

Ερώτηση. Πρωθυπουργέ
 Τα'αρεφενά ανεξαρτήτως εν τ'τ. / ατκ εν τ'τ'ς
 θεωρείται ως'ατκ, ανεξ'ατκ εν τ'τ'ς ανεξαρτήτως.

- **For a reunited Cyprus to sign the accession treaty on 16 April, if it is imperative that a number of steps would be taken before that time.**
 - Most important, the separate simultaneous referenda envisaged in the plan have to be conducted on 30 March 2003. This would give the EU just enough time to make changes in the accession treaty to accommodate the settlement.
 - To get to that point, I need a binding commitment from both sides to go to referendum. This commitment must come early enough to allow the technical work to be completed and the referenda organized.
 - If you study the revised document, you will see that you are not being asked to agree to all the provisions of the plan, but to commit to submit the plan to referendum.
 - In effect, you are being asked to accept that further political discussions cannot produce a better result, and to allow your people to decide their own future.
 - Given the long term history of these negotiations, this seems to be a reasonable and realistic conclusion to come to.
- **Given all of these factors, I believe that the time is very near for each side to take a decision.**
 - I don't necessarily expect you to give me an answer today. While you have known our thoughts since the weekend, and I am sure you are still studying the document. I can give you a bit of time, and this would also allow you to complete any internal consultations or processes you may deem necessary before you are in a position to give me an answer. [For instance, if Mr Denktash feels he must have a consultative referendum, he should do it before that date.]
 - However, the line must be drawn at some point in early March if the referenda are to be held in time. In my view,

putting off agreement beyond early March is pretty much the same as turning down an agreement.

- A decision will have to be taken at that time whether you can live with what has been achieved at that point.
- **I will be in Europe in early March. I intend to invite you to meet me in the Hague on 10 March.**
 - At that time, I will want to know whether you are prepared, there and then, to commit to putting the plan to separate simultaneous referenda on 30 March. In other words, I will want to know whether you are prepared to sign the two page "Commitment to submit the Foundation Agreement to approval at separate simultaneous referenda in order to achieve a comprehensive settlement of the Cyprus Problem".
 - I would then inform the Security Council of the outcome of the 10 March meeting.
 - If the outcome is positive, we can move ahead to finalize the technical parts of the plan and you each side can prepare its referendum.
 - If the outcome is negative, the implications regarding the continuation of the good offices effort would have to be reviewed.
- **You have much to reflect upon in the coming days – about the future of Cyprus and of your people. It takes old adversaries to make peace. The time has come to make peace. We will remain at your disposal in the coming days as you conclude your efforts and ponder the decisions that you have to take.**
- **But for now, may I take it that you would be ready to see me in The Hague on 10 March for the purpose I have stated?**

Revision: 26 February 2003

**BASIS FOR A COMPREHENSIVE
SETTLEMENT OF THE CYPRUS
PROBLEM**

COMMITMENT TO SUBMIT THE FOUNDATION AGREEMENT TO APPROVAL AT SEPARATE SIMULTANEOUS REFERENDA IN ORDER TO ACHIEVE A COMPREHENSIVE SETTLEMENT OF THE CYPRUS PROBLEM

We, the democratically elected leaders of the Greek Cypriots and the Turkish Cypriots, following negotiations under the auspices of the Secretary-General of the United Nations in which each side represented itself, and no-one else, as the political equal of the other, agree to put for approval in separate simultaneous referenda on 30 March 2003 the attached Foundation Agreement, dated [...] 2003, incorporating any alterations we may jointly agree on by 25 March 2003 and including its completed annexes and attachments, in particular, regarding

- (i) the flag and anthem of the United Cyprus Republic as chosen according to the procedures of the flag and anthem competitions currently being conducted;
- (ii) the List of International Treaties binding on the United Cyprus Republic and the texts of the Constitutional Laws, Cooperation Agreements, and federal laws as negotiated by the technical committees; and
- (iii) the appointees to the transitional Supreme Court and the transitional Board of the Central Bank;

with any indispensable suggestions the Secretary-General of the United Nations might make to complete these attachments should they not be completed by 25 March 2003 (or, in the case of appointees, 10 March 2003), together with a constituent state Constitution consistent with the draft Foundation Agreement and containing the following article:

- i) "constituent state laws adopted pursuant to a provision put to referendum together with the Foundation Agreement and this Constitution shall, as from entry into force of the Foundation Agreement, be applied in this constituent state with such modifications as may be necessary to bring them into conformity with the Foundation Agreement and the Constitution of this constituent state.
- ii) No provision in any such law which is contrary to or inconsistent with any provision of the Foundation Agreement or this Constitution shall so continue to be in force.
- iii) The term "modification" in the above paragraphs includes amendment, adaptation and repeal."

and a provision specifying those laws that shall become laws of our respective constituent state, by asking the following question:

"Do you approve the Foundation Agreement with all its Annexes, as well as the Constitution of the Greek Cypriot/Turkish Cypriot constituent state and the

provisions as to its laws to be in force, to bring into being a new state of affairs in which Cyprus joins the European Union united? Yes/No";

and invite the Secretary-General of the United Nations to request the Security Council to take decisions as set out in an appendix to this Document.

We welcome the willingness of the European Commission to organise an international donors' conference and request the full support of the international community.

Done at [] this [] day of [] 2003 in four copies in the English language.

Signature
For the Greek Cypriot side

Signature
For the Turkish Cypriot side

Statement by Greece, Turkey and the United Kingdom

The Hellenic Republic, the Republic of Turkey, and the United Kingdom of Great Britain and Northern Ireland hereby confirm:

- (i) that they agree to the Foundation Agreement being so put to separate simultaneous referenda; and
- (ii) that, upon approval of the Foundation Agreement at separate simultaneous referenda, they are committed to signing together with the United Cyprus Republic the Treaty on matters related to the new state of affairs in Cyprus as annexed to the Foundation Agreement, which shall be registered as an international treaty in accordance with Article 102 of the Charter of the United Nations.

Done at [] this [] day of [] 2003 in four copies in the English language.

Signature
Hellenic Republic

Signature
United Kingdom of
Great Britain and
Northern Ireland

Signature
Republic of Turkey

Witnessed by

Kofi A. Annan
Secretary-General of the United Nations

Appendices: **Foundation Agreement**
 Matters to be Submitted to the United Nations
 Security Council for Decision

FOUNDATION AGREEMENT

Note on marking up: All changes where text is added or restructured are highlighted (with the exception of the consequential changes flowing from changes to Article 1.1 of the Constitution). Deleted text is indicated (~~struck-out~~) only if it is not replaced by new text. Substantial changes are further highlighted in **bold**.

