

REUNIFYING CYPRUS: THE LEGAL STICKING-POINTS TO A SETTLEMENT

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Cyprus is not a country where the unexpected often happens, but on the evening of Sunday 17 February, for once, it did. Contrary to everyone's expectation on the island, the incumbent, Tassos Papadopoulos was defeated, failing to make it to the second round run-off. This defeat left two candidates, one from the centre-right, the other from the left, both with moderate views. That Sunday evening, it became clear that the growing discussion about gradual partition might be premature and that there would at least be one last chance to reunite an island divided along ethnic lines since 1974. The following Sunday (the 24th) Demetris Christofias, the leader of the Communist Party (AKEL), won a convincing victory over his rival Ioannis Kasoulides; thus ensuring for the first time since Cyprus secured independence from Britain in 1960 that both communities (Greek and Turkish Cypriot) would be led by moderates.

As might be expected, little time was lost during the succeeding days trying to arrange a meeting between the newly elected President and the Turkish Cypriot leader, Mehmet Ali Talat (also, a leftist). This activity culminated in the meeting of the 21 March, under (customary) United Nations auspices. It was agreed, further to an agreement of 8 July 2006, which had failed to be implemented, that preparations be made for talks between the leaders of the two communities, with the setting up of technical committees (dealing with day-to-day issues) and working groups (addressing substantive issues). After a brief period of meetings between the new advisers to the two leaders, agreement was reached on the titles of the groups and committees (something 50 meetings of the two previous advisers had failed to achieve), their agenda and composition. These (13 in all: 6 groups, 7 committees) commenced work, following a ceremony, very recently on Friday 18 April.

Early indications are positive, although expectations (on both sides) have been deliberately dampened in light of recognition, as I shall indicate this afternoon, that the two sides remain far apart in their stated positions. Of course, aside from the work just commenced, confidence has already been boosted with the re-opening (for the first time since January 1964) of Ledra Street, historically the main shopping thoroughfare in the capital Nicosia, for decades the most telling symbol of the island's division. And then there was that (now famous, thanks to *The Economist*) ice-cream of Mehmet Ali Talat (the Turkish Cypriot leader) sitting and chatting with Greek Cypriot passers-by, before going on to a local record store (also, on the Greek Cypriot side of Ledra Street) to buy CDs.

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Well, in a much-troubled world, we can all enjoy and smile at such trivialities. Certainly, in the final scheme of things, the opening of Ledra Street and the licking of ice-cream will make very little or (more likely) no difference in the settlement of the Cyprus problem, but they *are* important gestures that can help to lighten the mood, swallow more hardline positions and give confidence (that crucial thing) to an indigenous population (both Greek and Turkish Cypriot) that have got used to disappointment and become cynical towards the prospect of any reunification.

That cynicism was bolstered, in the recent past, by the previous attempt to reunify the island, ending in the (almost infamous) referendum of 24 April 2004. To be fair, the period leading up to Cyprus' entry into the European Union, on 1 May 2004, was always going to be regarded by the international community as an ideal opportunity to secure a settlement, but looking back now, with the benefit of hindsight, it is clear that it was doomed to fail. The Greek Cypriot community was not prepared for the type of text presented, nor the types of compromises asked of it. Also, much of the Turkish Cypriot community embraced a settlement (and the automatic EU membership that would come with it) too late; street demonstrations (in favour of peace and against the continued intransigence of the then Turkish Cypriot leader, Rauf Denktash) being regarded as insincere by their Greek Cypriot compatriots. The United Nations team, led by the UN Secretary-General's Special Representative, Alvaro de Soto, whilst only fulfilling instructions to have a final text ready and put to the Cypriot people, prior to 1 May, came to be regarded with hostility by the Greek Cypriot side and, therefore, community. All of this being, however, superceded by the realisation amongst Greek Cypriots that, in light of the absence of any preconditions, even if they voted 'no' on 24 April, the Republic of Cyprus would still join the European Union the following week. Thus it was, with these assisting, that the Turkish Cypriots voted 'yes' by a margin of about 2:1, the Greek Cypriots 'no' by 3:1.

