

Greek Cypriot Proposals, 1989

Outline Proposals for the establishment of a Federal Republic and for the solution of the Cyprus problem, submitted on January 30, 1989

Introductory Note

On 30 January 1989, the President of the Republic, Mr. George Vassiliou, presented to the leader of the Turkish Cypriot community, Mr. Denktash a document entitled "Outline Proposals for the Establishment of a Federal Republic and for the Solution of the Cyprus Problem".

In this comprehensive document the Government of Cyprus set out in outline, proposals on all aspects of the Cyprus problem intended to assist the attempt to reach a negotiated settlement.

The proposals of the Greek Cypriot side conform with the provisions of the High Level Agreements of 1977 and 1979 and are also in accord with the United Nations Charter and the United Nations Resolutions and Decisions on Cyprus.

The spirit that permeates the proposals is the target of establishing an independent, sovereign, territorially integral, non-aligned Federal Republic which would promote peace and stability in the region and friendly relations and cooperation with all its neighbours.

The document submitted, clears the ground on important issues. Careful consideration has been given as to how the unity of the country will be preserved, so that all Cypriots can live and cooperate together in peace in an independent state, while at the same time a working federal system is to be established, capable of functioning effectively, so that progress for all is facilitated, confidence is generated for both sides and loyalty to the institutions of the Federation is engendered.

There is a considered approach to treating equitably the problem of security for both communities in the context of a demilitarised Federal Republic, so that all citizens can have confidence in the future and can feel that their persons, property and all their other rights are secure.

The proposed Federation provides for the equality of the constituent Provinces and for the implementation of bicommunality, with both communities participating in all the constitutional organs of the Federal Republic, while it safeguards the preservation of the culture and traditions of each community, and, at the same time, the democratic principle of equality of all Cypriot citizens, without discrimination, in all spheres, and protects human rights throughout Cyprus.

The National Council reaffirmed many times the 1989 decision on the outline proposals. Its most recent relevant decision was taken at its session of July 29-30, August 1, 1996. During that session the National Council reaffirmed the 1989 unanimous decision on outline proposals for the establishment of a federal republic for the solution of the Cyprus problem that were submitted to the United Nations, and included in the outline proposals provision for Cyprus' accession to the European Union. In addition the National Council reaffirmed that a solution to the Cyprus problem will only be reached through a peaceful dialogue under the auspices of the UN Secretary-General and in line with UN Resolutions.

A. General Approach

Convinced that agreement on a just and viable solution of the Cyprus problem is of the uttermost urgency and that the suffering and uncertainty of the people of Cyprus must not be prolonged, the Greek Cypriot side is submitting outline proposals for the solution of the Cyprus problem.

The Greek Cypriot side's proposals for the establishment of a Federal Republic and for a solution to the Cyprus problem are in accord with the United Nations Charter and the United Nations Resolutions and Decisions on Cyprus. They are also within the scope of the High-Level Agreements of 1977 and 1979 to which the two sides reaffirmed their commitment at the beginning of the negotiations on 24 August 1988. The proposals conform fully to the spirit of the new round of Talks and take into account the interests and concerns of both sides, as was undertaken at the meeting with the Secretary-General of the United Nations in New York on 22 and 23 November 1988.

1. Evaluation of the Two Communities Concerns

In presenting these Proposals the Greek Cypriot side has taken into account the concerns expressed during the first round of the Talks.

(a) Turkish Cypriot Concerns

(i) Community concerns

Desire to preserve Community identity and Community cultural traditions and to secure Community self-government in view of the fact that Turkish Cypriots compose one fifth of the population of Cyprus and Greek Cypriots four fifths.

(ii) Security Concerns

Turkish Cypriots express fears of attempts at domination either by the federal governmental power or by the Greek Cypriot Province or Community. These fears include an alleged danger of erosion of their political power.

(b) Greek Cypriot Concerns

(i) Community concerns

The Greek Cypriot Community fears that the Greek Cypriot refugees will be prevented from returning to their homes and properties and that, due to the colonisation of northern Cyprus by settlers from Turkey, the Greek Cypriots will be gradually squeezed out of Cyprus.

(ii) Security Concerns

These concerns arise from the invasion and occupation of 37% of the territory of the Republic of Cyprus by Turkey and the expulsion from their homes and properties of 40% of the Greek Cypriot population. There is also the added fear that one day Turkey, with its overwhelming military superiority and rapidly increasing population of 55 million will use northern Cyprus as a springboard for further expansionism. In this connection Greek Cypriots fear that power exercisable by Turkish Cypriots under the Federal constitution may be used to frustrate the functioning of the State and that the resultant impasse will provide a pretext for a further invasion by Turkey at a tactically convenient time.

