

Cypriot In-dependence and the Problem of Sovereignty

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States have strange beginnings; more so postcolonial ones.

They can begin as settlements of incarceration for criminal Europeans (Australia). Or as projects of restorative justice making up for racist criminality and mass extermination (Israel). Or as sites of repatriation for emancipated Africans after centuries of slavery, rehabilitating through intra-colonialism (Liberia). States can come into being within imperial spaces of control, within territories and borders imagined by others (the case with most African states). States can succeed colonial rule over disparate lands and islands, tasked to govern a diverse pool of ethno-cultural communities (e.g. Indonesia, Philippines, Burma and Papua New Guinea). Or they can be conceived as strategic cartographies, carvings out of wider land and sea regions to ensure long term control over oil resources (e.g. Iraq, Kuwait, Qatar and Brunei). Or dreamt as dependencies and profiteering entities so as to establish favourable conditions for plantation economies or to share in the spoils of contraband trade (a number of Caribbean states). Or to built and secure a canal (Panama), or a railway line (Kenya), or a neutral buffer (Uruguay), or a trading and military base (Djibouti), and so on and so forth.

The Republic of Cyprus also has strange beginnings. Brought into being on an island that was rented by one empire to another, it was a state that was not supposed to be. None of the local communities demanded it and would simply not exist today if the locals got their way. At the time before independence, most Greek Cypriots wanted union with Greece (*enosis*), most Turkish Cypriots partition (*taksim*), and most other Cypriots from the smaller minorities the continuation of colonial rule. This meant that the newly established Republic of Cyprus begot considerable ambivalence at independence. It was invariably described as a 'realpolitik compromise', a 'reluctant republic', a 'self-determination substitute', an 'unwanted child', a 'sham' and other more or less felicitous terms that turned into sound bites and historical clichés. Furthermore, the independence of the Republic has been subjected to 'significant constitutional and treaty limitations': be it in the form of the right of intervention of the so-called Guarantor Powers (Britain, Greece and Turkey); or the inability to change the basic articles of the Constitution; or the presence of foreign troops securing the new state of affairs; or the existence of sovereign military bases and 'retained sites' on the island. The Cypriot postcolony was nominally a sovereign independent state, but in practice nothing less than a state of *in-dependence*.

The Cyprus question thus entailed from the very inception of the Republic a complex sovereignty problem that was to intensify in the years to come. It concerned the logic of constricted

sovereignty that was granted to the Republic, how that sovereignty was exercised by those who had it or claimed it or sought to split it, and how competing claims and exercises of sovereignty by the interested parties inevitably clashed. The public discourse of sovereign statehood was undermined by a range of old and new dependencies (political, juridical, military, ethno-cultural, etc.) and unreflectively followed the European, colonial conception of sovereignty that features a specific imaginary and a selective ethic of responsibility. I examine these issues which constitute the legacy of the Republic of Cyprus in more detail below while in parallel I introduce the different contributions of this Special Issue.

Before I do so, a brief comment on what it means to ‘possess’ or ‘be’ in a sovereign state today. State sovereignty is a core principle of the modern international system but it is rather ambivalent in the political states it brings about than conventionally accounted for in the literatures of international law and politics.¹ Beyond the standard rhetoric of political gain and liberty accompanying the creation of modern states – highlighting national fulfilment, self-determination and self-government, the ability to fully engage in international relations and organisations, and to join on ‘equal’ footing the international society of states – a more subtle loss always accompanies the advent of statehood. The state, every state, I have argued elsewhere, is always already a sedition to another state of being, a betrayal of another possible ‘imagined community’ or territorial organisation of power.² State legitimation and allegiance works by systematically trying to hide this ‘other possibility’ as well as the initiatory and/or continuous violence and exclusivist rhetoric that keeps that ‘other possibility’ at bay. Of course, this erasure is sometimes done for good reasons of maintaining social order, especially if the new state has come into being after many years of political division, violent struggle and disorder. Yet, the point I wish to underscore here is that whereas the existence of a state, on the one hand, symbolises the separateness and ‘sovereignty’ of a people, on the other hand, it limits the horizon of political community and possibility. Or differently expressed, ‘the other to come’, be it an *other* democracy, equality, justice and so on is ‘an event that is necessarily without horizon’, a ‘weak force’ that requires a priori ‘a certain unconditional renunciation of sovereignty’.³ To that extent, modern state sovereignty constitutes both an expression and a suppression of political possibility.

The existence of the Republic of Cyprus typifies this paradox of expression/ suppression of political possibility. Furthermore, the messianic utopia (*enosis* or *taksim*) that mobilised the

1 For a range of critical reviews see J. Bartelson (1995) *A Genealogy of Sovereignty*, Cambridge: Cambridge University Press; T.J. Biersteker and C. Weber (eds.) (1996) *State Sovereignty as Social Construct*, Cambridge: Cambridge University Press; S.D. Krasner (1999) *Sovereignty: Organized Hypocrisy*, Princeton: Princeton University Press, and R.B.J. Walker (2010) *Before the Globe/After the World*, New York: Routledge.

2 I have argued this point more extensively in C.M. Constantinou (2004) *States of Political Discourse: Words, Regimes, Seditions*, London: Routledge.

