



Cyprus and Federation





Our vision, is to end the foreign military occupation and achieve the reunification of our country

President Demetris Christofias was given a mandate by the people to negotiate a solution to the Cyprus problem based on a bizonal, bicommunal federation. At the negotiating table, he submits, with goodwill and political resolve, positions of principle, which are in line with international and European law as well as with the agreed framework for a settlement.

Our firm objective, despite the difficulties that we encounter in the negotiations, remains the peaceful reunification of our country and our people, in the framework of a bizonal, bicommunal federation.

Through the settlement that we seek, we aim to put an end to Turkey's military occupation and colonization; to restore the unity of the territory, the people, the institutions and the economy of our country; and to restore the human rights and basic freedoms of all our people: Greek Cypriots, Turkish Cypriots, Maronites, Armenians and Latins.

Such a solution would relieve all the people of Cyprus and particularly the younger generations of both communities, of the anguish, uncertainty and dangers looming in the background from the continuation of the occupation and the de facto partition of the island.

FEDERATION

THE BASIS FOR A SOLUTION SINCE 1977

Given that the establishment of a bizonal, bicommunal federation has been the goal of the solution we have been seeking for so many years, it is useful to inform the people of Cyprus as to **what a federation actually means**. The present booklet aims to provide some very useful information about federalism in general and the particular terminology attached to the term in the case of Cyprus, such as bizonality, bicommunality, and political equality as well as to answer some very basic relevant questions.

WHAT IS A FEDERAL STATE?

HOW DOES IT DIFFER FROM A UNITARY STATE?

States, if examined from the point of view of their type of government structures (the internal institutional arrangements) are divided into two categories: the unitary and the federal states.

A Unitary State

A unitary state is a simple, sovereign state, which is divided into districts, exclusively for administrative purposes.

These districts are directly answerable to the legislative, executive and judicial organs of the state. Here we must distinguish between the meaning of the terms "unitary" and "united". "Unitary" means one single unity, one entire entity. The term "united" indicates that two or more different parts are joined together in order to form a single entity. A state which is not unified is inconceivable. In our case, we are striving vigorously for the reunification of Cyprus.

A Federal State

A federal state is a composite state comprising at least two regions, each with its own organs of governance (legislative, executive, judicial), acting within the scope of the competences granted to them by the central federal constitution.



There is much talk about **confederation**. This is not a system of internal structure of governance, but a union of two or more separate states in order to act jointly on certain strictly defined issues (defence, trade, foreign relations etc). In the case of Cyprus there can be no confederation. It will be a matter of the transformation of a unitary state into a federal state.

● **What is the difference between a Confederation and a Federation?**

The basic difference between a confederation and a federation is that the first is not a state on its own. Its constituent parts are states. The contrary applies with regard to a federation. Only a federation constitutes a state, not its constituent parts.

The form of the structure of a state is defined by a series of economic, geographical, historical, or even political factors, ranging from the ethnic composition to the relationships of various communities, groups and others.

● **Federations around the world**

Today there are about twenty-four federal states in all continents, which take up nearly half the area of the earth, and where about forty percent of the world population lives. These countries include the Russian Federation, the United States of America, Canada, India, Brazil, Argentina, Australia, Germany, and others.

There is no one recipe, and no single ready-made model of federalism that is uniformly applied in all those states, which have chosen this type of state system or structure.

The fact is that there are no two federal states which are exactly alike. Each federal state has its own peculiarities and particularities, mainly defined by the reasons for which this system of state structure was chosen. There are, however, several common characteristics which give substance to the term “federalism” itself and which distinguish federal systems from other types of government.

● **The basic characteristics of Federations**

In broad lines the characteristics of a federation are the following:

1. Existence of at least two regions, the constituent parts of the federation, with their own legislative, executive and judicial organs, as well as a constitution in many cases, but always with the hierarchical supremacy of the federal constitution.
2. Separation of competences between the federation and the regions.
3. Only the central power (the federal government) is sovereign and vested with an international personality, i.e. the ability to conclude international treaties and to participate in international organisations in which only states can be involved. There is unity of the territory, the people and the economy.
4. As a rule, there are two Parliaments, the Upper House (Senate), where the representation of regions is equal (e.g. the USA, Switzerland, Brazil) and the Lower House, where representation is proportional according to the population.
5. There is respect for human rights and fundamental freedoms.

● **Ways of establishing a Federation**

Traditionally there have been two ways of establishing a federation. The first way, which was applied mainly in previous centuries, is through the union of various independent states under a federal roof (USA, Germany, Switzerland, and others). The second way is through the transformation of unitary states into federal states (Belgium, Brazil, Mexico and others).

