled to represent the Turkish community of Cyprus, both at home and abroad, are the appropriate authorities and representatives of the Turkish Federated State of Cyprus, and that anything said or done by the representatives of the Greek Cypriot Administration will not be binding on the Turkish Cypriot community.

I would be grateful if this letter were circulated as a document of the General Assembly and of the Security Council.

(Signed) Osman ÖREK
Prime Minister

ENCLOSURE I

Joint resolution of the Council of Ministers and
the Legislative Assembly on the Proclamation of
the Turkish Federated State of Cyprus

The Council of Ministers and the Legislative Assembly of the Autonomous Turkish Cypriot administration, having met in a joint session in Nicosia this thirteenth day of February 1975 and having taken into consideration the fact,

That the Turkish Cypriot community has been continuously obstructed by the Greek Cypriots from exercising its rights under the Constitution,

That the Turkish Cypriot community was forced to live for years under unbearable conditions, deprived of all their economic rights and means under threats and oppression, in areas where they had gathered for self-preservation and for ensuring their security of life and property, and

That, as a result of the Greek Cypriot attempts and threats in the years 1963, 1967 and 1974, to end the independence of the Republic of Cyprus, the Turkish Cypriot community, which is one of the founders of the Republic, was forced to resist such attempts at the expense of grave sacrifices,

Have come to the conclusion that there is no possibility of their living together with the Greek Cypriot co-founders of the Republic of Cyprus; and

Having come to the conclusion that the only way to bring tranquillity, security and permanent peace to the island is for the two communities to live side by side in their respective region, developing their own internal structure; and

Having noted the fact that the Greek Cypriot community has not made any constructive response to the proposals for the establishment of an independent Federal Republic of Cyprus on the above reasonable basis; and

Having taken into consideration the necessity of putting the Turkish Cypriot community's social and economic life into a new healthy order; and

Having confirmed their belief and determination to oppose resolutely all attempts against the independence of Cyprus, and its partition or union with any other state; and

Believing in the necessity of the non-aligned status of the Republic of Cyprus and expressing their determination not to allow the island to become subservient to any foreign interest; and

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Mindful of the necessity of creating in their own region the legal basis of an order leading to the establishment of the future independent, Federal Republic of Cyprus; and

Reaffirming that their final objective is to unite with the Greek Cypriot community within the framework of a biregional federation;

Have resolved that the autonomous Turkish Cypriot administration should be restructured and organized on the basis of a secular and federated state, until such time as the 1960 Constitution of the Republic, the basic articles of which were determined by international agreements in compliance with international law, is amended in a similar manner to become the Constitution of the Federal Republic of Cyprus, and until the said Federal Republic is established.

With this object in view, a 50-member constituent assembly will be set up under the chairmanship of the president of the autonomous Turkish Cypriot Administration.

ENCLOSURE 2

Resolution No. 22 adopted on 2 October 1978
by the Legislative Assembly of the Turkish
Federated State of Cyprus

The Legislative Assembly of the Turkish Federated State of Cyprus:

Reiterating its unanimously adopted resolution No. 1 of 5 November 1976 that there was no legal and constitutional Head of State in Cyprus to reflect the bi-communal nature of the State and that the Head of the Greek Cypriot Administration could not represent the Republic or the Turkish community of Cyprus;

Unanimously resolve that Mr. Kyprianou, the present Head of the Greek Cypriot Administration, cannot represent the Republic or the Turkish community of Cyprus; and

Reminding world public opinion that the organs and persons who could represent the Turkish Cypriots were freely determined by the general elections, held in June 1976, in accordance with the Constitution of the Turkish Federated State of Cyprus;

Reiterates the fact that, in order that the new Federal Republic of Cyprus might be established, it would be necessary for the Cyprus problem to be solved in accordance with the results achieved by the intercommunal talks, held in Vienna, and within the framework of the agreement reached in principle between Mr. Denktas and Archbishop Makarios on 12 February 1977; and

Stresses, from this point of view, the necessity for the commencement of the intercommunal talks as soon as possible;

Having regard to the aforesaid consideration, unanimously;

- (a) Calls upon the United Nations and its distinguished Secretary-General to take the necessary steps towards the commencement of intercommunal talks;
- (b) Declares that the problem cannot be solved by unilateral actions; and
- (c) Denounces such unilateral actions.
