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One State or Two? Political Realism on the Cyprus Question

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This article analyzes the Cyprus Question, externally and internally. The external dimension focuses principally on Cyprus' accession to the EU, and the part it may be playing in forcing potential reunification and federation of the island. The second question takes up the issue of the appropriateness of federation or confederation for Cyprus at all, and argues that a two-state outcome would be better and more realistic for *both* Greek and Turkish Cypriot communities. But ultimately, with the latest Kofi Annan UN Plan offering federation (with linked EU membership) now under intense negotiation, this package needs to be finally submitted in referenda to the Cypriot communities themselves for a definitive judgment.

The so-called Cyprus Question has long remained a preoccupation not only for Cypriots and those of neighbouring Mediterranean countries, but also in the last several decades, for the United Nations and the international community. On the face of it, it seems strange that so small an island should occupy such prominence on the world stage. But the issues with which Cyprus wrestles – how best after de-colonisation to organise *internal* arrangements between Greek and Turkish Cypriots and *external* arrangements so that the island can enjoy peace, security and prosperity – have taxed the ingenuity of our best minds in federalism and international politics. So far history seems to have fixed the political landscape in Cyprus, internally and externally, into an irretrievable and antagonistic dyad, and limited the options for resolving it. Governments on the island and those without seem stuck with *de facto* political realities that are unpalatable and yet are deeply resistant to change. Options under consideration for internal and external restructuring are highly contested and, if acted upon, may even worsen Cyprus' bicommunal divisions.

It was in hope of shedding light on the current impasse as an analyst of both federalism and of small islands, that I prepared presentations, first for a conference at Eastern Mediterranean University in Famagusta in 2001, and subsequently for the international Islands VII Conference at the University of Prince Edward Island, Canada, in 2002¹. These showed that the task of finding “appropriate political associations” for islands could be a daunting one, and certainly no less for Cyprus. Of course, we normally think of the search for appropriate associations *externally*, finding the kind of relationship that an island should enjoy with communities outside, whether mainland societies, other islands, or multinational associations and partnerships for trade and other purposes. When islands as a class are looked at using such a broad perspective, they show an extraordinary range of diverse, multi-tiered political arrangements (Watts, 2000). But, of course, this question also has an *internal* dimension. Finding the appropriate political

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associations *within* an island can be no less taxing a pursuit. Here the question is one of adopting the appropriate constitutional design that will best fit an island's circumstances. This struggle over defining the nature of the state can be unusually contentious, not least because it concerns how far internal constitutional arrangements will or will not (or can or cannot) recognise profound diversity within an island, and give appropriate institutional expression to it. After several decades wrestling with this question, Cypriots, both Greek and Turkish, know this well. In fact, they understand that the two questions regarding appropriate political associations are not and cannot be separated. The internal and external sides of an island's constitutional identity form a complicated interplay and interrelationship, requiring simultaneous resolution.

This search for appropriate political associations, internal and/or external, almost invariably leads to questions of federalism, broadly defined. That is because appropriate political associations involve choosing some combination of *self* and *shared* rule between an island and its effective off-island neighbours, and/or sometimes a structure for self and shared rule among its own on-island residents². In other words, the need is very often to come up with a system of rule that is more nuanced and complicated than simple majoritarianism internally and unconstrained sovereignty externally. Of course, this engagement with the self and shared dimensions of federalism is increasingly common among all jurisdictions; but islands, precisely because their geography and ecology so frequently produce variegated patterns of autonomy and partnership, are especially prone to it. In fact, Watts in his overview of islands' constitutional arrangements, points to no less than "87 islands and sets of islands [that] are involved in some combination of autonomous self-government combined with formal collaboration in a wider political partnership"(Watts, 2000, p.18). Hence, paradoxically for a variety of reasons an island, almost by definition, cannot afford to be insular.

At this moment, the island of Cyprus is attempting to resolve its internal and external sets of political associations. In both cases, the question comes down to sorting out what system of self and shared rule should apply within the island and without. Internally, the island remains divided into two *de facto* states, one Turkish Cypriot (TRNC) and one Greek Cypriot (ROC)³, neither of which recognises the legitimacy of the other. Divided by a bitter history of communal violence and reliant upon the support of Turkey and Greece for protection against one another, these two Cypriot peoples have coexisted uneasily in this fashion on the same island for nearly three decades. Armed UN troops guard the so-called Green Line between them. Despite decades of talks aimed at reaching a settlement for some kind of federal Cyprus, and normalisation of relations, internal arrangements remain unfinished business.

The picture is little better on the external front. Projected outward, these two Cypriot states continue to struggle against one another, the one, ROC, enjoying official international status, the other recognised only by Turkey, internationally isolated and shunned as a pariah. Moreover, the interests and prestige of both Turkey and Greece remain wedded to Cyprus, each of which is drawn into this island's antagonistic dyad and each implicated in its tragic history. At the forefront of Cyprus' current external preoccupations, however, lies the EU question: namely the consequences of the Republic of Cyprus' impending accession to the EU, the fate of Turkey's own bid for EU membership, and how both might ultimately impinge upon the future status of the Turkish Republic of North Cyprus. The pursuit of these assorted EU initiatives has

coincided with yet another series of talks aimed at internal constitutional reconciliation and restructuring. Indeed, current intense discussions now centre upon a new peace and reunification plan unveiled by UN Secretary General, Kofi Annan, in November of 2002. A target date of February 28, 2003, has been set by the UN and the EU for a negotiated breakthrough between Greek and Turkish Cypriots that might allow *both* reunification of the island and EU membership for all Cypriots. Hence, once again, federal patterns of self and shared rule present themselves to Cypriots from within and without.

