The 1960 Treaties on Cyprus
and Selected Subsequent Acts

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Contents

Introduction ................................................................................................................. 9

PART ONE

TREATY CONCERNING THE ESTABLISHMENT OF THE REPUBLIC OF CYPRUS .... 20
(Official English text)
Annex A (Sovereign Base Areas) .............................................................................. 23
Annex B
Part I (Definitions) ............................................................................................... 25
Part II (Sites and Facilities) .................................................................................. 27
Part III (Land Tenure) .......................................................................................... 36
Part IV (Training) .................................................................................................. 44
Part V (Nicosia Airfield) ....................................................................................... 50
Part VI (Payments) ................................................................................................ 54
Annex C (Status of Forces) .................................................................................... 56
Annex D (Nationality) ............................................................................................. 70
Annex E (Finance and Administration) .................................................................. 76

PART TWO

TREATÉ DE GARANTIE
(Texte officiel français) ......................................................................................... 125
TREATY OF GUARANTEE
(Official English text) ........................................................................................... 127

PART THREE

TREATÉ D’ALLIANCE (Texte officiel français) ....................................................... 130
TREATY OF ALLIANCE (English text – Translation) ........................................... 134
AGREEMENT FOR THE APPLICATION OF THE TREATY OF ALLIANCE 
(Official English text) ........................................................................................... 139
Annex A Organization and Equipment for the Tripartite Headquarters .......... 149
Annex B Organization and Equipment of the Greek and Turkish Contingents 
in Cyprus ............................................................................................................. 168
Annex C Status of Greek and Turkish Forces in Cyprus .................................... 178
Annex D Training of the Army of the Republic of Cyprus .................................. 189

PART FOUR

SELECTED SUBSEQUENT ACTS RELATED TO THE TREATY OF ESTABLISHMENT
Joint Declaration on the Sovereign Base Areas in Cyprus annexed to the Treaty of 
Accession to the European Economic Community, 1972 ................................. 195
Article 299 (1) (3) and (6) of the Consolidated version of the Treaty Establishing the European Community, 2002 ................................................................. 196

Declaration (No. 25) on the representation of the interests of the overseas countries and territories referred to in Article 299 of the Treaty establishing the European Community, 1992 ................................................................. 197

Protocol No. 3 on the Sovereign Base Areas in Cyprus annexed to the Treaty of Accession to the European Union, 2003 ................................................................. 199

Protocol No. 10 on Cyprus annexed to the Treaty of Accession to the European Union, 2003 ................................................................. 207

Memorandum of Understanding between the United Kingdom and Cyprus on the Responsibility for the Implementation of the Protocol on the Sovereign Base Areas in Cyprus, 2003 ................................................................. 210

SMALL SCALE ILLUSTRATIVE MAPS

Map 1: Akrotiri Sovereign Base Area
(Referred to as Map A in Annex A of the Treaty of Establishment)

Map 2: Dhekelia Sovereign Base Area
(Referred to as Map B in Annex A of the Treaty of Establishment)

Map 3: United Kingdom Sites, Installations and Training Areas in Cyprus
(Referred to in Annex B, Part II and IV of the Treaty of Establishment)

Introduction

Εί δη τι εσ' αρχή τα πράγματα φοβάται θάλασσα, άστρα εν τούς άλλους και εν τούς κόσμον καθότι τον διαφέρον Θεόν.

Αριστοτέλης, Πολιτικά 1252 b, 24

The best method of investigation is to study things in the process of development from the beginning.

Aristotle, Politics 1252 a, 24

The aim of this publication is to present in a single volume the complete series of the Treaties signed at Nicosia on 16 August 1960, when Cyprus was proclaimed an independent and sovereign State, as well as selected subsequent acts associated with the 1960 Treaty of Establishment, to be used as a reference work on the subject.

The texts of the Treaties and the Agreement are reproduced in the original language or languages in which they were signed, along with an English translation where English is not the original language. They were signed at the House of Representatives in Nicosia on the 15th – 16th August 1960, and came into force on signature. The documents are listed below in the sequence they were signed by the Plenipotentiaries of the United Kingdom, Greece, Turkey, and the Greek and Turkish Communities of Cyprus:

1. Greek and Turkish texts of the Constitution of the Republic of Cyprus
2. Treaty concerning the Establishment of the Republic of Cyprus
3. (a) Exchange of Notes relating to the Treaty of Establishment
3. (b) Exchange of Notes and Declaration by Her Majesty's Government in the United Kingdom regarding the Administration of the Sovereign Base Areas
4. Treaty of Guarantee
5. Treaty of Alliance
6. Agreement for the Application of Treaty of Alliance

The legal documents mentioned in points 2 to 6 above are referred to collectively as the 1960 Treaties on Cyprus.