3 J. Derrida (2005) *Rogues: Two Essays on Reason*, translated by P-A. Brault and M. Naas, Stanford: Stanford University Press, p. xiv.

struggle of the two main Cypriot communities became a constitutive Other *ab initio* – the *raison d'être* for having a new Republic – and something that was supposed to have been defeated, though in practice, for many, just pragmatically deferred. Cypriot public discourse at independence fully reflected the frustration with the messianic denial, the missed opportunity of the Cypriot people to redeem themselves and join those great idealised communities they have been spiritually prepared for (i.e. ‘mother’ Greece or ‘mother’ Turkey). The ‘simple, unpretentious and to a large extent improvised’ celebrations on the 16th of August 1960, the Day of Independence, marked the advent of an obscure state of being and indeed reflected a deep communal split. The event was perceptively – if on occasion ideologically – narrated by the Acting UK Representative for the inauguration of the Republic in a confidential report, which is introduced and discussed by Holland and Faustmann in their article and reproduced at the end of this Special Issue:

‘People turned out to celebrate in great numbers, although it was not always evident what they were celebrating, for the birth of the Cyprus Republic attracted far less enthusiasm than, on the one hand, the return of the EOKA exiles or, on the other hand, the arrival of the Turkish army. The Cyprus flag was little in evidence. Street decorations, according to the area, were either of Greek or Turkish flags. The only non-communal decorations were those on the Shell garages. It was perhaps a happy coincidence that at approximately the same hour on the 16th of August each community had its separate focus of celebration in different sectors of Nicosia.’

The political elites were also not interested (some from the start, some later on) in enhancing the status and legitimacy of the new state, which they simply saw as either transitional or co-opted. Typically, the commemoration of the Cypriot independence was hardly ever celebrated in subsequent years, until it was sanctimoniously re-introduced for political reasons by Greek Cypriots in the post-1974 period, as recalled and reflected upon by Yiannis Papadakis in his contribution to this Special Issue. Greek and Turkish Cypriots, however, commemorated and continue to commemorate the independence struggles of their respective ‘motherlands’, the idealised states they sought to join but ultimately failed.

It is important to note, however, that due to different reasons and socio-political developments, this loss of *enosis* or *taksim* is not something Cypriots necessarily lament nowadays. The betrayal of the ‘other possibility’ progressively morphed into ethnic rather than civic understandings of local statehood. This brought about empowerment for domestic strands of sovereignty that became highly contested, incompatible and inhospitable to ethnic difference.⁴ After the outbreak of the 1963-1964 intercommunal violence, Cypriots became increasingly in tune – mentally and

4 On the political implications of ethno-nationalist claims in Cyprus, see for example N. Kizilyürek (1993) *Cyprus Beyond the Nation*, Nicosia; C. Mavratsas (1998) *Aspects of Greek Nationalism in Cyprus* [in Greek], Athens: Katarti.

psychologically if not always in discourse – with the ‘present possibility’ of separation and as such with exercises of sovereignty and states of exception that have been established in support of ethnic exclusion or division.⁵ To that extent, their normative aspirations are not negotiated through reflective engagements with the logic of sovereignty but rather through pronouncements, claims and promotions of *local* sovereignty, which is presented as either quintessentially unitary or quintessentially divided.

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The Cyprus Republic constitutes an exception to the colonial transfer of full sovereignty. It has been described as a re-branding of the concept of internationalised territory, which is based on such legal constructs as the International City of Tangier, the International Settlement of Shanghai, and the Free Cities of Trieste and Danzig. This legal rationale was obviously not publicly pronounced at independence, but was meticulously enshrined in the Zürich-London Agreements (1959) and the Treaties that followed. As James Crawford – the foremost legal expert on state creation and periodically advisor to the Republic of Cyprus – put it, ‘the various limitations on Cypriot sovereignty in effect introduced a form of internationalization by the back door.’⁶ The front door proclaimed national independence and displayed all the façade and symbols of a single nation-state but in reality other nation-states were allowed to infiltrate the Republic through back legal and political channels. The peculiar sovereignty of the Republic rendered it an ‘internationalized’ state, under external supervision and guarantees, purportedly aimed to maintain a balance between competing local, regional and international interests.

It is important to note that the case of Cyprus goes beyond the usual postcolonial problems of sovereignty that have been described in the literature as being the result of the lack of positive sovereignty (e.g. limited or no governmental capacity and economic dependence). Robert Jackson usefully reflected on the distinction between *negative* and *positive* sovereignty to describe the status of many Third World states that may have formally achieved decolonisation and gained legal independence (i.e. negative sovereignty) but lacked the capability to exercise effective governance, transfer allegiance to the state, regulate borders and enforce central laws and regulations within their dominion (i.e. positive sovereignty).⁷

5 C.M. Constantinou (2008) ‘On the Cypriot States of Exception’, *International Political Sociology*, Vol. 2, No. 2, pp. 145-164, and N. Trimikliniotis (2010) *The Dialectic of the Nation-State and the State of Exception* [in Greek], Athens: Savallas.

6 J. Crawford (2006) *The Creation of States in International Law*, 2nd edition, Oxford: Clarendon Press, p. 244.

7 See R. Jackson (1990) *Quasi-States: Sovereignty, International Relations and the Third World*, Cambridge: Cambridge University Press, and for applications to the Cypriot case M. Constantinou (2006) ‘Reasons of State and the Constitutional Logic of Quasi-Stateness: The Post-colonial Contradictions of Cyprus’s Integration in the European Confederation’, *Postcolonial Studies*, Vol. 9, No. 3, pp. 295-310.