Hopefully, in light of this painful episode, the international community will have learnt some lessons and not only for Cyprus: (that) some societies are more civil than others; any carrots (even if they have different flavours) and any sticks (which must have the capacity to hurt) need to affect all sides; and, consulting the citizenry may lead to a result you may not have hoped for.

The period since April 2004 has seen a striking change in the attitudes of both communities. Turkish Cypriots had expected that their 'yes' vote would at least be compensated by the lifting of trading and travel restrictions which have largely prevented the free and bilateral conducting of commercial relations, and movement of persons by sea or air without the requirement of first docking or landing in Turkey. These restrictions, four years on, remain (in effect) as they were before. This has caused much resentment and a souring of the mood (including towards Greek Cypriots) on the northern side of the island. By contrast, even maybe reflected in the recent Presidential election result, Greek Cypriots have changed: they are, of course, basking in the prosperity that EU membership has brought, but (crucially) the passage of time has enabled them increasingly to become reconciled towards the type of compromises that any reunification would require. Many can now imagine having a Turkish Cypriot as their President; accept the prospect that Cyprus' jewel, the northern town of Kyrenia, would not be administered by Greek Cypriots; and that

Turkish Cypriots would have extensive rights of participation in all branches of government. There are, therefore, reasons to be optimistic.

However, the devil still lies in the detail. Whilst the sky may never have been clearer, the positions of the two sides have altered little these past four years.

The Turkish Cypriot side believes it got a good deal in 2004. Naturally, it wishes to hang on to as much of what the rejected 'Annan Plan' awarded. Thus, even in the past few days, it has already begun to reveal its largely defensive positions. These will be framed around the Annan Plan as the starting point with, in some instances, harder terms to rectify those deficiencies in the Plan from their perspective: including, for example, greater clarity on state succession, particularly the demand that the reunification of Cyprus be the coming together of two sovereign entities. Meanwhile, the Greek Cypriot side is forced, from the outset, to go on the attack; refusing to allow the previous plan to be placed on the table, arriving (instead) with their own separately inspired and different proposals.

Face-to-face talks, between the two leaders, will only commence provided there is a narrowing of the positions of the two sides. This demand of the international community ought, as the (anticipated) 'phoney war' of early weeks reaches early June, to lead to a greater willingness to seriously discuss the philosophy of the other. Still, it should be acknowledged, by the international community also, that compromises will not be made until the negotiations (of the two leaders) begin. Protocol will dictate that only they will have the capacity and authority to reach the relevant understandings and make the necessary mutual compromises. The fascinating question, which I will turn to next, is where those compromises may come from.

The agreed package, which culminated in the establishment of the Republic of Cyprus in 1960, was led by Greece, Turkey and, the outgoing colonial power, Britain. This package included three Treaties, which remain, of Establishment, Guarantee and Alliance. All continue, but for different reasons in each case, to be controversial and disputed to the present day.

The Treaty of Establishment, besides establishing the Republic of Cyprus, provided for Britain's continued sovereignty over two defined portions of territory: converted, under the Treaty, into two Sovereign Base Areas (or SBAs) at Akrotiri and Dhekelia, comprising, in total, 3% of the island. Akrotiri continues to play a vital role for the Royal Air Force in respect of training, refuelling and for its proximity to the Middle East and Eurasia; Dhekelia as a perfect R&R facility for the British infantry after difficult tours in places like Iraq and Afghanistan, other than for its well-equipped training facilities and intelligence-gathering station at Agios Nikolaos. Greek Cypriots, who fought largely single-handed for independence during the late 1950s, have always resented Britain's continued presence and sovereignty on the island (the Turkish Cypriots much less so). However, despite this, there appears to be no appetite on the Greek Cypriot side to spoil for a fight with London over this issue. They have calculated, almost certainly correctly, that they will be better able to secure the ear of the British government, if the future of the British bases are not placed on the agenda from the outset; hoping that, in return, London may be willing (privately) to back it on other more winnable issues.

