

TURKISH CYPRIOT PROPOSALS OF 1976 ON THE CONSTITUTION

Prof. Dr. Yılmaz ALTUĞ

For last two decades the problem of Cyprus interests the world public opinion, yet in spite of many books and articles written on of diplomatic talks and negotiations of the subject, partly to the subject all facts are no well known. This is due partly to the secrecy of diplomatic talks and negotiations of the subject, partly to the efforts of Greek Cypriots to try to distort the truth in order to prove that they are right in their doings.

Turkish Cypriots suffered lot all along the Cyprus conflict lost many lives and properties until July 15, 1974 when after the coup of Sampson Turkey intervened under 4th Article of the Treaty of Guarantee to save them from total annihilation by manslaughter.

Following the coup Makarios had fled the island. In his address made before the United Nations Security Council on July 19, 1974 he said among other things: "...The events in Cyprus do not constitute an internal affair of the Greek Cypriots. Turkish Cypriots are also affected. The coup of the Greek Junta is an invasion and from the consequences all the people of Cyprus both Greeks and Turks will suffer"¹.

After Turkish intervention it was agreed by the parties concerned that fresh attempts should be made to solve the Cyprus problem by means of a new series of talks between the two communities on equal footing under the auspices of the U.N. Secretary —General². In June 1968 Inter-communal talks started between Mr. Rauf Denktaş

1) M. Necati Münir Ertekün, **Inter'-Communal Talks and the Cyprus Problem**, Nicosia, 1977, p. 14. footnote 26.

2) **Ibid.**, p. 16.

and Mr. Glafcos Clerides and continued, off and on, until the summer of 1974. Under the auspices of the U.N. Secretary General first they were five rounds of the inter communal talks. The first³ rounds of these talks took place at Vienna between April 28-May 3; June 5-June 7; and July 31-August 2, 1975. The fourth round was held in New-York between September 8-10, 1975 the fifth round took place at Vienna between February 17-21, 1976. Between the fourth and the fifth rounds on December 12, 1975 an Accord was reached between the Foreign Ministers of Turkey and Greece. In this Accord they decided: "To ask the Secretary- General of the United Nations to appeal to the representatives of the two communities to continue their talks without prior conditions with a view of arriving at a package deal on an agenda containing the following subjects: Territorial issues, federal structure, powers of central Government."³

Turkish Cypriot side prepared the following proposals as envisaged in Brussels Accord and 5th round of talks.

3) Released by the Foreign Ministers of Turkey and Greece on May 22, 1976.

17 April, 1976

Your Excellency,

I have the honour to submit herewith the Turkish Cypriot proposals on the problem of Cyprus as envisaged in Brussels and in the last Vienna meeting and request that the same be given to the Greek Cypriot interlocutor Mr. Tasos Papadopoulos.

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

(Umit S. ONAN)
Vice-President
Constituent Assembly of the
Turkish Federated State
of Cyprus.

His Excellency,
Perez de Cuellar,
Special Representative in Cyprus
of the U.N. Secretary-General,
Nicosia.

TURKISH FEDERATED STATE OF CYPRUS
PRESIDENT'S OFFICE

Nicosia,
17 April, 1976

Excellency,

In accordance with the agreement which was reached at the 5th round of the Cyprus Intercommunal Talks which were held in Vienna from the 17th to 21st February, 1976, in pursuance of the Secretary-General's "mission of good offices and in accordance with the Process-Verbal agreed upon by the Foreign Ministers of Greece and Turkey in Brussels on 12th December, 1975," I enclose herewith the proposals of the Turkish Cypriot side on the peaceful settlement of the problem of Cyprus. I would be grateful if you would kindly transmit the enclosed proposals to the leadership of the Greek Cypriot Community.

