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CYPRUS INTERCOMMUNAL TALKS

Following the Turkish invasion
of July-August 1974

Published
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Introductory

The Republic of Cyprus, an independent state, member of the United Nations, was invaded by Turkey on July 20, 1974, allegedly for the purpose of restoring the constitutional order disturbed by the preceding coup engineered by the Greek Junta. As a result, 40% of the country's territory was occupied by the invasion forces and about 200,000 Greek Cypriot people were uprooted from their homes in the occupied area and turned into refugees in their own country. It has since become evident to all, that the real aim of the Turkish military intervention was not the restoration of constitutional order, or the protection of the rights of the Turkish Cypriot community, but the abolition of the independent Cyprus state, first through the partition and later the occupation of the whole of the island. This is proved by the fact that the Turkish occupation of the northern part of the country, continues five years after the invasion and the uprooted Greek Cypriot people are prevented from returning to their ancestral homes. Additional proof of Turkey's sinister designs against Cyprus is also provided by the fact that many thousands of mainland Turks have been brought to the island and settled in the houses of the forcibly evicted Greek Cypriot population.

The Cyprus Government had many recourses to the United Nations Organization denouncing the violation of her independence, sovereignty and territorial integrity by the military stronger neighbouring country.

On November 2, 1974 the U.N. General Assembly adopted resolution 3212 which, *inter alia*, called upon all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and urged the speedy withdrawal of all foreign armed forces from the Republic of Cyprus and the cessation of all foreign interferences in its affairs. The resolution further said that all refugees should return to their homes in safety and called upon the parties concerned to undertake urgent measures to that end, and finally recommended negotiations between the two communities with a view to reaching freely a mutually acceptable political settlement.

The above resolution was reaffirmed in subsequent U.N. resolutions. The Turkish side, showing utter contempt for

resolution 3212 for which Turkey also voted, refused to implement any of its provisions. She has not withdrawn the invasion forces from the island, has not allowed the Greek Cypriot refugees to go back to their homes and continues to violate the independence, sovereignty, and territorial integrity of Cyprus by keeping the northern part of Cyprus under military occupation. The only provision that the Turkish side appeared to be ready to implement was that recommending the carrying out of negotiations for the solution of the political problem. The Greek Cypriot side, despite the fact that Turkey has not complied in the least with any of the other provisions of the U.N. resolutions, agreed to enter into negotiations with the Turkish Cypriot side in goodwill in a desire to help find an acceptable solution. But successive rounds of talks have proved beyond the slightest doubt that Turkey who is dictating her will to the Turkish Cypriot leadership is not interested in a reasonable settlement on the basis of the U.N. resolutions but in imposing a settlement based on the *faits accomplis* created by the aggression.

As a result of efforts by the United Nations agreements were reached between the Greek Cypriot and the Turkish Cypriot side providing the framework for a solution to the Cyprus problem. These were the Makarios—Denktash agreement on the four guidelines in February, 1977 and the Kyprianou—Denktash agreement of May, 1979. In both cases the Turkish side failed to comply with these agreements. As if that were not enough, the Turkish side took further steps to consolidate the partitionist situation in Cyprus and to pave the way for the eventual partition and occupation of the whole of Cyprus. Turkish bad faith was manifested also in the Denktash—Clerides talks immediately after the Turkish invasion, which preceded the above two agreements. The reader will also note the continuous concessions made by the Greek Cypriot side to contribute towards an agreement.

We give below an account of the various rounds of talks on the Cyprus problem which show clearly that the blame for the continuing deadlock in the Cyprus problem rests entirely with the negative attitude of the Turkish side.

Early meetings

In December, 1974 and early January, 1975, Mr. Glafcos Clerides, as representative of the Greek Cypriot community and Mr. Raouf Denktash, as representative of the Turkish Cypriot community, had a number of meetings in the presence of the U.N. Secretary-General's Special Representative at the time Mr. Weckmann-Munoz and exchanged views concerning the basis for

the start of talks on the substance of the Cyprus problem. Final agreement was reached on 8 January, 1975, and it was announced that in their capacity as negotiators of their respective communities they would begin their work on 14 January by discussing the powers and functions of the Central Government in a Federal State. At the same time they agreed to continue their talks on humanitarian issues started earlier.

On February, 1975, Mr. Clerides informed Mr. Denktash that at their next meeting, that is on 10 February, he would submit in writing proposals for the solution of the Cyprus problem. On the same date the U.N. Secretary-General's Special Representative Mr. Weckmann-Munoz issued a communique, approved by Mr. Denktash and Mr. Clerides, which contained, *inter alia*, the following:

“Mr. Clerides informed Mr. Denktash that at the next meeting he will give him in writing proposals for the solution of the Cyprus problem. Mr. Clerides and Mr. Denktash, together with Ambassador Weckmann-Munoz, will meet again on Monday the 10th of February”.

On the morning of the 10th February, that is the day on which the Clerides—Denktash meeting was agreed to take place, Mr. Clerides was informed that at the request of Mr. Denktash the meeting was cancelled and that perhaps they might meet on the 15th of February or on the 18th.

Mr. Clerides, having promised to give his proposal for the Greek Cypriot side to Mr. Denktash on the 10th February, in view of the cancellation of the meeting, forwarded the proposal to him on that date.

Greek Cypriot proposals, 10th February 1975

Under the proposals of the Greek Cypriot side the constitution of the Republic of Cyprus would be based on the following principles:

1. Cyprus shall be an independent sovereign Republic.
2. The Constitution shall be that of a bi-communal, multi-regional federal state.
3. The areas to be administered by the Turkish Cypriots may include a substantial area in the north extending on both sides of the Nicosia—Kyrenia axis to the sea.
4. Other areas under Turkish Cypriot administration shall be formed where Turkish Cypriot villages are mainly concentrated.

5. The total extent of areas to be under Turkish Cypriot administration shall correspond approximately to the present ratio of the Greek and Turkish population of the island.
6. Should there be need, for purposes of administration, of a substantial Turkish-Cypriot majority in areas to be under Turkish-Cypriot administration, the Republic will undertake the financial responsibility of the cost of building houses for Turkish Cypriots in Turkish villages, who finally may wish to be settled in areas which will come under Turkish Cypriot administration.
7. The Central Government of the Federal State shall have substantial powers.
8. The legal status of Greek Cypriots, who will be living in areas under Turkish Cypriot administration, and that of Turkish Cypriots, who will live in areas under Greek Cypriot administration, shall be defined and entrenched.
9. Human rights shall be entrenched in the Constitution, including the right of freedom of movement throughout the island, the existing rights of property and the right to acquire, own, possess, use and enjoy property in any area or place in Cyprus.

The proposals do not affect the provisions of resolution 3212 of the United Nations General Assembly and, in particular, those regarding the speedy withdrawal of all foreign armed forces from Cyprus and the return of all refugees to their homes, which should be implemented.

Note: These proposals do not deal with the question of guarantees, which should be effective and wide.

The objectives of these proposals were first to expedite the commencement of negotiations on the substance of the Cyprus problem and, secondly, to let Mr. Denktash realize that certain possibilities existed of narrowing differences between the two sides. The proposals, though based on a multi-regional federation, accepted that a substantial area in the North would be under Turkish Cypriot administration and that the Turkish Cypriots would have in that area and other areas substantial majority.

Turks proclaim separate state

In response to the above proposals of the Greek Cypriot side and before they were discussed at the intercommunal talks the Turkish Cypriot side decided and actually proclaimed on 13th

February, 1975 a separate state in the part of the island under the occupation of the Turkish troops, and Mr. Raouf Denktash, the Turkish Cypriot negotiator at the talks was elected first "President" of the "Turkish Federated State of Cyprus".

In a statement on February 13, the late President of the Republic Archbishop Makarios said that the decision of the Turkish Cypriot leaders to proclaim a Turkish Cypriot state constituted one more attempt to undermine the Cyprus State and confirmed the bad faith both of the Turkish Government and the Turkish Cypriot leadership. The Turkish Cypriot leadership's decision, his Beatitude added, demonstrated utter contempt for the resolutions of the U.N. General Assembly and the Security Council. The unilateral decision of the Turkish Cypriot leadership prejudged the outcome of the talks and the solution of the Cyprus problem. For the Turks, the statement added, the solution of the Cyprus problem, meant approval and acceptance of *faits accomplis* by the Greek Cypriots. In the circumstances, it was not possible to carry out constructive negotiations, as provided by resolution 3212 of the U.N. General Assembly.

President Makarios said that the Cyprus Government, in view of the Turkish Cypriot attitude, deemed it necessary, to make a recourse to the Security Council and that the decision in this connection had been reached jointly with the Greek Government.

As if the action of establishing a separate state were not enough to destroy the intercommunal talks, the Turkish side took further action in its effort to impose a solution to the Cyprus problem based on the *faits accomplis* created by the Turkish invasion. Thus a 'law' was enacted under which the 40,000 Turkish occupation troops could settle permanently in Cyprus and also bring their families. They would, of course, be settled in the north of the island, in the homes of the 200,000 Greek Cypriot refugees forced out by the Turkish army.

On the day on which the so-called "Turkish Federated State of Cyprus" was established, Mr. Denktash handed to Mr. Weckmann-Munoz a note containing a set of principles proposed by the Turkish Cypriot representative at the talks on the constitutional aspect of the Cyprus problem. The note was delivered by Mr. Weckmann to Mr. Clerides. Mr. Denktash at the same time asked for a meeting on February 17, to continue the political talks on the substance of the Cyprus problem and also proposed that the sub-committee on humanitarian matters should meet simultaneously.

Turkish Cypriot principles (13 February 1975)

The principles proposed by the Turkish Cypriot side on the constitutional aspect of the Cyprus problem were the following:

1. Cyprus is an independent and secular Republic.
2. There shall be made a Constitution for a bi-communal and bi-regional Federal State.
3. Federal laws cannot discriminate against the members of the Turkish and Greek Federated States and shall be so made as not to make it possible for one national community to overpower the other in economic and political fields.
4. As the impracticability of the two national communities living together has by experience become known only those powers necessary for the establishment of the Federation shall be left to the Federal State so as to enable the smooth functioning of the State. All other powers shall be vested in the Federated States.
5. Joint institutions will be organized on an equality basis and in such a way as to decisively prevent the *de jure* and *de facto* domination of one community by the other.
6. The execution of the Foreign Relations cannot be conducted against either one or the other of the Federated States, Turkish and Greek, which comprise the Federal Republic.
7. A Federal Court shall also be established apart from the two Federated States.
8. Citizens of the Federal Republic have the right to freely travel between the two Federated States which make up the Federal Republic. Citizens of the Federal State are also free to travel or immigrate abroad.
9. The basic human rights and liberties of the citizens of the Federal Republic shall be duly respected.
10. The establishment and the powers of the transitional Government of the Republic of Cyprus which shall carry out duties during the period until the establishment of the Federal Republic of Cyprus shall be regulated by an agreement to be made between the two national communities.
11. The guarantees provided by the 1960 International Agreements exist and are valid and will continue to exist to be valid in the same form after the establishment of the Federal Republic.

FIRST ROUND OF TALKS (28 April — 13 May, 1975)

As a result of a recourse by the Cyprus Government denouncing the action of the Turkish Cypriot leadership and proclaiming a state the UN Security Council adopted on 12 March, 1975 resolution No. 367 (1975) (see Appendix "A").

The resolution, inter alia, called on all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Cyprus Republic, regretted the unilateral decision of 13 February, 1975 declaring that a part of the Republic of Cyprus would become a Federated Turkish State, called for the urgent and effective implementation of all parts and provisions of General Assembly resolution 3212, considered that new efforts should be undertaken to assist the resumption of the negotiations and requested the Secretary-General to undertake a new mission of good offices and to that end to convene the parties under new agreed procedures and place himself personally at their disposal, so that the resumption, the intensification and the progress of comprehensive negotiations, carried out in a reciprocal spirit of understanding and of moderation under his personal auspices and with his direction as appropriate, might thereby be facilitated.

The resolution also requested the Secretary-General to keep the Security Council informed of the progress made towards the implementation of the resolution 365 (1974) and of this resolution and to report to it whenever he considered this appropriate and in any case before 15 June, 1975.

In pursuance of the above resolution negotiations were carried out between the then Greek Cypriot Representative Mr. Clerides and the then Turkish Cypriot Representative Mr. Raouf Denktash from April 28 until May 3, 1975, under the chairmanship of the U.N. Secretary General Dr. Kurt Waldheim in Vienna.

At the opening session of the talks the Secretary-General said he was glad that it had been possible to resume the negotiations between the representatives of the two communities in Cyprus. He underlined the urgency of the necessity of making progress towards a peaceful settlement of the problem of Cyprus. He said "we must embark on this new effort with the conviction that an agreed solution is not only possible but will also be in the best interests of all the people of Cyprus".

In his opening statement, Mr. Clerides said the Greek Cypriot side attached great importance to the Vienna Conference. It was its firm conviction that the Cyprus problem must be solved through peaceful negotiations. He added: "We have come to this Conference with goodwill, flexibility, and will make every effort to bring about a just solution of the Cyprus problem which could be freely accepted by all communities and thus provide for permanent peace in Cyprus". Mr. Clerides went on to say that the two sides have common ground in that they are both committed to a sovereign, independent, non-aligned and federal state of Cyprus. They both accept that the independence and sovereignty of Cyprus should be effectively guaranteed. We may, of course, differ on what constitutes effective guarantee but this, plus the fact that we may have different views on the nature of the federal system to be established, should not deter us from making the effort needed to find a peaceful solution of our problem.

Mr. Denktash said the problem is a complex one and involves not only political, legal and constitutional factors, but also human, economic and other factors which need a thorough examination. He expressed the hope that he and Mr. Clerides would be able to find the avenue which would lead in the right direction towards a just solution. He added: "If we can achieve this in the short time available to us in this historic city, I think the Secretary-General's mission would be crowned with success."

On 28 April, in addition to the opening meeting, two close meetings were held. In the course of an extensive discussion of the Cyprus problem, there was an exchange of views on the powers and functions of the Central Government. It was agreed to set up an expert committee of the two parties to examine detailed proposals submitted on this matter. The committee, consisting of three members from each side, would meet in Cyprus, for a period of 3 to 4 weeks maximum. The expert committee would report back to the negotiators at their next meeting with the Secretary General prior to the submission of his report called for by the Security Council.

In all one open and 8 close meetings were held in Vienna. Apart from the exchange of views on the powers and functions of the Central Government there was a detailed examination of the question of displaced persons and of the "geographical aspects of a possible future settlement in Cyprus." In this connection, a number of positions of principle were set out and certain specific suggestions were outlined. The interlocutors

undertook to carefully consider all the suggestions made with a view to setting out concrete positions of their respective sides at their next meeting with the Secretary-General in June.

The question of missing persons was also discussed. Although both sides again affirmed that they were not holding undeclared prisoners of war or other detainees it was agreed that whenever substantial information reached Mr. Clerides or Mr. Denktash a search will be conducted through a joined team for which the assistance of the International Committee of the Red Cross will be requested.

