

DEMOCRACY AND DIVISIONS: A NEW CONSTITUTION FOR CYPRUS

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Abstract

Cyprus is a nation with serious ethnic and religious divisions. Its population is comprised of 81 percent Greeks (who are Greek Orthodox) and 18 percent Turks (who are Muslim). They share their island, but not much else. Independent only since 1960, the country was divided in 1974 when Turkey invaded after the Greek Cypriot military, in alliance with the Greek military government, staged a *coup* with the aim of annexing Cyprus to Greece. Only Turkey recognizes the Turkish Republic of Northern Cyprus, as the northern portion declared itself in 1983. Over the past three decades there have been scores of discussions held to encourage the reunification of Cyprus. The European Union (and before it the European Community) has been crucial to these discussions, holding the biggest carrot, entry into the European Union for Cyprus and Turkey. This is a much-desired economic and political goal for both countries.

Cyprus has accomplished this goal. On April 16, 2003 the European Union voted membership for Cyprus, along with nine other countries—but not Turkey. Cyprus was unlike any other country voted EU membership. It was a divided island nation with two governments. The Turkish Cypriot portion garrisoned 40,000 Turkish troops. As a result of these special circumstances, the European Union was very specific about what political and geographic entity it brought into its fold. It voted membership to the entire island of Cyprus, but recognized the Greek Cypriot government of the southern 60 percent of the country as both the only legitimate government and the government representing the entire island. In this the European Union was consistent with its long-standing and definitive policy that it would not recognize Cyprus as two countries.

In 2004, a proposal crafted by the Secretary General of the United Nations to create a bi-zonal, federated country, was defeated, with 75 percent of Greek Cypriots voting against and 65 percent of Turkish Cypriots voting in favor. Still, the European Union and most Cypriots want to make a single Cyprus a reality. One of the most important tasks will be writing a new constitution for a reunified Cyprus. The new constitution will determine whether ethnically divided Cyprus can work effectively in daily life as one country, a question that has parallels for all deeply divided nations. This simulation provides the opportunity for Greek and Turkish Cypriots, working with Greek and Turkish counterparts and the European Union, to try to determine the basic constitutional principles of a united Cyprus.

Case Study

Cyprus: Gateway to Territorial Ambitions. Cyprus, the largest island of the eastern Mediterranean, lies 900 kilometers east of Greece and 60 kilometers south of Turkey. The island has always had the troubling distinction of being strategically valuable because it is a gateway to many territorial ambitions. Its invaders are legendary, including the ancient Greeks, the pharaohs, the Roman empire, the rising Arab world, Richard the Lionhearted, the Knights Templar, the Franks, the Egyptians, the Venetians, the Ottoman Turks, and the British.

In the nineteenth century, Cyprus held two attractions for Britain. Cyprus's geographical location was of great military value, but Britain also wanted control of Cyprus as part of the Great Game. Early in the 19th century Britain, France, and Russia allied against Turkey to establish an independent Greece. Later in the century, however, Britain became opposed to Russia's self-proclaimed role as the protector of Orthodox Christians in the Ottoman Empire. A strong Russia, projected south to the Mediterranean, upset the balance of power from Britain's perspective. British rule of Cyprus began in 1878, the result of a deal with the Ottoman Turks to support them against Russia. Cyprus became a British crown colony in 1925 and an independent republic in 1960 in the wave of post World War II decolonization. The British had perhaps the most benign approach to religion of any external ruler, giving internal control of religious issues to each community. Over its long history Cyprus had been home to Latin-rite Christians, Greek Orthodox Christians, and Muslims, among others. At different times its rulers represented each of these faiths, with exclusionary and sometimes violent consequences for nonbelievers. Although Greeks comprised the vast majority of the island's population, they did not fare well under Turkish rule.