The External Dimension: Can EU Membership Help Solve the Cyprus Problem?

For some time now, the EU has been at the centre of the preoccupations of those wrestling with the Cyprus question. The immediate reason for its centrality has been the membership application of the internationally recognised Republic of Cyprus, ostensibly on behalf of the whole island, but in reality only from and for the people living in the Greek-Cypriot controlled territory south of the Green Line. That application, first submitted in 1990 and warmly supported by Athens as an existing EU member state, reflected a broad consensus of opinion among citizens in the Republic of Cyprus (ROC) about its economic and political goals. However, the application seemed to evoke a curious mixture of deep disquiet, as well as of inchoate feelings of hope and opportunity elsewhere. The disquiet was evident first on the island of Cyprus itself, since the TRNC was scarcely likely to welcome this unilateral proposal for so fundamental a restructuring of the island's relationships, advanced in the name of Cyprus, which was proceeding without the TRNC's participation or consent. In many European capitals, there was also concern that, proceeding with a ROC application in the absence of an overall political settlement on the island, would worsen prospects for a durable agreement between Greek and Turkish Cypriots. Moreover, the application promised to inflame and complicate the EU's relationship to Turkey which itself had been seeking membership to the EU for a long time. For these reasons, the EU in its Opinion issued in 1993 accepted the membership application but also required a political settlement on the island as a condition for accession.

On the other hand, there was then and now an expectation that the EU might serve as a catalyst for a settlement, offering a golden opportunity to move forward constructively on the Cyprus problem. Such a self-satisfied position could be seen in numerous official EU statements, most notably in the 1997 Luxembourg European Summit declaration "that the accession of Cyprus should benefit all communities and help to bring about peace and civil reconciliation. The accession negotiations will contribute positively to the search for a political solution"(Luxembourg, 1997, p. 10). After all, the EU had proved to be a constructive agent in the peaceful and democratic integration of many East European territories. Would not the prospects of EU membership hold out just the incentives and the framework needed for a Cyprus settlement too? That same spirit of optimism could easily be detected in a whole spate of articles on that subject in the *Cyprus Review*, many of which saw a promising role for the EU initiative in resolving problems on the island (Anastasious 2000; Kyriacou, 2000).

Some of the arguments turned on the logic of functionalism -- that the lure of economic integration would induce co-operation among Cypriots in their mutual interests, and eventually reduce political barriers from an unhappy history. But the

argument has gone deeper: would not many of the problems between Greek and Turkish Cypriots be necessarily resolved with their participation in a multi-tiered political framework like the EU? Such, in any event, had been the conclusion of a thorough study by the Centre for European Policy Studies in Brussels (Emerson & Tocci, 2002). It argued that simultaneous re-unification of the island as a loosely federal state, together with accession to the EU, would provide the “structures, guarantees and incentives that could hold together a bi-communal Cyprus, where otherwise centrifugal forces would be more likely to prevail”⁴.

These sophisticated arguments purport to show that choices about an island’s *external* arrangements, such as the EU question, can help restructure and resolve *internal* problems of governance in ethnically divided societies. Of course, picturing a united federal Cyprus within the EU, especially one modelled on decentralised Belgium, does provide helpful and suggestive directions and options for a division of powers within a multi-tiered system of governance. Yet, as a formal exercise, it may not touch the substance of the matter in Cyprus, particularly whether at this point there is a genuine *will* to operate federal institutions, a shared sense of the kind of federal arrangements that are needed, and a genuine *spirit* of federalism upon which to build with confidence. Without these, no federal system can work. Moreover, joining a larger club like the EU doesn’t necessarily foster federation and unity among aspiring applicants, as the examples of Slovakia, the Czech Republic, Slovenia, and its neighbours from the former Yugoslavia demonstrate. As often as not, structures like the EU seem to have encouraged a reverse momentum, with political fragmentation an ironic accompaniment to European economic integration⁵. In that respect, this study shapes its conclusions to conform to an EU-backed federal re-unification of Cyprus (albeit highly decentralised) as the desired end point when the workability or even desirability of that outcome remains to be demonstrated.

Certainly, if the talks now underway do produce an agreement that includes a common decentralised state to be shared between Turkish and Greek Cypriots, then this kind of study using Belgium as a model may prove extremely useful. Even so, as the authors of the study are themselves aware, care will be needed before assuming any easy transference of experience. Belgium is widely recognised by students of comparative federalism as probably the most decentralised federal system in the world, whose central government has been largely shorn of its authority. It may well be that it is only the centrality of bilingual Brussels within the EU that keeps at least the shell of Belgian federal unity intact though the substance has long since departed to the regions. But Nicosia is not Brussels. Nor do the respective Cypriot communities share a desire to move toward a decentralised federation like Belgium’s; while the TRNC is clearly interested, ROC, as the majority community, has always argued for a centralised federal model where the common state enjoys extensive powers. Moreover, Belgian constitutional devolution surely builds on decades of experience in working bicomunal consociational politics whereas Cypriots have only a few failed years of working shared institutions together. And of course, there’s a world of difference between the Belgian experience of decentralising power from within a more unified country in the EU than the Cypriot challenge of building a federation across “Europe’s last remaining ‘Berlin wall’ separating its Greek and Turkish Cypriot communities.” (Emerson & Tocci, 2002, p.1).