Agreement was reached in principle on the reopening of the Nicosia International Airport. As a first measure the airport would be repaired by the United Nations. A joint committee would be set up in Cyprus by the leaders of the two communities for the purpose of opening the airport for full civilian use.

It was agreed that the next meeting of the Cyprus negotiations would take place in Vienna between 5 and 9 June, 1975.

The Secretary-General, Mr. Clerides and Mr. Denktash held a joint press conference after the final communique had been issued. The Secretary-General described the procedural progress made and said the talks had been held in a constructive spirit and good atmosphere. He said he was confident that the second round of meetings would help solve questions still pending.

Mr. Clerides said the spirit established in the talks and the useful exchange of views on substantive matters would give a clearer picture of what each side had in mind, and, given the promise to come to the next meeting fully prepared for a substantive discussion, they might find that they will make progress.

Mr. Denktash said that though the problem was difficult and complex this should not discourage the search for a fair, just and permanent solution. He hoped that the next meeting would produce more concrete proposals and hopefully more concrete results.

On the conclusion of the talks Mr. Clerides in a special statement to the Cyprus Broadcasting Corporation said the Vienna talks did not certainly aim at finding a solution to the Cyprus problem within four or five days. It was hoped that various alternative proposals would be made at a meeting which could be discussed. But while the Greek Cypriot side had gone to the talks ready to discuss all aspects of the Cyprus problem it was

observed that Mr. Denktash was not ready to express views on many matters of substance. He merely confined himself to listening to Greek views and undertook to reply in June when talks would be held again with the Secretary-General in Vienna.

In addressing the U.N. Security Council, on 16 June, 1975, Mr. Clerides revealed that during the negotiations the Greek Cypriot side had stated clearly and fully its views on the solution of the Cyprus problem. It had proposed a bicomunal multi-regional federation, and elaborated on its proposals. The Turkish Cypriot side, he said, had proposed a bi-regional federation but had persistently refused to submit or explain in detail what it meant by a bi-regional federation. Mr. Denktash had alleged that the Turkish side was not ready to state its views but merely had gone to the talks to hear what Mr. Clerides had to say.

Mr. Clerides said there had been an improvement regarding procedural matters but on the substance of the problem no new approach had been worked out due to the fact that the Turkish side was not in a position or ready to discuss various alternative proposals. I hope, he said, that in June, both sides will analyze their position fully and that an effort will be made to bring the positions of the two sides closer together.

Mr. Clerides said the question of the refugees had been discussed at length during the talks. The Greek Cypriot position, which was in keeping with the U.N. General Assembly and Security Council resolutions, was that the refugees should go back to their homes in conditions of safety, and this should be done as soon as possible. There had been various alternative proposals for a preliminary easing of the refugee problem through the return of refugees to their homes in safety but despite the lengthy discussion of the matter there had been no substantive decision on it.

SECOND ROUND OF VIENNA TALKS (June 5 to 9, 1975)

The second round of the Vienna talks took place, as agreed during the first round, from June 5 to 9, 1975.

In the meantime, the expert committee which was established during the first round of the Vienna Talks to examine and report on the powers and functions of the Central Government of Cyprus held 4 meetings at the Ledra Palace in the United Nations Conference Area in Nicosia. The Committee consisted, on the

Greek Cypriot side, of Mr. Criton Tornaritis, Mr. Michalakis Triantafyllides, Mr. Tassos Papadopoulos and Mrs. Stella Soulioti (alternate), and, on the Turkish Cypriot side, of Mr. Necati Munir, Mr. Zaim Necati and Mr. Umit Suleiman. Meetings were also held by the Sub-committee on Humanitarian Matters.

As a gesture of goodwill the Cyprus Government agreed to ask for postponement of discussion of its application to the Human Rights Commission of the Council of Europe denouncing Turkey for cruelties committed by the Turkish invasion troops in Cyprus. In announcing this decision, the Cyprus Government said that the Turkish Cypriot side was looking for a pretext to avoid submitting its proposals for the solution of the Cyprus problem in the second round of the Vienna talks. The Committee, however, decided to discuss the Cyprus application on the date originally fixed, that is May 21st, 1975.

In the Vienna talks, in which the Greek Cypriot and the Turkish Cypriot sides were again represented by Mr. Clerides and Mr. Denktash, respectively, very limited progress was achieved simply because the Turkish side was not again ready to set out its views in full on all aspects of the Cyprus problem. The Turkish side set out its views on the powers and functions of the Central Government but was not ready to discuss percentages and other related matters.

While the Vienna talks were going on, the Turkish Cypriot leadership, in keeping with their familiar tactics of creating continuously *faits accomplis* in the island, held a public referendum on the so-called constitution of the "Turkish Federated State of Cyprus". That action of the Turkish Cypriot side was denounced by the Cyprus Government to the United Nations and foreign governments as one further step in the implementation of the Turkish plans for the division and, for the time being, disguised partition of Cyprus. It was stressed that the timing of the referendum demonstrated Turkish bad faith and intransigence. It was pointed out that it was inconceivable to hold a referendum in an area where 82% of the population were forcibly expelled by foreign military forces.

In his report to the Security Council on June 9, 1975, covering the period from 7 December, 1974 to 9 June, 1975 the U.N. Secretary-General said the following about the Vienna talks:

"The two rounds of talks held in Vienna have covered most of the aspects of the Cyprus problem and have been conducted in a spirit of goodwill and great frankness. The

discussions concentrated in particular on the powers and functions of the future central Government of a federal State of Cyprus, the structure of that State, the territorial extent of the zones which constitute it and the pressing problem of the return of refugees to their homes. To my regret, however, the deadlock over the fundamental basis of a settlement persists. One of the principal difficulties in the talks so far has been a difference of opinion on the priority to be given to the different aspects of the future settlement mentioned above, one side wishing first to establish the powers and functions of the central government, the other wishing first to clarify the territorial aspects of a future settlement, which has, of course, among other things, a vital bearing on the refugee problem.

It seems to me essential that the negotiating process between the community representatives should be maintained and, if possible, accelerated. To this end I have been and shall remain in constant contact with the representatives of the two communities through my Special Representative in Cyprus, as well as with the Governments of Greece and Turkey.

In spite of the present difficulties, I believe that it is generally agreed that the search for a negotiated settlement must continue. For this search to be successful, determination, understanding and a willingness to make reciprocal gestures will be required from all parties. It is more urgent than ever that real progress should be made so that the present highly unsatisfactory situation can be brought to an end and the relevant resolutions of the Security Council and the General Assembly can be fully implemented. Only then will it be possible for the people of Cyprus to look forward to a peaceful future and to reconstructing the life of the island in such a way that the two communities can live in peace and harmony. For my part, I shall continue my efforts, by the most appropriate means, to assist all concerned in achieving this result."

Turkish Cypriot proposals for a transitional joint government

Before the 3rd round of the Vienna talks which were originally scheduled to take place on 24 July, 1975, the Turkish Cypriot leader, Mr. Denktash, submitted to the Greek Cypriot negotiator a document entitled "Turkish Cypriot proposals for a transitional joint government".

According to the Turkish proposals, the Transitional Joint Federal Government shall regulate and carry out the international affairs and relations of the Republic of Cyprus in such a way as to fully safeguard the fundamental rights and interests of both national communities. There shall be established a Ministry of Foreign Affairs for the purpose of administering the international relations and the representation abroad of the Republic of Cyprus. There shall also be established Ministries of Finance, Communications and Health, for the purpose of dealing, in their respective fields, with agreed matters of common interest to both communities. As a general rule, officials of the Transitional Joint Government exercising functions within the Turkish Cypriot or the Greek Cypriot region shall be members of the same national community as the region concerned.

The Ministries shall be distributed equally between the two communities. A Minister and his Deputy would not belong to the same community. A Minister and his Deputy, in carrying out their functions, shall remain in close consultation and co-operation with each other and decisions taken should be signed by them jointly. Matters in dispute shall be decided jointly by the leaders of the two communities. All decisions relating to foreign affairs, however, shall, in any event, be signed by the leaders of the two communities.

All residual powers and functions not expressly given to the transitional Joint Federal Government shall continue to be exercised by Turkish Cypriot and Greek Cypriot authorities in their respective regions. With the exception of the Ministries of Foreign Affairs, all the Ministries of the respective Turkish Cypriot and Greek Cypriot administrations, shall continue to function within their regions. The matters relating to the powers and functions of the Presidency, shall be decided by agreement between the leaders of the two communities.

Mr. Clerides in a statement on 18th July, 1975, said the Turkish Cypriot proposals were entirely unacceptable and could not even form a basis for negotiations. They aimed at the abolition of the Government of the Republic of Cyprus, which enjoys international recognition, and at the continuation of the occupation of 40% of the territory of the Republic by the Turkish forces. He added: "No transitional Federal Government is possible whilst the Turkish military continue to occupy territory of the Republic. Furthermore, the Turkish proposals are so

designed as to prejudge the solution of the Cyprus problem by compelling the Greek-Cypriot side to accept not only the principle of a biregional federal state, but also the equal representation of the two communities in the central government, ignoring the fact that the Greek community constitutes 82% of the total population of Cyprus, whilst the Turkish community constitutes only the 18%."

3rd ROUND OF VIENNA TALKS (31 July — 2 August 1975)

The 3rd round of the Vienna talks was held from 31 July to 2 August 1975.

A communique issued by United Nations on the conclusion of the talks said that preliminary discussions were held on the powers and functions of a federal government and a discussion of the geographical aspects of a future settlement of the Cyprus problem took place. It was agreed that Mr. Clerides and Mr. Denktash would have further private talks on this subject prior to the 4th round of the Cyprus talks. In addition "it was agreed that the Turkish Cypriots at present in the south of the island will be allowed, if they want to do so, to proceed north. It was also agreed that the Greek Cypriots at present in the north are free to stay and that they will be given every help to lead a normal life, including facilities for education, and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the north. The Greek Cypriots at present in the north who wish to move to the south will be permitted to do so."

Mr. Denktash also undertook to submit concrete and comprehensive proposals on the Cyprus problem including the geographical aspect by the end of August. And it was agreed that these should be discussed between the two men so that they might be fully prepared when they went to the 4th round of the talks.

While the aspect of the agreement relating to the transfer of the Turkish Cypriots living in the south and the Greek Cypriots wishing to live in the occupied areas were implemented Mr. Denktash failed to abide by his undertaking to submit concrete and comprehensive proposals.

4TH ROUND OF TALKS (New York 8—10 September, 1975)

As a result of the failure of the Turkish Cypriot negotiator to submit concrete and comprehensive proposals the 4th round of the intercommunal talks which was held in New York reached a complete deadlock. On the conclusion of the talks the following communique was issued by United Nations:

"The Fourth Round of the Cyprus Talks took place in New York from 8 to 10 September, 1975. During this period the Secretary-General had extensive consultations with Mr. Clerides and Mr. Denktash. A formal meeting was held on 10 September.

In the absence of concrete proposals, the talks were adjourned. The Secretary-General will remain in contact with the two parties as regards future action."

The Cyprus Government decided to inscribe the Cyprus problem on the agenda of the following session of the U.N. General Assembly. In the meantime, it became evident that the Turkish Cypriot side did not want to comply with the provisions of the agreement reached in the 3rd round of the Vienna talks relating to the living conditions of the Greek Cypriots in the occupied area and mainly in the Karpass.

This is stated in the reports submitted by the U.N. Secretary-General to the Security Council. Thus in para. 52 of the Secretary-General's report of the 8th of December, 1975 it is stated:

"With regard to provision 2 of the Vienna communique, progress in providing educational and medical facilities for Greek Cypriots in the north has been slow. Only three elementary schools are operating in the Karpass, providing for 500 out of approximately 1,400 children. Eight teachers have returned to the north and clearance has been given for 5 more, but another 23 teachers, needed to re-open more schools and to provide an adequate pupil/teacher ratio, are still awaiting clearance."

In Para. 53 of the Report the Secretary-General stresses:

"A Greek Cypriot medical team consisting of a doctor and two male nurses was refused clearance to go to the Karpass on the grounds that they were not accompanied by their families. As the last Greek Cypriot doctor in the

north was evacuated to the south in October, 1975, the Greek Cypriots are now dependent on the Turkish Cypriot medical and hospital facilities. A number of villages are without church services, and in the prevailing circumstances few priests find it possible to return to the area.”.

Concerning the question of return to their homes of Greek Cypriots who were expelled from the Karpass area, following an incident in which a group of Turkish Cypriots attempting to cross to the north were halted, and also a number of other persons, the Secretary-General's report says, *inter alia*, that 140 of them applied to return to Davlos but none was permitted to do so. Of the remaining 790 applicants clearance was given and 346 moved. 63 applications were turned down by the Turkish authorities “on security grounds” and 250 others because, according to Turkish allegations, they did not meet the criteria of “reunification of families”.

On the question of the freedom of movement the Secretary-General says the following in para 55 :

“Greek Cypriots living in the north are not permitted to visit their relatives in the south. UNFICYP continues to make efforts to secure permission for such visits, either on medical or compassionate grounds”.

In para. 24 the report refers to the question of freedom of movement of UNFICYP men in the north and stresses —

“In the northern part of the island, the Turkish forces have continued to impose restrictions on the freedom of movement of UNFICYP. With a view to implementing the agreements reached at the third round of the Vienna talks, UNFICYP established four liaison posts in the Karpass and sought agreement with the Turkish forces to establish a fifth there and three around Kyrenia. A programme was also planned to ensure that each village in the north inhabited by Greek Cypriots would be visited by UNFICYP teams at least three times a week. This has not proved possible. As from 26 September, UNFICYP personnel manning the liaison posts were denied access to the Greek Cypriot population. On 2 December special visits in the Karpass by UNFICYP humanitarian teams escorted by Turkish forces liaison officers were suspended but resupply convoys there and in the Kyrenia area are still permitted.”.

In para. 66 the Secretary-General states :—

“During the third round, agreement was reached on certain problems, but, unfortunately, some important provisions contained in that agreement have not been fully

implemented, including in particular the free and normal access of UNFICYP to Greek Cypriot habitations in the north to ensure the security and well-being of the Greek Cypriots remaining there.”.

5TH ROUND OF INTERCOMMUNAL TALKS (Vienna, 17 to 21 February, 1976)

The 5th round of the intercommunal talks was held in Vienna from 17 to 21 February, 1976.

At the conclusion of the talks the United Nations issued the following statement :—

“As previously announced by the Secretary-General in pursuance of his mission of good offices and in accordance with the *Proces-Verbal* agreed upon by the Foreign Ministers of Greece and Turkey in Brussels on 12 December, 1975, the Cyprus talks were resumed in Vienna from 17 to 21 February, 1976. It will be recalled that this is the fifth round of the Cyprus talks under the auspices of the Secretary-General.

The Representatives of the two communities held substantive discussions on the territorial and constitutional issues. It has been agreed that an exchange of written proposals through the Special Representative of the Secretary-General, Mr. J. Perez de Guellar will take place in Cyprus within the next six weeks.