Unstable Independence. The newly independent Republic of Cyprus was inherently unstable. The island was divided between Greeks and Turks separated by language, religion and culture; lumbered with a cumbersome constitution; and hampered by an underdeveloped economy. Cyprus was soon engulfed in communal violence. The situation became much more complicated in 1974, when elements of the Greek Cypriot military, in alliance with the military government of Greece, staged a *coup* whose aim was to annex Cyprus to Greece. Turkey invaded the island, taking control of the northern two-fifths. In 1975 Turkish Cypriots declared their region the Turkish Federated State of Cyprus. In 1983 the name was changed to the Turkish Republic of Northern Cyprus. Regardless of name, no other country besides Turkey recognized the independence of this section of Cyprus. The rest of the world recognizes the Republic of Cyprus as having sovereignty over the entire island. After decades of failed negotiations, the island remains divided. Both communities operate independently of one another, separated by the imaginary "Green Line" and the very real United Nations peacekeeping force.

The proportion of the Greek and Turkish populations on Cyprus has remained roughly the same as it was when the country was divided, although the Turkish sector has had steady out migration. In 2001, the Republic of Cyprus estimated that there were 639,500 Greek Cypriots or 81 percent of the total population living in the government-controlled south, 60 percent of the island. The Turkish Cypriots estimated their population at 203,000 or 18 percent of the total population, living in the northern section, in an area comprising about 40 percent of the island. The Greek Cypriot population also includes about 9,000 Maronites, Armenians, and Latin-rite Christians who were asked to choose between the two populations and chose to identify with the Greek Cypriot community. The Greek Cypriot community is wealthier. In 2002, the per capita income of Greek Cypriots was US\$16,000 compared to US\$5,300 for Turkish Cypriots. This difference reflects not only historic differences in wealth, but also the effects of isolation on Turkish Cypriots, much to the dismay of young members of that community.

Cyprus's Relations with the European Community and the European Union. The rise of the European Community (EC)—which became the European Union (EU) in 1993—offered some leverage to solving Cyprus's ethnic and international problems. Because of Cyprus's status as a former crown colony, Britain was its largest trading partner. The Cypriot economy, especially its agricultural sector, was deeply dependent on this special trading relationship. Shortly before the events of 1974, Cyprus had negotiated an Association Agreement with the European Community. The original application dated back to 1962, following Britain's application for full membership in the EC. In 1970, Cyprus's government resubmitted its bid when it appeared that the United Kingdom would assume membership into the Community, as it did in 1973. The EC-Cyprus Association Agreement was signed in 1972. In brief, the agreement allowed Cyprus to retain its access to the United Kingdom market and to receive preferential treatment for many of its exports in exchange for reducing its tariffs on imported EC goods by 35 percent over five years ending in 1978. While the Greek coup and subsequent Turkish invasion disrupted the economy and the Association Agreement timetable, the relationship struggled forward.

The economic needs of Cyprus gave the European Community and the European Union real but limited leverage in trying to find a political solution to the divided island—a successful multi-ethnic unified Cyprus. Cyprus, that is, the internationally recognized, government of the Greek portion of the Republic of Cyprus, wanted to be a full member of an integrated Europe. The European Community made it clear that reunification would be the price. Cyprus saw the Association Agreement as a crucial first step—necessary for economic reasons, but important for political ones as well. Since 1975, the EC and then the EU, plus the United Nations, and several countries have sponsored many of rounds of talks aimed at reunifying the island and providing ethnic, religious, and linguistic protections. Direct negotiations between Turkish and Greek Cypriot leaders began in 1977 (after a hiatus of 14 years), but face-to-face negotiations came and went over the years. None of the talks came to fruition. Throughout this time the EC and EU used economic incentives to promote reunification and to raise the standard of living on Cyprus, itself felt to be a motivation for reunification. The inducements offered by the EC and EU were the Association Agreement, a later customs union, and direct aid valued at several hundred million dollars and designed to improve both communities.

