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# The Fall and the Rise of the Consociational Democracy in Cyprus

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by

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## Introduction

The Republic of Cyprus was created in 1960 by international treaties which are also known as Zurich and London Accords. According to these treaties, a compromised solution based on a very delicate power-sharing mechanism was reached between the two ethnic communities of Cyprus, the Greek Cypriots and the Turkish Cypriots. This power-sharing mechanism was reflected on all three branches of the republic:

In terms of *executive power*, the republic would be a presidential system. President of the Republic would be a Greek Cypriot and the Vice-President a Turkish Cypriot. Both the President and the Vice-President would have veto power on decisions of the Council of Ministers concerning foreign affairs, defense and security.

With regard to the *legislative power*, the distribution of the House of Representatives and the decision making in the House show the power sharing nature between the two communities. There were 35 Greek Cypriot and 15 Turkish Cypriot members of the House. In order to change any article of the constitution, separate two-thirds majorities were required.

The authority in the area of *judiciary* was vested in the Supreme Constitutional Court and the High Court. The Constitutional Court was composed of three judges: a Greek Cypriot, a Turkish Cypriot and a neutral president (not a Greek or Turkish Cypriot). The High Court was composed of a neutral president, having two votes, and two Greek Cypriot and one Turkish Cypriot judge.

Public service was to be composed of Greek and Turkish Cypriots according to the ratio of %70 Greek Cypriots to %30 Turkish Cypriots, which is also the same ratio for the members of the Council of Ministers, the House of Representatives and the security forces of the republic.

However, the above mentioned consociational democratic system broke down in 1963. The two disputed communities have since then been negotiating to create a new state structure.

In this paper, the author describes the 1960 model, analyses the reasons behind its fall and finally proposes a new model of a hybrid between confederaton and federation that would be durable for the two ethnically distinct communities.

## A BRIEF RECENT HISTORY OF CYPRUS

### *The Two Communities of the Island*

Cyprus is the third largest island, after Sicily and Sardinia, in the Mediterranean Sea, 40 miles to the south of Turkey and 600 miles to the southeast of Greece. Due to its geographical location (and geopolitical importance) it was invaded and ruled by the Hittites, Egyptians, Assyrians, Persians, Romans, Byzantines, Lusignans and Venetians, respectively. In 1571 it became a part of the Ottoman (Turkish) Empire and remained under the Turkish administration until 1878 when, according to a defensive alliance, it was rented to Great Britain - still belonging to the Ottoman Turks. During World War I, Cyprus was invaded unilaterally by Great Britain in response to the Ottoman Empire's alliance with Germany. Great Britain colonized the island in 1924 after the Lausanne Conference where the new territory of the Republic of Turkey, which excluded Cyprus, was laid down. Hence, Cyprus remained a British colony until 1960.

The second half of the 1950s witnessed the Greek Cypriot struggle to drive the British colonial rule out of Cyprus and gain independence in order to fulfill their “national aspiration to unite Cyprus with Greece”<sup>1</sup>(i.e., *ENOSIS*). However, the British were very reluctant to give up their sovereignty on Cyprus. Hence, the British “divide and rule” policies were implemented which, this time, drew the Turkish Cypriots who, initially preferred the continuation of the British rule to *ENOSIS* (union of Cyprus with Greece) into the conflict and confronted them with the Greek Cypriots. Thus, a bloody struggle between the British and the Greek Cypriot guerilla organization EOKA<sup>2</sup> and a bloody struggle between the EOKA and the TMT<sup>3</sup> - Turkish Cypriot resistance organization - marked the second half of the 1950s.

The aim of the EOKA was to drive the British out of the island so that the island could be united with Greece, while the aim of the TMT was to prevent the union of the island with Greece, which would have made them a very small minority in a Hellenic country. The initial position of the Turkish Cypriot leadership was to support the continuation of the British rule (which was viewed better than *ENOSIS* by the Turkish Cypriots). However, later when it was obvious that the British would withdraw from the island, the Turkish Cypriot leadership actively supported the idea of “*TAKSIM*” - partition of the island between Greece and Turkey - as an anti-thesis to *ENOSIS*.

By the end of the 1950s, it was obvious that the British had to end its colonization in Cyprus, as it had to do in many other regions. In 1960 the island was granted a “restricted” independence.

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<sup>1</sup> See Clerides (1989), Vol 1, 18.

<sup>2</sup> EOKA: *Ethniki Organosis Kyprion Agoniston* - Cypriot Fighters Organization, was a Greek Cypriot terrorist organization organized by General George Grivas who was a former career officer in the Greek Army. See Grivas (1961).

<sup>3</sup> TMT: Turk Mukavemet Teskilati [Turkish Resistance Organization]. See Mayes (1981).

With the Treaties of Zurich and London (1959) an independent, bi-national or bi-communal state was established under the Guarantorship of Greece, Turkey and the UK in 1960. The state, i.e., the Republic of Cyprus, was comprised of the Greek Cypriot and the Turkish Cypriot communities where each had the status of co-founder and equal partner of the Republic, having 80% and 20% of the population, respectively. A constitution, which safeguarded the rights of the people of both communities, was established. It was a compromise solution by both sides among the other alternatives: *union of the island with Greece (ENOSIS)*, *returning the island to its previous owner - Turkey, partition of the island between Greece and Turkey (TAKSIM)*, or *continued British rule*. In this compromise solution the UK would keep two sovereign bases for itself, and both Turkey and Greece could keep a small number of troops in the island as guarantor powers. That is exactly why it was a “restricted” independence.

The life of this partnership (i.e., the Republic of Cyprus), however, lasted only three years. It is very difficult to find the real story of what really happened after the establishment of the Republic of Cyprus. Each side has its own version of the history and the events in these two separate histories have internal coherence that made them logical within each version.

In 1963, claiming that the constitution of Republic of Cyprus is unworkable, the Greek Cypriot side wanted to amend the constitution. This is known as the famous “*thirteen amendments*“ or “*thirteen points*” (See **Appendix 1** for the full text) in the constitution of 1960 Republic, which according to the Turkish Cypriots, would deprive the Turkish Cypriots of the status of 'equal partner of the Republic.' Even eight of these articles to be amended were so fundamental that they had been included in the 'unalterable' **Basic Articles** of the constitution which are the same articles of the Zurich Treaty, such as that of [Turkish Cypriots'] having **veto** power over governmental decisions, of having their own municipalities, and so forth (See **Appendix 2** for the text on the basic structure of the Republic).

The main objective of the amendments, according to the Turkish Cypriots, was to put the Turkish Cypriots into the status of **minority** from the status of co-founder and politically equal partner of the Republic - i.e., to change the bi-communal republic into a unitary state in which the voting power of the Greek Cypriots would be dominant. However, according to the Greek Cypriots, the 1960 constitution and the international treaties (i.e., London and Zurich Agreements) were imposed by the external powers (Great Britain, Greece and Turkey) and that they were signed by the Greek Cypriot leadership under coercion by the guarantor powers. Hence, according to the Greek Cypriot leadership, the constitution of Republic of Cyprus, which emerged from the 1959-1960 accords among the guarantor powers, should be modified to the betterment of the Greek Cypriot side.