The Representatives of the two communities will meet again under the auspices of the Secretary-General in Vienna in May, with a view to establishing a common basis prior to referring the matter to mixed committees in Cyprus.

Mr. Clerides and Mr. Denktash also agreed to meet in Cyprus with the Special Representative of the Secretary-General in order to examine in a spirit of goodwill a number of humanitarian problems.”.

In accordance with the agreement reached the representative of the Greek Cypriot side at the intercommunal talks Mr. Glafcos Clerides handed in Nicosia to the then U.N. Secretary-General's Special Representative in Cyprus Mr. Perez De Cuellar the written proposals of the Greek Cypriot side on the solution of the Cyprus problem, for conveyance to the Turkish Cypriot negotiator, Mr. Rauf Denktash. Mr. Clerides also handed to

Mr. De Cuellar a letter of his requesting him to make the necessary arrangements for an exchange of the proposals of the two sides, as provided in the communique issued on the conclusion of the fifth round of the intercommunal talks in Vienna.

Greek Cypriot proposals

The Greek Cypriot proposals provided that the Federal Government of the Republic should exercise power on foreign affairs, defence, security, criminal, public and civil law and procedure, administration of Justice, citizenship, Aliens, Immigration, Emigration, and extradition (including passports and visas), trade, commerce and industry, shipping, navigation (including air navigation), ports and transport, federal works and power (including public works, electricity, water and other public utility undertakings), mines, forests, fisheries and other natural resources and environment, antiquities, currency, legal tender and coinage, weights and measures, as well as computation of time, money, banking, exchange control and stock exchange, postal and telecommunications services (including Customs and Excise Duties), industrial property (including patents, trade marks business names, copyrights), bankruptcy and insurance, finance, labour and social insurance, professions and professional associations, movable and immovable property (including non-privately owned properties), prisons, establishment of federal authority and other federal agencies, public health, agriculture, matters incidental or supplemental to the execution of any power vested in the Federation and any other matter non explicitly assigned to the region.

The regional administrations would have power on organization and administration, implementation of federal legislation, local government, public order, offences under regional laws, police, administration of justice, trade, commerce and industry, transportation, regional works, forests, producers' and consumers' co-operatives and credit establishments, charitable and sporting organizations, cultural and educational affairs, finance, labour and social welfare, professions and trade, correctional institutions, public health, agriculture, compulsory acquisition and requisition of property, services of a local character, matters incidental or supplemental to the execution of any power vested in the region and matters assigned by the federal government to the region. (For full text of the Greek Cypriot proposals see Appendix D).

Turkish Cypriots proposals

The Turkish Cypriot negotiator submitted his side's proposals on the 17th April, 1976.

The Turkish Cypriot document consisted of two parts. Part "A" contained the "General principles concerning the establishment of a Federal Republic in Cyprus" and part "B" contained the "Powers and functions of the Central Government of the Federal Republic of Cyprus". An introductory part was also included.

In Part "A" it was stated that Cyprus shall be a Federal Republic composed of two Federal States, one in the north for the Turkish national community and one in the south for the Greek national community. The Federal Republic shall be independent, sovereign and territorially integral. The sovereignty shall continue to be shared equally by two national communities as co-founders of the Republic. Each Federated State shall be free to maintain and regulate its own constitutional structure and take all such measures relating to its administration as may be necessary. Under no circumstances shall Cyprus, in whole or in part, be united with any other state. Unilateral declaration of independence by any of the federated states shall be prohibited. Each federated state shall ensure respect for human rights within its respective territory. Concurrently with the building up of mutual confidence and trust and subject to security needs of the federated state the overall efforts of the two states shall be directed towards normalization of the relations between the two national communities in all respects.

In part "B" it was stated that all powers and functions other than those expressly and specifically entrusted to the federal government shall remain vested with the federated states which shall enjoy full powers and authority in their respective territories. The proposals envisage that the federal government should exercise powers and functions only with regard to the following matters: foreign affairs, external defence (excluding internal security of the state), federal banking, stock exchanges and monetary affairs, the federal budget, the federal courts, federal communications, federal medical services, standards of weights and measures, patents, trade marks and copyrights and the federal meteorological services. It was proposed that all residual powers and functions of the Federal Republic which

are not included in those expressly given to, and vested in, the federal government, shall be vested in, and exercised by, the states.

The Turkish Cypriot side failed to submit any proposals on the territorial aspect.

Proposals incompatible with resolutions

In a letter to Mr. Perez De Cuellar dated 22 April, 1976, Mr. Tassos Papadopoulos, who had in the meantime replaced Mr. Glafcos Clerides as representative of the Greek Cypriot side at the intercommunal talks, said that the Turkish Cypriot proposals were incompatible with the U.N. resolutions on Cyprus and they made it obvious that the Turkish side had no interest in meaningful and constructive negotiations with a view to a solution of the Cyprus problem but simply aimed at protracting the negotiating process and using the intervening time for consolidating the *de facto* situation created by the use of military force. He said that the statement of the Turkish Cypriot side, contained in their document, that any proposals by it on the territorial aspect would be made only "with a view to adjusting the line between the two Federal States" as well as the nature of the so-called criteria, clearly demonstrate the completely negative attitude of the Turkish side and deprive the talks of the possibility of success. The deliberate omission of the Turkish side to present any concrete proposals on the territorial aspect precludes a "package" deal approach to the problem. (For full text of Mr. Papadopoulos' letter see Appendix B). In the meantime the Turkish Cypriot leadership in violation of the Agreement reached in the third round of the Vienna talks, pursued a policy of intimidation of the Greek Cypriots living in the north with the result that their number kept dwindling. Moreover, it adopted an entirely negative stand on the question of educational facilities for the operation of primary and secondary schools in the Turkish held areas. A negative attitude they observed also on the question of medical facilities.

The statements in the intercommunal talks continued despite the intensive efforts made by the U.N. Secretary General because the Turkish Cypriot side refused, in violation of the commitment undertaken by it, to submit concrete proposals particularly on the territorial aspect of the Cyprus problem. During the consultations the Turkish Cypriot side made it clear that it was not prepared to submit any proposals on the territorial issue, apart from the criteria and principles contained in Mr. Onan's letter of 25 May, 1976, handed to the Greek Cypriot side during the 5th round of the intercommunal talks.

MAKARIOS — DENKTASH MEETINGS

President Makarios had a meeting with the Turkish Cypriot leader Mr. Rauf Denktash on the 27th January, 1977 at the UNFICYP headquarters in Nicosia in the presence of the U.N. Secretary-General's Special Representative in Cyprus Mr. Perez De Cuellar, at which views were exchanged on the question of resumption of the talks.

A new meeting took place between President Makarios and Mr. Denktash in Nicosia on the 12th February, 1977, in the presence of the U.N. Secretary-General Dr. Waldheim.

It was decided at the meeting that the intercommunal talks should be resumed in Vienna towards the end of March, on the basis of the following four guidelines:

1. We are seeking an independent, non-aligned, bicommunal Federal Republic.
2. The territory under the administration of each community should be discussed in the light of economic viability and productivity and land ownership.
3. Questions of principle like freedom of movement, freedom of settlement, the right of property and other specific matters are open for discussion taking into consideration the fundamental basis for a bicommunal federal system and certain practical difficulties which may arise for the Turkish Cypriot community.
4. The powers and functions of the Central Federal Government will be such as to safeguard the unity of the country, having regard to the bicommunal character of the State.

Following this it was agreed to hold talks in Vienna under the auspices and personal direction of the U.N. Secretary-General and the two sides undertook to submit concrete proposals on the two basic issues of the Cyprus problem, the territorial and the constitutional, and to comment in a substantive manner on each other's proposals so as to ensure meaningful discussion conducive to the settlement.

NEW SERIES OF VIENNA TALKS — FIRST ROUND (31.3. — 7.4.1977)

The talks were held in Vienna on 31 March to 7 April, 1977. The Greek Cypriot side put forward written proposals on the territorial issue together with a map, showing the two regions

proposed to come one under Greek and one under the Turkish Cypriot administration. The Greek Cypriot interlocutor also made substantive comments on the constitutional proposals of the Turkish Cypriot side, and submitted counter-proposals showing the Greek Cypriot position. The Turkish Cypriot side rejected the Greek Cypriot proposals on the territorial aspect but did not make any meaningful or substantive comments or put forward any concrete proposals indicating its own position in this issue.

In presenting the proposals on the territorial aspect, the Greek Cypriot interlocutor stressed that this relevant map was formed on the basis of the following points :

- “ (i) The area of the territory to be under Turkish Cypriot administration is 20% of the area of the Republic. This is not an idle figure but a figure proposed in a desire to facilitate a settlement of the territorial aspect of the problem, which we believe, meets all the criteria of the guidelines recorded on the 12th February, 1977.
- (ii) A factor which was also taken into account is the population ratio, which, in any event, does not differ much from the ratio of land ownership.
- (iii) According to data that cannot be disputed, prepared both under British rule and since independence, the percentages of land ownership in Cyprus are as follows :

Greeks	Turks	Others	State Land
60.9%	12.3%	0.5%	26.3%

“ State Land ” includes : communal properties (such as grazing areas), roads, rivers, lakes, forests and other state owned lands.

The percentages of privately owned land are as follows :

Greeks	Turks	Others
82.7%	16.7%	0.6%

It is worthy of note that a comparative study of official records covering a period of more than forty years shows that the above percentages have remained stable with negligible variations.

In an island as small as Cyprus, the economy of which is integrated and the various areas and economic sectors interrelated and independent, its economic viability or productivity can only be effectively assured for the country and the people as a whole, as well as for each community

separately, if it is not divided into two separate economic entities, but on the contrary, if the unity of the country is safeguarded, as stated in the guidelines.

The economic viability or productivity of Cyprus should be considered by reference to the economy as a whole, including all forms of economic activity and production, and not by reference to any isolated sector, such as agriculture and land utilisation.

Our proposal on the territorial aspect of the Cyprus problem, accompanied by this map, cannot be separated from the three fundamental principles referred to in the guidelines, namely the right of property, the freedom of movement and the freedom of settlement, which, naturally, includes the right of the refugees to return to their homes and the right of the Turkish Cypriots to reside in the Turkish Cypriot Region, if they so choose. These principles are indispensable prerequisites for any federal State. In fact the term “federal” would be rendered meaningless if such principles were not respected and safeguarded for all the citizens of the Republic throughout its territory, without discrimination.

According to our proposal on the territorial aspect about 120,000 Cypriots will be returning to their homes in the Region under Greek Cypriot administration. Another 50,000 Greek Cypriots will have the option to return to their homes in the Region under Turkish Cypriot administration. Some of them might not wish to return but, even if they all decided to return, the effective majority of the Turkish Cypriots in the Region under their administration would still be maintained.”

Mr. Papadopoulos stated that both the proposals on the territorial issue as well as any proposals on other issues, were put forward subject to certain basic principles. These are : that the Constitution of the Republic of Cyprus shall provide for the establishment of a bi-communal federal State, the Federal Republic of Cyprus, which shall be a federation, and not a confederation, and shall—

- (a) preserve the sovereignty, independence and territorial integrity of the Republic of Cyprus ;
- (b) ensure that the Federal Republic of Cyprus shall be the sole subject of international law, to the exclusion of its constituent parts ;
- (c) preserve the unity of the country.

In the Federal Republic of Cyprus and its constituent parts the fundamental human rights and liberties, as set out in International Conventions ratified by the Republic, shall be safeguarded.

Particularly, and without prejudice to the generality of the above, for every citizen of the Republic—

- (a) there shall be a right of free movement throughout the territory of the Republic and freedom of residence in any place in which he may choose to reside;
- (b) his life, security and liberty shall be safeguarded and his private and family life shall be respected and his home shall be inviolable;
- (c) his right to property shall be respected and safeguarded;
- (d) his right to work, practise his profession or carry on his business in any place he chooses shall be secured.

Turkish Cypriot proposals

The Turkish Cypriot interlocutor Mr. Onan presented proposals on the constitutional issue. It was stated in the relevant documents that the establishment of a Federal Republic in Cyprus should be governed by the following general principles:

1. Cyprus shall be an independent, non-aligned, sovereign, bi-zonal Greco-Turkish (Cypriot) Federal Republic composed of two Federated States, one in the North for the Turkish national community, and one in the South for the Greek national community.
2. The sovereignty shall continue to be shared equally by the two national communities as co-founders of the Republic.
3. The powers and functions of the Federal Government shall be those conferred by the Turkish Cypriot Federated State and the Greek Cypriot Administration by agreement between them.
4. The Federal Republic shall be secular. Religion shall be kept strictly out of politics in Federal and Federated affairs.
5. Each Federated State shall have its own Constitution and shall have the right to take all such measures relating to its administration as may be necessary.

6. Under no circumstances shall Cyprus, in whole or in part, be united with any other State. Unilateral declaration of independence by any of the Federated States shall be prohibited.
7. The Federal Republic of Cyprus shall henceforth follow a policy of friendship with Turkey and Greece in addition to promoting good neighbourly relations with countries in the region and shall pursue a policy of non-alignment.
8. All necessary measures shall be taken to prevent the Island of Cyprus from becoming involved, directly or indirectly, in any activity endangering the peace and security of the region.
9. Each Federated State shall ensure for Human Rights within its respective territory subject to the fundamental requirement of a bi-zonal federation and the viability and security of each Federated State.
10. Laws and all other measures, such as administrative, economic, social etc., of the Federal Government shall not discriminate against either of the two Federated States of the two national communities.
11. All kinds of hostile activities of the two States against each other in both the internal and international spheres shall be excluded, while every effort shall be made to enhance peaceful coexistence, reconciliation and cooperation between the two national communities. Likewise, any activity tending to foment enmity, hatred and ill-feelings between the two national communities shall be prohibited.
12. Concurrently with the building up of mutual confidence and trust and subject to security needs of the Federated States, the overall effort of the two states shall be directed towards normalization of the relations between the two national communities in all respects.
13. The question of proprietary rights and claims arising therefrom or relating thereto, as well as any other claims, shall be settled by mutual agreement between the Federated States, in conjunction with the question of compensation and other related matters, in such a manner as not to obstruct the setting up of the proposed bi-zonal Federal Republic.

Under the Turkish Cypriot proposals, the Federal Government shall exercise powers and functions with regard to Foreign Affairs, External Defence, Banking, Foreign Exchange and Monetary Affairs, Federal Budget, Customs, Federal Communications, Passports and Citizenship, Federal Medical Services, Standards of Weights and Measures, Patents, Trade Marks and Copyrights and Meteorological Services and Federal Advisory Organizations.

Regarding the structure of the Federal Republic, the proposal said that the Federal President shall have solely representational powers and the Presidency shall rotate between the two communities. The executive powers of the Federal Republic shall vest solely in the two Presidents of the Federated States. Residual legislative powers shall vest in the Federated States. The legislative organ of the Federal Republic can only legislate on those limited and well-defined matters enumerated in the proposals.

