

Foundation Agreement
Annex IV, Attachment 1

Cooperation Agreement on External Relations

Preliminary Provisions

1. This Cooperation Agreement regulates the participation of constituent states in the formulation and implementation of policy in external relations on matters within their spheres of competence, pursuant to article 2 (2) of the Foundation Agreement, and Part IV of the Constitution.

Interpretation

2. For the purpose of this Agreement;

"Constitution" means the Constitution of the United Cyprus Republic;

"Commercial agreement" means an agreement concluded between a constituent state and authorities of foreign states, their sub-entities or subordinate authorities, pursuant to article 18 (4) and (5) of the Constitution of the United Cyprus Republic, aiming at enhancing import and export trade, developing commerce, including general commercial cooperation, promoting investment and exchanges of industrial products.

"Cultural agreement" means an agreement concluded between a constituent state and authorities of foreign states or their sub-entities or subordinate authorities, pursuant to art. 18 (4) and (5) of the Constitution in the fields of sports, education, arts, literature, music, letters, libraries, museums falling within the competences of the constituent state, cultural institutions, the protection of languages and the protection and promotion of cultural heritage.

"European Treaties" means the Treaty on European Union and the Treaties establishing the European Communities in their consolidated version, as well as the Protocols that are annexed thereto;

"External Relations" means the relations of the United Cyprus Republic and of its constituent states with foreign governments and their sub-entities as is provided for in the Framework Agreement and the Constitution of the United Cyprus Republic.

"External Relations" means the relations of the United Cyprus Republic with foreign governments and their sub-entities and with intergovernmental and other international organizations and institutions;

"Gazette" means the Federal Official Gazette of the United Cyprus Republic.

"JCER" means the Joint Committee on External Relations

General Principles

3. This Cooperation Agreement is made in full respect of the Constitution, international treaties binding on the United Cyprus Republic, the European Treaties and the European Union *acquis* in general.
4. The determination of the external relations policy of the United Cyprus Republic shall be made by the Presidential Council and in particular by the Member of the Presidential Council responsible for External Relations, as is provided for in the Foundation Agreement and in the Constitution of the United Cyprus Republic.

Joint Committee on External Relations

5. There shall be a Joint Committee on External Relations (“JCER”), which shall be a consultative body for external relations matters relating to the competencies of both the federal government and the constituent state, with reference to article 2 of the Foundation Agreement and articles 2, 14, 15 and 18 of the Constitution.
6. The federal government and the constituent states shall refer to the JCER any project regarding matters affecting each other’s competencies.
7. The JCER shall comprise the Member of the Presidential Council responsible for External Relations, the Member of the Presidential Council responsible for European Union Relations, the relevant Members of the Presidential Council and of the governments of the constituent states, depending on the subject matter of discussion, provided that the representatives of the constituent state governments shall hail from each constituent state in equal numbers.
8. The JCER may set up ad hoc working groups to deal with specific matters. A working group may be composed of representatives of the authorities represented in the JCER. In cases where a decision needs to be taken, the decision making in the working group shall be the same as in the JCER, on the understanding that if the working group does not reach consensus, the reference shall be to the JCER.
9. (1) In cases in which the JCER needs to be informed, it shall receive all relevant information.

(2) In cases in which the JCER needs to be consulted, the parties represented therein shall strive to reach consensus in the JCER.

10. In cases in which the JCER needs to take a decision, including working out a joint position, the parties represented therein shall reach its decision by consensus in the JCER. If on a particular issue no consensus is reached after one month, any member of the JCER may refer the matter to the Presidential Council for decision.

11. The Presidential Council has the power to order a standstill of any negotiations.

12. The JCER, in the composition of the Member of the Presidential Council responsible for External Relations, the Member of the Presidential Council responsible for European Union Relations, and one member of the government of either constituent states, shall issue regulations for the further implementation of this Cooperation Agreement, including the elaboration of its consultation procedures and decision making procedures.

The power of the constituent states to conclude international agreements

13. In the exercise of the powers conferred by Article 18 (3) and (4) of the Constitution, the following procedures shall be observed:

a) The constituent states shall use the channel of the federal Department of External Relations for contacts at a political level with foreign governments; and

b) The constituent states may have direct contacts with constituent- or sub-entities or subordinate authorities of other states.

14. The constituent states may conclude cultural and commercial agreements with authorities of States that have relations with the United Cyprus Republic, provided that such agreements do not cause prejudice to the United Cyprus Republic, the authority of the federal government, or the other constituent state, and are compatible with the European Union membership of Cyprus.

