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ARTICLE

Managing Ethno-National Diversity in Cyprus: Asymmetrical Federalism

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Abstract

This article explains a normative political theory of asymmetrical federalism as it relates to the accommodation of national minorities within multinational states, using Cyprus as a case study. Many normative prescriptions emerging from traditional liberal and federal political theories and models rest on monist assumptions; therefore, there is a need to highlight the cultural and national limits of those theories and models in order to attain a democratic system in Cyprus that respects and promotes its bicommunal structure. It is suggested that multinational federalism in Cyprus necessitates constitutional asymmetry, which is likely to provide a basis for political accommodation. The article also demonstrates the necessity of multinational federalism to accommodate common and distinct identities by promoting a fuller understanding of the concept of "federal togetherness" and "federal separateness." Such an understanding would better enable asymmetrical federalism to properly and feasibly adjust and regulate federal institutions in Cyprus.

Keywords: asymmetrical federalism; Cyprus; normative theory; national minorities; ethnic conflict

Introduction

This article aims to determine if asymmetrical federalism can manage conflicts and achieve stability in multinational contexts—including Cyprus—through recognizing and accommodating the distinctive nationalist claims of substate nations. First, the research puzzle this article aims to solve is that by adopting a symmetrical model in a society like Cyprus—which is asymmetrical from a national perspective—a society is not likely to accommodate national minorities and diversity. Federal systems change the nature of democracy in multinational contexts in many ways. The liberal values of equality and justice as fundamental democratic values must be reevaluated in plural contexts. There is a need to see the major research puzzle here: To combine asymmetrical Cyprus from a national perspective with symmetrical federalism.

Another research puzzle comes from the fact that contemporary multinational federal theories and asymmetrical federal thinking are dominated by a confederalist view of the federal government, in which "togetherness," as another essential value of federalism, is very much limited in scope, which, in turn, is likely to legitimize and justify secession as a natural option. So, both sides—those who advocate and those who criticize it as a secession potential—seem to be right in this regard. However, there is a need to reconceptualize asymmetrical federalism in multinational contexts and restructure multinational federalism by stressing the importance of togetherness for achieving accommodation.

In recent years, scholars have begun to analyze in more detail the issue of asymmetry among constituent states in a federal model. The concept of asymmetrical federalism was introduced by Charles D. Tarlton (1965), who argued that symmetry equals harmony while asymmetry

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automatically produces discord in federations. Over time, the term "asymmetry" has been more positively evaluated and recognized as a purposeful instrument to address difference and diversity, imbalance and inequity within a multinational federal state, and to control dissatisfaction of certain entities within a federal unit where such imbalances are highly pronounced (Bhattacharjee 2016).

Asymmetry continues to be a cause of debate in theoretical discussions of federalism. Brian Barry (2001), Valerie Bunce (2004), and Svante E. Cornell (2002) are among a number of scholars who argue that institutional recognition of differences through asymmetrical federalism not only hardens, freezes and essentializes identities; it also fosters inegalitarian citizenship and, in the long run, constitutes the foundation for separatist movements (Hausing 2014). Other scholars, however, including De Villiers (1994), Webber (1994), Burgess (2006), Requejo (2001), and Gagnon (2010), argue that asymmetrical federalism can manage conflicts and achieve stability in multinational federations through recognizing and accommodating the distinctive nationalist claims of substate nations.

This article focuses on the normative background to the accommodation of groups in multinational federal states, the design of federations as multinational, and the outcomes of this policy development, using Cyprus as a case study. Asymmetrical federalism for Cyprus can be explained in two principal ways: as an analytical tool for the purpose of problem-solving for federal political stability, and as a normative/prescriptive inclination reflecting beliefs, values, and interests. The initial rationale for asymmetry in Cyprus is to overcome conflict and build shared institutions. To illustrate this point, this article underlines how federalism debates so far have focused more on the steady progress of institutional reform than on accommodating the bottom-up claims for which these institutions ought to be responsible. There are various cases affected by federalization reforms, circumstances that entice political elites to implement federalization, types and designs of existing federations, and unresolved issues. Historically, discussions of federations have dealt with evolving or slowing federalization; there have also been cases of internal reform to counter ethnoterritorial mobilization (i.e., Quebec and Catalonia) or violence. Rather than addressing challenges of state design, this article makes the point that federalization is an answer to problems of intergroup relations. On this basis, this paper can ultimately address why the literature on federalization (or, indeed, power-sharing) adds little to our understanding of the Cyprus problem, where two functional states need to be merged into a new single state rather than enable further devolution. Much of the peacebuilding in Cyprus has been getting the "problem" wrong. Thus, there is a need to name the problems that other scholarly and policymaking interventions have been dealing with implicitly.