In any event, it may be appropriate to view with some scepticism the notion that the EU application by the ROC is intended to show hope for a genuine resolution of the

Cyprus problem, internally and externally, in the spirit of federalism. A less sanguine view would be to regard the EU application as ROC's deepening of the internationalisation of the Cyprus question and of its seeking increased leverage to impose its will more decisively on the island. Well back into the early 1980's, for example, the Greek socialist premier, Andreas Papandreou, had recommended such a strategy of internationalisation as a route toward a Cyprus resolution favourable to Greek Cypriot interests; this strategy of "mobilizing the international community, [and] effectively exploiting the international factor" including the EU, to achieve the reunification of Cyprus was readily acknowledged by President Clerides in his inaugural address to the House of Representatives in Nicosia in 1998 (Dodd, 2001, p.40; Dodd, 1999, p.56). Certainly, the 1995 EU review and removal of any requirement for a political settlement on the island prior to the accession of Cyprus to the Union showed that ROC's strategy was unfolding well, even if it made little contribution to any truly balanced negotiated outcome. With the removal of any linkage, most of the pressure and incentive for ROC compromise was taken away from the bargaining table. Instead, ROC was encouraged to think that, once in the EU, it could assert itself decisively respecting any submissions the TRNC and Turkey might make for arrangements with the EU in the future. Once in the EU, for example, Cyprus would be in a position to demand that the Union deal with the illegal Turkish occupation of EU territory in North Cyprus, and, at the very least, require the removal of troops prior to any consideration of Turkish Accession. This internationalisation of the Cyprus problem then virtually guaranteed a worsening of EU-Turkish relations (Tocci, 2002).

As for the TRNC and Turkey, both regarded the ROC EU application as illegal and a violation of the terms of the 1960 Cyprus Treaty of Guarantee that banned the Republic of Cyprus from any political or economic union with any other state⁶. Both threatened that, if accession proceeded in the absence of any broader agreement between the two Cypriot communities, it might lead to an outright Turkish annexation of Northern Cyprus. Any such step would set back Turkish-Greek relations in the East Mediterranean and Turkish-EU relations. Nothing would be certain to concern NATO and the United States more, particularly when there is already such turbulence in the Middle East, and when joint actions to tackle terrorism and Iraq's non-compliance with UN resolutions are being planned that require Turkey's co-operation and assistance.

It is this regional and international dimension to the Cyprus question that gives the question such urgency and complexity. There can be no doubt that the role of Turkey and Greece will continue to be central to any potential resolution of the Cyprus question, just as these states have been in the past. Other international actors, including the United Kingdom as the former colonial power with bases in ROC, the United Nations, the European Union, and the United States will continue to be influential players in any settlement of the Cyprus question.

In the period prior to the decision on Cyprus accession, Greco-Turkish relations appeared almost Janus-faced. On the one hand, there seemed to be a marked improvement in relations after the emergency assistance that both Greece and Turkey rendered to each of its peoples following earthquakes in the late 1990s, and from the co-operation of the two governments in the 1999 Helsinki European Council that facilitated Turkey's application for country candidate status to the EU. On the other hand, there were doubts whether any such convergence of interests would last long, especially if, as it

turned out, Cyprus were to join the Union in the absence of any settlement on the island. Without decisive steps by Athens and the government of Cyprus in Nicosia in the aftermath of accession to reassure Turkey and the Turkish Republic of Northern Cyprus that their interests would be duly considered in a reciprocal spirit of fairness, relations would likely deteriorate markedly. There was a similar Janus face to the European Union that, on the one hand, positioned itself to play a constructive and flexible role promoting settlement, but, on the other, clearly deepened the risks by admitting a divided Cyprus and delaying Turkey's own EU application. Of course, a potential Christian versus Muslim "clash of civilisations" (Huntington, 1997) gave unusual seriousness to the Turkish-EU question, and to the renewed talks between Greek and Turkish Cypriots, monitored by the UN, that began in December of 2001.

As it turned out, by the time of the Copenhagen summit a year later, the settlement talks between Greek and Turkish leaders were not completed successfully. And despite a spirit of accommodation from Ankara's new government under Recep Erdogan on all the outstanding EU concerns and heavy American lobbying, the Copenhagen summit promised to open accession talks with Turkey "without delay" only after December of 2004, provided that EU concerns over political and human rights issues had by then been met. Moreover, the summit granted ROC membership in the Union by May of 2004.

In this particular conjuncture of events, the EU certainly appears to have called Turkey's bluff. While Turkey has won a provisional date for a green light to begin accession talks, the country's ultimate admission to the Union can now proceed only with the consent of 25 or more member states, including that of Greece and the Republic of Cyprus. The accession talks, if launched, will take years to complete. Indeed, German Chancellor Gerhard Schroeder publicly doubted whether Turkey would be likely to be admitted before 2010. Worrying too was the evident uneasiness among Europeans concerning the admission of such a large Muslim state into the Union, perhaps best illustrated by the blunt remarks of former French President Giscard d'Estaing who publicly rejected Turkey's candidacy as culturally "non-European" and disastrous to the Union (International Herald Tribune, Dec.14-15/02, p.5). Meanwhile, after the Copenhagen summit, both Turkey and the TRNC now faced a *fait accompli* with ROC admission to the EU.

