

The Cyprus Problem: Past, Present and Future **[Το Κυπριακό Πρόβλημα: Παρελθόν, Παρόν και Μέλλον]**

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The latest publication by prolific author Polyvios G. Polyviou represents a timely and significant addition to the literature on the Cyprus Problem, even if the academic niche in which it resides is not immediately apparent. Polyviou provides erudite observations and a unique viewpoint to an increasingly saturated topic. The review will highlight the difficulty of pigeonholing the book into the established academic discourse on the Cyprus Problem, survey the book's coverage, and then discuss the book's contribution in proposing a radical reformulation of the negotiating framework of the Cyprus Problem on both philosophical and practical grounds.

The book presents something of a conundrum from the perspective of a purely academic review, as it straddles the already imprecise line that demarcates academic works from those intended for a wider, proverbially layman audience on the Cyprus Problem. The literature on the subject is, of course, voluminous from both perspectives. Thus, judged as an academic publication, the book presents a number of significant departures from established practice. It relies too heavily on secondary literature; for example, about half of Chapter 1 consists of lengthy references taken from seminal contributions to the field to the point where entire pages (see p. 34) are at times devoted to these expositions. Furthermore, it lacks any specific methodological grounding, as it integrates a number of approaches pertaining to various facets of the issue under examination with no one academic predominant discipline; as a result, the book incorporates constitutional analysis, international legal doctrinal analysis, and a political scientific perspective within a broader historical narrative. Lastly, the book does not present a central objective that specifically pertains to original research; instead –as the title suggests– it separates its analysis of the Cyprus Problem in three chronological/thematic sections that aim respectively to: 1) present and evaluate a historical review from the establishment of the Republic of Cyprus in 1960 to the present *status quo*, 2) analyse the current conditions and assess the extent to which they are conducive to a negotiated settlement of the Cyprus Problem, and 3) ask what form such a settlement might take and what effective level of long-term vi-

ability it would provide. The book presents some challenges from the perspective of general interest as well. It is very wide in its coverage both in terms of historical scope and in its conceptual usage. It demands a lot from the reader, as it assumes a fairly sophisticated understanding of the interconnections among all these political and legal concepts and variables. At the same time, this serves to illustrate the complexity of one of the most enduring political puzzles of the international system that is so often treated superficially in its comprehensiveness. Also, perhaps most significantly in this respect, the book is written in clear and direct language that aims to simplify and present these intricate aspects in a common-sense approach, as much as possible.

Therefore, having established that this book is neither focused on making an exclusively academic contribution nor aimed as a simple and general introduction to the topic, is it then rendered irrelevant? This not only depends on the contribution that the book actually makes –rather than by focusing merely on what it does not do– but on the author as well. Polyviou is undoubtedly a leading figure in the study of Cypriot law, having authored more than 20 authoritative texts on various legal issues.²⁰ Having studied law at Oxford and London, and political science at Princeton, he returned to teach law at Oxford between 1973 and 1980 before returning to Cyprus to practice law. In that capacity, he has represented the Republic of Cyprus in various cases before European and international courts, and he has contributed to the negotiations over the resolution of the conflict on behalf of the Republic of Cyprus in various settings since 1974. However, in addition to his output on purely legal issues, Polyviou has also authored books on the Cyprus Problem with an emphasis on its constitutional dimensions in two distinct periods. During his academic career, Polyviou authored three books in English in the aftermath of the events of 1974 and in the ensuing years.²¹ In this reviewer’s opinion, this collection remains required reading for scholars of this research area, and –especially the 1980 volume– has exerted tremendous influence on the post-1974 framing of the study of the conflict in its combination of political and legal parameters. More recently, Polyviou revisited

²⁰ For a review of Polyviou’s massive contribution to the analysis of the Cypriot legal order, see the collective review of 11 books that he has published since 2016 by Achilles C. Emilianides in (2021) *The Cyprus Review* 33(1) 261.

²¹ Polyvios G. Polyviou, *Cyprus: The Tragedy and the Challenge* (London: John Swain & Son, 1975); Polyvios G. Polyviou, *Cyprus in Search of a Constitution* (Nicosia: Chr. Nicolaou & Sons, 1976); and Polyvios G. Polyviou, *Cyprus: Conflict and Negotiation 1960-1980* (New York: Holmes and Meier, 1980).

this research topic with multiple contributions.²² Therefore, the volume under review represents the latest contribution in a long line of publications. As a result, the author reproduces a unique and authoritative voice on the topic and a singular perspective that lends authenticity to the substance of this latest offering to which we turn next.

As already stated, the book is divided into three parts that aim to correspond roughly to the title's reference to the past, the present, and the future of the Cyprus Problem. However, this neat correspondence is not quite borne out; instead, Parts 1 and 2 both reflect on past developments. Part 1 covers the period between 1960 and 1974 with an emphasis on the constitutional arrangement of the Zurich-London Agreements and the 1960 Constitution (Chapter 1), the 13 Points of the proposed constitutional amendment by President Makarios in 1963 (Chapter 2), and the ensuing intercommunal negotiations (Chapter 3), with each chapter presenting an assessment of its topic. Part 2 covers the period since 1974 with primary emphasis on the negotiations during the Genera Tripartite Conferences and the Geneva Declaration (Chapter 4), the rise of a federal solution –and, more specifically, the formulation of a bizonal, bicomunal federation– to the top of the agenda in subsequent negotiations (Chapter 5), an evaluation of Greek Cypriot leadership in the management of these negotiations by focusing on Presidents Makarios and Spyros Kyprianou as well as the role of Glafkos Clerides (Chapter 6), and an evaluation of Greek leadership under the premiership of Konstantinos Karamanlis (Chapter 7). Parts 1 and 2 do not cover any particularly original ground; the topics have been extensively discussed by the author himself in earlier scholarly output as well as by a multitude of other authors. The main value of these chapters to the book is in establishing the framework and the rationale for the proposed suggestions in Part 3.