To start with, there is a need to fully understand the importance of the main challenge of multinational federalism—called "full recognition of the sub-state national society as an equal partner in the state" (Tierney 2017)—as a prerequisite for individual members to play a full role in the multinational polity. The primary aim of multinational federalism is to accommodate the desire of national minorities for self-government by creating a province or provinces in which one or more of them can constitute a clear majority of citizens and exercise sovereign powers (Norman 2006). Moreover, the overrepresentation of minorities at the central level and their influence in the upper chamber are equally important (Stepan 1999) because liberal ideas and the traditional model of citizenship support and promote a single culture and a common identity which is not likely to integrate ethnic and cultural minorities (Kymlicka 2002). Rules of this kind are largely inadequate, or entirely absent, in the constitutions of most multinational democracies. The notions of justice and fairness embedded in traditional liberalism and federalism are applied to all individuals equally in a neutral and homogenizing way that can overlook deeply imbalanced power relations between communities, territories, and nations in multinational societies (Tierney 2017). This generates unequal results and, thereby, injustice because individuals are affected differently by state policies. We see this, for example, in attempts of substate nations within countries such as Canada and Spain to achieve asymmetrical arrangements and the strong tendency within the federal model to resist such attempts.

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To achieve full recognition of the substate national society as an equal partner can be a solid justification for the accommodation of pluralism in Cyprus. The politics of recognition and accommodation of national minorities need to be prioritized as essential principles of justice in multinational societies, including Cyprus. As Requejo observes, to exclude these components from the sphere of justice means turning national and cultural majorities into biased arbiters of the rules of the polity (2010). To move forward, Gagnon (2014) recommends reviving the idea that federations are constituted through pacts between their constituent members. All members who are subject to and affected by the pact should have an effective say in negotiations. As Gagnon and Erk state, "the long term viability of this federal arrangement depends on the unequivocal recognition and continuation of this compact" (1998, 28–29). Moreover, Michel Seymour states that "politics of recognition must not only allow for the establishment of an equal status but also of a differential status" (2017, 46). All these discussions demonstrate the unavoidable connection between asymmetrical arrangement and multinational federalism for deeply divided societies in general, particularly in Cyprus.

In the light of these discussions, I develop the idea that the normative political philosophy embedded in asymmetrical federalism should be promoted as a model of governance in Cyprus. Building on the works of Danilovich, Gagnon, Kymlicka, Weber, and Requejo, I stress the value of asymmetrical federalism in creating conditions for building a country reimagined on new grounds. In order to clarify the theoretical discussions, the first part of this article analyzes the normative and the institutional dimensions of asymmetrical federalism. In part two, I analyze the Cyprus negotiations, the constitutional/institutional guises asymmetrical federalism takes in the case of Cyprus, and how current constitutional proposals figure in it. In part three, I address key issues, problems, and limits related to the theory of multinational asymmetrical federalism, including essentializing identities, difficulties in facilitating cross-group cooperation, the rigidity of institutions designed around ethnonational groups, the probability of facilitating secession, and the backlash against overaccommodation. At that point, the importance of the federal value of togetherness is emphasized. Finally, in part four, I analyze the ways the challenges, associated with asymmetrical federal theory, can be addressed by applying the approach to Cyprus.

Asymmetrical Federalism as Functional and Normative Concept

In this article, the term "asymmetrical federalism" is used to refer to the constitutional or de jure asymmetry of giving differential status and powers to one or more states in a federation. Alex Danilovich states that "Asymmetrical federalism is a key mechanism to recognise demands for autonomy.… [and] denotes the situation where de-facto sub-state national minorities can successfully be accommodated by de jure constitutional, political and legal recognition in the federation" (2014, 19). This is different from political, de facto asymmetry, which derives from variations in the size, geography, wealth, history, and culture of states and occurs in all federations.

Asymmetrical federalism as a functional purpose refers to differences in status, distribution of competences, and fiscal power (Popelier and Sahadzic 2019). It has emerged as one of the most popular and defensible ways of recognizing and accommodating substate nations within multinational states, as demonstrated in Canada, Belgium, Spain, Russia, and India (Hausing 2014, 88). Substate nations are granted different constitutional statuses and powers as a means of recognizing their distinctiveness and extending "self-rule" within the framework of "shared rule."

Regarding status, the representation of subnational entities in the upper chamber is an important indicator. Often this form of asymmetry includes some type of uneven voting rights in central institutions, such as a special minority veto (Agranoff 1999). This, like fiscal asymmetry, is an example where de jure asymmetry acts to counteract de facto asymmetry. It recognizes the fact that strict symmetry does not always create a situation that is equal in terms of giving all constituent units the same capacities. However, in Canada, Spain, and Belgium, the upper chambers demonstrate the situation where they do not fully represent the constituent territorial units.

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Concerning the distribution of power, the subnational units have different legislative competencies, where some are allocated more power than others. De jure asymmetries can be established through various means: increasing the federal authority in particular member states for certain specified functions (i.e., India); increasing the jurisdiction of particular member states (i.e., Sabah and Sarawak within the Malaysian federation); exempting the full application of central authority in specific areas (i.e., the EU's exemptions in the application of the Maastricht Treaty to Britain and Denmark [Watts 2002]); allowing one or some subnational entities the de jure right to opt out of federal programs in exclusive provincial jurisdictions with financial compensation (Seymour and Gagnon 2012). Quebec has greater political autonomy with the right to opt out of many centralizing programs and create its own plans (i.e., immigration, tax collection, health care, and pension plans)—than any other constituent state as a response to specific demands from the Quebec government and in recognition of the province's distinct character. Some de jure asymmetry, including civil law system and the accommodation of this law system through appointment of at least three of the nine judges to the Supreme Court from Quebec,[1] has been established to recognize the unique character of Quebec. Additionally, all provinces except Quebec are invited to make property and civil rights uniform through choosing to accept federal control in these areas. In the Constitution of India, there are special provisions regarding the constituent state of Jammu and Kashmir and the northeastern states. The former has residual powers in contrast to the situation of other states, whereas the latter have special powers, such as protecting group rights, restricting ownership, and migration of nonresidents (Rao and Singh 2004).

