

**Security Council**

Distr.: General
4 February 2019

Original: English

Letter dated 31 January 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter dated 30 January 2019, addressed to you by İsmet Korukoğlu, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Security Council.

(Signed) Feridun H. **Sinirlioğlu**
Permanent Representative



Annex to the letter dated 31 January 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council

The Security Council today adopted its resolution [2453 \(2019\)](#) regarding the extension of the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP). The detailed observations of the Turkish Cypriot side regarding the resolution have already been presented to the Presidency verbally as well as in writing at our meeting today.

Upon instructions from my Government, I would like to underline, once again, the views of the Turkish Cypriot side, particularly vis-à-vis the issue of consent as well as the modalities of the operations of UNFICYP within the territory of the Turkish Republic of Northern Cyprus (TRNC). As you are well aware, one of the governing principles of United Nations peacekeeping operations throughout the world is the requirement that the consent of parties to the dispute be sought, in line with the Brahimi Report, where it is clearly stated “that consent of the local parties and impartiality ... should remain the bedrock principles of peacekeeping.” Thus, UNFICYP can operate on both sides of the Island only on the basis of the consent of both parties. Otherwise, UNFICYP “risks becoming a party to the conflict”, as stated in the *United Nations Peacekeeping Operations: Principles and Guidelines*. Indeed, this principle of consent is also fundamental to the Secretary-General’s good offices mission, which treats the Turkish Cypriot and Greek Cypriot sides on the Island on an equal footing. Furthermore, since the political process is directly interlinked with the peacekeeping operations, not seeking the consent of one of the sides in relation to UNFICYP, namely the consent of the Turkish Cypriot side as one of the two sides of the political process, would constitute a serious shortcoming in this regard.

Moreover, at a time when the Secretary-General, in his report dated 11 January 2019 ([S/2019/37](#)), calls upon the two sides to cooperate towards “developing, with support from UNFICYP, their own mechanisms for alleviating tensions” and states that “UNFICYP will further increase its efforts to bring the two communities together ... and remains ready to support cooperation in priority areas”, which were echoed in the discussions leading to the adoption of the upcoming Security Council resolution on Cyprus, the refrainment of the United Nations from seeking the consent of or cooperating with the Turkish Cypriot side contradicts the aim of these discussions within the Security Council, as well as the calls of the Secretary-General in this regard.

Needless to say, the consent to the extension of the mandate of UNFICYP sought and obtained prior to the adoption of resolution [2453 \(2019\)](#) from the Greek Cypriot side, which purports to be the long-defunct “Government of Cyprus”, only covers the operations of UNFICYP in Southern Cyprus. In view of this fact, I feel obliged to state that, for the time being, as a gesture of the goodwill of the Turkish Cypriot side and with the permission of our Government, UNFICYP personnel will continue to operate within the borders of the TRNC and we will maintain our cooperation with UNFICYP, while at the same time continuing to request that it work with us to develop the modalities of its operations in Northern Cyprus.

I would be grateful if the present letter and its enclosures could be circulated to the members of the Security Council.

(Signed) İsmet **Korukoğlu**
Representative

Enclosure 1

Talking points on the extension of the mandate of UNFICYP by the Security Council (January 2019)

- **OP6 and OP20:** The call upon the sides and the relevant involved parties in paragraph **OP6** “to explore ways to establish **mechanisms** and to enhance existing initiatives, with UNFICYP as facilitator through its liaison role, for effectively alleviating tensions and to help address island-wide matters that affect all Cypriots” constitutes a positive start towards **direct cooperation** between the two sides, since it is imperative for the two sides in Cyprus **to find ways to cooperate in all fields**, which would help them to **build confidence, a cooperative relationship and interdependence**. The Turkish Cypriot side is ready to work with the Greek Cypriot side in this regard.
- **PP2 and PP23:** As regards references to the “**Government of Cyprus**”, it should be recalled that the 1960 Republic of Cyprus, established by international agreements of 1959 and 1960, was destroyed by the Greek Cypriot partner. Since then, there has not been a joint central administration capable of representing the whole of Cyprus, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the “**Government of Cyprus**”. The two separate and simultaneous referenda held on 24 April 2004 on the comprehensive settlement plan of the then UN Secretary-General has highlighted, once again, the **fact that the island of Cyprus is comprised of two distinct peoples and administrations**. Hence, this reference is unacceptable.

