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Annexes

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DRAFT CONSTITUTION OF THE REPUBLIC OF CYPRUS

(extracts)

PART I. - GENERAL PROVISIONS

ARTICLE 1

The State of Cyprus is an independent and sovereign Republic with a presidential regime, the President being Greek and the Vice-President being Turk elected by the Greek and the Turkish Communities of Cyprus respectively as hereinafter in this Constitution provided.

ARTICLE 2

For the purposes of this Constitution -

(1) the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church;

(2) the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems;

(3) citizens of the Republic who do not come within the provisions of paragraph (1) or (2) of this Article shall, within three months of the date of the coming into operation of this Constitution, opt to belong to either the Greek or the Turkish Community as individuals, but, if they belong to a religious group, shall so opt as a religious group and upon such option they shall be deemed to be members of such Community:

Provided that any citizen of the Republic who belongs to such a religious group may choose not to abide by the option of such group and by a written and signed declaration submitted within one month of the date of such option to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers opt to belong to the Community other than that to which such group shall be deemed to belong:

Provided further that if an option of such religious group is not accepted on the ground that its members are below the requisite number any member of such group may within one month of the date of the refusal of acceptance of such option opt in the aforesaid manner as an individual to which Community he would like to belong.

For the purposes of this paragraph a " religious group " means a group of persons ordinarily resident in Cyprus professing the same

religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of this Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic;

(4) a person who becomes a citizen of the Republic at any time after three months of the date of the coming into operation of this Constitution shall exercise the option provided in paragraph (3) of this Article within three months of the date of his so becoming a citizen;

(5) a Greek or a Turkish citizen of the Republic who comes within the provisions of paragraph (1) or (2) of this Article may cease to belong to the Community of which he is a member and belong to the other Community upon -

(a) a written and signed declaration by such citizen to the effect that he desires such change, submitted to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers;

(b) the approval of the Communal Chamber of such other Community;

(6) any individual or any religious group deemed to belong to either the Greek or the Turkish Community under the provisions of paragraph (3) of this Article may cease to belong to such Community and be deemed to belong to the other Community upon -

(a) a written and signed declaration by such individual or religious group to the effect that such change is desired, submitted to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers;

(b) the approval of the Communal Chamber of such other Community;

(7) (a) a married woman shall belong to the Community to which her husband belongs.

(b) a male or female child under the age of twenty-one who is not married shall belong to the Community to which his or her father belongs, or, if the father is unknown and he or she has not been adopted, to the Community to which his or her mother belongs.

ARTICLE 3

1. The official languages of the Republic are Greek and Turkish.

2. Legislative, executive and administrative acts and documents shall be drawn up in both official languages and shall, where under the express provisions of this Constitution

promulgation is required, be promulgated by publication in the official Gazette of the Republic in both official languages.

3. Administrative or other official documents addressed to a Greek or a Turk shall be drawn up in the Greek or the Turkish language respectively.

4. Judicial proceedings shall be conducted or made and judgments shall be drawn up in the Greek language if the parties are Greek, in the Turkish language if the parties are Turkish, and in both the Greek and the Turkish languages if the parties are Greek and Turkish. The official language or languages to be used for such purposes in all other cases shall be specified by the Rules of Court made by the High Court under Article 163.

5. Any text in the official Gazette of the Republic shall be published in both official languages in the same issue.

6. (1) Any difference between the Greek and the Turkish texts of any legislative, executive or administrative act or document published in the official Gazette of the Republic, shall be resolved by a competent court.

(2) The prevailing text of any law or decision of a Communal Chamber published in the official Gazette of the Republic shall be that of the language of the Communal Chamber concerned.

(3) Where any difference arises between the Greek and the Turkish texts of an executive or administrative act or document which, though not published in the official Gazette of the Republic, has otherwise been published, a statement by the Minister or any other authority concerned as to which text should prevail or which should be the correct text shall be final and conclusive.

(4) A competent court may grant such remedies as it may deem just in any case of a difference in the texts as aforesaid.

7. The two official languages shall be used on coins, currency notes and stamps.

8. Every person shall have the right to address himself to the authorities of the Republic in either of the official languages.

PART II. - FUNDAMENTAL RIGHTS AND LIBERTIES

ARTICLE 6

Subject to the express provisions of this Constitution no law or decision of the House of Representatives or of any of the Communal Chambers, and no act or decision of any organ, authority or person in the Republic exercising executive power or administrative functions, shall discriminate against any of the two Communities or any person as a person or by virtue of being a member of a Community.

ARTICLE 7

1. Every person has the right to life and corporal integrity.
2. No person shall be deprived of his life except in the execution of a sentence of a competent court following his conviction of an offence for which this penalty is provided by law. A law may provide for such penalty only in cases of premeditated murder, high treason, piracy jure gentium and capital offences under military law.
3. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary -
 - (a) in defence of person or property against the infliction of a proportionate and otherwise unavoidable and irreparable evil;
 - (b) in order to effect an arrest or to prevent the escape of a person lawfully detained;
 - (c) in action taken for the purpose of quelling a riot or insurrection when and as provided by law.

ARTICLE 8

No person shall be subjected to torture or to inhuman or degrading punishment or treatment.

ARTICLE 9

Every person has the right to a decent existence and to social security. A law shall provide for the protection of the workers, assistance to the poor and for a system of social insurance.

ARTICLE 10

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced or compulsory labour.
3. For the purposes of this Article the term " forced or compulsory labour " shall not include -

(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 11 or during conditional release from such detention;

(b) any service of a military character if imposed or, in case of conscientious objectors, subject to their recognition by a law, service exacted instead of compulsory military service;

(c) any service exacted in case of an emergency or calamity threatening the life or well-being of the inhabitants.

ARTICLE 11

1. Every person has the right to liberty and security of person.

2. No person shall be deprived of his liberty save in the following cases when and as provided by law: -

(a) the detention of a person after conviction by a competent court;

(b) the arrest or detention of a person for non-compliance with the lawful order of a court;

(c) the arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by a lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the detention of persons for the prevention of spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) the arrest or detention of a person to prevent him effecting an unauthorised entry into the territory of the Republic or of an alien against whom action is being taken with a view to deportation or extradition.

3. Save when and as provided by law in case of a flagrant offence punishable with death or imprisonment, no person shall be arrested save under the authority of a reasoned judicial warrant issued according to the formalities prescribed by the law.

4. Every person arrested shall be informed at the time of his arrest in a language which he understands of the reasons for his arrest and shall be allowed to have the services of a lawyer of his own choosing.

5. The person arrested shall, as soon as is practicable after his arrest, and in any event not later than twenty-four hours after the arrest, be brought before a judge, if not earlier released.

6. The judge before whom the person arrested is brought shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as he may deem fit or where the investigation into the commission of the offence for which he has been arrested has not been completed remand him in custody and may remand him in custody from time to time for a period not exceeding eight days at any one time:

Provided that the total period of such remand in custody shall not exceed three months of the date of the arrest on the expiration of which every person or authority having the custody of the person arrested shall forthwith set him free.

Any decision of the judge under this paragraph shall be subject to appeal.

7. Every person who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

8. Every person who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

ARTICLE 12

1. No person shall be held guilty of any offence on account of any act or omission which did not constitute an offence under the law at the time when it was committed; and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed.

2. A person who has been acquitted or convicted of an offence shall not be tried again for the same offence. No person shall be punished twice for the same act or omission except where death ensues from such act or omission.

3. No law shall provide for a punishment which is disproportionate to the gravity of the offence.

4. Every person charged with an offence shall be presumed innocent until proved guilty according to law.

5. Every person charged with an offence has the following minimum rights: -

(a) to be informed promptly and in a language which he understands and in detail of the nature and grounds of the charge preferred against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through a lawyer of his own choosing or, if he has no sufficient means to pay for legal assistance, to be given free legal assistance when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

6. A punishment of general confiscation of property is prohibited.

ARTICLE 13

1. Every person has the right to move freely throughout the territory of the Republic and to reside in any part thereof subject to any restrictions

imposed by law and which are necessary only for the purposes of defence or public health or provided as punishment to be passed by a competent court.

2. Every person has the right to leave permanently or temporarily the territory of the Republic subject to reasonable restrictions imposed by law.

ARTICLE 14

No citizen shall be banished or excluded from the Republic under any circumstances.

ARTICLE 15

1. Every person has the right to respect for his private and family life.

2. There shall be no interference with the exercise of this right except such as is in accordance with the law and is necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

ARTICLE 16

1. Every person's dwelling house is inviolable.

2. There shall be no entry in any dwelling house or any search therein except when and as provided by law and on a judicial warrant duly reasoned or when the entry is made with the express consent of its occupant or for the purpose of rescuing the victims of any offence of violence or of any disaster.

ARTICLE 17

1. Every person has the right to respect for, and to the secrecy of, his correspondence and other communication if such other communication is made through means not prohibited by law.

2. There shall be no interference with the exercise of this right except in accordance with the law and only in cases of convicted and unconvicted prisoners and business correspondence and communication of bankrupts during the bankruptcy administration.

ARTICLE 18

1. Every person has the right to freedom of thought, conscience and religion.

2. All religions whose doctrines or rites are not secret are free.

3. All religions are equal before the law. Without prejudice to the competence of the Communal Chambers under this Constitution, no legislative, executive or administrative act of the Republic shall discriminate against any religious institution or religion.

4. Every person is free and has the right to profess his faith and to manifest his religion or belief, in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his religion or belief.

5. The use of physical or moral compulsion for the purpose of making a person change or preventing him from changing his religion is prohibited.

6. Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

7. Until a person attains the age of sixteen the decision as to the religion to be professed by him shall be taken by the person having the lawful guardianship of such person.

8. No person shall be compelled to pay any tax or duty the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

ARTICLE 19

1. Every person has the right to freedom of speech and expression in any form.
2. This right includes freedom to hold opinions and receive and impart information and ideas without interference by any public authority and regardless of frontiers.
3. The exercise of the rights provided in paragraphs 1 and 2 of this Article may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the reputation or rights of others or for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.
4. Seizure of newspapers or other printed matter is not allowed without the written permission of the Attorney-General of the Republic, which must be confirmed by the decision of a competent court within a period not exceeding seventy-two hours, failing which the seizure shall be lifted.
5. Nothing in this Article contained shall prevent the Republic from requiring the licensing of sound and vision broadcasting or cinema enterprises.

ARTICLE 20

1. Every person has the right to receive, and every person or institution has the right to give, instruction or education subject to such formalities, conditions or restrictions as are in accordance with the relevant communal law and are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or the standard and quality of education or for the protection of the rights and liberties of others including the right of the parents to secure for their children such education as is in conformity with their religious convictions
2. Free primary education shall be made available by the Greek and the Turkish Communal Chambers in the respective communal primary schools.
3. Primary education shall be compulsory for all citizens of such school age as may be determined by a relevant communal law.

4. Education, other than primary education, shall be made available by the Greek and the Turkish Communal Chambers, in deserving and appropriate cases, on such terms and conditions as may be determined by a relevant communal law.

ARTICLE 21

1. Every person has the right to freedom of peaceful assembly.

2. Every person has the right to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. Notwithstanding any restriction under paragraph 3 of this Article, no person shall be compelled to join any association or to continue to be a member thereof.

3. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are absolutely necessary only in the 'interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person, whether or not such person participates in such assembly or is a member of such association.

4. Any association the object or activities of which are contrary to the constitutional order is prohibited.

5. A law may provide for the imposition of restrictions on the exercise of these rights by members of the armed forces, the police or gendarmerie.

6. Subject to the provisions of any law regulating the establishment or incorporation, membership (including rights and obligations of members), management and administration, and winding up and dissolution, the provisions of this Article shall also apply to the formation of companies, societies and other associations functioning for profit.

ARTICLE 22

1. Any person reaching nubile age is free to marry and to found a family according to the law relating to marriage, applicable to such person under the provisions of this Constitution.

2. The provisions of paragraph 1 of this Article shall, in the following cases, be applied as follows: -

(a) if the law relating to marriage applicable to the parties as provided under Article 111 is not the same, the parties may elect to have their marriage governed by the law applicable to either of them under such Article;

(b) if the provisions of Article 111 are not applicable to any of the parties to the marriage and neither of such parties is a member of the Turkish Community, the marriage shall be governed by a law of the Republic which the House of Representatives shall make and which shall not contain any restrictions other than those relating to age, health, proximity of relationship and prohibition of polygamy;

(c) if the provisions of Article 111 are applicable only to one of the parties to the marriage and the other party is not a member of the Turkish Community, the marriage shall be governed by the law of the Republic as in sub-paragraph (b) of this paragraph provided:

Provided that the parties may elect to have their marriage governed by the law applicable, under Article 111, to one of such parties in so far as such law allows such marriage.

3. Nothing in this Article contained shall, in any way, affect the rights, other than those on marriage, of the Greek-Orthodox Church or of any religious group to which the provisions of paragraph 3 of Article 2 shall apply with regard to their respective members as provided in this Constitution.

ARTICLE 23

1. Every person, alone or jointly with others, has the right to acquire, own, possess, enjoy or dispose of any movable or immovable property and has the right to respect for such right.

The right of the Republic to underground water, minerals and antiquities is reserved.

2. No deprivation or restriction or limitation of any such right shall be made except as provided in this Article.

3. Restrictions or limitations which are absolutely necessary in the interest of the public safety or the public health or the public morals or the town and country planning or the development and utilization of any property to the promotion of the public benefit or for the protection of the rights of others may be imposed by law on the exercise of such right.

Just compensation shall be promptly paid for any such restrictions or limitations which materially decrease the economic value of such property:

such compensation to be determined in case of disagreement by a civil court.

4. Any movable or immovable property or any right over or interest in any such property may be compulsorily acquired by the Republic or by a municipal corporation or by a Communal Chamber for the educational, religious, charitable or sporting institutions, bodies or establishments within its competence and only from the persons belonging to its respective

Community or by a public corporation or a public utility body on which such right has been conferred by law, and only -

(a) for a purpose which is to the public benefit and shall be specially provided by a general law for compulsory acquisition which shall be enacted within a year from the date of the coming into operation of this Constitution; and

(b) when such purpose is established by a decision of the acquiring authority and made under the provisions of such law stating clearly the reasons for such acquisition; and

(c) upon the payment in cash and in advance of a just and equitable compensation to be determined in case of disagreement by a civil court.

5. Any immovable property or any right over or interest in any such property compulsorily acquired shall only be used for the purpose for which it has been acquired. If within three years of the acquisition such purpose has not been attained, the acquiring authority shall, immediately after the expiration of the said period of three years, offer the property at the price it has been acquired to the person from whom it has been acquired. Such person shall be entitled within three months of the receipt of such offer to signify his acceptance or non-acceptance of the offer, and if he signifies acceptance, such property shall be returned to him immediately after his returning such price within a further period of three months from such acceptance.

6. In the event of agricultural reform, lands shall be distributed only to persons belonging to the same Community as the owner from whom such land has been compulsorily acquired.

7. Nothing in paragraphs 3 and 4 of this Article contained shall affect the provisions of any law made for the purpose of levying execution in respect of any tax or penalty, executing any judgment, enforcing any contractual obligation or for the prevention of danger to life or property.

8. Any movable or immovable property may be requisitioned by the Republic or by a Communal Chamber for the purposes of the educational, religious, charitable or sporting institutions, bodies or establishments within its competence and only where the owner and the person entitled to possession of such property belong to the respective Community, and only -

(a) for a purpose which is to the public benefit and shall be specially provided by a general law for requisitioning which shall be enacted within a year from the date of the coming into operation of this Constitution; and

(b) when such purpose is established by a decision of the requisitioning authority and made under the provisions of such law stating clearly the reasons for such requisitioning; and

(c) for a period not exceeding three years; and

(d) upon the prompt payment in cash of a just and equitable compensation to be determined in case of disagreement by a civil court.

9. Notwithstanding anything contained in this Article no deprivation restriction or limitation of the right provided in paragraph I of this Article. in respect of any movable or immovable property belonging to any See, monastery, church or any other ecclesiastical corporation or any right over it or interest therein shall be made except with the written consent of the appropriate ecclesiastical authority being in control of such property and the provisions of paragraphs 3, 4, 7 and 8 of this Article shall be subject to the provisions of this paragraph:

Provided that restrictions or limitations for the purposes of town and country planning under the provisions of paragraph 3 of this Article are exempted from the provisions of this paragraph.

10. Notwithstanding anything contained in this Article, no deprivation, restriction or limitation of any right provided in paragraph 1 of this Article in respect of any vakf movable or immovable property, including the objects and subjects of the vakfs and the properties belonging to the Mosques or to any other Moslem religious institutions, or any right thereon or interest therein shall be made except with the approval of the Turkish Communal Chamber and subject to the Laws and Principles of Vakfs and the provisions of paragraphs 3, 4, 7 and 8 of this Article shall be subject to the provisions of this paragraph:

Provided that restrictions or limitations for the purposes of town and country planning under the provisions of paragraph 3 of this Article are exempted from the provisions of this paragraph.

11. Any interested person shall have the right of recourse to the court in respect of or under any of the provisions of this Article, and such recourse shall act as a stay of proceedings for the compulsory acquisition; and in case of any restriction or limitation imposed under paragraph 3 of this Article, the court shall have power to order stay of any proceedings in respect thereof.

Any decision of the court under this paragraph shall be subject to appeal.

ARTICLE 24

1. Every person is bound to contribute according to his means towards the public burdens.
2. No such contribution by way of tax, duty or rate of any kind whatsoever shall be imposed save by or under the authority of a law.
3. No tax, duty or rate of any kind whatsoever shall be imposed with retrospective effect:
Provided that any import duty may be imposed as from the date of the introduction of the relevant Bill.
4. No tax, duty or rate of any kind whatsoever other than customs duties shall be of a destructive or prohibitive nature.

ARTICLE 25

1. Every person has the right to practice any profession or to carry on any occupation, trade or business.
2. The exercise of this right may be subject to such formalities, conditions or restrictions as are prescribed by law and relate exclusively to the qualifications usually required for the exercise of any profession or are
necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person or in the public interest:
Provided that no such formalities, conditions or restrictions purporting to be in the public interest shall be prescribed by a law if such formality, condition or restriction is contrary to the interests of either Community.
3. As an exception to the aforesaid provisions of this Article a law may provide, if it is in the public interest, that certain enterprises of the nature of an essential public service or relating to the exploitation of sources of energy or other natural resources shall be carried out exclusively by the Republic or a municipal corporation or by a public corporate body created for the purpose by such law and administered under the control of the Republic, and having a capital which may be derived from public and private funds or from either such source only:
Provided that, where such enterprise has been carried out by any person, other than a municipal corporation or a public corporate body, the installations used for such enterprise

shall, at the request of such person, be acquired. on payment of a just price, by the Republic or such municipal corporation or such public corporate body, as the case may be.

ARTICLE 26

1. Every person has the right to enter freely into any contract subject to such conditions, limitations or restrictions as are laid down by the general principles of the law of contract. A law shall provide for the prevention of exploitation by persons who are commanding economic power.

2. A law may provide for collective labour contracts of obligatory fulfilment by employers and workers with adequate protection of the rights of any person, whether or not represented at the conclusion of such contract.

ARTICLE 27

1. The right to strike is recognised and its exercise may be regulated by law for the purposes only of safeguarding the security of the Republic or the constitutional order or the public order or the public safety or the maintenance of supplies and services essential to the life of the inhabitants or the protection of the rights and liberties guaranteed by this Constitution to any person.