Relating to fiscal powers, some subnational units have fiscal autonomy whereas others do not. For example, in Spain, de jure asymmetry involves a significant competence held by just two autonomous communities, Navarre and Basque Country. They collect their taxes apart from social security taxes and benefit from national projects improving infrastructure without contributing to their financing.

Asymmetrical federalism as a normative concept, used by diverse societies for different reasons, reflects specific values, beliefs, and interests. A number of authors, including Gagnon (2010), Kymlicka (2002), Norman (2006), and Requejo (2005), address links between, on the one hand, the normative values of equality, liberty, and democratic participation and, on the other hand, the values of communal identity, self-determination of minority nations, and the right of recognition. A "minority nation" is often engendering claims of self-determination or autonomy and requesting special representation within the central government to protect special status or guard against the majority, given the minority's relatively small size. Though this institutionalized protection could be seen as a violation of liberal rights, it might better be explained as protecting ethno-regional groupings.

Forging communities, addressing inequalities, and enhancing democratic principles (Gagnon 2001; Kymlicka 1995) are among the normative justifications for asymmetrical federalism (Gagnon 2010). "Forging communities" derives from the importance of communities in social life. Asymmetrical federalism promotes what is "good and valuable in the society" (Gagnon and Gibbs 1999); the normative values contained within the "fundamental good in our society" are "our community, culture, identity and heritage." Individuals are social beings and want shared cultural elements—like symbols or language—that can be used to secure a sense of belonging and identity. Social life necessitates a flourishing political community culture, which should be protected and promoted by the state to ensure its stability. "Addressing inequalities" extends the concept of equality from a restrictive understanding of "equal treatment" to the broader "equality of opportunity" (Gagnon 2010). Asymmetrical federalism is an instrument of equity rather than strict equality. In a federation, the equality of individuals and nations must be measured in terms of their particular needs and historical developments rather than their identical relation to other individuals or other constituent states (Gagnon 2010). "Enhancing democratic citizenship" reinforces democratic systems by encouraging public participation in decision-making processes, accommodating differences between political communities, and strengthening the democratic legitimacy of the federal

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state. For Gagnon, this is "the desire to protect liberty by ensuring local sovereignty is integrally linked to the concept of political community, and leads to justifications for asymmetrical federalism" (2001, 333).

All these justifications denote that federal systems change the nature of democracy in multinational contexts in many ways. Multinational federations are formed by different demoi and not one legitimating demos. Thus, the normative basis of the democratic state moves from a focus on individual rights to group rights. Equality becomes a "right to diversity" and liberty has to be conceptualized as "freedom to choose a culture with which to identify." As Requejo (2005, 312) argues, "to equate national minority communities with mere regions, or to treat them exactly the same as federal subunits that are controlled by members of the national majority, is intrinsically inegalitarian, both in substantive and procedural terms."

In order to clarify the function of asymmetrical federalism (including its institutional manifestations and its normative base), there is a need to reconceptualize federal values of "togetherness" and "separateness." The contemporary theorists of multinational federal democracies and asymmetrical federal thinking are dominated—empirically and normatively—by a confederalist view of the federal government, in which "togetherness," as another essential value of federalism, is very much limited in scope. They have stressed the capacity of multinational federalism to contribute to the maintenance and development of cultural diversity by granting self-government and asymmetric recognition and powers to territorially concentrated minority nations (Karmis 2010). This limited understanding of multinational federalism cannot explain the fact that it is still one multinational state rather than several mononational states (De Schutter 2011). "Why a federal state is preferable to secession?" or "why stay together?" has been an important question that should offer a normative ground for multinational states. Many multinational (federal) states, including Belgium and Spain, have been in a constant state of crisis due to a lack of "togetherness" between federal partners (Jewkes 2015).

"Federal togetherness" provides an understanding of the dynamics and normative influences of multinational states. It is attained when a moral or emotional commitment to the stability or well-being of the federation is considered by all parties. As Jewkes states,

> the multinational state provides a context in which groups are involved in almost continual interaction, and ….the development of at least a weak bond of affectionate sentiment seems to be a natural tendency. There are measures -fair terms of accommodation and federal nation-building- to strengthen the level of identification that citizens feel with the overarching state in the hopes that they might be willing to place the well-being of the federal whole before the interest of their own party at critical junctures (2015, 336).

"Fair terms of accommodation" must promote commonality without suppressing difference. These terms will most likely be contained within the constitution; however, they should also be reflected in the day-to-day attitudes of all groups and in the policies pursued by the state-wide government. Moreover, any overarching identity needs to be conceptually distinguishable from the identities of groups, not an extension of the cultural identity of the majority. The lack of moral or emotional commitment to the stability or well-being of the whole can lead to the deterioration of trust and communication, which makes it impossible to cooperate once national minorities begin to believe that the overarching identity, to which they are being asked to acknowledge loyalty, unjustly reflects and transmits the norms and values of the group which is demographically, politically, and economically dominant at the state-wide level (Weinstock 1999; Young 1989). The distinctive feature of federal togetherness, and of federalism itself, is the requirement of being "united in difference," coming together as one political unit while recognizing and representing the distinctiveness of groups. Federal togetherness is needed to facilitate successful intergroup cooperation and congenial relations in multinational states. Once an element of the fair terms of accommodation is envisioned, it is very important that the central government is given sufficient power to

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engage in federal nation-building to counterbalance strong and exclusive processes of identity formation at the substate level (Conversi 2014). So, the main challenge is how to place neutral, but adequately substantive, cultural content, upon which an overarching identity might be based, in an environment of genuine diversity and a high degree of asymmetry between subnations in a multinational state.