²² Polyvios G. Polyviou, *Makarios: The Three Errors (Μακάριος: Τα Τρία Λάθη)* (Athens: Kastaniotis, 2009) (in Greek); Polyvios G. Polyviou, *The Cyprus Problem: Absurdities and Concerns (Το Κυπριακό Πρόβλημα: Παραλογισμοί και Προβληματισμοί)* (Athens: Papazisis, 2010) (in Greek); Polyvios G. Polyviou, *Kyprianou and the Cyprus Problem: The New York Summit of 1985 (Κυπριανού και Κυπριακό: η Συνάντηση Κορυφής της Νέας Υόρκης το 1985)* (Athens: Kastaniotis, 2010) (in Greek); Polyvios G. Polyviou, *Invasion Diplomacy (Η Διπλωματία της Εισβολής)* (Athens: Kastaniotis, 2010) (in Greek); Polyvios G. Polyviou and Levon H. Arakelian, *Fall of the Guardians: The European Court of Human Rights and the Case of Demopoulos* (Nicosia: University of Nicosia Press, 2011); Polyvios G. Polyviou, *Cyprus on the Edge: A Study in Constitutional Survival* (Nicosia: Chryssafinis and Polyviou, 2013); Polyvios G. Polyviou, *The Case of Ibrahim: The Doctrine of Necessity and the Republic of Cyprus* (Nicosia: Chryssafinis and Polyviou, 2015); Polyvios G. Polyviou, *The Cyprus Problem: Another Approach (Το Κυπριακό Πρόβλημα: Μια Άλλη Προσέγγιση)* (Nicosia: Chryssafinis and Polyviou, 2018) (in Greek).

Part 3 represents the most important contribution of the book by covering both the current state in the various parameters of the Cyprus Problem, as well as an evaluation of the possibility of resolution with a very specific set of recommendations for an immediately implementable approach. Chapter 8 considers whether the current situation is resolvable through judicial means. Chapter 9 surveys all proposed solution concepts in broad terms. Chapter 10 may represent a potentially controversial aspect of the book: it asks whether it is possible for any solution concept to be implementable without Turkey's consent and concludes that the question can only be answered in the negative. Chapter 11 presents the parameters of recent and future negotiations in order to set the stage for the proposed approach that is presented in Chapter 12 and the concluding remarks of Chapter 13.

Polyviou's proposition is both simple and elegant and represents a conclusion that follows logically from the premises of the book as established in previous chapters and as outlined above. He argues that the only acceptable course of action that can lead to an enforceable negotiated settlement with long-term viability is an evolutionary approach based on incremental mutual concessions.²³ In other words, he argues quite strongly against the traditional methodology of past negotiations that aspired to the establishment and proposal of comprehensive negotiated settlements that incorporated all constitutional provisions, all practical adjustments, and all adoptions of new fundamental ordering principles at the same time. Polyviou presents a multi-layered attack on this approach on grounds of principle, practicality, and efficacy. However, his most significant objection is with respect to a crucial parameter of the negotiating framework: the consequences of failure. Polyviou argues that an evolutionary process allows sides –and, of course, this does not only apply in the abstract but also in fact to the institutions, decisionmakers and, ultimately, the individual subjects of such a settlement– to continuously evaluate progress, to recognise the mutual acceptance of the process, and to evaluate the *quid pro quo* as a necessary precondition to building trust for subsequent steps in the evolution. Most crucially, it allows the sides to revert to a *status quo ex ante* at any step during the process; therefore, the consequences of the failure of one iteration do not equate to the failure of the entire process. Conversely, the acceptance of a comprehensive negotiated settlement raises the stakes prohibitively high by raising the spectre of the absence of limitations to a

²³ For a theoretical contribution that makes a similar proposition see Maria Hadjipavlou-Trigeorgis and Lenos Trigeorgis, 'Cyprus: An Evolutionary Approach to Conflict Resolution' (1993) *Journal of Conflict Resolution* 37(2), 340-360.

failure of implementation; in other words, there may be no concrete mechanism or institutional structure to fall back to if the entire edifice falls.

Polyviou's proposed approach is supplemented by specific measures that can serve as actual steps in this evolutionary process. But the entire point of proposing this approach is that these are not necessary for the success of the entire mechanism; others could easily be proposed to either supplement them or replace them entirely. And, whether someone agrees with the author's specific suggestions or not, not considering the value of such a proposition remains—at least in this reviewer's opinion—potentially catastrophic. If for no other reason, it is important to reflect on the fact that decades of 'everything on the table' negotiating frameworks have yielded little in terms of real progress and served to intensify entrenched positions that both render each side susceptible to strong inertia against making concessions and reinforce mutual perceptions of intransigence. The author states his motivation for the book as the need to reflect on the mistakes of the past and to propose the adoption of a rationalised negotiating approach under the assumption that the window of opportunity for a viable settlement—that has been slowly but steadily narrowing for a long time—is now almost shut. It is precisely for this reason that the book not only represents a vital contribution to the academic but also to the broader social dialogue on the realistic prospects for resolution.

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