2. The members of the armed forces, of the police and of the gendarmerie shall not have the right to strike. A law may extend such prohibition to the members of the public service.

ARTICLE 28

1. All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.

2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political

or other convictions, national or social descent, birth, color, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.

3. No citizen shall be entitled to use or enjoy any privilege of any title of nobility or of social distinction within the territorial limits of the Republic.

4. No title or nobility or other social distinction shall be conferred by or recognised in the Republic.

ARTICLE 29

1. Every person has the right individually or jointly with others to address written requests or complaints to any competent public authority and to have them attended to and decided expeditiously; an immediate notice of any such decision taken duly reasoned shall be given to the person making the request or complaint and in any event within a period not exceeding thirty days.

2. Where any interested person is aggrieved by any such decision or where no such decision is notified to such person within the period specified in paragraph 1 of this Article, such person may have recourse to a competent court in the matter of such request or complaint.

ARTICLE 30

1. No person shall be denied access to the court assigned to him by or under this Constitution. The establishment of judicial committees or exceptional courts under any name whatsoever is prohibited.

2. In the determination of his civil rights and obligations or of any criminal charge against him, every person is entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law. Judgment shall be reasoned and pronounced in public session, but the press and the public may be excluded from all or any part of the trial upon a decision of the court where it is in the interest of the security of the Republic or the constitutional order or the public order or the public safety or the public morals or where the interests of juveniles or the protection of the private life of the parties so require or, in special circumstances where, in the opinion of the court, publicity would prejudice the interests of justice.

3. Every person has the right -

(a) to be informed of the reasons why he is required to appear before the court;

(b) to present his case before the court and to have sufficient time necessary for its preparation;

(c) to adduce or cause to be adduced his evidence and to examine witnesses according to law;

(d) to have a lawyer of his own choice and to have free legal assistance where the interests of justice so require and as provided by law;

(e) to have free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 31

Every citizen has, subject to the provisions of this Constitution and any electoral law of the Republic or of the relevant Communal Chamber made thereunder, the right to vote in any election held under this Constitution or any such law.

ARTICLE 32

Nothing in this Part contained shall preclude the Republic from regulating by law any matter relating to aliens in accordance with International Law.

ARTICLE 33

1. Subject to the provisions of this Constitution relating to a state of emergency, the fundamental rights and liberties guaranteed by this Part shall not be subjected to any other limitations or restrictions than those in this Part provided.

2. The provisions of this Part relating to such limitations or restrictions shall be interpreted strictly and shall not be applied for any purpose other than those for which they have been prescribed.

ARTICLE 34

Nothing in this Part may be interpreted as implying for any Community, group or person any right to engage in any activity or perform any act aimed at the undermining or destruction of the constitutional order established by this Constitution or at the destruction of any of the rights and liberties set forth in this Part or at their limitation to a greater extent than is provided for therein.

ARTICLE 35

The legislative, executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions of this Part.

ARTICLE 46

The executive power is ensured by the President and the Vice-President of the Republic.

The President and the Vice-President of the Republic in order to ensure the executive power shall have a Council of Ministers composed of seven Greek Ministers and three Turkish

Ministers. The Ministers shall be designated respectively by the President and the Vice-President of the Republic who shall appoint them by an instrument signed by them both. The Ministers may be chosen from outside the House of Representatives.

One of the following Ministries that is to say the Ministry of Foreign Affairs, the Ministry of Defence or the Ministry of Finance, shall be entrusted to a Turkish Minister. If the President and the Vice-President of the Republic agree they may replace this system by a system of rotation.

The Council of Ministers shall exercise executive power as in Article 54 provided.

The decisions of the Council of Ministers shall be taken by an absolute majority and shall, unless the right of final veto or return is exercised by the President or the Vice-President of the Republic or both in accordance with Article 57, be promulgated immediately by them by publication in the official Gazette of the Republic in accordance with the provisions of Article 57.

ARTICLE 50

1. The President and the Vice-President of the Republic, separately or conjointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof concerning-

(a) foreign affairs, except the participation of the Republic in international organisations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate.

For the purposes of this sub-paragraph " foreign affairs " includes

(i) the recognition of States, the establishment of diplomatic and consular relations with other countries and the interruption of such relations. The grant of acceptance to diplomatic representatives and of exequatur to consular representatives' The assignment of diplomatic representatives and of consular representatives, already in the diplomatic service, to posts abroad and the entrusting of functions abroad to special envoys already in the diplomatic service. The appointment and the assignment of persons, who are not already in the diplomatic service, to posts abroad as diplomatic or consular representatives and the entrusting of functions abroad to persons, who are not already in the diplomatic service, as special envoys:

(ii) the conclusion of international treaties, conventions and agreements;

- (iii) the declaration of war and the conclusion of peace;
- (iv) the protection abroad of the citizens of the Republic and of their interests;
- (v) the establishment, the status and the interests of aliens in the Republic;
- (vi) the acquisition of foreign nationality by citizens of the Republic and their acceptance of employment by, or their entering the service of, a foreign Government;

(b) the following questions of defence:-

- (i) composition and size of the armed forces and credits for them;
- (ii) (nominations des cadres-diorismoï stelexwv-kadrolara tayinler) and their promotions (kai n proagwgn autwv-ve bunlardaki terfiler);
- (iii) importation of war materials and also explosives of all kinds;
- (iv) cession of bases and other facilities to allied countries;

(c) the following questions of security:--

- (i) (nominations des cadres - diorismoï stelexwv - kadrolara tayinler) and their promotions (kai n proagwgn autwv - ve bunlardaki terfiler);
- (ii) distribution and stationing of forces;
- (iii) emergency measures and martial law;
- (iv) police laws. It is specified that the right of veto under sub-paragraph (c) above shall cover all emergency measures or decisions, but not those which concern the normal functioning of the police and the gendarmerie.

2. The above right of veto may be exercised either against the whole of a law or decision or against any part thereof, and in the latter case such law or decision shall be returned to the House of Representatives for a decision whether the remaining part thereof will be submitted, under the relevant provisions of this Constitution, for promulgation.

ARTICLE 108

1. The Greek and the Turkish Communities shall have the right to receive subsidies from the Greek or the Turkish Government respectively for institutions of education, culture, athletics and charity belonging to the Greek or the Turkish Community respectively.

2. Also where either the Greek or the Turkish Community considers that it has not the necessary number of schoolmasters, professors or clergymen (klhrikio-din adami) for the functioning of its institutions, such Community shall have the right to obtain and employ such

personnel to the extent strictly necessary to meet its needs as the Greek or the Turkish Government respectively may provide.

ARTICLE 123

1. The public service shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks.
2. This quantitative distribution shall be applied, so far as this will be practically possible, in all grades of the hierarchy in the public service.
3. In regions or localities where one of the two Communities is in a majority approaching one hundred per centum the public officers posted for, or entrusted with, duty in such regions or localities shall belong to that Community.

PART VIII. THE FORCES OF THE REPUBLIC

ARTICLE 129

1. The Republic shall have an army of two thousand men of whom sixty per centum shall be Greeks and forty per centum shall be Turks.
2. Compulsory military service shall not be instituted except by common agreement of the President and the Vice-President of the Republic.

DRAFT TREATY OF GUARANTEE

The Republic of Cyprus of the one part, and Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland of the other part,

I. Considering that the recognition and maintenance of the independence, territorial integrity and security of the Republic of Cyprus, as established and regulated by the Basic Articles of its Constitution, are in their common interest,

II. Desiring to co-operate to ensure respect for the state of affairs created by that Constitution,

Have agreed as follows: -

ARTICLE I

The Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution.

It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island.

ARTICLE II

Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.

Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.

ARTICLE III

The Republic of Cyprus, Greece and Turkey undertake to respect the integrity of the areas retained under United Kingdom sovereignty at the time of the establishment of the Republic of Cyprus, and guarantee the use and enjoyment by the United Kingdom of the rights to be secured to it by the Republic of Cyprus in accordance with the Treaty concerning the Establishment of the Republic of Cyprus signed at Nicosia on to-day's date.

ARTICLE IV

In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions.

In so far as common or concerted action may not prove possible, each the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.

ARTICLE V

The present Treaty shall enter into force on the date of signature. The

The High Contracting Parties shall proceed as soon as possible to the registration of the present Treaty with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

DRAFT TREATY OF ALLIANCE

The Republic of Cyprus, Greece and Turkey,

I. In their common desire to uphold peace and to preserve the security of each of them,

II. Considering that their efforts for the preservation of peace and security are in conformity with the purposes and principles of the United Nations Charter,

Have agreed as follows -

ARTICLE I

The High Contracting Parties undertake to co-operate for their common defence and to consult together on the problems raised by that defence.

ARTICLE II

The High Contracting Parties undertake to resist any attack or aggression, direct or indirect, directed against the independence or the territorial integrity of the Republic of Cyprus.

ARTICLE III

For the purpose of this alliance and in order to achieve the object mentioned above, a Tripartite Headquarters shall be established on the territory of the Republic of Cyprus.

ARTICLE IV

Greece and Turkey shall participate in the Tripartite Headquarters so established with the military contingents laid down in Additional Protocol No. 1 annexed to the present Treaty.

The said contingents shall provide for the training of the army of the Republic of Cyprus.

ARTICLE V

The Command of the Tripartite Headquarters shall be assumed in rotation, for a period of one year each, by a Cypriot, Greek and Turkish General Officer, who shall be appointed respectively by the Governments of Greece and Turkey and by the President and the Vice-President of the Republic of Cyprus.

ARTICLE VI

The present Treaty shall enter into force on the date of signature.

The High Contracting Parties shall conclude additional agreements if the application of the present Treaty renders them necessary.

The High Contracting Parties shall proceed as soon as possible with the registration of the present Treaty with the Secretariat of the United Nations, in conformity with Article 102 of the United Nations Charter.

ADDITIONAL PROTOCOL N° I

I. The Greek and Turkish contingents which are to participate in the Tripartite Headquarters shall comprise respectively 950 Greek officers, noncommissioned officers and men, and 650 Turkish officers, non-commissioned officers and men.

II. The President and the Vice-President of the Republic of Cyprus, acting in agreement, may request the Greek and Turkish Governments to increase or reduce the Greek and Turkish contingents.

III. It is agreed that the sites of the cantonments for the Greek and Turkish contingents participating in the Tripartite Headquarters, their juridical status, facilities and exemptions in respect of customs and taxes, as well as other immunities and privileges and any other military and technical questions concerning the organisation and operation of the Headquarters mentioned above shall be determined by a Special Convention which shall come into force not later than the Treaty of Alliance.

IV. It is likewise agreed that the Tripartite Headquarters shall be set up not later than three months after the completion of the tasks of the Mixed Commission for the Cyprus Constitution and shall consist, in the initial period, of a limited number of officers charged with the training of the armed forces of the Republic of Cyprus. The Greek and Turkish contingents mentioned above will arrive in Cyprus on the date of signature of the Treaty of Alliance.

ADDITIONAL PROTOCOL N° II

ARTICLE I

A Committee shall be set up consisting of the Foreign Ministers of Cyprus, Greece and Turkey. It shall constitute the supreme political body of the Tripartite Alliance and may take cognisance of any question concerning the Alliance which the Governments of the three Allied countries shall agree to submit to it.

ARTICLE II

The Committee of Ministers shall meet in ordinary session once a year. In a matter of urgency the Committee of Ministers can be convened in special session by its Chairman at the request of one of the members of the Alliance.

Decisions of the Committee of Ministers shall be unanimous.

ARTICLE III

The Committee of Ministers shall be presided over in rotation and for a period of one year, by each of the three Foreign Ministers. It will hold its ordinary sessions, unless it is decided otherwise, in the capital of the

Chairman's country. The Chairman shall, during the year in which he holds office, preside over sessions of the Committee of Ministers, both ordinary and special.

The Committee may set up subsidiary bodies whenever it shall judge it to be necessary for the fulfillment of its task.

ARTICLE IV

The Tripartite Headquarters established by the Treaty of Alliance shall be responsible to the Committee of Ministers in the performance of its functions. It shall submit to it, during the Committee's ordinary session an annual report comprising a detailed account of the Headquarter 's activities.

THE CONSTITUTION OF THE TURKISH REPUBLIC OF NORTHERN CYPRUS

PREAMBLE

Whereas the Turkish Cypriot People is an inseparable part of the great Turkish Nation which has lived independent and fought for its rights and liberties all through its history; and

Whereas the Turkish Cypriot People has, in the face of events directed against its national existence and right to life, and since 1878 when it was broken away from its motherland, which were intensified especially after 1955 and took the form of armed terrorism, aggression and suppression, organised its resistance as a mature community in unity and integrity; and

Whereas the Turkish Cypriot People has established through the bitter experiences it had undergone until the year 1974 when the Peace Operation, which was carried out by the Heroic Turkish Armed Forces by virtue of the Motherland's natural, historical and legal right of guarantorship emanating from the Agreements, provided to the Turkish Cypriots the means of living in peace, security and liberty; that there cannot be individual rights and liberties without the acquisition of communal rights and liberties; and

Whereas, in the face of attempts made to deprive it of all its rights emanating from history, international agreements and from human rights declarations and covenants and to destroy completely its existence in Cyprus; and in view of the fact that the Republic of Cyprus having, since 21 December 1963, come under the monopoly of the Greek Cypriots through unlawful means, has been transformed into a Greek Cypriot State not only from the point of view of its composition but also from the point of view of the policy it followed, and has, as a result of its racist and discriminatory policy and actions been serving Pan-Hellenist expansionism, departed from the Agreements and the principles embodied in the Constitution and thus lost its legitimacy, the Turkish Cypriot People has, in the exercise of its right of self-determination, proclaimed before the world and history the establishment of the Turkish Republic of Northern Cyprus; Now, therefore,

For the purposes of giving life to the Proclamation of Independence which was accepted unanimously and with great enthusiasm on 15th November 1983; Continuing its existence in its own homeland in full security and humane order;

Establishing a democratic and secular State with a plural party system based on social justice aiming to protect human rights and liberties, the rule of law and the peace and welfare of the

individual and the community; and Being faithful to the principles of Ataturk and in particular with the purpose of spreading His principle of " peace in the homeland, peace in the world ";

The turkish cypriot people,

With whom the absolute right to sovereignty rests;

Approves and proclaims this Constitution, passed by the Constituent Assembly of the Turkish Republic of Northern Cyprus, as the Constitution of the Turkish Republic of Northern Cyprus which has been established on 15th November 1983; and

Entrusts it to the vigilant protection of its people who are devoted to freedom, justice and virtue, with the belief that the real guarantee lies in the hearts and the will of the citizens.

Résolution 186 du Conseil de sécurité des Nations Unies (4 mars 1964)

" Le Conseil de sécurité,

Notant que la situation actuelle concernant Chypre est de nature à menacer la paix et la sécurité internationales et peut encore s'aggraver, à moins que de nouvelles mesures ne soient prises rapidement pour le maintien de la paix et la recherche d'une solution durable,

Considérant les positions prises par les parties au sujet des traités signés à Nicosie le 16 août 1960,

Ayant présentes à l'esprit les dispositions pertinentes de la Charte des Nations unies et, notamment, celles du paragraphe 4 de l'article 2, ainsi conçu :

" Les membres de l'organisation s'abstiendront, dans leurs relations internationales, de recourir à la menace ou à l'emploi de la force, contre l'intégrité territoriale ou l'indépendance politique de tout Etat, ou de toute autre manière incompatible avec les buts des Nations unies ".

1. Invite tous les Etats membres, conformément à leurs obligations aux termes de la Charte des Nations unies, à s'abstenir de toute action ou de toute menace d'action qui risquerait d'aggraver la situation dans la République souveraine de Chypre ou de mettre en danger la paix internationale ;

2. Demande au gouvernement chypriote , qui est responsable du maintien et du rétablissement de l'ordre public, de prendre toutes les nouvelles mesures nécessaires pour arrêter les actes de violence et les effusions de sang à Chypre ;

3. Invite les communautés de Chypre et leurs dirigeants à faire preuve de la plus grande modération ;

4. Recommande la création, avec le consentement du gouvernement chypriote, d'une force des Nations unies chargée du maintien de la paix à Chypre. La composition et l'effectif de cette force seront fixés par le Secrétaire général en consultation avec les gouvernements de Chypre, de la Grèce, du Royaume-Uni et de la Turquie. Le commandant de la force sera nommé par le Secrétaire général, auquel il rendra compte. Le Secrétaire général, qui tiendra pleinement informés les gouvernements qui auront constitué la force, rendra compte périodiquement au Conseil de sécurité du fonctionnement de celle-ci ;

5. Recommande que la force ait pour fonction, dans l'intérêt de la préservation de la paix et de la sécurité internationales, de faire tout ce qui est en son pouvoir pour prévenir toute reprise des combats et, selon qu'il conviendra, de contribuer au maintien et au rétablissement de l'ordre public, ainsi qu'au retour à une situation normale ;
6. Recommande que la force soit stationnée pour une période de trois mois, toutes les dépenses relatives étant à la charge, selon les modalités dont ils conviendront, des gouvernements qui auront fourni les contingents et du gouvernement chypriote. Le Secrétaire général pourra aussi accepter des contributions volontaires à cette fin ;
7. Recommande en outre que le Secrétaire général désigne, en accord avec le gouvernement chypriote et avec les gouvernements de la Grèce, du Royaume-Uni et de la Turquie, un médiateur, qui s'emploiera, conjointement avec les représentants des communautés, ainsi qu'avec les quatre gouvernements susmentionnés, à favoriser une solution pacifique et un règlement concerté du problème qui se pose à Chypre, conformément à la Charte des Nations unies et eu égard au bien-être du peuple de Chypre tout entier et à la préservation de la paix et de la sécurité internationales. Le médiateur rendra compte périodiquement au Secrétaire général de ses efforts ;
8. Prie le Secrétaire général de pourvoir, sur les fonds de l'Organisation des Nations unies, selon qu'il conviendra, à la rémunération et aux dépenses du médiateur et de son personnel ".

Résolution 353 du Conseil de sécurité des Nations Unies (20 juillet 1974)

" Le Conseil de sécurité,

Ayant examiné à sa 1779e séance le rapport du Secrétaire général sur les événements survenus récemment à Chypre,

Ayant entendu la déclaration du Président de la République de Chypre ainsi que les déclarations des représentants de Chypre, de la Turquie, de la Grèce et d'autres pays membres,

Ayant examiné à la présente séance les nouveaux événements survenus dans l'île,

Déplorant profondément l'explosion de violence et l'effusion de sang qui se poursuit,

Vivement préoccupé par la situation, qui fait peser une menace grave sur la paix et la sécurité internationales et qui a créé une situation très explosive dans toute la région de la Méditerranée orientale,

Egalement préoccupé par la nécessité de rétablir la structure constitutionnelle de la République de Chypre, qui est établie et garantie par des accords internationaux,

Rappelant sa résolution 186 (1964) du 4 mars 1964 et ses résolutions ultérieures sur cette question,

Conscient de sa responsabilité principale pour le maintien de la paix et de la sécurité internationales conformément à l'article 24 de la Charte des Nations unies,

1. Demande à tous les Etats de respecter la souveraineté, l'indépendance et l'intégrité territoriale de Chypre ;
2. Demande à toutes les parties aux présents combats, à titre de première mesure, de cesser entièrement le feu et prie tous les Etats de faire preuve de la plus grande modération et de s'abstenir de tout acte qui risque d'aggraver encore la situation ;
3. Exige qu'il soit mis fin immédiatement à toute intervention militaire étrangère dans la République de Chypre contrevenant aux dispositions du paragraphe 1 du dispositif ;
4. Demande le retrait sans délai du territoire de la République de Chypre de tous les militaires étrangers qui s'y trouvent autrement qu'en vertu d'accords internationaux, y compris ceux

dont le retrait a été demandé par le Président de la République de Chypre, Mgr Makarios, dans sa lettre du 2 juillet 1974 ;

5. Demande à la Grèce et à la Turquie, ainsi qu'au Royaume-Uni de Grande Bretagne et d'Irlande du Nord, d'entamer des négociations sans délai aux fins du rétablissement de la paix dans la région et de l'ordre constitutionnel à Chypre et de tenir le Secrétaire général au courant ;

6. Demande à toutes les parties de coopérer pleinement avec la force des Nations unies chargée du maintien de la paix à Chypre pour lui permettre de s'acquitter de son mandat.