Under the Treaty of Guarantee (the second treaty), the Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity, and security, as well as respect for its Constitution; *nor* to participate, in whole or in part, in any political or economic union with any State. These undertakings are recognised and guaranteed by Greece, Turkey and the United Kingdom, which (in the words of the Treaty) ‘undertake to prohibit... any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the island’. These undertakings were used, by Turkey, to justify its military invasion of the island in July 1974, after President Makarios was overthrown in a coup led by those in favour of *Enosis* (union) with Greece. If it is accepted that the Treaty of Guarantee was violated by the Republic of Cyprus during the coup (the putschists remaining in power for only a few days), it must also be accepted that Turkey has been in violation of the terms of the Treaty since it recognised the Turkish Republic of Northern Cyprus (proclaimed in 1983).

The commitment of Cyprus to maintain its independence and the new constitutional arrangement were incorporated within the Basic Articles (two in total) of the federal Constitution in the Annan Plan; the Basic Articles being the only part of the Constitution not subject to amendment or repeal. It is therefore maintained, by the Greek Cypriot side, that the Treaty of Guarantee has lost much of its purpose. Ankara, feeling perhaps slightly exposed on this matter, has already publicly declared (in recent days) that retention of the Treaty of Guarantee (*and* the Treaty of Alliance, which I shall turn to next) is a *sine qua non* for any settlement. This is one of a number of issues where the Turkish Cypriot side would not dare contradict its sponsor. It may not, quite, be the time to allow the Treaty of Guarantee to lapse, but it should be acknowledged, once Turkey becomes a member of the European Union (the United Kingdom, Greece and a reunified Cyprus all being in), and in light of the collective security system this organisation continues to develop, that it would cease to have any purpose at this stage of the 21st century. One possible compromise might be to have the Treaty suspended upon Turkey’s accession to the European Union, and for it to remain suspended so long as all its parties remain members of the Union. With, it should be assumed, the constitutional guarantee retained, irrespective of the longevity (/ continuation) of the European Union, time may encourage any or all of the three to declare their intention to withdraw from the Treaty. This is a decision that London may well make in the coming years, for example.

One of the more consistent imperatives for any reunification is demilitarisation. What is often asked, however, is what anyone means by demilitarisation. For some, particularly on the Greek Cypriot side, the dream, as has already been intimated, is for full demilitarisation: including the withdrawal of all British troops, the dismantling of the bases, and the cession of SBA territory. Often, though, demilitarisation is confined to the withdrawal of Greek and Turkish troops. Yet, even this is a matter for interpretation in light of the third of the Treaties, the Treaty of Alliance. This permits the stationing of Greek (up to 950 in number) and Turkish (up to 650 in number) contingents on the island. The island was therefore, prior to 1974, militarised; but the hope has always remained that this might one day be reversed. Such was given a shot in the arm, during the last process, when the third version of the Annan Plan provided for the withdrawal of all Greek and Turkish troops upon accession of Turkey to the European Union, ‘unless otherwise agreed between Cyprus, Greece and Turkey’.

The Turkish Cypriot community is very concerned about its own security, which for it means the continuation of a Turkish military presence on the island, even if this reverts only to symbolic levels. Greek Cypriots cannot erase or pass over the legacy of their community's past. It is a sad fact that its leaders have never had the strength of character to apologise, more clearly and consistently, for the crimes committed by a section of its population both prior to and during 1974. Having lived in Cyprus, alongside the Greek Cypriots, for over a decade, I can understand why this is the case: the continued occupation of over one-third of the island appears to be a far greater and more pressing injustice, but more fundamentally the vast majority of Greek Cypriots feel that they (individually) bear no responsibility for the events of this period, many families having been as much victims of Greek Cypriot extremism as their Turkish Cypriot compatriots. This is, of course, all correct. However, everyone living on the island from 1960-1974 must bear responsibility (Turkish Cypriots included, for the crimes committed against Greek Cypriots by members of their community) for their silence and inaction during this tragic period. It is this disjunction, continuing to this day, that makes the Greek Cypriots so fearful of any continued Turkish military presence on the island, and the Turkish Cypriots so fearful of their total withdrawal.

