

Letter from Rauf Denktas to Robin Cook (25 March 1998)

Caption: On 25 March 1998, Rauf Denktas, President of the Turkish Republic of Northern Cyprus, forwards to Robin Cook, British Foreign Minister, a letter in which he deplores the opening of negotiations for accession to the European Union with the Greek part of the island.

Source: Letter By President Denktas To British Foreign Minister Robin Cook- March 25, 1998. [ON-LINE]. [Ankara]: Ministry of Foreign Affairs-Republic of Turkey, Updated 29.07.2004[15.06.2005]. Disponible sur <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/CyprusLetter25031998.htm>.

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Letter from President Denktaş to the British Foreign Minister Robin Cook (25 March 1998)

Your Excellency,

In view of the decision of the European Council taken in Luxembourg on 13 December 1997 to commence accession negotiations with "Cyprus" on 31 March 1998, on the basis of the unilateral and unlawful application of the Greek Cypriot administration, I deem it necessary to bring to your attention the following pertinent considerations which, unfortunately, have not been taken into account despite our numerous previous representations.

The Turkish Cypriot opposition to the EU membership of "Cyprus", on the basis of the unilateral and unlawful application made by the Greek Cypriot administration, on 3 July 1990, purporting to act for and on behalf of the whole of Cyprus, has been repeatedly made known to the EU and the international community at large. In connection with the Luxembourg decision, I would like to reiterate, once again, that under international law, Cyprus, in the present circumstances and having regard to the unilateral and unlawful nature of the Greek Cypriot application, can not join the EU. Cyprus as such is not the applicant. The applicant is the Greek Cypriot administration.

The Zurich and London agreements, which had established the bi-communal 1960 Republic of Cyprus, on the basis of absolute equal partnership, prohibit the membership of the Republic in international organisations and pacts of alliance in which both Turkey and Greece are not members.

The Foreign Ministers of Turkey, Greece and the United Kingdom, only a few days before the signing of the Zurich and London agreements on 19 February 1959, had agreed that the parties should "avoid the possibility of either Greece or Turkey securing a more favourable economic position in Cyprus than the other-of Greece, for example, establishing a kind of economic enosis", i.e. union with Greece.

The intention mentioned above is given effect in point 8 of the Zurich Agreement by expressly providing that "the President (a Greek Cypriot elected by the Greek Cypriot people) and the vice-President (a Turkish Cypriot elected by the Turkish Cypriot people) shall, inter alia, have the right of final veto on any law or decision concerning foreign affairs, except the participation of the Republic of Cyprus in international organisations and pacts of alliance in which Greece and Turkey both participate. The Zurich agreement even made it mandatory for this point, along with other, to be incorporated as "basic article" 50.1 in the now defunct 1960 constitution of the Republic of Cyprus.

Furthermore, it should be noted that point 23 of the Zurich agreement provides that "the Republic of Cyprus shall accord most-favoured-nation treatment to great Britain, Greece and Turkey for all agreements whatever their nature." This provision was also incorporated as "basic article" 170 in the 1960 constitution.

The clear intention of the parties to the Zurich and London agreement, as expounded above, and the mandatory provision of the second paragraph of article 1 of the Treaty of Guarantee of 1960, which states that the partnership Republic established in 1960 under the said treaties "undertakes not to participate, in whole or in part, in any political or economic union with any state whatsoever, "can not be disputed and proves the intention to maintain an equitable balance between the respective interests of the two constituent communities and the guarantor powers on Cyprus. The EU membership process should not be allowed to upset neither the internal balance between the two equal peoples of Cyprus nor the balance between the two motherland guarantor powers, Turkey and Greece, established by the 1960 treaties.

The unilateral and unlawful application of the Greek Cypriot regime for EU membership is, therefore, void ab initio and cannot be binding on the Turkish Cypriot people or on Cyprus as a whole. The Greek Cypriot administration has no lawful authority under the 1960 Treaties or at all to make such an application on behalf of the Turkish Cypriot people or the whole of Cyprus. Consequently, the EU should not have processed it as if it were a valid application.

The underlying considerations of and the "state of affairs" created by the 1959-1960 international treaties are still in full force and effect. These are the fundamental rights and status I have been defending at the negotiating table over the years and which the Greek Cypriot side now aims to destroy by accession to the EU. The EU membership is being used as a ploy for doing away with our vested rights and for destroying the balance between Turkey and Greece over Cyprus in favour of the latter. Thus, removing the fundamental element of permanence of the political equality of the two parties in Cyprus. In fact, Mr. Clerides has no hesitation in telling his people that once "Cyprus" is accepted as a member of the EU, "the national cause of Hellenism will triumph" because the Treaty of Guarantee will be inapplicable against a member state of the EU and further, that by virtue of the EU laws all the basic parameters that have so far emerged regarding a bi-zonal, bi-communal settlement will be of no effect.

