

Ceylon

*Transmitted by a note verbale dated 19 March 1963 of the Chargé
d'Affaires of the Permanent Mission to the United Nations*

TREATIES

EXTERNAL AFFAIRS AGREEMENT BETWEEN THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF CEYLON-SIGNED AT COLOMBO
ON 11 NOVEMBER 1947¹

. . .

(6) All obligations and responsibilities heretofore devolving on the Government of the United Kingdom which arise from any valid international instrument shall henceforth, in so far as such instrument may be held to have application to Ceylon, devolve upon the Government of Ceylon. The reciprocal rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Ceylon, shall henceforth be enjoyed by the Government of Ceylon.

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Cyprus

*Transmitted by a note verbale dated 30 January 1965
of the Ministry of Foreign Affairs*

A. TREATIES

TREATY CONCERNING THE ESTABLISHMENT OF THE REPUBLIC OF CYPRUS
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND, GREECE AND TURKEY OF THE ONE PART AND CYPRUS OF THE
OTHER. SIGNED AT NICOSIA, ON 16 AUGUST 1960²

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Article 8

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

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

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¹ United Nations, *Treaty Series*, vol. 86, p. 25. Came into force on 4 February 1948. For full text of the agreement see below: UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, section A.I (b), 3, p. 167.

² United Nations, *Treaty Series*, vol. 382, p. 8. Came into force on 16 August 1960.

ANNEX E

Section 1

1. Save as provided in Annex B to this Treaty and in the next following paragraph, all property of the Government of the Colony of Cyprus shall on the date of entry into force of this Treaty become, subject to the provisions of the Constitution of the Republic of Cyprus, the property of the Republic of Cyprus.

2. Save as provided in Annex B to this Treaty, the following property of the Government of the Colony of Cyprus shall on that date become the property of the appropriate authorities of the United Kingdom, that is to say—

(a) immovable property situate in the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area;

(b) tangible movable property which normally is in the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area;

(c) intangible movable property which is necessary for the enjoyment of or otherwise relates to any property specified in sub-paragraph (a) or (b) of this paragraph or which relates to any other immovable property situate in the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area, to the extent that it so relates.

3. The transfer of property under this Section shall not affect the rights of other persons or groups of persons in respect of that property.

4. In this Section:

(a) “property” means—

(i) property, whether movable or immovable, tangible or intangible; and

(ii) rights of every description;

(b) a reference to specific property includes a reference to rights in, over, or related to that property; and

(c) “property of the Government of the Colony of Cyprus” means property vested in that Government or in Her Britannic Majesty for the purposes of that Government or in some other person or authority on behalf of that Government immediately before the date of entry into force of this Treaty. It is understood that the property of public utility corporations does not fall within this sub-paragraph.

Section 2

1. Save as provided in Annex B to this Treaty and in the next following paragraph, and except in so far as special arrangements may have been made before the date of entry into force of this Treaty to discharge certain such liabilities, all legal liabilities, and obligations incurred by or on behalf of the Government of the Colony of Cyprus and subsisting immediately before the date of entry into force of this Treaty shall have effect as from that date as if they were incurred by or on behalf of the Republic of Cyprus.

2. Save as provided in Annex B to this Treaty, legal liabilities and obligations incurred by or on behalf of the Government of the Colony of Cyprus and subsisting as aforesaid shall, to the extent that they were incurred in relation to property which passes to the United Kingdom

under this Annex, take effect as from the date aforesaid as if they were incurred by or on behalf of the United Kingdom.

3. In this Section, "legal liabilities and obligations incurred by or on behalf of the Government of the Colony of Cyprus"

(a) means—

- (i) any liability or obligation which, at the time when it was incurred, would, under the law of the Colony of Cyprus, have been enforceable by an action against the Crown in right of the Government of that Colony, whether or not it would have been enforceable without the consent of the Governor of the Colony; and
- (ii) any liability or obligation which, at the time when it was incurred, gave rise, under the law of the Colony of Cyprus, to a cause of action in tort against a servant of the Crown in right of the Government of that Colony and in respect of which the Crown would, in practice, have stood behind that servant for the purpose of satisfying any judgment against him; and

(b) includes any obligations undertaken by the Government of the Colony of Cyprus in respect of—

- (i) annual payments to the authority for the time being responsible for the *Evcaf* Office and *vakfs*, made under and in accordance with legislation in force immediately before the date of entry into force of this Treaty, for or in respect of the abolition of *vakfs idjaretein* and *arazi mevkoufe takhsisat*; and
- (ii) loans made by the Government of the United Kingdom under certain United Kingdom statutes, namely, the Colonial Development and Welfare Acts, 1940 to 1959, and the Colonial Development and Welfare Act, 1959.