You will observe that Part "A" of the proposals contains the "General Principles concerning the establishment of a Federal Republic in Cyprus" and Part "B" contains the "Powers and Functions of the Central Government of the Federal Republic of Cyprus" and is given solely in relation to those parts of the paper in accordance with the accord reached in Brussels and Vienna as to the subject matter of negotiations at this stage. An introductory part is also included. With regard to proposals on the territorial aspect of the Cyprus problem you will recall that as explained in my letter to you of the 8th April, 1976 I have had to return that part of the Greek Cypriot proposals concerning territorial aspect, because of the false and misleading references which had been made therein to the Secretary General's role on the matter. Nevertheless, as proof of its intention to begin meaningful negotiations without delay on all aspects of the problem and with a view to presenting a complete picture of the overall problem (as envisaged in Brussels and in Vienna) the Turkish Cypriot side has indicated its views and criteria on the Territorial Aspect which forms part "C" of the papers attached hereto.

I should like to take this opportunity of reminding through Your Excellency the proposals which were made by the Turkish Cypriot

side on the 18th July, 1975 for the establishment of a Transitional Joint Government with a view to preventing any further alienation and separation of the two Communities.

The Turkish Cypriot side considers this proposals still valid and all the more relevant to initiate regular contacts between the two Communities and a proof of goodwill by instituting a Joint Government between the two partner Communities pending a final solution. The setting up of such joint machinery along those lines without further delay would not only serve the interest of the two Communities by engendering a degree of confidence-building co-operation, but also would enhance the climate for, and facilitate the work of, the Mixed Committees to be set up in Cyprus in accordance with the Vienna Accord.

As to the question of guarantees which does not fall within the context of the present talks, I would like to place on record that there could be no change in the well-known stand of the Turkish Cypriots side on the question of National Guarantees.

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

(Rauf R. DENKTAŞ)

President

Turkish Federated State
of Cyprus

EXPLANATORY NOTE

It is felt that a short outline of the origin and development of the problem of Cyprus will be useful in understanding the context in which the Turkish Cypriot proposals is being made and in appreciating the causes motivation behind them. The events of the past are related very shortly, for no other purpose than this.

Cyprus has been in search of a political settlement for more than two decades. In view of the existence in Cyprus of two national communities with diverse political outlooks the search has been overshadowed by recurring intercommunal violence each time the Greek Cypriot leadership, inspired and led by the Greek Orthodox Church, tried to impose its political will (of uniting what they considered to be a Greek island with Greece) on the Turkish Community by use of force.

The Turkish Cypriot reaction and resistance to this Greek attempt at "union with Greece" was always strong and sincere because all Turkish Cypriots believed that what was "freedom" for the Greek Cypriot leadership was "enslavement" for the Turkish Cypriots. "Freedom" to the Greek Cypriot leadership was used as synonym for "Enosis" (union of Cyprus with Greece) and this, to the Turkish Cypriots was neocolonization and forced exodus from Cyprus.

It was this clash of divergent beliefs and opposing national policies which led to the inter-communal strife of 1955-58 period and in the end necessitated an honourable compromise between the parties. With the help of the two motherlands (Turkey and Greece) this compromise was reached in 1959-1960 on the basis of (1) a bi-national independence (2) resting on the political equality and administrative partnership of the two communities (3) who were given full autonomy in what were strictly defined as Communal Affairs (4) while leaving the residue of power to a strong Central Government; (5) the bi-national independence, so founded, was guaranteed by Turkey and Greece against any kind of union with any other country thus ensuring permanence to the Cypriot Republic and assuring both sides that peace would be maintained in the island.

It was believed by the Turkish side that this Functional Federative system would eliminate discrimination and remove all causes of inter-communal friction.

This compromise having established a Cypriot Greece-Turkish Republic was not given a fair chance to work because the Greek Cypriot leaders continued to regard Cyprus as a Greek island destined to be united with Greece and thus they maintained (1) that the 1960 compromise was an unjust compromise and (2) that those Agreements though duly signed by them could be rendered null and void by a variety of ways; (3) if necessary resort to violence was envisaged and (4) in case of intervention by Turkey as a guarantor power in order to avert the destruction of the independence it was believed that the United Nations would stall such intervention or remove its effect in such a way that the original Greek Cypriot fait accompli (of destroying the 1960 bi-national partnership and establishing a purely Greek Cypriot Government as the "final-but-one-step to Enosis") would prevail.