But a reunified Cyprus was never just a matter of solving internal differences, with the judicious assistance of European money. Superpower conflicts during the Cold War influenced how much effort international organizations or interested countries would make to encourage Cypriot reunification. Both Greece and Turkey are members of NATO. Greece was a charter member, joining in 1951 and Turkey became a full member in 1952. Neither could be offended to the point that it would withdraw from the alliance.

Ethnic conflict on Cyprus was also deeply connected to its regional situation. Cyprus's internal politics were buffeted by the notable imperfections of Greek and Turkish democracy, the significant economic instabilities of both countries, the rocky international relations between them, and their European ambitions. Greece acceded to the European Community in 1981. Turkey has continually been thwarted in its ambition to become a member of the EU, although it does have a longstanding Association Agreement with the EU and a more recent customs union, established in 1995. Turkish troops in Cyprus are cited as one of the many reasons blocking Turkey's membership, the others being its less

than stable or transparent government, economic corruption, and debate about whether Turkey is historically a part of Europe. The question of whether Europe can encompass a Muslim country is often discussed in the press and the halls of power.

Changing Europe and the Prospects for a Reunified Cyprus. The European institutions that have promoted the reunification of Cyprus have changed dramatically in the last four decades. In particular, the political integration of Europe has increased to include a great many more countries. A single currency is used by the vast majority of western European countries. Military integration is slower, both in the number of countries participating, and the effectiveness of action. These changes influence the likelihood of Cypriot reunification as well as its shape and timing.

The European Community was created after World War II to unite European countries peacefully in order to rebuild their economies. In 1952 Belgium, France, (West) Germany, Italy, Luxembourg, and The Netherlands pooled their coal and steel sectors into a single market without national barriers and administered by a supranational body, the European Coal and Steel Community. The Rome Treaties established the European Economic Community and the European Atomic Energy Community in 1958. In 1967 these groups merged into a single framework called the European Community. The United Kingdom, Ireland, and Denmark joined the Community in 1973, increasing membership to nine. In 1979 the European Parliament was directly elected by universal suffrage. Greece entered into the EC in 1981. In 1985 the members of the EC agreed upon a comprehensive plan to create a single market by the end of 1992. Spain and Portugal joined the EC in 1986. In 1987 Turkey applied unsuccessfully for membership in the Community. The Maastricht Treaty, designed to create a much more integrated Europe, went into effect in 1993, and with it the EC changed its name to the European Union. In 1995 Austria, Finland and Sweden joined the European Union. The strengthened EU provided the framework for a more integrated European economy and for the establishment of a single currency in 12 member states in 2002.

In 2003, European Union membership included Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Ireland, Luxembourg, The Netherlands, Portugal, Spain, Sweden, and the United Kingdom. The fall of the Soviet Union created a great demand for membership in the European Union by the former satellite countries neighboring Russia. In the spring of 2003, the European Union voted to invite Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia to become members on May 1, 2004. The countries were not economic powerhouses. Together the candidate countries had a combined GDP roughly equal to five percent of the total existing GDP in the European Union.

Until recently, Cyprus's accession to the EU was predicated on resolving the political conflict between Greek and Turkish Cypriots. The Commission, which began to soften its prerequisite for a unified Cyprus in 1997, moved in 2002 to allow the accession of the Republic of Cyprus with or without an accord to reunite the island.

Intensive reunification discussions, however, still took place as the date for the vote on EU membership drew closer. In February 2003, UN Secretary General Kofi Annan proposed to reunify the island in a loose, Swiss-style federation of two component states.

Under the plan, the Turkish Cypriots would have had to give up less than a third of the 37 percent of the territory they controlled. Turkish Cypriot leader Rauf Denkash, however, rejected the power-sharing plan and insisted that his government be internationally recognized as an independent state. While the Greek Cypriots endorsed the plan, they continued to press for the right to reclaim about 30,000 former homes in the north that have been occupied by Turkish Cypriots since 1983.