The Turkish Cypriot leadership rejected the amendments. In one instance, the Turkish Cypriots took the issue of "establishing separate municipalities" (Article 173<sup>4</sup> of the constitution) to

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<sup>4</sup> Article 173.

the Supreme Constitutional Court. On April 25, 1963 the Court ruled that Article 173 had not been complied with, but [President] Archbishop Makarios declared that he would ignore it, and he actually did ignore it. On May 21 the neutral President of the Court, Professor Ernst Forsthoff who was a West German citizen, resigned.<sup>5</sup> At that time, according to the Turkish Cypriots, Makarios dismissed the Turkish Cypriot cabinet ministers, members of the House of Representatives and all the Turkish Cypriot civil servants. He also discharged all the Turkish Cypriot diplomats at the United Nations and in foreign capitals in order to cut the channels of the Turkish Cypriots to present their case to the world. In 1964 Makarios unilaterally amended the Constitution according to his *thirteen points*.

The story is again different from the Greek Cypriot perspective. They believe that the Turkish Cypriot cabinet ministers and the members of the House left their positions voluntarily in order to protest the Greek Cypriot proposal of the "thirteen amendments," and that the Turkish civil servants were forced by the Turkish Cypriot leadership to leave their jobs in order to form a separate Turkish Cypriot administration.

The bottom line here is that the Greek Cypriot leadership failed to give up its years-long aspiration *ENOSIS*, and the Turkish Cypriot leadership actively supported the idea of *TAKSIM* as a reaction to *ENOSIS*. In that sense, nobody tried to save the independence - though a restricted one - which was symbolized by the 1960 Republic of Cyprus. Probably, the current Greek Cypriot President, Mr. Clerides, best explains this situation in his memoirs:

... I shared the frustration of my Greek Cypriot compatriots at our failure to achieve our national aspiration to unite Cyprus with Greece, and that I also felt the resentment that excessive rights were given to the Turkish Cypriot minority community.

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"1. Separate municipalities shall be created in the five largest towns of the Republic, that is to say, Nicosia, Limassol, Famagusta, Larnaca and Paphos by the Turkish inhabitants thereof:

Provided that the President and the Vice-President of the Republic shall within four years of the date of the coming into operation of this Constitution examine the question whether or not this separation of municipalities in the aforesaid towns shall continue.

2. The council of the Greek municipality in any such town shall be elected by the Greek electors of the town and the council of the Turkish municipality in such town shall be elected by the Turkish electors of the town.

3. In each such town a co-ordinating body shall be set up composed of two members chosen by the council of the Greek municipality, two members chosen by the council of the Turkish municipality and a President chosen by agreement between the two councils of such municipalities in such town. Such co-ordinating body shall provide for work which needs to be carried out jointly, shall carry out joint services entrusted to it by agreement of the councils of the two municipalities within the town and shall concern itself with matters which require a degree of co-operation."

<sup>5</sup> Forsthoff resigned his post due to the reason that the decision of the Constitutional Court was not implemented by Makarios. Following is a part of the interview of Professor Forsthoff by a U.P.I. correspondent in Heidelberg, Germany on December 30, 1963.

" Q. Can you briefly state the last incident in the chain of events which led to your resignation?

A. These criticisms against the Constitution increased as time went on and when the question of establishing separate municipalities in the five main towns was brought before the Court it was insisted that the establishment of such separate municipalities was not practicable. The Court formulated its decision with utmost care in order to make it possible for a compromise solution. I must add that a state does not cease to exist on account of any defect in local administration.

Q. Has the Makarios government complied with the decision of the Constitutional Court dated 25th April 1963 on the subject of Municipalities? Was the non-implementation of this decision expected before?

A. The fact that the decision of the Constitutional Court was not to be implemented was made quite clear to me and as it turned out it was not in fact implemented. Non-implementation of the decision of a Constitutional Court is sufficient reason to compel the resignation of its President."

It was this frustration and resentment, coupled with the everyday irritations of a cumbersome, *sui generis* constitution, difficult to implement, that led the Greek Cypriot leadership to impatient, unwise and premature acts and requests for constitutional amendments. Thus, before the wounds of the pre-independence inter-communal conflict were properly healed, tension built up once more and aggravated inter-communal conflict broke out again.<sup>6</sup>

### ***The Greek Coup and the Turkish Military Operation***

From 1963 to 1974 the Turkish were forced or, according to the Greek Cypriot claim, chose to migrate and form their homogeneous enclaves. Due to this migration, the Turkish Cypriots left their land and homes and migrated to the Turkish Cypriot enclaves, which constituted 3% of the island. There were guerrilla attacks on Turkish Cypriots, which were organized and sent by the military dictatorship in Greece in order to **unite the island with Greece - ENOSIS**. The idea of Hellenization of the island was the Greeks' national **Megalo Idea** (i.e., the Great Ideal). The powerful terrorist organization **EOKA-B**, of the Greek Cypriots, which took its name from EOKA that was originally established to drive the British from the island before the 1960s, was also supported by the military regime in Greece against the Turkish Cypriots.

Clearly it had been the Turks [i.e., Turkish Cypriots] who had suffered most, and who had had to bear the more severe privations. In their case it had been a question of finding a refuge where they could, in tents provided by the United Nations, in friends' houses, greatly overcrowding them in the process, and in some instances in caves.<sup>7</sup>

The intercommunal violence broke out on December 21, 1963.

A group of Turkish Cypriots was stopped on Hermes Street, the boundary between the Greek/Turk quarters of Nicosia, by a patrol of Greek Cypriot police who wanted to see their identity cards. A crowd collected, firing broke out and a Turkish Cypriot man and woman were shot dead, while another Turk and Greek were wounded - the first victims of the new emergency. News of the shooting spread rapidly and soon indiscriminate fire fights broke out in other parts of Nicosia ... The attack on Omorphita began later on the 24th and the fighting that followed lasted well into the morning of Christmas Day and was the heaviest and the bloodiest yet. A large number of Turkish men, women, and children were captured and removed from their homes. Casualties were heavy but the actual figure was never known. For the Greeks it was a major victory. For the Turks it was tangible evidence of Greek intentions to

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<sup>6</sup> See Clerides (1989), Vol 1, 18.

<sup>7</sup> See Harbottle (1970), 5.

place a stranglehold on their liberties and rights, against which they no longer had any security.<sup>8</sup>

As a result, the Turkish Cypriots used their resistance group, TMT, as a counter force, though much weaker in comparison to EOKA-B's overwhelming number of members and military equipment. So, a bitter and bloody struggle began between the two communities. The only hope of the Turkish Cypriots, they claim, was the intervention of Turkey as a guarantor state of the Treaty of Guarantee. However, the international atmosphere<sup>9</sup> was not convenient for Turkey to intervene into the island. Turkey's long hesitation gave hope to the Greeks that Turkey would never take a military action in the island.

During the second half of the 1960s and the early 1970s when there was a military regime in Greece, there was a dispute between the leadership in Greece and the Greek Cypriot leadership on the method of **uniting Cyprus with Greece**.<sup>10</sup> Makarios, the charismatic President of the Republic of Cyprus whose administration by then became composed of only Greek Cypriots<sup>11</sup> due to the Turkish Cypriots' absence, was in favor of a **gradual** process of eliminating the Turkish Cypriot opposition to *ENOSIS* in many ways, e.g., encouraging immigration (by providing passports) or coercing/threatening Turkish Cypriots to leave the island; and finally murdering the ones who opposed to comply with the Greek Cypriot policies. However, the military regime in Greece wanted a fast and effective move, namely a direct military attack - a *fait accompli*, and even genocide - to get rid of the Turkish Cypriots in the island if they did not comply with the Greek Cypriot policies. So, the military regime in Greece and the Greek Cypriot President (Makarios) were carried into a great conflict and on July 15, 1974 the military regime in Greece sent troops to actualize a coup d'état against the Republic

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<sup>8</sup> Ibid, 12-13.