Third parties always encourage us to look to the future. In order to look to the future, however, we have to start with the current realities. The indisputable reality is that there are two distinct national peoples with distinct cultures and religions, two distinct legal structures, two distinct economies and two separate democratic and sovereign states in Cyprus. Neither of these two states or their respective governments can claim the legal or moral right to be the state or the government of the other. The act of recognition or non recognition does not change this reality-in fact, the act of recognition is inherently a political one and under the rule of law can not change the provisions of international treaties. The fact that administration is not and can not in law or in fact be the "Government" of the Turkish Cypriot people is quite obvious.

The pretense that an administration composed solely of Greek Cypriots is "the legitimate Government for the whole of Cyprus" and can act on behalf of the Turkish Cypriot people is a challenge to all those who believe in a world based on the rule of law, human rights, freedom and democracy. It is this wrong perception that has prevented the solution of the Cyprus question. Even Mr. Clerides himself has acknowledged at our face-to-face talks at Glion in August 1997, in replying to my question whether he regarded himself as the Government of the Turkish Cypriot people, when he said "I know that I am not your Government but the whole world tells me that I am the Government of Cyprus. Do you expect me to tell the world that I am not?"

The imbalance which prevented a fair settlement for three decades has been aggravated by the EU with its Luxembourg decision, which purports to relegate the Turkish Cypriot co-founder partner to the position of "all communities" (apparently a reference to the religious groups referred to in article 2 of the 1960 Constitution), in complete disregard of the fundamental fact that the 1960 accord and the partnership Republic established thereafter are based on the political equality of the Turkish thereafter are based on the political equality of the Turkish Cypriot and the Greek Cypriot partners, while the other religious groups have been given the right to opt for one of the two partnership they wish to join. By ignoring these fundamental legal facts and prevailing realities the EU has tackled the application by "Cyprus" in a superficial way and this has further reinforced the reasons preventing the successful conclusion of the negotiations.

The suggestion in the said decision that "The Turkish Cypriot Community" should take part in the EU membership process initiated by the unilateral and unlawful Greek Cypriot application has led Mr. Clerides to make a call to the "Turkish Cypriot community" to join the "Cyprus" delegation that will be conducting "accession negotiations" with the EU. This call made by Mr. Clerides at the London conference on behalf of the so-called "Government of Cyprus", clearly demonstrates that the Greek Cypriot side believes that it has already achieved the ability to impose its political will on us through EU membership and become the supreme ruler of the island.

It is obvious that as long as the Greek Cypriot side is unjustly treated as the "Government of the whole island" by the EU and the international community, it will not adopt a realistic approach to the Cyprus issue. The EU does not have the legal or moral right to disregard the sovereign equality or the partnership and political status of the Turkish Cypriot people, stipulated by the 1960 Treaties. The Turkish Cypriot side cannot be expected to accept such a development after having made all the sacrifices any people could have made in order to defend its life and liberty for three decades. There has not been a government in Cyprus representing both peoples of the island since the forceful destruction of the partnership Republic by the

Greek Cypriots in 1963. Thus, Mr. Clerides had no right or authority to take part in the above-mentioned conference on behalf of Cyprus and to extend such an invitation to the Turkish Cypriot people in its capacity as the "president" of Cyprus. We do not accept the existence of such a delegation as the "Cyprus delegation". The said delegation is a Greek Cypriot delegation, falsely purporting to be the representative of the whole island.

I am sure you will concede that neither the EU nor any international organisation has the right to take decisions in contravention of the rule of law and create international obligations regarding the future of the Turkish Cypriot people without their consent.

For the legal and political reasons stated above, the Turkish Republic of Northern Cyprus does not accept the Luxembourg decision and will under no circumstances take part in the current EU membership process. The excuse that the Turkish Republic of Northern Cyprus is not recognized by member states of the EU does not justify disrespect for the vested rights of the Turkish Cypriot people as a co-founder partner of the 1960 Republic, under the 1960 treaties.

By taking this latest decision, in complete disregard of the international treaties and the prevailing realities, as explained above, the EU has only helped destroy the parameters for settlement in Cyprus which has emerged over the years through the process of negotiations. It has become imperative, therefore, that any future phase of negotiations take place not, as hitherto, between the "two communities" - a formula which allowed one of the "communities" to continue with the false pretence of being the "Government of Cyprus" and under that title destroy everything done in the intercommunal talks, whilst "punishing" the Turkish Cypriot people by continuing with the imposition of the illegal and inhuman embargoes but between the two sovereign states. In order to stop this injustice and create the necessary balance between the two parties, it is necessary to find a new basis for future negotiations between the two independent sovereign states in Cyprus.

We continue to maintain the hope that the EU will realize, without further delay, that the opening of the accession negotiations with the Greek Cypriot administration will lead to the permanent division of the island, and that the EU will act in line with its historic responsibility in this respect.

Please accept, your excellency, the assurances of my highest consideration.

Rauf R.Denktaş

President of the TRNC