In the case of Cyprus, which is an internationally recognized member-state of the United Nations Organisation, the European Union and other international organizations, there will be, as in the case of all modern federations, a transformation of the unitary state of the Republic of Cyprus into a federal state, and not the creation of a new state.



FEDERALISM AND CYPRUS

Federalism as the basis for a solution on Cyprus has been accepted through the agreements between the Greek and Turkish Cypriot communities: initially through the Makarios-Denktaş High Level Agreement (1977) and reaffirmed through the Kyprianou-Denktaş Agreement (1979). Since then all the Presidents of the Republic of Cyprus have reaffirmed their commitment to a bizonal, bicomunal federation and all negotiations so far have been based on that premise.

● **Why did we accept a federation in 1977 when we had rejected it in the past?**

Under normal conditions, a federation would not be the ideal system for Cyprus. If everything were to proceed smoothly and if we had the luxury of choosing the ideal system and not merely what is acceptable and feasible, we would have preferred a unitary state. This would be natural for a small country like Cyprus, which does not face the problem of administering vast areas of territory. Besides, historically the population of the island, Greek Cypriots and Turkish Cypriots, did not live separately, i.e. Greek Cypriots in one area and Turkish Cypriots in another area. The population lived intermingled and interspersed throughout the island. Greek Cypriots and Turkish Cypriots used to live harmoniously together.

Unfortunately, the tragic events of 1974 took place: the coup against the elected government of Cyprus and Turkey's invasion, with their equally tragic consequences, which continue to this day. There occurred the de facto partition and the forcible displacement of large segments of the population as a result of the illegal Turkish military invasion. We still have Turkey's military occupation, while the continuing colonization of the occupied areas is changing the demographic character of our country in a dramatic way. The illegal occupation of our land and our properties goes on. All these factors have contributed to the acceptance by the

Greek Cypriot community of the historic compromise for the establishment of a federal state system as the only available means for the reunification of Cyprus.

A federation combines two basic elements: on the one hand it affords a great degree of self-government and autonomy to each community and on the other it preserves the unity of the state, with a single sovereignty, a single international personality and a single citizenship.

Political considerations related to the liberation of our country from the Turkish occupation and the normalization of relations between the two communities, lead us to federalism. As a Greek Cypriot community we have accepted federalism in order to avoid partition, to free ourselves from the occupation and to reunite our country and our people. And this affects the options available to us.

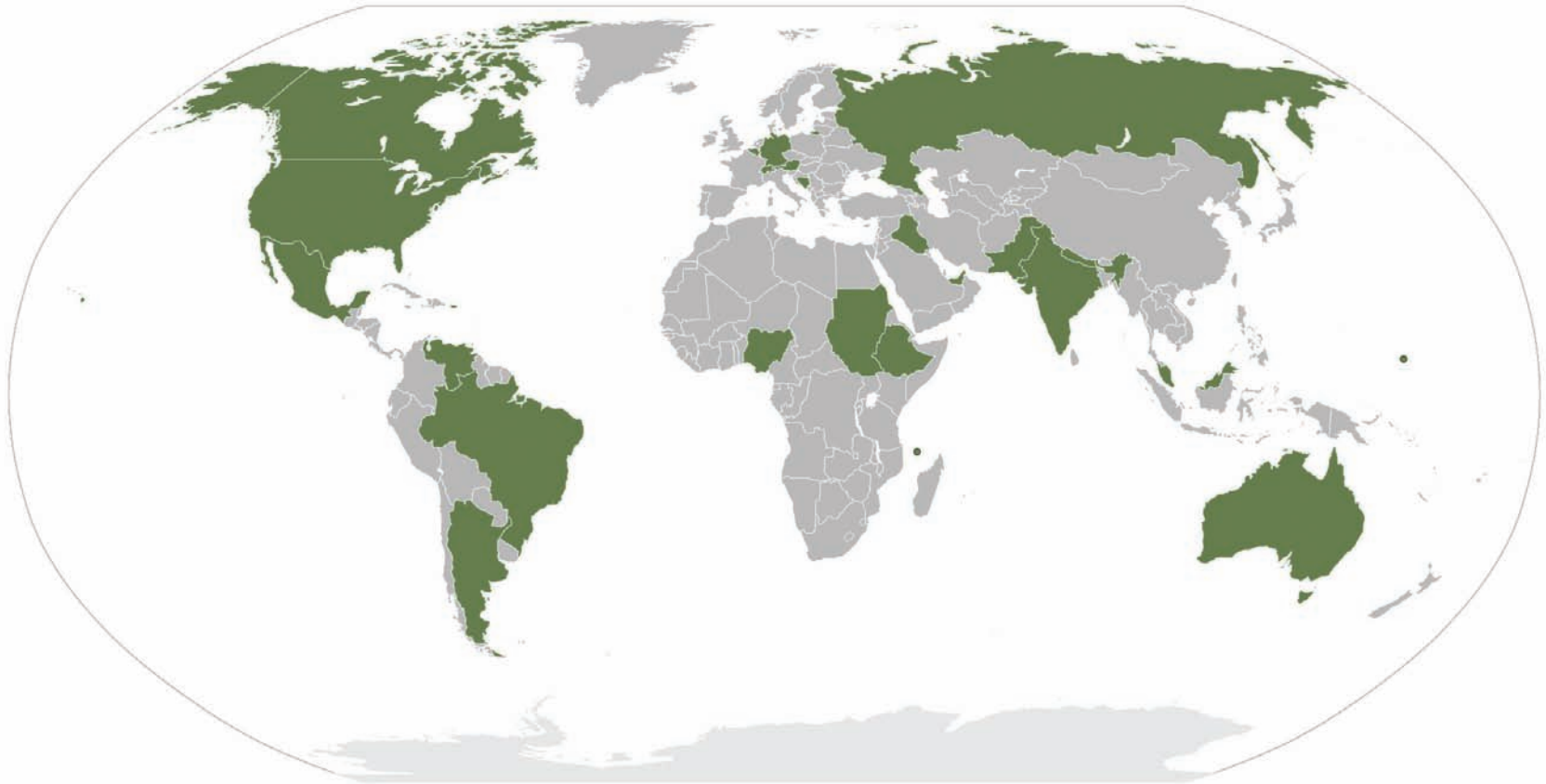
● **What is the international practice?**