Though the Republic of Cyprus may have exhibited a few problems of positive sovereignty itself, negative sovereignty has been the real problem. Specifically, who got the right to ultimately exercise it, under what conditions and under whose authorisation? This is something that became a bone of contention *between* the Greek and the Turkish communities of Cyprus, culminating in the intercommunal violence of 1963-1964, but also an issue *within* communities. Indeed as Diana Markides shows in her article for the Special Issue, within the Greek-Cypriot community, the Zürich-London Agreements created deep internal divisions that were mediated through a 'politics of honour', and in the end brought about a series of political contests and paramilitary violence between those who saw *enosis* as the continuing guiding light of the anti-colonial struggle and those who saw *enosis* as increasingly non-feasible in a postcolonial era.⁸ The latter group saw the need progressively to enhance local sovereignty whereas the former the need to ultimately abolish it. The situation was not dissimilar in the Turkish-Cypriot community between the ethno-nationalist group that was committed to partition and those that displayed civic allegiance to the new Republic.

Furthermore, the Cypriot decolonisation process has remained incomplete at independence and this functioned as a legitimating pretext and discourse for new liberation struggles and (in)security schemes. Legally and politically the Republic had not gained the necessary degree of autonomy and independent decision making power granted to other, though certainly not *all*, postcolonial states. Vassilis Fouskas in his contribution for this Special Issue argues that the Republic of Cyprus constituted a typical 'garrison-prison state' which was meant to work for the security interests of imperial powers in the region rather than those of the Cypriot population.⁹ Fouskas suggests that subsequent plans to settle the Cyprus problem, including more recently the 'Annan Plans' (2003-2004), far from reversing this imperial/neo-colonial state of affairs actually reinforced it by leaving intact the triarchy of guarantors as well as ethnic segregation.¹⁰

I have examined elsewhere the imperial subtext of the Republic's Treaty of Establishment and how certain aspects of the neocolonial transcript were not only left intact but re-packaged and camouflaged in the 2004 Annan Plan.¹¹ Having said that, how soon and at what cost the Cypriot Republic can get rid of this imperial package is a crucial political question and predicament that not only Cyprus but many a postcolonial state face nowadays. Let us recall that even the very idea

8 Further on this see M. Drousiotis (2005) *The First Partition: Cyprus 1963-1964*, Nicosia: Alfadi.

9 Further on the strategic interests of the main powers and how they were pursued and clashed in Cyprus, see B. O'Malley and I. Craig (2001) *The Cyprus Conspiracy: America, Espionage and the Turkish Invasion*, London: I.B. Tauris; cf. J. Asmussen (2008) *Cyprus at War: Diplomacy and Conflict during the 1974 Crisis*, London: I.B. Tauris, and A. Constandinos (2009) *America, Britain and the Cyprus Crisis of 1974: Calculated Conspiracy or Foreign Policy Failure*, Bloomington: AuthorHouse.

10 See further, V.K. Fouskas and A.O. Tackie (2009) *Cyprus: The Post-Imperial Constitution*, London: Pluto Press.

11 C.M. Constantinou and O.P. Richmond (2005) 'The Long Mile of Empire: Power, Legitimation and the UK Bases in Cyprus', *Mediterranean Politics*, Vol. 10, No. 1, pp. 65-84.

of the state is a colonial inheritance – and a bitter inheritance for many other states besides Cyprus – that had to be accepted by the colonised for political ‘emancipation’ to take place. A complex array of inherited routines, but also improvisations, has been intertwined with banalities of power and is never easy to disentangle in the postcolony.¹² This certainly demands that local state structures and their functioning need to be looked at much more carefully and indeed more holistically, as Nicos Trimikliniotes and Umut Bozkurt suggest in their paper for this Special Issue. Specifically, the authors highlight the need to conceptualise state formations and competing practices of sovereignty in Cyprus through the lens of the changing imperial, regional and global settings. But also to look at the power implications of Cypriot regimes as exercised through an alliance between local nationalisms and doctrines of necessity.

There is always suspicion with politics, exacerbated in the postcolony and/or in protracted conflicts, that things are other than they appear or are supposed to be, given the range of real or imagined imperial infiltrations, international complicities and hidden agendas. This has created considerable mistrust for foreign peace interventions to solve the Cyprus Problem, including UN mediation and arbitration efforts that proved extremely unpopular for one or the other community at different periods after March 1964, as Farid Mirbagheri shows in his article for this Special Issue. This mistrust can certainly be exploited by politicians on either side to support ethno-nationalist agendas. But note that in Cyprus, and on the basis of the neocolonial potentate in place, there is ample room for imperial possibility as there is for postcolonial critique. Consider, for example, the militarization of space and the kind of rights that the UK has not only *within* but also *beyond* the 99 square miles of the territory of its two sovereign bases; i.e. rights that it enjoys both in the UK territory in Cyprus *and* in the territory of the Republic of Cyprus. Specifically, with respect to the latter, the right of the UK to retain additional military sites (to those of the British bases in Cyprus), and in times of emergency to have unobstructed use of Cypriot air space, some airfields and power stations, all the ports and harbours on the island, and if and where necessary the right to run them.¹³ And because neocolonialism cannot be left to chance, the following quite revealing provision was ensured:

‘The Government of the United Kingdom shall have *the right to obtain*, after consultation with the Government of the Republic of Cyprus, *the use of such additional rights* as the United Kingdom may, from time to time, consider technically necessary for the efficient use of its Sovereign Base Areas and installations in the Island of Cyprus.’ (Treaty of Establishment, Annex B, Part II, section 9; emphasis mine).