The Cyprus Problem and the History of Negotiations

Cyprus has been a politically separated polity since 1963 and a physically divided country since 1974.[2] The Greek Cypriot (GC) community lives in the southern two-thirds of the country, comprising 76% of the population. The Turkish Cypriot (TC) community lives in the Turkish Republic of Northern Cyprus (TRNC)—a state recognized by Turkey alone—making up 19% of the population.

The recent history of Cyprus has been shaped by intercommunal conflict essentially of a bicommunal nature. The 1960 constitution enshrined asymmetrical arrangements at the outset, such as overrepresentation and veto rights for TCs and a limited form of self-government for TCs by way of separate TC-controlled municipalities. There they were able to make their own decisions in order to try to make bicommunalism work on the basis of political equality between two distinct communities (Burgess 2006). However, it emphasized too much institutional separation, parallelism, and reciprocal veto, creating a polity with too few powers, functions, and relationships that overlapped, intermingled, and dovetailed together to furnish the basis for cementing and bonding the two communities in an overarching sense of national state unity (Burgess 2007). The 1960 power-sharing arrangement ended in 1963 when GC president Archbishop Makarios proposed amendments to the constitution that would remove the veto rights of TCs as well as their overrepresentation in several institutions (Moore 2011). These proposed amendments provoked fears of domination among the TC ethnonational minority, generating intercommunal violence and increased segregation.

Since 1968, the two communities have been negotiating under the auspices of the UN to find a comprehensive solution. Since the late 1970s, the UN has promoted negotiations with the aim of reuniting the island as a bicommunal, bizonal federation (BBF). Yet, negotiations have failed to mediate sustainable settlements. The GC negotiation position has been shaped primarily by the events of 1974: a general sense of insecurity, a fundamental distrust of TC secessionist objectives, and a fear of Turkish occupation of the whole island, especially evident in the repeated calls for demilitarization and the rejection of the Annan Plan in the 2004 referenda (Michael 2007). GCs advocate the creation of a federal state whose central government would be able to extend its sovereignty over the entire island and, thus, over the constituent federal states. Since 1974, TC leaders have considered a self-governing territorial unit to be one of their most important demands, incorporating a vision of self-determination that would involve a viable territorial zone, securely dominated by their community. For TCs to abandon their single region would be to jeopardize not just collective self-determination but also their security (McGarry 2015). This was embodied in the preference for a confederation or a loose federation providing for a separate and sovereign TC state.

The 1977–1979 high-level agreements resulted in the establishment of a framework for a solution based on a BBF. However, the two parties significantly differed in their preferred means of achieving a federation: TCs emphasized bizonality and the political equality of the two communities, preferring two nearly autonomous societies with limited contact. GCs emphasized the freedoms of movement, property, and settlement throughout the island. They also wanted their internationally recognized national government to devolve power to the TCs, who would then join a Cypriot republic (Migdalovitz 2007). This deadlock was magnified when the TC leadership made a unilateral declaration of independence as the TRNC in 1983.

In 1986, UN Secretary-General Perez de Cuellar presented a draft framework agreement to both sides, which envisaged the creation of an independent BBF. However, for the GC, the draft

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framework appeared to be based on a confederation, failing to address the removal of Turkish forces from the island and the repatriation of the increasing number of Turkish settlers arriving in the north. Furthermore, the draft framework lacked guarantees that the three freedoms would be respected.

In the late 1980s, the TC leader Rauf Denktas presented new concepts such as "separate sovereignty for each community," which was unacceptable to GCs because it was believed that it would legalize Turkish intervention and make permanent the division of the island. In 1990, the UN Security Council agreed on a resolution indicating clearly for the first time that the two sides were to be treated on "equal footing."[3] In 1991, Perez de Cuellar called for an international meeting where neither leadership was able to find common ground. He blamed the failure on Denktas's assertion that each side should possess separate sovereignty, something that all UN resolutions would attribute solely to the new Republic.

In 1992, UN Secretary-General Boutros Ghali introduced a "Set of Ideas," which envisaged a loose BBF with constitutional checks on majority rule, limitations to the freedoms of movement, and establishment of the right of property, with security based on a reduced Greek and Turkish troop presence and an international peacekeeping force. The two communities were entirely opposed to the Set of Ideas. The UN and many third parties explicitly accepted (1) that there was a deep "lack of trust" between the two communities and (2) that the series of confidence-building measures (CBMs) produced were proved fruitless. The EU's decision to accept Cyprus as a candidate for membership further complicated the problem.