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MAIN ARTICLES

- i. *Affirming that Cyprus is our common home and recalling that we were co-founders of the Republic established in 1960*
- ii. *Resolved that the tragic events of the past shall never be repeated and renouncing forever the threat or the use of force, or any domination by or of either side*
- iii. *Acknowledging each other's distinct identity and integrity and that our relationship is not one of majority and minority but of political equality*
- iv. *Deciding to renew our partnership on that basis and determined that this new bi-zonal partnership shall ensure a common future in friendship, peace, security and prosperity in an independent and united Cyprus*
- v. *Underlining our commitment to international law and the principles and purposes of the United Nations*
- vi. *Committed to respecting democratic principles, individual human rights and fundamental freedoms, as well as each other's cultural, religious, political, social and linguistic identity*
- vii. *Determined to maintain special ties of friendship with, and to respect the balance between, Greece and Turkey, within a peaceful environment in the Eastern Mediterranean*
- viii. *Looking forward to joining the European Union, and to the day when Turkey does likewise*
- ix. ~~*Welcoming the Comprehensive Settlement freely reached by our democratically elected leaders on all aspects of the Cyprus Problem, and its endorsement by Greece and Turkey, along with the United Kingdom*~~

We, the Greek Cypriots and the Turkish Cypriots, exercising our inherent constitutive power, by our free and democratic, separately expressed common will adopt this Foundation Agreement.

Article 1 *The new state of affairs*

1. This Agreement establishes a new state of affairs in Cyprus.
2. The treaties listed in this Agreement bind Cyprus and the attached legislation ~~indispensable for the functioning of the federal government~~ shall apply upon entry into force of this Agreement.
3. The Treaty of Establishment, the Treaty of Guarantee, and the Treaty of Alliance remain in force and shall apply *mutatis mutandis* to the new state of affairs. Upon entry into force of this Agreement, Cyprus shall sign a Treaty with Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus, along with additional protocols to the Treaties of **Establishment**, Guarantee and Alliance.
4. Cyprus shall sign and ratify the Treaty of Accession to the European Union.
5. Cyprus shall maintain special ties of friendship with Greece and Turkey, respecting the balance established by the Treaty of Guarantee and the Treaty of Alliance and this Agreement, and as a European Union member state shall support the accession of Turkey to the Union.
6. Any unilateral change to the state of affairs established by this Agreement, in particular union of Cyprus in whole or in part with any other country or any form of partition or secession, is prohibited. Nothing in this Agreement shall in any way be construed as contravening this prohibition.

Article 2 *The **United Cyprus Republic, its **federal government**, and its **constituent states*****

1. The status and relationship of the **United Cyprus Republic**, its **federal government**, and its **constituent states**, is modeled on the status and relationship of Switzerland, its federal government, and its cantons. Accordingly:
 - a. The United Cyprus Republic is an independent state in the form of an indissoluble partnership, with a federal government and two equal constituent states, **the Greek Cypriot State and the Turkish Cypriot State**. Cyprus is a member of the United Nations and has a single international legal personality and sovereignty. The United Cyprus Republic is organised under its Constitution in accordance with the basic principles of rule of law, democracy, representative republican government, political equality, bi-zonality, and the equal status of the constituent states.

- b. The federal government sovereignly exercises the powers specified in the Constitution, which shall ensure that Cyprus can speak and act with one voice internationally and in the European Union, fulfill its obligations as a European Union member state, and protect its integrity, borders, resources and ancient heritage.
 - c. The constituent states are of equal status. Within the limits of the Constitution, they sovereignly exercise all powers not vested by the Constitution in the federal government, organising themselves freely under their own Constitutions.
2. The constituent states shall cooperate and co-ordinate with each other and with the federal government, including through Cooperation Agreements, as well as through Constitutional Laws approved by the federal Parliament and both constituent state legislatures. In particular, the constituent states shall participate in the formulation and implementation of policy in external relations and European Union affairs on matters within their sphere of competence, in accordance with Cooperation Agreements modeled on the Belgian example. The constituent states may have commercial and cultural relations with the outside world in conformity with the Constitution.
 3. The federal government and the constituent states shall fully respect and not infringe upon the powers and functions of each other. There shall be no hierarchy between federal and constituent state laws. Any act in contravention of the Constitution shall be null and void.
 4. The Constitution of the United Cyprus Republic may be amended by separate majority of the voters of each constituent state in accordance with the specific provisions of the Constitution.

Article 3 Citizenship

1. There is a single Cypriot citizenship. Special majority federal law shall regulate eligibility for Cypriot citizenship.
2. All Cypriot citizens shall also enjoy internal constituent state citizenship status. Like the citizenship status of the European Union, this status shall complement and not replace Cypriot citizenship.
3. Political rights at the federal level shall be exercised based on internal constituent state citizenship status. Political rights at the constituent state and local level shall be exercised at the place of permanent residency.
4. **Until Turkey's accession to the European Union, a constituent state may limit the establishment of residence by persons hailing from the other constituent state. To this effect, it may establish a moratorium until the end of the sixth year, after which limitations are permissible if the number of residents hailing from the other constituent state has reached 7% of the population of a village or municipality between the 7th and 10th years and 14% between the**

11th and 15th years and 21% of the population of the relevant constituent state thereafter. After the second year, no such limitations shall apply to former inhabitants over the age of 65 accompanied by a spouse or sibling, nor to former inhabitants of specified villages.

Article 4 *Fundamental rights and liberties*

1. Respect for human rights and fundamental freedoms shall be enshrined in the Constitution. There shall be no discrimination against any person on the basis of his or her gender, ethnic or religious identity, or internal constituent state citizenship status. Freedom of movement and freedom of residence may be limited only where expressly provided for in this Agreement.
2. Greek Cypriots and Turkish Cypriots living in specified villages in the other constituent state shall enjoy cultural, religious and educational rights and shall be represented in the constituent state legislature.
3. The rights of religious and other minorities, namely the Maronite, the Latin and the Armenian, shall be safeguarded in accordance with international standards, and shall include cultural, religious and educational rights as well as representation in federal Parliament and constituent state legislatures.

Article 5 *The federal government*

1. The federal Parliament composed of two chambers, the Senate and the Chamber of Deputies, shall exercise the legislative power:
 - a. Each Chamber shall have 48 members. The Senate shall be composed of an equal number of Senators from each constituent state. The Chamber of Deputies shall be composed in proportion to persons holding internal constituent state citizenship status of each constituent state, provided that each constituent state shall be attributed no less than one quarter of seats.
 - b. Decisions of Parliament shall require the approval of both Chambers by simple majority, including one quarter of voting Senators from each constituent state. For specified matters, a special majority of two-fifths of sitting Senators from each constituent state shall be required.
2. The Office of Head of State is vested in the Presidential Council, which shall exercise the executive power:
 - a. The Presidential Council shall comprise six members elected on a single list by special majority in the Senate and approved by majority in the Chamber of Deputies. The composition of the Presidential Council shall be proportional to the number of persons holding the internal constituent state citizenship status of each constituent state,

though no less than one-third of the members of the Council must come from each constituent state.

- b. The Presidential Council shall strive to reach decisions by consensus. Where it fails to reach consensus, it shall, unless otherwise specified, take decisions by simple majority of members voting, provided this comprises at least one member from each constituent state.
 - c. The members of the Council shall be equal and each member shall head a department. The heads of the Departments of Foreign Affairs and European Union Affairs shall not come from the same constituent state.
 - d. The offices of President and Vice-President of the Council shall rotate every ten calendar months among members of the Council. No more than two consecutive Presidents may come from the same constituent state. The President, and in his absence or temporary incapacity, the Vice-President, shall represent the Council as Head of State and Head of Government. The President and Vice-President shall not enjoy a casting vote or otherwise increased powers within the Council.
 - e. The executive heads of the constituent states shall be invited to participate without a vote in all meetings of the Council in the first ten years after entry into force of the Agreement, and thereafter on a periodical basis.
3. The Central Bank of Cyprus, the Office of the Attorney-General and the Office of the Auditor-General shall be independent.