Section 3

Nothing in this Treaty contained shall preclude any person from claiming through the court any remedy to which he may have been entitled immediately before the date of entry into force of this Treaty in respect of any *chiftlik* compulsorily acquired by or on behalf of the Government of the Colony of Cyprus. Nothing in this Section shall be construed as giving any right of action against the Government of the United Kingdom.

Section 4

Nothing in Sections 1 and 2 of this Annex shall prevent the conclusion of any special agreement or arrangement by the Republic of Cyprus and the United Kingdom with respect to the transfer or apportionment of any particular property, liability or obligation that was immediately before the date of entry into force of this Treaty property or a liability or obligation of the Government of the Colony of Cyprus.

Section 5

The arrangements concerning the pensions and other rights of or in respect of certain public officers who prior to the date of entry into force of this Treaty were or had been in the public service of the Colony of Cyprus, and concerning the conditions of service, pensions and other rights of and in respect of certain public officers who continue on or

after that date to serve in the public service of the Republic of Cyprus shall be those set out in the Schedule¹ to this Annex.

B. LAWS AND DECREES

CONSTITUTION OF THE REPUBLIC OF CYPRUS PROMULGATED ON 16TH AUGUST 1960

Article 188

1. Subject to the provisions of this Constitution and to the following provisions of this Article, all laws in force on the date of the coming into operation of this Constitution shall, until amended, whether by way of variation, addition or repeal, by any law or communal law, as the case may be, made under this Constitution, continue in force on or after that date, and shall, as from that date be construed and applied with such modification as may be necessary to bring them into conformity with this Constitution.

2. Save where otherwise provided in the Transitional Provisions of this Constitution no provision in any such law which is contrary to, or inconsistent with, any provision of this Constitution and no law which under Article 78 requires a separate majority shall so continue to be in force:

Provided that the laws relating to the municipalities may continue to be in force for a period of six months after the date of the coming into operation of this Constitution and any law imposing duties or taxes may continue to be in force until the 31st day of December, 1960.

3. In any such law which continues in force under paragraph 1 of this Article, unless the context otherwise requires —

(a) any reference to the Colony of Cyprus or to the “Crown” shall, in relation to any period beginning on or after the date of the coming into operation of this Constitution be construed as a reference to the Republic;

(b) any reference to the Governor or the Governor in Council shall, in relation to any such period, be construed as a reference to the President and the Vice-President of the Republic, separately or conjointly, according to the express provisions in this Constitution, to the House of Representatives in matters relating to exercise of legislative power other than those expressly reserved to the Communal Chambers, to the Communal Chamber concerned in all matters within its competence under this Constitution, and to the Council of Ministers in matters relating to exercise of executive power;

(c) any reference to the Administrative Secretary or the Financial Secretary, shall in relation to any such period, be construed as a reference to the Ministry or Independent Office of the Republic for the time being charged with responsibility for the subject in relation to which reference is made;

(d) any reference to the Attorney-General or the Solicitor-General, shall, in relation to any such period, be construed as a reference to the Attorney-General of the Republic or the Deputy-General of the Republic respectively;

¹ Reproduced in United Nations, *Treaty Series*, vol. 382, p. 134.

(e) any reference to any other person holding a public office or to any authority or body, shall, in relation to any such period, be construed as a reference to the corresponding public officer or corresponding authority body or office of the Republic.

4. Any court in the Republic applying the provisions of any such law which continues in force under paragraph 1 of this Article, shall apply it in relation to any such period, with such modification as may be necessary to bring it into accord with the provisions of this Constitution including the Transitional Provisions thereof.

5. In this Article —
 “law” includes any public instrument made before the date of the coming into operation of this Constitution by virtue of such law;
 “modification” includes amendment, adaptation and repeal.

...

