

- E. Additional article to be inserted in the Treaty of guarantee;
- F. Declaration made by the greek and turkish Foreign Ministers on February 17, 1959;
- G. Declaration made by the representative of the greek-cypriot community on February 19, 1959;
- H. Declaration made by the representative of the turkish-cypriot community on February 19, 1959.
- I. Agreed measures to prepare for the new arrangements in Cyprus.

## DOCUMENT

## BASIC STRUCTURE OF THE REPUBLIC OF CYPRUS

*[English translation of the Documents agreed by the greek and turkish Prime Ministers at Zurich on 11 th February 1959]*

1. The State of Cyprus shall be a Republic with a presidential regime, the President being greek and the Vice-President turkish elected by universal suffrage by the greek and turkish communities of the island respectively.

2. The official languages of the Republic of Cyprus shall be greek and turkish. Legislative and administrative instruments and documents shall be drawn up and promulgated in the two official languages.

3. The Republic of Cyprus shall have its own flag of neutral design and colour, chosen jointly by the President and the Vice-President of the Republic.

Authorities and communities shall have the right to fly the greek and turkish flags on holidays at the same time as the flag of Cyprus.

The greek and turkish communities shall have the right to celebrate greek and turkish national holidays.

4. The President and the Vice-President shall be elected for a period of five years.

In the event of absence, impediment or vacancy of their posts, the President and the Vice-President shall be replaced by the President and the Vice-President of the House of representatives respectively.

In the event of a vacancy in either post, the election of new incumbents shall take place within a period of not more than 45 days.

The President and the Vice-President shall be invested by the House of representatives, before which they shall take an oath of loyalty and respect for the constitution. For this purpose, the House of representatives shall meet within 24 hours after its constitution.

5. Executive authority shall be vested in the President and the Vice-President. For this purpose they 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 who shall appoint them by an instrument signed by them both.

The ministers may be chosen from outside the House of representatives.

Decisions of the Council of ministers shall be taken by an absolute majority.

Decisions so taken shall be promulgated immediately by the President and the Vice-President by publication in the official gazette.

However, the President and the Vice-President shall have the right of final veto and the right to return the decisions of the Council of ministers under the same conditions as those laid down for laws and decisions of the House of representatives.

6. Legislative authority shall be vested in a House of representatives elected for a period of five years by universal suffrage of each community separately in the proportion of 70 per cent for the greek community and 30 per cent, for the turkish community, this proportion being fixed independently of statistical data (N.B. the number of representatives shall be fixed by mutual agreement between the communities.)

The House of representatives shall exercise authority in all matters other than those expressly reserved to the communal Chambers. In the event of a conflict of authority, such conflict shall



be decided by the Supreme Constitutional Court which shall be composed of one greek, one turk, one neutral, appointed jointly by the President and the Vice-President. The neutral Judge shall be President of the Court.

7. Laws and decisions of the House of representatives shall be adopted by a simple majority of the members present. They shall be promulgated within 15 days if neither the President nor the Vice-President returns them for reconsideration as provided in point a below.

The constitutional law, with the exception of its basic articles, may be modified by a majority comprising two-thirds of the greek members and two-thirds of the turkish members of the House of representatives.

Any modification of the electoral law and the adoption of any law relating to the municipalities and of any law imposing duties or taxes shall require a simple majority of the greek and turkish members of the House of representatives taking part in the vote and considered separately.

On the adoption of the budget, the President and the Vice-President may exercise their right to return it to the House of representatives, if in their judgement any question of discrimination arises. If the House maintains its decisions, the President and the Vice-President shall have the right of appeal to the Supreme Constitutional Court.

8. The President and the Vice-President, separately and conjointly, shall have the right of final veto on any law or decision concerning foreign affairs, except the participation of the Republic of Cyprus in international organisations and pacts of alliance in which Greece and Turkey both participate, or concerning defence and security as defined in Annex 1.

9. The President and the Vice-President of the Republic shall have, separately and conjointly, the right to return all laws and decisions, which may be returned to the House of representatives within a period of not more than 15 days for reconsideration.