7. Décide de suivre constamment la situation et demande au Secrétaire général de faire rapport selon qu'il conviendra en vue de l'adoption de nouvelles mesures pour que des conditions pacifiques soient rétablies le plus tôt possible ".

Résolution 354 du Conseil de Sécurité des Nations Unies (23 Juillet 1974)

Le Conseil de Sécurité

Réaffirmant les dispositions de sa résolution 353 (1974) du 20 juillet 1974

Exige que toutes les parties aux présents combats se conforment immédiatement aux dispositions du paragraphe 2 de la résolution 353 (1974) du Conseil de Sécurité, leur demandant de cesser immédiatement le feu dans la région et priant tous les États de faire preuve de la plus grande modération et de s'abstenir de tout acte qui risque d'aggraver encore la situation.

Adoptée à l'unanimité à la 1783^e séance

Résolution 357 (1974) du 14 août 1974

Le Conseil de Sécurité

Rappelant ses résolutions 353 (1974) du 20 juillet et 354 (1974) du 23 juillet et 355 (1974) du 1er août 1974

1. *Réaffirme sa résolution 353...*
2. *Exige que toutes les parties aux présents combats cessent tous tirs et toute action militaire immédiatement.*

...

Résolution 3212 de l'Assemblée générale des Nations Unies (1er novembre 1974)

" L'Assemblée générale,

Ayant examiné la question de Chypre,

Profondément préoccupée par la continuation de la crise de Chypre, qui constitue une menace pour la paix et la sécurité internationales,

Consciente de la nécessité de résoudre sans retard cette crise par des moyens pacifiques, conformément aux buts et aux principes des Nations unies,

Ayant entendu les déclarations faites au cours du débat et prenant acte du rapport de la commission politique spéciale sur la question de Chypre,

1. Demande à tous les Etats de respecter la souveraineté, l'indépendance, l'intégrité territoriale et le non-alignement de la République de Chypre et de s'abstenir de tous actes et de toutes interventions dirigés contre elle.
2. Demande instamment le retrait rapide de la République de Chypre de toutes les forces armées étrangères ainsi que de tous les éléments et de tout le personnel militaire étrangers et la cessation de toute ingérence étrangère dans ses affaires ;
3. Considère que le régime constitutionnel de la République de Chypre concerne les communautés chypriotes grecque et turque ;
4. Se félicite des contacts et des négociations qui ont lieu sur un pied d'égalité, grâce aux bons offices du Secrétaire général, entre les représentants des deux communautés, et demande qu'ils se poursuivent en vue d'aboutir en toute liberté à un règlement politique mutuellement acceptable, fondé sur les droits fondamentaux et légitimes desdites communautés ;
5. Considère que tous les réfugiés doivent regagner leurs foyers sains et saufs et invite les parties intéressées à prendre d'urgence des mesures à cette fin ;
6. Exprime l'espoir que s'il le faut de nouveaux efforts, revêtant notamment la forme de négociations pourront être déployés dans le cadre de l'organisation des Nations unies afin de mettre en œuvre les dispositions de la présente résolution, de manière à assurer à la République de Chypre son droit fondamental à l'indépendance, à la souveraineté et à l'intégrité territoriale ;

7. Prie le Secrétaire général de dispenser l'assistance humanitaire de l'organisation des Nations unies à tous les éléments de la population de Chypre et demande à tous les Etats de contribuer à cet effort ;
8. Demande à toutes les parties de continuer à coopérer pleinement avec la force des Nations unies chargée du maintien de la paix à Chypre, qui pourra être renforcée si cela est nécessaire ;
9. Prie le Secrétaire général de continuer à prêter ses bons offices aux parties intéressées ;
10. Prie en outre le Secrétaire général de porter la présente résolution à l'attention du Conseil de sécurité ".

Résolution 367 du Conseil de sécurité des Nations unies (12 mars 1975)

" Le Conseil de sécurité

Ayant examiné la situation à Chypre comme suite à la plainte présentée par le gouvernement de la République de Chypre.

Ayant entendu le rapport du Secrétaire général et les déclarations faites par les parties intéressées.

Profondément préoccupé par la continuation de la crise à Chypre.

Rappelant ses résolutions précédentes, en particulier sa résolution 365 (1974) du 13 décembre 1974 par laquelle il a fait sienne la résolution 3212 (XXIX) de l'Assemblée générale, adoptée à l'unanimité le 1er novembre 1974,

Constatant qu'il n'y a eu aucun progrès dans l'application de ses résolutions.

1. Demande à nouveau à tous les Etats de respecter la souveraineté, l'indépendance, l'intégrité territoriale et le non-alignement de la République de Chypre et les prie instamment, ainsi que les parties intéressées, de s'abstenir de toute action qui risquerait de porter atteinte à cette souveraineté, à cette indépendance, à cette intégrité territoriale et à ce non-alignement, ainsi que de toute tentative visant à la partition de l'île ou à son union avec tout autre pays.

2. Regrette la décision unilatérale du 13 février 1975 par laquelle il a été déclaré qu'une partie de la République de Chypre deviendrait " un Etat fédéré " comme, entre autres, tendant à compromettre la poursuite de négociations entre les représentants des deux communautés sur un pied d'égalité, dont l'objectif doit demeurer de parvenir librement à une solution prévoyant un règlement politique et l'instauration d'un arrangement constitutionnel mutuellement acceptable, et exprime son inquiétude devant toutes les actions unilatérales des parties qui ont compromis ou qui risquent de compromettre l'application des résolutions pertinentes de l'organisation des Nations unies.

3. Affirme que la décision mentionnée au paragraphe 2 ci-dessus ne préjuge pas le règlement politique final du problème de Chypre et prend note de la déclaration selon laquelle ladite décision n'a pas été prise dans cette intention ;

4. Demande l'application urgente et effective de toutes les parties et dispositions de la résolution 3212 (XXIX) de l'Assemblée générale, que le Conseil de sécurité a faite sienne dans sa résolution 365 (1974).
5. Considère que de nouveaux efforts devraient être entrepris pour aider à la reprise des négociations visée au paragraphe 4 de la résolution 3212 (XXIX) de l'Assemblée générale entre les représentants des deux communautés ;
6. Prie en conséquence le Secrétaire général d'entreprendre une nouvelle mission de bons offices et à cette fin, de réunir les parties selon de nouvelles procédures agréées et de se mettre personnellement à leur disposition de manière à faciliter la reprise, l'intensification et le progrès de négociations globales entreprises dans un esprit de compréhension et de modération réciproques, sous ses auspices personnels et sous sa direction, selon qu'il conviendra ;
7. Invite les représentants des deux communautés à coopérer étroitement avec le Secrétaire général dans l'accomplissement de cette nouvelle mission de bons offices et leur demande d'accorder personnellement une priorité à leurs négociations ;
8. Invite toutes les parties intéressées à s'abstenir de toute action qui risque de compromettre les négociations entre les représentants des deux communautés et à prendre des mesures qui faciliteront l'instauration du climat nécessaire au succès de ces négociations ;
9. Prie le Secrétaire général de tenir le Conseil de sécurité informé des progrès réalisés dans l'application de la résolution 365 (1974) et de la présente résolution et de lui faire rapport quand il le jugera approprié, et en tout cas avant le 15 juin 1975 ;
10. Décide de demeurer activement saisi de la question ".

Assemblée Générale des Nations-Unies, résolution 37/253, 13 mai 1983

II. — Résolutions adoptées sans renvoi à une grande commission

27

18. *Prie* le Conseil des Nations Unies pour la Namibie de procéder, en consultation avec le Bureau du Commissaire des Nations Unies pour la Namibie, à une étude démographique de la population namibienne et à une étude de ses besoins en matière d'éducation;

19. *Prie instamment* les institutions spécialisées et les autres organes et organismes des Nations Unies de coopérer étroitement avec l'Institut des Nations Unies pour la Namibie en vue de renforcer son programme d'activités;

20. *Exprime sa satisfaction* aux institutions spécialisées et aux autres organes et organismes des Nations Unies qui ont participé au Programme d'édification de la nation namibienne et leur demande de continuer à participer à ce programme en :

a) Exécutant les projets approuvés par le Conseil des Nations Unies pour la Namibie;

b) Elaborant de nouvelles propositions de projets sur la demande du Conseil;

c) Affectant des fonds prélevés sur leurs propres ressources financières à l'exécution des projets approuvés par le Conseil;

21. *Exprime sa satisfaction* au Programme des Nations Unies pour le développement pour sa participation au financement et à l'administration du Programme d'édification de la nation namibienne et lui demande de continuer de prélever des crédits sur le chiffre indicatif de planification pour la Namibie, à la demande du Conseil des Nations Unies pour la Namibie, en vue de financer l'exécution des projets prévus dans le cadre du Programme d'édification et d'accroître le chiffre indicatif de planification pour la Namibie;

22. *Prie* le Secrétaire général de continuer à fournir au Bureau du Commissaire des Nations Unies pour la Namibie les ressources nécessaires pour qu'il puisse s'acquitter des responsabilités qui lui ont été confiées par le Conseil des Nations Unies pour la Namibie en sa qualité d'organe de coordination pour l'application du Programme d'édification de la nation namibienne.

113^e séance plénière
20 décembre 1982

37/253. Question de Chypre¹⁰²

L'Assemblée générale,

Ayant examiné la question de Chypre,

Rappelant sa résolution 3212 (XXIX) du 1^{er} novembre 1974 et ses résolutions ultérieures sur la question de Chypre,

Rappelant les accords conclus à un niveau élevé le 12 février 1977 et le 19 mai 1979,

Réaffirmant le principe de l'inadmissibilité de l'occupation et de l'acquisition de territoire par la force,

Vivement préoccupée par la prolongation de la crise de Chypre, qui fait peser une grave menace sur la paix et la sécurité internationales,

Regrettant profondément que les résolutions de l'Organisation des Nations Unies relatives à Chypre n'aient pas encore été appliquées,

Rappelant le projet de convoquer une conférence internationale sur Chypre,

Déplo rant le fait qu'une partie du territoire de la République de Chypre soit toujours occupée par des forces étrangères,

Déplo rant l'absence de progrès dans les entretiens intercommunautaires,

Déplo rant toutes les actions unilatérales qui modifient la structure démographique de Chypre ou favorisent le fait accompli,

Réaffirmant la nécessité de régler sans plus tarder la question de Chypre par des moyens pacifiques, conformément aux dispositions de la Charte des Nations Unies et des résolutions pertinentes de l'Organisation des Nations Unies,

1. *Réaffirme* qu'elle appuie pleinement la souveraineté, l'indépendance, l'intégrité territoriale, l'unité et le non-alignement de la République de Chypre et demande une fois de plus la cessation de toute ingérence étrangère dans ses affaires;

2. *Affirme* que la République de Chypre et sa population ont droit à la pleine souveraineté et au contrôle effectif sur tout le territoire de Chypre, ainsi que sur ses ressources naturelles et autres, et demande à tous les Etats d'appuyer le Gouvernement chypriote et de l'aider à exercer ces droits;

3. *Condamne* tout acte qui tend à compromettre l'exercice intégral et effectif des droits susmentionnés, notamment la délivrance de titres illégaux de propriété;

4. *Accueille avec satisfaction* la proposition de démilitarisation totale faite par le Président de la République de Chypre;

5. *Exprime son appui* aux accords conclus à un niveau élevé le 10 février 1977 et le 19 mai 1979 ainsi qu'à toutes leurs dispositions;

6. *Exige* l'application immédiate et effective de la résolution 3212 (XXIX), adoptée à l'unanimité par l'Assemblée générale et entérinée par le Conseil de sécurité dans sa résolution 365 (1974) du 13 décembre 1974, et des résolutions ultérieures de l'Assemblée et du Conseil concernant Chypre, qui constituent une base valable et essentielle pour la solution du problème de Chypre;

7. *Considère* le retrait de la République de Chypre de toutes les forces d'occupation comme la base essentielle d'une solution rapide et mutuellement acceptable du problème de Chypre;

8. *Exige* le retrait immédiat de la République de Chypre de toutes les forces d'occupation;

9. *Félicite* le Secrétaire général d'avoir intensifié ses efforts, tout en notant avec préoccupation l'absence de progrès dans les entretiens intercommunautaires;

10. *Demande* la tenue de négociations de fond utiles, axées sur les résultats et constructives entre les représentants des deux communautés, sous les auspices du Secrétaire général, qui devraient être

¹⁰² Voir également sect. X.B.3, décision 37/455.

menées librement sur un pied d'égalité et sur la base des résolutions pertinentes de l'Organisation des Nations Unies et des accords conclus à un niveau élevé, afin qu'un accord mutuellement acceptable fondé sur les droits fondamentaux et légitimes des deux communautés puisse être réalisé aussi rapidement que possible:

11. *Demande* que les droits de l'homme et les libertés fondamentales de tous les Chypriotes, y compris la liberté de mouvement, la liberté de résidence et le droit à la propriété, soient respectés et que des mesures soient prises d'urgence pour assurer le retour volontaire des réfugiés dans leur foyer en toute sécurité;

12. *Considère* qu'il ne faut pas permettre que la situation de fait créée par le recours à la force armée influe sur la solution du problème de Chypre ou la compromette d'une manière ou d'une autre;

13. *Demande* aux parties intéressées de s'abstenir de toute action unilatérale qui pourrait compromettre les chances d'une solution juste et durable du problème de Chypre par des moyens pacifiques et de coopérer pleinement avec le Secrétaire général dans l'accomplissement de la tâche qui lui incombe en vertu des résolutions pertinentes de l'Assemblée générale et du Conseil de sécurité, ainsi qu'avec la Force des Nations Unies chargée du maintien de la paix à Chypre;

14. *Demande* aux parties intéressées de s'abstenir de tout acte qui porterait atteinte ou serait destiné à porter atteinte à l'indépendance, à l'unité, à la

souveraineté et à l'intégrité territoriale de la République de Chypre;

15. *Reitère la recommandation* qu'elle a faite au Conseil de sécurité d'étudier la question de l'application, dans des délais donnés, de ses résolutions pertinentes et d'examiner et d'adopter par la suite, si besoin est, toutes les mesures appropriées et pratiques prévues par la Charte des Nations Unies afin d'assurer l'application prompte et effective des résolutions de l'Organisation des Nations Unies concernant Chypre;

16. *Se félicite* de ce que le Secrétaire général ait l'intention, ainsi qu'il l'a indiqué dans son rapport¹⁰³, de participer à nouveau personnellement à la recherche d'une solution au problème de Chypre et, de ce fait, prie le Secrétaire général de prendre toutes mesures ou initiatives qu'il jugera appropriées, dans le cadre de la mission de bons offices que lui a confiée le Conseil de sécurité, en vue de favoriser une solution juste et durable du problème et de rendre compte des résultats de ses efforts à l'Assemblée générale lors de sa trente-huitième session;

17. *Decide* d'inscrire à l'ordre du jour provisoire de sa trente-huitième session la question intitulée "Question de Chypre" et prie le Secrétaire général de suivre l'application de la présente résolution et de faire rapport sur tous ses aspects à l'Assemblée générale lors de ladite session.

*121^e séance plénière
13 mai 1983*

¹⁰³ A/37/805 et Corr.1.

Résolution 541 du Conseil de sécurité des Nations unies (18 novembre 1983)

Le Conseil de sécurité des Nations unies a adopté le 18 novembre 1983 la résolution 541 (1983) par 13 voix pour, 1 contre (Pakistan) et 1 abstention (Jordanie). Ci-dessous le texte de la résolution :

" Le Conseil de sécurité,

Ayant entendu la déclaration du ministre des Affaires étrangères du gouvernement de la République de Chypre,

Préoccupé par la proclamation faite par les autorités chypriotes turques le 15 novembre 1983, qui est présentée comme portant création d'un Etat indépendant dans le nord de Chypre.

Estimant que cette proclamation est incompatible avec le traité de 1960 relatif à la création de la République de Chypre et avec le traité de garantie de 1960.

Considérant par conséquent que la tentative de créer une " République turque de Chypre-nord " est nulle et non avenue et contribuera à une détérioration de la situation à Chypre,

Réaffirmant ses résolutions 365 (1974) et 367 (1975) ,

Conscient de la nécessité d'une solution au problème de Chypre, qui soit fondée sur la mission de bons offices entreprise par le Secrétaire général,

Affirmant son appui continu à la force des Nations unies chargée du maintien de la paix à Chypre,

Prenant note de la déclaration du Secrétaire général, en date du 17 novembre 1983,

1. Déploie la proclamation des autorités chypriotes turques présentée comme déclaration de sécession d'une partie de la République de Chypre :

2. Considère la proclamation susmentionnée comme juridiquement nulle et demande son retrait ;

3. Demande que ses résolutions 365(1974) et 367 (1975) soient appliquées d'urgence et effectivement,

4. Prie le Secrétaire général de poursuivre sa mission de bons offices afin que des progrès puissent être réalisés le plus rapidement possible sur la voie d'un règlement juste et durable à Chypre ;

5. Demande aux parties de coopérer pleinement avec le Secrétaire général dans sa mission de bons offices ;
6. Demande à tous les Etats de respecter la souveraineté, l'indépendance, l'intégrité territoriale et le non-alignement de la République de Chypre ;
7. Demande à tous les Etats et aux deux communautés chypriotes de s'abstenir de toute mesure qui pourrait aggraver la situation ;
9. Prie le Secrétaire général de tenir le Conseil de sécurité pleinement informé ".

Résolution 550 du Conseil de sécurité des Nations unies (11 mai 1984)

" Le Conseil de sécurité,

Ayant examiné la situation à Chypre à la demande du gouvernement de la République de Chypre,

Prenant note du rapport du Secrétaire général (S/l 6519), Rappelant ses résolutions 365(1974), 367(1975), 541(1983) et 544 (1983),

Regrettant profondément la non-application de ses résolutions, en particulier de la résolution 541 (1983),

Gravement préoccupé par les nouveaux actes sécessionnistes dans la partie occupée de la République de Chypre qui vont à l'encontre de la résolution 541(1983), à savoir le prétendu " échange d'ambassadeurs " entre la Turquie et la légalement non valide " République Turque du Nord de Chypre ", et r organisation possible d'un " référendum constitutionnel " et d'"élections ", ainsi que par d'autres actes ou menaces visant à consolider le prétendu Etat indépendant et la partition de Chypre,

Profondément préoccupé par les menaces récentes de repeuplement de Varosha par des personnes autres que ses habitants.

