

the Practitioner's page

Lellos Demetriades of Cyprus

A federal constitution for Cyprus?

Cyprus is a prime candidate to become a member of the European Union. Turkey is also seeking to join the EU. Their joint aspirations may provide impetus for a constitutional resolution of the island's chronic conflict – a solution that could very well entail creating a federal structure for Cyprus.

Forum of Federations Senior Editor Karl Nerenberg interviewed Lellos Demetriades, former Mayor of Nicosia, in St. Gallen, Switzerland this August, at the International Conference on Federalism 2002.

Federations: When you were the mayor of Nicosia, what powers and functions did you have?

Demetriades: They are the usual powers and functions of Mayor. You have to deal with everyday affairs, the roads, the lighting, keeping the town clean, town planning, and things like that. Except that on top of that, in addition to the ordinary headaches that a mayor has today – you know: clean atmosphere, environment, that kind of thing – on top of that I had to deal with a divided city. That is a city where the line's drawn right across the heart of the city, across the center of the city, dividing it into two parts and there is no communication between the two. So everything stops at the border and in order to proceed further you have to make special arrangements and if they work well: good. If they don't then you're in trouble.

Federations: Were you mayor of both parts of the city?

Demetriades: Well, legally, theoretically if you wish, I was the only mayor of Nicosia. There can be no other mayor because we don't recognize... Not 'we', I mean not 'we the Greek Cypriots' or whatever. The rest of the world except Turkey does not recognize any other state in Cyprus except the Republic of Cyprus.

For the first time in our history of struggling to solve the problem of Cyprus, we at long last have one great power supporting us, that's the European Union – because it suits their purpose. We have an ally because a lot of people really are fed up with the situation . . . and the great powers that have always played an important role in this kind of problem, they really think that they should do something about it.

Federations: But did you actually have authority to administer the Turkish half?

Demetriades: No, no. *De facto* I did not. And I was mayor of course from 1971 to 2001. So during that period the city was partly divided at the beginning but then at the very end after the invasion in 1974 there was something like an Iron Curtain, you know, no communication at all.

Federations: How was the Turkish part of Nicosia administered?

Demetriades: Well, under their own rules of administration they had elections and they elected a

person who was called the mayor of that part of Nicosia but of course, again, there was no legal recognition of that.

Federations: Did you know him?

Demetriades: I got to know him and I think we liked each other very much. Of course we had the difficulty with who is he and who is me. So we decided to do away with titles and say that he represented the Turkish civil community of Nicosia and I represented the Greek community. But we all belonged to one town and if we really liked our town we had to do something about it in relation to common services.

Federations: You're at an international conference on federalism. What is your interest in federalism?

Demetriades: What is now burning us all is what will happen before the end of the year. Why before the end of the year? Because it seems that at the end of the year the European Union will have to make a decision as to whether we enter or not. We are ready to enter. In fact, we are number one ahead of all the other candidate countries and the only thing, which worries us and worries also the European Union is the position taken by Turkey that if European Union proceeds unilaterally with us and accepts Cyprus as a member then they will do all sorts of terrible things.

I don't know what exactly they intend to do but said they will make life very difficult. Not for us only but for the international community. So there is a problem, there is not much hope, I must say, that the problem will be solved. I mean the "Cyprus problem" so to speak. But on the other hand I have a feeling – because of the fact that for the first time in our history of struggling to solve the problem of Cyprus, we at long last have one great power supporting us, that's the European Union – because it suits their purpose.

We have an ally because a lot of people really are fed up with the situation, including the Cypriots and because there is too much trouble in our part of the world and the great powers that have always played an important role in this kind of problem, they really think that they should do something about it. And without some kind of assistance from these powers I don't think anything will be done.

Now in my mind of course when I say assistance I mean that they would not force us to say, "Yes, the Turkish-Cypriot minority of 18% are entitled to have a cessation from the Republic of Cyprus and form their own independent state and all that." Nowhere in our

discussions was it said that look here you just start having two states out of one because there is a minority then the motherland is 40 miles away and for their own interest they want to have a separate sort of state. Short of that, we are ready to give the minority of 18% all sorts of safeguards, liberties, anything that any country has in the European Union – because we Cypriots want to go in. Greece is in. Turkey wants to join the EU, so why not accept some kind of a European Union country constitution? We are ready to accept it.

Federations: Would you expect aid from the European Union to help you write a constitution suitable to Cyprus' needs or would you be looking at the constitution of a particular federal country such as Belgium or Germany?