A right to more rights; unspecified and to be declared as one deems necessary. The potential of one state to acquire such rights (i.e. to take liberties) in the dominion of another ‘after

12 See A. Mbembe (2001) *On the Postcolony*, Berkeley: University of California Press.

13 For a longer discussion, see Constantinou and Richmond ‘Long Mile of Empire’.

consultation'; the sovereign right to exceptionalise Cypriot space, if one so wishes, and predicated on a colonial jurisprudence of emergency that remains unchallenged despite Cypriot independence and EU accession.¹⁴ So if one thinks that the issue of sovereignty in Cyprus has been settled through formal power transfer in 1960 or is simply a Greek-Turkish contest, it is imperative that one reads carefully and soberly the publicly forgotten annexes of the 1960 Treaty of Establishment.

It befits the irony of Cypriot statehood that its exceptionality was drafted by proponents of the 'total state'. One of the main authors of the Cypriot constitution was Ernst Forsthoff, a student of Carl Schmitt – known for his controversial work on sovereignty as the regulation of the exception. Ironically, the Republic itself started as a state that other sovereigns treated as an exception. From a juridical and political perspective, it was meant to *totally* lack the features and authority of the 'total state' that Forsthoff theorised in his writings, i.e. the pre-constitutional persona that encapsulated decisionism, that could exercise sovereignty, absolutely and authoritatively from a single source.¹⁵ The international Treaties of Establishment, Guarantee and Alliance that constricted Cypriot sovereignty, became the basis of the Cypriot constitution and the framework of political possibility in Cyprus. By contrast to the 'manly states' of the modern international system, the Republic of Cyprus was effeminised or castrated.¹⁶

Further to political incompleteness, culturally decolonisation remained incomplete, bearing similarities to other postcolonial experiences,¹⁷ as Vassos Argyrou argues in his article for this Special Issue. Specifically, Argyrou suggests that the spell of western European modernity – the 'spectre of Europe' – played a hegemonic role in the newly independent Cyprus and in the formation of Cypriot subjectivity that remained subservient to colonial ideas and ideals. More controversially, Argyrou argues that publicly the pursuit of western, European modernity has also been used to divide rather than unite the ethnic communities in Cyprus. Given the domestication and ethnicisation of European modern aspirations and the new hierarchies this created, it has become impossible for the Cypriot mind to be (fully) decolonised. The best hope for redemption is to learn to live with this cultural paradox and tragic condition and to find ways to minimise its negative impact.

Arguments about the quintessential exceptionality, bicommunality and internationality of

14 N. Hussain (2003) *The Jurisprudence of Emergency: Colonialism and the Rule of Law*, Ann Arbor: Michigan University Press.

15 See E. Forsthoff (2000) 'The Total State' an extract of which can be found in A.J. Jacobson and B. Schlink (eds.), *Weimar: A Jurisprudence of Crisis*, Berkley: University of California Press, pp. 320-323.

16 On castration and phallogocentricity in state discourse, see C. Weber (1999) *Faking It: US Hegemony in a 'Post-Phallic' Era*, Minneapolis: Minnesota University Press; C. Hope (2001) *Manly States: Masculinities, International Relations and Gender Politics*, New York: Columbia University Press.

17 Among other works, see J.N. Pieterse and B. Parekh (eds.) (1995), *The Decolonization of Imagination: Culture, Knowledge and Power*, London: Zed Books.

the Republic of Cyprus were extensively appropriated to build the case for the major challenge to the Republic's sovereignty that came in the form of the Turkish-Cypriot secession and unilateral declaration of the Turkish Republic of Northern Cyprus (TRNC) in 1983.¹⁸ The TRNC was declared 'invalid' by the UN Security Council Resolution 541 and, with the exception of Turkey, has remained internationally unrecognised. It has been recently suggested by the International Court of Justice in its Advisory Opinion on Kosovo that, by contradistinction, the Security Council in Resolution 1251 (1999) on Cyprus has established 'restrictive conditions for the permanent status of a territory', meaning that, unlike the case of Kosovo, the future State of Cyprus should have 'a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded'.¹⁹ In short, this is meant to provide the fixed parameters within which the Cypriot sovereignty issue ought to be negotiated.

