

New Set of Negotiations in the Cyprus Problem: Federation for a Stable Democracy*

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Introduction

The official talks starting from 2008 which aimed at a comprehensive settlement between Dimitris Christofias and Mehmet Ali Talat, have been promising a new era to the “Cyprus Problem” which has been continuing since 1963. Different from the preceding leaders who were commissioned at the negotiations, Christofias and Talat had defended a formula of a “federation” as the most convenient solution to this problem all through their political careers. This preference separates them from the preceding leaders: With the preference of a federation, Christofias is separated from Greek Cypriot leaders whose first choice is a “unitary state” and Talat is separated from Turkish Cypriot leaders who prefer “two separated states” or at least a “confederation”¹. Even if the leaders’ tone was toughened because of the theses developed by the preceding leaders in years during the negotiation process, both of them defend the same form of state as the solution to the problem. Defending the same form by both leaders created a belief in both communities and international society that these leaders would be the only ones to find a solution or the solution could never be attained.

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¹ For the theses which are defended by Turkish and Greek Cypriots from 1975 to 2000s and “confederation” criticisms made by Greek Cypriots and “unitary state” criticisms made by Turkish Cypriots, See Tufan ERHÜRMAN, *100 Soruda Kıbrıs'ta Federasyon*, LeŖkoŖa, IŖık Kitabevi Yayınları, 2009, pp. 24-32.

In this article, I will analyze how the leaders formed a framework for comprehensive negotiations continuing so far, what type of a federation was reflected on the negotiation table and which preferences made by leaders were the most suitable to the facts and realities of Cyprus.

1. The General Framework agreed upon by Talat and Christofias

Both leaders were involved in important talks on March 21², May 23³, July 1⁴ and July 25⁵ in 2008. At the end of these talks, they formed a general framework for comprehensive negotiations to begin. Leaders reconciled the preceding leaders' stance and agreed on the form of the united Cyprus state to be a "federation" before everything else and they set the following main parameters for this form:

- a) Principle of bi-zonality.
- b) Principle of bi-communality.
- c) Principle of political equality.
- d) Single international identity.
- e) Two constituent states of equal status named the Turkish Cypriot Constituent State and the Greek Cypriot Constituent State.
- f) Single sovereignty and citizenship.
- g) Settlement issues to be reconciled upon by two leaders shall be presented separately and simultaneously to both communities to be voted in two referendums.

Actually the main parameters above are composed of the principles which were created by the Turkish Cypriot Leadership, Greek Cypriot Leadership and United Nations as part of the attempts started with the 1977 Denktas – Makarios Summit Agreement, continued with the 1979 Denktas – Kiprianou Summit Agreement, the 1986 de Cuellar Draft Framework Agreement on Cyprus, the 1992 Ghali Set of Ideas and the 2002 Annan Plan to find a lasting solution to the Cyprus problem. However, even though most of the parameters were set by the preceding leaders of both communities, both Talat and Christofias have been severely criticized about these parameters by some political groups in their own societies. The criticisms aimed at Talat within the Turkish Cypriot community are about the approval of the principles of a "single international identity, single sovereignty and single citizenship". However, it is a well known fact that in a federation, a

2 For the full text of The March 21st Memorandum of Understanding, See <http://www.kktcb.eu/upload/pdf/83168.pdf>, Last access: 17.9.2009.

3 For the full text of the May 23rd Agreement, See <http://www.kktcb.eu/upload/pdf/69290.pdf>, Last access: 17.9.2009.

4 For the full text of the statement made jointly after the official talk on July 1st 2008, See <http://www.kktcb.eu/upload/pdf/64259.pdf>, Last accessed: 17.9.2009.

5 For the full text of the statement made jointly after the official talk on July 25th 2008, See <http://www.kktcb.eu/upload/pdf/20765.pdf>, Last accessed: 17.9.2009.

constituent state does not have a different international identity from that of the federation in terms of international law.⁶ Also obtaining single sovereignty and single citizenship in the international arena are natural results of being a federation. In spite of this, it is not difficult to understand the nature of the criticisms made. Even if the discussions were always made within the federation thesis in the presence of the UN, there have been two commanding theses as “two-separate states” and “confederation” on the Turkish Cypriot side. “Single international identity”, “single sovereignty” and “single citizenship” principles are sine qua non principles for a federation but it cannot be said that these principles are in line with the “two-separate states” thesis or “confederation” thesis. The reasons for these criticisms, aimed at Talat, are probably because the critics do not actually accept directly a “federation” as a form of solution.

