

## **ANNEX V: LIST OF INTERNATIONAL TREATIES BINDING ON THE UNITED CYPRUS REPUBLIC**

The following treaties bind the United Cyprus Republic and apply *mutatis mutandis* to the new state of affairs:

### **Multilateral Instruments**

#### **1. The Charter of the United Nations**

- Amendments to Articles 23, 27 and 61 of the Charter of the United Nations.
- Amendment to Article 109 of the Charter of the United Nations.
- Amendment to Article 61 of the Charter of the United Nations.
- Declaration Recognizing as Compulsory the Jurisdiction of the International Court of Justice Under Article 36, Paragraph 2, of the Statute of the Court<sup>29</sup>

#### **2. Treaty of Establishment**

- annexes A to F, schedules and detailed plans and 14 Exchanges of Notes.

#### **3. Treaty of Guarantee**

#### **4. Treaty of Alliance**

- Its Additional Protocols
- Agreement for the Application of the Treaty of Alliance.

#### **5. European Convention for the Protection of Human Rights and Fundamental Freedoms**

- Protocols 2 through 11

#### **6. International Covenant on Civil and Political Rights.**

- Optional Protocol to the International Covenant on Civil and Political Rights.
- Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty.

#### **7. Framework Convention for the Protection of National Minorities**

#### **8. United Nations Convention on the Law of the Sea**

#### **9. Convention Relating to the Status of Refugees.**

- Protocol in Relation to the Status of Refugees.

#### **10. ILO Convention 58 concerning Fixing the Minimum Age for the Admission of Children to Employment at Sea**

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<sup>29</sup> The Declaration registered on 3 September 2002 (Declaration Recognizing as Compulsory the Jurisdiction of the International Court of Justice Under Article 36, Paragraph 2 of the Statute of the Court) shall, on the day of entry into force of the Foundation Agreement be replaced by a declaration accepting the Court's jurisdiction without reservation



11. ILO Convention 150 Concerning Labour Administration
12. ILO Convention 151 Concerning Labour Relations (Public Service)
13. ILO Convention 138 Concerning Minimum Age for Admission to Employment
14. ILO Convention 141 Concerning Organizations of Rural Workers
15. ILO Convention 142 Concerning the Development of Human Resources
16. ILO Convention 144 Concerning Tripartite consultations (International Labour Standards)
17. Agreement with United Nations concerning the Privileges and Immunities, Exemptions and Facilities to be accorded to the United Nations Mediator in Cyprus and his Staff.
18. Agreement concerning the Status of United Nations Force in Cyprus.  
-Amendment to the Agreement concerning the Status of the United Nations Force in Cyprus.
19. Convention on International Liability for Damage Caused by Space Objects.
20. Convention on Registration of Objects Launched into Outer Space.
21. Convention on the Elimination of All Forms of Discrimination Against Women.  
-Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.
22. Convention on the Legal Status of Children Born out of Wedlock

## **Bilateral Instruments**

### **with Greece**

1. Agreement on Commercial Scheduled Air Transport  
-Amendment and Corrigendum of the Agreement on Commercial Scheduled Air Transport.
2. Agreement on International Road Transport  
-Amendment of Agreement on International Road Transport

### **with Turkey**

1. Cooperation Agreement on Civilian Aviation
2. Cooperation Agreement in the Field of Air Rescue

[insert further treaties by 25 March 2003. If agreement is not reached by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

In completing the list, the following guidelines shall be observed:

- Each side shall submit an exhaustive list of treaties and instruments which it suggests to be binding on the United Cyprus Republic no later than 7 March 2003. Treaties and instruments submitted later shall not be considered for inclusion in the list.
- Each side shall furthermore submit an exhaustive list of reservations and declarations to treaties and instruments so listed by 7 March 2003.
- Each party shall provide English translations of all its treaties and instruments with Greece or Turkey, no later than 14 March 2003.
- There shall be a presumption of inclusion of all multilateral instruments and all bilateral instruments, other than agreements on defence matters with Greece and Turkey; either side may raise objections with respect to a specific instrument ~~provisionally listed~~ on grounds of incompatibility with ~~the Comprehensive Settlement or~~ the Foundation Agreement.]
- ~~Instruments with Greece and Turkey in areas not related to defence shall be examined and, unless incompatible with the Comprehensive Settlement or the Foundation Agreement, shall be included in the list;~~
- ~~Instruments with Greece and Turkey on defence matters shall not be included in the list, unless otherwise agreed.]~~



## **ANNEX VI: TERRITORIAL ARRANGEMENTS**

### ***Article 1      Delineation of constituent state boundaries***

1. The boundaries of the constituent states, depicted in the map attached to the Constitution, is described in detail in the attached table.
2. There shall be a boundary committee comprising three representatives of each constituent state and at least one non-Cypriot. The committee shall be appointed upon entry into force of the Foundation Agreement, and shall demarcate the boundary on the ground.
3. The demarcation by the committee may deviate 25 metres from the stipulated boundary to take account of ownership of properties in the area of the boundary, significant topographical features such as graveyards and pre-existing paths. In towns (namely Nicosia and Famagusta) and built up areas in general, the final boundary shall be demarcated in such a way as to take into account as an overriding concern ownership of properties in the area of the boundary. Functionality of street use and administration shall also be a consideration. Any inconsistency between the above description of the course of the agreed boundary and the map shall be decided by consensus by the committee, or, where it is unable to reach consensus, by the Supreme Court of Cyprus.

### ***Article 2      Access and connecting roads***

1. Civilian traffic on direct connecting roads between the main part of a constituent state and a non-contiguous part, as well as on direct connecting roads through a non-contiguous part of a constituent state, may only be restricted pursuant to an injunction of the Supreme Court.
2. The highway connecting north Nicosia and Famagusta is under the territorial administration of the Turkish Cypriot State for its entire length. The Greek Cypriot State shall be entitled to construct an underpass or overpass for access to Pyrga.
3. The road connecting Pyrogi and Athienou is under the territorial administration of the Greek Cypriot State for its entire length. The Turkish Cypriot State shall be entitled to construct an underpass or overpass for access to Akincilar (Louroujina).
4. The Greek Cypriot State shall be entitled to construct roads under its territorial administration between Kontea and Kalopsida, south of Köprülû (Kouklia), and between Pentageia and Prastio, south of Gaziveren (Kazivera) across the territory administered by the Turkish Cypriot State and to expropriate the necessary land in exchange for full



and effective compensation, in cooperation with the Turkish Cypriot State. The constituent states shall agree on the location of any necessary underpasses or overpasses to be built at the expense of the Greek Cypriot State.

5. After entry into force of the Additional Protocol to the Treaty of Establishment, the Turkish Cypriot State shall be entitled to construct a road under its territorial administration between Beyarmudu (Pergamos) and the Dhekelia Sovereign Base Area, across the territory administered by the Greek Cypriot State and to expropriate the necessary land in exchange for full and effective compensation, in cooperation with the Greek Cypriot State. The constituent states shall agree on the location of any necessary underpasses or overpasses to be built at the expense of the Turkish Cypriot State.

### **Article 3      *Phasing of territorial adjustment***

1. Administration of areas within the agreed territorial boundaries of a constituent state which are subject to territorial adjustment, while legally part of that constituent state upon entry into force of the Foundation Agreement, shall be delegated to the other constituent state for an interim period ending no later than the time specified in this Article for the transfer of administration of the relevant area.
2. Administration shall be transferred in agreed phases from the date of entry into force of the Foundation Agreement ("A-Day") as depicted on the attached map, and described in detail in the further attachment.
3. All areas subject to territorial adjustment shall be vacated, prior to agreed dates of transfer of administration, of any forces and armaments and no forces and armaments shall be located thereafter in those areas.<sup>30</sup>
4. The constituent states shall render full cooperation to the United Nations which, in conformity with its mandate, shall supervise activities relating to the transfer of areas subject to territorial adjustment and contribute to the maintenance of a secure environment.

### **Article 4      *Security cooperation during period of territorial adjustment***

1. During the phasing period, the areas under the administration of the Greek Cypriot State and the Turkish Cypriot State shall be clearly marked **by temporary poles with marking flags**. During this period, and without prejudice to the paragraph below, there shall be no less than ten agreed crossing points **along the lines of the following roads or routes: Dherinia to Famagusta road, Pyla/Pile to Beyarmudu (Pergamos) road, Athienou to Melousha road, Limpia to Akincilar**

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<sup>30</sup> **Observation:** This does not apply to the United Nations peacekeeping forces.



(Louroujina) road, Ledra crossing point, Astromeritis to Morphou road, Nicosia-Kaimakli to Nicosia-Omorphita, Skouriotissa to Lefke (Lefka) road, Galini to Potamos Tou Kambou road, and Kato Pyrgos to Karavostasi road.