Trust cannot be regained by simply saying sorry, but the current period does provide an opportunity for the leadership of both communities to behave like statesmen and talk to the members of the other community in ways never done before. Turkish military jets can be scrambled and over Nicosia, Limassol or Paphos in moments; the successful NATO air campaign over Kosovo in 1999 has bolstered the argument of those international lawyers who maintain that there *is* a right of humanitarian intervention in international law; if the Greek Cypriot community reacted again against the Turkish Cypriots, it would not only be Ankara that would be intervening. With all of these in mind, Turkey must fulfil its role in the region – as a force on the international stage also – demonstrate a share of magnanimity and trust the Greek Cypriots to fulfil their responsibility. Therefore, the Treaty of Alliance could be amended – all Greek and Turkish troops leaving the island – subject to the right of both Greece and Turkey to re-deploy their contingents in the event of the independence of Cyprus and/or integrity of the constitutional settlement being, by any act, defeated.

In 1974, the Turkish Cypriot community constituted around 18% of the total (resident) population of the island. By the ceasefire in August of that year, the Turkish military was in control of 37% of the island. Turkish Cypriots living in the southern two-thirds moved, during the succeeding period, from their enclaves to areas located behind Turkish lines. In these early years, the north, containing much of the most fertile agricultural land on the island, was largely empty of people and relevant skills. To rectify this imbalance and, no doubt, to help cement Turkey's grip over this part of the island, thousands of peasant farmers from eastern Anatolia were settled to work on the abandoned land. This settlement became permanent and, in the decades since, has been supplemented by the arrival of a younger and more urban (in lifestyle) Turkish immigrant. Today, it is disputed what the population of northern Cyprus is, but from what I have seen I would accept the position of those who assert that the numbers from the Turkish mainland (or 'settlers', as they are more commonly known) considerably out-strip those of Turkish Cypriots.

Ideally, the Greek Cypriots would like all ‘settlers’ to leave the island after any settlement. Upon reflection, however, most acknowledge that this is both unrealisable, impractical and might even be bad for the economy. Many have lived in Cyprus longer than many Greek Cypriots who, for example, have returned to their country of origin, in recent years, from such cities as London, Melbourne and Johannesburg. These ‘settlers’ have, as much as Cypriot returnees (Turkish Cypriot also), ‘set up shop’ (so to speak) on the island and, even more importantly, now don’t really have anywhere else to go. Besides, much cultivable land would remain under Turkish Cypriot administration, in spite of any expected territorial adjustment (in favour of the Greek Cypriots), and many urban-dwelling ‘settlers’ would continue to be desired for menial / low-skilled work that even Turkish Cypriots do not want to do. If forced to leave in their droves, others would have to be imported (in) to do the work vacated.

It should be stressed that most Turkish Cypriots *do* feel rather swamped: many have, without my prompting, told me so. In reality, therefore, the dispute between the two sides lies over the (raw) numbers of those that should be allowed to stay and the manner in which some of these should be granted Cypriot citizenship. Greek Cypriots were dismayed, following calculation, during the last process, by the fact that a majority of Turks would have been allowed to stay: either (through marriage to a Cypriot) for having become a Cypriot, or for becoming a Cypriot due to their inclusion on a list of up to 45,000 persons (‘nominated’ by the Turkish Cypriot side), or because the Plan allowed, besides these persons, for Turkish nationals to reside in Cyprus to a level up to 5% of the number of persons holding the internal constituent state citizenship status of the Turkish Cypriot State (one of the two constituent states forming part of the federation).