Réaffirmant son appui continu à la force de paix des Nations unies à Chypre,

1. Réaffirme sa résolution 541 (1983) et demande sa mise en application urgente et effective,
2. Condamne tous les actes sécessionnistes, y compris le prétendu " échange d'ambassadeurs " entre la Turquie et les autorités chypriotes turques, les déclare illégaux et non valides et demande leur annulation immédiate ;
3. Réitère l'appel lancé à tous les Etats de ne pas reconnaître le prétendu Etat de la " République Turque du Nord de Chypre " établie par des actes sécessionnistes et demande à tous les Etats de s'abstenir de faciliter ou d'aider, de quelque manière que ce soit, l'entité sécessionniste susmentionnée ;
4. Demande à tous les Etats de respecter la souveraineté, l'indépendance, l'intégrité territoriale, l'unité et le non-alignement de la République de Chypre ;

5. Considère comme inadmissible toute tentative de repeupler une partie de Varosha quelle qu'elle soit en y faisant venir des personnes autres que ses habitants, et demande que cette région soit transférée sous l'administration des Nations unies ;
6. Considère comme contraire aux résolutions des Nations unies toute tentative d'intervention dans le statut ou le déploiement de la force de paix des Nations unies à Chypre ;
7. Prie le Secrétaire général de faire promouvoir l'application urgente de la résolution 541 (1983) du Conseil de sécurité ;
8. Renouvelle la mission de bons offices qu'il a confiée au Secrétaire général et le prie d'entreprendre de nouveaux efforts en vue d'aboutir à une solution globale du problème de Chypre qui soit conforme aux principes de la Charte des Nations unies et aux dispositions pour un tel règlement prévues dans les résolutions pertinentes des Nations unies, y compris la résolution 541 (1983) du Conseil de sécurité et la présente résolution,
9. Demande à toutes les parties de coopérer avec le Secrétaire général dans sa mission de bons offices.
10. Décide de suivre de près la situation en vue de prendre des mesures urgentes et appropriées, si la résolution 541(1983) n'est pas mise en application.
11. Prie le Secrétaire général de promouvoir l'application de la présente résolution et de faire rapport au Conseil de sécurité quand il le jugera nécessaire " .

The Makarios-Denktash Talks, 1977

Below are reports from Makarios to his advisers following the meetings. This was Makarios' final diplomatic attempt to solve the Cyprus problem; he died later that year.

The First Meeting, January 27, 1977

Makarios reported that during the meeting the climate was satisfactory and without signs of enmity. Mr. Denktash spoke in a conciliatory spirit and expressed his desire that the two communities should live together because, as he said, "we are in the same boat." He also referred to the "regrettable" fact that new generations of Cypriots have no contact with each other.

The discussion was opened by a short introductory statement by Mr. Perez de Cuellar [the U.N. Special Representative] and then His Beatitude spoke first, saying approximately the following:

"I accept a federal solution to our problem under conditions safeguarding the independence and the unity of the Cyprus State. Freedom of movement, freedom of settlement and the right to property are basic prerequisites of a federation. It is my impression that the Turkish Cypriot side, when it uses the term "federation" it means "confederation ". We should not enter into details unless agreement on certain basic principles is first reached. If the talks will be resumed the interlocutors must not play with words but must be able to express clear views on the various aspects of the problem. The most constructive approach is that of a package deal. The extent of territory to be administered by each community and the powers of the Federal Government are of great importance.

You sign your letter to me [January 9, 1977] as "President of the Turkish Federated State". Needless to say I am not meeting you in that capacity, which I do not recognise, but as leader of the Turkish Cypriot community.

You write that "you will give me your views on a federal solution and other matters" and your views will help me to gain a better understanding of the position of the Turkish Cypriot side. Our view has always been that the two sides can live and work together and it is our earnest wish that a solution will be found to make this possible".

The discussion which followed with Mr. Denktash at the meeting was as follows: Denktash answering Makarios' observation regarding "federation" stated that the Turkish side "speaks of federation". During the talks Denktash, challenged by His Beatitude, repeated at least three times that the Turkish side aims at the creation of "a federal state" and not of a "confederation".

On the territorial aspect Denktash stated: "We are talking about areas and not percentages of territory and in fact about areas marked on a map. We have in this respect stated certain criteria by which the areas could be defined".

His Beatitude replied that he had in mind the criteria which were mentioned, but these could lead also to an area of 50%. "Consequently", His Beatitude added, take into consideration your criteria and state what you propose with regard to territory because the territorial aspect is most significant. Certainly equally significant are also the principles of freedom of movement, freedom of settlement, respect of ownership and home. I have already declared that I am ready to examine any form of solution either multiregional or bizonal and I propose an area of 20% of the territory of the Republic to be under Turkish Cypriot administration, i.e. a percentage of area based on the ratio of the population. It must, however, be understood that each proposal is under the condition that it becomes binding if a total agreement is reached on all the issues.

Denktash pressed by Makarios, replied. "Since you insist I mention a percentage, I say 32.8% which corresponds to Turkish Cypriot ownership of land." When His Beatitude stated that there was a very great and unbridgeable gap, Denktash observed "This percentage is negotiable, it remains open for discussion."

His Beatitude, stressing again that the distance was too great, observed: "There are hopes of an agreement being reached if the negotiation on the territory is limited within the framework of 20% - 25%".

Mr. Denktash replied: "I cannot reply. Our proposal is the one I made."

His Beatitude then turned the discussion to the various principles which ought to rule the solution and the freedom of the citizens and on which the Greek Cypriot side based a solution. To each question Denktash answered as follows:

a. Freedom of movement? A. Accepted. To a question by His Beatitude if Mr .Denktash meant that the citizens would be free, like tourists, to travel and look at their properties

Denktash replied "Of course not, but this belongs to another category of issues."

b. Right to property? A. Accepted.

c. Right of Settlement? A. Agreed. But not such so that the purpose of the federation would be lost.

d. Right of refugees to return to their homes? A. This is open to discussion. In any event it is impossible that all refugees will return.

e. Right to work? A. Acceptable.

f. Right to reside? Depends on the overall agreement to be reached.

His Beatitude told those present that he had not considered it appropriate that during the meeting with Mr. Denktash he should enter into a detailed discussion of the above subjects, which was also in accordance with the views expressed during the unofficial meeting with members of the National Council on 25th January 1977. Those present agreed that it would not have been desirable that during His Beatitude's meeting with Denktash a detailed discussion of any issues should have been made.

His Beatitude and Mr. Denktash discussed next the possibility of future meetings between them. His Beatitude told Mr. Denktash that he did not wish a change in the status of the intercommunal talks, nor to create an impression that progress was made, if in fact there was no progress. During the Vienna meetings, His Beatitude said, no progress was made, but a different impression was given.

Mr. Denktash agreed to keep the status of the talks but also said that "if there are difficulties we two will assist in their removal by meeting, if it is necessary". Makarios agreed with this, and repeated that the resumption of talks depended on the Secretary-General, Dr. Waldheim. Mr. Perez de Cuellar said that the Secretary-General would be in the area on 12th February 1977 and that he was willing to come to Cyprus. After a discussion it was agreed between His Beatitude and Mr. Denktash that they should meet at the same place again in the presence of the Secretary-General on the 12th and perhaps on the 13th, of February 1977, and that the interlocutors, Messrs Onan and Papadopoulos would participate if it was considered necessary.

Further, Makarios continuing the briefing, said that during the meeting the following subjects were mentioned:

(a) Denktash stated at length his well known allegations regarding the alleged sufferings

of the Turkish Cypriots.

(b) On the subject of the missing persons, which was raised by His Beatitude, Mr. Denktash said that he had repeatedly stated that the Turkish Cypriots were not holding undeclared prisoners, he stressed that the Turkish Cypriot side had no reason to hold undeclared prisoners and thus give others the excuse to bring accusations against the Turkish Cypriot community. . .

(c) Regarding those enclaved Greek Cypriots in areas under Turkish control, Denktash gave assurances that those who leave submit applications, that their leaving the area is voluntary and that sometimes they bribe Turkish Cypriots in order to secure priority in having their applications examined. Denktash proposed that the applications of Greek Cypriots to leave the areas under Turkish control be sent to His Beatitude in order to establish if they were genuine.

(d) To an observation by Makarios that Mr. Denktash had not said whether he accepts a single state, Denktash replied "Yes, it depends on the conditions of the agreement".

(e) His Beatitude declared that he was not meeting Mr. Denktash as "President of the Turkish Cypriot State", because he did not recognise him as president. Denktash replied "Neither do I recognise you as President of the Republic of Cyprus" to which Makarios replied "I know it. Others, however, throughout the world, do recognise me."

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The Second Meeting, February 12, 1977.

The meeting with Mr. Denktash lasted from 7 p.m. to 15 minutes past midnight and it was rather constructive. Some progress was made, but it was not satisfactory. The U.N. Secretary-General opened the discussion briefly, and then gave the floor to His Beatitude, who *inter alia*, said the following:

He expressed his thanks to the Secretary-General and his appreciation for the task performed in Cyprus by the Special Representative of the Secretary-General Mr. de Cuellar.

"For the talks to be substantial, " His Beatitude said, "we must define clearly the framework within which the interlocutors will try to find a solution, and this must be the purpose of this meeting today. Otherwise the talks will prove fruitless. During the first meeting common ground was established, but not sufficiently to form a satisfactory

basis. We have agreed that Cyprus will be an independent, non-aligned federation, in which each community will have a certain area under its administration and that there will be a federal government. On the issue of the extent of the respective areas I proposed 20% for the Turkish Cypriot area and Mr. Denktash claimed 32.8%, but I do not see any basis for Mr. Denktash's proposal of 32.8%. By accepting a federal solution at the same time we propose certain prerequisites, such as freedom of movement, freedom of settlement and the right of property. On these principles which secure the unity of the country there are differences of opinion. Mr. Denktash accepted the first principle, he considered the acceptance of the others as depending on the final solution.

"It is possible that the argument will be advanced that the acceptance of these principles presents practical difficulties for the Turkish Cypriot side, but if the principles are accepted in principle, the negotiators could discuss ways to overcome the difficulties.

"I stress that I cannot give up these principle which have been sanctioned by international conventions. If the framework for the talks is not clearly defined it will not be possible for the talks to be of substance and fruitful, and in such a case I doubt whether the talks ought to be resumed. Certainly the Secretary-General will decide. I am approaching the talks with every good will and I believe that a compromise is not difficult if a spirit of good will prevails."

After a few comments from the Secretary-General, Denktash spoke and referred at length to the well known Turkish allegations about the so-called ills which the Turkish community had suffered in the past four years. He also referred to information that after a solution Greek Cypriot refugees, moving through areas under Turkish Cypriot control, would take violent action .

On the territorial aspect he said that his demand for 32.8% was based on the land ownership of the Turkish Community. His Beatitude said that there were objective statistics and archives from 1934. To an observation by Mr. Denktash that the Greek Cypriot side must state reasons and arguments why it demands the return of those areas, His Beatitude said that no arguments are needed because the owners of properties must receive back their property, which was taken from them by force.

After a long discussion the following text of guide-lines were agreed for the interlocutors:

"(1) We are seeking an independent, non-aligned bicomunal. Federal Republic.

(2) The territory under the administration of each community should be discussed in the light of economic viability, or productivity and land ownership.

(3) Questions of principle like freedom of movement, freedom of settlement and the right to property and other specific matters are open for discussion taking into consideration the fundamental basis of a bicomunal 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 bicomunal character of the state.

(a) On the issue of the powers and functions of the Federal Government His Beatitude stated that he does not wish that the term "strong" or "weak" government be used, but that the "Federal Government would have such powers as are needed to safeguard the unity of the Country."

(b) On this issue certain powers were mentioned such as foreign policy, defence, monetary policy etc.

(c) Certain discussion took place on the issue of guarantees. However no common ground was established because Denktash insisted that for the Turkish Cypriots the only effective guarantee was that of Turkey. It was, therefore, agreed that the discussion of this issue be postponed, since in reality it was not certain that an object for which guarantees will be needed would result.

(d) It was agreed that the talks would be resumed in Vienna at the end of March. The talks would be of some duration. The Secretary-General would be present at the first stages, later, however, Mr. de Cuellar would take over since the Secretary-General could not stay in Vienna for long. Some subjects could be discussed later in Cyprus. Mr. Denktash did not accept New York as the place where the talks would be held and had strong objections to this proposal, which was made by His Beatitude.

(e) The question of the missing persons was discussed and it was agreed that an investigating body be created consisting of representatives of the Cyprus Red Cross and representatives of relatives of the missing persons. No terms of reference were defined. Denktash made two conditions for the creation of this body which were accepted by His Beatitude:

(i) The Greek Cypriot side to submit a complete list of all those it considered as missing persons, and

(ii) to give certain information regarding the fate of missing Turkish Cypriots. Denktash stated that it is possible that at a later stage exhumation of bodies could take place.

(f) The subject of enclaved persons was discussed and it was agreed that no expulsions would be made except where the Greek Cypriot side gave its consent. Applications would be examined by the U.N. Peacekeeping Force. According to Mr. Denktash those enclaved had a sufficient number of priests, satisfactory medical care and elementary schools. He did not agree to a Gymnasium (secondary school) to be established because even the Turkish Cypriots of the area did not have a secondary school. The Greek Cypriots of the north could attend secondary schools in the south and would be allowed to return to their homes during school holidays.

(g) The subject of the withdrawal of Turkish forces was not mentioned.

(h) No reference was made to the subject of the participation of the two communities in the Central Government. However, at the previous meeting Mr. Denktash had made it clear that he did not claim equal numerical representation, but equal saying on certain subjects.

(i) Mr Denktash, when repeatedly asked by His Beatitude, emphatically stated that he aims at the creation of one state and not two.

. . . His Beatitude clarified that the text was drafted after many discussions and long "monologues", and under the circumstances, was the optimum point which could be achieved without wrecking the talks. For instance. His Beatitude said, in the guidelines Denktash insisted on adding criterion of "security" and after a lengthy and intense discussion it was agreed that the term "security" would not be included in the text, but Denktash made it clear that despite this he reserved the right to raise the issue of "security" as affecting the territorial aspect. Equally, His Beatitude said, I made it absolutely clear that I cannot depart from the principles, which I declared as necessary preconditions for a solution. . .

Mr. Denktash, His Beatitude said, admitted that there were certain limiting factors for the Turkish side, as for example, the Turkish elections, which had been fixed for July 1977, but he added that while the talks were continuing and progress was made the two leaders

must guide public opinion. Finally, Mr. Denktash assured that there was agreement between Turkey and the Turkish Cypriot community that they must proceed to find a solution.

<http://www.cyprus-conflict.net/makarios-denktash%20talks,%2077.html>

The 10 - Point Agreement of 19 May 1979

Following is the text of the agreement between the president of the Republic, Mr Kyprianu and the Turkish Cypriot leader, Mr Denktash, concluded on 19 May 1979 during a meeting under the auspices of the UN Secretary-General Dr Waldheim:

1. It was agreed to resume the inter-communal talks on 15 June 1979.
2. The basis of the talks will be the Makarios-Denktash guidelines of 12 February 1977 and the UN resolutions relevant to the Cyprus Question.
3. There should be respect for human rights and fundamental freedoms for 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 UN 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 jeopardise the outcome of the talks, and special importance will be given to the initial practical measures by both sides to promote goodwill, mutual confidence and the return to normal conditions.
7. The demilitarisation 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 inter-communal talks will be carried out in a continuing and sustained manner, avoiding any delay.
10. The inter-communal talks will take place in Nicosia.

Set of Ideas on an Overall Framework Agreement on Cyprus (1992)

1. The leader of the Greek Cypriot community and the leader of the Turkish Cypriot community have negotiated on an equal footing, under the auspices of the mission of good offices of the Secretary-General, the following overall framework agreement on Cyprus which constitutes a major step towards a just and lasting settlement of the Cyprus question. The overall framework agreement will be submitted to the two communities in separate referendums within thirty days of its completion by the two leaders at a high-level international meeting.

I. OVERALL OBJECTIVES

2. The overall framework agreement is an integrated whole which, when it is approved by both communities in separate referendums and the provisions contained in the transitional arrangements have been implemented, will result in a new partnership and a new constitution for Cyprus that will govern the relations of the two communities on a federal basis that is bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects. The overall framework agreement is based on the 1977 and 1979 high-level agreements, relevant United Nations resolutions, in particular Security Council resolutions 367 (1975), 649 (1990), 716 (1991) and 750 (1992), and the guiding principles set out below.

3. The overall framework agreement recognizes that Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community and that their relationship is not one of majority and minority but one of two communities in the federal republic of Cyprus. It safeguards the cultural, religious, political, social and linguistic identity of each community.

4. The overall framework agreement ensures that the Cyprus settlement is based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as defined in paragraph 11 of the Secretary General's report of 3 April 1992 (S/23780) in a bi-communal and bi-zonal federation, and that the settlement must exclude union in whole or in part with any other country or any form of partition or secession.

5. The overall framework agreement acknowledges and ensures the political equality of the two communities. While political equality does not mean equal numerical participation in all branches and administration of the federal government, it will be reflected in the fact that the approval and amendment of the federal constitution will require the approval of both communities; in the effective participation of both communities in all organs and decisions of the federal government; in safeguards to ensure that the federal government will not be empowered to adopt any measures against the interests of one community; and in the equality and identical powers and functions of the two federated states.

6. The overall framework agreement provides for functions and powers of the federal government, including its structure, composition and functioning of its three branches, that will ensure the effective participation of the two communities and the effective functioning of the federal government, which will require an appropriate deadlock-resolving machinery.

7. The two communities acknowledge each other's identity and integrity, and commit themselves to work actively to achieve a new relationship based on mutual respect, friendship and co-operation. Toward this end, the two communities agree to change all practices incompatible with this commitment and to refrain from any action which would impair the efforts for a negotiated settlement. They pledge to launch immediately a programme of action to promote goodwill and closer relations between them (see appendix).

II. GUIDING PRINCIPLES

8. The bi-communal and bi-zonal federation will be established freely by the Greek Cypriot and Turkish Cypriot communities. All powers not vested by them in the federal government will rest with the two federated states.

9. The federal constitution will come into force after its approval by the two communities in separate referendums and can only be amended with the approval of both federated states.

10. The federal republic will be one territory composed of two politically equal federated states.

11. The federal republic will have one sovereignty which is indivisible and which emanates equally from the Greek Cypriot and Turkish Cypriot communities. One community cannot claim sovereignty over the other community. The federal republic will have one international personality and one citizenship regulated by federal law in accordance with the federal constitution.

12. The federal constitution will safeguard the identity, integrity and security of each community as well as their political, economic, social, cultural, linguistic and religious rights. All citizens will be equal under the law.
13. The federal republic will be secular. Religious functionaries will be prohibited from holding elected or appointed political office in the federal government or in the federated states.
14. The federal republic will maintain special ties of friendship with Greece and Turkey and will accord most favoured nation treatment to Greece and Turkey in connection with all agreements whatever their nature. The federal republic will continue the membership in the Commonwealth.
15. The official languages of the federal republic will be Greek and Turkish. The English language may also be used.
16. The federal republic will have its own flag to be agreed upon. The federal flag will be flown on federal buildings and federal locations to the exclusion of all other flags. Each federated state will have its own flag.
17. The holidays to be observed by the federal government will be agreed upon and embodied in the federal constitution. Each federated state will observe the federal holidays as well as those established by it.
18. The two federated states will have identical powers and functions.
19. Each federated state will be administered by one community.
20. Each federated state will decide on its own governmental arrangement in a manner consistent with the federal constitution.
21. The federal Government cannot encroach upon the powers and functions of the two federated states.
22. Security, law and order and the administration of justice in its territory will be the responsibility of each federated state in a manner consistent with the federal constitution.
23. The two federated states will cooperate in the preservation and / or use of historical sites and religious shrines of both faiths to be agreed to during the transitional period.