<sup>9</sup> Turkey, as a Guarantor power, had preparations to intervene and send troops to the island in order to re-establish the constitutional order, which had been violated many times since 1963 by the Greek Cypriots, and to find a solution to the conflict between the two communities. However, President Lyndon Johnson send a letter to the Turkish Prime Minister Ismet Inonu demanding "non-intervention" of Turkey into the island in 1964, and threatening not to fulfill its NATO obligations, such as not coming to the aid of Turkey in case of a Soviet attack on Turkey. See Ehrlich (1974).

<sup>10</sup> On June 26, 1967 the Greek Cypriot Parliament (House of Representatives) unilaterally adopted the following resolution against the 1960 Constitution and the Treaty of Guarantee:

*"Interpreting the age-long aspirations of the Greeks of Cyprus, the House declares that despite any adverse circumstances it will not suspend the struggle conducted with the support of all Greeks, until this struggle succeeds in uniting the whole and undivided Cyprus with the Motherland [Greece]."* See Necatigil (1993) for further details on *ENOSIS*.

<sup>11</sup> Chief of Staff of the UN force in Cyprus Harbottle describes the situation in Cyprus as:

"[A]t no time did the tripartite forces act in unison to maintain order. The whole constitutional structure had been shattered through the Turkish Cypriot ministers no longer taking part in Government. The Turks [i.e., Turkish Cypriots] had set up their own Leadership and refused to recognize as legal the now purely Greek Cypriot Government. The latter of course acted entirely in the Greeks' interest but continued to function as, and was recognized by the members of the United Nations as, the lawful Government. This has remained the case ever since, and although the United Nations deals with the Turkish Cypriot people, its separate administration is not recognized by them as lawful under the Constitution." See Harbottle (1970), 15.

of Cyprus which was, by then, composed of only the Greek Cypriots, i.e., the Greek junta tried to eliminate Makarios<sup>12</sup> and unite the island with Greece.

As a result of this coup d'état (i.e., the invasion of the island by a Guarantor power - Greece), Turkey - under the provision of the Treaty of Guarantee of 1960 (Article IV) - sent troops into the island on July 20, 1974 in order to prevent the union of the island with Greece, and to prevent the bloodshed, so that the Turkish Cypriot community (and hence the Greek Cypriot community<sup>13</sup>) regain its (their) rights. According to the Greek Cypriots, Turkey's action was an "invasion" and that she had been planning to actualize it for a long time. In that respect, the Greek coup d'état gave the pretext to Turkey to "invade" one third of the island.

The real resistance to the Turkish forces came not from the Greek Cypriot soldiers but, basically, from the forces who were sent by the military government of Greece. Turkey captured one third of the island in the north in order to secure a geographically safe piece of land (nowadays popularly called a "safe heaven" in international politics) for the Turkish Cypriot community,<sup>14</sup> so that Turkey would have a steady foothold in the island, which is only 40 miles away from mainland Turkey. Since then, the Turkish Cypriots and the Greek Cypriots have been living in completely separate zones divided by the Green Line<sup>15</sup> (as North and South) in Cyprus.

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<sup>12</sup> Makarios managed to escape to London. There, he announced to the states of the world not to recognize the Greek coup d'état, which he stated, invaded Cyprus, and he asked them to take action against it. Later on July 19, 1974 he addressed the UN Security Council and repeated his appeal to all states of the world. See Security Council Official Record, S/PV .1780.

<sup>13</sup> There were many Greek Cypriots who were opposed to the Greek coup d'état and many Greek Cypriots were killed by the Greek coup on July 15, 1974. See Markides (1977).

<sup>14</sup> Turkish intervention in Cyprus had been in two phases:

The landing of the Turkish troops on the island resulted in the collapse of the Greek coup d'état and got widespread approval from the international community. The three Guarantors summoned in Geneva and signed a treaty on July 30, 1974. According to this treaty "all armed forces, including all irregular forces, were to desist from all offensive or hostile activities; that all Greek and Greek Cypriot forces were to withdraw at once from the Turkish Cypriot enclaves they had occupied; and that all military and civilians detained as a result of the hostilities were to be exchanged or released. ... Turkish hopes that the fall of Sampson [coup d'etat's leader] would bring about an immediate cessation of hostilities against the Turkish Cypriot community were dashed as the national Guard and EOKA-B refused to release hundreds of Turkish Cypriot hostages held by them in Limassol, Larnaca and Paphos, and as armed Greek Cypriots continued to occupy Turkish Cypriot enclaves in defiance of the agreement of July 30 [1974]. ... The worst massacres [by Greeks and Greek Cypriots] took place in the villages of Aloi, Maratha and Sandallaris, where most of the inhabitants were shot and then hastily covered with dirt with a bulldozer that dismembered the corpses as it buried them. ... [A]ccordingly, in mid-August 1974, the Turks resumed their advance, this time for the purpose of securing for the Turkish Cypriots a safe, Turkish-protected home in Northern Cyprus." See Oberling (1991), 12.

<sup>15</sup> The dividing line between the Greek and Turkish Cypriots was not invented in 1974. Such a line was there as the Chief of Staff of the UN force in Cyprus Mr. Harbottle observes

"Since the very early days of the struggle the Greek and Turkish Cypriot quarters of Nicosia and their surrounding suburbs have been divided by a demarcation line known as the Green Line - a line drawn on a map in coloured crayon at the height of the emergency in December 1963. It has become unwittingly an 'iron curtain' dividing the two communities, not only physically but also mentally - a 'chinagraph frontier' ... Those who were in Cyprus during the EOKA campaign of 1955-9 will remember that the Greek and Turkish quarters of Nicosia were divided by a wire fence which acquired the sobriquet of the 'Mason Dixon Line.' Within the walls of the Old City, the Green Line almost coincides with its predecessor, which was set up for the same reason - to keep the two communities from attacking each other." [Harbottle (1970), 63].

"Had not general Young [i.e., Major-General Peter Young, the commander of the British Army units from the Sovereign Base areas] succeeded in getting agreement to this vital and immediate safeguard [i.e., the Green Line], many more people would have died; and it is a reasonable supposition that Turkey would have intervened physically with its armed forces to secure the safety and the political identity of the Turkish Cypriot people." [Harbottle (1970), 68].



In 1975 the Turkish Cypriots established the "Turkish Federated State of Cyprus." According to the Turkish Cypriots, this was an invitation to the Greek Cypriot side to form a **bi-communal**, federal republic, comprising of two federal states - that is, a **bi-zonal** federation. In 1977 and 1979 two high level agreements, known as "Denktas-Makarios" and "Denktas-Kyprianou" Summits, respectively, were signed in which the two sides agreed on establishing a bi-communal and bi-zonal federal state, and carrying on the bilateral negotiations in actualizing the agreed upon concepts of a federal republic. However, the UN mediation attempts - more specifically, the "*mission of good offices*" of the UN Secretary General - to bring the two sides to negotiate a solution proved to be futile.