The 13 point proposals for the amendment of the Constitution which the Greek leadership proposed to the Turkish Cypriots in 1963 had this plan in view. The events which followed and the inter-communal fighting which ensued were all anticipated and foreseen by the Greek Cypriot leaders and accepted by them as natural outcome of their planned approach to the solution of the problem namely, that of establishing an Hellenic government in Cyprus in complete disregard of Turkish objections. The Turkish Cypriot resistance to the implementation of this plan prolonged the issue but the original aim never changed. As part of this plan Cyprus was occupied by 20,000 Greek Mainland troops as early as 1964 and just before the coup of 1974 Archbishop Makarios was on record as having said that he had established the nearest thing to Enosis by keeping the Turks out of the administration.

No settlement was reached until July 1974 because the Turkish Cypriot side was still refusing to accept a solution tailored by the Greek Cypriot leadership aiming at (1) destroying the bi-national character of the partnership State and (2) removing all impediments to Enosis (3) by establishing a completely Greek Cypriot Government and State (4) in which the Turkish Cypriots would be accorded

purely minority rights (5) with the national guarantee, which barred effectively any kind of union with any other country removed.

Significantly, Nicos Sampson who had staged the coup in accord with the Junta officers in July 1974 immediately named his new State as "The Hellenic Republic of Cyprus". From 1963 when Turkish Cypriots were attacked and lost 103 villages to July 1974, 24,000 Turkish Cypriots lived under sub-human conditions as refugees. Thus the number of Turkish Cypriots who had been uprooted and systematically squeezed, first out of their villages and eventually out of the island over the decades by economic sanctions, oppression, discrimination and war-like activities had been increased anew. The coup of 1974 and the ensuing conflict thereafter caused the uprooting of a further 65,000 Turkish Cypriots from their lands in quest of final peace and security! The civic, political and economic rights of these Turks had been denied, their human rights ignored and trampled upon during 1963-1974 period when they lived as political hostages thinly spread in Greek areas.

The 1960 Agreement and the Constitution of the bi-national State which were meant to protect the Turkish Cypriot partner against (1) discrimination, (2) Enosis, (3) military attack or (4) any kind of oppression by giving powers like the right of veto in limited areas or special majority vetos in defined fields of legislation had proved completely inadequate once the numerically many decided to misuse the powers of a strong Central Government and ignore, under a variety of reasons and excuses, those parts of the Constitution which gave the Turkish Cypriot partners any protective rights.

Thus, the pre-planned violence of 1963 and the events which followed left the Turkish Cypriot community stateless in its own country, outlawed at the will of the Greek Cypriot leaders who had usurped the powers of a strong Central Government!

In November 1967, it was in reliance on this usurped authority and active backing of the Greek Mainland Forces with full armour and sophisticated arms that the Greek Cypriot side had launched another attack on two villages (Kophinou and Ayios Theodoros) with combined Greek Cypriot and Greek Mainland Forces. Turkey, in order to stop the massacre of Turkish Cypriots, demanded under

its Treaty right as a guarantor power, the immediate cessation of the onslaught and the withdrawal of all Greek Mainland Forces from Cyprus. As a result the Greek Cypriot leaders condescended to begin unofficial exploratory talks with the Turkish Cypriot side with a view to finding a solution to the Cyprus problem while, the unconstitutional Greek Cypriot Army known as the National Guard continued (and continues to this day) to be commanded throughout by officers from Greece.

These negotiations which lasted from 1968 to 1972 (and thereafter continued in an expanded form with the participation of Turkish and Greek Constitutional experts until the coup) brought no result because, as stated earlier, the Greek Cypriot side would not abandon its praitailored plan of a solution which, if accepted, would render the Turkish Cypriot Community true political hostages in a Greek island with the way wide open to Enosis (union with Greece). The Turkish Cypriot side continued to cherish and guard its partnership rights in the independence of Cyprus at great human and economic sacrifice while Turkey, as a Guarantor power indicated that she would never agree to the dissolution of the bi-national Republic by uniting the island with Greece.