However, as suggested by both sympathisers and critics of this position, the issue of Turkish-Cypriot secession is bound to re-emerge and be hotly re-contested – and possibly reversed or 'Taiwanized' given that state recognition is not just a legal but a political decision – if there is no comprehensive settlement to the Cyprus Problem in the near future. The issue also reveals continuous divisions of principle or degree within the Turkish-Cypriot community about the value and status of TRNC. And it also refers back to the complex relationship between Turkish Cypriots and Turkey as developed since 1960; specifically the diverse experiences of the enclave period, the militarization of lives and habitats before and after 1974, the Turkish settlement and migration policies, the political contestations before and after the Annan Plan referendum, including the relationship of Turkish Cypriots to the Republic of Cyprus, and more recently the question of Turkish and EU financial support.²⁰

18 On the legal rationale used to support the TRNC declaration, see M. Tamkoc (1988) *The Turkish Cypriot State: The Embodiment of the Right of Self-Determination*, London: Rustem. An issue that has become rather sensitive but something of a false dilemma in my view is whether to put TRNC in inverted commas or not. Personally – and for scholarly reasons that demand the recognition of plural perspectives – I do not use inverted commas when referring to the TRNC as I would not do when referring to other *de facto* states such as Abkhazia, Transnistria, Somaliland, Nagorno-Karabakh or the Republic of China (Taiwan). The absence of inverted commas in scholarly or non-official writings does not elevate a *de facto* state to a *de jure* state, nor does it entail recognition or approval of the regime and its policies. The situation is of course different for the officials of governments and international organisations with ability to grant international legal recognition, though there are also limits to implied recognition as extensively registered in international law but often unacknowledged in Cyprus problem discussions. On this point see further, C.M. Constantinou and Y. Papadakis (2001) 'The Cypriot State(s) in Situ: Cross-Ethnic Contact and the Discourse of Recognition', *Global Society*, Vol. 15, No. 2, pp. 125-148. Further on the wide range of issues surrounding unrecognised states see T. Bahcheli, B. Bartmann and H. Srebrnik (eds.) (2004) *De Facto States: The Quest for Sovereignty*, Oxford: Routledge.

19 Par. 114 of the Advisory Opinion on Kosovo at: [www.icj-cij.org/docket/files/141/15987.pdf].

20 On identity politics, patterns and transformations within the Turkish Cypriot community, see H. Larcher and E. Kaymak (2005) 'Transforming Identities: Beyond the Politics of Non-Settlement in North Cyprus', *Mediterranean Politics*, Vol. 10, No. 2, pp. 147-166; M. Hatay (2008) 'The Problem of Pigeons: Orientalism,

Being the intervening 'saviour' for most Turkish Cypriots (though also 'occupying force' for a rather small but vocal minority of them), Turkey currently exercises *de facto* sovereignty in the northern part of Cyprus as far as international law is concerned. Although who owns that *de facto* sovereignty may be clear in international law, it is not a settled issue within the Turkish Cypriot community. On the one hand, proclaimed independence has been lamented by many left-wing parties who saw it as complicating and in the long term undermining the reunification of the island. On the other hand, it has been viewed as a tactical move by right-wing parties either to ensure parity over the exercise of sovereignty *vis-à-vis* the Greek-Cypriot community, or as a stepping stone to eventual partition and the integration of the north into Turkey. However both left-wingers and right-wingers would seek to defend the independence, autonomy or integrity of the Turkish-Cypriot community and/or the TRNC, if they perceived the policies of the Turkish government to run contrary to local demands and aspirations. As Bahcheli and Noel show in their article for this Special Issue, the proclamation of the TRNC brought about both intended and unintended consequences, and this ambivalence is reflected both on party politics and intra-community relationships as well as on relations with Turkey.

The relations of Greek Cypriots with Greece have been equally complex. The 'natural' or 'unfeasible' goal of *enosis* has begot divisions within the Greek-Cypriot community and led to constitutional crises, assassination attempts against the President and finally the July 1974 coup that led to the Turkish military intervention and division of the island. Greece was discredited but to a large extent redeemed itself with the Helsinki strategy that led to Cyprus' accession to the EU without the settlement of the Cyprus Problem as prerequisite, as outlined by Michalis Attalides in his article for this Special Issue. In a visit to Cyprus after the Copenhagen EU Summit where the accession deal was sealed, the otherwise careful and low-profile Prime Minister of Greece, Kostas Simitis, ambivalently announced that *enosis* (union) was achieved. Hardly anyone missed the nuance that this was not just 'union' with the EU but the longed-for union with Greece through the EU. Of course this kind of *enosis* was in effect very different than what was imagined in the 1950s, given the multilayered governance and division of sovereignty that exists within the EU. Similarly any form of partition would be very different, if both sides effectively remain within the EU; that is, it would be very different than what was imagined in the 1950s or 80s.

All in all, Europeanization has brought about interesting developments and ambiguous effects with regard to the Cyprus conflict as Thomas Diez and Nathalie Tocci suggest in their article. Clearly, top-down attempts at conflict transformation have not worked as intended and currently rather than Europeanization in a single direction we see a degree of 'Cypriotization' of European

Xenophobia and a Rhetoric of the "Local" in North Cyprus', *The Cyprus Review*, Vol. 20, No. 2 (Fall), pp. 145-171, and Y. Navaro-Yashin (2003) 'Legal/Illegal Counterpoints: Subjecthood and Subjectivity in an Unrecognized State' in R.A. Wilson and J.P. Michell (eds), *Human Rights in Global Perspective: Anthropological Studies of Rights, Claims and Entitlements*, London: Routledge, pp. 71-92.

policies.²¹ Whether this will continue or not remains to be seen. But in any case it directly speaks to the elevation of Cypriot statehood and sovereignty that James Ker-Lindsey outlines in his article, though it is not at all certain how this will play out in the future. From a traditional geopolitical perspective the Republic can indeed be seen to be flexibly moving or ‘upgrading’ itself from the ‘non-aligned movement’ to the ‘western alliance’ with consequences for its political status and security. This is something that raises new questions about the moral and political limits of sovereignty as well as on how it should be exercised on the island.