2. Objectives of the Current Proposals

The proposals of the Greek Cypriot side aim to further the attempt to reach by 1 June 1989, a negotiated settlement of all aspects of the Cyprus problem, while conforming to the agreed basis of the negotiations, and taking into account the interests and concerns of both sides and so to achieve the following

(a) The unity of the country, so that all Cypriots can live and cooperate together in peace in an independent State.

(b) A working federal system based on equitable territorial arrangements, capable of functioning effectively so that the interests of all can be nurtured and progress for all can be facilitated, thus giving confidence to both sides and generating loyalty to the institutions of the State.

(c) Security for both Communities in the context of a demilitarised Federal Republic so that all citizens can have trust in the future and know that their persons, property and all other rights are safe.

(d) Implementation of bi-communality, with both Communities participating in all the constitutional organs of the Federal Republic.

(e) Individual equality of all Cypriots, an absence of discrimination in all spheres, and protection of human rights throughout Cyprus, as a democratic country.

(f) Preservation of the identity of Cyprus, its demographic structure, and of the culture and the traditions of each Community.

(g) Fostering economic development with particular emphasis on redressing regional imbalances.

(h) The aim of the solution would be to establish an independent, sovereign, territorially integral, non-aligned Federal Republic which aims at promoting world peace and cooperation among the peoples of the world, peace and stability in the region and at friendly relations and cooperation with all its neighbours.

II. Demilitarisation And Security

1. The Greek Cypriot side believes that the way to remove both external and internal threats is the complete demilitarisation of the Republic. This involves:

(a) withdrawal from the territory of the Republic of all non-Cypriot military forces and elements including settlers; and

(b) the complete disbanding of all Cypriot military forces.

2. A time-table for the demilitarisation of the Republic and the withdrawal of the settlers must be drawn up and implemented before the establishment of the Federal Government or any transitional arrangement. To enhance the feeling of security of both Communities, international supervision of demilitarisation should be provided for.

3. Provision should be made for a UN controlled international force to assist in the maintenance of internal security both on the Federal and on the Provincial level for as long as necessary. The risk of physical conflict will be dissipated if there is demilitarisation, with no military forces in Cyprus other than UN personnel.

4. The Greek Cypriot side is particularly concerned about the withdrawal of Turkish settlers, whose presence is altering the demographic structure of the country, and who present a security risk for the whole island.

III. The Protection Of Human Rights Including "The Three Freedoms"

It is essential to ensure that all citizens should, without discrimination of any kind, have equal civil, political, economic, social and cultural rights and, also, that all should have equal opportunities to share in the benefits of progress and development.

In the Federal Republic, and throughout its territory, the fundamental rights and liberties safeguarded by Part 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 the right to property.

The freedoms of movement and settlement and the right to property were accepted by both sides in Guideline 3 of the Makarios-Denktash High Level Agreement, which was reaffirmed in the Kyprianou-Denktash Agreement and should be enshrined in the Federal Constitution. Any regulation that is deemed necessary should be by Federal Law.

The Greek Cypriot side of course accepts that there is a question of "practical difficulties" to be taken into account in the initial implementation of the three freedoms.

The Greek Cypriot side is ready to discuss various options in meeting the practical difficulties but whatever the arrangements made they must not be such as to frustrate or negate the principles involved, either overtly, indirectly or in spirit.

IV. Guarantees

1. The Federal Republic of Cyprus, as a Sovereign Independent State and Member of the United Nations Organisation, can only have guarantees which will be in accordance with the Charter of the United Nations.
2. Any guarantees given should be multilateral. In the view of the Greek Cypriot side the best guarantee would be one by the Security Council.
3. No guarantor should have unilateral rights of intervention.
4. The scope of any guarantees should be the independence, territorial integrity, sovereignty, and constitutional order of the Federal Republic.
5. The guarantees should continue in force for as long as either community considers necessary their continuation.

V. The Territorial Aspect

The Greek Cypriot side is convinced that a proper investigation of the territorial issue is vital to reaching overall agreement. Should agreement be forthcoming on this, it will facilitate agreement on many other issues. This view was brought out in the Secretary-General's Territorial Guidelines attached to the 18 November 1981 Evaluation and was emphasised in his Vienna Working Points of 6 August 1984. The greater the number of Greek Cypriot refugees who can be resettled in their homes under Greek Cypriot administration, the less the extent of any practical difficulties to be overcome as a consequence of Greek Cypriot refugees resettling in the Turkish Cypriot Province.

There is one other aspect of the territorial issue which requires immediate consideration. It is the question of resettlement of Varosha, which was made a priority issue by Point 5 of the 19 May 1979 High Level Agreement and was reiterated in Security Council Resolution 550(1984). That Agreement was reaffirmed at the inception of the current Talks.