It was at this stage—in 1974—when the Turkish Cypriot Community under 12 years attack, discrimination, oppression and economic sanctions was ebbing out (yet not softening in its protection of its basic rights and -co-founder status) that the coup was staged by the Greek Junta in collaboration with extremist EOKA adherents in the island in order to speed the way to union with Greece.

It is now fully established that the coup-makers were to decimate the Turkish Cypriot Community and announce that union with Greece was achieved within a very short period of time. No one believed that Turkey would intervene; if by any Chance, they thought, Turkey did intervene then big powers and UNO would pull Turkey back and the fait accompli created by the coup would prevail. That the Greek Cypriot leaders still believe this to be possible is obvious from their unchanged approach to the Cyprus problem. They ignore the fact that but for the Turkish resistance to Greek actions during 1963-1974 period the independence and sovereignty of Cyprus would have been destroyed by them.

It is against this background that the Turkish Cypriot Community approaches the problem and in formulating its proposals has been guided by a desire to re-build the future of the bi-national Independence of Cyprus so that the two national Communities while enjoying lasting peace, progress and mutually beneficial economic development the Turkish Cypriot Community will not go through the grilling experiences of the last 12 years.

Consequently the Turkish side has put its main and permanent objective on paper as being the establishment of (1) permanent (2) binational (3) bi-zonal Federal republic of Cyprus (4) based on the political equality of the two national Communities (5) with policy of non-alignment and (6) good neighbourliness in the region so that Cyprus can never be used by outside powers as a military base against its neighbours.

In this way it is believed that full security and equality will be achieved by the Federal set up, in which, that part of the model of a strong Central Government as set out in the 1960 Constitution will be reversed by setting out in detail the powers of the Central Government and leaving the rest to the Federated States. As confidence is re-established between the two communities the Federated States will be free to agree to yield more powers to the Federal Government for their mutual benefit.

Thus, the Greek Cypriot leadership having misused its powers in a strong Central Government under the 1960 Constitution by ignoring all Turkish Cypriot rights and by overriding them at will to the detriment of the Turkish Community cannot lure the same community to agree to any kind of "entrenched rights" as sole protection of its life and status in the future. Turkish Cypriot Community, having lived through the experiences of the last 12 years is, necessarily, seeking Security in the structure of the bi-national, bi-zonal state and in the continuation of the national guarantees.

The Turkish Cypriot proposals for a bi-zonal re-establishment of the partnership Independence is seen as the only way for putting bridges of cooperation between the two totally separate communities who have lived in a state of war or semi-war for the last 12 years. The ultimate objective of peace, co-operation and co-existence has

a fair chance under this system which will bring a sense of security and equality to both sides.

The Greek Cypriot allegation that a weak central government will pave the way to the disintegration of the State is gross exaggeration. The preventive remedy for such an eventuality lies in the continuation of the national guarantees but for which Greek Cypriot leaders would have, long ago, achieved complete dissolution of the State by uniting the island with Greece. The Turkish Cypriot side cannot, therefore, accept the proposition that while seeking ways and means for the protection of the bi-national State it should give the Greek Cypriot side the same rights which they used exactly for the purpose of dissolving the State.

In the search for a fair settlement, it is the view of the Turkish Cypriot Community that the balance should not be tilted against the Turkish Cypriot Community under the guise of preserving the State because the Turkish Cypriot Community (and its political and administrative re-establishment under a Federal State in its own Federated land) is a fundamental factor in the preservation of the bi-national State.

The Turkish Cypriot side believes that human rights can have no meaning if they can be used for destroying fellow men. No doubt fundamental Human rights and principles according to which there must be freedom of movement, etc. should be applied in Cyprus but, in doing so, these principles should not be used as vehicles for bringing back to the Turkish Community the agony of the last 12 years. The Turkish Cypriot side knows too well the value of Human Rights and Fundamental Liberties because, during the last 12 years, all these were denied to the Turks at the will of the Greek Cypriot leaders. It is because these realities were acknowledged and the above principle was accepted in 3rd Vienna talks that exchange of population was also agreed upon and fully implemented in September, 1975 with the full co-operation of the UNFICYP.