The Greek Cypriot leadership, which was already in charge of the internationally recognized Republic of Cyprus, did not want to share some of its power with the Turkish Cypriots. The belief of the Greek Cypriot leadership was that if it sits for face to face bilateral negotiations with the Turkish Cypriot leadership, then, it would be the *acceptance of the other side as equal*, which would damage the negotiating power of the Greek Cypriot side as the "legal government" of the whole island.

In 1983 the Turkish Cypriots established their own independent state, the Turkish Republic of Northern Cyprus (TRNC), claiming the right of "self-determination" of the Turkish Cypriot people. They hoped to be recognized, so that they could establish relations with the outside world and start economic and political connections with the foreign countries for their economic and political survival. They also thought that the declaration of their independence - since the Greek Cypriot leadership fears that the TRNC could be recognized internationally - would bring the Greek Cypriot leadership to the negotiation table since the Turkish Cypriots believed that the Greek Cypriot leadership did not accept them as a political equal to negotiate with.

Today, there exist two de facto mini nation-states in Cyprus. One - Republic of Cyprus - is recognized internationally and claims to have the legitimate (de jure) government of the whole island, although, in reality, it has no power or control (i.e., de facto sovereignty) over one third of the island in the north. The other, TRNC, which has all the characteristics of a small nation state but is not recognized by any state other than Turkey, and has de facto sovereignty in the north.

### *The 1960 Constitution and the Treaty of Guarantee*

In 1959 the Turkish and Greek Foreign Ministers came together in Zurich to discuss how to best solve the Cyprus problem, that is, the future constitutional order after de-colonization in Cyprus. These negotiations led to the Zurich Agreement on February 11, 1959 (**See Appendix 2** for the full text of the Agreement-Basic Structure of the republic) and it was signed in London on February 19, 1959.

This compromise solution, which was reached among Greece, Turkey and the UK, was guaranteed by these powers by the Treaty of Guarantee of 1960 (**See Appendix 3** for the full text of the Treaty). In accordance with these agreements, a Treaty of Alliance was entered into force between Greece, Turkey and the Republic of Cyprus, which made provision for the establishment of a Tripartite Headquarters, as well as the stationing in Cyprus of contingents from Turkey and Greece (**See Appendix 4** for the full text of the Treaty). In addition, the Treaty of Establishment between Cyprus and the UK established the Republic of Cyprus and set out its territory, which comprised of the island of Cyprus with the exception of two areas (i.e., British military bases), which would be under the sovereignty of the UK (**See Appendix 5** for the full text of the Treaty).

The 1960 Constitution of the Republic of Cyprus was designed within the framework of the Zurich and London agreements:

#### **Executive Power:**

The new republic would be a presidential system. President of the Republic was to be a Greek Cypriot and the Vice-President a Turkish Cypriot, elected on the basis of separate Greek Cypriot and Turkish Cypriot electoral rolls. President and Vice-President were to have a Council of Ministers composed of 7 Greek Cypriot and 3 Turkish Cypriot ministers. One of the three important ministries (i.e., Ministry of Defense, Ministry of Finance or Ministry of Foreign Affairs) would be given to a Turkish Cypriot member. Both the President and the Vice-President would have veto power on decisions of the Council of Ministers concerning foreign affairs, defense and security, and they would also have the right to return any decision to the Council of Ministers for reconsideration.

The decision of the Council would be taken by absolute majority and must be promulgated immediately by both the President and the Vice-President - unless the right of veto or return is exercised by the President or the Vice-President. The executive exercise of veto is also extended to include any law or decision of the House of Representatives - the legislative organ of the republic.

### **Legislative Power:**

Legislative power would be exercised by the House of Representatives. 35 of the 50-member House would be Greek Cypriot and the remaining 15 would be Turkish Cypriot. The President of the House was to be a Greek Cypriot while the Vice-President a Turkish Cypriot.

Three types of legislation, i.e., laws regarding (1) modification of electoral arrangements, (2) municipalities, and (3) imposing duties and taxes, require a separate simple majority of the representatives elected by the Greek and Turkish Cypriot communities respectively taking part in the vote. Separate two-thirds majorities are required for the amendment of articles (in the constitution), which are relatively less important. However, some of the articles of the 1960 constitution are designated as the *basic articles* and are declared un-amendable (i.e., the basic structure of the Republic of Cyprus agreed upon in Zurich (1959) (See **Appendix no 2** for the full text of the Treaty).

### **Judiciary Power:**

The authority in the area of judiciary is vested in the Supreme Constitutional Court and the High Court. The Constitutional Court was composed of three judges: a Greek Cypriot, a Turkish Cypriot and a neutral president (not a Greek or Turkish Cypriot). The High Court was composed of a neutral president, having two votes, two Greek Cypriot judges and one Turkish Cypriot judge.

The judges in the communal courts were composed solely of members of that community to which both the plaintiff and the defendant or both the accused and the injured belonged. If the disputed parties belonged to different communities, the composition of the court was to be determined by the High Court.

### **Public Service:**

Public service was to be composed of Greek and Turkish Cypriots according to the ratio of %70 Greek Cypriots to %30 Turkish Cypriots, which is also the same ratio for the members of the Council of Ministers, the House of Representatives and the security forces of the republic.

### **Armed Forces and Security Forces:**

The Republic should have an army of 2000 men, of whom 60% were Greek Cypriots and 40% Turkish Cypriots. The Republic should have an additional security force consisting of police and gendarmerie of another 2000 men - this time 70% Greek Cypriots and 30% Turkish Cypriots. The Treaty of Alliance (See **Appendix 6** for the full text of the Treaty) between Cyprus, Greece and Turkey provided for a contingent of 950 soldiers, of the then Kingdom of Greece and for a contingent of 650 soldiers of the Republic of Turkey - participating in a Tripartite Headquarters together with the Cypriot officers.

The Article 185<sup>16</sup> of the constitution states that the territory of the Republic cannot be divided, nor integrated wholly or in part with the territory of another state. The Article 182<sup>17</sup> declares that the **Basic Articles**, which are listed in Annex III to the constitution, and which were agreed at Zurich cannot be altered.

Some authors<sup>18</sup> (i.e., especially Greek authors) argue that the 1960 constitution was incredibly complex, overwhelmingly bi-communal in character and had *sui generis* provisions. De Smith in Poliviou (1980) even described the 1960 constitution as "the most rigid, detailed and complicated constitution in the world." Hence, their argument is that the constitution was unworkable.

On the other hand, if one takes into consideration the conflict and the historical experiences prior to the de-colonization in Cyprus, such as the Greek Cypriots' aspiration for uniting the island with Greece (i.e., *ENOSIS*) and the Turkish Cypriot reaction to this that if the island was to be de-colonized it should be given to its previous owner (i.e., Turkey as the inheritor of the Ottoman Empire) or that the island should be partitioned between Turkey and Greece (*TAKSIM*), then the design of the 1960 constitution and the founding treaties such as the Treaty of Establishment and the Treaty of Guarantee make real sense in order to provide a middle ground for balancing the aspirations of the two communities in the island.