III. CONSTITUTIONAL ASPECTS OF THE FEDERATION

A.

24. The powers, functions and structure of the federal Government will be in conformity with the overall objectives and guiding principles set out above.

A. Powers and functions to be vested in the federal Government

25. The federal Government will have the powers and functions listed below. All powers and functions not vested in the federal Government will rest with the two federated states. The federated states may decide jointly to confer additional powers and functions to the federal Government or to transfer powers and functions from the federal Government to the federated states.

26. The federal Government will have the following powers and functions:

- (a) Foreign affairs (the federated states may enter into agreements with foreign Governments and international organizations in their areas of competence. The representation in foreign affairs will reflect the bi-communal nature of the federal republic);
- (b) Central bank functions (including the issuance of currency);
- (c) Customs and the coordination of international trade;
- (d) Airports and ports as concerns international matters;
- (e) Federal budget and federal taxation;
- (f) Immigration and citizenship;
- (g) Defense (to be discussed also in connection with the Treaties of Guarantee and of Alliance);
- (h) Federal judiciary and federal police;
- (i) Federal postal and telecommunications services;
- (j) Patents and trademarks;
- (k) Appointment of federal officials and civil servants (on a 70:30 Greek Cypriot/Turkish Cypriot ratio);
- (l) Standard setting for public health, environment, use and preservation of natural resources, and weights and measures;
- (m) Coordination of tourism and industrial activities.

27. The federal powers and functions will be executed by the federal Government or, in accordance with agreements, through delegation to the federated states.

B. STRUCTURE, COMPOSITION AND FUNCTIONING OF THE FEDERAL GOVERNMENT

1. The Legislature

28. The legislature will be composed of a lower house and an upper house. The presidents of the lower house and of the upper house cannot come from the same community. The president and vice-president of each house will not come from the same community.

29. All laws must be approved by both houses.

The lower house will be bi-communal with a 70:30 Greek Cypriot / Turkish Cypriot ratio.

31. The upper house will have a 50:50 ratio representing the two federated states.

32. All laws will be adopted by majority in each house. A majority of the Greek Cypriot or Turkish Cypriot representatives in the lower house may decide, on matters related to foreign affairs, defence, security, budget, taxation, immigration and citizenship, that the adoption of a law in the lower house will require separate majorities of the representatives of both communities.

33. Separate Greek Cypriot and Turkish Cypriot majorities will be required to constitute a quorum in each house. If a quorum is not attained in either house on two consecutive meetings because of the absence of a majority of one or both communities, the president of the relevant house will call a meeting in no less than five days and no more than ten days. At that meeting, a majority of the upper house will constitute a quorum. In the lower house, 30% of the total membership will constitute a quorum.

34. If the two houses fail to adopt a bill or decision, they will initiate proceedings to obtain a consensus while ensuring the continued functioning of the federal government. To this end, a conference committee will be established. The conference committee will be composed of two persons each selected by the Greek Cypriot and Turkish Cypriot groups equally from among the members of the two houses of the federal legislature. The text of the legislation or decision agreed to by the conference committee will be submitted to both houses for approval.

35. In the event the federal budget is not adopted in one or both houses and until an agreement is reached by the conference committee and is adopted by both houses, the provisions of the most recent federal budget plus inflation shall remain in effect.

2. The Executive

36. The federal executive will consist of a federal president, a federal vice-president, and a federal council of ministers. The president and the vice president will symbolize the unity of the country and the political equality of the two communities.

(On the question of the election of the president and vice-president, the two sides have expressed different positions. The Greek Cypriot side prefers a system under which the president is elected by popular universal suffrage. The Turkish Cypriot side prefers a system under which the president rotates between the two communities).

37. To facilitate the effective launching of the federal government and for the initial eight years, the president and vice-president will also be the heads of their respective federated states.

38. There will be a council of ministers composed of Greek Cypriot and Turkish Cypriot ministers on a 7:3 ratio. The president and vice-president will designate the ministers from their respective communities who will appoint them by an instrument signed by them both. One of the following three ministries, that is foreign affairs, finance, or defence, will be allocated to a Turkish Cypriot minister. The president and the foreign minister will not come from the same community.

39. The president and the vice-president will discuss the preparation of the agenda of the council of ministers and each can include items in the agenda.

40. Decisions of the council of ministers will be taken by majority vote. However, decisions of the council of ministers concerning foreign affairs, defence, security, budget, taxation, immigration and citizenship will require the concurrence of both the president and the vice-president.

41. Arrangements related to the implementation of foreign policy and the composition of the foreign service will be set out in the federal constitution.

42. The president and the vice-president will, separately or conjointly, have the right to veto any law or decision of the legislature concerning foreign affairs, defence, security, budget, taxation, immigration and citizenship. The president and vice-president will have the right, separately or conjointly, to return any law or decision of the legislature or any decision of the council of ministers for reconsideration.

3. The Judiciary

43. The federal judiciary will consist of a supreme court composed of an equal number of Greek Cypriot and Turkish Cypriot judges appointed jointly by the president and vice-president with the consent of the upper house. The supreme court will sit as the federal constitutional court and the highest court of the federation. Its presidency will rotate between the senior Greek Cypriot and Turkish Cypriot members of the supreme court. Lower federal courts may be established in each federated state.

44. The supreme court will deal with matters arising under the federal constitution and federal laws, and will be empowered to fulfil other judiciary functions related to federal matters attributed to it by the federal constitution or federal legislation.

45. Each federated state will have its own judiciary to deal with matters not attributed to the federal judiciary by the federal constitution.

46. The federal constitution will establish the procedure for ascertaining the constitutionality of federal laws and executive acts, as well as adequate machinery of judicial review to ensure the compliance of legislative, executive, and judicial acts of the federated states with the federal constitution.

C. Fundamental rights, including the three freedoms, and political, economic, social, and cultural rights

47. All universally recognised fundamental rights and freedoms will be included in the federal constitution.

48. The freedom of movement, the freedom of settlement and the right to property will be safeguarded in the federal constitution. The implementation of these rights will take into account the 1977 high-level agreement and the guiding principles set out above.

49. The freedom of movement will be exercised without any restrictions as soon as the federal republic is established, subject only to non-discriminatory normal police functions.

50. The freedom of settlement and the right to property will be implemented after the resettlement process arising from the territorial adjustments has been completed. The federated states will regulate these rights in a manner to be agreed upon during the transitional period consistent with the federal constitution.

51. Persons who are known to have been or are actively involved in acts of violence or in incitement to violence and/or hatred against persons of the other community may, subject to

due process of law, be prevented from going to the federated state administered by the other community.

IV. SECURITY AND GUARANTEE

52. The security of the federal republic and of the Greek Cypriot and Turkish Cypriot federated states will be guaranteed.

53. The demilitarization of the federal republic remains an objective.

54. The 1960 Treaties of Guarantee and of Alliance continue in force and will be supplemented in a document to be appended as set out below.

55. The Treaty of Guarantee will ensure the independence and territorial integrity of the federal republic and exclude union in whole or in part with any other country and any form of partition or secession; ensure the security of the Greek Cypriot and the Turkish Cypriot federated states; and ensure against the unilateral change of the new constitutional order of the federal republic by either community.

56. A numerical balance of Greek and Greek Cypriot troops and equipment on the one hand and of Turkish and Turkish Cypriot troops and equipment on the other hand will be achieved within _____ months after the overall framework agreement has been approved by the two communities in separate referendums.

57. A timetable will be established for the further reduction to an agreed level of the Greek Cypriot and the Turkish Cypriot units and for the withdrawal of all non-Cypriot forces not provided for under the Treaty of Alliance. This timetable will be fully implemented prior to the establishment of the federal republic and in phases parallel to the implementation of the programme of action set out in annex.

58. The Treaty of Alliance will provide for the stationing in Cyprus of Greek and Turkish contingents of equal size and equipment not exceeding _____ persons each. The Greek contingent will be stationed in the federated state administered by the Greek Cypriot community and cannot enter the federated state administered by the Turkish Cypriot community. The Turkish contingent will be stationed in the federated state administered by the Turkish Cypriot community and cannot enter the federated state administered by the Greek Cypriot community.

59. The federal republic will maintain a federal force consisting of a Greek Cypriot and a Turkish Cypriot unit of equal size and equipment not exceeding the size of the Greek and

Turkish contingents, under the joint overall command of the president and the vice-president. The Greek Cypriot unit will be stationed in the federated state administered by the Greek Cypriot community. The Turkish Cypriot unit will be stationed in the federated state administered by the Turkish Cypriot community. The president and the vice-president will jointly decide on the locations of the units.

60. There will not be any reserve force and any military or paramilitary training of civilian groups.

61. The Greek Cypriot and Turkish Cypriot units will promote mutual respect, friendship, and closer relations between the two communities and foster their welfare by carrying out joint social service activities throughout the federal republic.

62. Each federated state and the federal republic will have a police force. All paramilitary activities and the ownership of weapons other than those licensed for hunting will be outlawed throughout the federal republic and any infraction will be a federal offense. The importation or transit of weapons and other military equipment other than that duly approved by the federal government will be prohibited.

63. Immediately after the approval of the overall framework agreement by the two communities in separate referendums, an interim monitoring committee will be established composed of the three guarantor powers, the two communities and the United Nations Peace-keeping Force in Cyprus (UNFICYP) which will be responsible for:

(a) Monitoring the achievement of the agreed numerical balance of Greek and Greek Cypriot troops and equipment on the one hand and Turkish and Turkish Cypriot troops and equipment on the other hand to be implemented within _____ months after the overall framework agreement has been approved by the two communities in separate referendums;

(b) Monitoring the achievement of the agreed timetable for the further reduction to the agreed level of Greek Cypriot and Turkish Cypriot units and the withdrawal of all non-Cypriot forces not provided for in the Treaty of Alliance prior to the establishment of the federal republic.

64. The Treaty of Guarantee, in a manner consistent with the principles of the Conference on Security and Cooperation in Europe (CSCE), with which the federal republic will affirm its commitment, will provide for a supervision and verification committee comprising representatives of the guarantor powers and of the federal president and federal vice-president. The United Nations will provide the support personnel to assist the supervision and verification committee in carrying out its functions.

65. The supervision and verification committee will be responsible for investigating any development which in the view of either the federal president or federal vice-president or any guarantor power is a threat to the security of either community or of the federal republic through on-site inspection and other methods the supervision and verification committee deems necessary. The supervision and verification committee will make recommendations for rectifying any situation it has established to be in contravention of the arrangements covered by the Treaties of Guarantee and of Alliance. The parties will be obligated to implement these recommendations promptly and in good will.

66. The United Nations Security Council will be requested to revise the mandate of UNFICYP, including support of the supervision and verification committee.

V. TERRITORIAL ADJUSTMENTS

67. The Greek Cypriot and Turkish Cypriot communities agree on the territories of the federated states administered by each, taking into account the 1977 high-level agreement.

68. The [map](#) attached hereto sets out the territories of the two federated states. The territorial agreement shall be respected and will be included in the federal constitution.

69. Persons affected by the territorial adjustments will have the option of remaining in the area concerned or relocating to the federated state administered by their own community.

70. All necessary arrangements for the relocation of persons affected by territorial adjustments will be satisfactorily implemented before resettlements are carried out. The fund to be established related to displaced persons will be available for this purpose.

71. The territorial adjustment will not affect the water resources available to each federated state. The water resources available throughout the federation will be allocated to the two federated states at a proportion at least equal to their respective current demand.

VI. DISPLACED PERSONS

72. The property claims of Greek Cypriot and Turkish Cypriot displaced persons are recognized and will be dealt with fairly on the basis of a time-frame and practical regulations based on the 1977 high-level agreement, on the need to ensure social peace and harmony, and on the arrangements set out below.

A. Areas that will come under Greek Cypriot administration

73. The first priority will be given to the satisfactory relocation of and support for Turkish Cypriots living in the area that will come under Greek Cypriot administration and to displaced persons returning to that area.

74. Turkish Cypriots who in 1974 resided in the area that will come under Greek Cypriot administration will have the option to remain in their property or to request to receive a comparable residence in the area that will come under Turkish Cypriot administration. Turkish Cypriot displaced persons currently residing in the area that will come under Greek Cypriot administration will have the option to receive comparable residence in that area, to return to their former residence, or to receive a comparable residence in the area that will come under Turkish Cypriot administration.

75. A bi-communal committee will be established immediately after the overall framework agreement has been approved in the referendums to arrange for suitable housing for all persons affected by the territorial adjustments.

B. Other areas under Greek Cypriot and Turkish Cypriot administration

76. Each community will establish an agency to deal with all matters related to displaced persons.

77. The ownership of the property of displaced persons, in respect of which those persons seek compensation, will be transferred to the ownership of the community in which the property is located. To this end, all titles of properties will be exchanged on a global communal basis between the two agencies at the 1974 value plus inflation. Displaced persons will be compensated by the agency of their community from funds obtained from the sale of the properties transferred to the agency, or through the exchange of property. The shortfall in funds necessary for compensation will be covered by the federal Government from a compensation fund obtained from various possible sources such as windfall taxes on the increased value of transferred properties following the overall agreement, and savings from defense spending. Governments and international organizations will also be invited to contribute to the compensation fund. In this connection, the option of long-term leasing and other commercial arrangements may also be considered.

78. Persons from both communities who in 1974 resided and / or owned property in the federated state administered by the other community or their heirs will be able to file

compensation claims. Persons belonging to the Turkish Cypriot community who were displaced after December 1963 or their heirs may also file claims.

79. Current permanent residents of Cyprus who at the time of displacement owned their permanent residence in the federated state administered by the other community and who wish to resume their permanent residence at that location may also select the option to return.

80. Current permanent residents of Cyprus who at the time of displacement rented their permanent residence in the federated state administered by the other community and who wish to resume their permanent residence in that area will be given priority under the freedom of settlement arrangements.

81. All claims must be filed within six months after the approval of the overall framework agreement.

82. _____ thousand displaced persons who elect to return to their former permanent residence will be processed by the federated state concerned each year for _____ years. In addition, Maronites who in 1974 had their permanent residence in the federated state under the administration of the Turkish Cypriot community may elect to return to their properties. The two federated states will review the situation at the conclusion of the above mentioned period in the light of the experience gained.

83. This period will begin after the resettlement and rehabilitation process arising from territorial adjustments are essentially completed.

84. The settlement of those who select to return will take place after the persons who will be affected have been satisfactorily relocated. If the current occupant is also a displaced person and wishes to remain, or if the property has been substantially altered or has been converted to public use, the former permanent resident will be compensated or will be provided an accommodation of similar value.

85. Persons who are known to have been actively or are actively involved in acts of violence or incitement to violence and / or hatred against persons of the other community may, subject to due process of law, be prevented from returning to the federated state administered by the other community.

VII. ECONOMIC DEVELOPMENT AND SAFEGUARDS

86. A priority objective of the federal republic will be the development of a balanced economy that will benefit equally both federated states. A major programme of action will be established to correct the economic imbalance and ensure economic equilibrium between the two communities through special measures to promote the development of the federated state administered by the Turkish Cypriot community. A special fund will be established for this purpose. Foreign Governments and international organizations will be invited by the Security Council to contribute to this fund.

87. To help promote a balanced economy, persons may be employed throughout the federal republic at equal pay.

88. To protect in particular the federated state administered by the Turkish Cypriot community, special measures and safeguards will be adopted to avoid adverse economic effects resulting from the establishment of the federal republic, for example as a result of the adoption of one currency and the establishment of one customs frontier.

89. Each federated state may, in addition to federal taxation, establish and administer its own tax regime and determine tax rates in line with its economic objectives and needs.

90. In line with annex F, part II, of the Treaty of Establishment, the federal republic will accord most favoured nation treatment to Greece and Turkey in connection with all agreements whatever their nature.

91. A bi-communal committee will be established as part of the transitional arrangements to prepare the special programmes and measures envisaged above prior to the establishment of the federal republic. The United Nations Development Programme (UNDP) will provide the committee with support. The committee may request other expert assistance as required.

92. Matters related to the membership of the federal republic in the European Economic Community will be discussed and agreed to, and will be submitted for the approval of the two communities in separate referendums. (This paragraph relates exclusively to arrangements that might be put in place in Cyprus and in no way impinges upon the prerogatives of the European Community and its member states in matters concerning membership in the Community).

VIII. TRANSITIONAL ARRANGEMENTS

93. Immediately after the approval in separate referendums of the overall framework agreement on Cyprus, the following transitional arrangements will be carried out to implement the overall framework agreement, including the preparation and putting into force of the federal constitution. All transitional arrangements will be fully implemented in an 18-month period.

94. In line with this overall framework agreement, bi-communal committees will be established immediately to implement the provisions related to the preparation and putting into force of the federal constitution and electoral law, the establishment of the federal civil service, property settlement claims, economic development and safeguards, arrangements related to the territorial adjustments to take effect at the time the federal republic is established, and the programme of action set out in the appendix. Furthermore, a committee composed of the representatives of the guarantor powers and the two communities will be established to supplement the Treaties of Guarantee and of Alliance. The United Nations will assist each committee in fulfilling its functions. Each side may employ foreign experts.

95. In addition, a committee composed of the leaders of the two communities and a representative of the Secretary-General of the United Nations will be established immediately to work out the transitional arrangements procedures foreseen herein and to ensure that the functions of the above mentioned committees are implemented in an effective and timely manner. Furthermore, this committee will, within 30 days of its completion by the two leaders at a high-level international meeting, organize separate referendums to approve the overall framework agreement, and, at the appropriate time during the transitional period, organize separate referendums to approve the federal constitution and the elections of federal officials with the assistance of and verification by the United Nations.

96. During the transitional period, the current arrangements for the administration of the day-to-day internal affairs of each side will continue, unless modified by the provisions of the overall framework agreement. In matters affecting Cyprus as a whole, such as international trade and tourism, the same principle shall apply on the understanding that these matters will be administered on an interim basis in the common interest. To this end, interim procedures will be agreed to by the two communities.

97. During the transitional period, external affairs shall be conducted in a manner which accords with the principles contained in the overall framework agreement and in consensus

with the leaders of the two communities. Arrangements shall be made for joint delegations, in particular to international meetings.

98. The statutes, laws, regulations, rules, contracts currently in effect on both sides shall be considered valid to the extent they are not inconsistent with the overall framework agreement. The federal government may review prior international agreements to determine whether any action should be taken in respect thereto.

99. Each community will prepare its federated state constitution and electoral law in line with the federal constitution and electoral law, and will organize its federated state governmental arrangements which shall both come into being at the same time that the federal republic is established.

100. The date of entry into force of the federal constitution will be specified therein and will be the date on which the federal republic comes into being.

