

November 29, 2004

The Honorable Colin L. Powell
U.S. Department of State
Harry S. Truman Building
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Thomas J. Ridge
U.S. Department of Homeland Security
Naval Security Station
Nebraska and Massachusetts Avenues, N.W.
Washington, D.C. 20528

Dear Secretary Powell and Secretary Ridge:

As a member of the Senate Subcommittee on Aviation, it has come to my attention that in late October, 2004, two officials from the U.S. Department of Homeland Security's Transportation Security Administration (TSA) conducted an inspection of the airport at Tymbou, Cyprus, which is located in the area of Cyprus presently under illegal occupation by Turkish troops. This action apparently comes in the wake of other U.S. measures related to possible flights into the Tymbou airport and the airport at Lefkoniko, also in the occupied territory. Specifically, it is my understanding that the Administration has contacted the International Civil Aviation Organization (ICAO) about access to these illegally operated airports, and that in May, 2004, the National Geospatial Intelligence Agency designated these airports with official U.S. Government identifiers – LC46 for Tymbou and LC47 for Lefkoniko.

These actions raise troubling issues related to international civil aviation and United States foreign policy. As you know, the Foreign Assistance Act of 1961 sets forth our policy on Cyprus. Specifically, Section 602c of that Act makes clear that United States policy supports the free government of Cyprus and the withdrawal of all Turkish military forces on Cyprus. Consistent with this policy, the United States does not recognize the self-declared "Turkish Republic of Northern Cyprus." Thus, the entire island, including the northern area presently occupied by Turkish troops, is the sovereign territory of the Republic of Cyprus. This United States policy is supported by two separate UN Security Council Resolutions, Resolution 541 (1983) and Resolution 550 (1984).

International norms of civil aviation, including those administered by ICAO, recognize that legal flights into a country cannot occur without the consent of the government with sovereignty over the airspace in question and the target airports specifically. Flights into the occupied northern part of Cyprus without the consent of the Republic of Cyprus are inconsistent with these international standards. I understand that

ICAO took this position when contacted by U.S. officials earlier this year. Nonetheless, the U.S. government dispatched two officials from TSA to visit these occupied airports.

According to the State Department spokesperson, the TSA inspection was part of “looking at steps that can help ease the isolation of Turkish Cypriots.” In my view, this belief is misplaced. Although the UN, the United States, and the Republic of Cyprus are all working to strengthen the economy and trade in the occupied area, ICAO has made clear that these efforts cannot include flights to the northern occupied territory because they are inconsistent with the findings of UN Security Council Resolutions 541 (1983) and 550 (1984). UN Secretary General Kofi Annan’s commendable goal of increasing opportunities in the Turkish-occupied north should not override the authority of ICAO, the UN’s own agency, or the boundaries of international law. Even if the United States were to determine that flights into the Turkish-occupied area are beneficial, authorization of flights deemed illegal by ICAO (and in violation of the sovereignty of Cyprus) establishes a dangerous precedent.

Of additional concern is the very real possibility that these actions contravene the United States’ policy for Cyprus, as established by the Foreign Assistance Act. It is my belief that this statutory policy – enacted by Congress, signed by the President, and today unchanged – should serve as the guiding principle for the United States government. This policy has no room for acts that undermine the legitimate and legal sovereignty of the Republic of Cyprus.

Finally, it is my understanding that no United States airline, cargo or passenger, has expressed any interest in flying to northern Cyprus. I am curious as to how and why TSA has the resources to inspect these airports while, at the same time, reducing the number of security personnel at our domestic airports.

I look forward to receiving clarification regarding the specific purpose of the TSA visit, its outcome, and its effect on U.S. foreign and aviation policy with respect to Cyprus. Thank you.

Sincerely,

Olympia J. Snowe
United States Senator