The Federal Legislature shall consist of members elected separately by the two communities. On important matters such as Foreign Affairs, including the ratification of international agreements and external defence, separate absolute majorities of the Turkish and Greek members of the Federal legislature shall be required. Finally it was stated that the Turkish and Greek communities shall establish their Federated States within their respective zones.

Under the Turkish Cypriot proposals all fundamental rights and liberties shall be observed in principle with the conditions that such observance shall be subject to the laws and regulations of the Federated State concerned and shall not upset the territorial integrity and population homogeneity of the Turkish Federated State of Cyprus.

In the discussion which followed the submission of the Turkish proposals the Turkish Cypriot negotiator Mr. Onan admitted that what the Turkish Cypriot side was proposing was in fact a "federation by evolution" as he called it. "I do not deny that some provisions do not exist in other federations. But that does not mean that we cannot provide them here", he said.

Commenting on the above proposals, the Greek Cypriot negotiator Mr. T. Papadopoulos said they were not substantive constitutional proposals. Furthermore, they were contrary to, and incompatible with, the guidelines of 12.2.1977, especially those which required the unity of the country. Mr. Papadopoulos observed that in the proposals he had not been able to find the Federal State, except only in name. He had only been able to find two Federated States. All the attributes of a Federal State

were either missing or were denied to the Federation. Mr. T. Papadopoulos cited the following points by way of examples :

"There are no clear proposals of what the constitution will contain about the rights or obligations of citizens. There are no provisions at all as to the relationship between the citizens and the Federated State. There is no provision with regard to safeguarding the human rights by the federal government. There are no provisions as to how any of the organs of the Federal State will be elected or appointed. There is only reference to two Presidents. The relevant provision simply envisages a "dictatorship" by two persons who are responsible only to the component parts of the Federal State and not to its citizens. This lack of relationship of the citizens with the Federal State runs throughout the whole proposals.

Nowhere is there any effective provision for the existence of a central government of the Federal State. Even passports are issued by the federated states, though it is stated (by a handwritten note on the proposals) that the legislation concerning citizenship shall be made at the federal level. This implies a separate international legal personality for each of the federated states and, therefore, the creation of two separate states".

Basic principles which should govern the constitutional structure of the Federal Republic of Cyprus, presented by the Greek Cypriot side

The Greek Cypriot negotiator, in addition to the proposals on the territorial issue, submitted also certain principles, which should govern the constitutional structure of the Federal Republic of Cyprus. These provided, *inter alia*, that —

"The Federal Republic of Cyprus shall be sovereign, non-aligned, bi-communal federal republic of the Greek Cypriot region and the Turkish Cypriot region, the territory of the Federal Republic, constituting an indivisible whole, and shall consist of the following:

The state power of the Federal Republic shall be exercised throughout its territory on all persons therein and there shall be one sole citizenship for the whole of the Fe

Every citizen shall enjoy and exercise his political rights, in so far as the Federal Government is concerned, irrespective of his place of residence in the Republic.

The Federal Republic shall be the sole subject of international law to the exclusion of the regions. The Federal Republic shall form a single economic unity.

The constitutional order in the regions shall conform with the Federal Constitutions and the principles of republican and democratic Government based on the rule of law.

The form of Government of the Federal Republic shall be presidential with a President and a Vice-President, elected by universal suffrage, in such a way as may be provided in the Constitution or in a law made thereunder. If a Greek Cypriot is elected as President then the Vice-President shall be a Turkish Cypriot and vice-versa.

The legislative power of the Federal Republic shall be exercised by two legislative bodies, the one called "the Federal Council", representing the regions and the other "the House of Representatives", representing the people." For full text of the Basic Principles which should govern the constitutional structure of the Federal Republic of Cyprus see Appendix C).

The following communique was issued at the conclusion of the talks on 7 April, 1977 :

"The first round of the new series of intercommunal talks was held in Vienna from 31 March to 7 April, 1977. The first five meetings were held under the personal auspices of the Secretary-General. Following the Secretary-General's scheduled departure from Vienna on 4 April, six more meetings were held under the auspices of his Special Representative in Cyprus, Mr. Javier Perez de Cuellar.

The interlocutors initiated the discussion of the Cyprus problem, including the specific questions of principle, within the framework of the guidelines agreed upon at the high-level meeting held in Nicosia on 12 February, 1977, in the presence of the Secretary-General.

Proposals were submitted on the territorial aspect by the representative of the Greek Cypriot community, and on the constitutional aspect by the representative of the Turkish Cypriot community. These proposals were discussed and certain clarifications were made.

It has not been possible to bridge the considerable gap between the views of the two sides. Efforts will be continued to overcome the differences. To this end, it was agreed that the talks will resume in Nicosia about the middle of May, 1977 under the auspices of the Special Representative of the Secretary-General in preparation for a further round in Vienna."

Turkish Cypriot proposals

(April 1978)

In April, 1978, the Turkish Cypriot side submitted proposals on the constitutional and the territorial aspects of the Cyprus problem. The proposals were accompanied by a note explaining the Turkish Cypriot proposals.

The proposals did not afford any basis for meaningful and substantive negotiations for the solution of the Cyprus problem as envisaged by the relative U.N. resolutions on Cyprus.

On the constitutional aspect the proposals said the Federal Republic of Cyprus is to be a sovereign, democratic and secular federation based on the equality of the federated states, the rule of law and social justice. The sovereignty should continue to be shared equally by the two national communities, and co-founders of the Republic, through their respective federated state.

The Turkish proposals envisaged that the executive power of the Federal Republic should be vested in the federal executive under the joint direction of the two federated states assisted by the federal secretary. The Presidents of the federated states shall be elected in each federated state by direct, universal suffrage and secret ballot in accordance with the constitution of the respective federated state and serve in the federal executive for the duration of their term of office prescribed by that constitution.

Under the Turkish Cypriot proposals, the executive power of the federal Republic shall be in respect of Foreign Affairs, External Defence, Banking, Foreign Exchange and Monetary Affairs, Federal Budget, Customs Duties and Tariffs, External Communications, Federal Health Services, Standards of Weights and Measures, Patents, Trade marks, Copyrights, and Meteorological Services and Tourism and Information.

The Federal Legislative power shall be exercised by the Legislative Assembly of the two Federated States and the Federal Assembly.

The members of the Legislative Assemblies of the Federated States shall be elected by direct, universal suffrage, and secret ballot in accordance with the constitution of the respective Federated State.

The Federal Assembly shall be composed of twenty members, ten from each Legislative Assembly of the Federated States, elected from amongst their respective members for the duration of the period of the legislative Assembly concerned.

Federal Laws are passed upon receiving a simple majority vote in each of the Legislative Assembly of the Federated States.

A Federal Bill rejected by one of the Legislative Assemblies will be deemed to be withdrawn.

The Presidents of the Federated States, before promulgation, may either separately or conjointly—

- (a) return the law or any part thereof to the Legislative Assemblies for reconsideration which shall pronounce on the matter so returned within fifteen days of such return. If both Legislative Assemblies persist in their decision, the Presidents of the Federated States shall promulgate within the period referred to in Paragraph (5) above. If either of the Legislative Assemblies persists in its decision or if the bill is re-adopted with differing amendments, it shall then be submitted to the Federal Assembly;
- (b) exercise the right of reference on grounds of constitutionality to the Federal Constitutional Court which shall pronounce its judgement on the matter within a period of forty-five days from the date of such reference. In case the Federal Constitutional Court is of the opinion that such law is repugnant to or inconsistent with any provision of the Constitution, such law shall not be promulgated.

The Federal Constitution shall make provision for the appointment of a Public Service Commission by each Federated State for the purpose of selecting for appointment to the Federal Public Service the best candidates belonging to their respective communities and possessing the qualifications provided by Federal Law.

The external defence of the Federal Republic shall be conjointly secured by the land forces of the Federated State in their

respective territory. The internal security of the Federated States shall be ensured by their respective security forces regulated by the Federated State Law.

On the territorial aspect of the problem the Turkish Cypriot proposals provided for "a readjustment of the line existing between the Turkish Cypriot and Greek Cypriot zones". The areas of Kokkina, Avlona, Louroujina, Troulli, Akhna, and the area between the south of Varosha and Dherynia have been included in these readjustments.

A separate proposal on Varosha said that Greek Cypriots and others who will return to Varosha will be subject to the laws and regulations of the Turkish Federated State of Cyprus. Special care shall be taken to re-promote the area as a tourist resort and for this purpose in order to enable the owners to re-start their businesses, the Turkish Federated State of Cyprus will consider tax and other facilities.

Together with the proposals the Turkish Cypriot side also submitted an "explanatory note" explaining the philosophy underlying its proposals.

Observations of Turkish Cypriot proposals

The Greek Cypriot negotiator, Mr. Tassos Papadopoulos, submitted to the U.N. Secretary-General a document containing the Greek Cypriot side's observations on the Turkish Cypriot proposals.

The Greek Cypriot side pointed out that the Turkish side has failed to present exact and concrete proposals both on the constitutional and the territorial aspects for the solution of the Cyprus problem. The documents presented do not afford any basis for meaningful and substantive negotiations for the solution of the Cyprus problem, as envisaged by the relevant U.N. resolutions on Cyprus.

On the constitutional aspect, the provisions of the document presented, are contrary to the obligation to submit proposals for the establishment of a Federal State. The documents provide, not for the creation of a federal Republic, but for the partitioning of the existing state of Cyprus into two separate entities. In fact, under the guise of the word "federal" it is attempted to invest the illegal Turkish Cypriot administration with legal power.

On the territorial aspect, the Turkish document contained no commitment for giving up any area now occupied by the Turkish forces.

It was obvious, it was added, that the sole objective of the Turkish document was to create the false impression that the Turkish side was honouring its obligation to submit concrete and comprehensive proposals, and thus to improve the international image of Turkey, and for other purposes and not the solution of the Cyprus problem in the interest of the people of Cyprus and of peace and security in the area. It is equally obvious that, once this objective was achieved, the Turkish side, relying on the many escape clauses contained in the documents, would, far from entering into negotiations with a view to improving its "proposals", recede from them even further.

Though the Turkish documents contain a statement that "the Federal Republic of Cyprus is to be a "sovereign, Federation" yet no sovereignty is allotted to the Federal State, but, on the contrary, it is expressly provided that "the sovereignty should continue to be shared equally by the two national communities through their respective federated states". Thus a most basic, fundamental attribute and prerequisite of federation is lacking.

The whole effect of the provisions throughout the Turkish documents is to destroy and deny the unity of the territory of the federal state. At the same time, numerous provisions aim at promoting and perpetuating the division and partition of the territory and the people in a consistent and glaring manner. The first of these provisions is the establishment of two distinct and separate states, which is the obvious objective of the Turkish side.

Regarding the proposal on Famagusta, the provisions of the Turkish documents are so vague and incomprehensible and so hedged in by unspecified conditions that they do not amount to any kind of proposal whatsoever. In any case, the Turkish documents speak only about the possible return of some "Greek Cypriot owners" to their properties in only a specified limited part of Famagusta subject to certain conditions, and not about the return of Famagusta to its rightful owners. Even presuming that some Greek Cypriot "owners" were allowed to return to that specified limited part of Famagusta, the aim would be to exploit them and their know-how, converting them to hostages, subjecting them to the humiliations and vicissitudes suffered by the Greek Cypriot population in the Turkish occupied area, and expelling them when they were no longer needed.

This is not an imaginary fear. The terrible reality is the forcible, calculated expulsion, long after the cessation of hostilities, of the Greek Cypriots who were not driven out during or immediately after the invasion. Of the 20,000 who had so remained, only 1,770 are now left in the Turkish occupied area, living in conditions of deprivation of all basic fundamental human rights and liberties. (For full text of the Documents see Appendix "F").

WESTERN FRAMEWORK FOR A CYPRUS SETTLEMENT

In November, 1978, the United States submitted to the Cyprus Government and the Turkish Cypriot leadership a plan for the resumption of the intercommunal talks prepared jointly by the United States, the United Kingdom and Canada.

The plan which was entitled "framework for a Cyprus settlement", provided also the outline for a settlement of the Cyprus problem. It said that the Republic of Cyprus shall be a bi-communal federal state with two constituent regions, one of which will be inhabited predominantly by Greek Cypriots, the other predominantly by Turkish Cypriots. The independence, sovereignty, and territorial integrity of the Republic of Cyprus shall be assured, as shall its right to conduct a policy of non-alignment should it so choose. The incorporation of all or part of the Republic into any other state shall be expressly prohibited.

The plan said a new constitutional structure of the Republic of Cyprus, incorporating an operative federal system of Government, shall be negotiated on the basis of the provisions set in the plan. The negotiators shall be guided by the Makarios—Denktash instructions of February, 1977, shall draw upon pertinent elements of the Constitution of 1960 and shall bear in mind United Nations resolutions. Substantial powers and responsibilities will be reserved to the two constituent regions in such a manner as to protect the rights and to meet the concerns of members of both communities.

Fundamental rights and liberties, to include freedom of movement, freedom of settlement and the right to property ownership, shall be embodied in the Federal Constitution subject only to such modifications as are required to preserve the character of each region.

The plan said that the federal Government of Cyprus shall have responsibility for foreign affairs, external defence, currency, and central banking, inter-regional and foreign commerce, communications, federal finance, customs, immigration, and civil aviation. Powers and functions not explicitly granted to the

federal government shall be reserved to the two constituent regions. Powers and functions initially exercised by the regions may be assumed by the federal government upon joint agreement of the two regions.

Regarding the structure of the Federal Government, the framework provided that legislative authority shall be vested in a bi-cameral legislature, the upper chamber to represent the two communities on a basis of equality and the lower chamber to be elected in proportion to population.

In the event that a majority in the upper chamber fails to concur in a bill passed by the lower chamber a subsequent affirmative two thirds vote in the lower chamber shall be sufficient to enact provided that at least three eighths of the representatives from each community concurred therein.

There shall be a President and a Vice-President, elected through democratic processes, one of whom shall be from one community and the other from the other community. The President and the Vice-President shall jointly appoint a Council of Ministers. Neither community shall have less than 30% of the Ministerial portfolios.

The two regions shall establish regional governmental institutions for the purpose of carrying out the powers and functions reserved or assigned to them under the constitution. An agency for regional cooperation and coordination shall be established jointly headed by a Greek Cypriot and a Turkish Cypriot and staffed by an equal number of representatives of each constituent region. The agency will foster practical cooperation between the two regions.

The specific territory under the administration of each region shall be negotiated on the basis of criteria such as economic viability and productivity, land ownership, security, population patterns and historical factors. In this regard it is understood that the Turkish Cypriot side will agree to significant geographical adjustments in favour of the Greek Cypriot side. In order to promote an atmosphere of goodwill and to resolve pressing humanitarian problems, the Varosha area shall be resettled under U.N. auspices.

The framework said in the resettlement of Varosha the following guidelines will obtain:

"The area for resettlement shall encompass territory lying to the east of the village of Ayios Nikolaos and to the south of

the old Nicosia—Famagusta Road. In defining the precise area for resettlement, the concerns of the Turkish Cypriot party for the security of old Famagusta and Famagusta Harbor shall be taken into account.