2. For the period of territorial adjustment, there shall be a Transitional Committee, comprising five persons, including two representatives of each constituent state (of whom at least one shall be a police official) and one representative from the United Nations who shall chair the Committee. The Committee shall consider all issues regarding public order and security that relate to the territorial adjustment or the presence in a constituent state of persons holding the internal constituent state citizenship status of the other constituent state brought to its attention by one of its members. In particular, the Committee shall determine when and for how long, for reasons of public order and security, the agreed crossing points need to be closed or changed or limits on the number of persons using the crossing points need to be temporarily imposed.
3. ~~All areas subject to territorial adjustment, shall be vacated, prior to agreed dates of transfer of administration, of any forces and armaments and no forces and armaments shall be located thereafter in those areas.~~

#### **Article 5      *Current inhabitants***

1. The following 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 accordance with Annex VII) in appropriate locations where adequate livelihoods may be earned:
  - a. persons to be relocated shall be registered by household, including details of their current occupation or means of livelihood;
  - b. communities may request to be relocated as a community;
  - c. persons with sufficient financial means shall vacate properties no later than one month prior to the agreed date of transfer of administration of the relevant area, unless the Relocation Board exceptionally decides otherwise;
  - d. persons without sufficient financial means shall receive no less than three months' notice of the date for relocation once alternative accommodation has been identified; during this time they may access this alternative accommodation to prepare it for their arrival;
  - e. persons to be relocated who do not have sufficient financial means shall be provided with transport for the members of their household and their belongings, as necessary; and
  - f. special arrangements shall be made for families with young children, the elderly and the disabled.
2. Persons other than Cypriot citizens who, on the date of entry into force of the Foundation Agreement, reside in areas subject to territorial



adjustment and have lived in Cyprus for no less than five years, may apply for financial assistance to relocate to their country of origin. Such assistance shall be in the form of cash grants payable on their arrival in their country of origin, within five years of entry into force of the Foundation Agreement. The amount of the grant shall be in accordance with a scale, based on a figure of no less than 10,000 Euros for a household of four.<sup>31</sup>

#### **Article 6      *Monuments and memorial sites***

Any Turkish Cypriot monument or other memorial site connected to the events between 1963 and 1974 which is located in an area subject to territorial adjustment shall, upon transfer of such area, come under the administration of the Reconciliation Commission which shall determine the final status and management arrangements (including, where appropriate, care and maintenance) for such monument or site, which shall be respected by any person or body with an interest in the site or surrounding property. For this purpose, the Reconciliation Commission may create or nominate a particular trust or foundation, which shall be entitled to access the monument or site under such arrangements.

#### **Article 7      *Relocation Board***

1. Relocation pursuant to Article 5 shall be managed by a Relocation Board, comprising five persons, including one representative of each constituent state and three non-Cypriots who are not citizens of Greece, Turkey or the United Kingdom and of whom one shall be a United Nations representative. The latter is invited to chair the Board. The Secretary-General of the United Nations is invited to appoint the non-Cypriot members of the Board.
2. The constituent states shall each nominate a representative of their authority competent for housing and property issues, their authority competent for employment/economic issues, their constituent state police and each of the local authorities for the areas subject to territorial adjustment, to cooperate and liaise with the Relocation Board and attend extended planning meetings at the request of the Board.
3. Among other responsibilities, the Relocation Board shall verify that alternative accommodation is ready for inhabitation before setting dates for relocation. It shall initiate arrangements with the competent authorities in the receiving municipalities to ensure that persons relocating there are assisted in establishing a livelihood in those municipalities.

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<sup>31</sup> **Observation:** The services of the International Organisation for Migration could be requested in this regard.

4. The Relocation Board shall also work closely with the Property Board regarding decisions on reinstatement in the areas subject to territorial adjustment and the identification of alternative accommodation. When planning the construction of alternative accommodation, special consideration shall be given to requests of communities wishing to relocate as a community.
5. The Relocation Board shall adopt rules and regulations in accordance with these provisions. The constituent states shall fully respect and implement the decisions of the Relocation Board in a timely manner, and adopt any necessary legislation or regulations to ensure their enforcement.

#### ***Article 8      Properties***

Properties located in areas subject to territorial adjustment shall be handled in accordance with the provisions of Attachment 4 of Annex VII.



**ATTACHMENT 1: DETAILED DESCRIPTION OF THE COURSE OF THE  
BOUNDARY BETWEEN THE CONSTITUENT STATES**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
32° 54' 32.3"	35° 11' 33.3"	Starting point on West (W) coastline north (N) of Ghaziveran follows track south-east (SE) to
32° 54' 40.4"	35° 11' 28.4"	Turning point (TP) N of Ghaziveran follows south (S) to
32° 53' 52.5"	35° 9' 12.0"	TP east (E) of Pedayia follows south-west (SW) to
32° 50' 45.3"	35° 7' 59.2"	TP hilltop "48" SE of Karovostasi follows west (W) to
32° 49' 23.5"	35° 7' 46.1"	TP hilltop "76" SW of Karovostasi follows west (W) to
32° 48' 23.7"	35° 7' 51.8"	TP follows SW to
32° 48' 5.2"	35° 7' 39.0"	TP of junction of road N of Ambelikou follows road to
32° 47' 54.7"	35° 7' 20.7"	TP hilltop "393" follows SW to
32° 47' 45.4"	35° 7' 10.1"	TP on current Turkish Forces Ceasefire Line (TFCFL) W of Ambelikou
32° 48' 1.0"	35° 6' 56.4"	Follows current TFCFL through points:
32° 48' 12.5"	35° 6' 33.9"	
32° 48' 26.9"	35° 6' 21.7"	
32° 48' 35.6"	35° 6' 7.6"	
32° 48' 45.6"	35° 6' 3.8"	
32° 48' 55.8"	35° 5' 57.6"	
32° 49' 6.9"	35° 5' 56.0"	
32° 49' 21.5"	35° 5' 50.0"	
32° 49' 27.7"	35° 4' 43.7"	
32° 49' 37.9"	35° 5' 20.9"	
32° 50' 3.6"	35° 5' 1.2"	
32° 50' 28.7"	35° 4' 53.4"	Dry river bed
32° 50' 39.8"	35° 4' 53.9"	
32° 50' 49.6"	35° 4' 57.9"	
32° 50' 59.8"	35° 4' 56.2"	
32° 51' 6.8"	35° 4' 53.1"	
32° 51' 16.8"	35° 4' 53.6"	
32° 51' 23.9"	35° 4' 57.5"	
32° 51' 38.9"	35° 4' 58.6"	Turns N
32° 51' 41.1"	35° 5' 3.9"	
32° 51' 47.3"	35° 5' 18.1"	
32° 51' 43.3"	35° 5' 25.1"	W of Skouriotissa
32° 51' 46.1"	35° 5' 42.5"	
32° 51' 40.5"	35° 5' 50.0"	
32° 51' 41.3"	35° 6' 2.0"	SW of Lefka
32° 51' 55.3"	35° 6' 11.0"	
32° 52' 5.5"	35° 6' 14.4"	
32° 52' 34.1"	35° 6' 16.5"	Crosses power line
32° 52' 59.1"	35° 6' 25.9"	Crosses riverbed