Under these circumstances, it is only continuing settlement talks by Cypriot leaders that offer the slightest ray of hope for overcoming the long isolation of the TRNC and for addressing the aspirations of its people for wider economic and political partnerships. These discussions must now be held within the shadow of Turkey's own EU membership aspirations, with Greek Cyprus increasingly holding a controlling hand over both. Doubtless ROC's stratagem assumes sooner or later Turkish sacrifice of TRNC statehood, territory and other interests in return for Turkish accession to the EU. Acceptance of such a ploy by Turkey would have seemed unthinkable to analysts familiar with traditional Turkish policy in Cyprus over the last several decades. Yet on January 2, 2003, in a stunning declaration explicitly confirming the reversal of policy aimed at winning Turkey a date with the European Union, Erdogan publicly rebuked TRNC President Denktash for obstinacy and foot-dragging in the negotiations, and called for a settlement of the Cyprus Question based on the UN plan. In effect, the new government in Ankara had accepted the longstanding Greek demand that "Turkey's road to Brussels

would, indeed, need to proceed through the Green Line.” Subsequently, a new Turkish policy paper on Cyprus was promised. Indeed, the same conclusion seemed to have been reached by large numbers of Turkish Cypriots themselves in public demonstrations in the weeks after the Copenhagen summit, where demands were made for Denktash’s resignation, and for immediate acceptance of EU membership and federal unification of the island.

While these developments did seem to bring almost all parties closer to a deal over Cyprus, there remained considerable risk that pressures upon Cypriot negotiators might well lead to ill-advised compromises or even to a too hasty rush to union. On the one hand, the TRNC negotiators under Denktash were publicly undermined by events internally and externally; and even if Denktash resigned, his successor would not easily recapture former Turkish Cypriot strength at the bargaining table. Certainly, economic distress and public impatience with decades of political isolation in the TRNC were working against those willing to wait longer for a two-state solution, as events appeared to be pushing that option further out of reach. Nor did it seem that Turkish Cypriots wished to follow Denktash’ gamble of winning EU membership later. Several polls indicated that virtually two-thirds of Turkish Cypriots supported the UN Plan. It was also scarcely surprising that acceptance into the European Union, on generous terms of economic assistance, was a hugely popular alternative to continued economic embargo and isolation.

While the Republic of Cyprus seemed to be in a commanding position in the negotiations, public opposition to the UN plan made ROC concessions and compromises at the table difficult, even for a seasoned leader like Clerides. Polls showed two thirds of Greek Cypriots opposed to the UN Plan, ironically a reverse mirror image of opinion in the TRNC. Under these circumstances, it would be difficult for Greek Cypriot negotiators to come back from the table without further major concessions, if they intended to win approval for reunification in a subsequent referendum.

As for Turkey, it had still not received any really firm assurances that its recent dramatic efforts would ultimately be rewarded. Of course, the U.S. would remain vigilant that Turkey, a key ally, not be humiliated in this high-stakes poker game. Hence, just as U.S. pressure was instrumental in shifting the EU position toward granting candidate country status to Turkey in 1999, it would insist on Turkey receiving a fair EU outcome in the event of ROC admission to the European Union without a settlement.(Barkey & Gordon, 2002). However, as was evident from the Copenhagen summit, many European leaders had begun to resist U.S. arguments and openly resented American pressure applied on the EU on behalf of Turkey and its interests.

Such was the state of play as negotiators went back to the table with a February 28, 2003 deadline. An agreement by then would be a highly ambitious goal, given Denktash’s ill health, the uncertainties over the pending Greek Cypriot election, and the fact that both Clerides and Denktash in their responses to the UN Plan appeared to be rowing against the tide of public opinion in their jurisdictions. If however agreement on some kind of federal Cyprus were to come out of these talks by that deadline, and if it were to win approval in referenda on both sides of the Green Line, then the way would be smoothed toward both an internal and external restructuring of Cyprus governance within an EU framework. If not, then the parties would be once again at an impasse, though this time with the burden of non-agreement hanging perpetually over Turkey’s own

aspirations for EU membership. In effect, the Cyprus Question would then be ever more explicitly joined to the EU-Turkish Question. Such are the hazards of the policy of internationalising the internal politics of this small Mediterranean island.

Internal Restructuring: Can Federal Arrangements Help Cyprus?

When our attention shifts to the question of internal constitutional arrangements on the island, we again confront the reality that there are two, territorially rooted, *de facto* states in Cyprus, whether the world is ready to recognise that fact or not. Negotiations on any internal or external restructuring therefore will have to take this fact into account, as would-be international mediators seeking solutions to the Cyprus question have already done repeatedly *despite* the non-recognition of the TRNC by the international community.

Any settlement therefore will have to assume a *territorial* dimension with respect to the two Cypriot communities on the island in a way that the old 1960 constitution, except for the provisions for separate municipal councils, did not. In other words, relations between the two communities will henceforth move away from a predominantly consociational set of arrangements that protects the status of the two communities within joint institutions towards some form of partnership of two territorial communities, whether in a federation, confederation, or some other arrangement. Greek Cypriot policy has recognised that fact since the 1970's when it reluctantly agreed to pursue a policy of building a *de facto* bicomunal, bizonal federation for Cyprus that, in effect, institutionalises and protects the territorially rooted Turkish and Greek Cypriot communities.

This is the official and recognised policy objective upon which decades of negotiations have proceeded, monitored by a whole series of UN Secretaries General. At the centre of the contention in inter-communal talks have been competing visions of federalism put forth by each side, with the TRNC typically advancing confederation and ROC a fulsome federation model. Yet the deeper irony is that the official goal of working toward a bicomunal federal system for Cyprus flies in the face of everything we know from comparative experience about the advisability of such arrangements.