The Future of Cyprus

Cyprus was ruled by the Ottoman Empire from 1571 until 1878, when it was transferred to British administration by the Congress of Berlin. International negotiations in Zurich and the London Conference in February 1959 led to the Cyprus Constitution of 1960, which included a form of power-sharing between the Greek Cypriot and Turkish Cypriot communities. In 1974, a failed coup attempt against the Makarios government in Nicosia was cited by Turkey as grounds for military intervention. Turkish troops then occupied 37 % of the island, where the Turkish Cypriots have since formed the Turkish Republic of Northern Cyprus, which is recognized only by Turkey.

Greek Cypriot proposal for a federal solution, on the Government of Cyprus website:

- http://www.pio.gov.cy/docs/proposals/proposal1989/proposal1989_main.htm

Turkish Cypriot proposals for a two-state confederation, on the Turkish Ministry of Foreign Affairs website:

- <http://www.mfa.gov.tr/grupa/percept/IV-3/dodd.htm>

Confederation proposal of Turkish Cypriots:

- <http://www.north-cyprus.net/trnc/negotiations/confed.htm>

"Reuniting a divided island: Cyprus, north and south", *Le Monde Diplomatique*, April 2002:

- <http://mondediplo.com/2002/04/09cyprus>

Demetriades: I wouldn't go as far as saying that we shall adopt completely the constitution of Germany or Belgium or whatever, no, because each case has its own particular problem, peculiarities, the same you have to adjust it, yes, but you cannot depart from basic rules.

And one basic rule is that yes you can have a federal constitution and the federal government could be loose and not having too much power and all that, fine, but it must not be two independent states getting together to form another one. No, that we cannot accept and in fact there is no such precedent in any European constitution that they mention, even the constitution of Belgium.



The divided city of Nicosia.

Federations: Imagine that you are trying to develop a constitutional framework on a federal model for Cyprus. One difference with Belgium and many other countries is there is a great difference in numbers that you have over 80% Greek and under 20% Turkish. What kind of guarantees do you have and how do you make them practical?

We in Cyprus, the Greek Cypriot side if you wish, we are ready to accept the principles prevailing in Europe about this kind of constitution, a federal constitution, Belgium in particular. But not to have something different which will be a monster. I mean an unknown creature, a monster of constitutional – federal constitutional law.

Demetriades: There are many ways. First of all it's the constitutional guarantees that beyond that there is the guarantee of other nations. We would be prepared for example to have some kind of guarantee from the United Nations or from a number of countries. I mean we don't want to do any harm, I mean real harm to the minority. We do not have this in mind. But remember the majority has also rights.

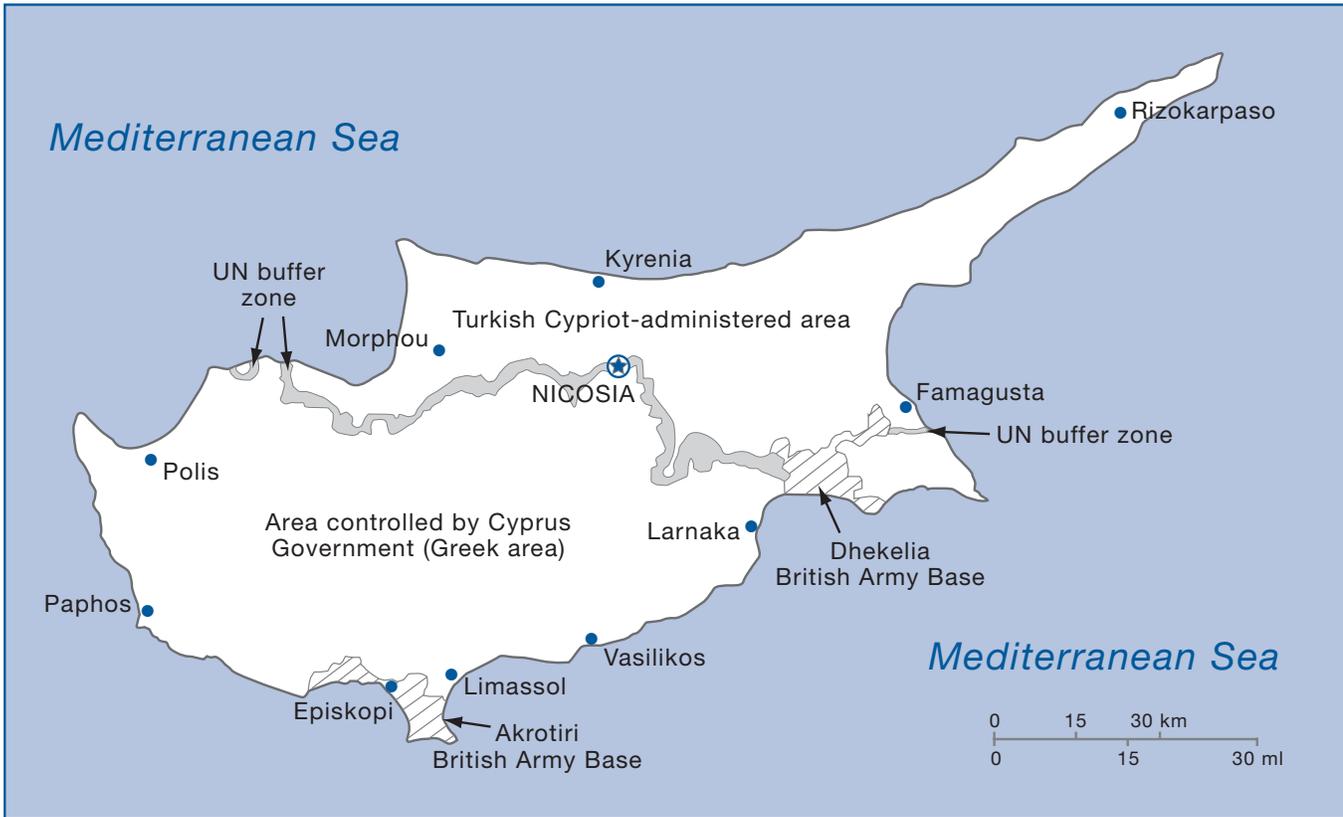
At the end of the day you cannot change the majority into a minority and vice-versa.