32° 53' 16"	35° 6' 33.7"	Between road (N) and church (S) follows E to
32° 53' 26.8"	35° 6' 34.2"	TP follows N to
32° 53' 29.6"	35° 6' 47.5"	Hilltop "216" NE of Kalokhorio follows E to
32° 54' 43.3"	35° 6' 52.4"	Hilltop 19 N of Petra follows SE to
32° 55' 53.2"	35° 6' 4.4"	TP follows current TFCFL E through
32° 56' 29.7"	35° 6' 7.5"	
32° 56' 39.1"	35° 6' 7.5"	
32° 56' 53.7"	35° 6' 10.8"	
32° 57' 9.3"	35° 6' 10.7"	
32° 57' 20.4"	35° 6' 13.4"	
32° 57' 38.9"	35° 6' 35.5"	
32° 57' 49.5"	35° 6' 44.3"	
32° 58' 0.9"	35° 6' 59.1"	
32° 58' 19.9"	35° 7' 9.6"	TP N of Kato Kourtraphas follows NE away from TFCFL along riverbed through
32° 58' 15.2"	35° 7' 18.4"	
32° 57' 51.8"	35° 7' 42.6"	
32° 57' 43.8"	35° 7' 46.3"	
32° 57' 32.9"	35° 8' 1.4"	Crosses road
32° 57' 14.6"	35° 8' 21.9"	Crosses minor road
32° 57' 6.2"	35° 8' 38.5"	Vatha Laxia
32° 56' 34.5"	35° 9' 13.0"	Crosses two roads and river
32° 55' 47.8"	35° 10' 7.5"	TP SW of Prastion follows N to
32° 55' 45.5"	35° 10' 22.2"	TP between Ghaziveran and Prastion, follows S of road NW through
32° 56' 1.4"	35° 10' 31.5"	
32° 56' 15.3"	35° 10' 34.8"	
32° 56' 19.2"	35° 10' 37.7"	
32° 56' 30.3"	35° 10' 39.7"	
32° 56' 42.0"	35° 10' 48.9"	
32° 57' 43.4"	35° 11' 12.3"	
32° 57' 52.1"	35° 11' 10.8"	
32° 58' 17.4"	35° 11' 21.8"	Turns N to skirt Morphou through
32° 58' 11.6"	35° 11' 31.4"	
32° 58' 18.8"	35° 12' 2.5"	
32° 58' 34.0"	35° 12' 18.9"	
32° 58' 54.9"	35° 12' 30.6"	
32° 59' 34.2"	35° 12' 44.8"	
32° 59' 56.0"	35° 12' 41.9"	
33° 0' 12.2"	35° 12' 45.5"	TP N of Morphou follows NE along E of main road through
33° 0' 46.2"	35° 13' 36.9"	E of buildings
33° 0' 57.1"	35° 13' 37.2"	
33° 1' 1.4"	35° 13' 41.0"	
33° 1' 6.3"	35° 13' 57.7"	Back to E of main road
33° 1' 48.1 "	35° 14' 36.0"	Follows E of road to
33° 2' 39.9"	35° 16' 14.9"	
33° 2' 41.8"	35° 16' 29.3"	TP E of Dhiorios forest follows NE to
33° 3' 17.6"	35° 17' 17.3"	TP follows N to
33° 3' 17.9"	35° 17' 49.7"	TP S of Dhiorios follows NE to
33° 4' 4.3"	35° 18' 33.1"	Spot height "269" N of Myrthou follows NE to
33° 4' 26.3"	35° 18' 43.2"	TP S of road junction follows SE to
33° 4' 38.6"	35° 18' 23.6"	TP E of Myrthou follows E to
33° 5' 32.7"	35° 18' 8.7"	Trig point "298" W of Kambyli follows SE to



33° 6' 28.8"	35° 17' 11.6"	Spot height "234" N of Asomatos follows NE to
33° 7' 20.2"	35° 18' 4.2"	
33° 7' 26.6"	35° 18' 23.5"	Spot height "188" follows NE to
33° 7' 52.4"	35° 18' 52.7"	Road W of Larnaca
33° 8' 24.5"	35° 19' 7.3"	
33° 8' 48.1"	35° 19' 4.1"	Spot height "581"
33° 9' 14.5"	35° 19' 1.1"	
33° 9' 37.5"	35° 18' 43.8"	
33° 11' 20.6"	35° 18' 29.9"	TP NE of Sisklipos follows S to
33° 11' 14.3"	35° 18' 4.1"	Spot height "471"
33° 11' 21.2"	35° 16' 59.1"	Spot height "311" E of Ayios Ermolaos
33° 11' 14.6"	35° 16' 20.8"	
33° 11' 3.3"	35° 15' 51.4"	
33° 10' 43.5"	35° 15' 22.4"	
33° 11' 2.5"	35° 14' 6.6"	TP W of Skyllouria follows SE to
33° 15' 50.4"	35° 11' 37.6"	Spot height "164" N of Yerolakkos
33° 19' 13.6"	35° 10' 51.2"	Meets TFCFL at Ayios Dhometios Nicosia

#### Nicosia - ESBA

Longitude (E)	Latitude (N)	Description
33° 22' 28.2"	35° 11' 26.9"	Starting point Omorphita, NE Nicosia follows TFCFL through:
33° 22' 35.7"	35° 11' 34.3"	
33° 22' 37.6"	35° 11' 42.1"	
33° 22' 42.8"	35° 11' 45.7"	
33° 22' 54.9"	35° 11' 51.7"	
33° 23' 9.8"	35° 12' 4.9"	Crosses power line
33° 23' 17.7"	35° 12' 1.8"	
33° 23' 56.4"	35° 12' 1.9"	TP follows NE to
33° 25' 11.7"	35° 12' 49.3"	Crosses road north (N) of Mia Milea follows SE to
33° 25' 30.2"	35° 12' 29.9"	
33° 25' 34.2"	35° 11' 20.6"	Road junction W of Filtration Beds follows SE to
33° 27' 2.0"	35° 9' 58.7"	Spot height "126"
33° 28' 47.2"	35° 8' 26.0"	Spot height "137" follows E to
33° 31' 2.7"	35° 8' 19.8"	TP at Yialias River, NE of Tymvou follows south (S) to
33° 31' 16.7"	35° 7' 33.9"	Ayios Eliag
33° 30' 38.8"	35° 5' 7.4"	
33° 29' 51.1"	35° 4' 14.5"	North of road SE of Pyroi follows SE to
33° 30' 21.7"	35° 4' 1.3"	TP north of road follows NE to
33° 30' 40.9"	35° 4' 13.4"	TP at road follows TFCFL through:
33° 30' 48.9"	35° 4' 16.9"	Power line
33° 31' 15.2"	35° 4' 25.6"	
33° 31' 18.5"	35° 4' 31.0"	
33° 31' 27.1"	35° 4' 38.6"	
33° 31' 31.4"	35° 4' 44.9"	
33° 31' 46.8"	35° 4' 50.9"	
33° 32' 1.6"	35° 4' 52.4"	
33° 32' 13.1"	35° 4' 53.5"	
33° 32' 24.8"	35° 4' 47.8"	Road N of Athienou follows E to
33° 33' 10.5"	35° 4' 46.5"	Follows SE to
33° 35' 53.0"	35° 3' 20.2"	Spot height "300" follows E to



33° 35' 53.8"	35° 3' 20.0"	Spot height "200" follows NE to
33° 38' 1.5"	35° 4' 16.9"	Spot height "136"
33° 38' 52.5"	35° 5' 11.6"	Spot height "139" E of Arsos
33° 39' 8.1"	35° 5' 47.9"	Spot height "124"
33° 39' 38.1"	35° 7' 44.1"	Road S of Vatili
33° 39' 18.3"	35° 8' 6.4"	TP in Vatili follows W to
33° 36' 20.8"	35° 8' 7.4"	TP follows NW to
33° 35' 37.4"	35° 9' 5.4"	TP SE of Asha
33° 36' 2.1"	35° 10' 9.7"	TP NE of Asha
33° 37' 35.2"	35° 10' 7.9"	TP NW of Asha
33° 38' 34.7"	35° 9' 2.3"	TP E of Asha
33° 40' 11.6"	35° 9' 2.7"	
33° 40' 50.6"	35° 8' 31.4"	
33° 43' 31.1"	35° 7' 7.3"	TP at road N of Kondea follows S to
33° 43' 37.2"	35° 6' 45.3"	Following W of road
33° 43' 39.9"	35° 6' 23.4"	
33° 43' 26.6"	35° 5' 59.6"	
33° 43' 27.3"	35° 5' 28.4"	
33° 42' 59.1"	35° 4' 13.6"	Joins ESBA

#### ESBA – Ayios Nikolaos

Longitude (E)	Latitude (N)	Description
33° 44' 15.9"	35° 3' 22.2"	Follows N to
33° 46' 5.8"	35° 6' 15.7"	Road E of Kouklia
33° 44' 46.9"	35° 8' 43.0"	Crosses road at Sigouris Castle
33° 43' 12.2"	35° 10' 47.9"	TP road S of Pygra follows road E through:
33° 43' 53.9"	35° 10' 43.4"	
33° 44' 19.3"	35° 10' 37.9"	
33° 45' 10.8"	35° 10' 40.1"	
33° 45' 25.4"	35° 10' 36.7"	S of X roads in Prastio
33° 46' 14.8"	35° 10' 19.4"	
33° 47' 17.4"	35° 10' 14.4"	Road N of Gaidhouras
33° 47' 35.5"	35° 10' 15.4"	TP NE of Gaidhouras
33° 52' 20.0"	35° 7' 25.2"	ESBA marker No. 204 Ayios Nikolaos