The Treaty concerning the Establishment of the Republic of Cyprus, the Exchange of Notes relating to the Treaty of Establishment and the Exchange of Notes and Declaration by the United Kingdom regarding the Administration of the Sovereign Base Areas, as well as the Treaty of Guarantee were registered with the Secretariat of the United Nations by the United Kingdom on 12 December 1960 in accordance with Article 102 of the Charter of the United Nations.²

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The Treaty of Alliance was also registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter by Greece and Turkey on 12 June 1961, while the Agreement for the Application of the Treaty of Alliance, the text of which is contained in this volume, has not been registered.

The 1960 Constitution and the Treaties on Cyprus

The Constitution set out in the documents in the Greek and Turkish languages were initialled at Ankara on 28 July 1960 by the Representatives of the United Kingdom, Greece, Turkey, and of the Greek Cypriot Community and the Turkish Cypriot Community and signed at Nicosia on 16 August 1960.

The question often arises regarding the relationship between the Constitution and the 1960 Treaties on Cyprus. This is because obligations on the Republic of Cyprus in the Treaty of Establishment, the Treaty of Guarantee and the Treaty of Alliance have been given effect in the Constitution, namely:

1. Part II of the Constitution dealing with Fundamental Rights and Liberties (Article 6 to 33), gives effect to Article 5 of the Treaty of Establishment.
2. Article 170 of the Constitution gives effect to Part II of Annex F to the Treaty of Establishment on the obligation of the Republic to accord, by agreement on appropriate terms, most-favoured-nation treatment (MFN treatment) to Greece, Turkey and the United Kingdom in connection with all Agreements, whatever their nature.
4. By Article 195 of the Constitution, it was provided that the 1960 Treaties on Cyprus "shall be operative and binding as from the date on which they have been so signed.
5. Article 198 of the Constitution gave effect to the provisions of Annex D to the Treaty of Establishment, until a law of citizenship was adopted by the Republic.

The Zürich and London Conferences on Cyprus (Zürich, 6-11 February 1959 and London, 17-19 February 1959)

The signature in Nicosia on 16 August 1960 of the Constitution and the Treaties on Cyprus was the result of an arduous process of negotiations that started during the last months of 1958. It would go beyond the scope of this Introduction to give an account of the circumstances that led to the convening, first of the Conference on Cyprus in Zürich in February 1959 and later in the same month in London. The situation prevailing at that time in Cyprus, the international political environment and the interests involved have been ably described and analysed by historians.

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8 See footnote no. 1.

The Government of the United Kingdom of Great Britain and Northern Ireland, having examined the documents concerning the establishment of the Republic of Cyprus, comprising the Basic Structure for the Republic of Cyprus, the Treaty of Guarantee and the Treaty of Alliance, drawn up and approved by the Heads of the Governments of Greece and Turkey in Zurich on February 11, 1959, and taking into account the constitutions in London, from February 11 to 16, 1959, between the Foreign Ministers of Greece, Turkey and the United Kingdom, declares:—

A. That, subject to the acceptance of their requirements as set out in Section B below, they accept the documents approved by the Heads of the Governments of Greece and Turkey at the agreed foundation for the final settlement of the problem of Cyprus.

B. That, with the exception of two areas at
(a) Akrotiri—Episkopi—Paramall, and
(b) Dhokella—Pergamos—Ayios Nikolaos—Xylophagou, which will be retained under full British sovereignty, they are willing to transfer sovereignty over the Island of Cyprus to the Republic of Cyprus subject to the following conditions:—

(1) that such rights are secured to the United Kingdom Government as are necessary to enable the areas as aforesaid to be used effectively as military bases, including among others those rights indicated in the Annex attached, and that satisfactory guarantees are given by Greece, Turkey and the Republic of Cyprus for the integrity of the areas retained under British sovereignty and the use and enjoyment by the United Kingdom of the rights referred to above;

(2) that provision shall be made by agreement for—

(i) the protection of the fundamental human rights of the various communities in Cyprus;

(ii) the protection of the interests of the members of the public services in Cyprus;

(iii) determining the nationality of persons affected by the settlement;

(iv) the assumption by the Republic of Cyprus of the appropriate obligations of the present Government of Cyprus, including the settlement of claims.

C. That the Government of the United Kingdom welcome the draft Treaty of Alliance between the Republic of Cyprus, the Kingdom of Greece and the Republic of Turkey and will co-operate with the Parties thereto in the common defence of Cyprus.

D. That the Constitution of the Republic of Cyprus shall come into force and the formal signature of the necessary instruments by the parties concerned shall take place at the earliest practicable date and on that date sovereignty will be transferred to the Republic of Cyprus.