Article 6 *The Supreme Court*

1. The Supreme Court shall uphold the Constitution and ensure its full respect.
2. It shall comprise an equal number of judges from each constituent state, and three non-Cypriot judges until otherwise provided by law.
3. The Supreme Court shall, *inter alia*, resolve disputes between the constituent states or between one or both of them and the federal government, and resolve on an interim basis deadlocks within federal institutions if this is indispensable to the proper functioning of the federal government.

Article 7 *Transitional federal institutions*

1. The federal institutions shall evolve during transitional periods, after which these institutions shall operate as described above.
2. Upon entry into force of this Agreement, the leaders of the two sides shall become Co-Presidents of the United Cyprus Republic for thirty

calendar months. Each Co-President shall be confirmed by their respective constituent state legislature, which may instead elect another person as Co-President, and which shall elect a replacement should the office of Co-President fall vacant. The Co-Presidents shall exercise the executive power during the first year, assisted by a Council of Ministers which they shall appoint. For the following eighteen months, the executive power shall be exercised by a Council of Ministers elected by Parliament, and the Co-Presidents shall together hold the office of Head of State.

3. Constituent state legislatures to be elected within 40 days of entry into force of this Agreement shall each nominate 24 delegates (reflecting the political composition of their legislature) to a transitional federal Parliament to operate for one year.
4. A transitional Supreme Court shall assume its functions upon entry into force of this Agreement.

Article 8 Demilitarisation

1. Bearing in mind that:
 - a. The Treaty of Guarantee, in applying *mutatis mutandis* to the new state of affairs established in this Agreement and the Constitution of Cyprus, shall cover, in addition to the independence, territorial integrity, security and constitutional order of the United Cyprus Republic, the territorial integrity, security and constitutional order of the constituent states;
 - b. The Treaty of Alliance shall permit Greek and Turkish contingents, each not exceeding 6,000¹ all ranks, to be stationed under the Treaty of Alliance in the Greek Cypriot State and the Turkish Cypriot State respectively; **and that upon accession of Turkey to the European Union, all Greek and Turkish troops shall be withdrawn from Cyprus unless otherwise agreed between Cyprus, Greece and Turkey;**
 - c. Greek and Turkish forces and armaments shall be redeployed to agreed locations and adjusted to agreed levels, and any forces and armaments in excess of agreed levels shall be withdrawn;
 - d. There shall be a United Nations peacekeeping operation to monitor the implementation of this Agreement and use its best efforts to promote compliance with it and contribute to the maintenance of a secure environment, to remain as long as the federal government, with the concurrence of both constituent states, does not decide otherwise;
 - e. The supply of arms to Cyprus shall be prohibited in a manner that is legally binding on both importers and exporters; and

¹ **Reference:** This number may be changed if the Additional Protocol to the Treaty of Alliance is revised by agreement between Cyprus, Greece and Turkey.

- f. A Monitoring Committee composed of representatives of the guarantor powers, the federal government, and the constituent states, and chaired by the United Nations, shall monitor the implementation of this Agreement,
- Cyprus shall be demilitarised, and all Greek Cypriot and Turkish Cypriot forces, including reserve units, shall be dissolved, and their arms removed from the island, in phases synchronized with the redeployment and adjustment of Greek and Turkish forces.
2. There shall be no paramilitary or reserve forces or military or paramilitary training of citizens. All weapons except licensed sporting guns shall be prohibited.
 3. The constituent states shall prohibit violence and the incitement to violence against the United Cyprus Republic, the federal government, the constituent states, or the guarantor powers.
 4. Cyprus shall not put its territory at the disposal of international military operations other than with the consent of both constituent states; **until the accession of Turkey to the European Union, the consent of Greece and Turkey shall also be required.**
 5. The federal government and the constituent states shall cooperate with the United Nations operation. The cost of the operation to the United Nations shall be borne by the United Cyprus Republic.
 6. These provisions do not prejudice the provisions of the Treaty of Establishment, the Treaty of Guarantee, the Treaty of Alliance, the mandate of a United Nations peacekeeping operation and the provisions of the Constitution on federal and constituent state police and the Joint Investigation Agency.

Article 9 *Constituent state boundaries and territorial adjustment*

1. The territorial boundaries of the constituent states shall be as depicted in the map which forms part of this Agreement.²
2. Areas subject to territorial adjustment which are legally part of the Greek Cypriot State upon entry into force of this Agreement, shall be administered during an interim period no longer than three years by the Turkish Cypriot State. Administration shall be transferred under the supervision of the United Nations to the Greek Cypriot State in agreed phases, beginning 90 days after entry into force of this Agreement with the transfer of administration of largely uninhabited areas contiguous with the remainder of the Greek Cypriot State.

² **Observation:** There are, in fact, two maps attached to the Constitution. The first map depicts the territory of the United Cyprus Republic and the territorial boundaries of the constituent states upon entry into force of the Foundation Agreement. The second map depicts the territory of the United Cyprus Republic and the territorial boundaries of the constituent states upon entry into force of the Additional Protocol to the Treaty of Establishment.

3. Special arrangements shall safeguard the rights and interests of current inhabitants of areas subject to territorial adjustment, and provide for orderly relocation to adequate alternative accommodation in appropriate locations where adequate livelihoods may be earned.

Article 10 *Property*

1. Claims by property owners dispossessed by events prior to entry into force of this Agreement shall be resolved in a comprehensive manner in accordance with international law, respect for the individual rights of dispossessed owners and current users, and the principle of bi-zonality.
2. In areas subject to territorial adjustment, properties shall be reinstated to dispossessed owners.
3. In areas not subject to territorial adjustment, the arrangements for the exercise of property rights, by way of reinstatement or compensation, shall have the following basic features:
 - a. Dispossessed owners who opt for compensation or whose properties are not reinstated under the property arrangements shall receive full and effective compensation on the basis of value at the time of dispossession adjusted to reflect appreciation of property values in comparable locations;
 - b. Current users, being persons who have possession of properties of dispossessed owners as a result of an administrative decision, may apply for and shall receive title if they agree in exchange to renounce their title to a property, of similar value and in the other constituent state, of which they were dispossessed;
 - c. Persons who own significant improvements to properties may apply for and shall receive title to such properties provided they pay for the value of the property in its original state;
 - d. There shall be incentives for owners to sell, lease or exchange properties to current users or other persons from the constituent state in which a property is located;
 - e. Properties not covered by the above shall be reinstated five years after entry into force of this Agreement (three years for vacant properties), provided that no more than **10%** of the area and residences in either constituent state and **20%**³ in any given municipality or village (other than villages specifically designated in this Agreement) shall be reinstated to owners from the other constituent state; and
 - f. Current users who are Cypriot citizens and are required to vacate property to be reinstated shall not be required to do so until adequate alternative accommodation has been made available.
4. Property claims shall be received and administered by an independent, impartial Property Board, composed of an equal number of members

³ **Note:** These percentages are directly related to the agreed territorial adjustment.

from each constituent state, as well as non-Cypriot members. No direct dealings between individuals shall be necessary.