#### ESBA (AyNik) – Famagusta

Longitude (E)	Latitude (N)	Description
33° 54' 28.4"	35° 5' 46.5"	ESBA marker No. 243 follows NW to
33° 54' 25.8"	35° 5' 52.7"	TP follows NE, S of road to
33° 54' 42.9"	35° 6' 3.4"	
33° 55' 18.4"	35° 6' 34.8"	
33° 55' 40.2"	35° 6' 48.1"	
33° 55' 51.2"	35° 6' 56.3"	Follows S of main road into Port area of Famagusta

#### Pyrga Pocket

Longitude (E)	Latitude (N)	Description
33° 43' 11.5"	35° 10' 51.7"	SW corner
33° 43' 11.6"	35° 11' 30.34"	NW corner
33° 44' 18.5"	35° 11' 28.1"	NE corner
33° 44' 19.9"	35° 10' 46.1"	SE corner



**Kormakiti – clockwise from NW corner**

Longitude (E)	Latitude (N)	Description
33° 0' 0.2"	35° 21' 10.6"	
33° 0' 21.2"	35° 21' 10.6"	Spot height "250"
33° 0' 58.5"	35° 20' 52.8"	Spot height "281"
33° 1' 19.3"	35° 20' 34.6"	
33° 1' 19.1"	35° 19' 59.8"	
33° 0' 0.2"	35° 19' 59.8"	Closes to point
33° 0' 0.2"	35° 21' 10.6"	

**Louroujina Pocket – clockwise from NE corner**

Longitude (E)	Latitude (N)	Description
33° 30' 14.5"	35° 3' 56.1"	
33° 29' 48.2"	35° 3' 32.9"	
33° 29' 42.2"	35° 3' 18.1"	
33° 29' 25.7"	35° 2' 50.2"	
33° 28' 43.2"	35° 0' 26.1"	SE corner
33° 27' 46.9"	35° 0' 20.6"	S of Louroujina
33° 27' 10.4"	35° 0' 36.9"	SW corner
33° 27' 11.9"	35° 1' 23.7"	
33° 27' 54.4"	35° 2' 44.7"	
33° 29' 17.9"	35° 3' 49.7"	
33° 29' 27.3"	35° 3' 59.9"	
33° 29' 41.1"	35° 4' 9.8"	NW corner
33° 30' 14.5"	35° 3' 56.1"	Close at NW corner

**Addition to Border after SBA change**

Longitude (E)	Latitude (N)	Description
33° 42' 58.7"	35° 4' 11.7"	ESBA marker No. 71 follows W of road S to
33° 42' 41.6"	35° 3' 33.6"	TP follows W along old Larnaca/Famagusta District boundary through:
33° 42' 29.5"	35° 3' 34.6"	
33° 41' 32.7"	35° 3' 40.1"	
33° 41' 13.8"	35° 3' 40.2"	
33° 40' 29.1"	35° 3' 33.2"	Join ESBA boundary just N of marker No 57 follows ESBA boundary S to
33° 42' 15.2"	35° 1' 36.61"	ESBA boundary marker No. 35 follows E to
33° 42' 19.3"	35° 1' 35.9"	N of road
33° 42' 23.7"	35° 1' 34.8"	
33° 42' 31.5"	35° 1' 30.2"	TP follows NE to
33° 42' 41.0"	35° 1' 36.5"	
33° 43' 13.9"	35° 2' 13.6"	
33° 43' 32.9"	35° 2' 22.9"	
33° 43' 43.1"	35° 2' 42.9"	
33° 44' 15.8"	35° 3' 22.0"	ESBA boundary marker No. 111



## ATTACHMENT 2: MAPS OF TERRITORIAL ADJUSTMENT

Map



Map



Map

### **ATTACHMENT 3: DETAILED DESCRIPTION OF PHASING LINES OF TERRITORIAL ADJUSTMENT**

**Phase 1 – 104 days.** Phase 1 includes UNFICYP relinquishing authority over the Buffer Zone (BZ) and the handover of Varosha and Kokkina. This Phase boundary generally follows the northern edge of the BZ with the exception of the Kokkina pocket which is handed over and Varosha detailed below:

#### **Varosha**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
33°59'57.90"	35°4'13.46"	Along Coast to
33°57'28.40"	35°7'4.05"	Then along Fence line
33°57'9.25"	35°7'8.36"	
33°56'52.06"	35°7'8.08"	
33°56'47.34"	35°6'52.75"	
33°57'3.20"	35°6'26.06"	
33°57'1.40"	35°6'1.99"	
33°57'3.31"	35°5'52.43"	
33°57'24.42"	35°5'0.36"	
33°57'56.92"	35°5'15.05"	
33°58'0.24"	35°4'56.34"	
33°58'22.99"	35°4'15.47"	Joining the northern edge of the BZ

**Phase 2 – 6 months.** Phase 2 phase boundary line is the same as Phase 1 with the addition of the handover areas of Achna and Petra detailed below:

#### **Achna**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
33°48'54.81"	35°4'12.51"	At SBA Boundary
33°45'48.74"	35°3'48.46"	
33°45'43.46"	35°3'44.49"	
33°46'5.29"	35°2'35.35"	At SBA Boundary

#### **Petra**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
32°55'53.22"	35°6'4.79"	Joining the northern edge of the BZ
32°55'21.12"	35°6'29.86"	
32°54'42.81"	35°6'52.79"	
32°53'29.86"	35°6'47.63"	
32°53'25.74"	35°6'37.85"	
32°53'27.29"	35°6'35.72"	
32°53'25.74"	35°6'34.01"	
32°53'13.84"	35°6'34.01"	
32°53'4.02"	35°6'28.05"	Joining the northern edge of the BZ



**Phase 3 – 1 year.** Phase 3 phase boundary line is the same as Phase 2 with the addition of the handover areas of Loutros/Gallini and Tymvou detailed below:

**Loutros/Gallini**

Longitude (E)	Latitude (N)	Description
32°47'26.31"	35°7'24.11"	Joining the northern edge of the BZ
32°47'22.82"	35°7'40.69"	
32°47'3.01"	35°8'21.93"	
32°46'17.63"	35°8'42.89"	
32°46'2.32"	35°8'53.79"	
32°45'54.44"	35°8'54.99"	
32°45'46.07"	35°8'53.75"	
32°45'23.43"	35°8'45.62"	
32°45'11.10"	35°8'50.04"	
32°44'44.97"	35°8'54.85"	
32°44'35.12"	35°8'54.82"	
32°44'25.75"	35°8'56.83"	
32°43'44.91"	35°8'40.55"	
32°43'43.93"	35°8'38.53"	Joining the northern edge of the BZ

**Tymvou**

Longitude (E)	Latitude (N)	Description
32°25'3.64"	35°10'18.11"	Joining the northern edge of the BZ
32°25'43.96"	35°10'8.13"	
32°26'45.03"	35°10'13.89"	
32°28'46.70"	35°8'26.25"	Spot Height '137'
32°31'2.53"	35°8'20.49"	VIALIAS Riverbed
32°31'16.78"	35°7'34.36"	
32°30'38.10"	35°5'7.64"	
32°29'50.41"	35°4'16.18"	
32°30'21.74"	35°4'10.59"	
32°30'14.68"	35°5'56.80"	
32°29'40.77"	35°4'10.44"	
32°28'47.06"	35°3'27.67"	Joining the northern edge of the BZ

**Phase 4 – 2 years.** Phase 4 phase boundary line is the same as Phase 3 with the addition of the handover areas of south Famagusta, Kalopsida/Acheritou, Lysi/Kontea, Avlona and Lymnitis/Soli detailed below:

#### **South Famagusta**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
33°57'57.2.98"	35°5'51.42"	Joining the Varosha line Following minor rd. to
33°55'55.77"	35°5'28.55"	
33°55'26.85"	35°5'37.49"	
33°54'58.10"	25°5'11.11"	At corner of SBA boundary

#### **Kalopsida/Acheritou**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
33°52'19.71"	35°7'24.71"	At SBA boundary
33°45'27.93"	35°7'27.48"	Then follows final boundary to
33°44'15.26"	35°3'22.52"	At SBA boundary

#### **Kontea/Lysi**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
33°43'0.34"	35°4'11.89"	At SBA boundary Following final boundary to
33°43'31.64"	35°7'6.99"	
33°39'28.55"	35°7'9.19"	At final boundary Following final boundary to
33°32'26.68"	35°4'47.4"	

#### **Avlona**

<b>Longitude (E)</b>	<b>Latitude (N)</b>	<b>Description</b>
33°7'6.00"	35°10'1.03"	Joining the northern edge of the BZ
33°6'51.78"	35°10'17.46"	
33°6'39.61"	35°10'25.59"	
33°6'5.14"	35°10'31.09"	
33°5'40.32"	35°10'29.20"	
33°5'36.18"	35°10'19.98"	Joining the northern edge of the BZ