In addition, Cyprus' highly significant geopolitical position and the Cold War mentality of suppressing the disputes between the two NATO allies (i.e., Turkey and Greece) by the Western alliance made Cyprus a truly *sui generis* case. Therefore, to establish a delicate balance between Turkey and Greece on the one hand and the Turkish Cypriots and Greek Cypriots on the other hand, required a complex and detailed constitution, which would have precisely *sui generis* provisions and bi-communal character. After all Cyprus does have two major ethnic communities and a *sui generis* history of many instances of foreign involvement. The Republic of Cyprus had operated, though with some problems, for three years since its foundation (1960). Had the provisions of the constitution been followed, such as the establishing separate municipalities and agreeing on power sharing instead of trying to convert its bi-communality into a unitary state, or trying to unite the island with another country, this *functional federation* (i.e., Republic of Cyprus) could have had a much longer life. Erlich argues that

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<sup>16</sup> Article 185.

"1. The territory of the Republic is one and indivisible.

2. The integral or partial union of Cyprus with any other State or the separatist independence is excluded."

<sup>17</sup> Article 182.

"1. The Articles or parts of Articles of this Constitution set out in Annex III hereto which have been incorporated from the Zurich Agreement dated 11th February, 1959, are the basic Articles of this Constitution and cannot, in any way, be amended, whether by way of variation, addition or repeal.

2. Subject to paragraph 1 of this Article any provision of this Constitution may be amended, whether by way of variation, addition or repeal, as provided in paragraph 3 of this Article.

3. Such amendment shall be made by a law passes by a majority vote comprising at least two thirds of the total number of the Representatives belonging to the Greek Community and at least two thirds of the total number of the Representatives belonging to the Turkish Community. "

<sup>18</sup> See Poliviou (1980) and Clerides (1989).

The documents of the 1960 settlement are incredibly detailed, often repetitious, and occasionally ambiguous. Despite substantial weaknesses, the settlement did present an imaginative resolution of many difficult problems. Given patience and a spirit of compromise on each side, it might have worked. It is not a model of draftsmanship; but, viewing the circumstances, no more could have been expected. There was general agreement, however, that substantial goodwill would be needed on the part of both communities to make the agreement work.<sup>19</sup>

### *The Treaty of Guarantee (1960)*

A treaty was signed between the United Kingdom, Turkey and Greece, which assumed the independence of the Cyprus Republic in 1960 (**See Appendix 3** for the full text of the Treaty).

By Article I of the 1960 treaty of Guarantee the Republic of Cyprus had agreed

(a) "to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution," and

(b) "not to participate in any political or economic union with any State. Further, the Republic declared prohibited any activity to promote, directly or indirectly, either union with any other State or partition of the Island."

By Article II it was agreed that the Guarantor powers would

(a) "recognize and guarantee the independence, territorial integrity, and security of the Republic,"

(b) "recognize and guarantee the state of affairs established by the Basic Articles of its Constitution," and

(c) "prohibit, so far as concerned them any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or the partition of the island,"

By Article IV it was agreed by the guarantor powers and the Republic of Cyprus that in the event of a breach of the provisions of the Treaty

(a) the Guarantor powers would "consult together with respect to representations or measures necessary to ensure observance of those provisions," and

b) "[I]n so far as common or concerted action may not prove possible, each of the three Guaranteeing Powers reserved the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty."

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<sup>19</sup> See Erlich (1974), 38.

Article IV of the Treaty of Guarantee is the most famous and debated article in the Cyprus conflict. The Greek Cypriots started to raise this issue at the international platforms in the early 1960s (especially in 1963 at the UN Security Council). If one looks at the *ENOSIS* aspirations of the Greek Cypriot leadership in the 1960s, then it is logical that an attempt to actualize such an aspiration would be unconstitutional and would violate the Treaty of Establishment and trigger the provision in Article IV in the Treaty of Guarantee - which block the idea of *ENOSIS* (as well as partition - *TAKSIM*).

The Greek Cypriot leadership argued "first, that the Treaty did not authorize the use of force; second, if force was sanctioned by the Treaty, it was void *ab initio* as inconsistent with the United Nations Charter."<sup>20</sup>

During the 1960s both Greece and the Greek Cypriot leadership repeatedly claimed that a Turkish military intervention would violate both the *sovereign equality* of Cyprus under Article 2(1) of the UN Charter and the prohibition against *the use of force* under Article 2(4) of the same Charter. However, no Security Council resolution ever declared that Turkey had no right to use force under Article IV of the Treaty of Guarantee. In the UN Security Council meeting (1098th meeting, 1964), the British representative's response to the Greek Cypriot arguments was that "in certain circumstances, the treaty did authorize the use of force and such use would not necessarily be inconsistent with the United Nations Charter."<sup>21</sup> This was also similar to the Turkish position which claim that Turkey as a guarantor power acted as a "regional arrangement" under Article 52 of Chapter VIII of the UN Charter:

Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

Thomas Ehrlich (1974) argues that the main aim of the whole 1960 Accords was to protect the Turkish Cypriot community and

To establish conditions for the preservation of peace on an island driven by violence for centuries. The accords provided a carefully conceived structure of guarantees designed to achieve that purpose. The internal guarantees included in the Constitution were the first line of defense against intercommunal strife. But if these guarantees were not enforced, the mechanism of protection established in the Treaty of Guarantee was to come into operation - collective measures or, if multilateral agreement were not possible, unilateral action.<sup>22</sup>

Necatigil (1993) argues that "[T]here is a case for saying that Turkey was legally justified in acting under Article IV" and that its "action cannot be described as 'unlawful invasion'."<sup>23</sup>

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<sup>20</sup> Ibid, 70.

<sup>21</sup> Ibid, 77.

<sup>22</sup> Ibid, 79.

<sup>23</sup> Necatigil (1993), 132.

Article IV of the Treaty of Guarantee, however, requires that intervention should be made "with the sole aim of re-establishing the state of affairs created by the present Treaty." Therefore, the Treaty of Guarantee, as Necatigil (1993) argues, "excludes the revocability of independence."<sup>24</sup> Necatigil further goes on to argue that there were reasons that made it difficult or impossible to return to the 1960 constitution after Turkey's 1974 intervention. These can be summarized as:

(1) Since the end of 1963 the 1960 constitution of the Republic of Cyprus has not been applied, and the status quo in Cyprus before 1974 was not envisaged under the 1960 constitution.

(2) After the 1974 Turkish intervention, Clerides took over the presidency from Sampson (1974 Greek coup's leader) by taking the oath of office before the Greek Cypriot bishop rather than of the House of Representatives as was required of him to do under the 1960 constitution. In that sense, the Greek Cypriot leadership preferred to maintain its position as the recognized government of whole Cyprus.

(3) Since 1968 there have been many attempts to find a new status for Cyprus, and the attempts are still continuing. The UN resolution 3212 (XXIX) of November 1, 1974 clearly affirms the need to find a new status quo for Cyprus. This was also endorsed by the UN Security Council by the resolution 365 in 1974. In addition, since 1974 there have been dozens of UN resolutions that call for the need for a new status quo in Cyprus. In that regard, as Necatigil (1993) argues, "[i]t was not practicable to restore the 1960 Constitution after a search for a new status had begun."<sup>25</sup>

### ***The Two Political Systems in Cyprus***

As stated before, a Greco-Turkish bi-national or bi-communal republic was formed under the guarantorship of the UK, Greece and Turkey in 1960. The Republic of Cyprus, however, survived only three years until 1963, when the violent clashes erupted between the two communities.