The House of representatives shall pronounce within 15 days on any matter so returned, if the House of representatives maintains its decisions, the President and the Vice-President shall promulgate the law or decision in question within the time-limits fixed for the promulgation of laws and decisions.

Laws and decisions, which are considered by the President or the Vice-President to discriminate against either of the two communities, shall be submitted to the Supreme Constitutional Court which may annul or confirm the law or decision, or return it to the House of representatives for reconsideration, in whole or in part. The law or decision shall not become effective until the Supreme Constitutional Court or, where it has been returned, the House of representatives has taken a decision on it.

10. Each community shall have its communal Chambers composed of a number of representatives which it shall itself determine.

The communal Chambers shall have the right to impose taxes and levies on members of their community to provide for their needs and for the needs of bodies and institutions under their supervision.

The communal Chambers shall exercise authority in all religious, educational, cultural and teaching questions and questions of personal status. They shall exercise authority in questions where the interests and institutions are of a purely communal nature, such as sporting and charitable foundations, bodies and associations, producers and consumers co-operatives and credit establishments, created for the purpose of promoting the welfare of one of the communities.

(N.B. - It is understood that the provisions of the present paragraph cannot be interpreted in such a way as to prevent the creation of mixed and communal institutions where the inhabitants desire them).

These "producers" and "consumers" co-operatives and credit establishments, which shall be administered under the law of the



Republic, shall be subject to the supervision of the communal Chambers. The communal Chambers shall also exercise authority in matters initiated by municipalities which are composed of one community only. These municipalities, to which the laws of the Republic shall apply, shall be supervised in their functions by the communal Chambers.

Where the central administration is obliged to take over the supervision of the institutions, establishments, or municipalities mentioned in the two preceding paragraphs by virtue of legislation in force, this supervision shall be exercised by officials belonging to the same community as the institution, establishment or municipality in question.

11. The civil service shall be composed as to 70 per cent of greeks and as to 30 per cent of turks.

It is understood that this quantitative division will be applied as far as is practicable in all grades of the civil service.

In regions or localities where one of the two communities is in a majority approaching 100 per cent, the organs of the local administration responsible to the central administration shall be composed solely of officials belonging to that community.

12. The deputies of the Attorney-general of the Republic, the Inspector-general, the Treasurer and the Governor of the issuing bank may not belong to the same community as their principals. The holders of these posts shall be appointed by the President and the Vice-President of the Republic acting in agreement.

13. The heads and deputy heads of the armed forces, the gendarmerie and the police shall be appointed by the President and the Vice-President of the Republic acting in agreement. One of these heads shall be turkish and where the head belongs to one of the communities, the deputy head shall belong to the other.

14. Compulsory military service may only be instituted with the agreement of the President and the Vice-President of the Republic of Cyprus.

Cyprus shall have an army of 2,000 men, of whom 60 per cent. shall be greek and 40 per cent. turkish.

The security forces (gendarmerie and police) shall have a complement of 2,000 men, which may be reduced or increased with the agreement of both the President and the Vice-President. The security forces shall be composed as to 70 per cent. of greeks and as to 30 per cent. of turks. However, for an initial period this percentage may be raised to a maximum of 40 per cent. of turks (and consequently reduced to 60 per cent. of greeks) in order not to discharge those turks now serving in the police, apart from the auxiliary police.

15. Forces, which are stationed in parts of the territory of the Republic inhabited, in a proportion approaching 100 per cent., by members of a single community, shall belong to that community.

16. A High Court of Justice shall be established, which shall consist of two greeks, one turk and one neutral, nominated jointly by the President and the Vice-President of the Republic.

The President of the Court shall be the neutral judge, who shall have two votes.

This Court shall constitute the highest organ of the Judicature (appointments, promotions of judges, etc.)

17. Civil disputes, where the plaintiff and the defendant belong to the same community, shall be tried by a tribunal composed of Judges belonging to that community. If the plaintiff and defendant belong to different communities, the composition of the tribunal shall be mixed and shall be determined by the High Court of Justice.