VI . Constitutional Arrangements

The constitutional package of political, social and economic arrangements considered to be most suitable for meeting the interests and concerns of both communities is the following:

1. General

- (a) The Republic will be federally organised, with substantial powers being reserved to the constituent Provinces, including the welfare of their inhabitants, insuring that matters of religion, personal status, education and culture will be matters for each Community.
- (b) The Federal Constitution will be the Supreme Law of the Republic and will only be amended with the concurrence of both Communities.
- (c) The Federal Republic of Cyprus will be composed of two regions, hereinafter called Provinces.
- (d) A significant characteristic of the federation will be that at the Federal level there will be equitable bicomunal participation in all governmental organs, legislative, executive, administrative and judicial.
- (e) The Greek Cypriot side proposes a composition of and representation in the organs which, while assuring adequate and effective participation, also permits the machinery of government to continue operating and not to be paralysed in the event of disagreement between Community political representatives.
- (f) Effective deadlock-resolving machinery must be provided for.

(g) In all symbolic and cultural aspects of concern to the Federal Republic of Cyprus (such as determination of the flag, the anthem, and national holidays) there will be equal say by the two Communities, with each Community's traditions and culture being respected.

(h) The Federal Republic will have two official languages: Greek and Turkish.

(i) There will be a constitutional prohibition of the total or partial union of Cyprus with any other country or of separatist independence or secession.

2. The Provinces

(a) Each Community will administer a Province, which will have equal status vis-a-vis the other Province. The two component parts of the Federation, i.e. the two Provincial Governments, will be equal to each other and coordinate with the Federal Government.

(b) The territorial arrangements of the Federal Republic should be equitably drawn, in a way which would enable a considerable proportion of Greek Cypriot refugees to return to their homes under Greek Cypriot administration. In such a case, provided that most Turkish Cypriots choose to reside in the Turkish Cypriot administered Province, the Turkish Cypriots will constitute a majority there, even if all Greek Cypriot refugees were to return to that Province.

(c) The powers and functions constitutionally allocated to Federal and Provincial Governments respectively will be such that Provincial Governments will have extensive legislative, administrative and judicial competence to provide for the developments of the Province, the welfare of the Province's population, its education, and the preservation of its culture.

(d) There will be no possibility of Federal encroachment on the powers and functions of the Provinces. The latter will be constitutionally entrenched, the initial allocation having been agreed by the two sides.

(e) Matters may be entrusted to the Provinces by Federal Law, though not expressly enumerated in the Provincial Powers. Consideration could also be given to having a Concurrent List of powers to be exercised in accordance with arrangements to be agreed.

3. The Federal Executive

(a) President and Vice-President:

(i) There will be a President and Vice-President, one of whom will be a Greek Cypriot and the other a Turkish Cypriot.

(ii) on the manner of the election of the President and the Vice-President the Greek Cypriot side is willing to consider two options.

OPTION A.

The President will be elected by votes of the Greek Cypriot Community and the Vice-President by votes of the Turkish Cypriot Community.

OPTION B.

The President will be elected by universal suffrage on a common roll and by an absolute majority of votes. Any citizen of the Republic can be a candidate for election.

If the elected President is a Greek Cypriot, the Vice-Presidential candidates will all be Turkish Cypriots. Greek Cypriots will vote in the election for the Vice-President, the Greek Cypriot votes however being weighted so that they form the same percentage of the total vote as the Turkish Cypriot votes in the election of the President.

Though it cannot be foreseen that voters will vote independently of community membership at the beginning, this cross-voting lines will ensure that any Presidential or Vice-Presidential candidate must seriously take into account both Communities' interests and concerns. In the future, it is hoped that the President will be elected independently of Community membership, so that nothing will bar a Turkish Cypriot from becoming President of the Republic.

(iii) The Vice-President will replace the President in case of the latter's absence or incapacity.

(iv) The Vice-President will be vested with powers and functions which will be commonly agreed.

(v) The President and the Vice-President would in effect have con-extensive power in designating the members of their Community who will hold high executive office or in promulgating jointly laws and decisions.

(b) Council of Ministers:

(i) The Council of Ministers will be composed of the President, the Vice-President and 10 Ministers, 7 of whom will be Greek Cypriot and 3 Turkish Cypriot. The President and Vice-President will each select the Ministers of his own Community but the instrument of appointment for all Ministers will be signed by both.

(ii) An important Ministry will be allocated to a Turkish Cypriot.

(iii) The President and the Vice-President, by using the powers of recourse and reference to an impartial Federal Supreme Court in which the judicial power is coequally exercised in all federal matters and constitutional cases. will ensure that there is no discrimination against either Community and no unconstitutional action.