IX. NOTIFICATION TO THE UNITED NATIONS

101. As soon as the overall framework agreement has been approved in separate referendums by each community, the leaders of the two communities will address a letter to the Secretary-General of the United Nations transmitting to him the text of the overall framework agreement with the request that he submit the letter and the overall framework agreement to the Security Council so that the Council may take note of the decision of the two communities to establish a federal republic in the manner described in the overall framework agreement.

Appendix

As soon as the overall framework agreement has been approved by the two communities in separate referendums the following programme of action to promote goodwill and close relations between the two communities will be implemented.

1. The flow of persons and goods, services, capital, communication, and international assistance from and / or to Cyprus will take place on an equal basis throughout Cyprus and any restrictions to the contrary will be lifted.
2. All restrictions on travel by members of the Turkish Cypriot community will be lifted. The two communities will agree on interim procedures.
3. The restrictions on the movement of tourists will be lifted.
4. Objections to the participation in international sport and cultural activities will be lifted.

5. The freedom of movement will be facilitated subject, by way of agreement between the two communities, only to minimal procedures.
6. Pending the establishment of the federal republic, Varosha will be placed under United Nations administration and a programme of action for its restoration will be prepared and implemented.
7. All military modernization programmes and strengthening of positions will cease. The two sides will cooperate with UNFICYP in extending the unmanning of positions along the buffer zone to all areas where the troops of both sides remain in close proximity to each other. The freedom of movement of UNFICYP throughout Cyprus will be ensured.
8. A bi-communal committee will be established to review the textbooks used in schools on each side and make recommendations for the removal of material that is contrary to the promotion of goodwill and close relations between the two communities. The committee may also recommend positive measures to promote that objective.
9. Both communities will promote goodwill and close relations between them and friendly relations with Greece and Turkey.
10. Both communities will, within the limits of their authority, terminate all current or pending recourse before an international body against the other community or Greece or Turkey.
11. A bi-communal committee will be established to survey the water situation in Cyprus and make recommendations on ways of meeting the water needs of Cyprus, including from external sources. The committee may request expert assistance as required.
12. A bi-communal committee will be established to prepare and launch a programme of action for the restoration of historical and religious sites throughout Cyprus. The committee may request expert assistance as required.
13. A bi-communal committee will be established to undertake a population census of both communities. The committee may request expert assistance as required.
14. The two communities undertake to support the efforts of the Committee on Missing Persons to reach early conclusions wherever possible on the fate of the missing persons. To this end, the Committee is requested to undertake without delay the investigation of all cases of missing persons and, to this end, to reassess the criteria for arriving at conclusions on the fate of the missing.

Conseil Européen – Copenhague 12 et 13 décembre 2002 Conclusions de la Présidence

1. Le Conseil européen s'est réuni à Copenhague les 12 et 13 décembre 2002. La réunion a été précédée d'un exposé de M. Pat Cox, président du Parlement européen, exposé suivi d'un échange de vues concernant les principaux points de l'ordre du jour.
2. Le Conseil européen a entendu un rapport oral du Président Valéry Giscard d'Estaing sur l'état d'avancement des travaux de la Convention. À la suite de cette présentation, le Conseil européen a procédé à un échange de vues sur l'évolution des débats. La Convention présentera les résultats de ses travaux en temps voulu pour le Conseil européen de juin 2003.

Chypre

10. Conformément au point 3 ci-dessus, étant donné que les négociations d'adhésion ont été achevées avec Chypre, celle-ci sera admise dans l'Union européenne en tant que nouvel État membre. Néanmoins, le Conseil européen confirme qu'il préférerait voir adhérer à l'Union européenne une Chypre réunifiée. À cet égard, il se félicite que les Chypriotes grecs et turcs se soient engagés à poursuivre les négociations en vue de parvenir à un règlement global du problème chypriote d'ici le 28 février 2003 sur la base des propositions du Secrétaire général des Nations Unies. Le Conseil européen estime que ces propositions offrent une chance unique de parvenir à un règlement dans les semaines à venir et il engage instamment les dirigeants de communautés chypriotes grecque et turque à saisir cette chance.
11. L'Union rappelle qu'elle est disposée à prendre en considération les conditions d'un règlement dans le traité d'adhésion, conformément aux principes qui sous-tendent l'Union européenne. En cas de règlement, le Conseil, statuant à l'unanimité sur la base de propositions de la Commission, décide des adaptations des conditions relatives à l'adhésion de Chypre à l'Union européenne auxquelles il conviendrait de procéder pour tenir compte de la communauté chypriote turque.
12. Le Conseil européen a décidé que, en l'absence d'un règlement, l'application de l'acquis dans la partie nord de l'île sera suspendue jusqu'à ce que le Conseil, statuant à l'unanimité sur la base d'une proposition de la Commission, en décide autrement. Dans l'intervalle, le Conseil invite la Commission, en liaison avec le gouvernement de Chypre, à examiner les moyens permettant d'encourager le développement économique de la partie nord de Chypre et de la rapprocher de l'Union.

Rapport du Secrétaire général sur l'opération des Nations Unies à Chypre 2 JUILLET 2015.

Introduction

1.

Le présent rapport sur la Force des Nations Unies chargée du maintien de la paix à Chypre décrit l'évolution de la situation entre le 16 décembre 2014 et le 20 juin 2015 et rend compte, depuis la publication de mon précédent rapport (S/2015/17) daté du 9 janvier 2015, des activités menées par la Force en application de la résolution 186(1964) et des résolutions ultérieures du Conseil de sécurité, la dernière en date étant la résolution 2197(2015).

2.

Au 31 mai 2015, l'effectif de la composante militaire était de 859 soldats, tous grades confondus, et la composante police comptait 63 personnes (voir annexe).

Faits politiques majeurs

3.

Après un long intervalle de presque sept mois, les négociations ont officiellement repris le 15 mai 2015, sous les auspices de mon Conseiller spécial pour Chypre, Espen Barth Eide, lors d'une rencontre entre le dirigeant chypriote grec Nicos Anastasiades, et Mustafa Akıncı, qui dirige la communauté chypriote turque depuis le 30 avril. À cette occasion, M. Anastasiades a communiqué à M. Akıncı les coordonnées de 28 mines terrestres posées par la Garde nationale au nord de l'île avant 1974 et en 1974, ce à quoi j'ai fait référence dans mon dernier rapport. Pour sa part, M. Akıncı a annoncé qu'à partir du lendemain, il n'y aurait plus besoin de remplir des formulaires administratifs aux points de passage.

4.

L'élan favorable suscité par la reprise des pourparlers a été redynamisé le 23 mai, lorsque les deux dirigeants ont effectué ensemble une promenade qui les amenés du nord au sud de la vieille ville de Nicosie en passant par la zone tampon et au cours de laquelle ils ont insisté sur leur vision commune d'une Chypre unie et leur volonté partagée de parvenir à une solution.

5.

Le 28 mai, les dirigeants ont annoncé de nouvelles mesures de confiance destinées à rapprocher les deux communautés et notamment à harmoniser leurs efforts en vue de l'ouverture d'un plus grand nombre de points de passage, à commencer par ceux de Lefka-Aplici//Lefke-Apliç et Deryneia/Derynia. Ils ont également convenu de prendre des mesures concrètes en vue de raccorder les réseaux électriques et chargé la Commission technique des affaires économiques et commerciales de proposer des solutions pour résoudre l'important problème de l'interopérabilité de la téléphonie mobile. Depuis la reprise des pourparlers, les parties se sont entendues sur la création d'une commission de la culture et d'une commission pour l'égalité des sexes.

6.

Lors de mes entretiens téléphoniques avec les deux dirigeants en mai, j'ai salué la relance des pourparlers et je les ai encouragés à saisir résolument l'occasion actuelle pour parvenir à un règlement global.

Activités de la Force des Nations Unies chargée du maintien de la paix à Chypre

7.

La Force a pour objectif premier de prévenir la reprise des combats et de contribuer au maintien de l'ordre et à un retour à une vie normale. Elle doit pour ce faire concilier les considérations de sécurité et le maintien du statu quo militaire tout en permettant aux Chypriotes qui habitent et travaillent dans la zone tampon de mener des activités civiles et de vivre pleinement et de façon productive. Cette méthode, lorsqu'elle fonctionne, renforce la confiance entre les communautés et concourt à l'action d'ensemble menée par l'ONU à l'appui du processus de paix.

A. Prévention de la reprise des combats et maintien du statu quo militaire

8.

Durant la période considérée, la Force a continué à préserver l'intégrité et la stabilité de la zone tampon malgré les violations militaires mineures commises par les deux parties. Grâce à ses patrouilles régulières et à son dispositif d'observation, de communication et de liaison, elle est parvenue à prévenir les tentatives que les deux forces en présence ont faites pour modifier légèrement le statu quo militaire dans la zone tampon. La non-reconnaissance par les forces en présence de l'aide-mémoire de 1989, l'absence de conception commune de la délimitation des lignes de cessez-le-feu et les mises en cause de l'autorité de la Force dans la zone tampon demeurent néanmoins préoccupantes.

9.

La Force a pu, à partir du climat favorable créé cours de la période considérée actuelle et antérieure, encore améliorer ses relations avec les forces en présence. Des voies de communication plus directes et plus efficaces et des réunions régulières avec les commandants respectifs au quartier général et au niveau des secteurs, ont aidé à raffermir la confiance et permis de résoudre des problèmes de longue date.

10.

Au cours de la période précédente, les forces turques ont retiré une trentaine de soldats des positions qu'ils occupaient dans la vieille ville de Nicosie, où les forces en présence se trouvent les plus proches les unes des autres. Cette réduction a été rendue possible par l'installation de 28 caméras de vidéosurveillance. Bien que l'une des 28 caméras ait été depuis lors retirée, pendant la période considérée, il n'y a pas eu de nouvelle réduction d'effectifs aux 19 positions où des caméras de vidéosurveillance ont été installées; et 2 caméras supplémentaires ont été installées dans la poche de Louroujina dans le secteur 4. En l'absence de réductions d'effectifs, les caméras de vidéosurveillance confèrent un avantage militaire et de ce fait, constituent une violation du statu quo.

11.

Des positions militaires établies par les deux forces en présence dans la zone tampon en violation du statu quo, sont toujours en place, notamment à Strovilia. Des discussions avec les forces turques ont conduit à la levée au cours de la période considérée des restrictions imposées aux patrouilles de routine effectuées par la Force à Strovilia depuis juin 2014. L'ONU continue de tenir le Gouvernement turc responsable du maintien du statu quo à Varosha.

Déminage

12.

Le 30 décembre, des mines ont été entraînées par de fortes pluies du nord de la ligne de cessez-le-feu à la zone tampon. L'endroit, situé à proximité de Mammari dans le secteur 1, est régulièrement patrouillé par la Force et labouré par des civils. À la suite d'une évaluation initiale des risques effectuée par le Service de l'action antimines en février 2015, une équipe

de démineurs cambodgiens de la Force intérimaire des Nations Unies au Liban (FINUL) a entrepris une opération de déminage le 26 mai, comme elle l'avait fait un an auparavant, également dans le cadre de la coopération intermissions. Au 19 juin, 4275 mètres carrés ou environ 15% de la zone dangereuse avaient été déminés, et les éléments de deux mines antichar et d'une mine antipersonnel qui avaient été identifiés ont été détruits. Pour éviter que pareil incident ne se reproduise, la Force a obtenu après concertation des autorités chypriotes turques, l'engagement de déminer la zone située au nord de la ligne de cessez-le-feu dans les prochains mois.

13.

Le 4 juin, j'ai rencontré M. Akıncı, qui a sollicité l'aide de l'ONU pour remédier au problème posé par les 28 champs de mines. Suite à cela, et en vue de faciliter les opérations de déminage futures, la Force et le Service d'action antimines se sont employés, dans le cadre d'une excellente coopération, à affiner les données fournies et à cartographier les champs de mines où se trouveraient à la fois des mines antichars et antipersonnel. Une étude destinée à déterminer le degré de contamination par les mines et ce qu'il y a lieu de faire pour procéder au déminage a été entamée le 18 juin.

14.

Malgré l'évolution favorable de la situation décrite ci-dessus, aucun progrès n'a été enregistré au sujet de l'accès aux quatre principaux champs de mines connus dans la zone tampon, dont trois sont placés sous le contrôle de la Garde nationale et un sous celui des forces turques, et ce malgré les demandes formulées par la Force. Des efforts se poursuivent à tous les niveaux pour encourager les deux parties à adopter une approche plus globale du déminage, tant à l'intérieur qu'à l'extérieur de la zone tampon.

Rétablissement de la normalité et activités humanitaires

15.

Les relations entre la police de la Force et les services de police des deux parties ont continué d'être empreintes de coopération et de revêtir un caractère constructif, les communications quotidiennes venant resserrer cette collaboration et offrant la possibilité de se pencher sur des questions opérationnelles à l'intérieur de la zone tampon.

16.

Conformément à son mandat, qui prévoit qu'elle doit contribuer au maintien de l'ordre, la police de la Force a continué de faciliter les enquêtes diligentées par les services de police des deux parties sur des infractions commises dans la zone tampon et d'assister ces services dans leur travail. Tel a été le cas notamment dans le village bicommunautaire de Pyla, où un regain d'activités criminelles de la part des membres des deux communautés a été signalé en rapport avec des casinos illégaux dont le nombre est passé de trois à quatre au cours de la période considérée. La Force poursuit ses efforts visant à trouver une solution pratique au problème des activités criminelles à Pyla.

17.

Parallèlement à ces activités de liaison sur le terrain, la police de la Force a continué de faciliter les réunions du Comité technique de la criminalité et des questions pénales. Le 20 mai, le Comité a organisé un séminaire sur la prévention de la violence familiale à l'hôtel Ledra Palace dans la zone tampon qui a vu la forte participation des membres des deux communautés. La salle de communication mixte a continué de servir de lieu d'échange de renseignements sur des affaires criminelles concernant les deux communautés, dont des enquêtes sur des crimes commis et des cas humanitaires.

18.

Au cours de la période considérée, la Force a continué à voir son autorité défiée dans la zone tampon et son personnel faire face au comportement agressif de certains particuliers, qui se livraient à des activités non autorisées. La Force a exhorté les autorités compétentes à traiter les affaires en souffrance concernant des attaques dirigées contre son personnel et ses biens. Fait positif, et ce après des efforts persistants de la part de la Force, trois chasseurs ont été condamnés pour s'être introduits armés dans la zone tampon et avoir agressé un agent de la Police des Nations Unies. Par ailleurs, les mesures de restrictions imposées aux employés locaux des Nations Unies entrant dans la zone nord ont été levées le 15 février.

19.

Conformément à son mandat, qui prévoit qu'elle doit contribuer au retour à la normale, la Force a continué d'encourager les autorités, les responsables locaux et la population civile à coopérer avec la mission et à lui communiquer, conformément aux procédures établies, des informations utiles sur les projets civils entrepris dans la zone tampon. À Pyla, de petits projets de construction civile non autorisés mis en chantier par la communauté chypriote turque ont conduit à un regain de tension au cours de la période considérée. Dans l'un de ces cas, la Force a négocié une solution qui a consisté à faire du projet une initiative conjointe des deux communautés dont toutes deux ont pu bénéficier. L'université de Pyla continue de fonctionner sans l'autorisation de la Force.

20.

De décembre 2014 à mai 2015, 868 694 traversées officielles de la zone tampon ont été enregistrées. La Force continue de jouer un rôle essentiel dans tous les échanges s'effectuant aux points de passage, aux alentours ou par ces endroits. Suite à l'annonce faite par les dirigeants le 28 mai, la Force a appuyé les travaux du Comité technique chargé des points de passage concernant l'ouverture de ceux de Lefka-Aplici//Lefke-Apliç et Deryneia/Derynia, tout en facilitant des discussions sur d'éventuels points de passage supplémentaires à ouvrir ultérieurement. La police de la Force a continué à escorter des convois de fournitures civiles et humanitaires au point de passage de Limnitis/Yeşilirmak, conformément à l'accord conclu par les dirigeants en octobre 2010.

21.

La Force a continué de gérer les activités agricoles et d'autres activités civiles dans la zone tampon et a délivré plus de 944 permis autorisant des activités civiles et approuvé 22 des 24 projets de construction civile. À l'appui de ces activités civiles, elle a contribué à l'entretien de l'infrastructure et des services d'utilité publique essentiels aux deux communautés et encouragé les communautés vivant dans la zone tampon à adopter des approches communes à des questions telles que le respect de l'environnement et l'assainissement.

22.

La Force a continué à favoriser des contacts entre les deux municipalités de Nicosie de manière à renforcer la coopération avec la vieille ville de Nicosie, où la zone tampon est la plus étroite. La mission a facilité six rencontres entre les deux municipalités afin de mettre en place des projets conjoints portant sur les questions d'intérêt commun en matière d'environnement, d'affaires sociales et de santé. Les deux maires de Nicosie ont pu, lors d'une marche qu'ils ont effectuée ensemble le long de la Ligne verte le 10 mars sous les auspices de la Force, examiner les moyens de régler les problèmes quotidiens découlant de la zone tampon.

23.

Hors de la zone tampon, la Force a continué d'apporter un soutien humanitaire à 345 Chypriotes grecs et 109 Maronites résidant dans le nord, notamment en leur fournissant une aide humanitaire hebdomadaire et en aidant à transférer le corps de six Chypriotes grecs afin qu'ils soient inhumés dans des villages du nord. Le soutien logistique et les visites aux écoles chypriotes grecques de la péninsule du Karpas se sont poursuivis. Si les demandes de

médecins parlant le grec, afin de satisfaire les besoins en matière de santé des Chypriotes grecs et des Maronites âgés vivant dans le nord, n'ont pas encore reçu de réponse, des services médicaux en langue grecque ont toutefois été fournis au cours de la période.

24.

Quant aux Chypriotes turcs résidant dans le sud, la Force est restée en contact avec les autorités locales afin d'assurer leur accès à l'aide en matière de santé, de protection sociale et d'éducation. La situation n'a pas évolué en ce qui concerne l'ouverture d'une école de langue turque à Limassol, mais un professeur chypriote turc a été engagé à temps complet au lycée de Limassol où un enseignement en langue turque est dispensé à titre facultatif dans le cadre du programme. Deux enseignants Chypriotes turcs à temps complet ont également été affectés à une école primaire fréquentée par des élèves turcophones.

25.

Au cours de la période considérée, la Force a aussi aidé à résoudre les problèmes d'ordre juridique et humanitaire liés à l'emprisonnement de Chypriotes turcs dans le sud en se rendant régulièrement dans les centres de détention où ils se trouvaient. Pour renforcer la confiance dans la justice, la Force a assisté à l'audience d'un Chypriote grec dans le nord et à quatre audiences concernant des Chypriotes turcs dans le sud.

26.

La Force a poursuivi ses efforts visant à favoriser la coopération et la réconciliation entre les deux communautés, notamment en aidant la société civile à organiser 70 manifestations, en coopération avec des partenaires internationaux et locaux et au cours desquelles près de 5000 membres des deux communautés ont participé à des activités sportives, culturelles, éducatives et autres. Il s'agissait, dans le cas d'une de ces manifestations, d'un tournoi intercommunautaire de football organisé à Pyla le 18 avril avec le concours de la Force qui a offert une excellente occasion aux deux communautés de se rassembler, ce qui devrait pouvoir se reproduire à l'avenir. Sept de représentants de partis politiques chypriotes grecs et chypriotes turcs se sont tenues sous les auspices de l'ambassade de Slovaquie à l'hôtel Ledra Palace dans la zone tampon, offrant ainsi un cadre pour la poursuite du dialogue. Le 27 mai, les partis politiques ont publié une déclaration commune par laquelle ils s'engageaient à soutenir activement et à favoriser une plus grande participation du public à la reprise du processus de paix.