The ethnic clashes, actually, started in the 1950s due to the debates on the future political structure of the island when the British would withdraw. The clashes erupted frequently, and culminated in 1963, 1967 and lastly in 1974 when a military coup d'état engineered by the then military regime of Greece tried to overthrow the Greek Cypriot government and unite the whole island with Greece. This resulted in the landing of Turkish troops in Cyprus, in order to prevent the Greek coup from actualizing Enosis – union with Greece.

Today, the two communities - the Greek and Turkish Cypriot communities - who were the co-founders of the 1960 Republic of Cyprus live separately, each community in its own geographically

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

separate territory. What is known as the Republic of Cyprus has been under a totally Greek Cypriot administration since the end of 1963 which is recognized internationally and still maintains its seat in the UN general Assembly as a sovereign nation state. The other co-founder of the 1960 Republic, the Turkish Cypriot community, has been living under a separate Turkish Cypriot administration since 1963.

Since 1983, the Turkish Cypriots have been living under their self declared Turkish Republic of Northern Cyprus (TRNC) which has all the characteristics and the organs of a small nation state - which is the European state system - yet, it is not recognized internationally, except by Turkey.

Therefore, in reality there have been two nation states in Cyprus since 1963. One (Republic of Cyprus) is recognized as the *de jure* state of the whole island and it claims the sovereignty of the whole island. However, in fact it has sovereignty only on the two-thirds of the island on the southern part of Cyprus. On the other hand, there is a *de facto* republic on the northern part of the island, the TRNC, which, just like Taiwan, is not recognized internationally, but has the *de facto* sovereignty on its territory, which consists of one-third of the island in the north.

The important point to note here is that both states in Cyprus have maintained most of the European institutional practices that the British colonizer had established on the island. Since the end of the 1974 war, both states have formed democratic political systems and exercised free elections.

### ***Greek Cypriot Republic of Cyprus and the Turkish Republic of Northern Cyprus (TRNC)***

The 1960 Republic of Cyprus was a consociational democracy comprising of two ethnic communities, - the Greek Cypriot Community which has the 80% of the population and the Turkish Cypriot Community with the 20% of the population. This was a delicate design of “power sharing mechanism” symbolized in all the international treaties that established the republic, as well as the constitution of the republic.

Since the 1963 inter-communal conflict, Republic of Cyprus has been a totally Greek Cypriot administration. In the absence of the Turkish Cypriot community, Greek Cypriot administration has modified some parts of the 1960 constitution. For example, the 50-member House of Representatives in which there originally were 35 Greek Cypriot and 15 Turkish Cypriot members had been changed from 50 to 80-member House. What this 80-member parliament really means is that the House of Representatives became a 56-all-Greek Cypriot representative parliament. Hypothetically, according to the Greek-Turkish civil service ratio of the 1960 constitution, 24 seats are reserved for the would-be Turkish Cypriot representatives.

The Turkish Cypriot community, on the other hand, has been ruling itself since the 1963. The 1975 presidential election and 1976 parliamentary election marked the first of a series of free elections



held by the Turkish Cypriot community in the last three decades. The Turkish Cypriot community's experience with the elections began before 1975. Apart from the elections during the first three years of the Republic of Cyprus (1960-1963), the troublesome eleven years period between 1963 and 1974 had witnessed several elections for the "members" and the "vice-president." This period is a troublesome and confusing period for the Turkish Cypriot community since they were in a political limbo. They had been thrown out of the Republic of Cyprus and had not established permanent or stable government institutions yet.

The Republic of Cyprus is a presidential system. Its legal system is based on common law with civil law modifications. Free elections are held from universal suffrage where the minimum age of voting is 18. The president of the republic is both the head of the state and the head of the government. The president is elected directly by the citizens (popular vote) for a five-year term. (The post of the vice-president who, according to the 1960 constitution, should be a Turkish Cypriot is vacant since 1963).

The Turkish Cypriot administration, (1975-83 as the Turkish Federated State of Cyprus and 1983 to present as the Turkish Republic of Northern Cyprus – TRNC), is a parliamentary system. The president, since 1975 has been elected by popular vote for a five-year term. There is a Council of Ministers (cabinet), which is headed by the Prime Minister (the Chief Executive).

The government of the Republic of Cyprus includes the president and a cabinet – the Council of Ministers. The president appoints the ministers. The legislative branch is comprised of a unicameral 56-member parliament called the House of Representatives. The members of the House are elected by popular vote for a 5-year term. The legislative branch of the TRNC, however, is called the Assembly of the Republic, which has 50 seats. The members similar to the Republic of Cyprus are elected by popular vote to serve five-year terms.

There are several political parties in both democracies that freely compete on all major areas of the political spectrum. Restorative Party of the Working People or AKEL (Communist Party), Democratic Rally or DISY (Right Wing), Democratic Party or DIKO (Right Wing), United Democratic Union of Cyprus or EDEK (Socialist), Eurodemocratic Renewal Movement (Right Wing), United Democrats Movement or EDI (formerly Free Democrats Movement or KED) (Right Wing), New Horizons (Right Wing), Ecologists (Green) are the Greek Cypriot political parties.

National Unity Party or UBP (Right Wing), Communal Liberation Party or TKP (Social Democrat), Republican Turkish Party or CTP (Socialist), Unity and Sovereignty Party or BEP (Right Wing), Democratic Party or DP (Right Wing), National Birth Party or UDP (Right Wing), New Cyprus Party or YKP (Left Wing), Patriotic Union Movement or YBH (Leftist), Our Party or BP (Islamic Right Wing) are the Turkish Cypriot parties.

## *Negotiations to find a Solution to the Cyprus Conflict*

The two communities have been conducting negotiation in an on and off fashion since 1968 in order to find a solution to the Cyprus conflict. Most of these negotiations took place as “indirect talks” where a UN representative used shuttle diplomacy between the two sides.<sup>26</sup>

The Helsinki Summit of the EU in December 1999 has put the Cyprus issue in close connection with Turkey’s EU membership (negotiations). According to the Helsinki Declaration, the EU announced that Turkey has to support the efforts of the UN Secretary General in resolving the Cyprus conflict. Hence, recently the first step in Cyprus negotiations came from the Turkish side where the President of TRNC Rauf Denktas unilaterally invited his Greek Cypriot counterpart President Clerides to the face-to-face talks in December 2001. The invitation was reciprocated by Clerides and since 4 December 2001 the two leaders have been negotiating face-to-face behind closed doors.

It is now evident that Denktas was encouraged to re-start the negotiations by Turkey. Denktas himself was not so happy about this. However, the order came from Turkey. There are some concrete reasons as to why Turkey has changed its policy regarding the Cyprus negotiations.<sup>27</sup>

The present candidacy of Cyprus for EU membership presents an important challenge for both the Union’s eastern expansion and current international efforts aimed at resolving the Cyprus problem. The main issues dividing the two communities are: (1) the future political system for Cyprus, (2)

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<sup>26</sup> For further details of the history of the Cyprus negotiations, see Sozen (1998).

<sup>27</sup> (1) The economic crisis in Turkey and Turkey’s need for IMF funds: Turkey’s receiving IMF funds are conditional. Turkey needs to take serious steps in economic and political reforms. Turkey’s economic program with the IMF is also closely related to its National Program for the EU. In other words, Turkey’s success with the IMF program will also positively influence its program with the EU. In this regard, Turkey has to show its goodwill regarding the Cyprus conflict, which Turkey put in its National Program as a response to the EU’s Accession Partnership Document. In addition, it is also known that the US – which can sometimes be identified as the main actor behind the IMF - is pushing the Turkish side to the negotiation table. In that sense, Turkey is now caught in a constraining situation.