Article 190

1. Subject to the ensuing provisions of this Article any court existing immediately before the date of the coming into operation of this Constitution shall, notwithstanding anything in this Constitution, as from that date and until a new law is made regarding the constitution of the courts of the Republic and in any event not later than four months from that date, continue to function as hitherto but constituted, as far as practicable, in accordance with the provisions of this Constitution:

Provided that any pending proceedings, civil or criminal, part heard on the date of the coming into operation of this Constitution shall continue and be disposed of, notwithstanding anything contained in this Constitution, by the court as constituted in such a case.

2. Notwithstanding anything in this Constitution and until the Supreme Constitutional Court established thereunder is constituted within a period not later than three months of the date of the coming into operation of this Constitution, the Registry of the High Court shall be the registry of the Supreme Constitutional Court.

3. The registry of the High Court shall be deemed to be the registry of the Supreme Constitutional Court for all its purposes, including a recourse, until such Court is constituted; the constitution of such Court shall be effected not later than three months of the date of the coming into operation of this Constitution.

4. In computing any time with regard to a recourse to the Supreme Constitutional Court under the provisions of this Constitution, the period between the date of the coming into operation of this Constitution and the constitution of such Court as aforesaid shall not be counted.

5. The Supreme Court existing immediately before the date of the coming into operation of this Constitution shall be deemed to be the High Court as established under this Constitution until the constitution of such Court under the provisions thereof; the constitution of such Court shall be made not later than three months of the date of the coming into operation of this constitution:

Provided that a reference to the Chief Justice shall be a reference to the senior member of such Court, and such Court shall be deemed to be validly constituted during such period notwithstanding that its membership shall be below four.

Article 191

Any proceedings pending on the date of the coming into operation of this Constitution in which the Attorney-General on behalf of the Government of the Colony of Cyprus or any Department or officer thereof is a party shall continue, on and after such date, with the Republic or its corresponding office or officer being substituted as a party.

Article 192

1. Save where other provision is made in this Constitution any person who, immediately before the date of the coming into operation of this Constitution, holds an office in the public service shall, after that date, be entitled to the same terms and conditions of service as were applicable to him before that date and those terms and conditions shall not be altered to his disadvantage during his continuance in the public service of the Republic on or after that date.

2. Subject to paragraph 1 of this Article the judges of the Supreme Court other than the Chief Justice and the judges and magistrates of the subordinate courts holding office immediately before the date of the coming into operation of this Constitution shall, notwithstanding anything contained in Articles 153 and 157, as from that date continue to hold their respective offices as if they had been duly appointed thereto under the provisions of those Articles until an appointment is made under the provisions of those Articles and the provisions of this Constitution shall apply to them accordingly.

3. Where any holder of an office mentioned in paragraphs 1 and 2 of this Article is not appointed in the public service of the Republic he shall be entitled, subject to the terms and conditions of service applicable to him, to just compensation or pension on abolition of office terms out of the funds of the Republic whichever is more advantageous to him.

4. Subject to paragraph 5 of this Article any holder of an office mentioned in paragraphs 1 and 2 of this Article whose office comes, by the operation of this Constitution, within the competence of a Communal Chamber, may, if he so desires, waive his rights under paragraph 3 of this Article and choose to serve under such Communal Chamber and in such a case such holder of such office shall be entitled to receive from the Republic any retirement pension, gratuity or other like benefit to which he would have been entitled under the law in force immediately before the date of the coming into operation of this Constitution in respect of the period of his service before such date if such period by itself or together with any period of service under such Communal Chamber would, under such law, have entitled him to any such benefit.

5. Any teacher who, immediately before the date of the coming into operation of this Constitution, was a serving teacher and was in receipt of remuneration out of the public funds of the Colony of Cyprus and whose office comes, by the operation of this Constitution, within the competence of a Communal Chamber shall be entitled to receive from the Republic any retirement pension, gratuity or other like benefit to which he would have been entitled under the law in force before the date of the coming into operation of this Constitution in respect of the period of his service before such date if such period by itself or together with any period of

service under such Communal Chamber would, under such law, have entitled him to any such benefit.

6. Any person who, immediately before the date of the coming into operation of this Constitution, being in the public service of the Colony of Cyprus is on leave prior to retirement therefrom or on transfer from that service to any service other than that of the Republic shall, irrespective of whether he is a citizen of the Republic or not, continue to be entitled to the same terms and conditions of service as were applicable to him under such circumstances before that date and such terms and conditions shall not be altered to his disadvantage.