15. Where a constituent state considers instituting negotiations or taking part in such negotiations with a view of concluding a commercial or cultural agreement it shall consult the JCER. Constituent states shall advise the JCER on the progress and outcome of negotiations carried out with a view of concluding a commercial or cultural agreement. Upon finalization of the draft text of any commercial or cultural agreement the constituent state shall forward such text to the JCER and to the Member of Presidential Council responsible for External Relations.

16. Such negotiations of a constituent state in a foreign country may be entrusted by that constituent state to the accredited Head of Mission of

the United Cyprus Republic to such country. If so requested by the constituent state, the Head of Mission shall give full support to the negotiations.

17. Within one month from the notification to the JCER, the Presidential Council may notify the JCER and the government of the constituent state that there are objections to the conclusion of such agreement based on the incompatibility of the said agreement with the Foundation Agreement, the Constitution, the obligations of Cyprus as a Member of the European Union, this Cooperation Agreement or on mandatory reasons with regard to external relations. The Presidential Council shall then enter into bilateral consultations with the concerned constituent state.

Special ties of Friendship

18. The United Cyprus Republic shall maintain special ties of friendship with Greece and Turkey, respecting the balance established by the Treaty of Guarantee and the Treaty of Alliance and the Foundation Agreement and Article 18(1) of the Constitution

Compliance with international legal and political obligations

19. The federal government and the constituent states shall take all necessary measures, either legislative, executive or judicial, within their sphere of competence, in order to comply with international legal and political obligations of the United Cyprus Republic.

20. When upon a request by one of its Members, and having examined a report of the Ministry of External Relations, the Presidential Council ascertains that one of the constituent states has not complied with its relevant obligations, it shall inform the JCER and institute bilateral consultations with the constituent state concerned with the view of achieving such compliance.

21. If no consensus is reached between the Presidential Council and the constituent state concerned, the federal government shall, after notification of no less than one month, take the necessary measures in lieu of the defaulting constituent state, to be in force until such time as the concerned constituent state discharges its responsibilities.

Duty of the Federal Government to Inform and Consult

22. The member of the Presidential Council responsible for External Relations shall inform the JCER on External Relations matters. The duty to inform includes the transmission of relevant documents and reports. The Member of the Presidential Council responsible for External Relations shall also forward to the JCER the texts of the international treaties that it concludes.

23. In the exercise of his responsibilities in the field of External Relations, the Member of the Presidential Council responsible for External Relations shall consult, through the JCER, the constituent states on decisions that affect their competencies prior to any decision or position being taken.

24. For that purpose, the Member of the Presidential Council responsible for External Relations shall forward, through the JCER, to the governments of the constituent states the draft decision it intends to take, and all necessary supplementary information and explanations. The Member of the Presidential Council responsible for External Relations shall forward in particular the texts of treaties it intends to conclude with other states and/or with international organizations in the areas of competence of the constituent states.

25. The government of each constituent state shall notify the JCER of its opinion within two weeks from the date the relevant documents are forwarded to it. In urgent and exceptional cases, this period may be reduced by the Member of the Presidential Council responsible for External Relations as much as the circumstances require.

26. In case the Member of Presidential Council responsible for External Relations does not agree with the opinion given, he shall provide a written and reasoned decision, which shall be notified to the concerned constituent state through the JCER within two weeks.

International Organizations and International Meetings: Matters affecting the domestic competencies of the constituent states

27. Regarding the representation of the United Cyprus Republic at international meetings that affect the domestic competencies of the constituent states, the federal government shall refer the matter to the JCER for consultation. The JCER shall strive to reach consensus.

28. As regards international meetings that affect the domestic competencies of the constituent states, the federal government shall ensure for the constituent states, through the JCER, the dissemination of notices of date and agenda of the meetings and the relevant documents.

29. The constituent states shall inform the JCER of their special interest in particular activities or programs of any international organization, and more particularly of their intention to take part in specific meetings with the name of the respective representatives who they wish to be deputed to attend and their draft policy positions or initiatives in general.

30. A constituent state wishing to do so may have a representative included in the delegation of the United Cyprus Republic to such an international meeting, whenever the established format of the meeting so allows. Such representative shall be accredited as part of the delegation of the UCR and shall be under the authority of the Head of Delegation accordingly, and shall be bound by the position of the federal government. He may be in contact with the authorities of his constituent state and shall inform the Head of the Delegation. The constituent state shall be responsible for all expenses of its representatives, while the necessary office facilities of the relevant Mission of the United Cyprus Republic shall be provided free of charge by the federal government.