Besides marriage, those persons born on the island and still resident or who have been resident until a recent and defined period (say three years), *and* those who have resided permanently, without interruption, above a given number of years should be prioritised in the conferring of Cypriot citizenship; here, residence (only) for the other first-degree relatives to those so born (provided they are less than 18 years) should be permitted. Such may both enable the maximum number on the list to be reduced to a number less than 45,000, coupled with a further reduction of the allowable percentage of Greek / Turkish nationals, down from 5%.

The federalisation of Cyprus and the establishment of separate Greek and Turkish Cypriot (constituent) states may secure for each community a certain space, but it should not contribute to the creation of an apartheid state. The Annan Plan introduced, for a transitional period, highly complex criteria limiting the residence of persons hailing from the other constituent state. A moratorium could be established, on such residence, during the first five years following entry into force of the Comprehensive Settlement, after which (hereon quoting from the actual text):

‘limitations are permissible if the number of residents hailing from the other constituent state has reached 6% of the population of a village or municipality between the 6th and 9th years and 12% between the 10th and 14th years and 18% of the population of the relevant constituent state thereafter, until the 19th year or Turkey’s accession to the European Union, whichever is earlier’.

Following the completion of this transitional period (that is, the earlier of either the 19th year or Turkey’s accession to the European Union), again quoting:

‘... either constituent state may, with a view to protecting its identity, take safeguard measures to ensure that no less than two-thirds of its Cypriot permanent residents speak its official language as their mother tongue’.

This, thus, permitting indefinite restrictions on the residence of persons hailing from the other constituent state when reaching the specified level.

The Greek Cypriot side demands that there be no restrictions on residence; the Turkish Cypriots wish to retain them. The latter are anxious about being swamped with Greek Cypriot returnees, thus compromising the identity of their constituent state. Sadly, Turkish Cypriots have developed an ‘enclave mentality’. This has some basis. They had started leaving mixed villages even before independence in 1960; this was exacerbated after the first (significant) intercommunal troubles of 1963; and completed following the invasion of 1974. As observed by those Turkish Cypriots who have lived in London, Melbourne and Johannesburg, but have themselves now returned, the world (including the European Union) remains as much of a melting-pot as it ever was. The same should therefore apply in Cyprus as much as anywhere else. Perhaps the most iniquitous aspect of the previous provisions on residence was that I (a British national), or a Syrian builder, or a Sri Lankan housemaid (aliens, all living and working on the island) could freely move (and back) between the constituent states, but Cypriots could not. This is not only insulting and wrong, it is racist.

The truth of the matter is that 1974 was a long time ago, a Greek or Turkish Cypriot refugee would have to be 60 years or more to have owned property vacated by him and his family. In that time, displaced Greeks and Turks have built new lives and businesses in the (generally) towns that they were moved to. I do not believe, therefore, that we would get even close to the numbers quoted. It is not only Greek Cypriots that would wish to live in the other constituent state, Turkish Cypriots would in significant numbers also – actually, increasingly, they already are. Probably, Greek Cypriot return to the north of the island would generate clusters – in and around Kyrenia, the Karpas peninsula and certain other larger villages – but, to repeat, it would not be great. In light of this, there should be no restrictions on residence. It may be argued that an initial moratorium should be retained. However, any moratorium is only likely to encourage a larger return, by giving refugee communities that, particularly on the Greek Cypriot side, have managed to keep in touch (even organisationally) a window of time in which to mobilise. Besides, many Greek and Turkish Cypriots, not themselves refugees, may for commercial reasons see value in moving to the other constituent state – good for the local economy, such loyal citizens should be encouraged.

Stop 100 Greek and Turkish Cypriots in the street, ask them what they believe the Cyprus problem is most concerned and the majority will answer: property. One of the things most striking to any non-Cypriot is not only the high levels of (private) land ownership, but also the spread of that ownership. Few persons (besides, of course, religious institutions) own large amounts of land and, in 1974, nearly everyone owned something. The property question has, quite naturally, become tied up with the matter of return and residence. It is oft talked about, but little understood.