Federations: Would all the division of responsibilities and powers have to be based on a more or less per-capita basis? Or would you consider, say, having the equivalent of what you have in many federal countries of a senate, where the two sides are equally represented despite the difference in population?

Demetriades: Yes, we are prepared to have... to reach that stage too. Under the principles, which prevail now in Europe, it must be a workable constitution. It must not be full up of deadlocks and nobody knows what will happen. It's extremely difficult to describe to you. You know it very well, more than me, the little details and whether it will be majority vote – it cannot be majority vote for everything. For very important matters it has to be a special majority or other checks and balances. I am ready for it and I repeat that. We in Cyprus, the Greek Cypriot side if you wish, we are ready to accept the principles prevailing in Europe about this kind of constitution, a federal constitution, Belgium in particular. But not to have something different which will be a monster. I mean an unknown creature, a monster of constitutional – federal constitutional law.

Federations: So, how do you proceed now? What process would you use to proceed to try to get a serious discussion aside from the support of Europe?

Demetriades: You have to agree on the principles. If you do not agree on the principles you cannot go along to a draft. So before the end of the year at least we agree on the principles and then it will not be that



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Federations: Would you be interested in some point at looking internationally and trying to gather some expertise in the historic management of this kind of political structure – a federal political structure – once you get past the first initial stage of an agreement?

Demetriades: We have been seeking and we did secure advice from constitutional lawyers and draftsmen and we have them on a sort of permanent basis and the staff of the Secretary-General who is dealing with our problem does in fact include people who have this knowledge to deal with this particular matter.

The problem is that the political decision is not there yet and if nothing happens towards that direction I'm

afraid that the Cyprus problem will go on and on. Most probably we shall be accepted in the European Union. The Turks will proceed to do what they want to do. There is no other way for the time being. So it doesn't look very optimistic on the horizon, but this I've said before: there are a lot of special circumstances now. ... So we hope for the best. ☺

Reuniting an island – problems with solutions?

The Green Line – line dividing Cyprus between the Turkish and Greek areas of Cyprus, patrolled by UN Peacekeeping troops. There is one checkpoint in Nicosia, at the Ledra Palace, where tourists can cross from Greek Nicosia to Turkish Nicosia for a day.

The 24 empty seats in the legislature – today 24 of the 80 seats in Cyprus' House of Representatives stand empty - they were set aside for Turkish Cypriots but they have been unfilled because Turkish Cypriots refused to run for them in elections.

Meetings without titles – Rauf Denktash, who holds the title of President of the Turkish Republic of Northern Cyprus, an entity recognized only by Turkey, and Glafcos Clerides, President of Cyprus (though he controls only the Greek part), met recently for the first time in decades, but only on the condition that no titles were used by either.