

Political Equality: a Tool or a Hindrance for a Bicomunal Cyprus Federation?

Kypros Chrysostomides (Political Grouping for the Reconstruction of the Centre) examined the method of creating a potential federation in Cyprus. He said there do not exist two *pare jure* entities in Cyprus, vested with separate sovereignty, which would cede powers to a federal structure. He went on to say that there was no distinct regional separation between Greek and Turkish Cypriots prior to 1974. The separation was brought about by an illegal foreign intervention, the displacement of almost 200 000 Greek Cypriots from the north, and the relocation of Turkish Cypriots from the south to the north. "There continues to be military occupation of the northern part of Cyprus and a massive demographic change has taken place by the importation of settlers, nationals of the occupying power." Resettlement of the north constitutes a "war crime." Meanwhile the displacement of Greek Cypriots has been condemned by the European Court of Human Rights (ECHR) in recent decisions, declaring the right to return and the right of ownership of occupied private property as inalienable. The unilateral declaration of independence aimed at creating the TRNC is illegal and void according to the Security Council and termed by the ECHR as a "subordinate administration."

He said that in an attempt to preserve "negative peace," the UN has adopted wording that is perhaps diplomatic, but in many respects hazy, contradictory and evasive. He demonstrated this trend with the term "political equality," citing excerpts from UN Resolutions, speeches and non-papers by the Security General. He suggested that these inconsistencies occur in an attempt to appease the inflexible stance of the Turkish [Cypriot] side. Moreover, they lead to different interpretations by each side of what the solution entails. The Turkish Cypriot side has interpreted political equality to mean that the legal basis of the federation would be two federated sovereign states. The federation would be established by two politically equal constituent entities which would devolve some of their sovereignty to the federation. According to this view, the federation would be created through "aggregation." The Greek Cypriot side proposes that the federation is established by an internal constitutional reform or through "disaggregation."

A related question is whether the proposed federation would be a continuation of the Republic of Cyprus or a new state. The Turkish Cypriot position is that the federation should be a new state. Once again, UN statements are ambiguous on the issue. Kypros Chrysostomides suggested that creating a new state would affect:

- international relations and commitments,
- membership in international organisations,
- nationality issues, namely the position of settlers from Turkey and the possibility that they automatically acquire the nationality of the new state – a development "in no way acceptable to the Greek Cypriot side,"
- citizens residing abroad, who may be prevented from acquiring the citizenship of the new state.

Kypros Chrysostomides maintained that neither community in Cyprus has a separate right of self-determination. He cited Ronald Watts who wrote that constitutional provisions