Since the Turkish peace operation Cyprus has found peace and the Turkish Cypriot Community has enjoyed full security for the first time in his own land. A bi-zonal set up has eliminated all friction and day-to-day conflict which was engineered by those who wished

to endanger peace in Cyprus in order to unite the island with Greece.

The Turkish Cypriot side believes that if goodwill exists and a federal system is the aim of both sides then an agreement for the establishment of a bi-communal transitional government while the peace talks continue, will enhance the chances of success and will stop the process of continuing separation between the two Communities.

The Turkish Cypriot side reiterates that it stands for permanent independence within the context of a bi-zonal federal system, non-alignment and full co-operation with the Greek Cypriot Community on basis of equality.

A. GENERAL PRINCIPLES CONCERNING THE ESTABLISHMENT OF A FEDERAL REPUBLIC IN CYPRUS.

1. Cyprus shall be a 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 Federal Republic shall be independent, sovereign and territorially integral.

3. The sovereignty shall continue to be shared equally by the two national communities as co-founders of the Republic.

4. The Federal Republic shall be secular. Religion shall be kept strictly out of politics in Federal and Federated affairs.

5. Equality of power and status of and non-discrimination between the two Federated States shall be ensured. Any of the States can in no way overpower, dominate, overrun or interfere with the other in political, juridical, military, economic or other fields.

The Federal Government can in no case abolish, engage in any warlike activity against, or otherwise interfere with, any of the Federated States.

6. 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.

7. 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.

8. 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.

9. 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.

10. Each Federated State shall ensure respect for Human Rights within its respective territory.

11. 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 or of the two national communities.

12. 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 co-operation between the two national communities. Likewise any activity tending to foment enmity, hatred and ill-feelings between the two national communities shall be prohibited.

13. 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.

14. 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 parties concerned, in conjunction with the question of commensation and other related matter, in such a manner as not to obstruct the setting up of the proposed Federal Republic.

B. POWERS AND FUNCTIONS OF THE CENTRAL GOVERNMENT OF THE FEDERAL REPUBLIC OF CYPRUS.

1. The Turkish Cypriot proposals under this heading are made with the understanding that equality in participation and exercise of authority of the two national communities in the Federal Government shall constitute the fundamental basis thereof.

2. 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.

3. It will be recalled that the Turkish Cypriot members of the Expert Committee set up by the First Round of Vienna Talks on the 23th April, 1975, submitted their proposals, of a preliminary nature on the powers and functions of the Federal Government, to the Greek Cypriot Side through the then Special Representative of the United Nations Secretary-General Mr. Louis Weckmann-Munoz on 21 July, 1975. The Turkish Cypriot Side considers that these proposals in so far as they relate to the powers and functions of the proposed Federal Government and subject to the General Principles set out in A above and to the accord reached in Brussels can be used as a starting point for discussion.

A copy of the said proposals drafted by the Turkish members of the Expert Committee is enclosed herewith for easy reference.

C. TERRITORIAL ASPECT.

It was agreed in Brussels and confirmed in the Fifth Round of Vienna Talks that the proposals on the territorial aspect of the problem, which is part of the problems to be taken up on the basis of a "package deal", was to be presented by the Greek Side first and the these proposals would be reasonable.

Subject to the above, the Turkish Side is willing to begin negotiations on this issue on the Criteria already outlined to the Greek Cypriot Side in Vienna, and if necessary, to further elaborate on these when the aforesaid Greek Cypriot proposals are duly received, with a view to adjusting the line between the two Federated States.