It should be recalled that **in line with the Brahimi Report, the consent and approval of all concerned parties, which** constitute a bedrock principle of peacekeeping operations, is necessary for the success of such operations and this principle undoubtedly applies to the operations of UNFICYP which has to cooperate with two politically equal parties to the dispute in Cyprus. The reference in **PP2** only to the agreement of the Greek Cypriot administration regarding the extension of the presence of UNFICYP is contradicting the aforementioned bedrock principle as it overlooks the need for consent and approval of both sides, hence UNFICYP “risks becoming a party to the conflict” as stated in the United Nations Peacekeeping Operations Principles and Guidelines. It should be borne in mind that short of good will and courtesy on the part of the Turkish Cypriot side, it would not be possible for UNFICYP to function on the island.

Moreover, the fact that the present Resolution has removed the reference to **UN Security Council Resolution 2436 (2018)**, which was present in the first version of the Resolution and which *“reaffirms the basic principles of peacekeeping, such as the consent of the parties, impartiality...”*, constitutes a serious anomaly and contradiction, since the Security Council is removing its own unanimously-adopted Resolution as regards all peacekeeping operations. Hence, it should be understood that the fact that the UN Security Council is subjectively removing this important overarching Resolution does not detract from the binding nature of the said Resolution or change the reality that the consent of the two sides is an absolute requisite to peacekeeping operations, including UNFICYP.

The Turkish Cypriot side has repeatedly put on record the need to establish a formal agreement/framework which arranges and defines the relationship between UNFICYP and our authorities. This could be in the form of a **Status of Forces Agreement (SOFA)**, or another mutually acceptable format, as long as it is reached with the consent of UNFICYP and the Turkish Cypriot relevant authorities. Such a step would surely challenge the unacceptable status quo.

- **The issue of the unjust isolation imposed on the Turkish Cypriot side can no longer be overlooked, nor be absent from the present Resolution.** Almost fourteen years have elapsed since the report of the then UN Secretary-General to the Security Council dated 28 May 2004 ([S/2004/437](#)), where it was clearly stated that “there exists no rationale for pressuring and isolating the Turkish Cypriots”. The imbalance created by the perpetuation of the isolation reinforces the Greek Cypriot inclination to act unilaterally instead of thinking in terms of sharing power and prosperity. The imposition of this isolation is also the most important element exacerbating the deep crisis of confidence between the two peoples and the two sides.
- **OP1, OP2 and OP5(a):** The technical rollover in these paragraphs as regards the previous negotiation process and the Conference which took place in Crans-Montana, Switzerland, in 2017, means that the resolution is not in tune with the realities of today.
- In this regard, it is unfortunate that **OP1** suffices it to refer to the collapse of the Conference in Crans-Montana as a mere “conclusion”, and continues to place emphasis on the aftermath of the Conference in which there has been a “lack of progress”. Needless to say, it is impossible to achieve progress when there is not even a current process underway.

This approach undermines the fact that it was the collapse of the Conference itself which is what necessitated the appointment of UN Consultant Jane Holl Lute in the first place. Hence, wording which omits to diagnose *why* there has been a lack of progress following Crans-Montana is incomplete, since the reason for the lack of progress is the very fact that there was no process because the process had collapsed in Crans-Montana.

- We **welcome** the statement in **OP1** of the resolution that the sides are urged “**to agree terms of reference which would constitute a consensus starting point for meaningful results-oriented negotiations leading to a settlement within a foreseeable horizon**”. This is also in line with the most recent Report of the UN Secretary-General on his Good Offices Mission, dated 15 October 2018 ([S/2018/919](#)), which refrained from putting the two sides in a straitjacket in terms of the type of settlement.

In this regard, calls made to sides **on agreeing on terms of reference** should not detract from this pertinent determination of the UN Secretary-General, aka **should not merely be about methodology, but also substance, i.e. a common vision for the way forward**. Hence, the resolution should urge all involved in this manner.

Moreover, while **PP5** of the resolution makes the call on the sides to “*renew their commitment to an enduring comprehensive and just settlement based on a bicommunal, bizonal federation with political equality*”, this gives the impression that there is currently a process underway, and that the only settlement model on the table is the bi-communal bi-zonal federal format. This approach is in line neither with the Secretary-General’s aforementioned report nor with the wording in the resolution which refers to a consensus starting point, in which there is no reference to the type of settlement model to be reached.