7. For the purposes of this Article —

(a) “public service” in relation to service before the date of the coming into operation of this Constitution means service under the Government of the Colony of Cyprus and in relation to service after that date means service in a civil capacity under the Republic and includes service as a member of the security forces of the Republic;

(b) “terms and conditions of service” means, subject to the necessary adaptations under the provisions of this Constitution, remuneration, leave, removal from service, retirement pensions, gratuities or other like benefits.

8. Save as provided in paragraph 6 of this Article nothing in this Article shall apply to a person who is not a citizen of the Republic.

Article 193

Any person who, immediately before the date of the coming into operation of this Constitution, was in receipt of any pension or other retirement benefit out of the public Funds, including the Widows' and Orphans' Pension Fund, of the Colony of Cyprus shall on and after the date of the coming into operation of this Constitution, continue to be paid such pension or other retirement benefit out of the public Funds of the Republic under the same terms and conditions as were applicable to such pensions or other retirement benefits immediately before the date of the coming into operation of this Constitution or under terms and conditions made thereafter not less favourable to that person and applicable to his case.

Article 194

The eligibility of any person to receive a pension under the Widows' and Orphans' Pension Fund shall, on and after the date of the coming into operation of this Constitution, continue to be subject to the same terms and conditions as were in force immediately before the date of the coming into operation of this Constitution and shall not be altered to the disadvantage of any such person so long as such eligibility remains.

. . .

Article 197

1. Any movable or immovable property, or any right or interest thereon, which, immediately before the date of the coming into operation of this Constitution, was vested in, held by, or registered in the name of, the Government of the Colony of Cyprus, or any other person or body, for and on behalf of, or in trust for, any school, or other body or institu-

tion which come, by or under the provisions of this Constitution, within the competence of the Communal Chambers shall, as from that date, be vested in, and be held by such person, body or authority as provided by a law of the respective Communal Chamber subject to such terms and conditions as such communal law may provide:

Provided that no such law shall direct that any such property shall vest in, or be held by, the Communal Chamber itself.

2. Nothing in this Article contained shall apply to any bequest or other donation administered by trustees or to any *wakf* in connexion with any educational purposes.

Dahomey

*Renseignements communiqués par note verbale en date du 21 mai 1963
du Ministère des Affaires étrangères*

A. OBSERVATIONS

[Evolution constitutionnelle et politique du Dahomey et de certains autres anciens territoires de l'Afrique francophone vers la souveraineté internationale et l'indépendance]

1. Sous le régime de la Constitution française de 1946, la catégorie juridique de « *Territoire d'Outre-Mer* » était conférée au Dahomey, territoire de l'A.-O.F. (Afrique-Occidentale Française). Une décentralisation politique fut mise en œuvre par la loi-cadre du 23 juin 1956 et ses décrets d'application.

2. Mais la crise constitutionnelle et politique qui survint le 13 mai 1958 déclencha un mouvement général d'émancipation dans les anciennes colonies françaises et depuis cette date *l'évolution s'est faite de plus en plus rapidement*. L'année 1958, notamment par la Constitution du 4 octobre 1958, allait marquer une *étape essentielle* de l'évolution constitutionnelle et politique des territoires de l'Afrique noire francophone.

3. La France voulut en effet établir une association durable avec les Etats africains dans le cadre d'une « Communauté » et tous ceux-ci sauf la Guinée, lors du référendum organisé sur le projet de Constitution, le 28 septembre 1958, choisirent le Statut d'Etats autonomes, *membres de la Communauté*. Les Etats membres bénéficiaient de l'autonomie interne, définie par l'article 77 de la Constitution¹, et dans le cadre de ce principe se donnèrent des constitutions: le Dahomey adopta sa première constitution le 14 février 1959. Mais rapidement, les Républiques africaines éprouvèrent le légitime désir de devenir totalement *indépendantes*. Que prévoyait donc en la matière la Constitution de 1958?

4. En pratique, une seule voie: l'article 86 de la Constitution stipulait que si la France pouvait exclure de la Communauté un Etat indésirable,

¹ « Dans la Communauté instituée par la présente Constitution, les Etats jouissent de l'autonomie; ils s'administrent eux-mêmes et gèrent démocratiquement et librement leurs propres affaires.

Il n'existe qu'une citoyenneté de la Communauté.

Tous les citoyens sont égaux en droit, quelles que soient leur origine, leur race et leur religion. Ils ont les mêmes devoirs. »