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Question of Cyprus****Security Council
Sixtieth year****Letter dated 19 August 2005 from the Chargé d'affaires a.i. of the
Permanent Mission of Cyprus to the United Nations addressed to
the Secretary-General**

Upon instructions from my Government, I write to bring to your attention some disconcerting statements made recently by the leader of the Turkish Cypriot community. Mr. Mehmet Ali Talat, concerning the latest developments in and the prospects for the future for the solution of the Cyprus problem.

In an interview with the Turkish newspaper *The New Anatolian*, which was published on 8 August 2005 and reproduced later in the *Turkish Weekly*, Mr. Talat was asked, inter alia, to explain his position regarding the alleged proposal of the Turkish Cypriot leader for the return of Varosha to its lawful inhabitants. In reply, Mr. Talat stated that “in exchange for returning Varosha, we want the opening of our airports and harbours, and an end to the cultural embargo. It means the end of our isolation. I am surprised when I see people criticizing this proposal without understanding its importance. Because the meaning of our proposal is to achieve the last phase before full recognition in exchange for Varosha. Essentially everything except recognition”.

These statements raise serious questions as to the real intentions and the overall objectives of the Turkish side and do not portend well for the future prospects of the efforts to achieve a just and viable solution to the Cyprus problem. By referring to the “last phase” before full recognition, Mr. Talat actually reveals that the goal of the recognition of the illegal entity set up in the occupied areas of Cyprus has never been abandoned and remains on the political agenda of the Turkish side. In fact, this statement is tantamount to a declaration that the ultimate goal remains the same and that what it has changed are the methods and tactics used for its achievement.

It has now become clearly obvious that, at this phase, the temporary objective of the Turkish side is to upgrade the status of the illegal regime set up in the occupied areas of Cyprus and to demonstrate the existence of an entity functioning in a legitimate manner, which is simply short of international recognition. Using as a springboard the results of the referenda of April 2004, the Turkish Cypriot

leadership, in concert with Turkey, has been trying, for the last 15 months, to portray internationally the image of the unquestionable supporter of the reunification of Cyprus, while asking in parallel an acknowledgement and a reward for their “efforts to achieve a solution” in the form of the ending of the so-called isolation of the Turkish Cypriots. In the light of the recent statements of Mr. Talat, one can easily draw the conclusion that the ending of the so-called isolation of the Turkish Cypriots does not constitute an objective per se; it is rather an instrument for the achievement of the temporary objective for the upgrading of the status of the illegal regime, thus earmarking the last phase on the road toward full recognition.

Even more disturbing is the attempt of the Turkish Cypriot leadership to use the fenced area of Varosha, for which the United Nations holds the Government of Turkey responsible, as a card for the promotion of its schemes to upgrade the status of the illegal entity in the occupied part of Cyprus. It should be stressed that with its resolution 550 (1984), the Security Council called for the transfer of Varosha to the administration of the United Nations, but unfortunately to no avail. Instead of complying with its obligations under international law, as stipulated by Security Council resolution 550 (1984), Turkey recently allowed its subordinate administration in the occupied part of Cyprus to make a play, under the guise of the ending of the so-called isolation of the Turkish Cypriots, for the opening of ports and airports in the said area in exchange for a mere promise to discuss at a later stage the return of Varosha to its lawful inhabitants.

The so-called proposal of Mr. Talat, during unofficial talks organized in Brussels by the European Union (EU) Presidency of the first semester of 2005, provided for the approval of the EU regulation on financial assistance to the Turkish Cypriots, amounting to €259 million, the adoption of a regulation proposed by the European Commission on direct trade between the occupied area of Cyprus and the EU and further discussions in Nicosia, under the aegis of the United Nations, on the return of Varosha in exchange for the opening of all ports and airports in the occupied area of Cyprus and the lifting of the so-called sports embargo. In fact, there was no proposal for the return of Varosha, but rather a demand to meet the Turkish claims with regard to the two aforementioned EU regulations, since the adoption of the regulation on direct trade would have in any case rendered legal the use of ports and airports in the occupied areas of Cyprus. Specifically, the proposed discussions in Nicosia on the return of Varosha, after the adoption of the two EU regulations, would have become meaningless, since they would have led to a trade-off between the return of Varosha in exchange for something already obtained by the Turkish Cypriot side.