The most serious criticism about the general framework within Greek Cypriot community and aimed at Greek Cypriot leader Dimitris Christofias, was the approval of the two separate constituent states to be in the federation which will be established as in the form defined in the Annan Plan. Despite the widely known principle of federations being composed of more than one federated states, Christofias received severe criticisms by some political parties in the Greek Cypriot Administration of Southern Cyprus (GCASC). He made the following statements probably under the influence of these criticisms: Firstly, he stated that a “bi-zonal and bi-communal federation” is a “difficult and painful settlement that has been made truly as a progress by Archbishop Makarios in order to save the country from the occupation and reunite Cyprus”. By saying this, he mentioned of “federation” not as a preference but as a “difficult and painful settlement”⁷. Again at the shadows of the severe criticisms, Christofias preferred to use the terminology of “two autonomous regions” instead of “two constituent states”⁸ in his speech made in the 64th Assemble of the UN General Assembly on September 24, 2009.

Despite different titles for the constituent states in a “federation” such as a “state”, “canton”, “country” “region”⁹ etc., there is no doubt of the facts that all “constituent states” have their own constitutions, legislative, executive and judicial organs and powers defined under the separation of powers framework in the constitution of the federation and the fact that federal government does not have any authority or power over the constituent states. For this reason, the criticisms aimed at Christofias were not directed against the concept of the “two con-

6 Kemal GÖZLER, *Devletin Genel Teorisi*, Bursa, Ekin Kitabevi Yayınları, 2007, p. 159.

7 <http://www.kibrisgenctv.com/haber/k11/1840/Christofias:-%22Cozum-plani-sekilleniyor%22.html>, last accessed: 13.12.2009.

8 <http://www.un.org/ga/64/generaldebate/CY.shtml>, last accessed:13.12.2009.

9 For different terminology used in different countries referring to states in a federation, See GÖZLER, *a.g.e.*, p. 152.

stituent states” but were directed at the preference of “federation” thesis. In the presence of the UN, discussions were always made within the “federation” thesis, despite the fact that the commanding thesis at the Greek Cypriot side has been the thesis of a “unitary state”. Thus, some political parties at the GCASC criticize Christofias for deviating from the hidden agenda of “seeming to be negotiating the federation principle, and actually insisting on the thesis of a unitary state”; with this deviation, it is believed by the critics, Christofias have started to discuss an option of a real “federation”.

2. Preferences of Talat and Christofias about of the Power Sharing Principles in the Constitution of a Federation

As it was mentioned above, despite the fact that Talat and Christofias have been defending the “federation” thesis all through their political careers, their ideas of the federation were as close as possible to the commanding theses of their own communities. Thus, even though Talat suggested a federation based on strong constituent states which is the closest model to the commanding thesis of the “two-separate states or confederation,” and even though Christofias suggested a federation with a strong federal government which is the closest model to the thesis of a “unitary state”, they had been under serious attacks and pressures of the defenders of the commanding theses which had been developing for thirty years of the history of negotiations between the leaders of both communities. The preferences about the form of the federation can be clearly seen especially at the power sharing principles to be enacted in the federal constitution. While the Greek Cypriots would like to grant the utmost powers to the federal government, Turkish Cypriots would like to develop a model in which the constituent states are more autonomous and have more regulatory powers than the federal government. There are also differences of opinions when it comes to the relations with the outside world (especially with the European Union). While the Greek Cypriot side would like constituent states to be able to establish relationships only through the federal government, the Turkish Cypriot side would like constituent states to be able to have direct relationships (including the signing of international agreements). Thus, while Greek Cypriots feared of a government with strong constituent states, Turkish Cypriots feared of a strong federal government and wanted limited federal government powers.

Compared to the former positions of the parties within these discussions, the most important amendment was made by Talat on behalf of the Turkish Cypriots. The President of Turkish Republic of Northern Cyprus made statements both at the negotiation table and to the public that the only way to agree on the empowerment of the federal government to a certain extent is to increase the representation of the Turkish

Cypriots at the federal government level. According to him, the rotating presidency model should be accepted and the rotation should be at frequent intervals. Also within this model, the number of the ministries to be owned by the states should be equal or at an acceptable level. Furthermore, in order to have the approval of Turkish Cypriots to a strong federal government model, Turkish Cypriots should be represented in federal administration in a numerical equality or at least with the closest numerical balance. However, Greek Cypriots, counting 80% of the country's whole population, would prefer the "majoritarianism" which asserts that a majority of the population is entitled to a certain degree of primacy in society, and has the right to make decisions that affect the society. Thus Talat's suggestion of "numerical equality" was perceived as a refusal of the federation model to the defenders of "majoritarianism" among Greek Cypriots.

