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POLITICAL RIGHTS AND THE OPTIONAL
PROTOCOL TO THE INTERNATIONAL COVENANT
ON CIVIL AND POLITICAL RIGHTS

SECURITY COUNCIL
Thirty-first year

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Letter dated 8 September 1976 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 7 September 1976,
addressed to you by Mr. Nail Atalay, representative of the Turkish Federated State
of Cyprus.

I should be grateful if this letter were circulated as a document of the
General Assembly, under item 81 of the provisional agenda, and of the Security
Council.

(Signed) Iltis TÜRKMEN
Ambassador
Permanent Representative

* A/31/150.

ANNEX

Letter dated 7 September 1976 from Mr. Nail Atalay to
the Secretary-General

It has come to our knowledge that the Greek Cypriot Administration has put forward the candidacy of a certain Mr. Andreas Mavromatis for membership in the Human Rights Committee, which will be established in accordance with article 28 of the International Covenant on Civil and Political Rights (see General Assembly resolution 2200 A (XXI)).

In this connexion I would like to bring the following to Your Excellency's attention:

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

2. 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 officials serving in the government were forced out of the machinery of government, and were never allowed to return. Their positions were subsequently filled with Greek Cypriot officials and the Government of Cyprus became a Greek Cypriot monopoly.

3. The continuous violation of the Constitution by the Greek Cypriot side ever since 1963, and the forceful expulsion of the Turkish officials from the government in that year, had 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 such claim of the Greek Cypriot Administration over 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.

4. The Greek coup d'état of 15 July 1974 represents the final blow to the Constitution of the Republic. The ensuing Turkish peace operation put an end to the de facto superiority of the Greek Cypriot Administration and, as a result, two autonomous administrations, each exercising control over their respective regions in the island, were established.

5. The existence of two communal administrations in Cyprus was recognized by the three guarantor States, Turkey, Greece and the United Kingdom, by their declaration at Geneva on 30 July 1974. Furthermore, the General Assembly, in resolution 3212 (XXIX) of 1 November 1974, recognized the existence of two communities in Cyprus and stressed that the constitutional system of the Republic of Cyprus was the concern of both the Turkish and the Greek communities, which should be decided through negotiations held on an equal footing. Until such constitutional system is established within the framework of a final political settlement, it is natural that each community in Cyprus runs its own affairs both at home and abroad. Neither one of these communities has been entrusted with the authority to represent Cyprus unilaterally.

6. Because of the administrative vacuum created by the lack of a central authority in Cyprus based on the will of both communities, the Turkish Cypriot community had to establish its own Federated State on 13 February 1975 to run its affairs in all fields until a final solution is found to the Cyprus problem. The legal existence of the Turkish Federated State of Cyprus, which is an indisputable fact, has recently been reconfirmed by the will of the Turkish Cypriot people, through elections freely held in the Turkish region on 20 June 1976. It is now up to the Greek Cypriot side to set up their own federated state, so that negotiations can start between the two federated states under conditions of equality, on how the Federal Republic of Cyprus can be established and how much jurisdiction shall be yielded to the central government. Until such time comes, however, it is useless for the Greek Cypriot Administration to go around pretending to be the "Government of Cyprus", when the establishment of such a government is still subject to negotiation between the two communities.

In addition to the above, I would like to further point out that membership of the Greek Cypriot Administration in the Human Rights Committee, if materialized, will be subject to exploitation by this party, as another means of furthering Greek Cypriot ends to the detriment of the Turkish Cypriot community, and is, therefore, totally unacceptable from our point of view.

I should be grateful if this letter were circulated as a document of the United Nations.

(Signed) Nail ATALAY
Representative of the
Turkish Federated State of Cyprus