On the specific matter of airports and ports in the occupied area of Cyprus, it should be stressed that, following the Turkish military invasion and occupation of the northern part of the island, the Government of the Republic of Cyprus declared all ports of entry into the Republic of Cyprus which are situated in those areas as closed. In particular with regard to airports, it should be noted that the Government of the Republic of Cyprus acted in accordance with the Chicago Convention on International Civil Aviation, which provides that “the contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory”, including designation of official ports of entry. Moreover, according to International Civil Aviation Organization decisions of 1974, 1975, and 1977, a country not exercising, temporarily, effective control over its territory by reasons of military occupation, does not lose its sovereign rights over its territory and the

airspace above it. In that context, the two airports operating in the occupied area of the island — over which the Government of the Republic of Cyprus has temporarily no access or effective control and consequently is not in a position to impose the terms of operation and international safety standards — are illegal and pose potential safety concerns to civil aviation.

In order to set the record straight, it should also be noted that it was the President of the Republic of Cyprus, H.E. Mr. Tassos Papadopoulos, who in June 2004 in Brussels made concrete proposals for the opening of the Famagusta port and the return of Varosha to its lawful inhabitants, in the context of the discussions on the two aforementioned EU regulations. The aim of those proposals was to facilitate the movement of persons and goods across the Green Line and to the outside world, and they constituted part of a wider set of concrete measures announced and implemented by the Government of the Republic of Cyprus in favour of the Turkish Cypriot community, following the accession of Cyprus to the EU. Those measures are in line with EU policy defined in April 2004, which aims at the economic development of the Turkish Cypriot community by placing particular emphasis on the economic integration of the island and on improving contact between the two communities. The objective of this policy is the facilitation of the reunification of Cyprus and not the promotion of divisive measures and the upgrading of the status of the secessionist illegal entity in the occupied areas of Cyprus.

When referring to the so-called isolation of the Turkish Cypriots, the Turkish Cypriot leadership seems to prefer to be oblivious to the fact that the international community has taken measures against the purported state of the so-called “Turkish Republic of Northern Cyprus”, but never against the Turkish Cypriot community. In fact, with resolutions 541 (1983) and 550 (1984), the Security Council considered the declaration which purported to create an independent state in northern Cyprus as legally invalid, called for its withdrawal and called upon all States not to recognize the purported state of the “Turkish Republic of Northern Cyprus” set up by secessionist acts, and not to facilitate or in any way assist the aforesaid entity. Instead of implementing those Security Council resolutions and complying with international law, the Turkish Cypriot leadership and Turkey prefer to insist on their attempts to erode the said resolutions and upgrade the status of the illegal entity in occupied Cyprus by hiding their intentions under the guise of the so-called ending of the isolation of the Turkish Cypriots. It should be noted that what is erroneously described by them as “isolation” of the Turkish Cypriots is, in fact, nothing more than the consequence of the illegal Turkish military occupation of northern Cyprus and the purported declaration of an “independent state”. It is a self-inflicted wound caused by their policy of pursuing status rather than pursuing settlement.

With the accession of the Republic of Cyprus to the EU, all of its citizens, be they Greek Cypriots or Turkish Cypriots, automatically became citizens of the European Union, an area which is founded on respect for human rights and the rule of law, and they are all entitled to and benefit from all the rights of European citizens. The economic development of the Turkish Cypriots and the economic integration of the two communities in Cyprus are pursued in a way that it is consistent and in compliance with international norms and EU and Cyprus domestic law.

Meanwhile, the Government of the Republic of Cyprus remains committed to a fair and sustainable resolution of the Cyprus problem, which will be mutually and

freely agreed by both communities, and “based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation”, pursuant to Security Council resolution 939 (1994).

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(Signed) Andreas **Hadjichrysanthou**
Chargé d'affaires a.i.
