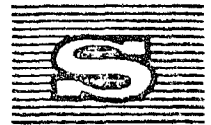


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30 April 1977

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 6
OF SECURITY COUNCIL RESOLUTION 401 (1976)

1. In operative paragraph 6 of its resolution 401 (1976) of 14 December 1976, the Security Council requested me "to continue the mission of good offices entrusted to (me) by paragraph 6 of resolution 367 (1975), to keep the Security Council informed of the progress made and to submit a report on the implementation of this resolution by 30 April 1977". After the adoption of that resolution, I assured the Council that I would continue my efforts to bring about a resumption of the negotiations between the representatives of the two Cypriot communities at an early date, and that I and my Special Representative would be making contact with the parties concerned with a view to ensuring that such negotiations would be meaningful and would concern themselves with the basic issues of the Cyprus problem (S/PV.1979).
2. On 11 January 1977, His Excellency Mr. Rauf Denktash requested my Special Representative to transmit to His Beatitude Archbishop Makarios a letter dated 9 January, expressing Mr. Denktash's readiness to meet with the Archbishop in the presence of the Special Representative with a view to settling "the basic approach" to the Cyprus problem. Mr. Denktash also handed to Mr. Perez de Cuellar, for transmission, a letter on the same subject addressed to me.
3. The reply of Archbishop Makarios to Mr. Denktash's letter, conveyed orally through my Special Representative, was positive and the meeting was held in the latter's presence at UNFICYP headquarters on 27 January 1977. After the meeting each of the two leaders made public statements to the effect that the meeting had been useful to both sides and held in a friendly atmosphere, but that there was need for clarification on a great number of points, some of which had been discussed.
4. The desirability of a further high-level meeting under my personal auspices was evoked during the 27 January meeting and it was agreed to schedule such a meeting to coincide with the end of my visit to countries in the Middle East. I arrived in Cyprus on 12 February and met with the two leaders on the same day at UNFICYP headquarters. The following statement was issued:

"During our talks, which lasted for four hours, instructions have been worked out for the representatives in the intercommunal talks as the basis for future negotiations.

"It has also been agreed to reconvene the Cyprus talks in Vienna under the auspices of the Secretary-General at the end of March."

5. The text of the agreed instructions (guidelines) referred to in the above communiqué reads as follows:

"1. We are seeking an independent, non-aligned, bi-communal 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 principles like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion taking into consideration the fundamental basis of a bi-communal 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 bi-communal character of the State."

6. During the next few weeks intensive preparatory talks were conducted with all concerned in the light of the above guidelines. My efforts and those of my Special Representative in that connexion were also supported by diplomatic initiatives undertaken by a number of Governments. I was kept fully informed about those initiatives. On 8 March it was announced that the intercommunal talks would reconvene in Vienna under my auspices on 31 March and that, after my scheduled departure on 4 April, I would continue to be represented at the talks by my Special Representative.

7. The new series of talks began in Vienna as scheduled on 31 March. I opened the first meeting, which began in public, with a statement, the text of which is reproduced in annex A. The talks then continued in private. After the last meeting on 7 April, the following communiqué was issued:

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

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

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

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

8. The first round of the new series of talks, concluded on 7 April, was the longest of all the sessions held under my auspices since the adoption of resolution 367 (1975), and the substantive aspects of the Cyprus problem were discussed at some length.
9. For the first time, the Greek Cypriot side submitted a specific territorial proposal together with a map embodying its conception of a bicomunal arrangement (Annex B). The proposal was made subject to certain principles, including the preservation of the sovereignty and unity of the Republic and of the rights of the freedom of movement, residence, work and property of all citizens (Annex C).
10. For its part, the Turkish Cypriot side submitted a constitutional proposal (Annex D) calling for a partnership in power between two equal political entities joining their resources in a federal administration on a basis of equality, working together at first in a comparatively limited field. The functions proposed for the Federal Government would be expected to grow, a process described by the Turkish Cypriot representative as "federation by evolution".
11. Each interlocutor made it clear that his own proposals were negotiable. However, each emphasized certain principles conflicting with those of the other side, and each commented negatively on the proposals submitted by the other.
12. The Greek Cypriot side contended that the Turkish Cypriot constitutional plan would be in effect a treaty between independent entities, providing not for a federal government but for a confederal system without powers, which could only evolve, if at all, in the direction of complete separation. Since it considered the Turkish Cypriot proposal to be based on unacceptable premises, the Greek Cypriot side felt unable to propose amendments to it, and instead submitted a document of its own on the subject (Annex E).
13. The Turkish Cypriot side contended that the Greek Cypriot territorial proposal was not a bi-zonal one, that it failed to take account of the requirements of economic viability or productivity, that it would deprive the Turkish Cypriot community of vital resources and would jeopardize its security. The Turkish Cypriot interlocutor, while not accepting the Greek Cypriot proposal, emphasized that he was in no position, and was not expected, to submit a territorial counter-proposal or draw a line of his own on the map. As for the Greek Cypriot constitutional document, the Turkish Cypriot side considered that this would create a unitary rather than federal state, and was therefore unacceptable.