Article 11 *Reconciliation Commission*

1. An independent, impartial Reconciliation Commission shall promote understanding, tolerance and mutual respect between Greek Cypriots and Turkish Cypriots.
2. The Commission shall be composed of men and women, in equal numbers from each constituent state, as well as at least one non-Cypriot member, which the Secretary-General of the United Nations is invited to appoint in consultation with the federal government and the constituent states.

Article 12 *Past acts*

1. Any act, whether of a legislative, executive or judicial nature, by any authority in Cyprus⁴ whatsoever, prior to entry into force of this Agreement, is recognised as valid and, provided it is not inconsistent with or repugnant to any other provision of this Agreement or international law⁵, its effect shall continue following entry into force of this Agreement.⁶ No-one shall be able to contest the validity of such acts by reason of what occurred prior to entry into force of this Agreement.
2. Any claims for liability or compensation arising from acts prior to this Agreement shall, insofar as they are not otherwise regulated by the provisions of this Agreement, be dealt with by the constituent state from which the claimant hails.

Article 13 *Entry into force and implementation*

1. This Agreement shall enter into force at 00:00 hours on the day following confirmed approval by each side at separate simultaneous referenda conducted in accordance with the Agreement.
2. Upon entry into force of this Agreement, there shall be ceremonies throughout the island at which all flags other than those prescribed in the Constitution are lowered, the flags of the United Cyprus Republic and of the constituent states raised in accordance with the Constitution and

⁴ **Observation:** The term Cyprus here is to be understood in the sense of the island of Cyprus excluding the Sovereign Base Areas.

⁵ **Observation:** This refers to questions of substantial international law and not to any question of the legitimacy or status of the relevant authorities under international law.

⁶ **Observation:** Matters of citizenship, immigration, and properties affected by events since 1963 are dealt with in a comprehensive way by this Agreement; any validity of acts prior to entry into force of this Agreement regarding these matters shall thus end unless they are in conformity with the relevant provisions of this Agreement.

relevant legislation, and the anthems of the United Cyprus Republic and of the constituent states played.

3. Upon entry into force of this Agreement, the Co-Presidents shall inform the United Nations that henceforth the membership rights and obligations of Cyprus in the United Nations shall be exercised in accordance with the new state of affairs. The agreed flag of Cyprus shall be raised at United Nations Headquarters.
4. This Agreement shall be implemented in accordance with the binding timeframes laid down in the various parts of the Agreement and reflected in the calendar of implementation.

Article 14 Annexes

The above main articles are reflected in detailed legal language in the Annexes which form an integral part of this Agreement.

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Part I: BASIC ARTICLES

Article 1 *The United Cyprus Republic*

1. **The United Cyprus Republic** is an independent and sovereign state with a single international legal personality and a **federal government** and consists of **two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State**.
2. The independence, territorial integrity, security, and constitutional order of the United Cyprus Republic shall be safeguarded and respected by all.
3. Union of Cyprus in whole or in part with any other country, any form of partition or secession, and any other unilateral change to the state of affairs established by the Foundation Agreement and this Constitution is prohibited.
4. The United Cyprus Republic shall be organised under this Constitution in accordance with the basic principles of rule of law, democracy, representative republican government, political equality of Greek Cypriots and Turkish Cypriots, bi-zonality and the equal status of the constituent states.

Article 2 *The constituent states*

1. The constituent states are of equal status. Each constituent state exercises its authority within the limits of this Constitution and its territorial boundaries as set out in the attachment to this Constitution.
2. The identity, territorial integrity, security and constitutional order of the constituent states shall be safeguarded and respected by all.
3. The constituent states shall organise themselves freely within the limits of this Constitution and in conformity with the basic principles of rule of law, democracy, and representative republican government under their own Constitutions.

Part II: GENERAL PROVISIONS

Article 3 Constitution as supreme law

1. This Constitution, having been democratically adopted by the Greek Cypriots and the Turkish Cypriots through their separately expressed common will, is the supreme law of the land and is binding on all federal authorities and the constituent states. Any act by the federal government or either constituent state in contravention of this Constitution shall be null and void.
2. The federal government shall fully respect and not infringe upon the powers and functions of the constituent states under this Constitution. Each constituent state shall fully respect and not infringe upon the powers and functions of the federal government or the other constituent state under this Constitution. There shall be no hierarchy between federal and constituent state laws.⁷
3. The Supreme Court shall uphold this Constitution and ensure its full respect by **other** federal organs and the constituent states.

Article 4 Rule of law

1. The law is the basis of and limitation for all acts of government at all levels.
2. All acts of government at all levels shall conform with the principles of public interest, proportionality and good faith.
3. The federal government as well as the constituent states shall respect international law, including all treaties binding upon the United Cyprus Republic, which shall be considered an integral part of this Constitution.

Article 5 Secular nature of the United Cyprus Republic

1. The United Cyprus Republic, its federal government and its constituent states are secular.
2. Religious functionaries shall not hold elected or appointed political or public office.

⁷ **Observation:** This Constitution gives the Supreme Court power to determine the validity of any law.

Article 6 *Demilitarisation of the United Cyprus Republic*

1. The United Cyprus Republic and its constituent states shall be demilitarised. There shall be no paramilitary or reserve forces or military or paramilitary training of citizens.
2. Cyprus shall not put its territory at the disposal of international military operations other than with ~~the consent of Greece and Turkey~~ or the consent of the governments of both constituent states.
3. All weapons, except licensed sporting guns, shall be prohibited.
4. **The constituent states shall prohibit by law violence and the incitement to violence against the United Cyprus Republic, the federal government, the constituent states, or the guarantor powers and shall not tolerate such acts by persons, groups or organisations operating within their boundaries.**
5. The provisions of this Article are without prejudice to the provisions of the Treaty of Establishment, the Treaty of Guarantee, the Treaty of Alliance, the mandate of a UN peacekeeping operation in Cyprus and the provisions of this Constitution on federal and constituent state police and the Joint Investigation Agency.

Article 7 *Seat of the federal government*

The seat of the federal government shall be greater Nicosia.

Article 8 *Flags and anthems*

1. The flag of the United Cyprus Republic shall be [insert description of flag], as attached to this Constitution. **This** flag shall be flown alone or together with the flag of the European Union on federal government buildings.
2. The anthem of the United Cyprus Republic shall be [insert name of anthem], as attached to this Constitution.
3. The constituent states shall have their own anthems and flags. The constituent state flag shall be flown on constituent state government buildings, along with and in the same manner as the flag of the United Cyprus Republic and, if constituent state law so provides, that of the European Union. No other flags shall be flown on constituent state government buildings or public property.

Article 9 *The official languages and promulgation of official acts*

1. The official languages of the United Cyprus Republic are Greek and Turkish. The use of English for official purposes shall be regulated by law.
2. Legislative, executive, administrative and judicial acts and documents of the federal government shall be drawn up in all official languages and shall, unless otherwise provided, be promulgated by publication in the official Gazette of the United Cyprus Republic in all official languages.
3. All persons shall have the right to address the federal authorities in any of the official languages and to be addressed in that same language.
4. The official languages of the United Cyprus Republic shall be taught mandatorily to all secondary school students.