(2) Recently, a strong pro- European Union lobby is being formed in Turkey. This lobby is composed of liberals, some ANAP (Motherland Party) members, a portion of the Turkish Army, many businessmen, and many intellectuals. This lobby is supporting liberal reforms in both economy and politics. As a guide, this lobby is following the EU’s Accession Partnership Document, which states that the Turkey should contribute to the solution of the Cyprus conflict before the membership accession negotiations of Turkey with the EU. For them, the resolution of the Cyprus conflict is a political criterion to be fulfilled by Turkey if Turkey wants to start accession negotiations with the EU.

(3) Time is running against the Turkish side with regard to the membership accession talks of the EU with Republic of Cyprus (Greek Cypriot side). 25 out of 29 chapters have already been finalized. In that respect, the Republic of Cyprus will be a EU member by 2003 or 2004. If the Cyprus conflict is not resolved until then, then Turkey will face TWO Greek vetoes in the EU.

guarantorship, (3) three freedoms, (4) military status of Cyprus, (5) displaced persons, (6) Turkish settlers/immigrants, (7) territorial adjustment, and (8) EU membership.<sup>28</sup>

Based on the elites survey carried out by the author, the following table summarizes the positions of the disputed sides on the afore mentioned eight important issues:

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<sup>28</sup> These eight issues first came from the original study of Sozen (1999).

**Table 1: Official Negotiation Positions of the Disputed Parties in Cyprus Conflict**

<i>Issues of Negotiation</i>	<i>Greek (Cypriot) Position</i>	<i>Turkish (Cypriot) Position</i>
<b>POLITICAL SYSTEM</b>	A unitary state structure is preferred. A federation in which the Turkish Cypriot can have “autonomy” is offered. May accept a bi-communal, bi-zonal federation without the equality of the Turkish Cypriot community. However, enormous side payments are needed for the acceptance of a bi-zonal, bi-communal federation in which the two federated states will have political equality.	“Two sovereign states” or a bi-zonal, bi-communal “confederation” of “two sovereign states” is preferred. However, with substantial side payments, a bi-zonal, bi-communal federation with specific political equality for the Turkish Cypriot community may be accepted.
<i>Federal powers</i>	Strong federal (central) system.	Very weak confederal/federal (central) system.
<i>State powers</i>	Very weak and limited powers.	Very strong and extensive powers. Specifically, the states will be sovereign.
<i>Sovereignty</i>	Single sovereignty for the whole island (i.e. for both communities).	Separate sovereignty for each people/nation (community) based on the self-determination right of each community.
<i>Representation</i>	Greek Cypriot President, (maybe) Turkish Cypriot Vice-President (no rotational presidency). Ratio of Greek to Turkish Cypriots in council of ministers, federal legislature and institutions to be based on population ratio (80:20 Greek to Turkish Cypriot).	Rotational Presidency; 50:50 Greek and Turkish Cypriot representation in (con)-federal institutions.
<b>GUARANTORSHIP</b>	A multi-national force, such as NATO, or UN force. No unilateral intervention right for Turkey.	1960 Treaty of Guarantee to remain without any change. (unilateral intervention right for Turkey).
<b>THREE FREEDOMS</b>		
<i>Freedom of movement</i>	Absolute freedom.	Freedom with very small restrictions (for former EOKA terrorists, etc.)
<i>Freedom of settlement</i>	Absolute freedom.	Freedom with restrictions (a quota to be imposed so the bi-zonality is respected)
<i>Freedom of property ownership</i>	Absolute freedom	Strong restrictions, and after a moratorium.
<b>TERRITORIAL ADJUSTMENT</b>	Greek Cypriot State having 80% of the land. May go down to around 75%.	Turkish Cypriot State to retain 29+% of the land.
<b>MILITARY BUILDUP</b>	Demilitarization of the island. A multinational force and lightly armed police force of Cypriots maintaining order.	Separate forces of defense and police for each state. Turkey keeps a contingent on the island for the security of Turkish Cypriots.
<b>DISPLACED PERSONS &amp; PROPERTIES</b>	All displaced persons have the right to return to their properties.	Restricted access to the displaced persons. Compensatory payments for the displaced persons and territorial adjustment to respect the bi-zonality.

<b>SETTLERS/ IMMIGRANTS</b>	All Turkish settlers should go back to mainland Turkey.	All Turkish immigrants should stay in Cyprus.
<b>EU MEMBERSHIP</b>	Strongly supports.	Supports membership only after a final solution, separate referenda for the two communities, and special relations of Cyprus with Turkey (i.e., Turkey having same rights as the other EU members in Cyprus).

*Source:* Data based on the interviews the author conducted in Nicosia, Ankara, Athens, Brussels and London during 1997-98, the daily news from the local media in Cyprus, Turkey, Greece, as well as from the international media and updated in 2002.

For the successful resolution of the Cyprus conflict and the durability of the solution, the two disputed sides have to find a win-win situation. In case of an imposed win-lose solution, the solution would not be durable and would lead to a more troubled conflict than it is today.

If the two disputed parties decide to co-operate, they have to give concessions in order to reach a win-win solution. Therefore, a win-win scenario (mutually compromised solution) in more detail would look like the following table.

**Table 2: Compromised Position of the Disputed Parties in Cyprus Conflict**

<b>Issues of Negotiation</b>	<b>Compromised Position</b>
<b>POLITICAL SYSTEM</b>	A bi-zonal, bi-communal structure (a hybrid between federation and confederation without a specific name). Belgian and Swiss models are good examples.
<i>Federal powers</i>	Weak central powers
<i>State powers</i>	Strong and extensive powers on certain areas (education, religion etc.)
<i>Sovereignty</i>	Single shared sovereignty (prohibition of both ENOSIS and TAKSIM)
<i>Representation</i>	Rotational Presidency (to symbolize the bi-communality/nationality), 70:30 ratio in lower house, council of ministers and federal institutions and 50:50 ratio in upper house
<b>GUARANTORSHIP</b>	1960 Treaty of Guarantee with maybe some cosmetic changes to make it compatible with the current realities of the island.
<b>THREE FREEDOMS</b>	
<i>Freedom of movement</i>	No or very small restrictions on the freedom of movement.
<i>Freedom of settlement</i>	Restricted freedom to respect the bi-zonality of the new state. A moratorium of X years and/or a quota.
<i>Freedom of property ownership</i>	Restricted freedom to respect the bi-zonality of the new state. A moratorium of X years and/or a quota.
<b>TERRITORIAL ADJUSTMENT</b>	70:25 ratio and 5% Central state property.
<b>MILITARY BUILDUP</b>	X and Y number of Greek and Turkish forces according to the Treaty of Guarantee. Lightly armed separate police force for each state and a small number of police force for the Central state.
<b>DISPLACED PERSONS &amp; PROPERTIES</b>	Most of the displaced persons to be settled according to the territorial adjustment and the rest to be financially compensated in order to respect the bi-zonality and for practical purposes.
<b>SETTLERS/ IMMIGRANTS</b>	This issue to be handled based on human rights. Some immigrants/settlers will remain based on certain criteria (marriage, a certain period of employment and/or residency etc.). The rest to be compensated for resettlement.
<b>EU MEMBERSHIP</b>	EU membership after a solution where the arrangements of the overall solution would be incorporated into the <i>acquis communautaire</i> .