The area for resettlement shall be administered under the supervision of the United Nations and shall be considered as an extension of the present United Nations buffer zone. There shall be a Greek Cypriot and a Turkish Cypriot liaison officer to the United Nations authorities for this purpose. Cypriot laws and regulations shall be in force in the area of resettlement". (For full text of the framework see Appendix E).

Cyprus Government position

The Cyprus Government attitude towards the proposed framework, as a basis for resumption of talks for settlement of the Cyprus problem, was set out as follows:

"According to the U.N. resolutions, the intercommunal talks must be carried out "under the personal auspices of the U.N. Secretary-General and with his guidance". The U.N. resolutions constitute a fundamental basis for the carrying out of the intercommunal talks. In the American document the U.N. resolutions are relegated to a secondary place compared with the Makarios—Denktash guidelines and the 1960 constitution instead of forming the fundamental basis for the intercommunal talks. In the American document, while there is detailed reference to the constitutional aspects, there is only a vague reference to "significant geographical adjustments" regarding the territorial aspect, which is of course of particular significance to the Greek Cypriot side. As a result of this imbalanced approach the Turkish Cypriots will come to the negotiations knowing exactly what will be discussed as regards the matter in which they are mainly interested, i.e. the constitutional aspect, while the Greek Cypriots will continue to be in the dark regarding the very important territorial issue.

As regards the provisions of the framework on the constitutional issue the following observations were made:

"According to U.N. resolutions, "the Cyprus state shall be a sovereign, independent, non-aligned, territorially integral bicomunal federal Republic". Under public law a federal state must have the following three unities: unity of state, unity of territory, and unity of the people. The American document, in addition to restricting the right to settlement by stating that one of the constituent regions will be inhabited predominantly by Greek Cypriots and the other predominantly by Turkish Cypriots, also links fundamental rights and freedoms to "such modifications as

are required to preserve the character of each region", and with a special reference to free movement, free settlement and the right to property. This paragraph in reality neutralises the right of the displaced, both Greek Cypriots and Turkish Cypriots, to return to their homes and properties. This is contrary to the U.N. resolutions and respect of human rights in general. It is contrary to the world declaration of human rights and allows different levels of protection and different treatment of citizens in each region. It is also incompatible with the February, 1977 guidelines.

The American framework does not enumerate all the powers and functions which a Central Federal Government should have. It omits, *inter alia*, citizenship, internal defence and security, matters relating to ownership, tenure, acquisition and requisition of property, town and country planning, criminal, public and civil law, and procedure, federal public utility undertakings, mines, forests and other natural resources and environment, antiquities, public health etc.

The "residual powers" are vested in the regions and not in the federal state. It is a fact that in some federal states residual power vests in the Central Federal State whilst in others it vests in the constituent members. In examining this question the conditions prevailing before federation should be borne in mind. In the case of Cyprus it should be borne in mind that there is no precedent where populations in a unitary state have been moved for the purpose of creating separate areas in order to apply a federal system. But even in federations formed from the union of states which had, for decades, existed as entirely separate independent entities, the powers and functions of the Central Federal Government are substantial. In the case of Cyprus where the "federating" process is reversed and the size of the country is small the powers of the federal and the regional government should be such as to foster cohesion and not division. Moreover, the vesting of residual powers in the regions, due to the bicomunal character of the Republic, would foster tendencies of separatism instead of bringing the two communities together.

Regarding the provisions of the American framework concerning the legislative power it is observed that the provision about representation in the upper chamber on the basis of the "equality" of the two communities, combined with the provision about a two thirds majority in the lower chamber in case the necessary majority is not secured in the upper chamber, will have as a result the creation of deadlocks and the non-approval

of federal legislation. Besides, the phrase "provided that at least three eighths of the representatives from each community concur therein" implies that the approval of federal legislation will depend on "separate voting" on a communal basis. This is tantamount to a *veto* right similar to that provided in the 1960 constitution. But that *veto* right was confined only to legislation of a specific nature while the new suggestion will concern legislation in general, which will lead to worse deadlocks and tension in the relations between the two communities.

The provision of the framework that "senior appointments shall be subject to approval by the upper chamber of the legislature" may lead to delays and contribute to the creation of deadlocks and stalemate in the normal functioning of the state and its organs. A deadlock will be created also by the provision about "an agency for regional co-operation and co-ordination", because its nature and character are not clearly defined.

Regarding the powers and functions of the President and the Vice-President of the Republic, the framework provides that the President and the Vice-President "will jointly appoint" the Council of Ministers. But it fails to provide for procedures for the overcoming of deadlocks that would be created in the event of the President and the Vice-President not reaching an agreement on the appointment of the Council of Ministers. This would inevitably lead to tension in the relations of the two communities.

The provision in the document about the appointment of a non-Cypriot to the Supreme Court of the Republic is not realistic. This idea, which was based on the 1960 constitution, has not proved successful in practice.

As already pointed out, the U.S. framework attaches to the territorial aspect smaller emphasis than to the constitutional. It should be noted that the word "readjustments" used in the document indicates rather small geographical variations. The word "significant" which qualifies "adjustment" is entirely subjective. It should also be noted that the criteria mentioned in the document are those specified in guideline 2 of the Makarios—Denktash agreement with the addition of three new ones: "security, population patterns and historical factors". The aspect of security, which the Turkish side always uses to serve its arguments for separation, would lead to endless discussion and eventual impasse.

The expression used with regard to population is "population pattern" not the usual expression "population ratio of the two

communities". "Patterns" may mean the "patterns" created since the invasion, and may enable the Turkish side to rely on the arguments that the occupied area is not almost exclusively occupied by Turks, and even that the Turkish settlers form part of the "population patterns".

Regarding the important question of the return of the refugees to their homes the provisions of the document conflict with the U.N. resolutions. While the resolutions provide for the return of all refugees to their homes, in the document the return of the refugees is subject to conditions which may foil such return. It also refers to refugees who may not go back.

On the question of the withdrawal of the foreign armed forces from Cyprus, the document again conflicts with the U.N. resolutions, which provide for the immediate withdrawal of all foreign armed forces and foreign military presence from the Republic of Cyprus. The document not only does it not provide for an immediate withdrawal but it indicates that some foreign forces may remain, even after final settlement."

KYPRIANOU — DENKTASH AGREEMENT

From April, 1978 until May, 1979 no move towards a solution of the Cyprus problem was made because of the failure of the Turkish Cypriot side to submit concrete and substantive proposals for the settlement of the problem. The main characteristic of this period was the efforts exerted by the U.N. Secretary-General and his Special Representatives in Cyprus, first Dr. Perez de Cuellar and then Dr. Galindo Pohl, to lead the two sides to the negotiating table on a commonly acceptable basis to try to break the Cyprus deadlock. These efforts finally proved productive and the Kyprianou—Denktash meeting took place at which the ten-point agreement was reached on May, 19.

The ten-point agreement was as follows:

1. It was agreed to resume the intercommunal talks on 15 June, 1979.
2. The basis for the talks will be the Makarios—Denktash guidelines of 12 February, 1977 and the U.N. resolutions relevant to the Cyprus question.
3. There should be respect for human rights and fundamental freedoms of all citizens of the Republic.
4. The talks will deal with all territorial and constitutional aspects.

5. Priority will be given to reaching agreement on the resettlement of Varosha under U.N. auspices simultaneously with the beginning of the consideration by the interlocutors of the constitutional and territorial aspects of a comprehensive settlement. After agreement on Varosha has been reached it will be implemented without awaiting the outcome of the discussion on other aspects of the Cyprus problem.
6. It was agreed to abstain from any action which might jeopardize the outcome of the talks, and special importance will be given to initial practical measures by both sides to promote good will, mutual confidence and the return to normal conditions.
7. The demilitarization of the Republic of Cyprus is envisaged, and matters relating thereto will be discussed.
8. The independence, sovereignty, territorial integrity and non-alignment of the Republic should be adequately guaranteed against union in whole or in part with any other country and against any form of partition or secession.
9. The intercommunal talks will be carried out in a continuing and sustained manner, avoiding any delay.
10. The intercommunal talks will take place in Nicosia.

On June 15, 1979, the representatives of the two communities, met at the Ledra Palace Hotel in the U.N. controlled area. Mr. George Ioannides, then Minister to the Presidency, represented the Greek Cypriot community and Mr. Umit Suleyman Onan represented the Turkish Cypriot community. The meeting was chaired by the U.N. Under Secretary-General Mr. Perez de Cuellar. Also present were the Special Representative of the U.N. Secretary-General in Cyprus Dr. Galindo Pohl and the Deputy Special Representative of the U.N. Secretary-General in Cyprus, Mr. Remy Gorgé.

Only four meetings took place between the two sides despite the fact that the ten-point agreement provided that the intercommunal talks will be carried out "in a continuing and sustained manner, avoiding any delay". The reason for this unpleasant development was that the Turkish Cypriot side right from the outset showed unwillingness to abide by the agreement reached by the Turkish Cypriot leader only a few days earlier. Thus, while the agreement provided for the resettlement of

Varosha under U.N. auspices simultaneously with the beginning of the consideration by the interlocutors of the constitutional and territorial aspects of a comprehensive settlement", the Turkish Cypriot negotiator insisted that the ten points of the agreement should be discussed one by one in their numerical order, that is from one to ten. The Greek Cypriot side did not accept this, pointing out that the May 19 agreement had been the outcome of long discussions and it was not proper to question its content or to try to interpret the agreement. The object of the talks was simply to implement the agreement in an effort to find a solution to the Cyprus problem.

Finally it was agreed that the two sides would make general comments on the agreements and set out their views on how they saw the solution of the Cyprus problem.

Point one of the agreement was easily disposed of. But regarding point two the Turkish Cypriot negotiator said that the concepts of bizonality and security of the Turkish Cypriots should be added to the Makarios—Denktash guidelines on the ground that these were stated or implied in the Makarios—Denktash agreement. The Turkish Cypriot negotiator did not merely ask that these matters should be discussed. He insisted that the two concepts should be accepted in advance by the Greek Cypriot side.

The Greek Cypriot negotiator pointed out that the term of "bizonality" was not included in the four guidelines which simply speak of a bicomunal federation. Moreover, the Greek Cypriot side had already accepted the concept of a "biregional" federation in the proposals submitted in April, 1977. In any case, he added, these two points could be raised and discussed at the appropriate stage but there was no question of the Greek Cypriot side accepting them in advance as condition to the continuation of the talks on which the Turkish Cypriot side insisted.

As a result of this unreasonable attitude of the Turkish side and its failure to comply with the May 19 agreement the inter-communal talks were suspended.

In the meantime, the Turkish Cypriot leadership made it clear that the term bizonal solution meant nothing else than the creation of two separate states with borders, each of which would exercise sovereignty, on the area under its control. This is clearly contrary to the four guidelines which say that the central government of the federal state should have such powers as to ensure the unity of the state.

RESOLUTION 367 (1975)
ADOPTED BY THE SECURITY COUNCIL WITHOUT
A VOTE BY CONSENSUS ON 12 MARCH, 1975

The Security Council,

Having considered the situation in Cyprus in response to the complaint submitted by the Government of the Republic of Cyprus,

Having heard the report of the Secretary-General and the statements made by the parties concerned,

Deeply concerned at the continuation of the crisis in Cyprus,

Recalling its previous resolutions, in particular resolution 365 (1974) of 13 December, 1974, by which it endorsed General Assembly resolution 3212 (XXIX) adopted unanimously on 1 November, 1974.

Noting the absence of progress towards the implementation of its resolutions.

1. *Calls* once more on all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and urgently requests them, as well as the parties concerned, to refrain from any action which might prejudice that sovereignty, independence, territorial integrity and non-alignment, as well as from any attempt at partition of the island or its unification with any other country.

2. *Regrets* the unilateral decision of 13 February, 1975, declaring that a part of the Republic of Cyprus would become a federated Turkish state as, *inter alia*, tending to compromise the continuation of negotiations between the representatives of the two communities on an equal footing, the objective of which must continue to be to reach freely a solution providing for a political settlement and the establishment of a mutually acceptable constitutional arrangement, and expresses its concern over all unilateral actions by the parties which have compromised or may compromise the implementation of the relevant United Nations resolutions,

3. *Affirms* that the decision referred to in paragraph 2 above does not prejudice the final political settlement of the problem of Cyprus and takes note of the declaration that this was not its intention,

4. *Calls* for the urgent and effective implementation of all parts and provisions of General Assembly resolution 3212 (XXIX) endorsed by Security Council resolution 365 (1974),

5. *Considers* that new efforts should be undertaken to assist the resumption of the negotiations referred to in paragraph 4 of General Assembly resolution 3212 (XXIX) between the representatives of the two communities,

6. *Requests* the Secretary-General accordingly to undertake a new mission of good offices and to that end to convene the parties under new agreed procedures and place himself personally at their disposal, so that the resumption, the intensification and the progress of comprehensive negotiations, carried out in a reciprocal spirit of understanding and of moderation under his personal auspices and with his direction as appropriate, might thereby be facilitated.

7. *Calls* on the representatives of the two communities to cooperate closely with the Secretary-General in the discharge of this new mission of good offices and asks them to accord personally a high priority to their negotiations,

8. *Calls* on all the parties concerned to refrain from any action which might jeopardise the negotiations between the representatives of the two communities and to take steps which will facilitate the creation of the climate necessary for the success of those negotiations.

9. *Requests* the Secretary-General to keep the Security Council informed of the progress made towards the implementation of resolution 365 (1974) and of this resolution and to report to it whenever he considers it appropriate and, in any case, before 15 June, 1975,

10. *Decides* to remain actively seized of the matter.

**LETTER FROM MR. T. PAPADOPOULOS TO
MR. PEREZ DE CUELLAR**

22nd April, 1976.

Your Excellency,

The "proposals" of the Turkish Cypriot side, which you kindly handed over to me on the 17th April, 1976, have been carefully considered.

I would first like to observe that the letter accompanying the Turkish Cypriot "proposals", addressed to Your Excellency, is signed by Mr. Rauf Denktash styling himself "President, Turkish Federated State of Cyprus" on paper so headed. This is not only contrary to the Resolutions of the United Nations, under which the intercommunal talks are being held, but constitutes a further attempt to promote the arbitrary and unilateral action of the Turkish Cypriot side to set up a Turkish Federated State of Cyprus". Such "State" has not been recognized either by the Government of the Republic or the United Nations and is legally non-existent. The act of receiving the "proposals", accompanied by the said letter, must not be construed as a recognition of either the so-called "Turkish Federated State of Cyprus" or its alleged President.

In the same letter Mr. Denktash reverts to his earlier proposal for the establishment of a "Transitional Joint Government", allegedly "with a view to preventing any further alienation and separation of the two communities". By this proposal he obviously aims at undermining the internationally recognized Government of the Republic of Cyprus. If the Turkish Cypriot side were genuinely interested in the prevention of the separation of the two communities it should have availed itself of the offer repeatedly made in the past, and which is still open, to participate in the Government of the Republic in accordance with the 1960 Constitution.