The 1992 Set of Ideas, while labeled a federation, contained a number of confederal elements in it. The same was true of the proposals that emerged later during the 1999–2003 negotiations. In 1997, Secretary-General Kofi Annan called for direct talks between Glafcos Clerides and Rauf Denktas. After the EU's formal decision was made to begin accession talks with Cyprus, Denktas informed the UN that he would only participate in talks between states having equal status. In 1999, the TC leadership tried to promote its confederation thesis. Annan had concluded that the equal status of the parties "must and should be recognized" explicitly in a comprehensive settlement.[4]

Introduction of the new UN plan—the Annan Plan—in 2002 appeared at a time coinciding with the final stages of the accession of Cyprus to the EU and the new impetus of Turkey's own bid to accede. Before the Annan Plan, Denktas had insisted on a confederal solution with two independent states, which would have entailed separate sovereignty. On the other hand, the GC leadership insisted on a centralized federal system, challenging the idea of shared sovereignty (Vural and Peristianis 2008, 58). Due to intense pressure from their respective "motherlands," along with the US, the UN, and the EU, both leaderships reluctantly agreed for the continuation of the Cyprus negotiations in 2004. The Turkish government and Mehmet Ali Talat, the newly elected prime minister of the TRNC, supported the Annan Plan while Rauf Denktas and GC leader Tassos Papadopoulos rejected it. The UN Secretary-General then imposed a final draft settlement. GC leadership argued that it was not the product of negotiation and did not constitute an agreed solution between the parties, that it did not "guarantee the single, sovereign character of Cyprus," and that it failed to address concerns of the GC community regarding their security and the effective implementation of the Annan Plan.[5] The Annan Plan was put to simultaneous separate referenda on both sides on April 24, 2004, being accepted by 65% of TCs but voted down by 76% of GCs. In a report following the vote, Annan said that such a solution meant not just two constituent states but also political equality and the sharing of power: "If [the GCs] remain willing to resolve the Cyprus problem through a bicommunal, bizonal federation, this needs to be demonstrated. Lingering Greek Cypriot concerns about security and implementation of the Plan need to be articulated with clarity and finality."[6]

The two moderate pro-federal leaders, Demetris Christofias and Mehmet Ali Talat, started talks in 2008. They agreed on symmetrical federalism with equal status of the two constituent states and the principles of bizonality, bicommunality, political equality, a single international identity, single sovereignty, and the issue of settlement. The ongoing problem of the issue of sovereignty was ended

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with this agreement, while the 2008 talks were based on equal status of the two constituent states. The partnership for the TC leadership has been seen as equal status of GC and TC constituent state.[7] However, the principle of the establishment of two constituent states became a problem in the talks. In 2009, Christofias preferred to use the terminology of "two autonomous regions" instead of "two constituent states" (Erhürman 2010). Moreover, the TC community desired a strong constituent state, whereas the GC community wanted a strong central government on a federal basis. Both leaders failed to produce a federal solution model.

The negotiations intensified in 2016 and 2017 under the leadership of Nicos Anastasiades and Mustafa Akinci, two pro-Annan Plan leaders. Serious differences on a rotating presidency, territory, and the sensitive issue of security and guarantees, however, prevented an agreement from being achieved. Several governance issues, long thought to have been part of the often-referenced convergences, such as the rotating presidency, TC co-decision power, and the population mix in the north, remain unresolved.

The UN proposals and ongoing negotiations, as well as the 1960 constitution, lack any elements necessary for the development of common nationalist feelings and Cypriot identity. Article 3 of the 1960 constitution of the latest UN plan, called the Annan Plan, explicitly specifies that the exercise of political rights is tied to ethnic identity. The article states that "other than in elections of senators, which shall be elected by GCs and TCs separately, political rights at the federal level shall be exercised based on internal constituent state citizenship status."[8]

Moreover, all extant proposals were based on symmetry. This symmetry was getting in the way of a comprehensive settlement. The main proposals offered have all been variations on the same theme, a theme that has not been able to induce agreement. So, new ideas are needed, such as asymmetrical federalism. The level of institutional asymmetry was considered in the UN proposals at the federal level but need to be considered at the regional level as well. The Annan Plan, as well as the 1960 constitution, acknowledged special rights and group-differentiated rights beyond the common individual rights of citizenship, including TC overrepresentation, veto in some institutions, and rotational presidency to accommodate for the fears of GC domination and the overall functionality of the Annan Plan.

Two separate "entities" having equal authority and responsibilities has been the only model on the table. According to Article 2 of the Annan Plan, the constituent states are of equal (symmetrical) status, distribution of competences, and fiscal power.[9] For example, the Annan Plan assigned indirect taxes to the federal government. However, since VAT and the other indirect taxes are the main source of income for the TC and direct taxes are for the GC (Vassiliou 2003), there is a need to establish an asymmetrical arrangement.

Asymmetry has a checkered history in Cyprus and has not been assisted by the opposing views of federalism and confederalism held by the two communities (Burgess 2006). Present circumstances have changed the dynamic between the north and the south, where some new forms of asymmetrical federation could be a part of the negotiations. However, there is an important limitation that is driven by the lack of federal togetherness for the purpose of facilitating successful inter-group cooperation and congenial relations in Cyprus. A lack of togetherness culminated in a situation where the TC succumbed to a mental state of "psychological secession." Kyriakou and Skoutaris note that "in all those constitutional structures, the Cypriot state-building project is not linked with a nation-building one" (2016, 457). The similar institutional arrangements have been suggested for Cyprus according to which segmental autonomy and strict ethnic representations are used at the expense of a multi-nation building process.

