

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/5663
13 April 1964

ORIGINAL: ENGLISH

LETTER DATED 15 APRIL 1964 FROM THE PERMANENT REPRESENTATIVE
OF TURKEY ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring the following to Your Excellency's attention.

The events which have occurred recently in Cyprus and in relation to the question of Cyprus are viewed by the Turkish Government with grave concern and are considered as a continuing danger to international peace and security. This delegation, therefore, reserves the right to have immediate recourse to the Security Council at any future date if the above-mentioned danger to peace shows no sign of being abated.

It must be noted with deep regret, in the first place, that since the adoption by the Security Council of the resolutions of 4 March and 13 March, Greek Cypriot leaders have embarked upon a course of action which constitutes clear disregard and violation of the letter and spirit of those resolutions. Almost each day the international press has given accounts of unprovoked attacks on the lives and property of Turkish Cypriots, of continued bloodshed and of acts which run counter to human rights and human dignity. As mere instances of such acts I would like to enumerate certain incidents which have been fully substantiated:

- 7 March - Paphos: Mass attack by Greek Cypriots on Turkish quarter. Turkish casualties 15 dead, 22 wounded, 34 missing.
- 19 March - Gaziviran: Attack on Turkish village with heavy armaments. Six Turks killed, several wounded.
- 21 March - Nicosia: Turkish work party stopped by Cypriot Greek armed band. Men and women subjected to bitter insults and searched in most degrading and shockingly immoral fashion.

1 April - Suleymaniye village of Lefkoşe: 1 Turk killed while watering his garden. Two other Turks, a man and a woman, also engaged in peaceful occupations, fired upon and heavily wounded.

6 April - Vicinity of Nicosia: 4 Turks lined up and shot in the back. Three dead, 1 heavily wounded.

These excerpts from a lengthy crime-sheet which in fact contains other flagrant violations of basic human rights, such as murder, abduction, looting and wanton and systematic destruction of private property should be sufficient to indicate that the Greek Cypriot authorities, far from complying with the call of the Security Council, are proceeding with determination in their policy of harassing and rendering helpless and hopeless the Turkish community on the island. There is no doubt that these persistent attempts at piecemeal annihilation or submission of the Turkish community, while being less spectacular than an all-out attack on all fronts, are in the long run no less abominable in effect.

It is further noteworthy that many of these atrocities have been committed after the dispatch of the United Nations Peace-Keeping Force to Cyprus and after the arrival of the Mediator on the scene. It is obvious, therefore, that the world is faced with a cynical attempt to flaunt the endeavours of the United Nations to bring peace, security and conciliation to the strife-torn island.

Your Excellency will readily observe that these acts constitute flagrant violations of the operative paragraphs 1, 2 and 3 of the Security Council resolution of 4 March 1964 (S/5575).

Operative paragraph 2 of the above-mentioned resolution asks "the Government of Cyprus, which has the responsibility for the maintenance and restoration of law and order, to take all additional measures necessary to stop violence and bloodshed in Cyprus". On several occasions I have had the honour to bring to Your Excellency's notice, both orally and in writing, the fact that the term "Government of Cyprus" can only mean a lawful government formed and functioning under the Constitution of the Republic of Cyprus. It is a well-known fact that the Constitution of Cyprus is an instrument dedicated to a careful balance between the rights and duties of two communities. It is bicomunal in character. Now, if one of the communities takes it upon itself to set aside the Constitution,

/...

drive out the other community from all organs of government, usurp the power to govern and turn upon the other community in mortal attack, the term "Government of Cyprus" loses its meaning. That is in fact what has happened and is happening in Cyprus. The Greek Cypriot authorities have:

1. By forcible measures rendered it impossible for the Vice-President to exercise his functions, in utter disregard of the fact that certain prerogatives of the executive, specifically in the fields of defence, foreign affairs and security, are of no constitutional validity without the free consent of the Vice-President (Articles 49, 50, 57 of the Constitution).
2. Forcibly driven out of the Government the three Turkish Ministers without whose presence the Government cannot be lawfully constituted (Article 46).
3. Refused admission to the island to Mr. Rauf Denktaş, President of the Turkish Communal Chamber, in violation of Article 14 of the Constitution which states that "no citizen shall be banished or excluded from the Republic under any circumstances", and of Article 106 which grants him personal inviolability as President of the Turkish Communal Chamber.

It would seem appropriate, therefore, that the United Nations Peace-Keeping Force in Cyprus, in order to be able effectively to carry out the mission entrusted to it by the Security Council resolution of 4 March 1964 would in the first instance endeavour to restore the machinery of constitutional government in Cyprus. It would indeed be difficult to see how the Force can "contribute to the maintenance and restoration of law and order" so long as the Constitution of the Republic, which is the source of all law and order, is in abeyance.

It should further be pointed out that these unconstitutional acts of the Greek Cypriot authorities in Cyprus are another flagrant violation of paragraphs 1, 2 and 3 of the resolution of 4 March 1964.

Another such violation occurred recently with the unlawful attempt of Archbishop Makarios unilaterally to "terminate" the Treaty of Alliance of 1960. In the first place no such action pertaining clearly to the field of foreign affairs could lawfully be taken by the President without the consent of the

Vice-President (Article 50). Furthermore, the Constitution provides under Article 181 that the Treaty of Military Alliance shall have constitutional force. This article is included in annex III of the Constitution which lists the basic articles of the Constitution which, under Article 182, cannot in any way be amended. The Treaty of Alliance itself contains no provisions for its abrogation or "termination" by any one of the parties. On these unassailable legal grounds, the attempt of Archbishop Makarios to abrogate the Treaty of Alliance is considered by the Turkish Government as being null and void and of no legal or practical consequence. I have the honour hereby formally to communicate that attitude of the Turkish Government to Your Excellency.