27.

La réunification du football chypriote, appuyée par les deux dirigeants a également progressé. À la fin du mois de mars, la Fédération turco-chypriote de football a annoncé son intention de soumettre une demande d'adhésion à la Fédération chypriote de football et, en guise d'étape préliminaire, a approuvé l'harmonisation de sa charte avec les règles de la Fédération internationale de football association (FIFA) et de l'Union européenne de Football association (UEFA), le 8 mai.

28.

De nouveaux progrès ont été accomplis au cours de la période considérée dans le domaine de l'ouverture de lieux de culte dans le nord qui étaient inaccessibles depuis 1974. La Force a facilité l'organisation de 35 services religieux et manifestations commémoratives auxquels plus de 9000 personnes ont participé et qui se sont déroulés dans la zone tampon ou ont nécessité de franchir cette zone jusqu'au nord. Des services religieux ont été organisés pour la première fois au monastère Panayia à Mandres et aux églises de Ayios Georgios Xalnon à Kato Zhodia, Ayios Georgios à Karavas et Ayia Eirini à Kyrenia. Par ailleurs, le 12 avril, la Force a également facilité le passage de quelque 200 fidèles qui se rendaient à la mosquée Hala Sultan Tekke, à Larnaca, dans le sud.

29.

Le Programme des Nations Unies pour le développement (PNUD) a continué de s'employer avec le Comité technique chargé du patrimoine culturel, à protéger les sites culturels des deux parties de l'île. La restauration de six sites du patrimoine culturel s'est achevée au cours de la période considérée. Celle de la tour d'Othello à Famagouste devrait l'être d'ici à la fin du mois de juin, tandis que des progrès considérables ont été réalisés dans la restauration du monastère Apostolos Andreas dans la péninsule du Karpas. En outre, à l'appui d'un règlement politique, le PNUD a continué à favoriser le Cadre de dialogue chypriote qui regroupe 94 organisations des deux communautés, dont des partis politiques, des entreprises, des groupements professionnels, des syndicats, des organisations non gouvernementales et l'ensemble de la société civile. Le Cadre, qui permet aux citoyens de se faire entendre au titre du processus de paix, été institué grâce à l'adoption d'une déclaration le 12 mars, en présence des négociateurs chypriote grec et chypriote turc.

30.

La Chambre de commerce et d'industrie de Chypre et la Chambre de commerce chypriote turque ont continué à servir d'exemple de coopération et à préconiser une solution à la question chypriote. Au cours de la période considérée, elles ont engagé un certain nombre d'initiatives, dont le lancement d'un programme de stage intercommunautaire et la création d'un centre intercommunautaire de développement d'entreprises. La troisième réunion du Forum économique de Nicosie, qui s'est tenue à Athènes le 5 février 2015 et à laquelle ont assisté les deux Chambres de Chypre ainsi que l'Union turque des chambres et bourses de commerce et l'Union des Chambres de commerce et d'industrie helléniques de Grèce, a souligné combien il importait de parvenir à une solution à Chypre et à quel point les Chambres pouvaient y contribuer.

31.

Le 28 mai, à l'issue de leur deuxième rencontre officielle, M. Anastasiades et M. Akıncı ont publié une déclaration commune par laquelle ils soulignaient l'importance que revêtait la question des personnes disparues et engageaient quiconque se trouverait en possession de renseignements à prendre contact avec le Comité des personnes disparues. Au 16 juin 2015, les équipes d'archéologues bicommunautaires du Comité avaient exhumé les dépouilles de 967 personnes disparues dans les deux parties de l'île. À ce jour, les restes de 583 personnes ont été identifiés et restitués aux familles, dont 34 pendant la période considérée. Depuis le début de l'année, les forces turques ont donné aux équipes d'archéologues du Comité accès à deux zones militaires supplémentaires, l'une à la suite d'une demande écrite adressée par le Comité, l'autre après la découverte accidentelle de restes humains lors de travaux de constructions.

Aspects financiers et administratifs

32.

Comme je l'ai précisé dans mon rapport précédent, par sa résolution 68/296, l'Assemblée générale a ouvert un crédit d'un montant brut de 52,54 millions de dollars pour financer le fonctionnement de la Force des Nations Unies chargée du maintien de la paix à Chypre du 1er juillet 2015 au 30 juin 2016. Cette somme comprend une contribution volontaire du Gouvernement chypriote d'un montant correspondant au tiers du coût net de la Force, soit 17,61 millions de dollars, et une contribution volontaire du Gouvernement grec de 6,5 millions de dollars.

33.

Au 24 juin 2015, le montant total des contributions non acquittées au compte spécial de la Force pour la période du 16 juin 1993 au 24 juin 2015 s'élevait à 16,95 millions de dollars. À

la même date, le montant total des contributions non acquittées était pour l'ensemble des opérations de maintien de la paix était de 1 milliard de dollars.

34.

Toujours au 24 juin 2015, le montant total dû aux États Membres ayant fournis contingents s'élevait à 1,08 million de dollars. Les remboursements dus au titre des contingents et du matériel leur appartenant ont été effectués pour la période ayant pris fin le 30 avril 2015 et le 31 mars 2015 respectivement, suivant le calendrier des versements trimestriels.

Observations

35.

Je prends note de la dynamique positive qui entoure la reprise des pourparlers ainsi que de la motivation et du dévouement dont font preuve les deux parties. Je me félicite que les dirigeants se soient engagés à œuvrer sans relâche en vue de parvenir à un règlement global de la question de Chypre dans les plus brefs délais. Je les encourage à saisir cette occasion unique pour construire en commun un avenir pacifique pour l'île. Je présenterai un rapport détaillé sur ma mission de bons offices à l'automne 2015.

36.

Je me félicite également que les dirigeants se soient engagés à parvenir rapidement à un accord sur des mesures de confiance, et je les prie instamment de prendre des dispositions pratiques et concrètes afin de les mettre en œuvre, en toute bonne foi et dans les meilleurs délais. L'accord que les dirigeants ont conclu concernant notamment l'interconnexion des réseaux de distribution d'électricité et l'interopérabilité des réseaux de téléphonie mobile, une fois concrétisé, aura un impact positif considérable sur la vie quotidienne des membres des deux communautés.

48.

Si la levée des restrictions imposées à la liberté de circulation de la Force est une bonne nouvelle, la situation de Strovolia, ainsi que d'autres positions à l'intérieur de la zone tampon, reste en violation permanente du statu quo. De même, bien que la présence de caméras permette de surveiller les activités criminelles dans la zone tampon, elle constitue avant tout un avantage militaire et une violation du statu quo si elle n'est pas accompagnée d'une réduction des effectifs militaires. J'encourage donc vivement une nouvelle réduction des effectifs militaires le long de la ligne de cessez-le-feu, y compris dans les 21 sites équipés de caméras de surveillance.

49.

Il incombe également aux deux parties de trouver sans plus attendre une solution pratique et mutuellement acceptable pour mettre fin aux activités illégales à Pyla, qui sont une source de préoccupation croissante pour les habitants du village. L'absence d'un accord sur la marche à suivre est devenue une source de tension entre les parties, y compris sur le plan politique. J'engage de nouveau les deux parties à collaborer avec la Force afin de trouver des solutions réalistes et sûres pour mettre fin aux activités criminelles à Pyla.

50.

L'ONU reste déterminée à soutenir l'action humanitaire vitale menée en faveur des familles des victimes par l'intermédiaire du Comité des personnes disparues. Si je me félicite des résultats obtenus par celui-ci au cours de la période considérée, je constate cependant que, 50 ans après leur disparition, la moitié des elles n'ont pas encore été identifiées. Il est essentiel que les travaux du Comité ne soient pas davantage retardés. Compte tenu des chiffres susmentionnés et de l'âge avancé des parents des personnes disparues, il est impératif d'accélérer le processus, ce qui nécessite en particulier, de la part des forces turques, d'accélérer les procédures d'accès aux zones militaires, comme cela a été le cas au cours de la période considérée.

51.

La Force continue de jouer un rôle essentiel sur l'île, exerçant l'autorité dans la zone tampon et contribuant à maintenir la paix et à régler divers problèmes rencontrés, dans leur vie quotidienne, par les membres des deux communautés. Toutefois, son aptitude à jouer ce rôle dépend pour l'essentiel de la détermination des parties à s'abstenir de contester son autorité et sa légitimité dans la zone tampon. En demandant aux deux parties de continuer à coopérer de bonne foi avec elle, je recommande donc que le mandat de la Force soit prorogé de six mois, jusqu'au 31 janvier 2016.

52.

La Force continue de collaborer étroitement avec ma mission de bons offices et les autres acteurs des Nations Unies présents sur l'île. Conformément aux résolutions du Conseil de sécurité sur la question, dont la dernière en date est la résolution 2197 (2015), la mission continuera de participer à l'élaboration de plans d'action en prévision du règlement, lesquels continueront de tenir compte de l'évolution des négociations et des idées des parties sur le rôle éventuel que l'ONU peut jouer à cet égard.

53.

En outre, je continuerai de suivre de près les opérations de la Force, en tenant compte de l'évolution de la situation sur le terrain et des vues des parties et, s'il y a lieu, j'adresserai au Conseil mes recommandations sur les nouveaux aménagements à apporter au mandat de la Force, à ses effectifs et à son concept d'opérations.

54.

La Force peut être appelée à jouer un rôle d'appui essentiel au cours de la période à venir et aider à mettre en œuvre d'autres mesures de renforcement de la confiance, sur lesquelles les dirigeants se seront entendus, par exemple, pour ce qui est de faciliter et de contrôler les opérations de déminage conformément aux normes internationales de la lutte antimines, à assurer un suivi efficace, et à garantir l'intégrité de tous les nouveaux passages à travers la zone tampon. En particulier, il faudra peut-être tester et réviser l'aptitude de la mission à réagir avec efficacité.

55.

Je tiens à exprimer une nouvelle fois ma gratitude aux 34 pays qui, depuis 1964, fournissent des contingents, du personnel de police ou les deux, et à rendre hommage aux 186 soldats de la paix qui ont perdu la vie au service de la paix à Chypre pendant cette période. Il incombe à toutes les parties d'œuvrer de manière résolue en vue du règlement global auquel aspirent tous les Chypriotes et grâce auquel la présence d'une force de maintien de la paix ne serait plus nécessaire.

56.

Je tiens à remercier ma Représentante spéciale et Chef de la Force des Nations Unies chargée du maintien de la paix à Chypre, MME Buttenheim, tout particulièrement pour la détermination et le dévouement dont elle a fait preuve dans ses fonctions de Conseillère spéciale adjointe. Je tiens également à remercier la commandante de la Force, la générale de division Kristin Lund, qui est en fonction depuis l'année dernière. La Force continue de jouer un rôle de chef de file dans l'augmentation du nombre de femmes parmi le personnel de l'ensemble des composantes militaire, civile et de police. Enfin, je tiens à adresser mes remerciements à tous les hommes et à toutes les femmes qui servent la Force pour l'efficacité et le dévouement avec lesquels ils se sont acquittés des responsabilités que le Conseil de sécurité leur a confiées. Je tiens également à exprimer ma reconnaissance à mon Conseiller spécial, M.Eide.

LES RAPPROCHEMENTS BI-COMMUNAUTAIRES

1. The Choice for Both (Neshe Yashin)

31-mars-2 avril 1998, World conference on culture
http://www.klys.se/worldconference/papers/Neshe_Yaşın.htm

As a Turkish Cypriot writer I have been living in the Greek Cypriot part of the divided Cyprus since one year. Was this a choice and why did I make this choice? The word choice hurts me deeply. In such a small and beautiful island how can you ask people to choose the side they should live and this dilemma means that they will not be able to see the other side any more. If this was a choice as they mean it I chose to live with the "enemy". Actually the problem is that you have no free choice. For them the thing I am doing is named as a "betrayal" rather than "choice". When I returned back to the Turkish Cypriot part of the island for some time for a short visit, some of my friends were talking to me in a whispering voice as if I have committed a great sin. My old aunt in the North thinks that what I have done is the end of the world. I am in a worst situation than a woman who committed adultery in the Middle ages. Why did I do this? This was not a choice because I am against the choice. I think choosing one part of my country and forgetting about seeing the rest can only be something like Sophie's choice.

All my life, starting from my childhood I have been a disobedient person. I was disobedient against my father because obeying him meant losing my freedom. I didn't obey to what they thought me in school. I didn't obey to the male society and the traditional roles given to me as a woman and I didn't obey to the nationalism they thought me in the school. When you don't want to obey your father you can leave the house when you don't want to obey a husband who is trying to dominate you, you can get divorced but what about a political authority an organisation which calls itself a state and appoints you as its citizen ? I applied to them hundreds of times to give me permissions to cross over to the other side of my country and they refused it. I can remember myself many times sitting at a bench at Ledra Palace check point and crying silently without knowing what to do about this oppression that I was facing. One day I was so angry that I walked over with a friend, hoping that the other people who were not given permissions follow us but they didn't and this is understandable. When we walked over the policeman yelled us that he has the order to shoot anybody who tends to do

this and he was begging us to return back because he didn't want to become a killer or lose his job .

To make a confession here, actually I crossed the Green line once secretly with the help of a smuggler. What I remember from this experience is a feeling of freedom, a feeling of empowerment as if I have cheated and defeated the whole army responsible for this kind of disobedient acts of citizens.

Then I found a more safe way to do it. I flew from the city I live to the city I live by changing three planes. My journey was from Nicosia to Ercan Airport to Istanbul Airport then to Athens and Larnaca Airport and then back to Nicosia. What I am describing now is the crossing of a distance of 50 meters. The longest 50 meters of the world!

Having this big experience of living with the so called enemy gave me a wider insight about the conflict and a deeper understanding about the realities of the other side. After three visits of one month each, I decided to stay longer because I realised that I was giving some help for the reconciliation in Cyprus by my presence in the southern part of the island through the speeches I was delivering in schools, villages and cultural centres What really helped me in this adventure was my identity as a poet and the way I avoided the political discourse currently used and dealt with the language as a person of literature.

Living in a country of ethnic conflict means that you have to obey certain rules characterised with the side taking aspect of the conflict. Conflict dictates you to think in terms of categories. You, yourself are in a certain category and what is expected from you is to act within the limits of this certain category. The conflict culture operates with dualistic thinking. This is the either/or approach where you are forced to make the choice. Actually as I told above, you don't even have a choice. Your category is determined from your birth and you have to act and take side with this relevant category that you were put in. When you were socialised to your national identity you were thought to be proud of the aspects of your national identity and you also learned about the other which is less valued and which is the historical enemy. What if you approach the enemy and try to understand the reality through their terms? Some writers and poets in Cyprus have talked about the choice of "both" instead of an either/or approach. But since "both" includes also the enemy, they were named as the agents of the enemy by the supporters of the status quo.

Of course literature has a strong power to deal with these type of problems. If you are a person of literature in a country of conflict the first thing you have to deal with is the language

itself. When I say language I don't mean the different languages spoken and the problem of translation etc. but what I mean is the language of your own society where most of the beautiful words are borrowed by the conflict. Where peace becomes the name of war, where victory means the denial of the other's rights and where many innocent words become associated with some categories of thought and where the words staying at the tip of the iceberg are actually associated with some feelings, interests, values and a certain history underneath. Words lose their original meanings and become identified with some divisions in life. Many words become associated with certain group thinking.

A country of conflict is also a country of different symbols fighting against each other. On the Green line of Cyprus you can see five different flags. Even colours get associated with sides and colours trigger feelings.

The power of poetry and its peaceful function comes from the way it deals with the language. Poetry exceeds the borders of the language and because it deals with the words in a special manner and organises them in a different way than the daily language, it overcomes the tyranny of language which reproduces everyday the system of conflict.

In a country of conflict it is very difficult to experience democracy. The limits of freedom of expression is the "national cause and interest" which is mainly formulated and dictated by the ones in power. In a country of conflict, you can not have normality. For example in Cyprus we are still in a cease fire situation. This is an excuse for the administrators of both sides to take measures which couldn't be taken in a country which is not experiencing a regular threat of war. There is a call for national unity which actually means going along with the national cause formulated by the decision makers in power. Fighting for a national cause usually means fighting for your own group interest against the other. The concerns and the needs of the other is not included in this formula. It is a situation where one party will win and the other will lose. Here the writer's place may be the place of the third party where concerns of both parties could be taken into consideration.

Politicians analyse the events and fix positions which fits the needs of their own side. The position of the other side is fixed with the same way. But literature does not work with positions and it rather deals with the human needs and experiences underneath these positions. This is the place where you can reach unity. I think many writers of countries of conflict are already playing this role by disconnecting themselves from the side taking and self-centred aspect of the conflict. Somebody may say what if there is a clear victim and this is your own side. I think there is never a definite victim in a situation of conflict. The interaction of victim

and the persecutor is a rather complicated issue. It may be very clear in a case that one side is victimised very harshly but even in such a situation persecutor may be also victimised with the act of persecution and the victim may start breeding in itself a potential future persecutor. Usually the persecutor is also acting with the pain of a past victimisation. Understanding the reasons of persecution and psychology of the persecutor is as important as pitying and taking side with the victim. I think a writer is somebody who can successfully put himself or herself in the place of the other and I think when she or he does this it will be very clearly seen that pain is present in many ways.

I think the other important thing in a country of conflict is the connections between artists and people of literature of both sides. In our country the problem is not with psychological borders but with rather a physical border. The physical division of the island prevents people from every kind of contact. Apart from the rarely allowed face to face meetings even telephone and postal contact is not available. Citizens of Cyprus have worked hard against this embargo and last year with the help of foreign diplomats was a golden year for bi-communal meetings. Towards the end of the year when the political atmosphere got tense all the permissions for these contacts got lifted by the Turkish Cypriot authorities controlled by the Turkish authorities

Before finishing my speech, I want to talk about how a group of Turkish Cypriot and Greek Cypriot intellectuals that I am included in have overcome this obstacle through the use of Internet. A magazine called HADE which means lets go in the language of both Turkish Cypriots and Greek Cypriots is published with a common effort with the help of Internet. When the magazine committee had a problem of making meetings the communication continued through e-mails and the articles and translations were also sent through e-mails. The magazine is in circulation now in both sides of the country. There are also many chat and discussion groups of Cypriots on the Internet and a lot of contact is going on between the citizens of the island living in both sides.

As a poet I have always found technology cold and as a woman I usually found it very male. I think this is a prejudice shared by many. Now I am looking at the freedom aspect of the technology. Of course passing a border secretly is more exciting than sending a message through Internet! Anyway, the day I took the magazine Hade in my hands I felt the joy of an achievement in spite of all obstacles and I realised how technology helped us to get united. I felt the enormous changes taking place in the world and I developed the faith that all the artificial divisions created by nationalism could be overcome.

2. AHDR : Association for Historical and Research

The Association for Historical Dialogue and Research (AHDR) is a non-governmental, non-profit, multi-communal organisation in Cyprus that was established in 2003. The AHDR envisions a society where dialogue on the issues of history, historiography, history teaching and history learning is welcomed as an integral part of democracy and is considered as a means for the advancement of historical understanding and critical thinking. The AHDR has decided to develop the present policy paper focusing on how it envisions education in a multi-cultural, multi-lingual, and multi-faith society in Cyprus.