It is not the purpose of this letter to deal with the substance of the Turkish "proposals" which contain many unacceptable propositions, assertions and demands. It is pertinent, however, to stress that the Turkish Cypriot side, under the guise of various pretexts, has again evaded to present any concrete proposal on the crucial territorial aspect of the Cyprus problem, but has simply chosen to refer to irrelevant and inaccurate generalities, which it arbitrarily terms as "criteria".

Furthermore, the statement of the Turkish Cypriot side contained in their documents, that any proposals by it on the territorial aspect would be made only "with a view to adjusting the line between the two Federated States" as well as the nature of the so-called criteria, clearly demonstrate the completely negative attitude of the Turkish side and deprive the talks of the possibility of success. The deliberate omission of the Turkish side to present any concrete proposals on the territorial aspect precludes a "package deal" approach to the problem.

It was hoped that the Turkish Cypriot leadership would have shown a constructive attitude which would enable the commencement of substantive and meaningful negotiations on the basis of the United Nations Resolutions concerning Cyprus. It is unfortunate that the Turkish Cypriot documents do not contain any elements which could give rise to such a hope.

A careful consideration of the Turkish Cypriot proposals makes it regrettably obvious that they are incompatible with the United Nations Resolutions on Cyprus and that the Turkish side has no interest in meaningful and constructive negotiations with a view to a solution of the Cyprus problem but is simply aiming at protracting the negotiating process and using the intervening time for consolidating the *de facto* situation created by the use of military force.

The Greek Cypriot side wishes to reiterate that it continues to regard the intercommunal talks under the auspices and personal direction of the Secretary-General as the best available means for achieving a just and lasting solution to the Cyprus problem and in this spirit submitted positive proposals covering all aspects of the Cyprus problem. It does not, however, consider that meaningful and constructive talks can be resumed if the Turkish Cypriot side continues to evade submitting concrete proposals on all aspects of the problem.

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

(Tassos Papadopoulos),
Greek Cypriot Representative.

**BASIC PRINCIPLES WHICH SHOULD GOVERN THE
CONSTITUTIONAL STRUCTURE OF THE FEDERAL
REPUBLIC OF CYPRUS, PRESENTED BY THE GREEK
CYPRIOT SIDE ON 6.4.1977**

1. The Federal Republic of Cyprus (hereinafter referred to as "the Federal Republic") shall be an independent, sovereign, non-aligned, bi-communal federal republic consisting of the Greek Cypriot Region and the Turkish Cypriot Region (hereinafter referred to as "the Region").
2. The territory of the Federal Republic constitutes a single and indivisible whole and shall consist of the territories of the Regions. The state power of the Federal Republic shall be exercised throughout this territory on all persons therein.
- 3.—(1) The people of the Federal Republic shall comprise the people of the Regions. There shall be one sole citizenship for the whole of the Federal Republic.
(2) Every citizen shall enjoy and exercise his political rights, insofar as the federal government is concerned, irrespective of his place of residence in the Republic. The exercise by citizens of political rights with respect to the administration of the Region in which he resides shall be regulated by constitutional arrangements.
4. The Federal Republic shall be the sole subject of international law, to the exclusion of the Regions.
5. The Federal Republic shall form a single economic unity.
6. The constitutional order in the Regions shall conform with the Federal Constitution and the principles of republican and democratic government based on the rule of law.
7. In the Federal Republic, and throughout its territory, the fundamental rights and liberties safeguarded by Part II of the Constitution of the Republic of Cyprus of 1960, by the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, and by the United Nations International Covenants on Human Rights shall continue to apply, including freedom of movement, freedom of settlement, and right of property.
8. The general rules of public international law are an integral part of the federal law. They shall take precedence over the

domestic law and shall directly create rights and duties for the inhabitants of the territory of the Federal Republic.

9. The form of government of the Federal Republic shall be presidential with a President and a Vice-President, elected by universal suffrage in such a way as may be provided in the Constitution or in a Law made thereunder. If a Greek Cypriot is elected as President then the Vice-President shall be a Turkish Cypriot and vice versa.

10.—(1) The President of the Federal Republic shall be the Head, and the Vice-President of the Republic the Deputy Head, of the Federal Republic.

(2) In case of absence or inability of the President his powers shall be exercised by the Vice-President.

11.—(1) The legislative power of the Federal Republic shall be exercised by two legislative bodies, the one called "the Federal Council", representing the Regions, and the other called "the House of Representatives", representing the people.

(2) The members of the Federal Council shall be elected in each Region by universal suffrage and the members of the House of Representatives shall be elected by universal suffrage by the people as a whole.

(3) The representation of the Regions in the Federal Council and the representation of the people in the House of Representatives shall, subject to paragraph 18, be regulated by the Constitution.

(4) The fundamental principles of parliamentary procedure and especially the delaying powers of the Federal Council, of the Electoral Law and of any Law relating to the federal courts shall be provided in the Constitution.

(5) Any amendment of the Federal Constitution shall require a special majority of the members representing the two Regions in the Federal Council.

12.—(1) The legislative power of the Federal Republic shall be contained in the Federal List and that of the Regions in the Regional List.

(2) The residual power shall vest in the Federal Republic.

(3) In case of any conflict between a federal law and a regional law the federal law shall prevail.

13.—(1) The executive power of the Federal Republic shall be exercised by the President of the Republic, who for this purpose shall have a council of ministers.

(2) The composition of the Council of Ministers and its functions shall be provided by the Constitution.

14.—(1) The judicial power of the Federal Republic shall be exercised by the Federal Supreme Court and the federal courts subordinate thereto.

(2) The Federal Supreme Court shall be the Constitutional Court of the Republic and the final appellate court in the Republic.

(3) The composition and jurisdiction of the Federal Courts shall be regulated by the Constitution and by a Law made thereunder.

15. The Federal Independent Officers of the Republic, namely the Federal Attorney-General, the Federal Auditor-General, the Governor of the Issuing Bank and the Federal Accountant-General, and their deputies, as well as their respective functions, shall be provided for in the Constitution.

16. Every citizen of the Republic shall be equally eligible to be appointed to any federal public office.

17. There shall be a Federal Public Service Commission the composition and functions of which shall be regulated by the Constitution.

18. The participation of the two Communities in the Federal Council, in the House of Representatives, in the Council of Ministers, in the Federal Supreme Court, in the Public Service Commission, in the highest federal organs and in the public service shall be proportionate to the ratio of the population, subject to equitable safeguards on certain specific matters.

17. There shall be a Federal Public Service Commission the composition and functions of which shall be regulated by the Constitution.

6th April, 1977.

NOTE: All other functions and powers remain as proposed to the Turkish Cypriot side in April 1976.

Appendix "D"

**PROPOSALS OF THE GREEK CYPRIOT SIDE
SUBMITTED FOLLOWING THE FIFTH ROUND**

(April, 1976)

At the fifth round of the Cyprus talks held in Vienna, from the 17th to the 21st February, 1976, under the auspices and personal direction of the Secretary-General of the United Nations, the representatives of the Greek Cypriot and Turkish Cypriot communities agreed to exchange written proposals, through the Special Representative in Cyprus of the Secretary-General, within six weeks from the 21st February, 1976.

For the purpose of this exchange, and in fulfilment of this undertaking, the Greek Cypriot side presents its proposals on the various aspects of the Cyprus problem. The proposals are inter-related and inter-dependent and should be taken together as a whole, with a view to reaching a solution to the Cyprus problem on a "package deal" basis.

These proposals are made—

- (1) on the fundamental assumption that the territory of the Republic of Cyprus shall be one and indivisible and that the integral or partial union of Cyprus with any other State or any separatist independence or partition are excluded ;
- (2) within the framework of the Charter of the United Nations and without derogating from the Resolutions of the General Assembly and the Security Council concerning Cyprus ;

Particularly—

- (a) the solution of the Cyprus problem should ensure the well-being of the people of Cyprus as a whole and should preserve the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus ;

- (b) all foreign armed forces and foreign military presence and personnel should be withdrawn without further delay from the Republic of Cyprus and all foreign interference in its affairs should cease ;
- (c) urgent measures should be undertaken for the voluntary return of all refugees to their homes in safety and the settlement of all other aspects of the refugee problem ;
- (d) unilateral actions in contravention of the United Nations Resolutions, including the colonization of Cyprus and changes in its demographic structure should cease ;

Generally—

any situation already created, which is inconsistent with any of the above, should be rectified ;

- (3) subject to agreement on the question of international guarantees, which shall be wide and effective.

Constitutional principles

1. The Constitution of the Republic of Cyprus shall provide for the establishment of a federal State, the Federal Republic of Cyprus, which shall be a federation, and not a confederation, and shall—

- (a) preserve the sovereignty, independence and territorial integrity of the Republic of Cyprus ;
- (b) ensure that the Federal Republic of Cyprus shall be the sole subject of international law, to the exclusion of its constituent parts ;
- (c) preserve the economic unity of the Republic of Cyprus.

2. In the Federal Republic of Cyprus and its constituent parts the fundamental human rights and liberties, as set out in International Conventions ratified by the Republic, shall be safeguarded.

3. Particularly, and without prejudice to the generality of the above, for every citizen of the Republic—

- (a) there shall be a right of free movement throughout the territory of the Republic and freedom of residence in any place in which he may choose to reside ;

- (b) his life, security and liberty shall be safeguarded and his private and family life shall be respected and his home shall be inviolable;
- (c) his right to property shall be respected and safeguarded;
- (d) his right to work, practise his profession or carry on his business in any place he chooses shall be assured.

4. The participation of the two communities in the federal organs should be proportionate to the ratio of the population. Constitutional arrangements, however, should be made providing for equitable safeguards on certain specific matters to be agreed upon.

5. Every citizen shall enjoy and exercise his political rights, insofar as the federal government is concerned, irrespective of his place of residence in the Republic. The exercise by a citizen of political rights with respect to the administration of the constituent part of the Republic in which he resides shall be regulated by constitutional arrangements.

Territorial aspect

At the first and second rounds of the Cyprus talks in Vienna the representatives of the Greek Cypriot and Turkish Cypriot communities discussed three areas with regard to the commencement of the return of Greek Cypriot refugees.

The Secretary-General of the United Nations, at the fifth round of the Cyprus talks in Vienna, in an effort to find a starting point for the discussion of the territorial aspect of the Cyprus problem, suggested to refer for this purpose to the areas discussed as above by the representatives of the two communities.

The Greek Cypriot side accepts the suggestion of the Secretary-General that these three areas could be used as the starting point for the discussion of the territorial aspect of the Cyprus problem.

The said three areas (at present under the military occupation of Turkey) and other areas as shall be agreed through negotiations shall not be under Turkish Cypriot administration which shall, within the framework of the Federal Republic of Cyprus, extend to 20% of the territory of the Republic.

Powers of the federal government and of regional administration

The powers of the federal government and of regional administration in the Federal Republic of Cyprus are enumerated in the Lists set out hereinbelow.

A. FEDERAL LIST

The Republic (Federal Government) shall exercise power on all matters other than those specifically and expressly assigned to its constituent members (Regions). Such power comprises all subjects hereinafter enumerated for the purpose of illustration only and not exhaustively.

1. Foreign Affairs.

Foreign Affairs includes all matters which bring the Republic or its citizens into relation with any foreign state or any other subject of international law.

There shall be deemed to be included therein, *inter alia*, the recognition of states, diplomatic, consular, commercial and other relations, the conclusion and implementation of treaties and of any other international obligations, the declaration of war and the conclusion of peace, and the participation in any international organization and conference.

2. Defence.

Defence includes all matters relating to the protection and defence of the Republic and any part thereof against any threat either from outside or from within or against any calamity.

There shall be deemed to be included therein, *inter alia*, the raising, training and maintaining of the necessary armed or other forces, the establishment and maintenance of bases and any defence works, the control of weapons, explosives, munitions and war materials, the taking of all measures necessary for the prosecution of war, the restoration of peace, the meeting of any calamity, and the securing of the essentials for the well-being of the community and the re-adjustment of its economic life.

It should be noted, however, that the Greek Cypriot side supports the full demilitarization of Cyprus.

3. *Security.*

Security includes all matters relating to peace, order and good government throughout the Republic.

There shall be deemed to be included therein, *inter alia*, the raising, maintenance and distribution of the necessary security forces, any matters pertaining to weapons, ammunitions and explosives, the declaration of a state of emergency throughout the Republic or in any part thereof, and the regulation of any matter relating thereto.

4. *Criminal, public and civil law and procedure.*

This heading includes, *inter alia*, all matters relating to the determination of the scope and content of the criminal, public and civil law of the Republic, and the rules of evidence and of practice and procedure applicable in criminal, public and civil law proceedings.

5. *Administration of Justice.*

This heading includes, *inter alia*, all matters relating to the administration of justice, the constitution, organization and jurisdiction of the Supreme Court (which shall include original jurisdiction to hear disputes between the regions themselves and between the regions and the federal government and appellate jurisdiction from the federal and regional courts) and of such other federal courts and tribunals as may be necessary for the administration of justice, the persons entitled to practise before the courts, and the composition and mode of enforcement of the judgements and decisions of courts and tribunals.

6. *Citizenship, Aliens, Immigration, Emigration and Extradition (including passports and visas).*

This heading includes, *inter alia*, all matters relating to citizenship of the Republic (and the acquisition of any foreign citizenship), to aliens, their naturalisation and their control, such as the entry and stay in the Republic and the acquisition of property by them, the movement of persons in and out of the Republic and the conditions of such movement, passports and visas, and extradition.

7. *Trade, commerce and industry.*

This heading includes, *inter alia*, all matters relating to the regulation of trade and commerce in their inter-

national or inter-regional aspects or insofar as they concern or affect the interests of the Republic as a whole, the formation, registration, regulation and winding up of companies, partnerships and economic associations, the regulation of industry, including tourism and industrial undertakings.

8. *Shipping, navigation (including air navigation), ports and transport.*

This heading includes, *inter alia*, all matters relating to shipping, navigation (including air navigation and air traffic), the delimitation of territorial waters, ports and airports, transport.

Transport also includes the construction, maintenance and control of highways, mechanically propelled vehicles, regulation of traffic, carriage of passengers and goods by land, sea and air, except carriage of passengers and goods by land solely within the limits of a Region.

9. *Federal works and power (including public works, electricity, water and other public utility undertakings).*

This heading includes, *inter alia*, all matters relating to any works, even though situated wholly within the limits of a Region, which are aimed at serving the interests of the inhabitants of the Republic as a whole, and any works relating to nuclear energy and atomic power plants.

10. *Mines, forests, fisheries and other natural resources and environment.*

This heading includes, *inter alia*, all matters relating to mines, quarries, mineral and quarry materials, gas and oil, water (whether surface water or not) and generally all kinds of natural resources (including the resources of the continental shelf), forests and forest materials, fishing and fisheries, and the protection and preservation of the environment.