The pretext which was used by Archbishop Makarios to attempt to "terminate" the Treaty of Alliance is in itself legally untenable. He maintained that as the Turkish contingent refused to return to its previous quarters the Treaty of Alliance had been violated. The superficiality of this pretext can be readily seen in that, under existing treaty arrangements, the Turkish contingent is merely required to be garrisoned within the Nicosia limits and no further than five miles from the Greek contingent. The present position of the Turkish contingent fulfils these requirements.

Consequently, upon his unlawful "termination" of the Treaty of Alliance, Archbishop Makarios proceeded to embark upon threats against the Turkish contingent. In a statement he gave to the Cyprus News Agency on 7 April he threatened to stop granting to the Turkish contingent facilities provided for under the Treaty of Alliance. Upon the circulation of veiled threats as to the possible use of force, the Turkish Government promptly declared to all concerned that any aggression against the Turkish contingent would be considered an attack against Turkey and would be dealt with as such. However, the mere withholding of facilities such as cutting the supply of water, electricity and fuel to a body of men lawfully residing in the island is in itself a grave breach of the peace on the part of Greek Cypriot authorities. The Turkish Government would be grateful if Your Excellency would bring the matter to the attention of the United Nations Commander in Cyprus so that the necessary measures may be promptly taken in order to avoid a worsening of the situation.

It is needless to stress that such threats on the part of Greek Cypriot authorities run counter to the call of the Security Council expressed in paragraph 1 of the resolution of 4 March to "... refrain from any action or threat of action likely to worsen the situation...". As for the attempt of Archbishop Makarios unlawfully to "terminate" the Treaty of Alliance, it is a clear instance of another call going unheeded, namely, "the call upon the communities in Cyprus and their leaders to act with the utmost restraint" as embodied in paragraph 3 of the resolution of 4 March.

The attempt of Archbishop Makarios unlawfully to "terminate" a valid treaty is not only a blow to the fundamental principles of international law and to the spirit of the United Nations Charter as expressed in its preamble and, under the circumstances existing in the area, an irresponsible move creating a grave danger to international peace and security, but also a move calculated to interfere with the efforts of the United Nations Mediator to promote a "peaceful solution and an agreed settlement..." in accordance with paragraph 7 of the resolution of 4 March 1964.

It will be recalled that the Mediator, before departing for Cyprus, said at a news conference that he regarded both the Constitution and the Treaty as valid now but that both could be changed with the consent of the four States concerned. The abrogation of the Treaty of Alliance by Archbishop Makarios soon after the arrival of the Mediator is a clear attempt to prejudice the final solution and to face the Mediator with a fait accompli.

One further act of the Greek Cypriot authorities in Cyprus which is not only a violation of the Constitution but also calculated to aggravate the situation, is the arming of irregular bands, attempting to pass them off as the "security forces" of the Republic and venturing to demand the assistance of the UNFICYP in their lawless activities. The Constitution provides that the police of the island shall be made up of 70 per cent Greek and 30 per cent Turkish Cypriots. The number of the Police Force is also limited to 2,000. Through continued illegal importation of arms into the island and the indiscriminate arming of irregular bands, the Greek Cypriot authorities have created an instrument of oppression which threatens to deteriorate the situation and which the Greek Cypriot authorities themselves may eventually find it difficult to

control. Archbishop Makarios in his statement to the Cyprus News Agency on 7 April declares that by "security forces" he means the police and the gendarmerie forces, the auxiliary police and the National Guard. As I have had occasion to bring to Your Excellency's attention before, this formidable and unwieldy weapon of lawlessness which in a test of strength even dared to fire on units of the UNFICYP the first day it became operative, poses a grave danger to peace and a serious hindrance to the possibility of returning to normal conditions. I am confident that Your Excellency and the United Nations Forces and organs in Cyprus will see the situation in its true light and will act accordingly.

Finally, I would like to draw Your Excellency's attention to the recent statements made in Athens during the visit of Archbishop Makarios to the Greek capital. If the newspaper reports of those statements are correct, it would seem that Archbishop Makarios has now finally discarded the pretence of "independence for Cyprus", "self-determination" and all the other stepping-stones to his ultimate objective of union with Greece. Neither the Turkish Government nor this delegation had at any time harboured any doubt as to that ulterior motive and have not failed to expose it at every opportunity.

The lack of good faith which Archbishop Makarios and the Greek Cypriot authorities displayed in implementing the Constitution of Cyprus, which was a delicate compromise reached after several years of arduous debate both within and without the United Nations, left no doubt as to his true intent. This coming out into the open with a drastic solution at a time when the United Nations Mediator has just begun his task of promoting peaceful solutions which may be acceptable to all, clearly reflects the attitude adopted by the "Government of Cyprus" towards the United Nations, its agents and organs. In this context may I quote today's editorial comment of a newspaper of world renown: "The United Nations is not treated (by Archbishop Makarios) according to the terms on which his troops were sent, as a partner in the delicate work of restoring order and confidence but as a screen behind which to manoeuvre."

I have written at some length in order to throw some light on the distressing situation which continues to reign in Cyprus in spite of the well-intentioned resolutions of the Security Council and in order to request Your Excellency to do all that is in your power to secure that those resolutions may be fully and effectively implemented by the Greek Cypriot authorities.

/...

I shall be obliged if Your Excellency will be so good as to have this letter circulated to all Members of the United Nations.

I avail myself of this etc.

(Signed) Orhan ERALP
Ambassador
Permanent Representative of Turkey
to the United Nations