Article 10 *Official Holidays of the United Cyprus Republic*

1. The National Holiday of the United Cyprus Republic shall be the day of the referenda on the Foundation Agreement.
2. In addition to Sundays, the following official holidays shall be observed throughout Cyprus:
 - a. 1 January (New Year's Day);
 - b. 1 May (Labour Day);
 - c. 25 December (Christmas);
 - d. Good Friday;
 - e. Easter Monday;
 - f. The first day of Ramadan/Sheker Bayram;
 - g. The first day of Kurban Bayram; and
 - h. The birthday of the Prophet Mohammed.
3. Each constituent state shall determine and observe its own holidays in addition to those of the United Cyprus Republic.
4. Federal public servants shall be entitled to observe, in addition to the above, the official holidays of either one constituent state or the other.

Part III: FUNDAMENTAL RIGHTS AND LIBERTIES

Article 11 *Fundamental Rights*

1. In accordance with Article 4(3) of this Constitution, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols which are in force for the United

Cyprus Republic and the United Nations Covenant on Civil and Political Rights shall be an integral part of this Constitution.

2. There shall be no discrimination against any person on the basis of his or her gender, ethnic or religious identity, or internal constituent state citizenship status.
3. There shall be freedom of movement and freedom of residence throughout Cyprus, except as otherwise expressly provided in this Constitution or any other parts of the Foundation Agreement or a Constitutional Law.
4. The rights of religious ~~and other~~ minorities, namely the Maronite, the Latin and the Armenian, shall be safeguarded. The federal government and the constituent states shall, within their respective spheres of competence, afford minorities the status and rights foreseen in the European Framework Convention for the Protection of National Minorities, in particular the right to administer their own cultural, religious and educational affairs and to be represented in the legislature.
5. Greek Cypriots residing in the Karpas villages of Rizokarpaso/Dipkarpaz, Agialousa/Yeni Erenköy, Agia Trias/Sipahi, Melanarga/Adacay, and Turkish Cypriots residing in the Tillyria villages of Amadhies/Günebakan, Limnitis/Yeşilyirmak, Selemeni/Suleymaniye, Xerovounos/Kurutepe Karovostasi/Gemikonagi, Agios Georgios/Madenliköy and Kokkina/Erenköy, as well as the Mesaoria villages of Pyla/Pile, Skylloura/Yilmazköy and Agios Vasilios/Türkeli shall, within the constituent states in which these villages are situated, enjoy the right to administer their own cultural, religious and educational affairs and to be represented in the constituent state legislature and to be consulted on matters of zoning and planning regarding their villages.

Article 12 Citizenship

1. There is a single Cypriot citizenship.
2. All persons holding Cypriot citizenship shall also enjoy internal constituent state citizenship status as provided for by Constitutional Law. Such status, like the European Union citizenship status, is complementary to and does not replace Cypriot citizenship. Only Cypriot citizens shall enjoy internal constituent state citizenship status.
3. Where any provision of this Constitution or of the Foundation Agreement refers to the constituent state origins of a person (or where a person hails from), the criterion shall be the holding of internal constituent state citizenship status. No one may hold the internal constituent state citizenship status of both constituent states.

Article 13 Exercise of political rights

Cypriot citizens who are at least 18 years old shall enjoy political rights at the federal level and exercise them based on their internal constituent state citizenship status.

Part IV: THE FEDERAL GOVERNMENT AND THE CONSTITUENT STATES

Article 14 Competences and functions of the federal government

1. The federal government shall, in accordance with this Constitution, sovereignly exercise legislative and executive competences in the following matters:
 - a. External relations, including conclusion of international treaties and defence policy;⁸
 - b. Relations with the European Union;⁹
 - c. Central Bank functions, including issuance of currency, monetary policy and banking regulations;
 - d. federal finances, including budget and all indirect taxation (including customs and excise), and federal economic and trade policy;
 - e. Natural resources, including water resources;
 - f. Meteorology, aviation,¹⁰ international navigation and the continental shelf and territorial waters¹¹ of the United Cyprus Republic;
 - g. Communications (including postal, electronic and telecommunications);
 - h. Cypriot citizenship (including issuance of passports) and immigration (including asylum, deportation and extradition of aliens);
 - i. Combating terrorism, drug trafficking, money laundering and organised crime;
 - j. Pardons and amnesties (other than for crimes concerning only one constituent state¹²);
 - k. Intellectual property and weights and measures; and
 - l. Antiquities
2. Incidental to the above competences and to other provisions of this Constitution, the federal government shall exercise legislative and executive competences over federal administration (including public service, federal police, as well as its independent institutions and

⁸ **Reference:** Defence policy must be formulated and exercised in accordance with agreed security arrangements, and the international obligations of Cyprus.

⁹ **Observation:** This power authorises the federal government to take necessary measures for the participation of Cyprus in the Economic and Monetary Union, the Common European Defence (non-military matters) and Security Policy and the "closer cooperation" within the meaning of the Treaty on the European Union.

¹⁰ **Observation:** In conformity with the principle of *eiusdem generis*, this covers all matters related to aviation, including the airspace of the United Cyprus Republic and the Flight Information Region (FIR).

¹¹ **Observation:** In conformity with the principle of *eiusdem generis*, this includes all matters regulated by the 1982 United Nations Convention on the Law of the Sea.

¹² **Observation:** This proviso is to be understood as crimes against a constituent state's law where (all) perpetrator(s) and victim(s) hail from that constituent state.

officers); federal elections and referenda; offences against federal laws; federal administration of justice; federal property, including public works for federal facilities and expropriation; and like matters which are clearly incidental to the specified powers of the federal government.

3. The federal government shall, as appropriate, entrust the implementation of its laws including the collection of certain forms of taxes, to constituent state authorities.
4. Obligations of the United Cyprus Republic under international treaties shall be implemented by the federal government or constituent state authority which enjoys legislative competence in the subject matter to which the treaty pertains.
5. The federal government shall confer upon the constituent states a portion of its revenue from indirect taxation as provided for by special majority law.

Article 15 *Competences and functions of the constituent states*

1. The constituent states shall, within the limits of this Constitution, sovereignly exercise within their territorial boundaries all competences and functions not vested by this Constitution in the federal government.¹³
2. The constituent states shall have primary criminal jurisdiction over offences against federal laws, unless such jurisdiction is reserved for the Supreme Court of Cyprus by federal legislation.
3. The police of a constituent state shall be stationed and operate exclusively within that constituent state¹⁴ and shall be responsible for the protection and enforcement of law and order and public safety within that constituent state, including offences against federal laws, without prejudice to the functions of the federal police and the Joint Investigation Agency. A Constitutional Law shall regulate the strength and equipment of constituent state police and a Cooperation Agreement between the federal government and the constituent states shall provide for cooperation on police matters.

Article 16 *Cooperation and coordination*

1. Where expressly provided for in this Constitution, legislative matters may be regulated in a manner binding upon the federal government and the constituent states, through Constitutional Laws. Such laws shall be approved by the federal Parliament and both constituent state legislatures in accordance with procedures set down in a Constitutional

¹³ **Observation:** These include security, law and order and the administration of justice within their territorial boundaries.