Of course, we have to study carefully what the practice of federalism around the world is and to choose all those elements, institutions and solutions which are suitable in the case of Cyprus. We are talking about those features of federations which ensure the unity of the country, the people, the institutions and the economy. We also mean the study of the experiences of different federal states.

Undoubtedly, federalism in Cyprus, given the special history and the peculiarities of our country, will have its own distinct characteristics, as do all federations without exception. Under any situation, however, a Cyprus federation, as is the case with all federations, must have a single sovereignty, a single international personality and a single citizenship. These elements will safeguard our state under international law.



FEDERAL STATES AROUND THE WORLD



■ Federal States



A BIZONAL, BICOMMUNAL FEDERATION

● What does the term “bizonal” mean?

From the High Level Agreements and the UN Security Council Resolutions, it clearly emerges that a federation consisting of two areas, one to be under Greek Cypriot and another to be under Turkish Cypriot regional administration, respectively, has been agreed. Whether these units will be called districts, or states, or otherwise, is immaterial from the point of view of international law. What is important is that we shall have two areas, with a Greek Cypriot and a Turkish Cypriot administration, respectively. This is what we mean when we talk about a bizonal federation and nothing more.

The specific term “bizonal” was not included in the Makarios-Denktaş High Level Agreement of 1977. What is important, however, is the content and not any given labels. Specifically, this Agreement says:

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 principle like freedom of movement, freedom of settlement, the right to 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.*

In this Agreement, reference is also made to the issue of safeguarding the unity of the country, a term that is addressed to the Turkish Cypriot side. The question for the Greek Cypriot side is whether it accepts paragraphs 2 and 3. If the answer is yes, then the Greek Cypriot side accepts the content of the term “bizonal”, which is nothing more than the existence of two zones (or states as they are called in the USA, or Länder

as they are called in Germany, or cantons as they are called in Switzerland, or provinces as they are called in Canada, the name is not that important) each one of which is governed by the respective community.

As far as the term “bizonal” is concerned, it is noted that all the UN Plans, as well as the proposals of the Greek Cypriot side of 1989, which were submitted following the High Level Agreements, expressly provide for **a bizonal federation on the territorial aspect**. In other words, they adopt the term “bizonal” and attribute to it the meaning mentioned above. The same applies to a multitude of UN Security Council Resolutions. None of the above Plans were rejected as a result of the use of the term “bizonal”. More recently, the Agreement between the two communities, that of 8 July 2006, under the heading “Set of Principles”, envisages:

1. *Commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions.*

It should be noted that the Turkish Cypriot side had been rejecting any reference to a federal solution, but in the end, at the insistence of the Greek Cypriot side, it was obliged to accept it.

● Bicommunal Federation and basic freedoms

As mentioned above, each federal unit or constituent state of the federation will be administered by the respective community. It may be argued that this is not acceptable because it would mean ethnically pure areas and by extension a violation of basic freedoms. This, however, is a wrong approach. There are ways for the Turkish Cypriots to administer one of the regions and at the same time for the basic freedoms of all citizens to be respected. The Greek Cypriot side categorically rejects the approach of ethnically pure areas and insists on merging the population, Greek Cypriots and Turkish Cypriots.