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Sovereignty as an ‘authorization of authority’ has been used to legitimate a wide range of political orders and power regimes across the globe. As a territorial ideal, it has been employed to organise power and monopolise legal force spatiotemporally, over a wide range of citizens and ‘others’. As a prime source of law, it has begotten rights within its dominion and shown that it can – if reasons of state so demand – legitimate the illegitimate. Although this positive law doctrine has been challenged with the rise of natural law and human rights, the notion of going beyond ‘the law’, the dark side of sovereignty remains a core feature of the modern European understanding of sovereignty. Sovereignty has been too often crudely understood as having ‘the power to sin’.²²

The Western classic account of sovereignty is provided in the sixteenth century writings of Jean Bodin. Bodin is generally credited for defining sovereignty as ‘the absolute and perpetual power of a commonwealth’.²³ But his crucial reflections on the anomic potential of sovereignty are often missed by contemporary theorists; specifically how, for Bodin, to be a sovereign also meant to be exempted from the laws of one’s predecessors and not to be obliged to follow one’s own laws (key aspects of the modern theory of sovereignty that were later developed by Carl Schmitt).²⁴ Bodin was influenced by an extremely patriarchal and problematic understanding of law and authority, specifically recalling the right over life and death that early Roman men had not only over their slaves but over their children and women (in the case of women the Law of Romulus

21 On the potential of the EU for conflict transformation see T. Diez, M. Albert and S. Stetter (eds.) (2008) *The European Union and Border Conflicts: The Power of Integration and Association*, Cambridge: Cambridge University Press; T. Diez and N. Tocci (eds.) (2009) *Cyprus: A Conflict at the Crossroads*, Manchester: Manchester University Press, and G. Christou (2010) ‘The European Union, Borders and Conflict Transformation: The Case of Cyprus’, *Cooperation and Conflict*, Vol. 45, No. 1, pp. 1-24.

22 G. Bataille (2001) *The Unfinished System of Nonknowledge*, translated by M. Kendall and S. Kendall, Minneapolis: Minnesota University Press, p. 198.

23 J. Bodin (1955) *The Six Books of the Commonwealth*, Book 1, Chapter 8, available at: [<http://www.constitution.org/bodin>].

24 C. Schmitt (1988) *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by G. Schwab, Cambridge, MA: MIT Press.

allowed the husband to kill his wife if she committed adultery, for being habitually drunk and for having duplicate keys). Bodin actually wanted that right to be brought back to contemporary society and to be extended so that the husband could be the absolute ruler over all affairs in the family.²⁵ In similar fashion, the sovereign king ought to be, for Bodin, an idealised *pater familias* or a god on earth.

Bodin's notion grounded sovereignty as an absolute authority putatively settling all issues and conflicts yet itself remaining unchallenged and unaccountable. Though one can see the historical circumstances in Europe that led to such extreme conception (i.e. the need to emancipate the political community from ecclesiastical and imperial authority), alternatives of sovereignty as ethical conduct, conducive to good governance were sidelined; including the idea that the sovereign is someone who uses appropriate means not simply someone who achieves appropriate ends. Though a softer and participatory version of sovereignty was implicit in the project of the European Enlightenment and contractual theories of statehood, in the colony the harder and darker version of sovereignty was applied. As Achille Mbembe argues, state sovereignty in the colony entailed both a weakness of rights (for the natives) and an inflation of rights (for the colonisers and their privileged associates). It was also based on a range of violent acts; conquests, extra-legal authorisations and daily rituals of banalised violence and rights to dispose.²⁶ Exercises of western notions of state sovereignty both in Europe and beyond remained on the whole reflexively unaware of the shifting meaning of legitimate authority, the changing realities, interests and histories that constantly problematise notions about 'who is Same and who is Other', who is – or ought *not* to be – the subject or object of one's authority.²⁷

I engage in this historical detour because I think it is important to recall the negative inheritance of sovereignty, which entails *inter alia* the ability to go beyond the law yet to remain within the law, or to legislate exceptions that justify state action contrary to previous laws or simply so as to escape the responsibilities of an inconvenient legal regime. Cyprus is unfortunately a good case study of that, because of the employment of rationales to exceptionalise spaces and people in ways that are ethically dubious, yet progressively naturalised and normalised through claims to sovereign authority. Consider for example: (1) how the British sovereign can insist that the territory of the Bases in Cyprus will not be part of the EU, even though the Republic and the UK is, and only reluctantly and partially accepted referral to the European Court of Human Rights after 2004; (2) how the Republic of Cyprus can suspend basic articles of its Constitution after 1963 and develop new laws and institutions under the doctrine of necessity that excluded Turkish Cypriots from sharing power; and (3) how the Turkish-Cypriot regime in the north can claim

25 See *The Six Books of the Commonwealth*, Book 1, Chapter 25 available at: [<http://www.constitution.org/bodin>].

26 Mbembe, *On the Postcolony*, pp. 25-35.

27 Bartelson, *A Genealogy of Sovereignty*.

sovereignty to legalise exclusion and ethnic cleansing as well as the mass expropriation of Greek-Cypriot property.