In the run-up to the U.N. referendum, there was strong popular political pressure on Denkash to work toward reunification. The rejection of the original Annan proposal led to large demonstrations in the streets of the Turkish northern territory. In May 2003, in an unexpected move, Denkash lifted a travel ban that has been in effect since 1974 and Turkish and Greek Cypriots have been able to cross the UN-patrolled “dead zone” that separates the two sectors.

Role Playing Simulation

Objectives of the Simulation. This simulation examines two questions. First, what would a reunified Cyprus look like constitutionally and administratively? One of the reasons that reunification is so difficult is that “the devil is in the details.” Fair, workable, and respectful political systems are difficult to construct in countries with deep communal divisions. Second, what can the European Union, with its complicated relationships with all the actors, do to promote the reunification of Cyprus now that Cyprus has become a member?

The task of the simulation is to design the outline of a constitution for a reunified Cyprus. The simulation assumes that there have been back channel discussions among all the parties, with a basic agreement that Cypriot reunification would follow the European Union approach by creating a bi-zonal, single federal government with single citizenship. In this instance a federal government means that there would be subnational units (cities and regions within zones) that would have some independent powers.

Simulation Roles and Decision Context. Five senior and accomplished diplomats are meeting in Brussels to draft the principles for a new constitution for a reunified Cyprus. Eduardo D’Amico, of Italy, is the European Union Special Envoy to Cyprus. Christos Leptos is the Greek Cypriot Deputy Foreign Minister. Fazil Mehmet is the Turkish Cypriot Deputy Foreign Minister, representing the internationally unrecognized Turkish Republic of Northern Cyprus. George Spiro is the Greek Deputy Foreign Minister for Mediterranean Affairs. Fatima Abadan is the Deputy Foreign Minister of Turkey. These representatives are known as the Brussels Constitutional Working Group.

The representatives were invited to undertake this important task by the President of the European Union, who felt that the publication of mutually agreed upon constitutional principles offered another opportunity for progress toward Cypriot reunification. Unlike many other negotiations, the Turkish Cypriot contingent has agreed to send a representative. While it is difficult to impose direct sanctions on members—in this instance Greece and Cyprus—for not helping the reunification process, the EU does exercise some economic leverage on its member nations. The distributional policies of the EU send funds to less well-developed members of the Union. Greece knows that its EU aid package is most likely tied to increasing cooperation with the Cypriot constitutional discussions. Similarly, the Greek Cypriot government knows that it must show progress to have access to monetary aid

beyond that promised in the accession process. But the Greek Cypriot government knows that a united Cyprus will require power sharing. When reunification comes, the territorial reach of the national government will be greater, but governing will require communal accommodation, something the Greek Cypriot government has not had to do in the period of division.

The EU has more leverage over Turkey. Although Turkey and the European Union have a custom's union, the European Union has the ability to raise the costs of Turkish goods in European markets by a number of non-tariff mechanisms including policies of sectoral adjustment and assistance to new member countries, many with low wage work forces. Similarly, Turkey has a continued interest in receiving EU investments in economic infrastructure, which in the first five years of the customs union totaled approximately US\$2.2 billion. The loss of European market share or investment income would cause hardship in the already struggling Turkish economy, which exports 52 percent of its goods to Europe.

Background Briefing for Diplomats. All the participants in the constitutional negotiations have significant experience with regional economic and political issues. In addition, they would have received special briefings on the problems of the 1960 Cypriot constitution and the administrative arrangements that supported its civil service and armed forces. The information those briefings contained is summarized below.

Economic Conditions. The economic situation of each of the parties involved in the Cyprus situation is quite different. In 2002, the population of Greece was 10.6 million. Its GDP was US\$113 billion and the GDP per capita was US\$10,670. The population of Turkey was 66.7 million. Its economy was roughly twice as large as Greece, with a GDP of US\$200 billion, but the per capital GDP was one third of Greece, or US\$3,060. Cyprus, with less than a million people, presented a very different picture. Its GDP was estimated at US\$10.5 billion (the total for both sections), and the GDP per capita for Greek Cypriots was approximately US\$16,000 compared to US\$5,300 for Turkish Cypriots. Cyprus was the wealthiest of the new nations entering the EU in 2004.