Let’s simplify things for a moment. The average Greek Cypriot refugee is generally worried about one, some or all of the following: the current condition of his property (not infrequently land, as well as dwellings); who, if anyone, is living there (Turkish

Cypriot, Turk or other: Turkish Cypriot counting as good, Turk bad); whether the land has been built on (that is, ranging, at one end, from whether the property has been demolished, to developed into a new housing complex, at the other); and, most important of all, how much it is now worth! The average Greek Cypriot refugee may have no intention of returning (permanently) to the house where he grew up as a child, but might well like to either keep it for the summer or have the right to sell it (himself). Turkish Cypriot refugees generally feel the same. Yet, all previous settlement plans have based their property provisions on a complex system of exchange. Such would be managed by a Property Board, the dispossessed owner being compensated (either instead of or in addition to any exchange) with the receipt of bonds, themselves not being callable (at nominal value), at the discretion of a Compensation Trust, until five years after they are issued – the wiser course of action, helping to maintain the liquidity of the Trust also, being to keep them, to gather the interest and allow them to mature after 25 years.

Such type of arrangement is fine and functional in theory, for those with the patience of Job it might even prove quite attractive and profitable, but for the vast majority, (just like most of us here) who prefer to dream of the delights of the ‘here and now’, it is likely to continue to be regarded with hostility. Therefore, the following arrangement should be considered. All dispossessed owners should be given some right of reinstatement, unless all of their property is currently being used by a public body / authority or for public benefit (in which case they should be compensated, at the market rate, being determined by the Property Board, to be paid, in full, within three years of the Comprehensive Settlement). Full reinstatement should be allowed for the first 5 donums (or 6,700 square metres), plus one-third of the land area beyond this figure. The property subject to reinstatement, up to the reinstatement entitlement, should be determinable by the dispossessed owner. Current users of affected property who are also dispossessed owners shall be entitled to remain as tenants (under a lease agreement) by standard form (determined by the Property Board) for up to 10 years, with the possibility of extension and renewal (agreed by the lessor and lessee). The rent payable should be determined by the Board, in light of the market rate for such type of property in such locality. In the event of sale, any current user, provided he was, at the time of the Comprehensive Settlement, a dispossessed owner (also) should be given (first) option to purchase at the market rate. Current users who are not dispossessed owners should be given up to three years to find alternative accommodation (any disputes being handled by the Property Board). Compensation given to any dispossessed owner would be conveyed to the Compensation Trust, (again) not being callable until five years after the bonds’ issue (at nominal value), maturing after 25 years. Any dispossessed owner would still be entitled to make a claim for compensation for loss of use to the constituent state from which the claimant hails.

Such arrangement would be extremely popular with Greek and Turkish Cypriot refugees. All would be given, from the outset, rights / expectations over all or a significant part of their properties; without compromising the integrity of the constituent state; nor denying current users of their rights; nor bankrupting either the government of the relevant constituent state (in some instances, the property may be used by the federal government, being required, itself, to compensate); nor throwing away the opportunity presented by the compensation bonds and Compensation Trust. Surely, a win-win-win-win-win situation if ever there was one.

Any Cyprus settlement would rest on the notion of political equality. This does not have to mean equal membership / representation of Greek and Turkish Cypriots in all factors of government, but it does require that the latter community is consulted, has the right to effective participation and (in most instances) has contributed to the making of any decision. If the Turkish Cypriot side, via reunification, is to return to the fold, political equality is, for the Greek Cypriots, their equivalent compromise; except that when compared with the long-term economic prosperity that reunification will guarantee for the Turkish Cypriots (distinct from any economic growth in Turkey), the Greek Cypriot compromise is much the greater. It is, however, one thing to accept political equality as an idea, quite another to make it work. For instance: how to reach decisions within the executive, legislative and judicial organs if, on a given matter, the positions of those from each community are opposed; and what happens if no agreement or compromise can be found? The Annan Plan would have given the Supreme Court competence to issue an *ad interim* decision in the event of deadlock within one of the federal institutions, where failure to decide would prevent the federal government or its institutions from functioning properly, or result in a substantial default on the obligations of the State as a member of the European Union. Under the Plan, a 15-member Supreme Court (6 Greek Cypriot, 6 Turkish Cypriot and 3 foreign judges) would have had transferred to it the burden of responsibility of breaking the deadlock; the 3 foreign judges being required, as one, but only when necessary, to break any further deadlock amongst the Cypriot judges.