Equally disturbing are the silences and denials that accompany these problematic exercises of sovereignty. As Rebecca Bryant shows in her article for this Special Issue, this is for many the bitterest aspect of the conflict. The encounter across the divide with people who are only vocal about one's own injury, or deny the other's publicly known injury, or treat it as irrelevant or inconsequential. Following from Stanley Cohen's work,²⁸ Bryant shows both in her article and more extensively in her recent book,²⁹ how socially disturbing and politically problematic are the explicit and implicit denials of responsibility or acknowledgements of harm. The daily 'little' injuries and humiliations remain a collateral of sovereignty, whose representatives only tend to highlight the necessities of 'high politics', rhetorically utilising injuries against 'us' while forgetting those of 'others'.

The spatial segregations that have taken place in 1963-1964 and 1974 have exploited exclusive or nascent sovereignty claims to break cross-ethnic bonds of solidarity and allegiance in Cyprus. They have also made it difficult for inter-ethnic encounters to occur, beyond the officially sanctioned collaborations that putatively ensured against the recognition of ethnicised sovereignty, and which castigated the unauthorised ones as being at best risky and at worst treacherous. To that extent, Cypriots found it difficult to inhabit or establish a 'third space' beyond the Greek and Turkish *ethnoi*. This third space was nonetheless possible in 'zones of indeterminacy'. As Julie Scott shows in her article for this Special Issue, gambling spaces could function as potential spaces of agency that 'counter the polarising tendencies of the Cypriot public sphere'. In other words, and contrary to the popular critique levied against the dubious character of such encounters, she highlights the hidden political possibility that comes within such spaces, specifically in restoring the cultural intimacy destroyed by crude practices of sovereignty.

In supporting problematic practices of sovereignty, conflict communication and the role of the media have been crucial. As Christophoros Christophorou shows in his article for this Special Issue the alliance of the media and the ruling elites has had adverse implications on the democratic deficit of the Republic of Cyprus. Moreover, it has impacted on how the Cyprus Problem is popularly perceived as a series of betrayals, conspiracies, compromises and co-optations. Rather than controlling the power holders, the mass media has for the most part worked to support the discourses and policies of the power regimes within which they operated.³⁰ Educational policy and history textbooks have also been complicit in this regard as shown by Philippou and Klerides in

28 S. Cohen (2000) *States of Denial: Knowing about Atrocities and Suffering*, Cambridge: Polity Press.

29 R. Bryant (2010) *The Past in Pieces: Belonging in the New Cyprus*, Philadelphia: University of Pennsylvania Press.

30 See also C. Christophorou, S. Şahin and S. Pavlou (2010) *Media Narratives, Politics and the Cyprus Problem*, Nicosia: PRIO Cyprus Centre.

their article for this Special Issue. Specifically they suggest that Greek-Cypriot education since independence veered 'between discourses of Hellenocentric, Cypriocentric and Hellenocypriocentric identity at different historical periods' following the dictates of hegemonic discourse and changes in the dominant ideology. Turkish-Cypriot education demonstrates a similar pattern of discursive shifts at different historical periods along a Turkish *vis-à-vis* Cypriot axis. The socio-political implications of such educational practices are tremendous and can only be reversed through sustained pedagogies of reconciliation.³¹

The exercise of an ethnocentric form of sovereignty – with the people or the demos progressively defined in terms of a single ethnicity – had adverse effects not only for the 'enemy' ethnicity but also for the various ethno-cultural groups that were caught in between the Greek-Turkish divide.³² The situation of the latter is described by Andrekos Varnava in his article for this Special Issue as a problem of 'internal-exclusion' whereby minorities experience strong policies of assimilation and discrimination.³³ Arjun Appadurai suggests this fear of the minority as being based on an 'anxiety of incompleteness',³⁴ which can further explain identity politics and the dominance of bi-communalism in Cyprus. Not a minority in a numerical sense, but certainly a subordinate and disadvantaged group are Cypriot women. Although there have been advancements in women's rights across the ethnic divide since independence, Hadjipavlou and Mertan argue in their article for this Special Issue, that women are marginalised because of a patriarchal discourse that has assigned specific gender roles and tasks and which are especially entrenched because of the ethnic conflict and militarization of society. In this respect, ethnocentric exercises of sovereignty have been closely allied with androcentric ones.³⁵

The role that the Orthodox Church in Cyprus has played in domestic politics should also be addressed. The Church was declared autocephalous (or ecclesiastically autonomous) centuries

31 See S. Philippou (2007) 'On the Borders of Europe: Citizenship Education and Identity in Cyprus', *Journal of Social Science Education*, Vol. 6, No. 1, pp. 68-79; S. Philippou and A. Varnava (2009) 'Constructions of Solution(s) to the Cyprus Problem: Exploring Formal Curricula in Greek-Cypriot State Schools' in A. Varnava and H. Faustmann (eds.), *Reunifying Cyprus: The Annan Plan and Beyond*, London: I.B. Tauris, pp. 194-212; Y. Papadakis (2008) 'Narrative, Memory and History Education in Divided Cyprus', *History and Memory*, Vol. 20, No. 2, pp. 128-148, and M. Zembylas (2008) *The Politics of Trauma in Education*, Basingstoke: Palgrave Macmillan.