Some years ago Ivo Duchacek edited a special issue of *Publius: The Journal of Federalism* dedicated to bicomunal societies and polities (Duchacek, 1988). This issue, which treated a host of examples, including Northern Ireland, Israel, Belgium, Canada, Finland, Fiji, Guyana, Malaysia, and Cyprus, showed the grave difficulties of working federal arrangements in bicomunal settings. As Daniel J. Elazar put it,

Think of the list of world "tinderboxes" today: Northern Ireland, Cyprus, Israel, Sri Lanka, Korea – the point is clear. Bicomunal conflicts seem to be far harder to resolve than multi-group conflicts. In the case of the latter, it is possible to disperse and balance authority and power among a number of groups so that all gain sufficient satisfaction; whereas, in the former, everything seems to be in the way of a zero-sum game (Duchacek, 1988a, p.1).

Similar patterns seem to crop up too in more recent scholarship. Prospects look gloomy, for example, in the bicomunal state of Fiji, as compared with Mauritius, another small island state with a multi-communal framework (Srebrnik, 2002a, 2002b, 2000, 1999). Unfortunately, Cyprus is one of those without the luxury of a multi-group

setting. In the absence of the development of an overarching Cypriot nationalism, we see two *ethnies* (if not nations) confront one another on the same island (Baldacchino, 2002). These two carry a prior history of violent bicomunal conflict before and following an unsuccessful attempt at sharing power together within a single state from 1960 to 1963, an experiment that ultimately resolved itself into territorial partition. In effect, Cyprus demonstrates the nature and dangers of bicomunalism especially well. In fact, in generic remarks that nonetheless eerily reflect Cyprus' dilemma, Ivo Duchacek captured the issues well, including the dangers that bicomunal tensions can invite reactive, foreign meddling:

The distinctive feature of a confrontation between only two communities is that it takes place within a rigid framework in which the two communities have no opportunity to alter their power relationship by *internal* coalition-shifting. They tend to confront each other within a rather narrow alley that endows their bargaining or frontal conflicts with a zero-sum quality. Loyalty to a common fountain of legitimate authority is absent. Links with external supporters, groups, or states may, of course, alter the internal balance or imbalance, but such links bring another explosive issue onto the political scene – that of foreign interference and possibly a reactive counter-intervention (Duchacek, 1988b, p. 10).

Because of these dismal dynamics, Duchacek recognised that federation was unlikely to be a sound constitutional basis for a bicomunal situation like that of Cyprus. As he put it:

A majoritarian mode of making decisions and establishing political authority does not fit bicomunal configurations in which, except for the rare possibility of outbreeding the numerical majority, one side views itself as a permanent minority facing a permanent majority. Thus, for example, the Turks on Cyprus ... can hardly be expected to place their fate and trust in the rules and consequences of simple, democratic, majoritarian voting (Duchacek, 1988b, p. 12).

Hence, whenever Turkish and Greek Cypriots try forming an island-wide political state, they are virtually forced into complex arrangements, providing quotas and rotations in office along ethnic lines, and mutual vetoes for each community on sensitive matters, that can easily produce impasses and political instability. Such was the outcome in the 1950's that led to the unworkable 1960 constitution; proposals on the table now for future island-wide government, including Kofi Annan's new UN plan, promise only more of the same. Recent Greek Cypriot proposals, admittedly, have sought to move away from an outright ethnic veto system but it is there implicitly in its offer of equal representation for the two communities in a proposed second chamber, an idea carried over into the latest UN plan. The Swiss-style Presidential Council meant by the UN to serve as the Executive of the new common Cypriot state, whose members endlessly rotate in occupying the Presidency and Vice-Presidency to reflect bicommunality in the state, is an elaborate and awkward construct. It is little better with proposed key national institutions like the Supreme Court and Central Bank, where judges and bankers are appointed according to a curious formula providing equal numbers of Greek Cypriot, Turkish Cypriot, and strictly neutral non-Cypriot appointees, presumably acting as outside "umpires". Such arrangements, of course, reflect what the UN itself apparently sees as profound communal distrust concerning the workability of even these relatively "non-political" public institutions of the common state. But even with outside umpires, this kind of overt

bicommunalism can easily polarise rather than bind together the two Cypriot communities. Ultimately, the viability of this whole common state edifice depends on trust and confidence in the consociational skills and wisdom of Cypriot elites. Yet given the record of the last several decades, a cautious scepticism is certainly not unwarranted.

It is true the political elites of these two communities in the 1960's may not have gone into these kinds of dual power-sharing arrangements determined to make them work, particularly the Greek Cypriot leadership that resented the imposition of these constraints. But even with the best of good will, international experience suggests that the odds for a successful outcome can scarcely be called promising. Canadians understand this well, as they look back to their pre-confederation history when English and French-speaking leaders in what is now Ontario and Quebec tried vainly to secure stability and prosperity within a single state using consociational arrangements and procedures. The failure of that experiment in Upper and Lower Canada was a major driving force for a new federal union that would free up the leaders in these communities to address their needs in separate provincial territories. The Belgians understand the problems well and they too have moved away from this system toward separating out respective communities and jurisdictions. Proposals for federation now in a bizonal Cyprus, like the Annan plan, move in this direction, though the old problems of working bicommunalism in central institutions remains.