Past Cypriot Constitutional Arrangements. The flawed 1960 Cypriot constitution offers a lesson to the representatives in Brussels. Cyprus was proclaimed an independent republic on August 16, 1960. The Greek Cypriots, while not entirely pleased with the agreement, preferred independence to partition. The Turkish Cypriots, on the other hand, were more satisfied with the situation. They had staved off the *enosis* movement (a political campaign to bring the island under Greek rule), secured certain privileges and authority for their minority community, and were guaranteed by the constitution the ability to block key legislation through the use of the veto.

The constitution institutionalized “communal dualism” in all spheres of government activity.¹ The executive branch was structured for the separate, respective community elections of a Greek Cypriot President and a Turkish Cypriot Vice President. The Council of Ministers was composed of 10 members including seven Greek Cypriots appointed by the President and three Turkish Cypriots appointed by the Vice President. While Council decisions were to be decided by absolute majority, both the President and the Vice President

had the power separately or jointly to veto decisions on foreign affairs, defense, and security. Not surprisingly, the veto was exercised regularly, causing controversy, conflict, and gridlock.

In 1960, the population of the island was approximately 80 percent Greek, 18 percent Turkish, and 2 percent belonging to other groups. The legislature, called the House of Representatives, had 50 seats divided 70 percent (35 seats) for Greek Cypriots and 30 percent (15 seats) for Turkish Cypriots. Each community elected its own members. Most laws were passed by a simple majority, although legislation on changes to electoral procedures required majorities from each community's delegation. Communal Chambers were also established to act as independent, legislative bodies within their own communities; their legislative power extended into many matters including religion, education, culture, personal status, and taxation for areas they deemed were not adequately funded by the House of Representatives.

The constitution also specified the ethnic ratio of the civil service and the armed forces. Like the legislature, the civil service was to be comprised of 70 percent Greek Cypriots and 30 percent Turkish Cypriots. The Greek Cypriot community felt that this division was unfair. The armed forces were to consist of 60 percent Greek Cypriots and 40 percent Turkish Cypriots. This division was intended to calm the fears of Turkish Cypriots that a mostly Greek Cypriot army would pose a domestic danger to the Turkish Cypriot community.

Shortly after Cyprus had gained independence it became clear that the Constitution was problematic in content and rigid in application. In November of 1963 the legislature considered abolishing the Presidential and the Vice Presidential right to veto as well as the separate communal majority votes in the House, and proposed allocating public service positions according to the actual population ratio. The Turkish Cypriots rejected the amendments outright. Several of their positions of privilege or power would have been modified or eliminated, and the Turkish Cypriot community was unwilling to give up these controls. The rise in communal violence and the ultimate partition of the island brought systematic efforts at constitutional reform to an end.

Determining New Constitutional Principles

The President of the European Union has written a *note d'instruction* outlining the subject areas on which the Brussels Constitutional Working Group are to concentrate. Their task is to determine basic constitutional principles for the executive, legislative, and bureaucratic branches of a reunified Cyprus. The group must also set the date and agenda for the next round of talks. The issue of territorial control by specific communities has been set aside and the participants have agreed not to bring this topic into the current discussions. The members are all aware that the back channel discussions have agreed to the basic European Union conditions for Cyprus's reunification, including a bi-zonal, single federal government with single citizenship. In this instance a federal government means that there would be subnational units (cities and regions within zones) that would have some independent powers. The constitutional principles need to answer the following questions.

EXECUTIVE:

1. Is/are there single or multiple executives?
2. Is/are the executive/s elected directly or by the parliament? That is, will Cyprus have a presidential or parliamentary executive?
3. Does/do the executive/s have veto power?
4. How long are the terms of office? (The EU representative told you that a decision on this question is optional.)

