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LETTER DATED 15 APRIL 1972 FROM THE CHARGE D'AFFAIRES, A.I., OF CYPRUS
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to refer to the letter of the Acting Permanent Representative of Turkey, Ambassador Eren, dated 7 April 1972, which was addressed to Your Excellency (S/10595), and to state the following:

The representative of Turkey professes his Government's "unswerving respect to the international treaties on Cyprus" which, he says, "were freely negotiated and concluded among all the parties concerned". As it has been conclusively demonstrated in the course of past debates before the Security Council and the General Assembly, the Zurich-London Agreements, far from having been freely negotiated, were imposed upon the people of Cyprus in circumstances amounting to duress and precluding free choice (a situation falling squarely within the Declaration on the Prohibition of Military, Political or Economic Coercion in the Conclusion of Treaties, adopted by the Vienna Conference on the Law of Treaties). They contained provisions which, particularly as interpreted by Turkey, were inconsistent with peremptory norms of contemporary international law (a notion which was firmly based on customary international law and was accorded general recognition in the Vienna Convention on the Law of Treaties) and fell within the ambit of Article 103 of the Charter in that they conflicted with fundamental Charter provisions on sovereign equality, non-use of force in international relations and non-intervention (principles which were further elaborated and clarified, *inter alia*, in General Assembly resolution 2625 (XXV)). Moreover, several of the provisions of these Agreements have been repeatedly and materially violated by Turkey (including the illegal deployment of the Turkish contingent in occupation of a part of the territory of Cyprus and the napalm bombing, in August 1964, of several villages in the north of Cyprus. These are matters of record and cannot be dismissed lightly by a stroke of the pen of the Turkish representative. My Government which, as a Government of a small and militarily weak State, has a particular interest in the maintenance of an international legal order upon which to rely for its security, is second to none in its respect for international agreements, duly negotiated and freely entered into, which do not contain vitiating provisions and which are being faithfully observed by all the parties. It holds that the Charter has universal validity and applies equally to all Member States of the United Nations, to which both Turkey and Cyprus belong, and therefore cannot subscribe to any unorthodox theories of double standards in the rules of international law governing relations among certain States in a certain way and among others in a different way. It was in the light of these

considerations that the General Assembly, having fully considered the question of Cyprus, adopted on 18 December 1965, against Turkey's strenuous opposition, its resolution 2077 (XX) in which it "took cognizance of the fact that the Republic of Cyprus, as an equal Member of the United Nations, is, in accordance with the Charter, entitled to and should enjoy full sovereignty and complete independence without any foreign intervention or interference" and "called upon all States, in conformity with their obligations under the Charter, and in particular Article 2, paragraphs 1 and 4, to respect the sovereignty, unity, independence and territorial integrity of the Republic of Cyprus and to refrain from any intervention directed against it".

The fact has been and still is that despite Turkey's pious professions of adherence to fundamental principles of international relations and its self-portrayal as the protector of the independence of Cyprus, its actions speak louder than its words, both as regards recent historical events generally and, more specifically, in its attitude towards the sovereignty and territorial integrity of Cyprus.

Ambassador Eren refers also to the position of the Turkish Cypriot "Vice-President" and other Turkish Cypriot officials who, he alleges, were deprived of their constitutional position. The fact is that Dr. Kutchuk himself chose to desert his duties (having stated, early in January 1964, to the correspondent of Le Monde that "the Republic is dead") as did the Turkish Cypriot officials and civil servants who chose to leave their work, at the instigation of their leadership, in a futile effort to paralyse the State machinery and thus to promote Turkey's partitionist plans.

The representative of Turkey makes reference to the "illegal importation into Cyprus of arms and ammunition". I would not at this stage wish to say more on this subject (which has been dealt with in Your Excellency's special report of 16 March 1972, S/10564) other than stress that it is the inherent right of any independent and sovereign State to acquire and import arms for its security and defence, especially when its territorial integrity is threatened from the outside, as the recent statements by the Prime Minister and Foreign Minister of Turkey (protested to in the letter the Permanent Representative of Cyprus, Ambassador Rossides, dated 1 April 1972, S/10585) have reminded us. Despite the above, as it is well known, my Government is doing its best in consultation with the United Nations to allay any unjustified fears in this respect by making certain arrangements.

Indeed, Ambassador Eren's letter is more remarkable for what it omits than for what it states. For completely absent from his letter is any reference to the most significant recent development towards the peaceful solution of the Cyprus problem, namely, the statement of His Beatitude Archbishop Makarios, President of the Republic of Cyprus, made on 2 April 1972, aimed at the general disarmament in the island by stages (which was brought in full to the notice of Your Excellency and that of the members of the Security Council in our letter dated 3 April 1972, S/10586). This positive and constructive proposal gives concrete expression to the good faith and peaceful intentions of my Government for creating the appropriate climate for the resumption of the local talks. Despite the up-to-now

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discouraging Turkish reaction - which only serves to show the lack on their part of a spirit of good will and is an indication of their intentions - my Government maintains the hope and the expectation that both Your Excellency and the members of the Security Council will favourably receive and give effect to this proposal of my President, since its implementation will constitute a major step for the cause of peace and security in Cyprus and that of the area generally.

The representative of Turkey states that his country "sincerely desires an early peaceful settlement of the problem [of Cyprus] in conformity with the rights and interests of all parties". I wish to assure Your Excellency and the members of the Security Council that - for reasons which are obvious and require no elaboration - no outsider can wish more fervently the early and peaceful settlement of the problem of Cyprus than my own Government. Concrete manifestations of this have been furnished over the past several years in a number of ways (notably by my Government's acceptance of the United Nations mediator report in 1965, the putting forward of the Declaration and Memorandum on Minority Rights including United Nations safeguards and guarantees, also in 1965, the pacification measures consistently taken at various times, the substantial, and so far unresponded to, concessions made in the course of the local talks, etc.), an additional proof of which has been the very recent proposal of my President for disarmament, to which I referred earlier. What is of cardinal importance, however, - and Mr. Eren's letter is silent on this point, also - is that such a settlement, if it is to be workable and lasting, must be based upon the principles of the Charter and be in conformity with the letter and the spirit of the resolutions of the Security Council and the General Assembly and thus acceptable to the people of Cyprus. In my Government's view, it is within this framework and in accordance with objective criteria and universally recognized principles of contemporary international law and relations that an early peaceful solution should be sought and not on the basis of hybrid formulae creating an unworkable system of a State within a State or by partitionist designs. If Turkey were to undertake to condition its policies on Cyprus by the Charter principles and the United Nations resolutions on the problem, and would abandon its expansionist designs over Cyprus (which, let it be remembered, has a population of 82 per cent Greek Cypriots and only 18 per cent Turkish Cypriots), there is every reason to believe that the appropriate climate can be created for the finding of an early, peaceful and just solution to the problem. My Government is ready, as it has been in the past, to show utmost good will and genuine spirit of conciliation to this end. It is hoped that the early resumption of the local talks in their expanded form (as suggested by the Secretary-General on 18 October 1971 and accepted by my Government) will provide the appropriate opportunity for a renewed, and hopefully successful, effort in that direction.

Your Excellency is kindly requested to circulate this letter as a document of the Security Council.

(Signed) Andreas J. JACOVIDES
Minister Plenipotentiary
Charge d'Affairs, a.i.