32 C.M. Constantinou (2007) 'Aporias of Identity: Bicomunalism, Hybridity and the "Cyprus Problem"', *Cooperation and Conflict*, Vol. 42, No. 3, pp. 247-270.

33 See further A. Varnava, N. Koureas and M. Elia (eds.) (2009) *The Minorities of Cyprus: Development Patterns and the Identity of Internal Exclusion*, Cambridge: Cambridge Scholars Publishing.

34 A. Appadurai (2006) *Fear of Small Numbers: An Essay on the Geography of Anger*, Durham: Duke University Press.

35 See C. Cockburn (2004) *The Line: Women, Partition and the Gender Order in Cyprus*, London: Zed Books, and M. Hadjipavlou (2010) *Women and Change in Cyprus: Feminisms and Gender in Conflict*, London: I.B. Tauris.

before Cyprus as a polity became 'independent'. Since 1960, what has proved especially controversial was the continuation of ethnarchy in the Republic of Cyprus, that is, the political role that the Archbishop maintained in a formally secular, multi-religious state and which made it possible for Archbishop Makarios to be President from 1960 until his death in 1977. This symbolism was unacceptable not only to many Turkish Cypriots but also to some Greek Cypriots who saw in his rule an abuse of both religious and political office. An interesting and revealing issue that has recently resurfaced and currently debated is the status of contracts that Makarios signed between himself, i.e. as President of the Republic and as leader of the Church, and now seen as blatantly favouring the latter. Yet as Marios Sarris shows in his article for this Special Issue, it would be wrong to see the Orthodox Church in Cyprus as a monolith. It is a complex polymorphous organisation, combining a variety of strands, and even though the ethnarchic strand seems to be more vocal in the news and with strong or hard line views on the Cyprus Problem (mainly through the current Archbishop, Chrysostomos II) this strand is certainly not unchallengeable from within the Church and its views are not necessarily the 'view' of the Church which is only officially represented by decisions of the Synod. The interventions of the Orthodox Church in Cypriot politics thus need to be properly contextualised.

A lot of the legitimacy that the Church has – and also a lot of its illegitimacy – derives from the religious/political patronage it exercises. Its ability to do favours, secure jobs, influence appointments certainly makes it a powerful institution. But on this point it is certainly not as powerful as Cypriot political parties. As Hubert Faustmann shows in his article for this Special Issue, the culture of patronage and nepotism has been a distinctive feature of the history of the Republic of Cyprus from the start. Interestingly, even attempts at more transparency and accountability for the governmental and semi-governmental boards in the 1990s have ended up in re-legitimising party politicisation, i.e. specifically with an agreement to share positions among all the major parties rather than allowing the monopolisation of appointments by the political party or parties in power. This can explain why political parties retain such a prominent role in Cypriot social life (e.g. with separate coffee-houses in most villages on the basis of party affiliation) while Cypriots remaining very distrustful of politicians and publicly critical of the *rusteti* culture.

Overall this Special Issue raises questions about the local exercise of power in postcolonial Cyprus and the dominant discourses that have supported regimes of sovereign power, and which in turn authorise the kind of exclusions, discriminations and abuses of rights described above and seen as the privilege of sovereignty. To that extent, there is need for less policy-oriented and more reflective approaches to statehood, sovereignty and authority. To utilise ancient Greek philosophy for such reflection, it has been suggested that the ancient Greeks envisioned the necessity of *theoria* when they realised that their polis was not eternal but a finite and perishable entity.³⁶ Note that for

36 H. Arendt (1958) *The Human Condition*, Chicago: Chicago University Press.

them, the polis was not a mere city-state or territorial regime of power but actually *the gathering of the many in deliberation over affairs they held in common*.³⁷ The polis was therefore lost, its legitimate authority and power was lost, **not only** when a foreign power occupied the city or took over its decision making processes, **but also** – and this is very important – when the polis was debased, when it no longer served its deliberative and reflective purpose, which, for post-Socratic philosophers, was not order and the maximisation of power, but primarily justice and spiritual happiness.

This more reflective approach to political activity and power radically opposes Bodin's understanding; it views legitimate authority or sovereignty not as absolute and perpetual power, but as conditional and ephemeral power. Sovereignty is seen not as a mere right granted to a certain collectivity to indiscriminately act in whatever way it sees fit but as something one has to continually struggle to earn and retain, through reflection, deliberation, good governance and just exercise of power (through *eunomia*). This more philosophical 'other sovereignty' is not a mere privilege but entails a challenge to transform law and rights into justice and peace; to exercise authority in a spirit of fairness and solidarity to all concerned.

Fifty years after Independence, Cypriots still have quite a long way to go before they exercise enlightened authority and fair governance. Since the establishment of the Republic they have squandered and alienated part of their already partial sovereignty in the way they claimed and practised it. To be sure, foreign practices of sovereignty are also to blame though this should not serve as an alibi for non-responsibility and non-reflection by the locals. In the end, I do not know whether the strange beginning of the Republic fifty years ago will have a happy or unhappy end. But I do know that no matter what kind of settlement we end up having in Cyprus, Cypriots will not regain any of that 'other sovereignty', unless they learn to exercise power and authority carefully, sensitively and ethically.

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37 Of course one needs to register here the crude ideological biases of the ancient Greek polis, namely the exclusion of women, slaves and permanent foreign residents from political affairs.

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