**Limnitis/Soli**

Longitude (E)	Latitude (N)	Description
32°47'30.75"	35°7'22.33"	Joining the northern edge of the BZ
32°47'42.35"	35°7'37.65"	
32°47'59.71"	35°8'24.08"	
32°48'5.45"	35°8'55.67"	Joining the coast

**Phase 5 – 2½ years.** Phase 5 phase boundary line is the same as Phase 4 with the addition of the handover areas of Famagusta, Mia Milia, Gerolakkos, and Zodhia detailed below:

**Famagusta**

Longitude (E)	Latitude (N)	Description
33°57'11.28"	35°7'15.01"	At the coast Following final boundary to
33°54'21.16"	35°5'51.76"	At SBA boundary

**Mia Milia**

Longitude (E)	Latitude (N)	Description
33°26'44.57"	35°10'13.87"	At Phase 3 boundary Following final boundary to
33°23'58.58"	35°12'3.58"	

**Gerolakkos**

Longitude (E)	Latitude (N)	Description
33°19'12.48"	35°10'51.85"	At the final boundary line Following final boundary to
33°15'49.58"	35°11'37.29"	At the final boundary line Following phase line
33°14'54.21"	35°11'27.11"	
33°13'20.59"	35°11'2.00"	Joining the northern edge of the BZ

**Zodhia**

Longitude (E)	Latitude (N)	Description
33°1'38.42"	35°9'38.43"	Joining the northern edge of the BZ
33°1'30.36"	35°9'58.77"	
33°1'20.59"	35°10'6.80"	
33°0'58.62"	35°10'16.24"	
33°0'24.38"	35°10'24.07"	
32°59'53.09"	35°10'26.08"	
32°59'32.07"	35°10'18.05"	
32°58'8.99"	35°9'31.27"	
32°56'45.69"	35°9'0.34"	At the final boundary line

		Following final boundary to
32°58'20.28"	35°7'9.79"	Joining the northern edge of the BZ

**Phase 6 – 3 years.** Phase 6 is the final boundary line.



## ANNEX VII: TREATMENT OF PROPERTY AFFECTED BY EVENTS SINCE 1963

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## **Part I: GENERAL ARTICLES**

### ***Article 1      General provisions***

1. The provisions in this Annex and its attachments deal with *properties* which were affected as a consequence of intercommunal strife, military action or the unresolved division of the island between December 1963 and entry into force of the Foundation Agreement and introduces an extraordinary regime to deal with these *properties*. The provisions in this Annex and its attachments will continue to apply to such *properties* until all matters covered by these provisions have been closed by the Property Board or the Supreme Court.
2. Terms used in this Annex and its attachments are defined in Attachment 1.
3. Provisions of this Annex and its attachments shall be referred to hereinafter as 'these provisions'.

### ***Article 2      The Cyprus Property Board***

These provisions, unless otherwise stated, shall be implemented by the Cyprus Property Board. Its composition, powers and procedures, as well as the obligations of the federal government and the constituent states in relation to it, are further regulated in Attachment 2.

### ***Article 3      Property in areas subject to territorial adjustment***

*Property* located in areas subject to territorial adjustment is regulated by Attachment 4. Where there are no specific provisions in Attachment 4, the other provisions of this Annex shall apply.

### ***Article 4      Religious sites***

1. The Churches and Evkaf shall be entitled, without exception and within three years of entry into force of the Foundation Agreement, to *reinstatement* of any *affected property* owned by them which was used as a *religious site* in 1963 or 1974.
2. This Article shall not limit the right of Churches and Evkaf to claim compensation in lieu of *reinstatement* for any *affected property* under these provisions.



## **Part II: REGULATION OF EXERCISE OF PROPERTY RIGHTS**

### **Article 5      *Suspension of dealings, proceedings or alterations with respect to affected property***

1. Any transaction, dealing, or any proceeding in any court or legal or administrative body in Cyprus, or any physical alterations (apart from minor or emergency maintenance), with respect to any *affected property* shall be suspended or prohibited upon entry into force of the Foundation Agreement, until the Property Board:
  - a. Authorises such dealing, proceeding or physical alteration to continue or occur;
  - b. Refers the dealing or proceeding to another competent court or authority; or
  - c. Makes a final determination in relation to the *property*.
2. The United Cyprus Republic and the constituent states shall, pursuant to Article 37 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, request the European Court of Human Rights to strike out any proceedings currently before it concerning *affected property*.

### **Article 6      *Claims and applications***

1. A *dispossessed owner* shall be entitled to claim compensation for his/her title to *property* or the *reinstatement* of his/her *property* or apply for assistance in arranging the sale, long-term lease or exchange of his/her *property*.
2. *Current users* of affected *properties* who are themselves *dispossessed owners* or persons who own *significant improvements* to affected *properties* may apply to receive title to such *properties*.
3. *Current users* of *properties* to be reinstated may apply to benefit from the special measures detailed in Attachment 3.
4. All such claims and applications shall be made to the Property Board within the time limit specified and shall be processed and determined in accordance with these provisions.
5. All payments required as a condition for the transfer of title or *reinstatement* shall be made to the Property Board within three years of the relevant decision of the Property Board, unless the decision specifies an earlier date. Transfer of title or *reinstatement* shall not take effect until all stipulated payments are made in full. Failure to make payments within the specified period may result in loss of or modifications to rights with respect to the *property*.

## **Article 7      *Liability for damage***

Persons responsible for serious damage to or destruction of *properties* after 11 November 2002 shall be liable to the *dispossessed owner* and/or the Property Board for the cost of the damage up to the *market value* of the *property*. In addition, the Property Board may fine such persons and take other punitive measures, including modifying decisions previously made in their favour.

## **Section A: Compensation**

### **Article 8      *Entitlement to full and effective compensation***

1. Any *dispossessed owner* shall be entitled to claim full and effective compensation as determined by the Property Board in accordance with international standards (hereinafter referred to as "compensation") in exchange for transfer of title to the *affected property* to the Property Board.
2. Entitlements to compensation shall be assessed and paid by the Property Board at *current value*, unless otherwise specified in these provisions.
3. Compensation shall be paid in the form of compensation bonds drawn on a compensation fund. The establishment of the Compensation Fund, issuing and use of bonds shall be regulated by the provisions in Attachment 2.<sup>32</sup>
4. *Dispossessed owners* of *properties* which, according to the following provisions, are not reinstated, shall be entitled to compensation.

### **Article 9      *Property owned by institutions***

Title to affected *properties*, other than *religious sites*, which are owned by *institutions* shall be transferred to the Property Board in exchange for compensation.

### **Article 10      *Property used for public benefit purposes***

Title to an *affected property* which is being used for a purpose in the public benefit upon entry into force of the Comprehensive Settlement which objectively justifies compulsory acquisition shall be transferred to the federal

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<sup>32</sup> **Observation:** expert advice is needed on questions of the issuing, use and value of compensation bonds.



government or the relevant constituent state in exchange for payment of the *current value* by the relevant authority to the Property Board.

#### **Article 11     *Property required for military purposes***

Title to any *affected property* which is specified in the Additional Protocols to the Treaty of Alliance, or any attachment thereto, as being required for military purposes shall be transferred to the constituent state in which it is located, in exchange for payment of the *current value* by the relevant constituent state to the Property Board.

#### **Article 12     *Property currently used by dispossessed owners***

1. A *dispossessed owner* who is the *current user* of an *affected property* of similar *current value* to a *property* of which s/he was dispossessed and has been using the *affected property* on a continuous basis for at least ten years, may apply to the Property Board to receive title to that *property* in exchange for title to the *property* of which s/he was dispossessed.
2. The application shall be granted if the *current value* of the *affected property* is no greater than 50% more than the *current value* of the *property* of which s/he was dispossessed.
3. If the *current value* of the *affected property* is more than 50% greater than the *current value* of the *property* of which the *current user* was dispossessed, the Property Board shall assist the *dispossessed owner* and the *current user* to reach an amicable agreement. If this fails, the Property Board may grant or refuse the exchange, taking into account the arguments of both sides, or partition the *property* as appropriate.
4. If the *current value* of the *affected property* is less than that of the *property* of which the *current user* was dispossessed, s/he may claim compensation for the difference in value.
5. If the *current value* of the *affected property* is more than the *current value* of the *property* of which the *current user* was dispossessed, s/he shall pay the difference to the Property Board prior to the transfer of title.