Analysts of federalism have known for a long time that such complex bicommunal systems are difficult to sustain, and more often than not fail to satisfy *either* majority or minority communities. The claim for equality of the minority nation within certain institutions of the state is always a difficult notion for a majority community to accept anywhere, and not just in Cyprus. It seems to fly in the face of the logic of majoritarian democracy. It is even worse when the respective community elites distrust each other and look protectively toward outside motherland states, as they do in Cyprus. With these foreign linkages to Greece and Turkey, the effects of bicommunalism are compounded, creating, in effect, *double bicommunalism*. That being the case, why then burden the Cypriots with these kinds of governmental arrangements when they are known to be highly problematic elsewhere? Is the price paid for maintaining a single state on an island worth the price? That is the question that both communities need to address afresh, in a serious and realistic manner, without being emotionally stuck or wedded to past and clearly unworkable positions. It is a question that the UN and the international community too might usefully ponder.

In my view, there may be neither the will, nor common vision nor even the mutual trust for working shared institutions in Cyprus. Yet this is the *sine qua non* for federalism and federation to operate. Certainly, there is no island-wide Cypriot national identity needed to make federation feasible. For that reason alone, Greek Cypriot proposals for federation as a solution to the Cyprus question (now the international default option) may lack credibility. In fact, it would be a tragedy if, in the pursuit of unification of the island, Cypriots were to be forced into federal arrangements when the preconditions for their successful operation are not present. Many states have tried and failed as federations, often because they have inherited the same kind of stresses - ethnic divisions, bicommunalism, a difficult history, and polarising politics and institutions - that afflict Cyprus (Watts, 1999, chapter 11). After all, federation is by no means designed to work effectively anywhere and everywhere.

It would be no tragedy, however, if Cyprus chose to bypass federation. Many islands in fact have decided to avoid the federation model since, even for economic purposes, it seems to have lost its appeal in today's truly global economic arrangements. Reunification does offer a common national economic space on an island but this seems scarcely a bargain when access to global economic trade blocs so readily beckons. Moreover, once each Cypriot state recognises the economic resource that separate jurisdiction confers, and understands the importance of effective and stable government and public policy to maximise that resource, it would not be rational for either to risk these in an uncertain political gamble. (Milne, 1997, 1999; Baldacchino & Milne, 2000; Baldacchino, 2002).

If Duchacek is any guide, the TRNC is closer to the mark in recommending confederation as a potential model in the circumstances of Cyprus (Olgun, 2001, Neuwahl, 2000). Yet he is the first to recognise that confederal arrangements in a bicomunal setting promise the threat of immobilism and mutual vetoes, with the consequent temptation to impose a resolution by force. Moreover, working confederal arrangements requiring unanimity between two partners who are highly unequal in population and wealth is scarcely reassuring as an enduring constitutional arrangement (Leslie, 1991; Watts, 1999). Population and income levels in ROC are today both roughly three times those in the TRNC⁷.

Yet, at a more profound level, it is debatable whether Cyprus provides even the most basic conditions and purposes needed for a confederal system to operate. As Murray Forsyth reminds us, the core areas of purpose and activity for confederations has been "security and defence" on the one hand, and "economic union and welfare" on the other (Forsyth, 1981, pp.160-1). Yet from the beginning, these purposes were met principally in Cypriot unions with outside mainland states, not with each other. Under these circumstances, creating a confederal union, purporting to offer an allegedly common Cypriot face against the outside for defence and economic purposes, flies in the face of realities on the island. The felt need is for protections of an economic and military nature *from each other, from the double bicomunalism* and dangers of foreign intervention or absorption that threatens both Cypriot communities. For these reasons, both Greek and Turkish Cypriots need to assess realistically the benefits against the price of accepting complicated, intra-island, systems of shared rule. This reassessment needs to take place in full awareness of the alternative possibility of going it alone as small island jurisdictions with their own appropriate bilateral linkages to each other, to the European Union and to neighbouring states.

In my view, Tozun Bahcheli is right to stress that Cyprus may not be easily amenable to confederal or federal treatment, and that an acknowledged two-state solution may be unavoidable (Bahcheli, 2000). Of course, there can be no dispute that Cyprus would profit from a reduction in tensions flowing from normalisation of relations, including a settlement of outstanding issues and demilitarisation of the island. But these are more likely to be lasting if each Cypriot community chooses a future constitutional arrangement that will not leave each group perpetually either threatened or frustrated.

Hence, we return again to the warning at the outset that an island needs to get its internal system of constitutional government right to achieve peace, stability and prosperity. The current UN proposal for a federal system of government comprising two ethnic component states, and one bicommunally organised common state for Cyprus is, in

my view, a riskier undertaking to work than would be a two-state solution. However, the UN plan now appears to be the only option being seriously considered. Moreover, the plan carries enormous momentum, since an agreement would mean EU membership for all Cypriots. For that reason alone, it is hugely appealing to Turkish Cypriots, who are suffering under depressing economic conditions. It holds out promise of peace and reconciliation too, of territorial reunification, and of movement on settling longstanding grievances. Moreover, settling the Cyprus Question will reduce tensions between Greece and Turkey, and advance Turkey's own EU ambitions. For all of these reasons, it demands the most strenuous efforts on Cypriot leaders to see a satisfactory negotiated package. Failing that, leaders could even, in the final instance, identify those sections of the agreement with which they dissent, and yet still leave the final decision on the package to be made by Cypriots in subsequent separate referenda. For ultimately the plan, offered as a compromise by the international community, deserves to be democratically considered and voted upon by all Cypriots, whatever their ultimate decision turns out to be. Should, however, any such plan for a federal Cyprus fail to win ratification, then the case for moving forward on a two-state option deserves the most urgent attention of the EU and of the wider international community.