On 19 February 1959, the instruments recording the agreement of the parties to the Conference on the Settlement of the Cyprus Problem were adopted. The parties were the United Kingdom, Greece, Turkey, the Greek Cypriot Community and the Turkish Cypriot Community. These instruments were included in a Memorandum signed by the Prime Ministers of the

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12 Ibid, p.4

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United Kingdom, Greece and Turkey, who attended the closing session of the Conference. The Memorandum to which the List of Agreed Documents is annexed reads as follows:

Memorandum Setting Out the Agreed Foundation for the Final Settlement of the Problem of Cyprus

The Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Prime Minister of the Kingdom of Greece and the Prime Minister of the Turkish Republic, taking note of the Declaration by the Representative of the Greek-Cypriot Community and the Representative of the Turkish-Cypriot Community that they accept the documents annexed to this Memorandum as the agreed foundation for the final settlement of the problem of Cyprus,

Hereby adopt, on behalf of their respective Governments, the documents annexed to this Memorandum and listed below, as the agreed foundation for the final settlement of the problem of Cyprus.

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland

Harold MacMillan

C. Karamanlis

A. Mondros

London, February 19, 1959

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List of Documents Annexed

A. Basic Structure of the Republic of Cyprus

B. Treaty of Guarantee between the Republic of Cyprus and Greece, the United Kingdom and Turkey

C. Treaty of Alliance between the Republic of Cyprus, Greece and Turkey

D. Declaration made by the Government of the United Kingdom on February 17, 1959

E. Additional Article to be inserted in the Treaty of Guarantee

F. Declaration made by the Greek and Turkish Foreign Ministers on February 17, 1959

G. Declaration made by the Representative of the Greek-Cypriot Community on February 19, 1959

H. Declaration made by the Representative of the Turkish-Cypriot Community on February 19, 1959

I. Agreed Measures to prepare for the new arrangements in Cyprus

The documents listed above were either signed or initialed. Documents A through C are the English translations of the documents agreed in the French text that were initialed by the Greek and Turkish Prime Ministers at Zurich on 11 February 1959.

The document on the Agreed Measures to Prepare for the new Arrangements in Cyprus, adopted at the London Conference, provided for the establishment of three bodies, namely: a
Joint (Constitutional) Commission in Cyprus, a Transitional Committee in Cyprus, and a Joint Committee in London. 

A Joint Commission was set up in Cyprus with the task of completing a draft constitution for the Republic, on the basis of the Zaninchi document. It was composed of one representative each of the Greek-Cypriot and Turkish-Cypriot communities, Mr. Spyros Paphitides, Mr. Andros Aznom (Agriculture and Natural Resources) and Mr. Mehmet Nazim (Finance), without seats on the Joint Council. The third body established was a Joint Committee in London, appointed to prepare the final treaties giving effect to the conclusions of the London Conference for submission to the three Governments. It was concerned with matters arising from the retention of areas in

Cyprus under British sovereignty, the provision of rights and facilities for the operation of these areas as military bases, nationality, the treatment of liabilities of the existing Government of Cyprus, and financial and economic problems arising from the creation of the Republic. Sir Hugh Foot was appointed to represent the United Kingdom Government, the Ambassadors in London of Greece and Turkey to represent their Governments, Mr. Zinon Rassides to represent the Greek-Cypriot community and Mr. Osman Orek the Turkish-Cypriot community. Following Mr. Orek's appointment, Mr. Umilt Shuleyman was designated as acting as Minister of Defence in the Transitional Committee.

Selected Subsequent Acts related to the 1960 Treaty of Establishment

Since 1960, several bilateral agreements have been concluded between Cyprus and the United Kingdom, Cyprus and Greece, and Cyprus and Turkey. Some of these are related to the Treaty of Establishment. This is also the case for multilateral treaties to which either the United Kingdom is a party or both Cyprus and the United Kingdom are parties. The majority of the latter are related to the UK Sovereign Base Areas (SBAs) in Cyprus. In the framework of the present compilation, only selected legal acts or parts thereof are included, namely:

1. The Joint Declaration on the United Kingdom's Sovereign Base Areas in Cyprus annexed to the 1972 Treaties of Accession.

2. Article 299 (1) (3) and (6) of the Consolidated version of the Treaty Establishing the European Community.

3. Declaration (No. 25) annexed to the Final Act of the Treaty on the European Union on the representation of the interests of the overseas countries and territories referred to in Article 299 (1) (3) and (6) of the Treaty establishing the European Community, Maotstrik 1992.


5. A Memorandum of Understanding (MoU) between Cyprus and the United Kingdom signed in 2003 concerning the responsibility for the implementation of the Protocol on the SBAs.