¹⁴ **Observation:** This is without prejudice to the right of hot pursuit as agreed in the Cooperation Agreement on Police Matters.

Law and shall have precedence over any other federal or constituent state laws.

2. The constituent states may conclude agreements with each other or with the federal government. Such agreements may create common organisations and institutions on matters within the competence of the parties. Such agreements shall have the same legal standing as Constitutional Laws, provided they have been approved by the federal Parliament and both constituent state legislatures.
3. The constituent states shall strive to coordinate or harmonise their policy and legislation, including through agreements, common standards and consultations wherever appropriate, in particular on the following matters:
 - a. Tourism;
 - b. Protection of the environment and use and conservation of energy; and natural resources, including water;
 - c. Fisheries and agriculture;
 - d. Industry and commerce, including insurance, consumer protection, professions and professional associations;
 - e. Zoning and planning, including for overland transport;
 - f. Sports and education;
 - g. Health, including regulation of tobacco, alcohol and drugs, and veterinary matters;
 - h. Social security and labour;
 - i. Family, company and criminal law; and
 - j. Acceptance of validity of documents.
4. Either constituent state or any branch of the federal government may initiate the coordination or harmonisation process.
5. Agreements on such coordination or harmonisation shall be approved by the competent branch of the constituent state governments and, if federal participation is required, by the competent branch of the federal government.
6. The federal government shall support, both financially and logistically, cooperative endeavours between the constituent states or between municipalities and villages located in different constituent states.
7. The <common states> and the constituent states shall accept valid documents issued by government authorities and educational, medical and other public service institutions.

Article 17 Joint Investigation Agency

There shall be a Joint Investigation Agency, comprising federal and constituent state police personnel and reporting to the federal Attorney-General. Its composition and functions, as well as the strength and

equipment of the federal and constituent state police, shall be regulated by Constitutional Law.

Article 18 External relations

1. Cyprus shall maintain special ties of friendship with Greece and Turkey, respecting the balance established by the Treaty of Guarantee and the Treaty of Alliance and the Foundation Agreement, **and shall by agreement on appropriate terms accord them most favoured-nation treatment to the extent that this is compatible with its obligations as a member of the European Union and under the Treaty of Establishment.**
2. The constituent states shall be consulted on federal decisions on external relations that affect their competences.
3. The constituent states may appoint representatives on commercial and cultural matters¹⁵, who shall be accredited as part of diplomatic missions of Cyprus.
4. The constituent states may also conclude agreements on commercial and cultural matters¹⁶ with authorities of States that have relations with the United Cyprus Republic, provided that such agreements do not cause prejudice to the United Cyprus Republic, the authority of the federal government, or the other constituent state, and are compatible with the European Union membership of Cyprus.
5. In the exercise of the powers conferred by paragraphs 3 and 4 of this Article, the following procedures shall be observed:
 - a. The constituent states shall use the channel of the federal ministry of foreign affairs for contacts at a political level with foreign governments; and
 - b. The constituent states may have direct contacts with **constituent- or** sub-entities or subordinate authorities of other states. In this case they shall inform the federal ministry of foreign affairs upon starting negotiations on any agreement with such authorities and continue to advise on the progress and outcome of such negotiations.
6. A Cooperation Agreement between the federal government and the constituent states on external relations shall regulate the implementation of this Article.

Article 19 Cyprus as a member of the European Union

1. The United Cyprus Republic shall be a member of the European Union.

¹⁵ **Observation:** Cultural matters includes the arts, education and sports.
¹⁶ **Observation:** Cultural matters includes the arts, education and sports.

2. The governments of the constituent states shall participate in the formulation of the policy of Cyprus in the European Union.
3. Cyprus shall be represented in the European Union by the federal government in its areas of competence or where a matter predominantly concerns an area of its competence. Where a matter falls predominantly or exclusively into an area of competence of the constituent states, Cyprus may be represented either by a federal government or a constituent state representative, provided the latter is able to commit Cyprus.
4. Obligations of the United Cyprus Republic arising out of European Union membership shall be implemented by the federal or constituent state authority which enjoys legislative competence for the subject matter to which an obligation pertains.¹⁷ Where the *acquis communautaire* prescribes the creation of single national administrative structures, such structures and the necessary regulations will be established at federal government level. The establishment of other administrative structures necessary for the implementation of the *acquis communautaire* will be decided on the basis of efficiency requirements.
5. If a constituent state fails to fulfil obligations of the United Cyprus Republic vis-à-vis the European Union within its area of competence and the United Cyprus Republic may be held responsible by the Union, the federal government shall, after notification of no less than 90 days (or a shorter period if indispensable according to European Union requirements), take necessary measures in lieu of the defaulting constituent state, to be in force until such time as that constituent state discharges its responsibilities.
6. Paragraphs 2-5 of this Article shall be the subject of a Cooperation Agreement between the federal government and the constituent states.
7. Any new treaty or agreement on the European Union and amendments to the treaties on which the European Union is founded or acts of accession of any applicant states to the European Union, which require ratification by all member states of the European Union, shall be ratified by Cyprus unless this opposed by the federal Parliament and both constituent state legislatures. The President or the Vice-President of the Presidential Council shall be entitled to sign the respective instrument of ratification and thereby bind the United Cyprus Republic.
8. No provision of this Constitution shall invalidate laws, acts or measures by the federal government or the constituent states required by the obligations of European Union membership, or prevent laws, acts or measures by the European Union, or institutions thereof, from having the force of law throughout Cyprus.

¹⁷ **Observation:** Penalties, fines or damages imposed by European Union Courts shall be borne by the federal government or the relevant constituent state which fails to implement an obligation within its sphere of competence.

Part V: FEDERAL INSTITUTIONS

Article 20 Eligibility and incompatibility and discharge of duties

1. Unless otherwise provided by this Constitution or law, a person shall be qualified to be elected or appointed to serve in the federal institutions if he or she is a citizen of the United Cyprus Republic and has reached the age of 18.
2. Unless otherwise provided by this Constitution or law, no person may be a member of more than one branch of the federal government or of the federal government and a constituent state government.
3. Persons elected to or appointed to serve in the federal institutions shall act in the best interests of the federal government.

Article 21 Federal government immunities and exemptions

1. Members of Parliament, the Presidential Council, the Supreme Court and the Board of the Central Bank of Cyprus, as well as the Independent Officers, shall enjoy immunity from arrest or judicial prosecution unless federal law provides otherwise.
2. Federal property used for official purposes shall be exempt from the application of constituent state legislation, including taxation. Such property shall be under the direct and sole authority of the federal government. The constituent states shall assist the federal police in assuring the safety of federal property located within their territorial boundaries.

Section A: The Legislature

Article 22 Composition and election of Parliament

1. The federal Parliament shall be composed of two Chambers: the Senate and the Chamber of Deputies.
2. Each Chamber shall have 48 members, elected for five years on the basis of proportional representation. The constituent states shall serve as electoral precincts unless special majority law provides otherwise, in which case each precinct may have no less than ten seats.
3. The Senate shall be composed of an equal number of senators from each constituent state. The people of each constituent state shall elect, on a proportional basis, 24 members of the Senate.