11. *Antiquities.*12. *Currency, legal tender and coinage, weights and measures, as well as computation of time, money, banking, exchange control and stock exchanges.*

13. *Postal and telecommunication services.*

This heading includes, *inter alia*, all matters relating to posts and telecommunications and to wireless, broadcasting and television.

14. *Customs (including customs and excise duties).*

This heading includes, *inter alia*, all matters relating to customs, and customs and excise duties, the unity of the customs and commercial territory, the freedom of movement of goods, the exchange of goods and payments with foreign countries.

15. *Industrial property (including patents, trade marks, business names, copyrights).*16. *Bankruptcy and Insurance.*

This heading includes, *inter alia*, all matters relating to bankruptcy and insolvency and insurance of any kind.

17. *Finance.*

This heading includes, *inter alia*, all matters relating to the economic policy and the administration of the finance of the Republic, to the preparation and administration of the federal budget, to the raising of money by any mode or system of taxation direct (such as income tax, estate duty, corporation tax, capital tax, property tax) or indirect (such as customs and excise duties already referred to under heading 14, and stamps duties), the regulation of taxation for the whole of the Republic, and the regulation of the raising of money by borrowing, the making of grants and loans to the regions, and the taking of all measures to ensure the uniformity of taxation throughout the Republic.

18. *Labour and Social Welfare.*

This heading includes, *inter alia*, all matters relating to the registration, operation and dissolution of trade unions, the promotion of employment, wage, trade and productivity standards and the advancement of good labour relations; institutions and machinery for the solution of labour disputes in the federal service or in fields affecting the supply of services and the well-being of the inhabitants of the Republic as a whole, the

establishment of institutions for, and the regulation of, training of labour, the safety of employees, the establishment, operation, regulation and financing of federal schemes of social insurance, pension schemes and the setting of standards and control of provident fund schemes.

19. *Professions and professional associations.*

This heading includes, *inter alia*, all matters concerning formalities, conditions or restrictions relating to the qualifications required for the exercise of any profession or the participation in any professional associations, and standards required for the obtaining of qualifications from institutions of higher learning in the Republic.

20. *Movable and immovable property (including non privately owned properties).*

This heading includes, *inter alia*, all matters relating to ownership, tenure, registration and valuation, town and country planning, as well as compulsory acquisition and requisition of property.

21. *Prisons.*

This heading includes, *inter alia*, all matters relating to the establishment, maintenance and regulation of penitentiaries, prisons and other correctional institutions.

22. *Establishment of federal authorities and other federal agencies.*

This heading includes, *inter alia*, all matters relating to the establishment and maintenance of such federal authorities and agencies as may be necessary, including the establishment and regulation of the federal public service and the qualifications and duties of persons to be admitted to such service.

23. *Public Health.*

This heading includes, *inter alia*, all matters relating to the protection of public health in the Republic, exclusive of local sanitation and first aid services, to the regulation of standards for hospitals, nursing homes and other similar institutions, to drugs and poisons, food-stuffs, diseases and quarantine.

24. *Agriculture.*

This heading includes, *inter alia*, agricultural policy in the interests of the Republic as a whole, agricultural research, protection against pests and prevention of plant and animal diseases.

25. *Matters incidental or supplemental to the execution of any power vested in the Federation.*26. *Any other matter not explicitly assigned to the Regions.*

The abstinence of the Federal Government from legislating to the full limits of its powers shall not have the effect of transferring to any regional legislature any power which has been assigned to the Federal Government by the Federal List.

B. REGIONAL LIST

The powers of a regional administration shall extend to all matters expressly and specifically provided hereinafter.

1. *Organization and Administration.*

This heading relates to all matters concerning the structure and organization of the government of the Region and the administration therein.

2. *Implementation of federal legislation.*

This heading relates to the implementation of all federal legislation insofar as it applies to the Region, where such implementation is expressly entrusted to the Region by such federal legislation.

3. *Local Government.*

This heading relates to the structure and organization of local government and its functioning within the Region.

4. *Public Order.*

This heading relates to such matters concerning the maintenance of public order and security as are of a purely local and regional nature.

5. *Offences under regional laws.*

This heading relates to the making of provisions for the creation of offences for contraventions of regional laws and the imposition of punishment therefor.

6. *Police.*

This heading relates to the organization and maintenance of local police for the enforcement of regional laws in the Region.

7. *Administration of Justice.*

This heading relates to the constitution, organization and jurisdiction of all regional courts of criminal and civil jurisdiction, including the practice and procedure in proceedings before such courts, provided that a final appeal shall always lie from the judgements or decisions of such courts to the Federal Supreme Court.

8. *Trade, Commerce and Industry.*

This heading relates to all matters concerning the regulation of trade, commerce and industry within the Region, of a purely local and regional nature.

9. *Transportation.*

This heading relates to the carriage of passengers and goods by land solely within the limits of the Region, the construction of regional roads within the Region and the control of traffic therein.

10. *Regional Works.*

This heading relates to all matters concerning any works of a purely local and regional nature other than works which, though situated within the Region, are carried out by the Federal Government.

11. *Forests.*

This heading relates to matters concerning forests assigned to the Region, and their control, conservation, protection and development.

12. *Producers' and Consumers' Co-operatives and Credit Establishments.*

This heading relates to the structure and organization of co-operatives and credit establishments, their functioning and supervision.

13. *Charitable and Sporting Organizations.*

This heading relates to the structure and organization of charitable and sporting organizations, their functioning and supervision within the Region.

14. *Cultural and Educational Affairs.*

This heading relates to all matters concerning cultural, teaching and educational affairs in the Region, provided that the minority community within the Region shall be at liberty to establish and operate its own schools, which shall be of a standard not below the minimum standard required for public schools in the Region.

15. *Finance.*

This heading relates to matters concerning the raising of money by way of rates, tolls, licensing fees, loans locally contracted and lotteries, and the receiving of grants and loans from the Federal Government. Such mode of receiving money should not be of a destructive or prohibitive nature and should not exceed a ceiling which may be fixed by a federal law.

16. *Labour and Social Welfare.*

This heading relates to the inspection of places of work and to regional programmes of public and social welfare.

17. *Professions and Trades.*

This heading relates to matters concerning the raising of revenue by licensing of persons possessing the qualifications required under federal law for carrying on, exercising and practising any business, trade, calling or profession within the Region other than the licensing of a corporate body incorporated under federal law.

18. *Correctional Institutions.*

This heading relates to reform schools and other quasi-educational correctional institutions for young persons.

19. *Public Health.*

This heading relates to all matters concerning the protection of public health and sanitation within the Region and the running of hospitals and nursing homes and other similar institutions.

20. *Agriculture.*

This heading relates to all matters concerning agriculture within the Region of a purely local and regional nature.

21. *Compulsory acquisition and requisition of property.*

This heading relates to all matters concerning the compulsory acquisition and requisition of property within the Region, for such purposes of public benefit of a purely local and regional nature on such terms and in accordance with such provisions, as provided by federal law.

22. *Services of a local character.*

This heading relates to services of a purely local and regional nature, such as fire brigades, except in the capital of the Republic, inspection of boarding houses and lodging houses, burial and cremation grounds, pounds and cattle trespass, markets and fairs, and licensing of theatres, cinemas and other places of public entertainment.

23. *Matters incidental or supplemental to the execution of any power vested in the Region.*

24. *Matters assigned by the Federal Governments to the Regions.*

This heading relates to matters which may be assigned specifically by federal law to the Regions, though not expressly enumerated in this List.

If a Region purports to exercise competence on a matter not specifically and expressly vested in the Region the exercise of such competence shall be void.

Nicosia,
April, 1976.

**FRAMEWORK FOR A CYPRUS SETTLEMENT
PREPARED BY U.S., BRITISH AND
CANADIAN GOVERNMENTS**

The parties to the intercommunal talks will negotiate in good faith and in a sustained manner, under the auspices of the United Nations Secretary-General, towards a comprehensive Cyprus settlement on the basis of the following conceptual framework:

(1) The Republic of Cyprus shall be a bicomunal federal state with two constituent regions, one of which will be inhabited predominantly by Greek Cypriots, the other predominantly by Turkish Cypriots. The independence, sovereignty, and territorial integrity of the Republic of Cyprus shall be assured, as shall its right to conduct a policy of nonalignment should it so choose. The incorporation of all or part of the Republic into any other state shall be expressly prohibited.

(2) A new constitutional structure for the Republic of Cyprus, incorporating an operative federal system of government, shall be negotiated on the basis of the provisions set forth herein. The negotiators shall be guided by the Makarios — Denktash instructions of February, 1977, shall draw upon pertinent elements of the Constitution of 1960, and shall bear in mind United Nations resolutions. Substantial powers and responsibilities will be reserved to the two constituent regions in such a manner as to protect the rights and to meet the concerns of members of both communities.

(3) Fundamental rights and liberties, to include freedom of movement, freedom of settlement, and the right to property ownership, shall be embodied in the federal constitution subject only to such modifications as are required to preserve the character of each region.

(4) The following powers and functions shall reside in the federal government of Cyprus: foreign affairs, external defence, currency and central banking, inter-regional and foreign commerce, communications, federal finance, customs, immigration, and civil aviation. Powers and functions not explicitly granted to the federal government shall be reserved to the two constituent regions. Powers and functions initially exercised by the regions may be assumed by the federal government upon joint agreement of the two regions.

(5) The federal government shall be structured along the following lines:

(A) Legislative authority shall be vested in a bicameral legislature, the upper chamber to represent the two communities on a basis of equality and the lower chamber to be elected in proportion to population.

(B) In the event that a majority in the upper chamber fails to concur in a bill passed by the lower chamber, a subsequent affirmative two-thirds vote in the lower chamber shall be sufficient to enact, provided that at least three-eighths of the representatives from each community concur therein.

(C) There shall be a president and a vice president, elected through democratic processes, one of whom shall be from one community and the other from the other community. In the event of the incapacity or temporary absence of the president, the vice president shall act in his stead. The president and vice president shall jointly appoint a council of ministers. Neither community shall have less than 30 per cent of the ministerial portfolios. The president and the vice president may jointly veto federal legislative acts, although their veto may be overridden by a two-thirds vote in each chamber.

(D) A federal supreme court shall be established, to consist of one Greek Cypriot, one Turkish Cypriot, and one non-Cypriot appointed jointly by the president and the vice president. The court shall have the function of interpreting the constitution and shall act as the highest court of appeal where federal legislation is concerned.

(E) Provision shall be made for the fair participation of members of both communities in the federal civil service. Senior appointments shall be subject to approval by the upper chamber of the legislature.

(6) The two regions shall establish regional government institutions for the purpose of carrying out the powers and functions reserved or assigned to them under the constitution. The executive and legislature of each region shall be democratically elected. The parties to the intercommunal talks shall discuss ways of ensuring the necessary degree of congruity between the governmental institutions of the two regions.

(7) An agency for regional cooperation and coordination shall be established, jointly headed by a Greek Cypriot and a Turkish Cypriot and staffed by an equal number of representatives of each constituent region. The agency will foster practical cooperation between the two regions, especially in the economic and commercial fields; will seek the maximum possible compatibility between the two regions; and will promote the unity of the nation.

(8) The specific territory under the administration of each region shall be negotiated on the basis of criteria such as economic viability and productivity, land ownership, security, population patterns, and historical factors. In this regard, it is understood that the Turkish Cypriot side will agree to significant geographical adjustments in favor of the Greek Cypriot side.

(9) The parties shall make provision, to the extent feasible and consistent with the bicomunal character of the Republic, for the return of displaced persons to their properties and for the settlement of claims that may be made by those who are unable or do not choose so to return.

(10) An integral part of a final settlement shall be the withdrawal of non-Cypriot armed forces (except for those specifically agreed to) from the territory of the Republic. Consideration may be given to a possible phased demilitarization of the Republic of Cyprus in a manner that will best assure the security of the Republic and its citizens under a final settlement. It would be understood that demilitarization would not preclude lightly-armed regional police forces with the function of maintaining law and order within each region.

(11) There shall be established a Cyprus reconciliation fund, financed primarily by the federal government and administered jointly by the two regions, that will provide funds for development projects designed to assist in the process of readjustment subsequent to a settlement and to assist those sectors of the Republic that have the greatest economic and social need. Other governments and international organizations would be invited to contribute to the fund.

(12) In order to promote an atmosphere of goodwill and to resolve pressing humanitarian problems, the Varosha area shall be resettled under U.N. auspices in accordance with the attached arrangements. Such resettlement shall be initiated in phase with the resumption of full intercommunal negotiations on a comprehensive agreement.

THE VAROSHA AREA

The parties to the intercommunal talks shall cooperate with the Secretary-General of the United Nations and with his representatives in arranging the modalities for an early resettlement of the Varosha area. The following guidelines will obtain:

(A) The area for resettlement shall encompass territory lying to the east of the village of Ayios Nikolaos and to the south of the old Nicosia—Famagusta Road. In defining the precise area for resettlement, the concerns of the Turkish Cypriot party for the security of old Famagusta and Famagusta Harbor shall be taken into account.

(B) The area for resettlement shall be administered under the supervision of the United Nations, and shall be considered as an extension of the present United Nations buffer zone. There shall be a Greek Cypriot and a Turkish Cypriot liaison officer to the United Nations authorities for this purpose. Cypriot laws and regulations shall be in force in the area of resettlement.

(C) It is understood that as many former residents of the area of resettlement may return as they choose. There shall be no fixed numerical limitation.

(D) Those who return to the area for resettlement shall not be subject to further involuntary displacement.

OBSERVATIONS ON THE TURKISH CYPRIOT PROPOSALS

(The Observations were handed to the U.N. Representatives in Cyprus by the Greek Cypriot negotiator on 22 April, 1978).

GENERAL :

The Turkish side has failed in its undertaking, formally given to the U.N. Secretary-General in January, 1978, and announced by him, to present exact and complete proposals both on the constitutional and on the territorial aspects for the solution of the Cyprus problem.

The documents presented do not afford any basis for meaningful and substantive negotiations for the solution of the Cyprus problem, as envisaged by the relative U.N. Resolutions on Cyprus.

On the Constitutional aspect, the provisions of the documents presented are contrary to the obligation to submit proposals for the establishment of a Federal State. The documents provide, not for the creation of a Federal Republic, but for the partitioning of the existing State of Cyprus into two separate entities. In fact, the whole aim of the Turkish provisions is, under the guise of the word "federal", to invest the illegal Turkish Cypriot administration with legal powers.

On the Territorial aspect, the Turkish documents contain no commitment for giving up any area now occupied by the Turkish forces.

Constitutional Aspect :

The Turkish documents do not provide for the establishment of a Federal State. The provisions in the documents contain none of the attributes of federation, nor do they propose the creation of a Federal State exercising, through its own organs, independent state power. At the very centre of the Federal State, where one expects to find the fountain of federal power

and functions, there is a total and complete vacuum. Furthermore, the relationship of the Federal Government to the citizen, an essential element of federation, is non-existent. What the Turkish documents clearly provide is the creation of two separate States.