Cyprus has been divided for most of its independent life. The ‘Cyprus question’ consumed its inhabitants even before independence. On a political level, most Cypriots are concerned about little else. The interests of foreign powers, not always benevolent, during this period and earlier, have generated, within both communities, a deep sense of paranoia not only individually but collectively. Its blue sky, cool mountains and warm sandy beaches may make it appear, to the itinerant eye, little short of paradise, but these mask a deeply troubled country and society. The Greek Cypriot side has, correctly, noted the real dangers that may bring the constitutional arrangement down as swiftly as the 1960 system was defeated, only a little over three years after independence. This should be a matter of great concern to the Turkish Cypriot side also; for discussion about the functionality of any settlement, should not be the preface to an attack on the rights of the Turkish Cypriots provided for in previous settlement plans. Besides, even the most recent, upon closer inspection, rendered Turkish Cypriot representation in the lower house of Parliament effectively redundant.

I have spent the last two and a half years examining how the federal institutions in a reunified Cyprus can retain (in full) the concept of political equality, whilst still enabling these institutions to function and avoid deadlocks when division arises. This work, more than anything, is what made this book [“A Functional Cyprus Settlement: The Constitutional Dimension”] so large. Although the existence of (deadlock-breaking) foreign judges on the Supreme Court is rooted in international law, it should be avoided. I have recently submitted a long journal article outlining, in strict accord with the jurisdictional competences given to the Court under the Annan Plan, how a 24-member Court (12 Greek Cypriots, 12 Turkish Cypriots) could reach decisions, find compromises and be highly functional. Although, in a couple of instances, it may give rise to somewhat complex procedure, it *is* possible to make an ‘even number into

an odd'. Most importantly, such would be much more preferable than a Court where the foreign membership would, unduly, consume the attention of those in government, the media and the wider public: that is, the country each hails from (friendly or unfriendly to a community), their personal views on Cyprus (pro or anti), and their 'voting' record (sympathetic or hostile). Besides, the Supreme Court should not be rendered, as it was under the Annan Plan, into a second tier executive – this should not be the function of the judiciary anywhere.

Although the following remark may disappoint international mediators currently packing their swimming costumes for a long *and* hot summer in Cyprus, much work remains to be done on the constitutional mechanics of any new settlement plan. The Presidential Council, to my mind, should not be elected by Parliament, but by the electorate. This will force politicians from both communities to cooperate daily and to frame joint and common platforms. Appallingly drafted (from the Annan Plan) laws on federal elections and the structure and procedure of Parliament need to be entirely re-written. As I have indicated, the participation of Turkish Cypriots in both houses of Parliament needs to be made effective. Deadlock-breaking mechanisms within institutions themselves need to be devised to avoid constant reliance upon the Supreme Court. I apologise if I have just spoilt the summer plans of some people.

These are the core, but only a small portion of the bones of contention. My apologies, before I sit down, for those issues (the economy, treaties and territorial adjustment amongst them) which I have omitted; but time defeats me.

Am I optimistic? Yes. Do the events of recent weeks mean that Cyprus will be reunified? Not necessarily. In the end, the Cypriot people (as four years ago) will be called upon to decide.

In the end, the diplomats will all move on, I and the rest of my family though will remain behind.

The Cypriots have no one else to rely on, only themselves. They had and have a right to care about their and their family's future. We each have only one home. Just pray that the international community is mindful of theirs and what it means to them...

Tim Potier
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