Asymmetrical Federalism for Cyprus: Strengths and Limits

The historical background of negotiations suggests a need to change the content of proposals and to add de jure asymmetrical features because Cyprus is deeply divided. Moreover, the TC minority strongly asks for effective recognition, self-determination, and equal partnership to be assured in

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the entrance requirements of the constitutional system. The asymmetric institutional design and its moral dimension should be recognized and promoted explicitly if the end goal for Cyprus is to maintain the unity in a democratic, multinational federal system. Asymmetrical autonomy, surely, has clear limits to how far a state can pursue asymmetrical arrangements with two communities and two regions while remaining a state. Adopting asymmetrical federalism in Cyprus, however, can help to resolve the core lines of disputes mentioned below, which are also at the core of asymmetrical federalism in spite of its limitations and can be accommodated through introduction of the various mechanisms mentioned in the next section.

Egalitarianism versus Inequality

Disputes on the UN proposals and in negotiations over the division of power have been challenging to resolve. Serious conflicts persist over the nature and purpose of federalism. Whereas the GC leadership historically favors holding together origin of federalism to be, in which the Republic of Cyprus would be transferred into federation, TC leadership insists on coming together origin where two functional states form a new federal republic. The UN negotiations and proposals illustrate that a federal Cyprus fits the "coming together" model in a sense.

Another controversial issue is that GC leadership has seemed to accept federalism as a pact between two territorial units, whereas the TC leadership considers federalism a pact between two founding peoples. Moreover, symmetrical autonomy, based on nations, has been sought by TCs because it emphasizes the "equality of nations." GCs seek to identify with the territory of the whole state. They may not see the need for autonomy because they consider themselves to be self-determining within the extant state-wide institutions. TCs, on the other hand, seek greater autonomy and recognition of their national status because protection of ethnonational identity is likely to be a greater priority for them than for GCs.[10] However, symmetrical autonomy in this context may incorporate a few difficulties. The degree of autonomy involved might not provide what the TCs seek and might not address their desires for symbolic constitutional recognition of their national claims (Kymlicka 1998). TCs would likely struggle with institutional arrangements that put their region on an equal footing with mere regional subcomponents of the majority nation, even if these arrangements permit them to be collectively self-governing in their region. As the Spanish case demonstrates, while the Spanish state pursues uniformity, Spain's stateless nations insist on their distinctiveness.

In fact, the demand for special status is a demand not just for power, but also for national recognition. Classical liberalism imposes formal equality on all citizens, disregarding the dissimilar consequences that equal treatment can have for different regions and nations in the sphere of government policy (Gagnon 2010). The notion of citizenship is further developed through support for equality of outcome rather than identical treatment. It is exactly from this that the need for asymmetrical federalism arises for Cyprus, as a promising means of dealing with long-term political conflicts. Negotiating asymmetry would seem to be an extra operose task. The TC leadership's commitment to provincial equality, implied sameness, or symmetry disregards the fact that provinces might have special needs.[11] Moreover, the position of national, uniform standards on a culturally, religiously, and linguistically distinct TC community and province, as proposed by the GC leadership for the sake of unity, efficiency, and workability of the system (Palley 2007), can be profoundly threatening to the TC ethnonational community, likely to limit an asymmetrical model. The need for the notion of "equality as difference" appears important because "true equality requires not identical treatment, but rather a differentiated treatment in order to accommodate differential needs" (Kymlicka 1995, 113). Constitutional asymmetry is not so much about citizens getting more power as it is about where they exercise that power (Webber 1994). For example, the TC constituent state might be given a right to opt out of many centralizing programs and create its own plans (i.e., immigration, tax collection, health care, and education). Tax points might be granted to the TC constituent state as compensation for opting out in certain areas where national programs were instituted to develop some of its own plans. Thus, both leaderships may realize the

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importance of equity rather than the strict equality in division of powers. This will give the TC constituent state more competences to exercise power and accommodate their demand for loose federation, whereas it will give GCs competences to exercise power at the federal level, accommodating their desires for centralized federalism and "their stronger commitment to the efficiency of the system as a whole" (McGarry 2013).

Collective Rights versus Individual Rights

Institutional issues in multinational contexts seem to necessitate the collective rights of minority nations together with individual rights in order to break the monopoly of state nationalism and the uniformizing concept of "citizenship" present in the majority of approaches to traditional political liberalism (Requejo 2012). In Cyprus, tensions stem from differing views of rights and equality, concepts which are not distinguishable. Where the GC community stresses individual rights in negotiations, the TC community emphasizes group rights (Tarr, unpublished).[12] All these discussions are reflected by the issues of bizonality and bicommunality, which in turn open a discussion on freedom of settlement and property issues that remain highly controversial.