PROPOSALS ON THE POWERS AND FUNCTIONS OF THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF CYPRUS MADE BY THE TURKISH CYPRIOT MEMBERS OF THE EXPERT COMMITTEE SET UP BY THE FIRST VIENNA CONFERENCE ON THE 28th APRIL, 1975

1. The Turkish Cypriot members of the Expert Committee, having examined this important subject in consultation with their legal expert Professor Orhan Aldıkaçtı, are of the opinion that the limited and specified powers and functions (enumerated in paragraph 2 below), which it is proposed should be given to the Federal Government of the Federal Republic of Cyprus (hereinafter referred to as "the Federal Government"), should be determined by, and should be exercised in the light of, and subject to, the following principles and conditions:

- (1) There exist at present two separate and distinct Turkish Cypriot and Greek Cypriot Administrations, irrespective of what name they may be known by, with effective control over two separate and distinct regions of the Republic of Cyprus. These two separate, distinct and equal Administrations exercise in Cyprus today, in their respective regions, the full authorities of the Republic. This fact must be the starting point in considering what powers and functions should be yielded by the existing Administrations to the Federal Government. That is to say, we are not starting off with one Central Government exercising full powers and functions and considering which of these powers and functions should be given to the States, but on the contrary, we are starting off with two separate and distinct Administrations exercising full powers and functions in their respective regions. We must, therefore, consider what powers and functions the already existing separate and distinct Administrations, i.e. the States of the proposed Federal Republic, should yield to the Federal Government.

The Turkish Cypriot members of the Committee, therefore, propose the establishment of a Federation, composed of two Federated States (hereinafter referred to as "the States") with

all residual powers and functions being left to the States and only such limited powers and functions being yielded to the Federal Government which are absolutely necessary for the carrying out of common services of a Federal State without detriment to the security of life and property in the respective regions.

- (2) In view of the fact that the proposed Federal Republic will be composed of two equal units, namely the two member States which will make up the Federation, it is essential that, as is the case in most Federations, the member States of the Federation, irrespective of the size of its geographical area and irrespective of the size of its population, should in all respects be equal members of the Federation. This principle of equality of member units is not only observed in most federations but is also a fundamental and democratic principle observed by the Charter of the United Nations itself. This principle of equality between the two member units of the Federation may be referred to as the principle of "Condominium".
- (3) In view of past experience, it is considered imperative that the officials of the Federal Government exercising federal powers and functions in a member State should belong to the same Community as the State concerned. For example, a Federal Officer exercising Federal powers in the Turkish Federated State of Cyprus, must be a member of the Turkish Community and vice-versa. (In this connection please see the principle embodied in Article 132 of the 1960 Cyprus Constitution).

2. The Federal Government shall, subject to the above principles and conditions, exercise powers and functions only with regard to the following matters:—

(1) *Foreign Affairs:*

- (a) The field of foreign affairs, which should be clearly defined to embrace the normal and accepted sense of the term, is one which may properly be given to the Federal Government.

- (b) Each State, shall be entitled to enter into any agreement with its respective mother country, Turkey or Greece.
- (c) The Federal Republic of Cyprus shall accord most-favoured-nation treatment to Turkey and Greece.
- (d) In the light of past experience, the principle of equality or "Condominium" referred to above assumes an even greater degree of importance in the field of foreign affairs. It is for this reason that it is proposed that the more important posts in the Foreign Service, such as Heads and Deputy-Heads of Missions, should be equally allocated between the two Communities.

(2) *External Defence (excluding internal security of States) :*

- (a) In the opinion of the Turkish Cypriot side only external defence is a subject which may properly be given to the Federal Government. In the light of past experience, it is considered that internal security should be the responsibility of the respective member States.
- (b) The defence force of the Federal Republic could be composed of separate and equal Turkish Cypriot and Greek Cypriot units, the Turkish Cypriot unit being based within the territory of the Turkish Cypriot State and the Greek Cypriot unit within the territory of the Greek Cypriot State. The Tripartite Headquarters established under the Treaty of Alliance shall resume its functions.
- (c) In view of the existence of the Treaty of Guarantee and the Treaty of Alliance, which will effectively guarantee the independence, sovereignty and territorial integrity of the Federal Republic, it would not be necessary for the Federal Government to employ a large force for the purpose of external defence.