#### **Article 13     *Property currently used by subsequent purchasers from dispossessed owners***

1. Any purchaser (or his/her successors in title) of an *affected property*, which was assigned to a *dispossessed owner* (hereinafter "the vendor") and was of a similar *current value* to a *property* of which the vendor was dispossessed, shall have the same rights and obligations as the vendor would have had according to Article 12 with respect to the *affected property*, provided that s/he and the vendor and any predecessors in title

have collectively been *current users* of the *affected property* on a continuous basis for at least ten years. Title to the *property* of which the vendor was originally dispossessed shall be transferred to the Property Board. If the *current value* of the *affected property* is less than that of the *property* of which the vendor was originally dispossessed, the vendor may claim the difference in compensation.

2. The above provision does not apply if the Property Board cannot obtain title to the *property* of which the vendor was dispossessed because the vendor has already legally disposed of it.

#### **Article 14     *Significantly improved property***

The owner of a *significant improvement* to an *affected property* may apply to receive title to that *property*, in exchange for payment of the *current value* of the *affected property* without the improvement. The Property Board shall order transfer of title after payment of compensation to the *dispossessed owner* at the *current value* for his/her interest in the *property*.

### **Section B: Reinstatement into possession**

#### **Article 15     *Eligibility for reinstatement***

Affected *properties* which do not fall into the above categories shall be generally eligible to be reinstated.

#### **Article 16     *Agreed levels of reinstatement***

1. In either constituent state, no more than **10%**, and in any given municipality or village no more than **20%**,<sup>33</sup> of the total land area and of the number of residences shall be reinstated to persons hailing from the other constituent state.<sup>34</sup> To this effect, the Property Board shall first decide any claims for reinstatement of residences and thereafter, claims for land<sup>35</sup> within any given municipality or village.
2. Eligible claimants shall be awarded *reinstatement* based on priority in descending order of age, until the agreed levels are reached.
3. These limitations shall not apply to *religious sites* or to villages which were predominantly inhabited by Maronites in 1974 or the Karpas

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<sup>33</sup> **Note:** These percentages are directly related to the agreed territorial adjustment.

<sup>34</sup> **Observation:** The limitations per municipality or village apply in accordance with municipal and village boundaries as at 1960.

<sup>35</sup> **Observation:** The land on which a residence is built shall also be counted towards the total.



villages of Rizokarpaso/Dipkarpaz, Agialousa/Yeni Erenköy, Agia Trias/Sipahi, and Melanarga/Adacay.

#### **Article 17     *Moratorium for reinstatement***

No order of the Property Board shall require *reinstatement* of *affected property* to a *dispossessed owner* before a date which is:

- a. Three years after the Foundation Agreement enters into force, for *property* which is *vacant* at that date; or
- b. Five years after the Foundation Agreement enters into force, in all other cases.

#### **Article 18     *Improvements on reinstated property***

1. The owner of any improvement with a *market value* of more than 10% of the *current value* of a *property* to be reinstated may apply for compensation for his/her interest in the *property*.
2. The *dispossessed owner* shall be entitled to retain any improvement on the *affected property* after *reinstatement*, provided s/he pays the *market value* of the improvement to the Property Board.
3. The *dispossessed owner* shall not be required to make such a payment if s/he satisfies the Property Board that the improvement is inappropriate for or irrelevant for his/her intended future *use of the property for his/her own purposes*, provided the intended future use is more or less similar to its use prior to dispossession. If the Property Board subsequently finds that the *dispossessed owner* or any successor in title makes use of the improvement, the Property Board may pursue him/her to recover the amount of compensation paid to the owner of the improvement under paragraph 1 of this Article.

### **Section C: Sale, exchange and long-term lease**

#### **Article 19     *Option to sell, exchange or lease***

1. *Properties* eligible for *reinstatement* may be sold, exchanged or leased on a long-term basis (20 years or longer) to *current users* or other people hailing from the constituent state in which the *property* is located, at any time prior to the final determination on *reinstatement*, in accordance with these provisions.
2. *Dispossessed owners* and *current users* may seek the assistance of the Property Board with the sale, exchange or lease of such *properties*.

**Article 20     *Incentives for dispossessed owners to sell, exchange or lease***

*Dispossessed owners* shall be offered incentives to sell, exchange or lease on a long-term basis their *properties* according to Article 19, including:

- a. Exemptions for such *properties* from being counted for the purposes of determining when agreed levels of *reinstatement* have been reached;
- b. Exemptions from taxes, governmental fees, charges and duties payable on signing of instruments, or on completion and registration of transfers or leases of such *properties*;
- c. Exemptions or substantial reductions in taxes on capital gains derived from transfers or from rental income under such leases;
- d. Exemptions from any incidental taxes, governmental fees, charges and duties relating to sale, exchange or lease of such *properties*;
- e. Exemptions from *property* taxes for the duration of such leases; and
- f. Such other additional incentives as the federal government and the constituent states may choose to provide.

**Part III: LOSS OF USE**

**Article 21     *Compensation for loss of use***

Any claims for compensation for loss of use of an *affected property* for any period commencing with dispossession shall be considered by the constituent state from which the claimant hails, taking into account:

- a. Benefits previously enjoyed by the *dispossessed owner* on the grounds of his/her displacement; and
- b. Any entitlements received by or payable to the *dispossessed owner*, whether before or after the Foundation Agreement, for the period of lost use.

**Part IV: JUDICIAL REVIEW**

**Article 22     *The Property Court***

1. A Property Court shall be established with power to conduct final judicial review of decisions of the Property Board.
2. The Property Court shall be composed of an uneven number of judges. This number shall be specified by the **President** of the Supreme Court after consultation with members of the Supreme Court, and shall include



an equal number of judges from each of the constituent states and no less than three non-Cypriot judges who are not citizens of Greece, Turkey or the United Kingdom. The **President** and judges of the Property Court shall be chosen in the same manner and for the same term of office as judges of the Supreme Court, unless the Supreme Court decides otherwise.

3. Decisions of the Property Board shall not be subject to appeal or challenge in any constituent state court or otherwise, except by way of judicial review by the Property Court in accordance with the law and these provisions.
4. Decisions of the Property Court shall not be subject to further review or appeal to the Supreme Court.
5. An application for judicial review of a Property Board decision may be made to the Property Court by any party with a legal interest in the decision or the *property* in question, within 60 days of publication of the decision by the Property Board in accordance with its rules.
6. The Property Court shall have power to levy fees upon parties for procedural steps in initiating and contesting matters before it.
7. The Property Court shall continue in operation until such time as the Supreme Court may decide to assume its functions.

#### **Part V: AMENDMENT**

1. These provisions may be amended by the executive heads of the constituent states acting by consensus and with the approval of the legislatures of both constituent states.
2. The text of any proposed amendment shall be agreed between the executive heads of the constituent states and submitted in identical form to each constituent state legislature. It shall come into force 30 days after its approval by both legislatures.

## ATTACHMENT 1: DEFINITIONS

### **Article 1      Definitions**

In Annex VII and its attachments, the following terms are defined as:

1. *Affected property* – immovable *property* in Cyprus which the owner, being a natural or legal person, left or of which s/he lost use and control as a consequence of intercommunal strife, military action or the unresolved division of the island between December 1963 and entry into force of the Foundation Agreement, and which has not since been reinstated to the owner (or his/her heir, personal representative or successor in title), and over which s/he has not regained use and control. *Affected property* shall not include any *property* which was voluntarily sold, transferred or otherwise permanently disposed of by the owner, to a natural or legal person who was able to gain effective control over the *property*, including through compulsory acquisition or expropriation (provided such compulsory acquisition or expropriation was carried out in accordance with international standards, including through payment of full and effective compensation). The onus of proof of any such voluntary transfer or lawful expropriation shall lie with the transferee or his/her successor in title. In the absence of evidence to the contrary for the individual case in question, dispossession shall be presumed to have been unlawful and/or involuntary. People who are successors in title of *dispossessed owners* and have not been able to gain effective control over the relevant affected property shall be treated in the same manner as the *dispossessed owners* themselves would be.
2. *Alternative accommodation* – residential housing for people affected by the return and *reinstatement* of owners, who satisfy eligibility requirements. Such accommodation shall at least be of a level which is comfortable by reasonable modern standards (including being connected to public utilities where available, such as water and electricity); provides a reasonable ratio of living space for the number of household members which it must accommodate; is no less than 70 square metres for a household of up to two persons, 100 square metres for three persons, 120 square metres for four to five persons and 140 square metres for larger households; and, where practicable, is comparable to the residence which the recipient is vacating or which s/he possessed prior to his/her displacement (up to a maximum standard to be defined in regulations of the Property Board).
3. *Current user* – a person who has been granted a form of right to use or occupy *property* by an authority under a legal or administrative process established to deal with *property* belonging to *dispossessed owners*, or any member of his/her family who has a derivative right to use or occupy such *property*, or his/her heir or successor in title. The definition does not



include any person who occupies or uses a *property* without any legal, administrative or formal basis, nor any person using or occupying *property* under a lease contract from a private person, nor any military force, body or authority.