The AHDR's paper has been developed through a public consultation driven procedure that involved an open public discussion, as well as a round table discussion with educators, researchers, education specialists and unionists, a process during which all interested individuals and organizations were provided with the opportunity to submit their views and ideas on the issue via various ways including mail, e-mail, and facebook.

Introduction and Background

This policy paper arises from the realization that the current system of education in Cyprus has not succeeded to promote the notion of living in a multi-cultural, multi-lingual, and multi-faith society¹. So far, this system has been grounded in a divisive way of thinking that is related to the creation and retention of the political problem. Past attempts for educational reform have taught us that the road towards reform has many social and political-related obstacles and that although we have achieved some important developments, there is still a long way to go. The present policy paper offers a framework for teachers, policymakers, parents, teachers, educators, children, young people, and the Cypriot society at large to further develop efforts towards a multi-cultural, multi-lingual, and multi-faith society built on the values of human rights, trust, partnership, equality and mutual respect. It contributes to the on-going debate in Cyprus, Europe and around the world on how education enables the development of such values. This policy paper hopes to actively engage educational authorities and organisations in the implementation of policies which take into account the new challenges of living in a multi-cultural, multi-lingual, and multi-faith society. It also seeks to develop the prospects of a critical educational vision and praxis. Critical education is an education that promotes multiperspectivity, solidarity, social justice, dialogue, and intercultural understanding and prepares children and young people to be critical, responsible and active citizens.

Towards an education that prepares children and youth to live in a multi-cultural, multi-lingual, multi-faith society in Cyprus: Our vision

First of all in order to promote an education that prepares children and youth to live in a multi-cultural, multi-lingual and multi-faith society in Cyprus, we should teach children and young people of all cultural groups to be sensitive to human rights, democracy and social justice values and be better skilled for participation in activities that promote these values. A spirit of social justice, as well as a strong bond of solidarity (locally and internationally), are invaluable and essential in order to confront those ideologies and actions that promote one-sidedness, fanaticism, and a selective application of human rights principles. In particular, we envision an education that encourages a critical and self-reflexive understanding of the complexity of our history and avoids the tendency to essentialise ‘culture’ and ‘identity’ in monolithic ways, especially in the context of history teaching. A more holistic educational approach that incorporates the concepts of Human Rights Education, Peace Education, Sustainability/ Environmental Education and Intercultural Education can make an important contribution towards structural, as well as personal change.

We envision a democratic education, free of any kind of discrimination, which engages students, teachers and parents of all cultural groups in Cyprus, as active members of society in democratic processes of decision-making in schools. In order to foster a climate of democracy, collaboration, respect, responsibility, dialogue and mutual understanding from an early age, children and young people need to be actively involved in relevant activities, decision-making structures, and school-based and community projects. Through their policies, structures, practices, curricula, teaching methods, and teaching materials, all schools can ensure that children and young people are consciously prepared for living in a multi-cultural, multi-lingual and multi-faith society. We envision the use of innovative teaching methods which promote participation, multiperspectivity, empathy, critical thinking, cooperation, dialogue, active listening, problem-solving inquiry and respect for differences. Children and young people of all cultural groups in Cyprus need to be encouraged to be critical and empathetic thinkers, capable of dealing with conflict in a constructive way, both individually and as members of a group. In addition, non-formal education methodologies should be emphasised as the more appropriate tools to be used in order to comprehend and empathise with the consequences of racism, sexism, and poverty.

For education in Cyprus to meet the future challenges ahead, teachers and school leaders need to be prepared (through pre-service and in-service training and professional development) to educate children and young people to live in a multi-cultural, multi-lingual, and multi-faith

society. Every staff member needs to be offered opportunities for professional development that takes into consideration their professional needs and interests and enhances their professional autonomy, leadership, and self-confidence. Universities and institutions which have the responsibility for teachers and school leaders' professional development play a key role to play in preparing them to teach, lead, and live in a multi-cultural, multi-lingual, and multi-faith society. Pre-service and in-service teacher education and training are central to equipping teachers and school leaders with the knowledge, empathy and skills to support learning for students from different backgrounds, irrespective of their gender, sexuality, faith, ethnic, cultural or economic background, or physical and intellectual capacities. Research has identified the need for in-service and future teachers to be offered training in order to identify and manage their own pre-suppositions and stereotypical views (related to ethnicity, gender, religion, appearance, sexuality etc.) of groups and children, either present in their classrooms or in the wider society.

The AHDR believes that addressing gender issues and gender inequality are central in strengthening inclusive education for all children and young people. Women teachers are usually positioned within the school system based on their expected gender roles and cultural gender stereotypes limiting their opportunities to take on leadership positions within education. From the onset, gender stereotyping and gender discrimination should be identified, challenged and eliminated from school life through appropriately designed pedagogies and curricula, the participation of girls and women in all forms of public and professional life should be promoted to demonstrate not only equality, but to acknowledge that their full participation can contribute to an enriched learning environment and society. Eliminating discrimination related to sexual orientation is also paramount in promoting equality amongst teachers and the education sector. LGBT teachers are often discriminated against, if they are publicly open with regards to their sexual orientation. All forms of discrimination or violence based on sexual orientation need to be addressed through relevant policies and awareness raising strategies. We envision an education that encourages parent participation in school life and strengthens relationships between the school and the broader community. Parents in the community should be encouraged to voice their opinion and to participate in school life. A positive school climate that includes parents in school activities, the educational process, and the school policy, and takes into consideration the diverse family situations and backgrounds of its students, is essential in promoting a multi-cultural, multi-lingual, and multi-faith society. Schools should engage in critical self-reflection of what parental participation means and how certain demands work to include some, and exclude

others from school. Schools should also acknowledge the cultural construction of parental participation policies and practices, the practical challenges many non-mainstream underprivileged families face and the different cultural scripts families may share regarding the relationship between families-school. New information and communication technologies (ICT) provide, when available and accessible, exciting possibilities to enhance not only teaching and learning processes, but also communication across different cultures. Integrating such technologies into the classroom, provides a rich and powerful resource for teachers and students to promote the values of equality, democracy, social justice and solidarity in a multi-cultural, multi-lingual, and multi-faith society. Social media help children and young people, not only within Cyprus but also in Europe and around the world to connect with 'others' and learn about different cultures and ideas, thus stimulating language learning and intercultural exchange. Critical media literacy, in particular, is extremely important in promoting the values of a multi-cultural, multi-lingual and multi-faith society in Cyprus. Schools have a seminal role to play in perpetuating or breaking the cycle of violence and division in divided societies such as Cyprus. Historically, segregated schools are the norm in divided societies. Although the establishment of integrated schools does not constitute a magic panacea in the route to challenge divisive perspectives, we believe that integrated schools are essential in contributing to the healing of the wounds that afflict Cyprus and easing the path towards a multi-cultural, multi-lingual and multi-faith society. We envision an education that promotes life-long learning skills and responds to the social, cultural, economic, political and environmental challenges that Cyprus faces. All of these challenges are inter-related: there can be no solving of historical traumas and division if we do not also tackle racism, sexism, disrespectful treatment of the grounds and other forms of discrimination. Therefore, a holistic approach needs to be adopted in order to promote the inter-relatedness of human rights issues, as to effectively bring about change. In this respect, education at all levels and of all types, should prepare children and young people to identify and be able to respond to these challenges, effectively and efficiently. This is particularly true with regards to ensuring the sustainable development of Cyprus, the Mediterranean, and the planet. Sustainable development education must be an integral part of formal and informal curricula in all educational institutions in Cyprus.

Guidelines for Policy, Implementation For teachers

Ensure that history teaching and other school subjects assume a critical, empathetic, and multiperspectival approach and not simply a cultural focus. All stereotyping and

discrimination and their intersections (gender, sexuality, ethnicity, class, religion) should be explicitly identified and critically challenged, school rules and sanctions should be a shared responsibility, emphasising restorative sanctions that facilitate inclusion, as well as understanding and empathy, rather than punishment. Furthermore, school procedures and structures should be promoted wherein a student will feel comfortable and trustful to report issues of racist, sexist or any other kind of violence happening within school grounds. In addition, information on such procedures should be made readily available to students, whilst at the same time, students must be made to feel empowered (through the use of pedagogic methods) to speak up, either as victims or bystanders of such violence. Constructive and non-violent problem-solving methods need to be introduced, discussed and practiced in all aspects of school life. Conflicts (individual and group) need to be taken as points of departure, which offer teaching and learning opportunities that enrich and strengthen a school or a broader community. Instead of looking at a conflict situation in a monolithic way, or merely as a source of inconvenience, conflict needs to be approached as a pedagogical opening that offers constructive (not only destructive) potential, depending on the way it is handled.

For policymakers Children and young people should be provided with first hand experiences of other cultures, without falling into the trap of essentialising cultures and identities, so as to increase cultural awareness and promote cultural critique, and therefore enable change. One of the most important intercultural learning experiences is spending time with members of other cultural groups in Cyprus. The AHDR believes that all children and young people in Cyprus should be provided with the opportunity to take part in some sort of exchange while being in education, as numerous studies have shown that this can be crucial in challenging the stereotypes that exist about the ‘other’. Furthermore, adequate school time should be allocated in order to sensitize students on issues such as racism and sexism, as well as other forms of discrimination and violence. The Ministry of Education and individual schools should extend their relationships and connections with NGOs working on such issues, which can provide not only in theory but also in practice. Teaching methods should systematically emphasize participation, cooperation, problem-solving, dialogue, active listening, critical thinking and respect for differences. Controversial issues in history teaching should not be avoided, but rather approached from a critical and empathetic lens. There are effective pedagogical strategies that need to be developed in the classroom in order to handle controversial issues with emotional strength, confidence, and capacity. For example, these may include: developing a supportive emotional atmosphere and a trusting, dialogic, and open relationship between teacher and students; being sensitive to students’ personal biographies; sharing one’s

biography and explicitly acknowledging how the teacher and students feel about the issue at hand; emphasizing the importance of teachers and students reflecting critically on their emotions; creating opportunities for teachers and students to gain experience in working with less contentious issues and moving gradually to more controversial ones; recognizing and examining multiple perspectives and interpretations; and finally, using familiar active approaches such as discussion, small groups, and independent learning, as short-cuts into controversy. The concepts and values of human rights, democracy, solidarity, and social justice should be an integral part of formal, non-formal and informal education. Only in this way, will children and young people be provided with a strong background and framework throughout all of their educational experiences. Schools should develop projects (for example, community outreach projects) that integrate opportunities for learning and enacting these values from an early age in children's lives. Education at all levels—nursery, primary, secondary, tertiary—should provide time and space for projects initiated by students themselves that embody these values, including projects in which students can act as peer-educators or educators of others in society.

For school leaders In order to maintain and develop democracy, active citizenship and critical thinking amongst citizens, students, teachers and parents need to be included in democratic decision-making processes that contribute to the management and maintenance of the school community. For example, policies on direct advice, as well as enriching students' and teachers' pedagogical experience on related issues. A more effective public relations strategy should be developed to promote integrated schools amongst parents who opt for this choice. A funding scheme to support the creation of integrated schools (for example, the European Union) should be pursued. New information and communication technologies (ICT) and social media should be integrated in all aspects of education life—teaching, teacher training, development programs, curricula, and education institutions' infrastructure—cultivating skills and tools of critical media literacy and critical language awareness. Learning each other's language (for example, Greek and Turkish) from an early age, but also as teachers, is fundamental in getting to know the 'other' and breaking the barriers and stereotypes that often prevent respect and understanding of the 'other'. At the same time, offering opportunities for teachers (and children) to learn additional languages, particularly those that are prevalent in Cyprus (Arabic, Russian, Georgian, Romanian) and placing them in schools where they are mostly needed, will positively influence newly-arrived children's adjustment to Cyprus. In addition, strengthening existing policies on intercultural education, particularly in relation to migrant students, is necessary.

For teacher educators

Although teachers and school leaders' professional development alone will not adequately address the complexity of the situation, it is still important to provide professional development opportunities that help teachers and school leaders critically reflect on emotional, epistemological and other challenges associated with conflicts in Cyprus and elsewhere, including how a culture of war and violence is constructed and its traumatic consequences. Unless there is professional development programme in place that creates space for teachers and school leaders to engage in painful personal legacies of the past, no transformative pedagogies have much chance of succeeding. Teachers should also be asked/allowed to be involved/participate in the designing of their own professional development. Further research and development efforts can clarify the content and structure of effective professional development, which take into consideration the emotional legacies of the past and the vision of educating our children and young people to live in a multi-cultural, multi-lingual, and multi-faith society.

Conclusion

In re-thinking education in Cyprus, the AHDR firmly believes that to be able to tackle new challenges and to take advantage of the opportunities that arise, a new and clear vision is needed. The AHDR proposes a holistic view to education, in which goals of peace education, human rights education, intercultural education, critical education, and environmental education are integrated, in order to prepare school leaders, teachers, parents, children and young people to live in a multi-cultural, multi-lingual, and multi-faith society in Cyprus. The AHDR acknowledges that such goals need to be endorsed and supported by a broader social and political vision for change, whilst at the same time fuelling a broader social and political vision for change—indeed this document is a manifestation of the latter. Provided that the actions proposed here are applied, school leaders, teachers, parents, children and young people will greatly benefit from the new educational vision and praxis that will be developed. A multi-cultural, multi-lingual, and multi-faith society in Cyprus—with its challenges and its opportunities—is neither a utopian vision, nor a frightening prospect. It is an aspiration that can be fulfilled effectively, if a new educational and social vision is developed. The AHDR strongly believes that there is an urgent need for this new vision to become a reality.

“The AHDR proposes a holistic view to education, in which goals of peace education, human rights education, intercultural education, critical education, and environmental education are integrated”

3. The confidence-building measures agreed by the Technical Committees

and approved by the leaders are:

(http://www.uncyprustalks.org/nqcontent.cfm?a_id=2484#CBM)

Crime and Criminal Matters

- Agreement on Road Safety
- Recommendation on Exchanging information and Intelligence on Crime and Criminal Matters

Cultural Heritage

- Establishment of the “Advisory Board for the Preservation, Physical Protection and Restoration of Immovable Cultural Heritage of Cyprus” (agreed on 28 January 2009)
- Agreement on Educational Programs in Connection with Cultural Heritage
- Compilation of the entire list of immovable cultural heritage of Cyprus
- Decision on two restoration pilot projects
- Guidelines to the ad-hoc working group for the development of an interactive educational computer program

Crisis Management

- Mechanisms for cooperation in crisis situation

Health Matters

- Agreement on the Crossing of Ambulances in Emergency Cases
- Agreement on Cyprus Joint Committee on Health

Environment

- Agreement on Cooperation for Island-wide Assessment of All Major Waste Streams qualitatively and quantitatively (Baseline Study)
- Agreement on Environmental Education
- Cooperation for the elimination of illegal dumping sites and the rehabilitation of the affected areas within the buffer zone
- Cooperation for exchange of experience and information between environmental experts
- Cooperation for the prevention of wildfires
- Waste management – treatment-recycling
- Awareness raising measures for water saving
- Cooperation for the establishment of a common approach on mining and quarrying activities in Cyprus
- Biodiversity and nature protection
- Marine and maritime pollution management and control
- Chemical pollution management and control
- Asbestos pollution management and control

4. KAYAD Community Center

What is KAYAD Community Centre?

KAYAD Community Centre is an independent, non-profit, non-political, non-religious volunteer organization promoting community development, peace education and cross-cultural education.

KAYAD Mission Statement:

KAYAD's mission is to empower individuals to become contributing members to a peaceful society.

KAYAD Philosophy:

KAYAD's philosophy is to strengthen the sense of a shared community and culture through programs and activities that are designed to promote personal, cultural, intercultural and international learning.

KAYAD Methodology:

To achieve these goals KAYAD provides opportunities for exciting informal educational activities such as:

- Participating in Group Discussions
- Cooperative/Collaborative Activities
- Action Orientated Activities
- Participant Centered Activities
- Facilitative Learning

KAYAD Programming:

KAYAD offers a wide range of programs including:

- Global Awareness Education
- Intercultural Education
- Human Rights Education
- Personal Development Education
- Environmental Education
- Development Education
- International Education
- Learning Disability Education
- Children and youth Education

KAYAD programs provide short-term, informal educational activities that are structured in local, national and international contexts.

KAYAD promotes distinctive programs that address all age groups. All programs serve to

develop leadership, self-awareness and increased civic consciousness. The program of work has the sustainable task of promoting peace education at the local and national levels.

5. Déclaration du groupe Cyprus United (2007)

Cyprus is not a problem between two nationalist extremes, each propagating the idea, whether consciously or otherwise, that the island's people comprises "Greeks" and "Turks" ahead of Cypriots; each promoting the perceived interests of the respective "motherlands"; each emphasising rights for one group at the expense of rights for the other.

The real differences in Cyprus are between these increasingly marginalised factions and the vast majority of Cypriots. Cypriots whose parents and grandparents lived, worked and played together peacefully in a united homeland, albeit under British rule. Cypriots who today live, work and play together peacefully in London's cultural melting pot. Cypriots who are, first and foremost, for Cyprus.

Our Declaration We, as Cypriots United, declare that we are a united people with a shared goal: to create a reunited common homeland where:

- all Cypriots can live in peace, freedom and prosperity under European Union values;
- no individual or community faces isolation, restriction of human rights, or alienation from ancestral lands or heritage;
- diversity, multiculturalism and inclusiveness are fully embraced and there is no discrimination on the basis of linguistic, religious or ethnic background;
- there is participative democracy at all levels of society;
- there is respect for the sanctity of life, rule of law and freedom of expression;
- there is no interference in the affairs of state by military or paramilitary forces, religious bodies or by other countries;
- there is a Cypriot citizenship under a bi-communal, bi-zonal Federation leading to a united Cyprus.

6. UN GROUPE BICOMMUNAUTAIRE RÉCENT SUR FACEBOOK

‘One Cyprus-One Cypriot Population’ - The entry page to a bi-communal Facebook group’ s profile.

Chatzipanagiotidou Evropi, op.cit. p 142

ONE CYPRUS - ONE CYPRIOT POPULATION

Global

Basic Info

Name: ONE CYPRUS - ONE CYPRIOT POPULATION

Category: Organizations - Philanthropic Organizations

Description: ONE CYPRUS
ONE CYPRIOT NATION
ONE CYPRIOT PEOPLE

! Κύπρος ! Cyprus ! Kibris !
! Ειρήνη ! Peace ! Baris !

WE ARE CYPRIOT AND PROUD!

This group aims and supports PEACE IN CYPRUS FOR ALL CYPRIOT PEOPLES

We are an independent group with NO CONNECTION TO ANY POLITICAL PARTIES.

Our Aims:

One Independent Cyprus with a non-aligned Cypriot population
One Cypriot Nation to live in harmony on the Island
One Cypriot People United together in a Free Island

The future of our island and its destiny is up to us....

Hostility and Hatred will never lead to Peace...
Understanding and Mixing will....

!!! We CANNOT change our past !!!
!!! We CAN shape our future !!!

You may discuss politics and disagree,
BUT: No racist or personal attacks will be tolerated!

Please also post comments in English.

This is a bi-communal group so people must be able to understand.

You may still write in Greek/Turkish but please translate into English afterwards.

