

**PROCESS FOR THE SHAPING OF THE CYPRUS 1960  
CONSTITUTIONAL FRAMEWORK FOR THE PROTECTION OF THE  
SMALLER RELIGIOUS GROUPS : A HISTORICAL REVIEW ATTEMPT  
THROUGH UNPUBLISHED SOURCES**

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**Introduction**

Some years ago (around 2003), my dear friend Mr. **Benito Mantovani**, Representative of the Latin Community in the House of Representatives gave me a copy of the *Record of Events* of Mr. **Anthony G. Pietroni** for the affairs of Latin community from 1959-1961 (extent of 105 typed pages in English and French - that Mr. Pietroni once handed personally to Mr. Mantovani ). I had the direct intuition that this material should have been looked after with every devotion and that it would be duly exploited in due time.

**Anthony Pietroni** was born in Cairo in 1913 from a Cypriot father and a mother from Chios. He studied Law in Paris, and then practiced in Cyprus as an advocate and had various business activities. During the II World War , he joined the *Cyprus Volunteer Force* reaching the rank of Major. His spouse Halina was of Polish origin and they had three children. **Anthony Pietroni** was the representative of Latin community, originally in the *Greek Communal Chamber* and subsequently in the *House of Representatives* for sixteen continuous years (1960 - 1976). He received various honorary distinctions from the Vatican and military medals. He passed away in 1998.

The *Pietroni Record of Events* constitutes an interesting unpublished source of Cyprus constitutional history. The prospect of making use of the said Record as well as additional elements from the partially available Proceedings of the work of the *Joint Constitutional Commission* (Commission set up by the London Agreement in February 1959 in order to draft the 1960 Constitution) finally prompted us to accept the invitation of the organizers of this Conference - whom also we sincerely thank for this - in order to present a relevant paper . Under this perspective , our paper also has an anniversary character as it is directly connected with the celebrations of the 50 years of the Republic of Cyprus . The current use of the *Pietroni Record of Events* is done with the consent of the Pietroni family members , whom we thank warmly .

With the aim of better understanding the historical review of the relevant process-activities (political and legal) we recall briefly the main relevant 1960 constitutional provisions that resulted : **the**

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<sup>1</sup> Speech / short version of a paper presented at the Conference " *The Rights and Protection of the Minorities*" , For Diversity Against Discrimination, Nicosia, 11 October 2010.

**constitutional definition of a Religious Group (Article 2.3)<sup>2</sup> ; Right of a Religious Group to opt to belong to either the Greek or to the Turkish Community of Cyprus (Article 2.3):** in a referendum held on 14 November 1960, the religious group of the Maronites, Latins and Armenians voted in favor of adhering to the Greek Community ; **Constitutional Right to be Represented in the Legislative Power (Article 109):** initially in 1960, we had a full representation in the *Greek Communal Chamber* - since 1965 (because of the inter communal clashes of 1963-64 and the relevant constitutional crisis) we have representation in the *House of Representatives*, where the elected representatives of the religious groups have an **advisory role, without the right to vote only** in religious and educational matters affecting their group.

Because of the limited time available for this oral presentation, we will attempt a very concise description of our work through two thematic parts : **I/ Initial Strategies, Claims and Deadlocks . II/ New Initiatives - New Deadlocks - Final Conciliating Solutions.** [I will not deal with the “ key persons ” that participated in the process - for this see the complete text of our study - 23 pages, with 40 footnotes – to be made available on the website of the Latin Community, [www.laticatholicsofcyprus.com](http://www.laticatholicsofcyprus.com) ] .

### **PART I - Initial Strategies, Claims and Deadlocks**

Initial strategies, claims and the first deadlocks have their root in the vague framework of the Zurich-London Agreements where in fact the *Basic Structure of the Republic of Cyprus* was agreed. The *Basic Structure* was silent about the Armenian, Maronite or Latin communities.

#### (a) Initial strategies and claims

The first memorandum of the Maronites ( dated 22 April 1959) was substantially constituted by a Note verbale that the government of Lebanon addressed to the governments of Britain, Greece and Turkey. The said document was claiming recognition for the Maronite community as a **political entity** (at that time 3500 members) and its right to be represented in the **House of Representatives**, in the civil service, the Army, the Police and the Diplomatic service of the new Cypriot State.