4. *Current value*<sup>36</sup> – value of a *property* at time of dispossession, plus an adjustment to reflect appreciation based among other things on increase in average sale prices of *properties* in Cyprus in comparable locations<sup>37</sup> in the intervening period up to the date of entry into force of the Foundation Agreement. The *current value* of property shall be assessed as at the date of entry into force of the Foundation Agreement. This value shall bear interest, at the same rate as interest on compensation bonds, from the date of entry into force of the Foundation Agreement until compensation bonds are issued.
5. *Dispossessed owner* - a natural or legal person who, at the time of dispossession, held a legal interest in the *affected property* as owner or part owner, his/her legal heir, personal representative or successor in title, including by gift.
6. *Institutions* – entities other than natural persons, including privately or publicly-owned or controlled bodies, such as public or private trusts, religious institutions; military forces and companies (other than sole corporations),<sup>38</sup>
7. *Market rent* – the amount of rent which could be charged for a *property* on the open market, based on an assessment of *market rents* paid for comparable *properties* in comparable locations at the time of assessment.<sup>39</sup>
8. *Market value* - the amount for which a *property* could be sold on the open market, based on an assessment of purchase prices or amounts paid for comparable properties in comparable locations at the time of assessment.<sup>40</sup>
9. *Original state* - the state or condition of *affected property* at the time of dispossession of the *dispossessed owner*, not including improvements subsequently made by any party, assessed at *current value*.

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<sup>36</sup> **Observation:** Expert advice shall be sought from quantity surveyors, economists and/or specialists in property valuation on the final formulation of provisions relating to assessment of value.

<sup>37</sup> **Observation:** The calculation of the increase should be based on the hypothesis that events between 1963 and 1974 had not taken place, i.e. not take into account depreciation in values due to those events; it should if possible therefore be based on comparable locations where property prices were not negatively affected by those events.

<sup>38</sup> **Observation:** This definition is not intended to include private family corporations (whose shareholders are members of the same family), or corporations, the shareholders of which hold shares that relate to separate and self-contained tenements *used for their own purposes*.

<sup>39</sup> **Observation:** provisions defining market rent and value shall be reviewed by relevant experts in valuation.

<sup>40</sup> **Observation:** provisions defining market rent and value shall be reviewed by relevant experts in valuation.

10. *Property* - immovable *property*, being land and fixtures attached to land (or an ownership interest or undivided share in such a *property*).
11. *Reinstatement* – restitution through the award of legal and physical possession to the *dispossessed owner*, so as to enable him/her to exercise effective control over such *property*, including *use for his/her own purposes*.
12. *Religious site* – a mosque, church, chapel, cemetery, monastery, shrine, tomb or other place of worship. In exceptional cases, where living quarters, contiguous gardens or other land and buildings owned by the Church or Evkaf form an inseparable unit with the religious site, such property up to a maximum of [insert figure] decar<sup>41</sup> shall be considered part of the religious site.
13. *Significant improvement* – an improvement (including any new construction on *vacant land*) to an *affected property*, which was made between the time of dispossession and 31 December 2001<sup>42</sup>, or based on a building permit issued prior to 31 December 2001, and of which the *market value* is greater than the value of the *affected property* in its *original state*. For the purposes of determining the ownership of the improvement, it shall not be considered as having attached to the land; the owner of the improvement is the natural or legal person who paid for the improvement or his/her heir, personal representative or successor in title. The burden of proof concerning the value, ownership and date of construction of any improvement lies on the owner of the improvement.
14. *Sufficient financial means* – income (taxable or otherwise) of more than X (X being the amount required to meet mortgage payments) or wealth of more than Y (Y being the amount required to purchase the currently-used *property* or *alternative accommodation*). Entitlements and interests in *affected property* shall be taken into account for the purposes of calculating wealth. The Property Board shall determine the amounts of X and Y and revise the amounts annually, based on market figures and expert input.
15. *Use for own purposes* – use and enjoyment of *affected property* by a person, his/her family member, employee or representative (other than a tenant) through regular personal use (not necessarily as a permanent residence). *Use for own purposes* shall not include selling, renting, transferring by gift or otherwise disposing of an interest in *affected property*.
16. *Vacant* - not used or occupied by a *current user* or any member of his/her family or successor in title who has a derivative right to use or occupy such *property*.

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<sup>41</sup> In the case of Apostolos Andreas monastery and the Hala Sultan Tekke, the maximum adjacent area to be considered part of the religious site shall be [insert figure] decar and [insert figure] decar respectively.

<sup>42</sup> **Observation:** The Property Board shall have discretion in deciding cases of improvements which were in an advance stage as at that date and completed thereafter.



## **ATTACHMENT 2: THE CYPRUS PROPERTY BOARD AND COMPENSATION ARRANGEMENTS**

### **Section A: Establishment, operation, powers, staff and costs of the Cyprus Property Board**

#### ***Article 1      Establishment and conduct of the Cyprus Property Board***

1. There shall be an independent, impartial, administrative body known as the Cyprus Property Board (hereafter the 'Property Board').
2. The Property Board shall act in accordance with the principles and terms of the Foundation Agreement and in particular with these provisions.

#### ***Article 2      Membership***

1. The Property Board shall be composed of a total of seven members, being two members hailing from each constituent state and three non-Cypriot members who are not citizens of Cyprus, Greece, Turkey or the United Kingdom.
2. Members shall be legally qualified and of high moral and professional standing. Members shall be prohibited from holding any other federal or constituent state office during their membership of the Property Board.
3. The Cypriot and non-Cypriot members' remuneration shall be at the level of nine-tenths of the salary of the Cypriot and non-Cypriot judges of the Supreme Court respectively.
4. Within 30 days of entry into force of the Foundation Agreement, the Co-Presidents shall appoint by consensus the initial members of the Property Board. For subsequent appointments, the members shall be appointed by the executive heads of the constituent states acting by consensus.
5. The members shall elect from among their number a presiding member, who shall preside over the Board for a period of three years or until the end of his/her term, whichever is the sooner.
6. The members of the Property Board shall be appointed for a term of three years. At the end of each three-year term, each member shall be replaced or reappointed for a further term. Members may resign with 90 days prior notice. The Supreme Court may remove any member upon the application of the federal government or either constituent state in case of misconduct or grave breach of the member's duties. In case of

any vacancy, a new member shall be appointed within 45 days of notice of the vacancy or of its occurrence, whichever is the sooner.

7. If there is failure to agree on the appointment of any member of the Property Board in the time specified under these provisions, the Secretary-General of the United Nations or his representative is invited to appoint a replacement member to hold office for a minimum of eighteen calendar months.

### **Article 3      Powers**

The Property Board shall have the power to:

- a. Receive and rule on claims for *affected property*;
- b. Decide any question or dispute before it regarding claims, entitlements of *dispossessed owners*, *current users* or owners of improvements, allegations of sale under duress, *property* valuation, right of first refusal or title to or other rights in respect of *affected property*;
- c. Decide in individual cases on, and set and revise scales and values for the purposes of calculating compensation for *affected property* and improvements; rent, sale and purchase amounts; entitlements to *alternative accommodation* and other amounts under these provisions;
- d. Demand and receive prompt, full and unhindered access to any and all records, archives, databases or other information regarding *property* in Cyprus, and to any and all *property* in Cyprus for the purpose of inspection, valuation and assessment related to its tasks and operation, and to receive copies or extracts of information, without fee, tax or other charge;
- e. Order or procure the registration of interests in *affected property* or correction of entries in the relevant Land Titles Register or other records, based on entitlements under these provisions or other applicable law;
- f. Refer any question arising in respect of an *affected property* to another competent court or authority, as appropriate and for finalisation or any interim or other ruling;
- g. Order the suspension of any proceeding in any court or other authority, or any physical alterations (other than minor or emergency maintenance) with respect to *affected property*;
- h. Order or procure the completion of any steps as required to transfer interests in *affected property* or, where necessary, partition *affected property*, under these provisions or other applicable law;
- i. Issue legally binding orders to competent federal or constituent state bodies as required to implement its decisions;
- j. Acquire and deal with *affected property* in a responsible manner under these provisions, including the administration and disposal of *affected property* transferred to it or coming under its control;



- k. Facilitate the provision and allocation of *alternative accommodation*;
- l. Assist persons, upon their request, in the sale, lease or exchange of *affected property*;
- m. Collect damages from and issue fines against any persons found responsible for damaging or destroying *affected property*;
- n. Administer and/or supervise a preferential loans scheme under these provisions;
- o. Adopt such rules, regulations, procedures, forms and other instruments as required for the performance of its functions;
- p. Consult and seek recommendations from qualified experts to assist in the performance of its functions, including experts in valuation, economics, law, *property* markets, quantity and land surveying, registration, mapping and others; and
- q. Perform other tasks, including those which may be assigned to it by the federal government or either constituent state, or which are incidental or related to the performance of its functions.

