



TURKISH REPUBLIC OF NORTHERN CYPRUS
 PRESIDENT'S OFFICE
 (Lefkoşa, Mersin-10, TURKEY)

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8 January, 1986

CDP 16j

PRIME MINISTER'S
 PERSONAL MESSAGE
 SERIAL No. T 5c/86

Your Excellency,

I have the honour to refer to the ongoing talks between the Greek Cypriot Administration and the European Economic Community concerning the implementation of the second phase of the EEC-Cyprus Association Agreement envisaging the establishment of a customs union between Cyprus and the EEC, and the serious political and economic significance of such a development, and to bring to your kind attention the following considerations with respect to the position of the Turkish Cypriot people on this matter.

I would like to stress, at the outset, the fact that the attempt by the Greek Cypriot Administration to represent the island unilaterally at the EEC-Cyprus customs union negotiations is not compatible either with the 1960 Constitution (which envisaged bi-communal partnership state at all levels and spheres and which Greek Cypriots had discarded as from 1963 onslaught against the Turkish Cypriots and even today it is not being implemented in letter or in spirit) or with the political and actual realities prevailing in the island today, while its attempt to deprive the Turkish Cypriot people of any likely economic and commercial benefits of a customs union, which is the ultimate aim of these negotiations, is not consistent with Article 5 of the Association Agreement, which unequivocally states that trade or technical and financial aid may not give rise to any discrimination between Member States, or between nationals or companies of these States, or nationals or companies in Cyprus.

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Her Excellency The Rt. Hon. Margaret Thatcher,
 Prime Minister,
 10 Downing Street,
 London SW 1.

The denial to the Turkish Cypriot people of any say in the negotiation and conclusion of a customs union Agreement with the EEC, with the eventual and inevitable denial of advantages of association to the Turkish Cypriot people, not only contravene the egalitarian and just spirit of Article 5 of the Association Agreement, but is also contrary to the efforts for the establishment of a federal solution to the Cyprus problem, as it further aggravates the existing economic and social disparity between the Turkish Cypriot and Greek Cypriot people, and undermines the principle of the political equality of the two communities, which is a fundamental element of the federation envisaged.

As the Association Agreement between Cyprus and the EEC was signed in 1972 with the consent of both peoples of Cyprus, it is only just and fair that any future agreement with the EEC, whether it be an agreement rescheduling the customs union timetable or providing for the process of entering into a new stage with the EEC, should not be concluded in the absence of the Turkish Cypriot people, who are the co-founder partners of the "Republic of Cyprus" established in 1960, and whose equal political status is an indispensable factor in any future federation between the two peoples in the island.

The parties to the Cyprus problem are the Turkish Cypriot and the Greek Cypriot sides. In all proposals and initiatives aimed at a solution in Cyprus, the political equality of these two sides has been a fundamental principle. The Republic of Cyprus established in 1960 by the two co-founding partners was also based on this principle. The current efforts of the U.N. Secretary-General, for the finding of a peaceful solution, are conducted on an equal footing, in compliance with this principle.

The two sides to the dispute have always met around the negotiating table on various occasions before, during the various phases of the negotiations held under the auspices of the U.N. Secretary-General, as well as at the meetings of the Committee on

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Missing Persons in Cyprus, without prejudice to each side's respective position regarding their respective status, and without drawing any legal or political conclusions from such direct contacts. The proclamation of the Turkish Republic of Northern Cyprus has not in anyway harmed this practice, contrary to what had previously been claimed by the Greek Cypriot side, as the leaders of the two sides, merely a year after the proclamation, came together at a Summit meeting held in New York, on 17 January 1985, at which they shook hands and exchanged views.