Tribunals dealing with civil disputes relating to questions of personal status and to religious matters, which are reserved to the competence of the communal Chambers under point 10, shall be composed solely of judges belonging to the community concerned. The composition and status of these tribunals shall be determined according to the law drawn up by the communal Chamber and they shall apply the law drawn up by the communal Chamber.



In criminal cases, the tribunal shall consist of judges belonging to the same community as the accused. If the injured party belongs to another community, the composition of the tribunal shall be mixed and shall be determined by the High Court of Justice.

18. The President and the Vice-President of the Republic shall each have the right to exercise the prerogative of mercy to persons from their respective communities who are condemned to death. In cases where the plaintiffs and the convicted persons are members of different communities the prerogative of mercy shall be exercised by agreement between the President and the Vice-President. In the event of disagreement the vote for clemency shall prevail. When mercy is accorded the death penalty shall be commuted to life imprisonment.

19. In the event of agricultural reform, lands shall be redistributed only to persons who are members of the same community as the expropriated owners.

Expropriations by the State or the Municipalities shall only be carried out on payment of a just and equitable indemnity fixed, in disputed cases, by the tribunals. An appeal to the tribunals shall have the effect of suspending action.

Expropriated property shall only be used for the purpose for which the expropriation was made. Otherwise the property shall be restored to the owners.

20. Separate municipalities shall be created in the five largest towns of Cyprus by Turkish inhabitants of these towns.

However:

- a) in each of the towns a co-ordinating body shall be set up which shall supervise work which needs to be carried out jointly and shall concern itself with matters which require a degree of co-operation. These bodies shall each be composed of two members chosen by the Greek municipalities, two members chosen by the Turkish municipalities and a president chosen by agreement between the two municipalities.

- b) The President and the Vice-President shall examine with four years the question whether or not this separation of municipalities in the five largest towns shall continue.

With regard to other localities, special arrangements shall be made for the constitution of municipal bodies, following, as far as the possible, the rule of proportional representation for the two communities.

21. A Treaty guaranteeing to independence, territorial integrity and constitution of the new State of Cyprus shall be concluded between the Republic of Cyprus, Greece, the United Kingdom and Turkey. A Treaty of military alliance shall also be concluded between the Republic of Cyprus, Greece and Turkey.

These two instruments shall have constitutional force. (This last paragraph shall be inserted in the constitution as a basic article).

22. It shall be recognised that the total or partial union of Cyprus, with any other State, or a separatist independence for Cyprus (i.e. the partition of Cyprus into two independent States), shall be excluded.

23. The Republic of Cyprus shall accord most-favoured-nation treatment to Great Britain, Greece and Turkey for all agreements whatever their nature.

This provision shall not apply to the treaties between the Republic of Cyprus and the United Kingdom concerning the bases and military facilities accorded to the United Kingdom.

24. The greek and turkish governments shall have the right to subsidise institutions for education, culture, athletics and charity belonging to their respective communities.

Equally, where either community considers that it has not the necessary number of schoolmasters, professors or priests for the working of its institutions, the greek and turkish governments may provide them to the extent strictly necessary to meet their needs.

25. One of the following Ministries - the Ministry of Foreign



Affairs, the Ministry of Defense or the Ministry of Finance - shall be entrusted to a Turk. If the President and the Vice-President agree they may replace this system by a system of rotation.

26. The new State which is to come into being with the signature of the Treaties shall be established as quickly as possible and within period of not more than three months from the signature of the Treaties.

27. All the above points shall be considered to be basic articles of the Constitution of Cyprus.

#### A n n e x 1

##### (a)

The Defence questions subject to veto under point 8 of the basic structure are as follows:

- a) composition and size of the armed forces and credits for them;
- b) appointments and promotions;
- c) imports of warlike stores and all kinds of explosives;
- d) granting of bases and other facilities to allied countries

##### (b)

The Security questions subject to veto are as follow:

- a) appointments and promotions;
- b) allocation and stationing of forces;
- c) emergency measures and martial law;
- d) police laws.

(It is provided that the right of veto shall cover all emergency measures or decisions but not those which concern the normal functioning of the police and gendarmerie.)