***International Organizations and International Meetings:
Commercial or Cultural Matters***

31. Regarding the representation of the United Cyprus Republic at international meetings which deal with commercial or cultural matters, the federal government shall refer the matter to the JCER for consultation to work out a joint position.

32. As regards international meetings that deal with cultural or commercial matters, the federal government shall ensure for the constituent states, through the JCER, the dissemination of notices of date and agenda of the meetings and the relevant documents.

33. The constituent states shall inform the JCER of their special interest in particular activities or programs of any international organization, and more particularly of their intention to take part in specific meetings with the name of the respective representatives who they wish to be deputed to attend and their draft policy positions or initiatives in general.

34. A constituent state wishing to do so may have a representative included in the delegation of the United Cyprus Republic to such an international meeting, whenever the established format of the meeting so allows. Such representative shall be accredited as part of the delegation of the UCR and shall be under the authority of the Head of Delegation accordingly, and shall be bound by the position of the federal government. He may be in contact with the authorities of his constituent state and shall inform the Head of the Delegation. The constituent state shall be responsible for all expenses of its representatives, while the necessary office facilities of the relevant Mission of the United Cyprus Republic shall be provided free of charge by the federal government.

Commercial and Cultural Attachés including those of a temporary nature

35. The constituent states may appoint their own commercial and cultural attachés and instruct them directly. Such attachés may also be appointed on a temporary basis. They will be officially accredited by the Head of Mission to the authorities of the receiving State as members of the diplomatic or consular Mission of the United Cyprus Republic as the commercial or cultural attaché of the respective constituent state. Accordingly, unless objected to by the receiving State, they shall have the same rights and obligations as those granted by the receiving State to members of diplomatic and consular missions of equivalent rank.

36. These representatives are subject to the authority of the Head of Mission. Contacts and correspondence with the official authorities of the receiving State shall take place under the authority of the Head of Mission. The commercial and cultural attachés may request the assistance and cooperation of the Head of Mission should official intervention prove necessary or useful in carrying out their duties. The commercial and cultural attachés shall have access to the Mission's records pertaining to their area of competence.

37. In the absence of commercial and cultural attachés the constituent states may make requests through the JCER any relevant cultural or commercial information from the Missions of the United Cyprus Republic.

38. Commercial and cultural attachés shall carry out their duties within the operating district which is within the jurisdiction of their assigned Mission. The Member of Presidential Council responsible for External Relations shall inform the constituent state through the JCER in case of a change in jurisdiction.

39. The expenses resulting from the presence of commercial and cultural representatives within a Mission shall be borne by the federal government. The expenses relating to the specific activities of each commercial or cultural representative as well as the remuneration of such representative shall be borne by the constituent state which has appointed him.

Treaties which fall exclusively or predominantly in the competence of the constituent state

40. Treaties to be concluded dealing with matters which domestically fall within the competence of the constituent states shall be referred by the Member of the Presidential Council responsible for External Relations for consultations to the JCER. The JCER shall strive to reach consensus.

Legal Actions Before International Judicial or Quasi-Judicial Bodies

41. The federal government may bring a legal action before international judicial or quasi-judicial bodies regarding any treaties. When the dispute concerns a matter that is domestically in the competence of the constituent states, the JCER shall be consulted before the action is undertaken. When the dispute concerns cultural or commercial matters, the JCER shall be consulted with a view to reaching a joint position.

42. Whenever the federal government is a party to proceedings involving matters which domestically are within the competence of the constituent state(s), it shall inform the JCER and involve the concerned constituent state(s) in the proceedings before the court in a manner compatible with this Cooperation Agreement and the relevant rules of that court.

43. In case of disagreement whether a proceeding involves matters which are domestically within the competence of the constituent states, the JCER shall decide by consensus. In case of persistent disagreement, the matter may be resolved by the Presidential Council.

44. Any expenses incurred by, fines imposed on or compensation or damages claimed from United Cyprus Republic by any international judicial or quasi judicial body for the reason that United Cyprus Republic has failed to comply with its international obligations shall be borne by the federal government or the relevant constituent state which, by failing to comply with the said obligations led to the condemning decision.

Final Provisions

45. Any dispute resulting from the application of the present Agreement shall be decided by the Supreme Court of Cyprus.

46. This Agreement may be amended at any time by the mutual written consent of the federal government and the constituent states.

47. The provisions of this Agreement shall apply *mutatis mutandis* during the transitional periods provided for in the Foundation Agreement and the Constitution.