The third parties have a lot to do in order to foster a compromised agreement between the two disputed parties to be reached. The third parties, such as the UN, the EU and the US should be able to create valuable side-payments in order to encourage the disputed parties to be more flexible on their negotiation positions. Failure to do this would only make the conflict more protracted.

## APPENDIX

### APPENDIX 1

#### Thirteen Amendments Proposed by the Greek Cypriot Leadership to Change the 1960 Constitution of Cyprus (November 1963)

1. The right of veto of the President and the Vice-President of the Republic should be abandoned.
2. The Vice-President of the Republic should deputise for the President of the Republic in case of his temporary absence or incapacity to perform his duties.
3. The Greek President of the House of Representatives and the Turkish Vice-President should be elected by the House as a whole and not as at present the President by the Greek Members of the House and the Vice-President by the Turkish Members of the House.
4. The Vice-President of the House of Representatives should deputise for the President of the House in case of his temporary absence or incapacity to perform his duties.
5. The constitutional provisions regarding separate majorities for enactment of certain laws by the House of Representatives should be abolished.
6. Unified Municipalities should be established.
7. The administration of Justice should be unified.
8. The division of the Security Forces into Police and Gendarmerie should be abolished.
9. The numerical strength of the Security Forces and of the Defence Forces should be determined by a Law.
10. The proportion of participation of Greek and Turkish Cypriots in the composition of the Public Service and the Forces of the Republic should be modified in proportion to the ratio of the population of Greek and Turkish Cypriots.
11. The number of the Members of the Public Service Commission should be reduced from ten to five.
12. All decisions of the Public Service Commission should be taken by simple majority.
13. The Greek Communal Chamber should be abolished.



## **APPENDIX 2**

### **BASIC STRUCTURE OF THE REPUBLIC OF CYPRUS**

(English translation of the French Text)

Documents Agreed in the French Text and initialed by the Greek and Turkish Prime Ministers at Zurich on February 11, 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 5 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 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 decision 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 5 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 (NB. 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, and 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 9 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 judgment 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 organizations and pacts of alliance in which Greece and Turkey both participate or concerning defense and security as defined in Annex I.

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 Chamber 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. (NB. 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 laws 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 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 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 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. In 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 the 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 within 4 years the question whether or not this separation of municipalities in the five largest towns shall continue.

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

21. A Treaty guaranteeing the 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 recognized 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 a period of not more than 3 months from the signature of the Treaties.

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

#### Annex I

The defense 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 of all kinds of explosives.

(d) Granting of bases and other facilities to allied countries.

The security questions subject to veto are as follows.

- (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 of decisions, but not those which concern the normal functioning of the police and gendarmerie.

### **APPENDIX 3**

#### **Treaty of Guarantee: Nicosia, 16 August 1960**

The Republic of Cyprus on 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 the 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 concern 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 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 of 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 original texts of the present Treaty shall be deposited at Nicosia. 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.

## **APPENDIX 4**

### **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 defense and to consult together on the problems raised by that defense.

#### **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.I 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 No. I**

I. The Greek and Turkish contingents which are to participate in the Tripartite Headquarters shall comprise respectively 950 Greek officers, non-commissioned 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 No.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 cognizance 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 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 Headquarters' activities.



## **APPENDIX 5**

### **Treaty of Establishment**

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

Desiring to make provisions to give effect to the Declaration made by the Government of the United Kingdom on the 17th of February, 1959, during the Conference at London, in accordance with the subsequent Declarations made at the Conference by the Foreign Ministers of Greece and Turkey, by the Representative of the Greek Cypriot Community and by the Representative of the Greek Cypriot Community and by the Representative of the Turkish Cypriot Community;

Taking note of the terms of the Treaty of Guarantee signed to-day by the Parties to this Treaty;

Have agreed as follows;

#### **ARTICLE 1**

The territory of the Republic of Cyprus shall comprise the island of Cyprus, together with the islands lying off its coast, with the exception of the two areas defined in Annex A to this Treaty, which areas shall remain under the sovereignty of the United Kingdom. These areas are in this Treaty and its Annexes referred to as the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area.

#### **ARTICLE 2**

(1) The Republic of Cyprus

(2) The Republic of Cyprus shall co-operate fully with the United Kingdom to ensure the security and effective operation of the military bases situated in the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and the full enjoyment by the United Kingdom of the rights conferred by this Treaty.

#### **ARTICLE 3**

The Republic of Cyprus, Greece, Turkey and the United Kingdom undertake to consult and co-operate in the common defense of Cyprus.

#### **ARTICLE 4**

The arrangements concerning the status of forces in the Island of Cyprus shall be those contained in Annex C to this Treaty.

#### **ARTICLE 5**

The Republic of Cyprus shall secure to everyone within its jurisdiction human rights and fundamental freedoms comparable to those set out in section I of the European Convention for the Protection of Human Rights and Fundamental signed at Rome on the 4th of November, 1950, and the Protocol to that Convention signed at Paris on the 20th of March.

#### **ARTICLE 6**

The arrangements concerning the nationality of persons affected by the establishment of the Republic of Cyprus shall be those contained in Annex D to this Treaty.

#### **ARTICLE 7**

The Republic of Cyprus and the United Kingdom accept and undertake to carry out the necessary financial and administrative arrangements to settle questions arising out of the termination of British administration in the territory of the Republic of Cyprus. These arrangements are set forth in Annex E to this Treaty.

#### **ARTICLE 8**

(1) All international obligations and responsibilities of the Government of the United Kingdom shall henceforth, in so far as they may be held to have application to the Republic of Cyprus, be assumed by the Government of the Republic of Cyprus.

(2) The international rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of their application to the territory of the Republic of Cyprus shall henceforth be enjoyed by the Government of the Republic of Cyprus.

#### ARTICLE 9

The Parties to this Treaty accept and undertake to carry out the arrangements concerning trade, commerce and other matters set forth in Annex F to this Treaty.

#### ARTICLE 10

Any question or difficulty as to the interpretation of the provisions of this Treaty shall be settled as follows:

(1) Any question or difficulty that may arise over the operation of the military requirements of the United Kingdom, or concerning the provisions of this Treaty in so far as they affect the status, rights and obligations of United Kingdom forces or any other forces associated with them under the terms of this Treaty, or of Greek, Turkish and Cypriot forces, shall ordinarily be settled by negotiation between the tripartite Headquarters of the Republic of Cyprus, Greece and Turkey and the authorities of the armed forces of the United Kingdom.

(2) Any question or difficulty as to the interpretation of the provisions of this Treaty on which agreement cannot be reached by negotiation between the military authorities in the cases described above, or, in other cases, by negotiation between the Parties concerned through the diplomatic channel, shall be composed of four representatives, one each to be nominated by the Government of the United Kingdom, the Government of Greece, the Government of Turkey and the Government of the Republic of Cyprus, together with an independent chairman nominated by the President of the International Court of Justice. If the President is a citizen of the United Kingdom and Colonies or of the Republic of Cyprus of Greece or of Turkey, the Vice-President shall be requested to act; and, if he also is such a citizen, the next senior Judge of the Court.

#### ARTICLE 11

The Annexes to this Treaty shall have force and effect as integral parts of this Treaty.

#### ARTICLE 12

This Treaty shall enter into force on signature by all the Parties to it.

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