4. The Chamber of Deputies shall be composed of deputies from both constituent states, with seats attributed on the basis of the number of persons holding internal constituent state citizenship status of each constituent state; provided that each constituent state shall be attributed a minimum of one quarter of the seats.
5. The Maronite, Latin and Armenian minorities shall each be represented by no less than one deputy. Members of such minorities shall be entitled to vote for the election of such deputies irrespective of their **internal constituent state citizenship status**. Such deputies shall be counted against the quota of the constituent state where the majority of the members of the respective minority reside.

Article 23 Organisation

1. The law shall regulate the time and duration of the ordinary sessions of the federal Parliament. At any time, the Presidential Council or one quarter of sitting members of either Chamber may convene Parliament for an extraordinary session.
2. Each Chamber shall elect a President and two Vice-Presidents, one from each constituent state, for a period of one year. The Presidents of the two Chambers shall not come from the same constituent state. The Vice President who does not come from the same constituent state as the President of the relevant Chamber shall be the First Vice-President of that Chamber.
3. Each Chamber shall organise its own committees in accordance with the law.
4. Each Chamber shall require the presence of a majority of sitting members in order to take decisions.
5. The law shall regulate the obligation of members of Parliament to attend meetings and the consequences of failure to do so without authorisation.

Article 24 Powers

1. Parliament shall legislate and take decisions.
2. Parliament shall approve international treaties for ratification¹⁸, except where it has delegated that power to the Presidential Council.
3. Parliament shall elect and oversee the functioning of the Presidential Council.

¹⁸ **Observation:** This is without prejudice to the entry into force, upon signature, of the Treaty between Cyprus, Greece, Turkey and the United Kingdom on Matters related to the New State of Affairs in Cyprus as well as the Treaty of Accession of Cyprus to the European Union, given these Treaties' approval in referenda, together with the Foundation Agreement.

4. Parliament may by special majority refer to the Supreme Court allegations of impeachment regarding the members of the Presidential Council and of organs of the independent institutions, and independent officers, for grave violations of their duties or serious crimes.
5. Parliament shall adopt the federal budget.

Article 25 Procedure

1. Unless otherwise specified in this Constitution, decisions of Parliament need the approval of both Chambers with simple majority of members present and voting, including one quarter of senators present and voting from each constituent state.
2. A special majority comprising at least two fifths of sitting senators from each constituent state, in addition to a simple majority of deputies present and voting, shall be required for:
 - a. Ratification of international agreements on matters which fall within the legislative competence of the constituent states;¹⁹
 - b. Ratification of treaties and adoption of laws and regulations concerning the airspace, continental shelf and territorial waters of the United Cyprus Republic, including the exclusive economic zone and the contiguous zone;
 - c. Adoption of laws and regulations concerning citizenship, immigration, water resources and taxation;
 - d. Approval of the federal budget;
 - e. Election of the Presidential Council; and
 - f. Other matters which specifically require special majority approval pursuant to other provisions of this Constitution.
3. The law shall provide for a conciliation mechanism between the Chambers of Parliament.

Section B: The Executive

Article 26 The Presidential Council

1. The Office of Head of State is vested in a six-member Presidential Council, which shall exercise the executive power.
2. The members of the Presidential Council shall be elected by Parliament for a fixed five-year term on a single list by special majority.

¹⁹ **Reference:** This is without prejudice to the special rules defined in Article 19(7) regarding ratification of European Union acts that require unanimity of European Union member states.

3. Members of the Presidential Council shall not hold any other public office or private position.
4. The members of the Presidential Council shall continue to exercise their functions after expiry of their term in office until a new Council has been elected.
5. In the event of a vacancy in the Council, a replacement shall be elected by Parliament by special majority for the remainder of the term of office.²⁰
6. The composition of the Presidential Council shall be proportional to the numbers of persons holding the internal constituent state citizenship status of each constituent state, though at least two members must hail from each constituent state.
7. The Presidential Council shall strive to reach all decisions by consensus. Where it fails to reach consensus, it shall make decisions by simple majority of members voting unless otherwise stated in this Constitution. Such majority must in all cases comprise at least one member from each constituent state.
8. The members of the Presidential Council shall be equal. Any member of the Council shall be able to place an item on the agenda of the Council.
9. The Presidential Council may, where appropriate, invite the executive heads of the constituent states to participate without a vote in its meetings.
10. The Presidential Council shall suggest candidates or appoint members for European Union and international bodies, including the European Commission, the European Human Rights Court in Strasbourg, the European Court of the Communities in Luxemburg and the European Court of First Instance.

Article 27 *The President and the Vice-President of the Council*

1. The President and Vice-President of the Council shall not hail from the same constituent state.
2. The offices of the President and Vice-President of the Council shall rotate every ten calendar months among members of the Council on the basis of time spent on the Council since last serving in either office and with no more than two consecutive Presidents to come from the same constituent state. Among members of the Council who have spent equal time on the Council without having served as President or Vice-President, a lot shall be drawn, unless the members concerned agree to an order of precedence.

²⁰ **Observation:** The parties may wish to agree to more detailed rules during the finalisation period.

3. The Vice-President of the Council shall assume the duties of the President in the absence or temporary incapacity of the President.
4. The President of the Council shall convene and chair the meetings of the Presidential Council.
5. Neither the President nor the Vice President of the Council shall have a casting vote.

Article 28 *The Departments*

1. Each member of the Presidential Council shall head a department.
2. Departments shall be attributed by decision of the Council. Where the Council is unable to reach a decision, departments shall be attributed on the basis of time spent on the Council; among members who have spent equal time, a lot shall be drawn.
3. The heads of the Departments of Foreign Affairs and European Union Affairs shall not hail from the same constituent state.
4. The heads of department shall prepare and execute decisions of the Presidential Council relating to their departments.

Article 29 *Representation of the Presidential Council*

1. The President of the Council shall represent the Presidential Council as Head of State.
2. In representing the Presidential Council as Head of State, the President shall attend official functions, sign and receive credentials of diplomatic envoys, and confer the honours of the United Cyprus Republic.
3. The President of the Council shall represent the United Cyprus Republic at meetings of heads of government, unless the Presidential Council, deciding with separate majorities of members from each constituent state, designates another member.
4. **The member of the Presidential Council responsible for European Union affairs shall represent the Presidential Council (in its function as Head of Government) at meetings of the European Council, and shall be assisted on such occasions by the member of the Presidential Council responsible for external relations, unless the Presidential Council, deciding with separate majorities of members from each constituent state, decides otherwise.**
5. The heads of the relevant Departments/~~Secretariats/Ministries~~ shall represent the United Cyprus Republic at meetings of government ministers unless otherwise provided for by law or by agreement between the federal government and the constituent states.

6. Where an international meeting is likely to address vital interests of a constituent state, and the Council representative to that meeting hails from the other constituent state, the Council shall, upon special request of a majority of Council members from the interested constituent state, appoint a member from that constituent state to accompany the Council representative, provided delegations to such meetings may comprise more than one person.
7. Any representative of the United Cyprus Republic at international meetings shall be bound by decisions of the Presidential Council. Where the Council has appointed one of its members to accompany its representative in accordance with paragraph 5 of this Article, the representative of Cyprus shall exercise any discretion in concord with such member.

