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REPORT BY THE SECRETARY-GENERAL ON
RECENT DEVELOPMENTS IN CYPRUS

Addendum

Further to my reports on recent developments in Cyprus (S/6569 and S/6586), I wish to bring to the attention of the Security Council the following texts of communications transmitted by the Government of Cyprus to my Special Representative in the early hours of 5 August 1965.

1. Letter dated 4 August from the Acting Minister of Foreign Affairs of Cyprus to the Special Representative of the Secretary-General in Cyprus

Confirming our conversation regarding the Notes presented to this Ministry by the British High Commissioner and the Turkish Embassy, I am forwarding for immediate transmission to the Secretary-General of the United Nations copy of the said notes together with this Ministry's replies.

I particularly wish to draw your attention to the last paragraph of the Turkish note which constitutes an open threat of intervention against Cyprus.

A. AFACUZOS
Acting Minister of Foreign Affairs

2. Note dated 24 July from the British High Commission in Cyprus to the Government of Cyprus

The British Government note that the Cyprus Government have enacted a law purporting to make provisions for elections to the House of Representatives without provision for separate elections by the Greek and Turkish Communities. They further note that this law was passed by the House of Representatives in the absence of the Turkish Cypriot members. As one of the Guarantor Powers the British Government protests at this action which is in breach of basic articles of the Constitution of the Republic of Cyprus, particularly article 62 and article 78 (2). They particularly regret that the Cyprus Government should have taken this action in view of operative paragraphs 1 and 3 of the Security Council resolution of 4 March 1964 calling on Member States to refrain from any action likely to worsen the situation in Cyprus, and calling on the communities in Cyprus and their leaders to act with the utmost restraint. The British Government trusts that the Cyprus Government will refrain from any steps to give effect to this new enactment.

3. Note dated 27 July from the Turkish Embassy in Nicosia to the Minister of Foreign Affairs of Cyprus

The Turkish Embassy should like to bring to the attention of the Ministry of Foreign Affairs the following:

The Turkish Government has been informed that the Greek members of the House of Representatives of Cyprus have met on 23 July 1965, and have decided to extend the term of office of the President of the Republic and of the members of the House of Representatives for one year. At the same meeting they purported to amend the present electoral law, with a view to abolishing separate Greek and Turkish Cypriot electoral rolls.

The Ministry of Foreign Affairs will be aware that both these decisions are contrary to the Constitution of the Republic of Cyprus, which is under the safeguard of international treaties.

Learning that the Greek members of the House of Representatives would meet in order to adopt the above-mentioned decisions, the Turkish members of the House informed the President of the House, that they were willing to attend the meeting in order to enable the House of Representatives to legislate on these issues, in conformity with the Constitution.

The Turkish members have, however, been informed by the President of the House that their demand to take part at the meeting can only be accepted on certain conditions, which were all designed to take away from the Turkish community their legal rights under the Constitution. They were also notified that if these conditions totally incompatible with the Constitution, were not accepted, they should be barred from attending the meeting, by the use of force, if necessary.

Attempt to prevent the Turkish members of the House from participating in the meeting as well as the decisions adopted in their absence, constitute a new flagrant violation of the Constitution of Cyprus and also of the treaty commitments of Cyprus.

The decision taken by the Greek members of the House of Representatives, to extend the term of office of the President and of the members of the House of Representatives is devoid of any legal basis for the following reasons: (a) to extend the term of office of the President only, is contrary to article 1 of the Constitution and also to its whole spirit; (b) according to article 78/2, any

modification of the electoral law should be passed by the majority votes of both the Greek and the Turkish members of the House of Representatives; (c) article 52 of the Constitution provides that any law or decision cannot be promulgated without the concurrent signatures of the President and of the Vice-President.

It is not, therefore, possible to consider constitutional the extension of the term of office of the President and of the members of the House of Representatives. This decision can only be regarded as a de facto measure which can have no legal effect whatsoever.

At the meeting held by the Greek members of the House, these representatives have also purported to enact an electoral law. This decision is null and void in view of the provisions of the Constitution. From the point of view of procedure any legislation pertaining to elections has to be adopted in the presence of the Turkish members of the House and with the majority votes of the Turkish representatives as well, as specified in article 78/2 of the Constitution. Furthermore, this so-called law establishes a common roll and abolishes separate Greek and Turkish electoral rolls whereas article 1 and article 62 of the Constitution require that the President of the Republic and the Greek members of the House of Representatives be elected by the Greek community and the Vice-President of the Republic and the Turkish members of the House be elected by the Turkish community. It is clear that the decision of the Greek members of the House of Representatives has been devised for altering the basic articles of the Constitution.

The Ministry of Foreign Affairs should also be reminded that action not only violates the Constitution and the international treaties but also contravenes the Security Council's resolution of 4 March 1964.

The Turkish Embassy, therefore, strongly protests this illegal undertaking.

The Turkish Government as a guaranteeing State of the Constitution of Cyprus, would like to draw the attention of the Greek Cypriot authorities on the most serious consequences which might ensue from any attempt to put into effect the unconstitutional decision amending the electoral law.