14. In my opening statement on 31 March, I reminded the interlocutors that it was my understanding that each side would be prepared to negotiate the proposals submitted by the other in a substantive way with a view to reconciling the present differences in their positions. However, in spite of my own efforts and those of my Special Representative, it did not prove possible in Vienna to reach a stage where an effective negotiating process could evolve out of the present statements of conflicting positions. On the other hand, and as stated in the agreed communiqué of 7 April, there was some discussion of the respective proposals and a number of clarifications were made. These points will of course be pursued when the talks resume. There is evidently still a long way to go in order to reach the point where the necessary concessions will begin to be made, including the submission of substantive proposals on both main aspects of the problem. For this it will be necessary for both sides to make vastly increased efforts to appreciate one another's positions, apprehensions and aspirations.

15. I and my Special Representative are determined to pursue our efforts to move the current negotiating process into a more constructive phase. I hope that future political developments will assist the parties in bridging the conceptual and substantive differences that separate them. My Special Representative is currently engaged in contacts with both sides in Cyprus in preparation for the resumption of the talks in Nicosia. I shall continue to keep the Security Council informed of developments in this regard.

Annex A

OPENING STATEMENT BY THE SECRETARY-GENERAL AT THE CYPRUS TALKS
IN VIENNA 31 MARCH 1977

Distinguished representatives,

I take great pleasure in welcoming you once again in Vienna and in opening formally the first meeting of the new series of the intercommunal talks.

We have come a long way since we met for consultations in New York last September. The meetings that brought together His Beatitude Archbishop Makarios and His Excellency Mr. Denktash in Nicosia, first in the presence of my Special Representative, Mr. Perez de Cuéllar, and then on 12 February under my auspices, have changed the political atmosphere surrounding negotiations on the Cyprus question. I wish to take this opportunity to pay a warm tribute once again to the two leaders, both of whom made great efforts and, by these efforts, overcame many of the difficulties which stood in the way of resuming the negotiating process.

As I indicated in Nicosia in February, I consider that we have now reached a point where meaningful negotiations on the various aspects of the Cyprus problem should become possible. The basic elements of such negotiations are contained in the four guidelines which the two leaders agreed upon last month and which have been entrusted for implementation to the interlocutors now present at this table.

These guidelines cover the principal aspects of an agreed, peaceful, durable and just solution of the Cyprus problem. They include, as we all know, the territorial and constitutional issues. It is my understanding that both sides are agreed to discuss all of these aspects during the forthcoming meetings. It is further agreed by all concerned that a solution of these very complex problems must of necessity result in a package deal, and that therefore an agreement on any one item would only become final in the framework of agreement on all.

It is also my understanding that each side will be prepared to negotiate the proposals submitted by the other in a substantive way with a view to reconciling the present differences in the positions of the two sides. Indeed, I am convinced that this is the only basis on which we can hope to make concrete progress.

These meetings in Vienna will go on until 7 April. After that, talks will continue in Nicosia in order to take up various points in greater detail prior to a further round in Vienna. It is essential that we now embark on a continuous and progressive process of negotiation with the ultimate objective of an agreed settlement of the Cyprus problem. I have no illusions about the difficulties of this task, but I am convinced this is by far the best available means of making real progress.

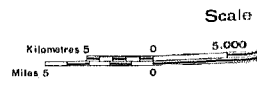
The guidelines agreed upon on 12 February provide us with a sound basis for a new and determined effort. I hope that in the meetings here we shall be able to

make significant steps forward towards an agreed settlement. Obviously this will be a long and arduous process, in which we cannot expect quick results. What we have to do here is to launch a process of meaningful and substantive negotiation which will enable us to establish the framework of an agreement within a reasonable time.