- **Are there ways for one region to be governed by one community and at the same time have a mixed population?**

Of course there are ways to achieve this and these ways depend to a large extent on the solution to be given to the territorial aspect of the Cyprus problem. The return of areas that are now under Turkish occupation, and which before 1974 were mainly inhabited by Greek Cypriots, will allow the bulk of Greek Cypriot refugees to return to their properties and to be under Greek Cypriot regional administration. The remaining Greek Cypriot refugees should have the right to return to their properties, if they so wish, and be under Turkish Cypriot regional administration, in conditions of safety and respect for their rights and freedoms, without any discrimination, as is the situation in all federations.

- **What is the meaning of the term “bicomunal”**

The term “bicomunal”, as defined by the United Nations Organization itself, means that the two communities **will participate effectively in the organs and decisions of the central federal government**. This is not something new. It was included in the 1960 Constitution of the Republic of Cyprus. It remains to define, through negotiations and the final agreement to be concluded, the specific content of the effective participation in the power organs and the decisions of the central government. Under any given situation, however, it cannot be the case for the Greek Cypriots to decide about everything by themselves alone and impose their positions just because they happen to be in the majority. Nor should it be the case for the Turkish Cypriots to be able to abuse their right for “effective participation”, which under no circumstances means the same as equal numerical participation.

- **What does the term “political equality” mean and who defines it?**

The Greek Cypriot side aims to reach a settlement based on a bizonal, bicomunal federation, with political equality as set out in the relevant resolutions of the UN Security Council: For one state on Cyprus, with a single sovereignty, one single citizenship and one single international personality. The clarification of the term “political equality”, as set out in the UN resolutions, is necessary because Turkey and the Turkish Cypriot leadership attach to that term the content that suits them best. In other words, they imply that it means the equality of two nation-states and speak about near complete numerical equality in all matters.

The United Nations resolutions clarify that by the term “political equality”, they do not mean equality of two states, nor numerical equality at all levels of power. The UN stresses the element of effective participation in power sharing (in government institutions) and in decision-making. Nowhere does the UN give any content that deviates from the fundamental position that the solution will provide for the transformation of the Cyprus unitary state into a federal one. Besides, an attempt to create a second nation-state in Cyprus in the past has been condemned under international law both by the UN and other international organisations.

- **Allocation of competences (jurisdictional powers) between the federation and the regions**

One of the most basic features of federalism is the allocation of competences (distribution of powers) between the federation and the regions. In international practice there are various ways of allocating competences. The central federal government is given those important competences that concern the federation as a whole and which ensure the unity of the state. Usually, these competences include: foreign affairs, defence, security, fiscal affairs, telecommunications, indirect taxation, and the resolution of differences between the federation and the regions as well as between the regions themselves.



The competences that are allocated to the regions concern mainly matters relating to the regions themselves and not to the federation as a whole. Such matters, for example, are: the organs of local administration and self-administration, local police, protection of the local environment, cultural issues, education, and organisation of the local courts in the framework of principles set out by the central federal courts, and others.

- **An indispensable element: the separation of competences and the equality of regions**

An indispensable element of every federal system is the separation of competences. Irrespective of the way in which the various competences are separated, in all cases of federations and without exception, the competences of each of the regions are exactly the same. We in Cyprus are not going to break fresh ground in this regard. The powers and functions which the central federal constitution will delegate to the two regions will be exactly the same for each one of the regions. There is no question, therefore, that the equality of the constituent regions, in the framework of a federal state, is a given.


The issue of the equality of the constituent regions was analyzed in the unanimous decisions taken by the National Council in 1989. Through the equality of the two constituent regions, the equality of the two communities will also be manifested. As to the equality of languages, religion, traditions and so on, which nobody questions, this is nothing else but one more expression of the equality of the two communities.

Looking ahead

Given the passage of so many years since the military invasion of Cyprus by Turkey and the de facto partition imposed on our island, it is natural for our people to have certain concerns and even fears with regard to the characteristics of the settlement on the basis of which Cyprus will be reunited.

The decades that have elapsed since the two communities lived harmoniously together throughout the entire sovereign territory of Cyprus, and the minimal contact and communication between Greek Cypriots and Turkish Cypriots during that time, have caused, among other things, a certain apprehension. A proper solution will give a new impetus to our state and our people and will allow us to move forward, leaving behind the many serious problems of the past, so that we will finally build a happy future for ourselves and for our children.



 Printed on recycled paper



P.I.O. 176/2010 – 20.000

Published by the Press and Information Office, Republic of Cyprus
www.moi.gov.cy/pio

Printed by the Government Printing Office