The Turkish Government will not fail to take whatever action is necessary within its responsibilities under the Treaty of Guarantee in order to ensure the observance of the constitutional order in Cyprus.

4. Reply dated 27 July by the Government of Cyprus to the Note dated 24 July from the British High Commission

With reference to the British Government's Note of 24 July 1965 concerning the enactment by the House of Representatives of electoral legislation, the Government of Cyprus wish to state the following:

1. The British Government in its Note give a very unwarranted interpretation to parts of the Security Council resolution of 4 March 1964. The enactment of electoral legislation is not in conflict with either the spirit or the letter of the said resolution which referred to the obligations of Member States under the Charter towards "the sovereign Republic of Cyprus". It is to be regretted that the most relevant and important word viz. "sovereign" is missing from a reference of the relevant part in the British Government's Note.

2. With regard to the remark that the provisions made under the new law do not take account of the relevant articles of the 1960 Constitution (separate elections, etc.), the Government of Cyprus wish to make it clear that they cannot, under any circumstances, contribute in any way towards the restoration of the situation existing prior to December 1963, which has since then radically been altered by the outbreak of the Turkish Cypriot rebellion, the Turkish aggression, the relevant resolutions of the Security Council and other related developments. Questions relating to the administration of the country, the enactment of legislation relating to the functioning of the State and the management of internal affairs are matters exclusively within the domestic jurisdiction of Cyprus and are the concern solely of the people of Cyprus.

3. In its Note the British Government purports to protest the action in respect of the enactment of the said legislation and does so allegedly "as one of the Guarantor Powers". The views of the Government of Cyprus on the subject of the so-called Treaty of Guarantee have been made clear and are on record before the Security Council. Since, moreover, reference is made to the "Guarantor Powers" in the British Government's Note, the question which arises is what action did the British Government take as a Guarantor Power when the territorial integrity of Cyprus was so flagrantly violated by Turkey in August 1964, bearing in mind especially the fact that the primary, declared object of the Treaty of Guarantee was the protection of the territorial integrity of Cyprus. It should further be

noted that the action of the Turkish Government in question took place at a time when the British Government might, with more reason, have been entitled to regard themselves as a guarantor. Since then, there can be no question of "guarantors", because the Turkish action itself and the stand of one of the other "guarantors" was such as to dispel any doubt regarding the non-validity of the Treaty of Guarantee.

4. For the reasons given above the Government of Cyprus regret that they have no choice than to reject the British Government's protest, which constitutes an interference in the internal affairs of Cyprus.

5. Reply dated 28 July from the Ministry of Foreign Affairs of Cyprus to the Note dated 27 July from the Turkish Embassy

The Ministry of Foreign Affairs of the Republic of Cyprus wishes to refer to the Note of the Turkish Embassy No. 894/352 dated 27 July 1965, and state the following:

1. With regard to the references by the Turkish Government in the said Note to the legislation recently enacted by the House of Representatives and the allegation that it is contrary to certain articles of the 1960 Constitution, the Government of Cyprus wish to make it clear that they cannot, under any circumstances, contribute in any way towards the restoration of the situation existing prior to December 1963 which since then has been radically altered by the outbreak of the Turkish Cypriots rebellion, the Turkish aggression, the relevant resolutions of the Security Council and other related developments. The Government of Cyprus consider that the legislation in question is a matter falling exclusively within the domestic jurisdiction of the Republic of Cyprus and relates to the normal functioning of the State and the management of its internal affairs; as such it is the sole concern of the people of Cyprus.

2. With reference to the meeting with the President of the House of Representatives, the Ministry of Foreign Affairs would like to point out that it is erroneously stated that "the Turkish members" would have been "barred from attending the meeting by the use of force if necessary". On the contrary, they were given the opportunity, in spite of their activities since December 1963 directed against the State, to participate in the work of the House, provided, inter alia, they accepted the principle that the laws enacted by the House would be applied by the Government to all the citizens of the Republic in all areas.

3. In its said Note the Turkish Government purports to protest against the action in respect of the enactment of the said legislation and does so allegedly as one of the Guarantor Powers. The views of the Government of Cyprus on the subject of the so-called Treaty of Guarantee have been made clear and are on record before the Security Council.

4. The Ministry of Foreign Affairs has taken a grave view of the undisguised threat contained in the last paragraph of the Note under reply. The Turkish Government would be in a very indefensible position to invoke the so-called Treaty of Guarantee, the primary object of which was to protect the territorial

integrity and political independence of Cyprus, when itself, through diverse and grave threats and acts of aggression culminating in the bombings of August 1964, flagrantly and repeatedly violated its undertakings and dispelled any remaining doubts as to the non-validity of the said instrument.

5. The Turkish Government may be reminded that the Charter of the United Nations strongly enjoins all Member States to refrain from the threat or use of force in their international relations (Article 2, paragraph 4) and also of the Security Council's resolution of 4 March 1964, which expressly recalls that same provision in relation to the sovereign Republic of Cyprus.

6. The Government of Cyprus do not recognize to any foreign State the right of dictating the method of regulating their own internal affairs.

7. For the reasons given above, the Government of Cyprus have to reject the Turkish Government's protest which constitutes an interference in the internal affairs of the Republic of Cyprus.