For sheer realism demands that the longstanding policy of non-recognition of the TRNC by the international community be reviewed in the light of the obvious fact of a Turkish Cypriot state that has functioned now for more than a quarter century. The clear acknowledgement of the existence of "two republics in Cyprus" by the Italian Foreign Minister Lamberto Dini in 1997, for example, constitutes a small step toward facing realities and moving forward in the light of them⁸. Naturally there is resistance from many Greek Cypriots to any such course of action because it would seem in effect to legitimise the Turkish occupation, and to end the many advantages that ROC has enjoyed from its status as the sole recognised voice of Cyprus. But the international community cannot continue forever ignoring the facts on the ground; on the contrary, as President Clerides himself admitted, "a *de facto* situation that is perpetuated for many years inevitably leads to international recognition, and in the case of Cyprus to partition" (Dodd, 1999, p.72). Nor can the international community afford the continued instability that a one-sided internationalising of the Cyprus question imposes on the region and the world.

Even Greek Cypriots must sooner or later recognise the risk that arises from its continued and intensified use of leverage as the only internationally recognised government of Cyprus. So far deploying this strategy has had the negative effect of throwing Turkish Cypriots even more decisively into the arms of Turkey. A quarter century of economic and diplomatic embargo of the TRNC has virtually forced Turkish Cypriots into an unhealthy and undesirable dependence upon Turkey rather than the reverse. It has provided the TRNC with less autonomy and confidence to pursue its own direction and it has built no bridges among Cypriots themselves. What kind of political logic is this? Adding the EU card into this game of leverage any further merely promises to do more of the same. Continuing with this zero-sum strategy could in the end compound the folly that had led to an ethnic partition of the island in 1974, in effect consolidating that outcome and making it permanent.

An alternative course, certainly in the event of a rejection of the UN Plan, would be for the ROC to use its advantageous position to enhance inter-communal co-operation

and to bolster the autonomy of each of the *de facto* Cypriot states from undue reliance upon outsiders. There are surely a host of longstanding humanitarian problems to be addressed – tracking missing persons, settling losses of property, and the like – where serious practical action to redress grievances would be in the interests of all Cypriots. While none of these issues are easy, there are no insuperable obstacles provided there is a will to face current realities and to move away from decades of political posturing. Hence, instead of endlessly denouncing the legitimacy of each Cypriot state, would it not be smarter for each side to work with each other, to test each side's will and ability to resolve common problems together? Surely that would be the first logical step toward improving the climate for inter-communal relations and building a shared sense of working together, itself a logical foundation for any kind of long-term federal relations between the two communities. In effect, according to this view, confidence in any successful form of federal arrangement in the future depends on building today the demonstrated capacity and will to work co-operatively on tackling common problems. Hence, the irony that any form of federal solution for Cyprus must follow first from prior demonstration of *two* Cypriot states working out shared problems together, but certainly must not precede it.

Such a course of action from both Greek and Turkish Cypriots presupposes a considerable shift of the political spectrum away from the gravitational pull of both Hellenistic and Turkish motherlands, and toward a specifically Cypriot island identity⁹. It requires too less ethnic selective forgetting of the history that brought about inter-communal troubles, and less collective ethnic self-vindication (Loizos, 1994). Such a change in policy would also entail recasting the role of the international community and the use made of it. No longer a vehicle used principally for applying pressure and leverage, nor simply a stage for venting one-sided accounts of reality, the wider international community, including the EU, might then become instruments to help defuse the double bicomunalism endemic to the Cyprus problem.

A spirit of realism pursued externally would encourage new international guarantees protecting the territorial, economic and cultural integrity of each Cypriot community, instead of the unhealthy dependence of each upon Athens and Ankara respectively. This could lead the way toward reductions in the numbers of Turkish troops and of a gradual demilitarisation of the island. Within that framework, it will be easier for both Cypriot communities to perceive and deal with each other as genuinely autonomous jurisdictions. An international agreement could protect each Cypriot community from accepting citizens from either mainland mentor state, and could actually include, like the Northern Ireland Good Friday agreement, declarations from both Turkey and Greece that might foreswear these states' interests over the political future of Cyprus¹⁰. After all, finally laying to rest enosis in any form on either side would be a good beginning for Cypriots and for future Greek-Turkish relations as well. For Cyprus is “not even the most important problem for Greece or Turkey, except when it threatens them with war” as it has too often in recent times for the comfort of either (Loizos, 1994, p.16). The international community can also be tapped to assist with the costs of compensation for losses on both sides arising from events, particularly in the 1970's, for closing economic disparities between the communities, and for building functional economic ties that reduce the threat of civil discord on the island. The EU, when it is able to respond to the realities and needs of two states on a single island, rather than be used as a card in a high-

stakes poker game, can be a helpful even-handed player in bringing prosperity and security to Cyprus.

As indicated earlier, there is an important *economic* dimension to the Cyprus Question that follows directly upon Cypriots' success in choosing realistic jurisdictional and political arrangements and using them wisely. Hence, the fruits of prosperity will come not only by seriously accepting to address bitter grievances on both sides, now so long delayed. Nor will they come simply because each Cypriot community will finally have been able to work out its own appropriate arrangement with and access to outside trade blocs. No, the essential economic advantage will finally have come to each Cypriot community by their winning and mutual acceptance of *both* jurisdiction and effective government for themselves. Together these are truly "large reservoirs of economic potentiality" that can and have been used to build prosperity through public policy in small island states (Baldacchino & Milne, 2000, p.8).