4. The Federal Legislature:

- (a) There will be a bi-cameral Federal Legislature.
- (b) The Lower House will reflect in its composition the equality of citizens and will legislate on all Federal matters.
- (c) The Upper House will reflect in its composition the equal Status of the Provinces, and will have competence in major matters.
- (d) Should deadlock arise between the two Houses there will be machinery to ensure continued functioning of the Government.
- (e) The Greek Cypriot side is ready to consider appropriate mechanisms to ensure that no significant measure affecting particularly the Turkish Cypriot Community can be passed without Turkish Cypriot Parliamentary support.
- (f) Reinforced majorities ensuring the assent of legislators of both Communities would be provided for Constitutional amendment.

5. Powers and Functions of the Federal Organs and of the Provinces.

The Greek Cypriot side considers that the Powers and Functions of the Federal Organs should secure the unity of the country, promote cooperation throughout the Republic, maintain the single international personality of the Republic, promote the unity of the internal market and the economy of Cyprus and in general contribute to the harmonisation of Federal and Provincial organs, measures and Laws.

In the Greek Cypriots side's view the Provinces should have such Powers and Functions as to enhance the feeling of security of the citizens, providing for Provincial justice and policing, secure the development of the Province, safeguard the traditions, and provide for the cultural development of the Province and promote cooperation with the other Provinces and with the Federal Government.

For the specific allocation of Powers and Functions the Greek Cypriot side is willing to consider two options:

Option A There could be two Lists of Powers and Functions, one Federal and one Provincial, with detailed definition. Should there be litigation as to whether a topic was within competence, the Federal Supreme Court would be instructed by the Constitution to settle the matter by applying a rule of interpretation that disputed functions are vested in the governmental level whose Listed Powers are ejusdem generis. Option B Consideration could be given to according concurrent power to the Federal and Provincial Governments. In this case there would be three Lists of Powers and Functions The Federal List, The Provincial List and the Concurrent List.

6. Federal Judiciary

- (a) In all constitutional cases, and when deciding any federal matter the Federal Supreme Court will be equally composed on a bicomunal basis.
- (b) Each Province will have its own administration of justice system.

The Communities would therefore have equal participation in the sphere of administration of justice.

VII. Economic Issues

A solution of the Cyprus problem will result in an increase in welfare for all the Island's population, and will be especially advantageous to the Turkish Cypriots.

The present artificial division of the economy into two, has negative effects on the economy of the whole Island, but these have been more pronounced on the smaller and economically weaker Turkish Cypriot Community. As a result of this artificial division, the level of prosperity of the Turkish Cypriots is substantially lower than that of the Greek Cypriots and the gap is growing.

A contributing factor to the economic problems of the Turkish Cypriots has been their integration with the Turkish economy, with the subsequent "importation" of the problems that characterise that economy (high inflation rates, constant devaluation and distortions) to the detriment of the Turkish Cypriots.

In addition to facilitating economic equalisation, the resolution of the Cyprus problem will release resources presently obstructed by the artificial divide and will enable Cyprus to develop its full economic potential. The increase in confidence will intensify economic activity and greatly boost investment, trade, tourism and the economy in general.

1. The Greek Cypriot side proposes that the prospects for equalisation and development that will be created by the integration of the economy, should be reinforced by overt government action at federal and provincial level, guided by the following objectives:

- (a) The establishment of conditions allowing all Cypriots to have equal opportunities for economic attainment and prosperity.
- (b) The promotion of economic development for the purpose of reducing disparities in opportunities and in welfare.
- (c) The provision of adequate public and social services to all citizens.

2. To attain the overall objective that everyone should have equal opportunity to share in the overall prosperity that will follow a solution to the Cyprus problem, the Greek Cypriot side proposes the following:

- (a) There will be a clear separation of economic powers between the central and the provincial governments.
- (b) The provincial governments will have adequate resources and powers for the promotion of the welfare and further development of their province.
- (c) Machinery will be established, through the creation of a central development fund, for ensuring balanced development of all areas of Cyprus and equal opportunities for all Cypriots.
- (d) There will be one currency managed by the Central Bank.
- (e) The Provincial government will have adequate tax revenues.
- (f) The imposition of Customs duties will be the exclusive responsibility of the Federal Government.
- (g) The commercial interests and rights of Turkish Cypriot businessmen will be adequately taken into account.
- (h) A reintegrated growing economy will make the creative solution of the problem of Turkish Cypriot and Greek Cypriot unemployed university graduates easier through the growth potential that can be realised by a reintegrated economy.
- (i) Transitional economic arrangements, to apply after the establishment of a Federal Republic will be discussed with a view to facilitating the re-integration of the economy.

3. Cyprus is an associate member of the EEC, and has entered into a Customs Union as part of the second phase of the Association Agreement, and will increasingly develop closer links with the EEC. This could have beneficial effects on the welfare of all Cypriots and help in promoting balanced regional development.

The Federal Government should have responsibility for the common external EEC tariff, but resources should be equitably distributed.

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