This is a crucial moment. I therefore appeal to both sides to make a determined effort to narrow the gap between their positions. It is clear to me, and I am sure to all concerned, that there is no viable alternative to a mutually acceptable solution for the Cyprus problem. The time to negotiate such a solution is now. For the good of all the people of Cyprus, and for the sake of the broader peace, I hope that we will seize the opportunity which is now presented to us.

Annex B

SURVEY
CYPRUS
 ADMINISTRATIVE



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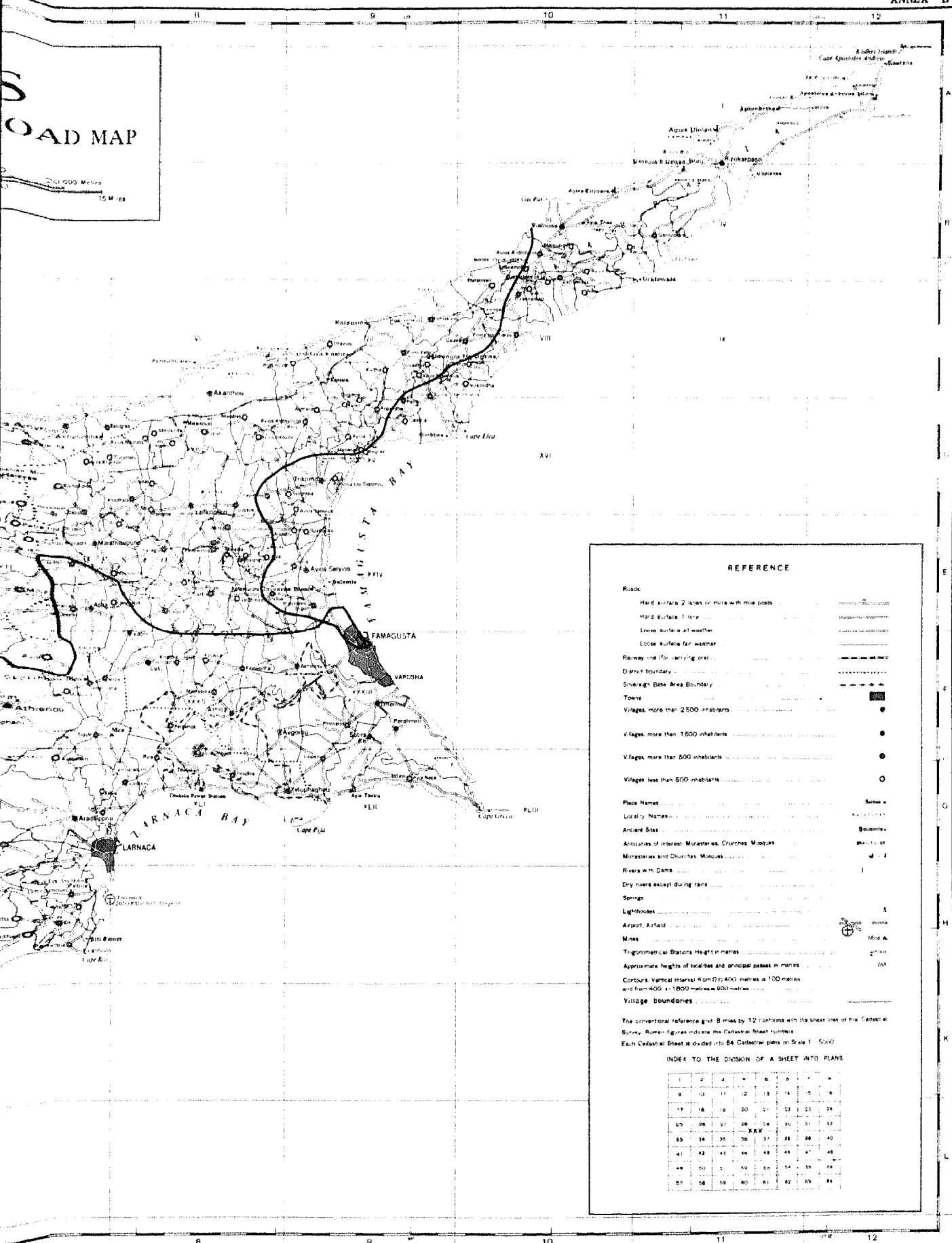
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D.L.S.14

ROAD MAP

24000 Meters
15 Miles



REFERENCE

Roads

- Hard surface 2 lanes or more with mile posts
- Hard surface 1 lane
- Loose surface all weather
- Loose surface fair weather