Article 30 *Federal administration*

1. A Public Service Commission composed of men and women hailing in equal numbers from each constituent state shall have authority to appoint and promote federal public servants. It shall take its decisions in accordance with the law.
2. The composition of the public service shall, where not otherwise specified in this Constitution or special majority law, be proportional to the population of the constituent states, though at least one-third of the public servants at every level of the administration must hail from each constituent state.
3. A federal public servant may not simultaneously serve as a public servant of a constituent state.

Article 31 *The federal police*

The shall be a federal police composed of an equal number of personnel hailing from each constituent state. The federal police shall control Cyprus' border and protect federal officials, buildings and property, as well as foreign dignitaries and diplomatic missions.

Section C: Independent Officers and Institutions

Article 32 *Central Bank of Cyprus*

1. The Central Bank of Cyprus shall be the monetary authority of the United Cyprus Republic. It shall, *inter alia*, issue currency, determine monetary policy and the prime lending rate, and regulate and supervise the banking sector.

2. The Central Bank shall be independent and operate in accordance with European Union requirements.
3. The primary objective of the Central Bank of Cyprus shall be to maintain price stability.
4. The Central Bank shall be governed by a Board of three members, one of whom shall be the Governor. At least one member shall hail from each constituent state; the third member may be a non-Cypriot. All decisions of the Board of the Central Bank shall be taken by simple majority.
5. The Governor and the other two members of Board shall be appointed by the Presidential Council for a term of seven years.
6. Within the framework of the European Union the responsibilities and powers of the Central Bank of Cyprus may be transferred to the European Union Central Bank.
7. The law may provide for the establishment of branches of the Central Bank in each constituent state, and for inclusion of branch directors in the Board of the Central Bank.

Article 33 *Other independent officers*

1. The Attorney-General and the Deputy Attorney-General and the Auditor-General and the Deputy Auditor-General shall be independent officers and not come under any department. They shall be appointed by the Presidential Council for a non renewable term of office of nine years but no longer than until their 75th birthday.
2. The Attorney-General and the Auditor-General shall not hail from the same constituent state nor shall the Attorney-General and the Deputy Attorney-General or the Auditor-General and the Deputy-Auditor General.

Article 34 *The office of the Attorney-General and the Deputy Attorney-General*

1. The Attorney-General and the Deputy Attorney-General shall be the Head and Deputy Head, respectively, of the Federal Law Office. They shall be appointed and hold office in the same manner and under the same terms and conditions as judges of the Supreme Court of Cyprus and shall not be removed from office except on like grounds and in the same manner as such a judge.
2. The Attorney-General, assisted by the Deputy Attorney-General, shall be the legal adviser of the federal government and shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him/her by this Constitution or by law.

3. The Attorney-General shall have power, exercisable at his/her discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings regarding offences against federal law against any person in the United Cyprus Republic.
4. The law shall regulate further aspects of the office of the Attorney-General and the Deputy Attorney-General.

Article 35 *The office of the Auditor-General and the Deputy Auditor-General*

1. The Auditor-General and Deputy Auditor-General shall be the Head and Deputy Head, respectively, of the Federal Audit Office. They shall be members of the federal public service and shall not be retired or removed from office except on like grounds and in like manner as judges of the Supreme Court of Cyprus.
2. The Auditor-General, assisted by the Deputy Auditor-General, shall, on behalf of the federal government, control all disbursements and receipts and audit and inspect all accounts of moneys and other assets administered, and of liabilities incurred, by or under the authority of the federal government and for this purpose, shall have the right of access to all books, records and returns relating to such accounts and to places where such assets are kept.
3. The Auditor-General, assisted by the Deputy Auditor-General, shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him/her by law. The Auditor-General shall submit annually a report on the exercise of his functions and duties under this Constitution to the Presidential Council who shall cause it to be laid before Parliament.

Section D: The Judiciary

Article 36 *The Supreme Court of Cyprus*

1. The Supreme Court of Cyprus shall count an equal number of judges from each constituent state among its members. The Presidential Council shall appoint the judges, for a renewable term of office of seven years, in accordance with criteria and procedures stipulated in a special majority law which shall also fix the number of judges.
2. The Supreme Court shall have exclusive jurisdiction over disputes between the constituent states, between one or both constituent states and the federal government and between organs of the federal government.

3. The Supreme Court shall have exclusive jurisdiction to determine the validity of any federal or constituent state law under this Constitution or any question that may arise from the precedence of Constitutional laws. Upon request of constituent state courts or other federal or constituent state authorities it may do so in the form of a binding opinion.
4. The Supreme Court shall be the appeals court in all other disputes on matters which involve the interpretation **or an alleged violation** of the Foundation Agreement, this Constitution, federal laws (including federal administrative decisions), or treaties binding upon the United Cyprus Republic.²¹
5. The Supreme Court shall have primary jurisdiction over violations of federal law where provided by federal legislation.
6. If a deadlock arises in one of the federal institutions preventing the taking of a decision without which the federal government or its institutions could not properly function, or the absence of which would result in a substantial default on the obligations of the United Cyprus Republic as a member of the European Union, the Supreme Court may, upon application of a member of the Presidential Council, the President or Vice-President of either Chamber of Parliament, or the Attorney-General or the Deputy Attorney-General, take an ad interim decision on the matter, to remain in force until such time as a decision on the matter is taken by the institution in question. In so acting, the Supreme Court shall exercise appropriate restraint.
7. The Supreme Court shall decide on the organisation of its work. If it chooses to divide itself into Chambers for the treatment of certain cases, such Chambers shall always include an equal number of judges from each constituent state.
8. The Supreme Court shall strive to reach its decisions by consensus and issue joint judgments of the Court. However, all decisions of the Supreme Court may be taken by simple majority **as specified by law.**
9. **The federal government shall by special majority law create a Court of First Instance to exercise some of the functions vested by this Constitution in the Supreme Court within three years of entry into force of the Foundation Agreement.**

²¹ **Observation:** this includes the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols in force for Cyprus.

Part VI: AMENDMENTS OF THIS CONSTITUTION

Article 37 Amendments of this Constitution

1. Amendments of this Constitution, including the attachments which are an integral part of it, shall be considered and adopted by the federal Parliament after consultation with the constituent state governments and interested sectors of society.
2. The Basic Articles of this Constitution cannot be amended.
3. After adoption by both Chambers of Parliament, proposed amendments shall be submitted to referendum for approval by separate majority of the people in each constituent state.
4. Amendments shall enter into force 90 days after their approval, unless the amendment otherwise provides.

Part VII: TRANSITIONAL PROVISIONS

Article 38 Constituent state institutions

1. No later than 40 days after entry into force of the Foundation Agreement, the constituent states shall elect the members of their legislatures and other popularly elected officials in accordance with the constituent state Constitution and legislation approved in referenda.
2. The newly elected members of the constituent state institutions shall assume office within ten days of their election.²²

Article 39 Transitional federal Parliament

1. Each newly elected constituent states legislature shall, without delay designate from among its membership 24 delegates to the federal Parliament. To this effect, each group in a constituent state legislature shall designate as many delegates as corresponds to its proportional strength in the legislature.
2. The transitional parliament shall exercise the constitutional functions and prerogatives of the federal Parliament during the first year after entry into

²² **Observation:** The modalities for assuming office, including the taking of an oath, is a matter for the constituent states to regulate.