**Article 4      *Obligations of the federal government and the constituent states in respect of the Property Board***

- 1. The federal government and the constituent states shall take all steps as required to implement these provisions in good faith and in a timely manner.
- 2. In order to fulfil their obligations under these provisions, the federal government and the constituent states shall, among other things:
  - a. Cooperate fully with the Property Board, and respect, recognise and comply with its decisions in accordance with their legally binding nature, including by officially publishing its decisions at the request of the Property Board;
  - b. Implement the decisions of the Property Board fully and promptly;
  - c. Cooperate with other relevant *institutions* dealing with *affected property* under these provisions;
  - d. Provide the Property Board with prompt, full and unhindered access to any and all records, archives, databases or other information regarding *property* in Cyprus, and to any and all *property* in Cyprus for the purpose of inspection, valuation and assessment related to its tasks and operation, and to provide copies or extracts of information, without fee, tax or other charge;
  - e. Adopt special measures, including at the request of the Property Board, to ensure the physical protection of *property* from damage or destruction; and
  - f. Act otherwise as necessary to respect *property* rights.
- 3. The federal government and the constituent states shall adopt and enforce any legislation, regulations, procedures, orders, instructions, practice notes and other legislative instruments as necessary or

appropriate to acknowledge the binding force of Property Board decisions, and ensure their enforcement and implementation, including as necessary through local administrative bodies, police or other agents. Such legislative instruments shall be drafted in consultation with the Property Board.

4. In case the federal government or a constituent state fails within one year after entry into force of the Foundation Agreement to adopt laws for enforcement and implementation of decisions of the Property Board, the Property Board shall issue rules providing for enforcement and implementation of its decisions, which shall come into force as binding legal instruments of the federal government or the relevant constituent state, and which shall remain in force until the federal government or the relevant constituent state enacts effective laws in fulfilment of its obligations under these provisions.
5. **The federal government and the constituent states shall adopt legislation in accordance with any guidelines provided by the Property Board on the treatment of loans which are still outstanding and which were incurred prior to July 1974 for the purchase of *affected property* and on unresolved dealings in *affected property*.**

#### **Article 5      *Obligations of federal and constituent state courts and competent authorities***

1. The courts, administrative bodies and other authorities of the federal government and the constituent states shall cooperate with the Property Board and acknowledge the legally binding force of its decisions, and shall take any steps as necessary to implement and enforce its decisions.
2. If the Property Board refers a question to a court or other competent authority, such court or authority shall hear and determine the claim on its merits and shall not reject or refuse to decide the claim solely on the grounds that the claim is out of time or that any applicable limitation period has expired.
3. The constituent states shall put land for *alternative accommodation* at the disposal of the Property Board, including, where necessary, through expropriation (against full and effective compensation). In allocating such land, the constituent states shall take into account the need for relocating persons, in particular those from areas subject to territorial adjustment, to be able adequately to earn their livelihood.<sup>43</sup>

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<sup>43</sup> **Observation:** The Property Board shall not have to pay for such land.



## **Article 6      Staff**

The Property Board shall employ a director who, under the supervision of the members of the Property Board, shall be responsible for the administration and management of the work of the Property Board. The director may employ staff qualified in law, valuation, land titles, records management, economics, accountancy, information technology, mediation and other forms of dispute resolution, *property* management and other technical and relevant fields, to assist and perform the work of the Property Board.

## **Article 7      Costs**

1. The costs of establishing and running the Property Board shall be met by the federal government, which may request contributions from the guarantor states and other international donors.
2. The Property Board shall prepare an annual budget for its running costs in accordance with the relevant public service scales of remuneration and, in the case of non-Cypriot employees, United Nations guidelines. The federal government shall pay the budgeted amount for such running costs to the Property Board before the beginning of each financial year. Any surplus funds at the end of each financial year shall be repaid to the federal government, and any shortfall shall be met by the federal government.
3. The Property Board shall submit its running costs and other accounts to independent audit each financial year, and the audit report shall be publicly available.
4. Should any additional task or function be assigned to the Property Board, the federal government or any constituent state which assigns such task or function shall provide or procure the provision of resources to enable the Property Board to perform the task or function.

## **Article 8      Period of operation of the Property Board**

1. Ten years after entry into force of the Foundation Agreement, the Property Board shall be wound up. If the Property Board by that date has not completed determination of all claims or any other task before it, the Supreme Court may extend the period of operation of the Property Board for one year at a time. In case of such an extension, the Supreme Court may order retention by the Property Board of specified assets to enable it to continue its work in accordance with these provisions.
2. The Property Board may decide, by majority of five to two and subject to the approval of the executive heads of the constituent states acting by consensus, to wind itself up on a date earlier than ten years after commencement of its operations, provided that its work has been

completed or appropriate provision has been made for transfer to a competent body of any outstanding functions or matters.

3. The Supreme Court may, upon application by the Property Board or by the executive heads of the constituent states acting by consensus, extend the period of operation of a specific section or sections of the Property Board for one year at a time, in order to enable completion of a specified function, and may order retention by that section or sections of specified assets to enable the continuation of work. Notwithstanding any such limited extension of operation of a particular section or sections, the Property Board shall be considered to be wound up for the purposes of these provisions, unless the Supreme Court orders otherwise.
4. For the purposes of hearing and determining disputes over claims, entitlements of *dispossessed owners*, *current users* or owners of improvements, *property valuation*, right of first refusal, or title to or other rights in respect of *property*, the relevant section of the Property Board shall continue in operation for as long as the Supreme Court deems fit.
5. Prior to its winding-up, the Property Board shall make arrangements for the completion of any tasks or functions assigned to it under these provisions, including any claims or disputes which are pending or which may arise in future. For this purpose, it may refer or request the Supreme Court to assign specified claims or cases to other competent bodies or courts or to a section of the Property Board, which will continue in operation by order of the Supreme Court. The obligation to ensure or make arrangements for completion of any tasks or functions under these provisions shall also apply to any section of the Property Board which continues in operation for any extended period.
6. At the time of winding-up of the Property Board and each of its sections, each constituent state shall purchase any *property* or assets located within that constituent state which are still held by the Property Board, and which are no longer required for the purpose of carrying out its functions or the functions of any section which continues to operate for an extended period under this Article. Purchase shall be at a price equal to *current value* at the time of sale and the proceeds shall be deposited in the Compensation Fund.

## **Section B: Handling of *property* transferred to or via the Property Board**

### **Article 9      *Handling of property transferred to or via the Property Board***

1. The Property Board shall receive transfer of title to *affected property* which is:



- a. Not claimed by a *dispossessed owner* within the time period set by these provisions for submission of claims;
  - b. Owned by a *dispossessed owner* who receives compensation from the Property Board or title to another *property* in exchange for his/her title; or
  - c. Owned by a *dispossessed owner* who disposed of his/her interest in an *affected property* of which s/he was the *current user*, in exchange for transfer of title to such *affected property* to the subsequent purchaser (or his/her successors in title) in accordance with Article 13.
2. In disposing of *property* transferred to it under these provisions, the Property Board shall, in this sequence:
  - a. Offer the *property* for sale to the *current user* at *current value*;
  - b. Offer the *property* for sale to persons hailing from the constituent state in which the *property* is located, at *current value*, including potentially in exchange for compensation bonds;
  - c. Use it as *alternative accommodation*; or
  - d. Otherwise dispose of it in a prudent manner, at *market value*, to generate funds for compensation purposes.
3. In all cases and at all times, the Property Board shall supervise management of *property* transferred to it or otherwise under its control in a prudent manner and in accordance with these provisions.
4. All funds generated from the sale or use of *affected property* held by the Property Board shall be deposited into the Compensation Fund.

## **Section C: Decision-making and claims for affected property**

### **Article 10    *Decision-making***

1. The Property Board shall aim to reach all decisions by consensus. If the members are unable to reach consensus on a decision, the decision shall be taken by majority vote.
2. The Property Board shall consider any relevant material or evidence put before it in respect of any claim for *affected property* or any other matter which is within its jurisdiction or decision-making power.

### **Article 11    *Claims procedure***

1. A *dispossessed owner* shall be entitled to file a claim with the Property Board for recognition of his/her interest in or title to *affected property*. In filing a claim for recognition of an interest or title, a claimant shall also