Railway line (for carrying ore)

Direct boundary

Strength Base Area Boundary

Towns

- Villages more than 2500 inhabitants
- Villages more than 1500 inhabitants
- Villages more than 500 inhabitants
- Villages less than 500 inhabitants

Place Names

Locality Names

Ancient Sites

Antiquities of interest: Monasteries, Churches, Mosques

Monasteries and Churches, Mosques

Rivers with Dams

Dry rivers except during rains

Springs

Lighthouses

Airport, Airstrip

Mines

Trigonometrical Stations Height in metres

Approximate heights of localities and principal passes in metres

Contour Vertical interval from 0 to 400 metres is 100 metres and from 400 to 1200 metres is 200 metres

Village boundaries

The conventional reference grid B miles by 12 conforms with the sheet lines of the Cassini Survey. Roman figures indicate the Cassini Sheet numbers. Each Cassini Sheet is divided into 64 Cassini plots on Scale 1:50,000.

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Annex C

PRINCIPLES SUBJECT TO WHICH THE PROPOSALS OF THE GREEK CYPRIOT
SIDE FOR THE SOLUTION OF THE CYPRUS PROBLEM ARE MADE

[31 March 1977]

In presenting its proposals on the various aspects of the Cyprus problem the Greek Cypriot side wishes to state that such proposals

(a) Are interrelated and interdependent and should be taken together as a whole with a view to reaching a solution to the Cyprus problem on a "package deal" basis, and

(b) Are subject to the following general principles.

General principles

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

(a) Preserve the sovereignty, independence and territorial integrity of the Republic of Cyprus;

(b) Ensure that the Federal Republic of Cyprus shall be the sole subject of international law, to the exclusion of its constituent parts;

(c) Preserve the unity of the country.

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

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

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

(b) His life, security and liberty shall be safeguarded and his private and family life shall be respected and his home shall be inviolable;

(c) His right to property shall be respected and safeguarded;

(d) His right to work, practise his profession or carry on his business in any place he chooses shall be assured.

/...

Annex D

PROPOSALS OF THE TURKISH CYPRIOT SIDE

I. Preamble

The Turkish Federated State of Cyprus, representing the Turkish Cypriot Community, which is fully conscious and proud of its achievement in preserving the independence of the Republic of Cyprus, is desirous to establish with the Greek Cypriot Administration an independent, bi-zonal, federal, non-aligned Republic;

Do ordain to propose in good faith the founding of a partnership based on equality between the two existing Administrations:

With the object of serving the welfare of the two Communities, enabling them to live in peace and security side by side, enjoying the benefits and blessings of a democratic system of Government and to enhance their social and economic development;

The Turkish Federated State therefore submits the outlines of the Constitution of such a federal Republic which should be examined in the true spirit of federalism that has guided its authors.

II. Introduction

When the human experience in the system of federal government is objectively examined we see that such a system is established among various political entities either for defence, economic welfare or for social and political considerations. Furthermore, such experiences show us that the success of a federal system of government depends to a very large extent on maintaining an equilibrium between its component political entities and creating a common sense of values.

The Turkish Federated State of Cyprus, bearing in mind the experiences and total inadequacy and failure of the 1960 Constitution does hereby propose a system of federalism which, it sincerely believes is not only suitable to the existing realities of the Island, but is also flexible enough to generate its own national growth, free from cumbersome legalistic barriers. No legal system, however perfect, can ensure the success of a system of government unless its citizens sincerely believe in the system. This belief and determination of the two Communities can only be enhanced by a system of equality which will engender not fear of domination, but a spirit of co-operation for the common interest. In this sense federalism is more than a system of government embodied in legalistic formulas, but a way of life open to trial and error.

As it will be understood from the above explanations, under the federal system proposed by the Turkish Federated State of Cyprus, this partnership in power can

only be envisaged between two equal political entities joining their resources in a central federal administration on a basis of equality working together at first in a comparatively limited field, but at the same time cooperating in many spheres of administration. Thus, those functions of the Federal Government proposed to be of a purely advisory nature initially, may grow into exclusive federal powers as confidence and spirit of co-operation between the two Communities are established.

III. General principles concerning the establishment
of a federal republic in Cyprus

1. Cyprus shall be an independent, non-aligned, sovereign, bi-zonal Greco-Turkish (Cypriot) Federal Republic composed of two Federated States one in the North for the Turkish national community and one in the South for the Greek national community.