In June 1959 it became evident that due to the different nature of the claims of the Maronites it was impossible to have a **uniform approach** with regard to the Latins and the Maronites ( the *Radcliff Constitution* proposed to the Cypriots in 1956, had referred to all Catholics of Cyprus as “Maronites”). Thus, henceforth the Latin community (at that time 1500 members) focused its attention to the claim of recognition ensuring rights of **personal status** to its members, by means of representation in the *Greek Communal Chamber* and not as separate entity in the *House of Representatives*. This was substantially supported in the first memorandum of the Latins that was deposited in the *Constitutional Commission* on 16 June 1959. Apparently the Armenian community adopted a similar approach in its claims (as the Latins) .

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<sup>2</sup> “ *Religious Group* ” means a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same religious jurisdiction, the number of whom, on the date of the coming into operation of the Constitution, exceeds one thousand, out of which at least five hundred become on such date citizens of the Republic of Cyprus .

(b) The first difficulties and deadlocks

The first difficulties and deadlocks occurred in the work of the *Joint Constitutional Commission* in May - June 1959, when the British Governor **Sir Hugh Foot** asked the Commission's assistance for the drafting of the Electoral Law for the imminent elections during the Transitional period. The issue before the *Commission* was that of the precise interpretation of the terms "Greek" and "Turk" and whether such terms should also include the members of small minorities.

The position of Turkey and of the Turkish Cypriot leadership on the subject was explicit: according to the Zurich – London Agreements the small communities could not have any legal status - recognition and consequently their members would be supposed to opt individually to belong either to the Greek Community, or to the Turkish Community.

At that time British Governor **Foot** was of the opinion that the Maronites were a **dinstict group of people with individual customs** and a **definite link** with Cyprus, the **Armenian** and **British communities** were **National entities**, while on the contrary the Latin community was only a **religious group**, part of which, in fact, was also to be found among the **British community of Cyprus**. During the same period, parallel claims for recognition and representation were also posed by the **British community of Cyprus** (and obviously and the **Gypsies**), a fact which was scientifically analyzed in 2008 during the IVth International Cyprological Congress with a paper presented by historian *Hubert Faustmann*.

The rights under configuration already gained up to **October 1959** by the three minorities with the support of the Greek Cypriot leadership were still limited ( the term "**religious groups**" was officially adopted by the Constitutional Commission /they had expressed the wish , for their members to belong to the Greek Community) and there was a deadlock.

## **PART II: New Initiatives - New Deadlocks - Final Conciliating Solutions**

(a) New initiatives

The first British initiative was expressed by a confidential Memorandum dated 30 November 1959 on *Minor Communities* that the British foreign secretary **Selwyn Lloyd** dispatched to the governments of Greece and Turkey as well as to **Archbishop Makarios** and **Dr. Kutchuk**. The Memorandum was expressly mentioning the communities of the Armenians, Maronites and Latins as well as the **British community of Cyprus** for which it contained additional special claims. The British Memorandum is particularly interesting : it is potentially in favor of the representation of small communities in the legislatures of the new Republic , **possibly by a non-voting representative in the appropriate Assemblies, nominated** by the President (and Vice-President) **after consultation** with the leading members of some representative body of each community. The Memorandum did not seem to encourage representation of the minorities in the *House of Representatives*.

On 27 January 1960, in separate consultations held in London with the British government, the Turkish Cypriot and Greek Cypriot leaderships reached a preliminary agreement as follows : the three religious groups would **not be mentioned nominally** in the new Constitution ( not by name, but just as minor religious groups ); they would be associated to the Greek Community; and they would be granted representation in the *Greek Communal Chamber*, or even in the *House of Representatives*, provided that their representation would be included-counted within the 70% Greek Cypriot ratio of

participation. Obviously the issue of the **British community of Cyprus** was no more on the table, an issue for which both **Greece** and **Turkey** were strongly **opposed** - but only that of the **three religious groups**.

(b) New clouds and deadlocks

The constructive attitude of the Turkish Cypriot side, resulting from the above-mentioned consultations in London, was reversed few weeks later, when by mid of March 1960 Turkey announced a completely new relevant doctrine (of which the Greek Cypriot leadership was aware) as such doctrine- reported by the *Suffragan Bishop of the Maronites in Cyprus Ioannis Foradaris*, - was expressed by the then Turkish Ambassador in Beirut, to the Lebanese government: “*The Turkish Government’s line of thought is that as an **eventual partition** of Cyprus could not be definitely ruled out, no political settlement is acceptable that would complicate that eventual issue by the official recognition of the existence of additional communities **being expressly mentioned by name** in the Constitution or even recognized as being in existence .....*”

(c) Final activities – Conciliating solutions

According to the *Pietroni Record of Events*, the meeting of the *Constitutional Commission* on 25 March 1960 obviously constituted a nodal point. It seems that the relevant discussions for a conciliating solution continued until 4 April 1960 (the *Constitutional Commission* completed its work on 6 April 1960). Finally, both the Turkish and Turkish Cypriot delegations accepted a combination of two Greek Cypriot proposals and the double minimum numerical criterion of 500 and 1000 citizens was included in the final wording of Article 2 of the Constitution (the Swiss professor **Marcel Bridel**, *Legal Adviser to the Joint Constitutional Commission* considered the minimum numerical criterion of size of each group a joke and not realistic). Also, current **Article 109** of the Constitution took its final form and ensured representation for the religious groups in the *Communal Chamber* of the Community to which each religious group would opt to belong.