This is evidenced by the following examples which are by no means exhaustive :

(1) SOVEREIGNTY :

Though the Turkish documents contain a statement that "the Federal Republic of Cyprus is to be a sovereign" federation, yet no sovereignty is allotted to the Federal State, but, on the contrary, it is expressly provided that "the sovereignty should continue to be shared equally by the two national communities through their respective Federated States".

Thus, a most basic, fundamental attribute and prerequisite of federation is lacking.

(2) UNITY OF TERRITORY :

The whole effect of the provisions throughout the Turkish documents is to destroy and deny the unity of the territory of the Federal State. At the same time, numerous provisions aim at promoting and perpetuating the division and partition of the territory and the people in a consistent and glaring manner. The effect of these provisions is the establishment of two distinct and separate States, which is the obvious objective of the Turkish side.

That this is so, suffice it to give a few, but telling, examples.

- (a) The individual will not be able to enjoy, irrespective of the community to which he belongs, his basic human rights throughout the territory of the Republic, and the Federal Government is not vested with any legislative, executive or judicial power for safeguarding such enjoyment.
- (b) The fundamental principles of freedom of movement, freedom of settlement, right to property and right to work throughout the Federal State are ominously singled out for such special treatment as to be denied to the individual as a citizen of the Federation.

They are left to be legislated on separately by each "Federated State" at its own whim, at some distant, unspecified time in the future. In addition, the rights of freedom of movement and freedom of settlement are made subject to mutual agreement (which, because of the "deadlock" provisions, either side will for ever be at liberty to withhold) and to such conditions and restrictions as to render their enjoyment impossible in perpetuity, whilst the right to property is stultified.

- (c) The aims of economic and social development and the prosperity of the people are envisaged on the basis of two water-tight, separate States.
- (d) The suggestions regarding Famagusta are an apt illustration of the divisive concept of the provisions in the Turkish documents.

And yet, unity of territory is an indispensable attribute of federation and a test whether a federation or two States are to be established.

(3) FEDERAL POWERS AND FEDERAL ORGANS :

No federal powers are conferred on the Federal State and no specific federal organs are provided to exercise such powers :

(a) *Federal Legislative Power :*

- (i) Although certain federal legislative powers are listed by their headlines in the Turkish documents to create the false impression that the Federal Government will be invested with them, in fact such powers are to be exercised by the separate Assemblies of the "Federated States" and not by a federal Legislature. It is only "in case of conflict in matters of federal legislation by the two Legislative Assemblies" that legislation is referred to a federal Assembly made up of an equal number of Greek and Turkish members (ten members from each community) deciding by simple majority, inevitably resulting in deadlocks.

The deceptive provision for resolving such deadlocks through the casting vote of the President of the Assembly is nullified by the provision that whenever a casting vote is used the decision shall invariably be submitted "to a separate referendum in each Federated State".

This is another glaring manifestation of the separatism which pervades the Turkish documents, in furtherance of the Turkish intention to create, not a federation, but two separate States.

- (ii) The same concept and divisive attitude permeate the provisions that for any federal law to come into force, even in the rare cases where a federal law is voted by both Assemblies of the two "Federated States", there must be joint promulgation by the two Presidents of the "Federated States". This gives to either of the two Presidents of the "Federated States" the right effectively to block all federal legislation even when enacted.

This is another indication of the lack of any intention to create a Federal State.

The effect of these provisions is to create deadlocks, ensuring that no legislation enabling the exercise of federal functions will ever be enacted. Conversely, each "Federated State" is given by itself absolute power effectively to block the operation of the Federal State and to deny to the Federal Government powers and functions which in all federal systems belong to it.

So long as no Federal Legislative Assembly exercising independent legislative powers is created, the purported "Federal State" will be subject to the legislatures of the "Federated States".

This is against all fundamental principles of a Federal State.

(b) *Federal Executive Power :*

The Turkish documents do not provide for the creation of specific federal executive organs vested with effective executive powers.

As in the case of legislative powers, certain matters are listed as "federal executive matters", but when the substance of the relative provisions is examined, it is established that they exist only in name. As explained in the Turkish documents, the Federal Government will have "only those basic powers and

functions which are considered necessary and feasible for the purpose of maintaining common services and without security risks to the life and property of the inhabitants of the member states".

As to the Federal Executive Organs, the Turkish documents provide for "joint direction of the Federal Executive by the two Presidents of the Federated States" and for their continuous joint participation on a basis of equality in "the basic decision-making process for federal functions". The illusion of the existence of a "federal executive" exists only in the ceremonial functions to be performed on a "rotating" basis by one of the Presidents of the "Federated States".

As in the case of the provisions relating to the federal legislative power, the inevitable creation of deadlocks will prevent the exercise of federal executive power.

All the above unprecedented provisions are incompatible with the concept of a Federal State and are only compatible with the creation of two separate States.

(c) *Federal Judiciary:*

The Turkish documents do not contain any concrete proposals for the establishment, composition and operation of Federal Courts, not even Federal Criminal Courts, except for a proposed Federal Constitutional Court, which would again be composed of an equal number of Greek Cypriots and Turkish Cypriots taking decisions by majority without a casting vote, thus extending the deadlock arising from the artificial equalisation of the communities even to the administration of justice.

The election of a President of the Court, which the Turkish documents provide should be made by its own members, will be virtually impossible since it is subject to the same deadlock provisions.

This is another serious departure from accepted federal principles.

(d) *Protection of Human Rights and Fundamental Freedoms:*

Although the Turkish documents purport to contain "extensive provisions relating to fundamental rights

and liberties" and an effective system for their judicial protection, this is nullified by the fact that "domestic and international" responsibility in this field is given, not to the Federal Government as in all federations, but to the "Federated States" within their respective jurisdictions. This provision is a two-fold violation of the federal concept: the vesting of the "Federated States", with international personality, a manifestation of the Turkish intention to create two separate States, and the denial of protection of the human rights of the citizen by the Federal State.

As already stated, the fundamental principles and basic human rights of freedom of movement, freedom of settlement, the right to property and the right to work, far from being entrenched in the Federal Constitution, are mentioned in the Turkish documents only to be annihilated. In particular, the right to property and its enjoyment is substituted by provisions for compensation tantamount to confiscation.

The reference in the Turkish documents to all the basic International Conventions, Covenants and Declarations for the protection of human rights are thus exposed to be nothing but empty words.

(e) *Position of the Federal State in international law:*

The Turkish documents do not provide for the creation of a Federal Republic of Cyprus as a separate subject of International Law.

On the contrary, the Turkish documents state that the "Federated States" shall also bear "international responsibility" and that the conclusion of international treaties, conventions and agreements by the Federal Executive shall be "without prejudice to the right of the two Federated States to enter into any agreement with any country". Even the issue of passports and citizenship certificates is allotted to the "Federated States".

This gives a separate international legal personality to each "Federated State" and provides another incontrovertible proof of the objective of the Turkish side to create two separate States.

(f) *Defence and Security :*

Contrary to all concepts of federation, no provision is made for federal defence and security. Even for external defence, the Turkish documents provide "separate land forces of the Federated States stationed in their respective territories". Similarly, the function of guarding the coasts, preventing smuggling and customs control is allotted to the "Federated States".

This is another striking proof of the creation of two States.

(g) *Sources of Revenue of the Federal State, Federal Finance, Economic and Town and Country Planning :*

There is no provision in the Turkish documents for any sources of revenue of the Federal State, except that these will consist of the charges and fees derived from services rendered by the federation. Since the Federal State and the services to be so rendered are really non-existent, this source of revenue is only theoretical.

The subjects of federal revenues, federal finance, economic and town and country planning are conspicuously absent from the enumeration of "federal matters" set out in the documents. This is one more proof of the insubstantiality of the Federal State.

Provision is made for a separate Central Bank for each "Federated State". This would enable either "Federated State" to draw on the reserves of the Federation to finance its own separate and unco-ordinated private and public expenditure leading to certain collapse of the "joint currency" which no amount of "co-ordination" can remedy.

Thus, each "Federated State" will be a separate economic entity with different taxation, standards and services, making economic planning impossible. It will therefore inevitably necessitate the establishment of guarded borders between the two "Federated States" so as to prevent illegal trafficking and smuggling.

This is another clear proof of the intention to create two separate States.

(h) *External Communications :*

Other instances illustrating the lack of basic attributes of a Federal State are the provisions relating to postal and telecommunication services which will obviously be the responsibility of the "Federated States", only co-ordination being ensured by the Federal Executive. Thus, each "Federated State" will have control of its own external telecommunication services, the "Federated States" being thus invested with international legal personality, in yet one more field.

This is contrary to all known systems of federalism and only consonant with the creation of two separate States.

The provision for the joint operation and maintenance of the Nicosia International Airport "by the two Communities", on the basis of equality, is so unworkable and absurd as to need no elaboration.

(i) *Miscellaneous Matters :*

Even matters such as standards of weights and measures, patents, trade marks, copyrights and meteorological services are to be the responsibility of the "Federated States" thus rendering it possible for different standards to be adopted by each. Only co-ordination is to be ensured by the Federal Executive.

This is another illustration of the denial of federal personality even in such insignificant matters as these.

(j) *Composition and Effectiveness of the proposed Federal Organs :*

The Turkish documents envisage, throughout, participation of Greek Cypriots and Turkish Cypriots in the federal organs, taking decisions on a basis of equality. Such provisions are the surest recipe for bringing about continuous and insurmountable deadlocks at all levels of the Federal State leading to perpetual intercommunal friction, culminating, inevitably, in partition.

This is yet another manifestation of the negative attitude of the Turkish side towards federation in the true sense.

Moreover, the proposed equalisation of the Greek Cypriot community, comprising 82% of the total population, with the 18% Turkish Cypriot community, now extended to all federal functions, is a negation of all democratic principles to which lip-service is paid in the preamble proposed for the Constitution of the new Federal Republic of Cyprus, set out in the Turkish documents. It is also inconsistent with the universally accepted federal concept.

Territorial Aspect :

The Turkish side makes no proposal on the Territorial aspect beyond what it proposed in April 1976, namely a "readjustment of the line", which it now further limits by expressing its readiness "to enter into negotiations for readjusting the line".

Such "readjustments" as are shown on the map attached to the Turkish documents are a mockery; the areas proposed to be given up are areas situated in the neutral zone which is not under the occupation of the Turkish forces. The Turks are in fact offering back what is not under their occupation. On the other hand, the areas in respect of which they have indicated readiness "to enter into negotiations" for readjusting the line are isolated insignificant areas, such as Kokkina, with the obvious aim of straightening and shortening and thus strengthening the Attila line. The extent of these areas represents about 1%.

It is worthy of note that the Turkish documents studiously avoid any reference to one concrete and most important criterion for the settlement of the territorial aspect, namely, land-ownership. This significant omission is no doubt due to the fact that the Turkish Cypriot land-ownership is only 12.3% of the land of Cyprus.

The provisions of the Turkish documents with regard to Famagusta are so vague and incomprehensible and so hedged in by unspecified conditions that they do not amount to any kind of proposal whatsoever. In any event, the Turkish documents speak only about the possible return of some "Greek Cypriot owners" to their properties in only a specified limited part of Famagusta, subject to certain conditions, not about the return of Famagusta to its rightful owners. This is adding insult to

injury when one remembers that the new town of Famagusta is an exclusively Greek inhabited town and all property in this town is owned exclusively by Greeks.

Even presuming that some Greek Cypriot "owners" were allowed to return to that specified limited part of Famagusta, the aim would be to exploit them and their know-how, converting them to hostages, subjecting them to the humiliations and vicissitudes suffered by the Greek Cypriot population in the Turkish occupied area, and expelling them when they were no longer needed.

This is not an imaginary fear. The terrible reality is the forcible, calculated expulsion, long after the cessation of hostilities, of the Greek Cypriots who were not driven out during or immediately after the invasion. Of the 20,000 who had so remained, only 1,770 are now left in the Turkish occupied area, living in conditions of deprivation of all basic fundamental human rights and liberties.

The provision in the Turkish documents that freedom of residence will be recognized primarily for "professional purposes" and the other conditions to which the exercise of this right will be subjected, affords further insight into the true aims of the Turkish side in respect of Famagusta. Furthermore, the danger of subjecting oneself to "the laws of the Turkish Federated State of Cyprus" is not a theoretical danger because already in the "Constitution" of the "Turkish Federated State of Cyprus" the protection of human rights extends only to "Turkish citizens". Foreigners, a term which includes Greek Cypriots, are not accorded such protection.

The provisions relating to Famagusta, if they prove anything, prove the Turkish intention not to create a Federal Republic, because the provisions offend against the principle of the unity of the territory of the federation and of its people. The division is extended, not only as between Greek Cypriots and Turkish Cypriots, but also as between categories of citizens — some "owners" of property and others.

CONCLUSION

This paper mentions only some of the most glaring examples of the failure of the Turkish side to honour its solemn and express undertakings to submit concrete and comprehensive proposals for the creation of a Federal Republic.

The Turkish documents themselves reiterate that the provisions are for "federation by evolution". Even this "evolutionary process", however, in addition to its unacceptability, is illusory, since it is arrested for at least seven years, during which there will be "reservations on amendments" to the constitution. After the lapse of seven years, the proposed "deadlock" provisions would again preclude any form of evolution. But it must again be stressed that "federation by evolution" is for obvious reasons totally unacceptable at its basis.

From the few examples given, it becomes evident that the Turkish approach to the solution of the Cyprus problem bears no relation to the concept of federation, and that therefore no number or extent of amendments can bring it into line with the agreed basis of establishing a Federal Republic. Thus, the "proposals" contained in the Turkish documents cannot, by any stretch of the imagination, be considered as providing any basis for negotiation and the resumption of intercommunal talks.

With regard to the most important aspect of territory, the Turks have again failed to suggest anything which could be described as proposals.

In fact, the provisions in the documents now presented (some of which are couched in identical language as the proposals presented in Vienna in April, 1977) reveal even more clearly than ever before the Turkish intention to create two separate States. Therefore, if the proposals presented in Vienna last year proved in practice not to form a basis for negotiation and led to the breakdown of the talks, the proposals presented now are a *fortiori* not a basis for negotiation and the resumption of intercommunal talks.

It must also be pointed out that all the provisions in the Turkish documents are coupled with deviously phrased escape clauses allowing the Turkish side, during the actual negotiating process, to become even more intransigent than its "proposals" show it to be, and to renege even from the ostensible commitments contained in the documents.

It is obvious that the sole objective of the Turkish documents was to create the false impression that the Turkish side was honouring its obligation to submit concrete and comprehensive proposals, and thus to improve the international image of Turkey, and for other purposes, not the solution of the

Cyprus problem in the interest of the people of Cyprus and of peace and security in the area. It is equally obvious that, once this objective was achieved, the Turkish side, relying on the many escape clauses contained in the documents, would, far from entering into negotiations with a view to improving its "proposals", recede from them even further.

In conclusion, the Greek Cypriot side considers the so-called Turkish proposals as totally unacceptable and wishes to state once again that they cannot under any circumstances justify the resumption of intercommunal talks.

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