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

3. The powers and functions of the Federal Government shall be those conferred by the Turkish Cypriot Federated State and the Greek Cypriot Administration by agreement between them.

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

5. Each Federated State shall have its own Constitution and shall have the right to take all such measures relating to its administration as may be necessary.

6. Under no circumstances shall Cyprus, in whole or in part, be united with any other State; unilateral declaration of independence by any of the Federated States shall be prohibited.

7. The Federal Republic of Cyprus shall henceforth follow a policy of friendship with Turkey and Greece in addition to promoting good neighbourly relations with countries in the region and shall pursue a policy of non-alignment.

8. All necessary measures shall be taken to prevent the Island of Cyprus from becoming involved, directly or indirectly, in any activity endangering the peace and security of the region.

9. Each Federated State shall ensure respect for Human Rights within its respective territory subject to the fundamental requirement of a bi-zonal federation and the viability and security of each Federated State.

10. Laws and all other measures, such as administrative, economic, social etc., of the Federal Government shall not discriminate against either of the two Federated States of the two national communities.

11. All kinds of hostile activities of the two States against each other in both the internal and international spheres shall be excluded, while every effort shall be made to enhance peaceful coexistence, reconciliation and co-operation between the two national communities. Likewise, any activity tending to foment enmity, hatred and ill-feelings between the two national communities shall be prohibited.

12. Concurrently with the building up of mutual confidence and trust and subject to security needs of the Federated States, the overall effort of the two States shall be directed towards normalization of the relations between the two national communities in all respects.

13. The question of proprietary rights and claims arising therefrom or relating thereto, as well as any other claims, shall be settled by mutual agreement between the Federated States, in conjunction with the question of compensation and other related matter, in such a manner as not to obstruct the setting up of the proposed bi-zonal Federal Republic.

IV. Powers and functions of the Federal Government of the Federal Republic of Cyprus

The Federal Government shall exercise powers and functions with regard to the following matters:

1. Foreign affairs:

The field of Foreign Affairs in the normal and accepted sense of the term shall, subject to certain requirements, be given to the Federal Government.

2. External defence:

The external defence force of the Federal Republic shall be composed of separate land forces of each Federated State.

3. Banking, foreign exchange and monetary affairs:

Each Federated State shall have a Bank performing the functions of a Reserve Bank. The Federal Republic shall have a uniform currency. Coordination shall be ensured by a Federal Reserve Board composed of an equal number of representatives from each Federated State.

4. Federal budget:

(a) The Federal Government shall have its own Federal Budget for the purpose of meeting the expenditure necessary for carrying out its powers and functions.

(b) The charges and fees derived from services rendered by organs of the Federal Government shall accrue to the Federal Budget.

(c) Deficits in the Federal Budget shall be met by contributions from the budgets of the Federated States.

5. Customs:

Customs duties to be levied on imports and Customs tariffs shall be determined after taking fully into account the economic structure of each Federated State and the principle of balanced economic development of the two Federated States.

6. Federal communications:

The coordination of external postal and telecommunications services as well as the joint operation and maintenance of the Nicosia International Airport by the two communities on the basis of equality shall be ensured by the Federal Government.

7. Passport and citizenship:

Legislation concerning citizenship shall be made at the Federal level and issuing of passports shall be the responsibility of the Federated States.

8. Federal medical services:

The Federal Government may take measures relating to public health and general sanitary protection. The coordination of such measures between the Federated States shall be ensured by a Coordination Committee to be set up on the basis of equality.

9. Standards of weights and measures, patents, trade marks and copyrights and meteorological services:

There shall be effective coordination on these matters carried out by federal institutions in which the two communities shall participate on the basis of equality.

10. Federal advisory organizations:

Federal organizations of an advisory nature may be established in various fields in which the co-operation of the two communities may be useful, such as:

- (a) Stock Exchange
- (b) Water, energy and road planning
- (c) Natural resources
- (d) Environmental protection
- (e) Plant protection (agriculture)

- (f) Tourism and information
- (g) Marketing
- (h) Natural disasters.

V. Civil Servants and employees of the Federal Government

The civil servants and employees of the Federal Republic performing federal functions in the Federated States shall belong to the same Community as that of the State concerned. Civil servants and employees working at the central administration of the Federal Government shall have equal rights.