Since 1974, following the displacement of populations and the de facto partition of the island, the GC community has insisted on the rights of freedom of movement, freedom of settlement, and freedom to property over the whole island as important elements of any solution (Tarr, unpublished). From the TC perspective, however, unrestricted rights of this kind would pose severe difficulties due to the disparities in population and wealth between the two communities. Moreover, in speaking of two founding peoples or two equal communities occupying a single island, what the TCs are really invoking is that their right to national self-determination be free from domination by a political majority and that its cultural autonomy be promoted by a considerable degree of political-territorial autonomy (Rothschild 1981). The importance of this issue has been reflected in the UN Annan Plan and the Accession Treaty of Cyprus to the EU.[13] When it comes to applying asymmetry, collective rights could be considered inherently unequal, in that it prefers group interests over individual rights (Webber 1994) and treats provinces differently. To GCs, the collective rights claimed by the TC community would come to take precedence over the individual rights of movement, settlement, and property ownership that have been endorsed by the international community (Tarr, unpublished). The idea held by GCs regarding granting collective rights to the TC community will harm unity because of the belief that the federal units do not possess any form of sovereignty (Tsielepis 2001). It could be said that asymmetrical arrangement would give TCs more power (e.g., internal citizenship to limit the number of non-Turkish speakers in their region in order to accommodate greater commitment to their provincial community). However, permitting TCs to govern themselves in a manner responsive to their own culture need not mean that the rights of individuals are sacrificed to some collective interest; instead, individuals are living under laws more compatible with their own understanding of the world (Webber 1994). Asymmetrical federalism will be able to accommodate both individual and collective rights. The Cyprus negotiations have already demonstrated the necessity to balance individual and collective rights. For example, sovereignty of the two ethnonational groups has its own limitations which put restrictions on its meaning because it will be not possible to create absolute or strict ethnic regions in federal Cyprus due to artificial division of island since 1974. The case of Cyprus demonstrates a dynamic bizonality—with (the limited) right of return—rather than strict bizonality. The protection of individual rights together with collective rights needs to be reflected at the federal institutions too which will be mentioned below.

Political Equality and Representation in the Federal Government

Political equality in the context of Cyprus refers to a situation where neither of the constituent states would be able to dominate the other (Koumoullis 2019) and where TC communities would enjoy effective participation. However, there have still been varying interpretations of what exactly political equality is and a lack of explicit agreement on what constitutes effective participation.

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Both sides agree that the settlement will be "based on a BBF with political equality, as set out in relevant Security Council resolutions."[14] UN proposals and the 1960 constitution acknowledged the political equality of both communities. However, the major concern of GCs has been the deadlock resulting from the smaller TC community blocking legislation, which is against the democratic principle of "one man, one vote" (Apostolides 2016).

Representation of a nationality-based unit in the federal government further reduces the applicability of asymmetry. Representatives of an asymmetrically autonomous region in the common legislature are able to vote on matters that do not concern their region. Meanwhile, other legislators have no say on matters within the autonomous region. Although it is possible to reduce the number of representatives from the TC constituent state in the common legislature, there is a difficulty. The common legislature, under asymmetrical arrangements, will still be responsible for some statewide policies. As such, citizens from the TC constituent state are entitled to equitable representation in these matters. If the TCs are underrepresented in such matters, it may weaken their identification with the state and result in the state authorities failing to take the region's interests into account when dealing with matters of concern to all. Asymmetrical decentralization of powers without representation and protection at the federal level will not be enough (Adaney 2007) to accommodate ethnic diversity in Cyprus because an asymmetrical distribution of powers cannot eliminate the majoritarian nature of federal systems. A viable model of asymmetrical federalism in Cyprus would need careful customization because—were the TC constituent state to have greater decentralized powers—its representatives might presumably be fewer in number and restricted in their voting power. This is critical since TC community is already fighting any reduction in their influence on federal policy.

Any solution which requires political equality of the two communities has been reluctantly accepted by the GCs. Differentiated treatment that includes special rights (group/collective rights) has been acknowledged in the Annan Plan and 1960 constitution: overrepresentation, veto, and rotational presidency. Vetoes are provided via special majorities of two-fifths on measures deemed of "vital interest" and on the Presidential Council, where any majority must include at least one TC.[15] The rejection of the Annan plan in 2004 led to a "Cypriot-led" process that has not, thus far, produced any agreement on the executive model, among other areas of disagreement. The leaders rejected the Swiss model, returning to discussions on how to square the circle regarding power-sharing with a (rotating) executive presidency. This illustrates that top-down arbitration encounters a bottom-up legitimacy crisis.

Questions of political equality and the relationship between the federated states and the central government would continue to play a very large part in shaping the debate about how to construct asymmetrical federalism. One way to address the democratic dilemmas associated with asymmetry is through the opt-out model at the central level, a version found in Canada for Quebec at the subnational level. Under this system, the asymmetrically autonomous TC region would remain equitably and effectively represented at the central level while abstaining from only the decision-making, beyond their competences, at the federal level. This arrangement would be likely to accommodate the GC demands for effective and efficient decision making at the federal level. What TCs do at the federated level GCs will do at the federal level. The equality and solidarity can also be achieved through balancing these desires under asymmetrical federalism via an integrated electoral system (discussed in the next section).