- **PP7, OP9 and OP20:** Confidence Building Measures (CBMs) which were discussed at the relevant Technical Committees referred to in these paragraphs of the resolution remain largely unimplemented due to the Greek Cypriot side’s unilateral decision to halt the work of the Committees following the collapse of the Conference in Crans-Montana, even though these works are related to day-to-day issues affecting peoples on both sides of the island. Believing that the CBMs are vital for bridging trust and establishing cooperation between the two sides in Cyprus, the Turkish Cypriot side has fulfilled all its responsibility to implement all CBMs as agreed and announced by

the two leaders, including the interconnectivity of electricity grids and the interoperability of the mobile phones.

Following the collapse of the negotiations and the subsequent deepening of the already existing mistrust between the two sides, we concur with the view that there is a need for renewed efforts to implement CBMs in an open-minded and creative manner, including the issue of the natural resources around the island which belongs to the Turkish Cypriot side, just as much as the Greek Cypriot side, as one of the two equal co-owners of the island – a fact which is also accepted by the international community, as well as the Greek Cypriot side itself. As the Turkish Cypriot side, we are open to discussing existing and new CBMs which will enable the two sides to cooperate. We hope and trust that the Greek Cypriot side will be encouraged in this regard.

- **PP7, PP8, OP5(c) and OP11:** We welcome the calls in the resolution to promote confidence building particularly in the field of education. However, the resolution could have taken one step further by referring to the specific impediments created by the Greek Cypriot side as regards the Imagine Project within the scope of the Technical Committee on Education. In this connection, it could have been noted that the Turkish Cypriot side has already expressed its willingness to go beyond the scope of the project by proposing to expand this project, to expose more children from both sides to the education systems in the other side by organizing visits to schools. However, the Greek Cypriot side declined this proposal in contradiction to the mandate of the project as a result of the Greek Cypriot Ministry of Education preventing Greek Cypriot students from visiting the schools in the North. Hence, the call in the resolution should be openly directed at the Greek Cypriot side and should mention that the Greek Cypriot side has recently cancelled some of the visits to schools in the North. Otherwise, the side responsible for preventing the realisation of the project will not feel the need to reconsider its position.
- **PP9 and OP9:** While we welcome that the resolution welcomes the opening of new crossing points in November 2018, it is insufficient to reaffirm the importance of “continued crossings of the Green Line by Cypriots”, since this omits the fact that the Greek Cypriots continue to hinder crossings of Turkish Cypriot citizens of Republic of Turkey origin, who have taken part in the 2004 referenda and will do so in any future referenda, as well as some third party nationals across the Green Line. This goes against the established procedure regarding freedom of movement across the buffer zone without prejudice. The Greek Cypriot side’s practices on this matter are arbitrary, i.e. based on place of birth, passport or intention to stay in the North.
- **PP14 and OP17:** On the issue of demining, the resolution, as it has done in the previous resolution, suffices to ‘regret’ that the sides are withholding access to remaining minefields and to ‘note’ proposals and discussions on this issue, without making reference to the multiple and **concrete proposals of the Turkish Cypriot side** since 2014, in conformity with the Security Council resolutions, **to clear all mines in Cyprus** starting with the buffer zone, the most recent of which was a letter sent to Special Representative of the Secretary-General and Chief of Mission of UNFICYP, **Ms. Elizabeth Spehar on 8 October 2018 (Annex)**. It should be noted that the Greek Cypriot side continuously rejected these proposals and has, once again, opted to apply to the Anti-Personnel Mine Ban Convention’s Committee on Article 5 Implementation, and requested an extension until 1 July 2022, to fulfil its obligations to destroy all anti-personnel mines in mined areas under its jurisdiction. This shows the insincerity of the Greek Cypriot side to **clear all mines throughout the island** when this is in fact possible.
- The wording pertaining to the issues of demining and the status of the buffer zone, among other issues, constitutes an overall and unbalanced approach of the UN

Security Council of overlooking Greek Cypriot faults/violations, as well as not affording due praise to the initiatives and proposals of the Turkish Cypriot side. Such a subjective stance by the UN Security Council merely contributes to the lack of will to cooperate with the Turkish Cypriot side.