It should also be borne in mind that, in the past, the EEC Commission's officials had maintained contacts with the Turkish Cypriot Representative in Brussels and the EEC authorities had held consultations with the Turkish Cypriot side on bi-communal projects under the EEC-Cyprus Financial Protocols and other matters. It is of utmost necessity that the EEC, as in the past, should also listen to the views of the Turkish Cypriot people and take into consideration the special needs and requirements of the Turkish Cypriot side during the EEC-Cyprus customs union negotiations. We believe that this could be achieved by formulating a practical and logical method which would allow for equal treatment of the Turkish Cypriot side, as one of the two equal components of a future federation, similar to the method employed by the U.N. Organization in the negotiations for the settlement of the Cyprus problem. The Turkish Cypriot side is ready to cooperate with the EEC in finding such a practical formula.

The nature and details of such requirements and concessions needed by the Turkish Cypriot side can only be decided upon after consultations between the EEC and the Turkish Cypriot side. If the special requirements of the Turkish Cypriot side are not taken into consideration at all stages of the negotiations for the establishment of a customs union, the economic gap existing between the two peoples will be further widened and the division in the island further consolidated.

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The elimination of the existing economic disparity between the two sides constitutes one of the basic prerequisites for the solution of the Cyprus problem. The U.N. Secretary-General himself has stressed the importance which he attaches to this matter in Article 8 of the draft agreement submitted to the two sides at the Summit Meeting of January 1985. The said Article reads as follows:

"A fund for the development of the Turkish Cypriot province or federated state shall be established with a view to achieving an economic equilibrium between the two provinces or federated states... The Federal Government shall contribute to this fund. Foreign governments and international organisations shall be invited to contribute to the fund".

In view of the above, any act leading to the further widening of the existing economic and social disparity between the North and South, apart from producing the results outlined above, will also run counter to the efforts of the U.N. Secretary-General for finding a mutually acceptable solution to the Cyprus problem.

A glance at the 1960 Constitution would demonstrate that governmental authority in Cyprus is vested in both peoples and that this authority could neither be assumed nor exercised exclusively by one of the two partners without the explicit consent of the other. Furthermore, the Turkish Cypriot side is carefully considering the legal implications of a customs union between Cyprus and EEC, from the point of view of the second paragraph of Article I of the 1960 Treaty of Guarantee, which states that;

"The Republic of Cyprus undertakes not to participate; in whole or in part, in any political or economic union with any state whatsoever..."

In the light of the results of its consideration of this matter, the Turkish Cypriot side reserves the right to take appropriate measures.

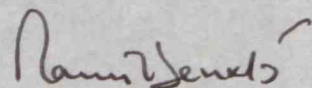
In the circumstances, the acceptance of the Greek Cypriot Administration as the legal representative of the whole of the island and the assumption that an agreement reached unilaterally between this Administration and the EEC would benefit both peoples of Cyprus is not compatible with the legal, political and actual realities prevailing in the island, especially at a time when the Turkish Cypriot side is already facing grave discrimination in the sphere of the relations between Cyprus and the Community.

I need hardly reiterate that the establishment of a customs union between the EEC and South Cyprus alone, would be tantamount to making the EEC a party to the economic embargo being imposed on the Turkish Cypriot people by the Greek Cypriot Administration. Such a development would, furthermore, be contrary to elementary justice and democracy which the EEC countries cherish and uphold, and will definitely impair the efforts of the U.N. Secretary-General in finding an acceptable solution to the Cyprus problem.

In view of the above economic, legal and political considerations, I feel confident that the EEC will ensure that appropriate arrangements are made so that an equitable relationship is established with both peoples of Cyprus, without subordinating one to the will of the other, in the negotiation process for the establishment of a customs union, in keeping with the letter and spirit of Article 5 of the EEC-Cyprus Association Agreement and in the interest of a lasting and just solution of the Cyprus problem.

Finally, I wish to express my hope and confidence that your esteemed country, as a member of the European Economic Community, will evaluate the issue at hand within the context of the considerations presented above, and will spare no effort in taking the necessary steps that would contribute towards the adoption, by the EEC countries, of an impartial policy in the EEC-Cyprus relations, thus fostering a climate that would enhance prospects for a solution of the Cyprus problem.

Please accept, Your Excellency, the assurances of my highest consideration.



Rauf R. Denktas
President