VI. Structure of the Federal Republic and the federated States

1. Federal Presidency:

The Federal President shall have solely representational powers and the Presidency shall rotate between the two Communities.

2. The Executive, Legislative and Judicial Organs of the Federal Republic:

(a) Executive Organ of the Federal Republic:

The executive powers of the Federal Republic shall vest jointly in the two Presidents of the Federated States. In carrying out these functions Executive Secretaries shall assist the two Presidents. Executive Secretaries shall not have decision making authority of their own.

(b) Legislative Organ of the Federal Republic:

Residual legislative power shall vest in the Federated States. The legislative organ of the Federal Republic can only legislate on those limited and well-defined matters enumerated in these proposals. The Federal Legislature shall consist of members elected separately by the two communities. On important matters such as: Foreign Affairs including the ratification of International agreements and External defence, separate absolute majorities of the Turkish and Greek members of Federal legislature shall be required.

(c) Judicial Organ of the Federal Republic:

- (i) Judicial organ of the Federal Republic shall be composed of 3 Turkish and 3 Greek judges.

- (ii) The Presidency of the judicial organ shall be by rotation between the two communities.
- (iii) The judicial organ of the Federal Republic shall deal with matters arising under the Federal Constitution and violations of, or matters falling under, Federal Laws.

3. Federated States:

The Turkish and Greek Communities establish their Federated States within their respective zones.

VII. Implementation of fundamental rights and liberties within the Federated States

All fundamental rights and liberties shall be observed in principle with the condition that such observance shall be subject to the Laws and regulations of the Federated State concerned and shall not upset the territorial integrity and population homogeneity of the Turkish Federated State of Cyprus.

Annex E

I. BASIC PRINCIPLES WHICH SHOULD GOVERN THE
CONSTITUTIONAL STRUCTURE OF THE FEDERAL
REPUBLIC OF CYPRUS

(Submitted by the Greek Cypriot representative)

16 April 1977

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. POWERS OF THE FEDERAL GOVERNMENT AND OF REGIONAL ADMINISTRATION

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

A. Federal list

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

1. Foreign affairs

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

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

2. Defence

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

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

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

3. Security

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

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

4. Criminal, public and civil law and procedure

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

5. Administration of justice

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

6. Citizenship, aliens, immigration, emigration and extradition (including passports and visas)

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

7. Trade, commerce and industry

This heading includes, inter alia, all matters relating to the regulation of trade and commerce in their international or interregional aspects or in so far as they concern or affect the interests of the Republic as a whole, the formation, registration, regulation and winding up of companies, partnerships and economic associations, the regulation of industry, including tourism, and industrial undertakings.

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

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

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

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

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

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

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

11. Antiquities

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

13. Postal and telecommunication services

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

14. Customs (including customs and excise duties)

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

15. Industrial property (including patents, trade marks, business names, copyrights)

16. Bankruptcy and insurance

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

17. Finance

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

18. Labour and social welfare

This heading includes, inter alia, all matters relating to the registration, operation and dissolution of trade unions, the promotion of employment, wage, trade and productivity standards and the advancement of good labour relations; institutions and machinery for the solution of labour disputes in the federal service or in fields affecting the supply of services and the well-being of the inhabitants of the Republic as a whole, the establishment of institutions for, and the regulation of, training of labour, the safety of employees, the establishment, operation, regulation and financing of federal schemes of social insurance, pension schemes and the setting of standards and control of provident fund schemes.

19. Professions and professional associations

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

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

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

21. Prisons

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

22. Establishment of federal authorities and other federal agencies

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

23. Public health

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

24. Agriculture

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

25. Matters incidental or supplemental to the execution of any power vested in the Federation

26. Any other matter not explicitly assigned to the Regions

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

B. Regional list

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

1. Organization and administration

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

2. Implementation of federal legislation

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

3. Local government

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

4. Public order

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

5. Offences under regional laws

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

6. Police

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

7. Administration of justice

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

8. Trade, commerce and industry

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

9. Transportation

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

10. Regional works

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

11. Forests

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

12. Producers' and consumers' co-operatives and credit establishments

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

13. Charitable and sporting organizations

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

14. Cultural and educational affairs

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

15. Finance

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

16. Labour and social welfare

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

17. Professions and trades

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

18. Correctional institutions

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

19. Public health

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

20. Agriculture

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

21. Compulsory acquisition and requisition of property

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

22. Services of a local character

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

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

24. Matters assigned by the Federal Government to the Regions

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

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