In short, in the event of failure to negotiate and ratify the UN plan, the goal for both the TRNC and ROC should be to accept current realities and move forward on internal and external fronts in light of them. This should mean externally building bridges between Cypriot communities and the outside world that would have the effect of gradually reducing inter-communal conflict and suspicions; it involves using the international community and the EU to help both Greek and Turkish Cypriot communities alike. On the internal front, it means that each Cypriot community should continue to enhance, to consolidate and to protect the sovereignty and effective political functioning that each has won through territorial separation. Under these circumstances, there will be little point in trying to reconstruct the past, nor to revisit the failed experiment in working a federation together. Neither Cypriot history, nor comparative experience elsewhere in bicomunal societies, would recommend such a course of action. And while the milder variant of confederation may seem appealing by contrast, realism is required here too in recognising the pitfalls of bicomunalism in shared decision-making institutions. If there are lessons to be learned then, they point toward caution in the acceptance of anything but modest, incremental steps toward shared decision-making. In time, perhaps this strategy can build the conditions for a more confident use of federal structures and spirit. But in the meantime, nothing could be worse *for either community* than to place themselves within inappropriate constitutional arrangements once again. While not easy, this is the course of political realism that must be pursued in the light of the facts on the ground, and of known experience elsewhere.

Notes

¹ These were "Islands in Federal Relationships: Which Kinds Work Best," in *Small Island States in a Changing World*, Eastern Mediterranean University, Famagusta/Gazimagusa, May 8, 2001, and "Cyprus: One State or Two?" Islands VII Conference, University of Prince Edward Island, Canada, June 27, 2002. I have drawn upon both of these papers in drafting this article, completed in January, 2003. I am grateful to the organisers of both conferences for the invitation to participate, and would like to record my particular thanks to Mr. Ergun Olgun, Undersecretary to the President of the TRNC, for generously making time for interviews with himself and members of his staff. Sincere thanks as well to Tozun Bahcheli, Godfrey Baldacchino, Barry

Bartmann, and Henry Srebrnik for their insightful comments on earlier drafts of this paper. Until the mid-1990's, my published work on federalism focused principally on Canada, while more recently my interest in federalism has extended to federal arrangement in small island territories. See, for example, Baldacchino & Milne, eds. (2000).

² It was Daniel J. Elazar who began to define federalism broadly in this way in several pioneer works. See, for example, Elazar (1987). The same tradition of seeing federalism broadly (and biologically) as a genus with many species or forms has been continued by Watts (1999, especially pp. 6-18), a recent comparative text on the subject.

³ ROC stands for the Republic of Cyprus, and TRNC, the Turkish Republic of Northern Cyprus.

⁴ 'Towards resolution of the Cyprus conflict', first page introducing Emerson & Tocci (2002).

⁵ For a treatment of this dialectical relationship, see Brown & Laforest (1994). The EU has also opened up regional fissures within member states through its encouragement of subnational governance and programmes for same. See for example Keating (1999), Loughlin (1996) and Bache & Jones (2000).

⁶ See Mendelson (2001). These built upon prior opinions by Prof. Mendelson in 1997 and sought to contest a joint written Opinion of 17th October, 1997 affirming the legality of EU accession by Professors James Crawford, Gerhard Hafner and Alain Pellet obtained by the Government of the ROC.

⁷ Population and income ratios are 664,000 in ROC with a per capita income of \$14,000 and in TRNC 200,000 people with a per capita income of \$5,000. See Dodd (2001, pp. 2-3).

⁸ Statement by Lamberto Dini, Italy's then Foreign Minister at a press conference, August 26, 1997. Dini: "The Cyprus issue, as you all know, we all know, is a very complex one. If it had been a simple one, it would have been resolved already for quite some time, whereas in spite of the efforts that have been made, a solution has not been found. However, I think that progress on a formula that will keep Cyprus together as an entity, as a country is being made. *Now it has to be recognized that there exist two republics in Cyprus.* There are two entities, there are two governments in Cyprus and therefore even in connection with the accession process the reaction that you are getting from one of the entities is linked to the fact that there is a fear that the negotiation for membership to the European Union will be conducted with only one of the parties, this is to say the Nicosia Government and that's the kind of reaction we get. At the same time, the formula on which the international community, not only the European Union but United Nations and United States have been working is that of a federal state, that is to say, two Federal entities that compose a federal government, a federal state. It's not a question of a majority and a minority. They are two entities. And therefore, if the European Union does

not recognize this basic fact, in conducting the negotiations for membership, then you bump and run into the problem that you have mentioned, that one of the parties would not accept the negotiation going on with only, what in effect is the Greek Republic of Cyprus”.

⁹ The competing components of Hellenocentric and Cyprocentric tendencies in Greek Cypriot thinking, and their role in the alignment of political parties, has been treated by Stavrinides (1999, pp. 62-68). There are also voices and parties in the TRNC that are critical of the state’s tilt toward Turkey and gravitate more strongly toward the Cypriot rather than Turkish part of identity.

¹⁰ The Good Friday agreement by including the formal renouncing of Ireland’s interest and those of the UK over the territory helps to place responsibility back onto the people of Northern Ireland themselves. Demonstration of a similar spirit by each of Turkey and Greece might calm Cypriot fears on both sides.

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