LEGISLATIVE:

5. Is the system unicameral or bicameral (or something else)?
6. Will there be chambers for each community?
7. How many members will the legislature have and how will they be elected?
8. Over what issues, if any, will executive(s) have veto power?
9. How will the issue of local autonomy be handled?

BUREAUCRATIC:

10. How will public service positions be allocated?
11. What will the make-up of the military be?
12. What will the make-up of the police force be?

Playing the Simulation and Negotiation Rules

1. The simulation takes four to five hours to play. It can be played in two sessions, the first taking approximately 1.5 hours and the second approximately 2.0 to 3.0 hours.

2. Each person has been assigned one of the roles mentioned in the case. Please read the role and review the case during the time allotted. Do not share your role information with others not playing your role. Please wear a name tag with your role name, e.g. "Christos Leptos," and position, e.g., "Greek Cypriot."

2. Timing of the simulation:

30 minutes	Introduction to the case. Reading of roles and review of the case. Questions.
60 minutes	Meeting of alliances, e.g., Greek Cypriots with Greeks, and Turkish Cypriots with Turks. During this time the representative from the EU will come by to confer with each member of the alliance separately and with the alliance members together.
15 minutes	Break
90 minutes	Negotiate the constitutional principles for Cyprus. During this time the EU delegate can call a 5-minute time out from the negotiations to speak with any party or parties. He can call as many or as few as he likes with whomever he likes. The negotiations do not proceed during a time out called by the EU representative. Each alliance has two 5-minute time outs it can call to speak to each other. Any member of an

alliance can call a time out. But once both of the alliance time outs have been used, regardless of which partner called them, the alliance cannot call any more time outs. Negotiations proceed during alliance time outs. In other words, the negotiations proceed when the EU member is there but not when he is absent. The outcome of the negotiations is a joint communiqué on constitutional principles and the date and agenda for the next round of negotiations.

30-60 minutes

Debriefing the case. Five-minute presentations of each constitution. General discussion of issues in constitutional conflict resolution.

Preparation Questions

1. Cyprus poses an interesting problem for democratic governance. It has two deeply divided ethnic groups, Greeks and Turks, with a history of violence between them. What do the Greeks of Cyprus feel their power and status is? What do the Turks of Cyprus feel their power and status is?
2. The ethnic and religious divisions on Cyprus reinforce themselves, that is, Greeks tend to be Orthodox and Turks tend to be Muslim. But in other countries deep divisions cut across each other. For example, the Chinese in Malaysia have often been politically oppressed, but they are, as a community, wealthier than ethnic Malays. How do reinforcing social cleavages (the technical term for the situation on Cyprus) effect the prospects for developing constitutional principles?
3. What issues do you think will be important to Greek Cypriots in terms of constitutional principles? To Turkish Cypriots? Why?
4. What responsibilities, if any, do perpetual majorities have toward perpetual minorities in countries with high levels of communalism? Why? Are these responsibilities, if any, the same in countries where communalism is less strong? Where there are crosscutting social cleavages?
5. How do the Greek and Turkish Cypriot representatives know whether this is a moment for great change, or whether it is business as usual? How much is this decision determined by the preferences of the Greek and Turkish representatives? How should they act if they want to make great change? If they want to prevent it?
6. Turkish Cypriots have had the same leader, Rauf Denktash, for the three decades since the island was invaded and partitioned in 1974. What role, if any, should such a leader have in a united Cyprus? If he does not take a role, what does he do next? What are the consequences on leadership development of antagonistic communalism coupled with international isolation?

Endnotes

¹ Joseph S. Joseph, *Cyprus: Conflict and International Concern*, New York: Peter Lang Publishing, Inc., 1985, p. 36. The discussion of the governmental branches and the constitution draws heavily from Joseph's account.