(3) *Federal Banking, Stock Exchanges and Monetary Affairs:*

It is considered that the subjects of Federal Banking, stock exchanges and monetary affairs are matters which could well be given to the Federal Government.

(4) **Federal Budget:**

- (a) The Federal Government shall have its own Federal Budget for the purpose of meeting the expenditure necessary for carrying out the powers and functions of the Federal Government.
- (b) The Federal Budget shall be financed from the charges and fees derived from services rendered by organs of the Federal Government or from any aid or grant given to the Federal Government from outside.
- (c) Any deficit in the Federal Budget in any particular year may be met by such Federal taxation or by such other means as may be agreed between the States.
- (d) Each State shall also have its own Budget and will be responsible for its own financial arrangements, with the right to receive aid or grants from outside, and shall be responsible for the general economic development of its State.
- (e) Financial and economic matters are, of course, spheres in which the two States could co-operate with each other for their mutual benefit.

(5) *Federal Courts:*

It is proposed that Federal Courts should be established for the purpose of dealing with matters arising under the Federal Constitution and violations of, or matters falling under, Federal laws. The establishment of a Federal Constitutional Court to interpret the Federal Constitution is envisaged.

(6) *Federal Communications (including Federal Postal and Telecommunication Services):*

- (a) Federal Communications, such as external postal and telecommunication services and such services between the two States, the operation and maintenance of the Nicosia International Airport subject to mutually agreed arran-

gements, are matters which could properly and conveniently be given to the Federal Government.

- (b) This should not preclude each State from having its own air and sea communications with its respective mother country or internal postal and telecommunication services.

(7) *Federal Medical Services:*

- (a) Policy matters relating to medical and health services would come within the sphere of the Federal Government.
- (b) Each State shall have, and be responsible for, its own medical and health services.

(8) *Standards of Weights and Measures (as well as computation of time) :*

The subject of standardization of weights and measures and computation of time are matters which could well be given to the Federal Government.

(9) *Patents, Trade Marks and Copyrights:*

Regulation of matters relating to patents, trade marks and copyrights would also come within the sphere of the Federal Government.

(10) *Federal Meteorological Services :*

Subject to the rights of each State to have its own meteorological services, the Federal Government would be responsible for meteorological services at Federal level.

3. In the light of the observations made in sub-paragraph (1) of paragraph 1 above, it is 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, as enumerated in paragraph 2 above, shall be vested in, and exercised by, the States.

4. Although it is proposed that the powers and functions to be given to the Federal Government shall be confined to the 10

specific heads enumerated in paragraph 2 above, this would not mean that the two member States of the Federation would not mean that the two member States of the Federation would not be able to co-operate, in a spirit of reciprocity, very closely in those fields which, though coming within the powers and functions of the States are such (e.g. town planning, etc. of border towns like Nicosia, antiquities, trade and industry, labour and social welfare, etc.) that co-operation in those fields would be to the mutual benefit of the two States of the Federation and of their respective Communities.

5. It will be seen from what has been stated that the above proposals with regard to the powers and functions of the Federal Government have been made in the light of the existing realities and of the lessons learned as the result of past experience and it is, therefore, proposed that the two existing separate Administrations should give up to the Federal Government only those limited 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. If, in the course of time, it is proved, by the conduct of all concerned, that mutual trust and confidence can be built upon the limited links existing between the Federal Government and the two member States, than it is to be hoped that, with the growth of such confidence and with the elimination of mistrust and suspicion, it will be possible to strengthen such links by building upon them by the gradual giving up by member States of additional powers and functions to the Federal Government. It is the sincere belief of the Turkish Cypriot members of the Committee that the proposed Federation can only work and hope to survive, in the present circumstances, by starting: cautiously from the bottom and then to build upon, and strengthen, the existing links with the growth of mutual confidence.

Prof. Orhan Aldıkaçtı,
Legal Expert of the Turkish
Members of the Committee.

(M. Necati Münir)
(Ümit Süleyman)
(Zaim M. Necati)

21st July, 1975.