3. The Best Federation Model Considering the Specific Facts of the Island: Strong or Limited Federal Government?

Today, there are different federation models in different countries and these models differ in terms of the powers of a federal or constituent state governments. I argue that the success of any model stands at the right level of harmony between the chosen model and the specific circumstances of each country or community. Thus, the specific facts and circumstances about the island should be taken into account when finding a solution to the "Cyprus problem". So, some of the most important specific facts and circumstances of the Island are listed below;

- a) Both communities in Cyprus have not been living under the same political umbrella since 1963.
- b) There have been disputes, including armed conflicts, in the history of the Island between two communities.
- c) Greek Cypriots' population is roughly four times the Turkish Cypriot community's population.
- d) There is a serious imbalance between the two communities' economies and Greek Cypriot economy is well advanced than the Turkish Cypriot one.
- e) The Greek Cypriot community has been living under the political umbrella of the "Republic of Cyprus" which is a member of European Union on behalf of all Cyprus since 2004. On the other hand, Turkish Cypriot community did not attend the membership negotiations with EU and has not been implementing the *acquis communautaire*.
- f) The social structure, where the united Cyprus will be established, will probably never be homogeneous because of historical rea-

sons¹⁰ but it will be more likely to be a plural society¹¹ composed of different communal fragments.

While thinking and negotiating the form of the state structure in the Island, which will provide a stable, peaceful and democratic atmosphere for both communities, these facts should be taken into consideration. Bringing two communities, living separately for years and having serious conflicts between them, under a strong federal government will bring a dominant position and many advantages to the Greek Cypriots whose population is greater and economy is crushingly stronger than Turkish Cypriots. Furthermore, a strong central/federal government will make Turkish Cypriots to feel that they encounter the dilemma of making a preference between being assimilated or sidelined from the central system. In addition to this, because of the fragmented social structure, it is natural that the Turkish Cypriot community as the numerical minority will need a system which protects its autonomy against assimilation and any misuse. Both communities need to use the powers granted to their constituent states in the federal constitution without any interference from the federal government and a sound mechanism, to provide participation rights in the decision making process effectively within the federal government, is also needed. Otherwise, as the numerical minority, Turkish Cypriots will feel insecure and fear of being suppressed and assimilated by the numerical majority. Such a situation will destroy all the efforts spent until today to have two different communities living in a peaceful, stable and democratic island and will just complicate the Cyprus problem even more may be to an extent of no-solution stage.

Conclusion

Different than the preceding leaders, Talat and Christofias did not bring a confederation model or a “unitary state” under the name of “federation” to the negotiation table and this increases the possibility of them being successful at the end of the negotiations to solve the Cyprus problem. However, as it was mentioned before, even though defending “federation” as the form of government, both leaders, under the influence of the respective commanding theses insist on two different forms of “federation” models: Turkish Cypriots argue for a federation based on strong constituent states and Greek Cypriots argue for a federation based on a strong federal/central government.

Once again, to be able to reach a lasting and fair solution, the specif-

10 Historical reasons of a social structure as a plural society in Cyprus, see Niyazi KIZILYÜREK-Tufan ERHÜRMAN, *Kıbrıs'ta Federalizm -Öznesini Arayan Siyaset-*, Lefkoşa, Işık Kitabevi Yayınları, 2009, p. 108-110.

11 According to Lijphart, plural societies are societies which are separated definitely by religion, ideology, language, culture, ethnicity, race and origin and every group has its own party, group of interest and communication means with nearly composing sub-cultures. Arend LIPHART, *Çağdaş Demokratiler -Yirmibir Ülkede Çoğululukçu ve Oydaşmacı Yönetim Örüntüleri-*, çev. Ergun ÖZBUDUN-Ersin ONULDURAN, Ankara, Yetkin Yayınları, (publishing date is not stated), p. 26.

ic facts and circumstances of the island should be taken into consideration sincerely and the commanding theses of both communities should not be taken into consideration dogmatically. Establishing a centrally strong federal government will risk sustainability of the new state, stable democracy and peaceful life together because the Island does not consist of a homogeneous society because of historical, ethnical and political reasons. Thus, the ideal formula to be found shall provide “unity in variety” as the main principle of federalism. For a successful formula of federation, the following conditions should be achieved:

- a) Constituent states should be empowered to make decisions affecting their own community and zone,
- b) The constituent states must be strong and must have the right to use the residual powers (i.e. the powers not vested in the federal government by the constitution) and sovereignly,
- c) The constituent state with a weaker economy should be protected against the suppression of the constituent state with a stronger economy (especially during long transitional periods),
- d) All necessary measures should be taken to provide effective participation to both communities in the decision-making process at the federal level, and
- e) Turkish Cypriots should be given the opportunity of being a subject of the international arena after long years of isolation.

A federation model dominating one community over another should not be the goal of these negotiations and certainly is not a solution to the Cyprus problem. The goal should be to create a fair and balanced system in which both communities will be able to live together peacefully in the Island under a long lasting stable democracy.