- **PP12, OP15 and OP16:** Regarding the military status quo, the Resolution makes a direct reference in **OP16** to Akyar/Strovilia – an area which does not constitute a violation since it lies within TRNC borders – and yet makes no reference to the unauthorized and illegally-constructed university in the village of Pile/Pyla – which was built before the very eyes of the UN authorities – as well as other Greek Cypriot violations of the status of the buffer zone. It should be reminded that the Turkish Cypriot Security Forces proposed to reciprocally withdraw the military presence from Akyar/Strovilia, despite its situation within TRNC borders
- **PP7, PP20, OP8, OP9 and OP14:** The resolution makes reference to the “need to implement the remaining recommendations contained in the report of 2017 Strategic Review of UNFICYP”, however this is not adequate in reflecting the need in this regard. In this connection, the Turkish Cypriot side has previously put on record its view that the strategic review of UNFICYP, which is also called for by the UN Security Council, should include a review of its *mandate* in addition to a review of its *functions and operations*, even prior to a settlement, in light of the changing circumstances on the island. Hence, the reference made to the need to presently review UNFICYP only in terms of its operations and further linking the review of the mandate of UNFICYP exclusively to ‘transition planning in relation to a settlement’ is not adequate. The resolution should go a step forward in this regard.

It is UNFICYP’s *civilian component* which plays a role in liaison and engagement by means of *monitoring and reporting* on issues concerning the two sides, namely the Turkish Cypriot and Greek Cypriot sides. In other words, this constitutes the role of deterrence of UNFICYP on matters which take place within its area of responsibility – limited to the Buffer Zone – which is already being conducted by the civilian, *not the military component*. Given this reality, the *military component of UNFICYP on the island is no longer necessary*, since it neither contributes to the aforementioned role, nor serves as a deterrent preventing the recurrence of violence on the island.

The removal of the military component of UNFICYP would also serve as a good example of a *military Confidence Building Measure* (CBM), to which the UN itself attributes utmost importance and priority. This would also be in line with the envisaged role of UNFICYP within the scope of transition planning in the aftermath of a settlement.

- **OP5(b):** As regards the call to intensify the work of the Technical Committees, this overlooks the fact that the Greek Cypriot side has either slowed down or halted the work of these Committees. A case in point is the *ad-hoc* Committee on harmonization of the Turkish Cypriot side with EU law, which was established to prepare the Turkish Cypriot side for a future settlement. The Greek Cypriot side has halted the work of the Committee, citing the absence of negotiations, a move which is entirely contradictory to the mandate of the committee. It is also ironic that the Greek Cypriot side is fully committed to the work of the Technical Committee on Cultural Heritage, because it needs to cooperate with the Turkish Cypriot side in order to realize renovation works in North Cyprus.

Moreover, the call regarding the objective of “enhancing intercommunal contacts” is weak, since the emphasis should be placed on cooperation between the two sides. In other words, the work of the Technical Committees should not be limited to intercommunal contacts. Time has shown that mere intercommunal contacts do not

contribute to the building of trust between the two peoples. Hence, cooperation between the two sides in different fields of life is necessary.

The Turkish Cypriot side fully supports the work of all the Technical Committees, and trusts that the Security Council will call upon the sides to establish a cooperative relationship in all fields of life.

- **PP2 and PP23:** The reference to the “Government of Cyprus” is sufficient in itself for us to **reject the resolution in toto**. We would like to remind that UNFICYP could only function in our territory as our guests, in the spirit of goodwill and cooperation, and according to the decisions made and modalities set by the TRNC Government.

30 January 2019

Lefkoşa

Enclosure 2

8 October 2018

Excellency,

I would like to refer to your letter, dated 4 July 2018, and to propose, in conformity with Security Council resolution [S/2018/737](#) (2018), the demining of the entire island, in a comprehensive manner, commencing with the Buffer Zone.

Our proposal, which was initially put forth on 14 April 2014 and reiterated in May 2015, is to clear the remaining minefields, starting with the Buffer Zone by the United Nations, followed by demining operations to be conducted simultaneously in North Cyprus by the Turkish Cypriot side and in South Cyprus by the Greek Cypriot side.

As the Turkish Cypriot side, we are ready, within the framework of this proposal, to discuss the modalities and reach an agreement on the matter without further delay.

We believe that we can only achieve progress on the issue of demining as a Confidence Building Measure through a holistic approach rather than a partial one. This is the only way forward if the Greek Cypriot side is truly serious about demining.

We would be grateful for your assistance in conveying our proposal to the Greek Cypriot side, and urging their favourable response.

In concluding, I would also like to kindly request that His Excellency Mr. António Guterres, Secretary-General of the United Nations, as well as the Members of the Security Council, are informed about this proposal, which will enable us to achieve a mine-free island as soon as possible.

(Signed) Prof. Kudret Özersay
Deputy Prime Minister and Minister of Foreign Affairs