The last action of the process -activities under review (which is not reported in the *Pietroni Record of Events*) was the **Statement** made by the British government, titled ***The Rights of Smaller Religious Groups in Cyprus***. This Statement, which was made once the drafting of the Cyprus Constitution was completed, constituted part of the documentation deposited in the British Parliament for the enactment of the *Cyprus Act* on 29 July 1960, that would lead to the Independence. This Statement (of a clarifying nature), officially determined for first time and expressly mentioned by name that the religious groups protected under the Cyprus Constitution are those of the **Armenians, Maronites and Latins**.

Conclusion

The historical review of the process -activities (political and legal) that we have attempted to make through the present study (mainly on the basis of the *Pietroni Record of Events*) lead us to certain ascertainments - conclusions which require further confirmation and documentation.

The vague frame of the Zurich-London Agreements, led the Maronites to raise claims of a **political and communal** nature, while the Latins and Armenians mainly claimed **rights of a mere communal nature**. Their claims created a complex constitutional issue. Mrs Stella Soulioti (former Minister of Justice and Attorney - General of the Republic) in her work titled “*Fettered Independence, Cyprus 1878-1964*”, points out that one of the five main difficult issues for which intense disagreement occurred in the *Constitutional Commission* was also that of the smaller communities - religious groups.

The Greek-Cypriot leadership faced the three religious groups positively and was in favor of a **uniform approach**: it had the opinion that the minorities should have claimed recognition of their existence and rights with regard to the **personal status** of their members. Greece was supporting the Greek Cypriot leadership.

The Turkish relevant doctrine that a recognition of the small communities - religious groups under any form would be detrimental to the Turkish ultimate aim under certain adverse conditions to impose the **partition** of Cyprus, explains why these three groups are not **expressly mentioned by name** in the 1960 Constitution .

The British attitude on the matter was conservative and was shaped progressively. The confidential British Memorandum of November 1959 constituted, in our view, a well-aimed diplomatic movement for the reintroduction of the question of the recognition of the **British community of Cyprus** (an issue to which already in **September 1959** both Greece and Turkey evidently disagreed) in exchange of the partial recognition of certain rights for the Maronites, Latins and Armenians.

The final conciliating solutions that were adopted *in extremis* in March-April 1960 (with the inclusion of the numerical criterion of the size of a religious group ), shaped the relevant provisions of the Cyprus Constitution. Later in July 1960 the ad hoc British Statement that was deposited in the British Parliament would henceforth determine **officially, nominally** and for the **first time**, that the relevant constitutional provisions on religious groups in fact concern the **Maronites, Armenians and Latins**.

Certain constitutive elements of the process under review appear to present a **diachronic character**: specifically we refer to the fact that the Governing power and leaderships always consulted as far as possible with the small minorities for important institutional - constitutional questions or even ensured to some extent representation of the small minorities (participation in 1878-1882 of the Latin **Ricardo Mattei** in the *Legislative Council* as a nominated member/ attendance of **Michel Houry** -a known Catholic lawyer of Limassol - in the *Consultative Assembly* of 1947-48 / the *Radcliff Constitution* proposed in 1956 to the Cypriots referred to all the Catholics of Cyprus, as “Maronites” / the participation of an Armenian and a Maronite in the *Advisory Council* set up in June 1959 by **Archbishop Makarios** ).

We want to believe that the above ascertainments constitute , as far as possible, useful guidance for the further understanding and interpretation of the 1960 Cyprus constitutional arrangements that relate to the three religious groups, either in their **present** form and implementation , or in any potential **evolutionary** form and implementation .

Under whatever perspective we take these ascertainments for the further comprehension and interpretation of the said constitutional provisions , closing this speech /paper, we refer to the below maxim of **Hesiod**, the Greek poet of the 8th century B.C., that professor **Themistocles Tsatsos** *Head of the Greek Delegation*, mentioned during the meeting of the *Joint Constitutional Commission* on 22 May 1959 dealing with the issue of the equal treatment of small communities:

*“Those who grant justice to their people in the same manner as to foreigners, have prosperous countries”.*