Mechanisms to Reach Asymmetrical Outcomes in Cyprus

Peacemeal and Incrementalist Approaches

Federal Cyprus will be characterized by post-conflict processes of reconstruction and reconciliation. The prospects for federal unity and integration do not appear hopeful at first; though, they can be realized over time. Political institutions and practices aiming to construct and reflect federal values of trust and cooperation will need to operate within the framework provided by the third

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parties (i.e, the UN and EU) in new models of federalism—including Bosnia, Iraq, and Sri Lanka—and civil society organizations (i.e., Northern Ireland and South Africa). However, one of the challenges to achieve federalism in Cyprus is that both sides agree on a "Cypriot-led" process. Since TCs and GCs will come together in the absence of trust and mutual respect, there may be no moral foundation in federal Cyprus of the type referenced in orthodox explanations in the mainstream literature. Federal values and principles may be transmitted as norms projected by third parties. Moreover, as Burgess (2012) states, the key to the success of these models will largely depend upon how successful the processes of political socialization, civil society enhancement, democracy promotion, and the building of a federal political culture from scratch are likely to be. South Africa and Northern Ireland exemplify what Cyprus could learn from extensive engagement with a wide range of political groups and civil society. As Loizides (2016) notes, the reunification of Cyprus should not be the exclusive responsibility of the federal state; instead, constituent states, municipalities, business, and civil society should also play a part.

However, a post-agreement referendum could easily sacrifice the whole peace process. Instead, an early mandate referendum, the kind that contributed until the end of apartheid in South Africa, would allow communities to prepare themselves for peace negotiations (Loizides 2016). CBMs can also be a way of dealing with mutual mistrust (Ker-Lindsay 2005). Immediate goodwill gestures could be made jointly or separately, aiming to reduce potential negative effects and aiding the process of forming a federal union. These initiatives could constitute initial steps toward broader expressions of goodwill in Cyprus on relevant issues, such as granting legal inhabitants immediate access to Varosha and changing the way history is taught. Guterres's report of January 11, 2019, reaffirmed the need for civil society and CBMs to build trust between the two communities.[16] However, they have proved to be very difficult tasks as such efforts have been exploited for the purposes of upgrading and recognizing the secessionist entity (Zackheos 2011). Thus, something more than CBMs but far from a comprehensive solution will be more realistic solution. All these aforementioned factors necessitate a different approach to achieve a certain degree of accommodation, instead of the current "all or nothing" approach: peacemeal and incremental approach, proceeding by a series of steps to build a closer working relationship between the two communities before attempting to negotiate a fully-fledged federal agreement and after it is agreed. The main potential impact of the method revolves around developing or enhancing confidence between the two sides (Adamides, Peristianis, Sonan, and Vural 2014). Structural reform of the peace process is needed for harmonious collaboration between leaders, civil society, and the wider public (Harris 2015). An incrementalist approach to constitution making for divided societies through periodic (continuing) renegotiations can also help both communities find a compromise over many issues.

Centripetal Consociationalism

Asymmetrical federalism needs to be considered alongside effective power-sharing. The case of Cyprus illustrates the difficulties of negotiating such an arrangement, even when it appears to be necessary. The TCs typically raise demands for territorial autonomy and advocate that central institutions be structured around a partnership with special power-sharing provisions. The effective participation of communities in federal institutions is secured in the Annan Plan, which would deviate from the One-Person One-Vote principle of representation and, instead, recognize the TC minority as a majority in its federal subunit. However, the problem associated with a consociational model in general, in the Annan Plan, and in the 1960 constitution is the tendency to promote and reinforce ethnic separateness and separatism, providing little incentive to build cross-community cooperation. For critics, this model has a low rate of adoption, results in political immobility, and entrenches the divisions it aims to mitigate. (Horowitz 1985, 2014). Belgium has faced challenges to combine federalism and consociationalism. The Belgian model has hardened ethnic identities because the constitution organizes politics around ethnicity, giving rise to outbidding within ethnic

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communities. This paper suggests that asymmetrical autonomy and consociationalism cannot work together to accommodate multi-ethnic societies where ethnonational minorities have strong secessionist aspirations. The norm of togetherness as an essential element of multinational federalism can be easily undermined through corporate consociation which involves strict ethnic representations, found in all constitutional proposals, including the 1960 constitution.

The weaknesses of this model might be addressed through the introduction of centripetal mechanisms on consociationalism. While consociationalism and centripetalism tend to be seen as sharply opposing approaches that cannot be accommodated (McGarry 2017), this article proposes that there is no reason to view them as incompatible. A centripetal arrangement is found in the "distribution requirement" used for presidential elections in Nigeria and Indonesia. Electing a president by securing the majority of votes in the country at large—as well as at least 20 percent of the vote in at least half of the provinces in Indonesia—means that presidents have to seek support from all around the country. According to Horowitz, "If election depends … on the ability to gain some votes from members of groups other than one's own, then political leaders will behave in an ethnically conciliatory fashion for that purpose" (2003, 15). The purpose is to ensure that winning candidates receive a sufficiently broad spread of electoral support for the election of moderate and centrist candidates (Reilly 2017). The two most recent centrist and moderate presidents in Indonesia gained the broad support required by the electoral law for their election victories. Both defeated hard-line opponents.

The goal of centripetal consociationalism in Cyprus is to encourage cooperation across ethnic lines and to achieve common and overarching identity (i.e., federal citizenship) and moderation between two deeply divided communities. The prescriptive consociational institution building should use techniques likely to reinforce centripetal forces and improve cooperation between the two communities, eventually achieving the norm of "togetherness." The lack of an electoral mechanism ensuring ethnic cooperation is a major factor in the current malfunctioning of the Bosnian political system (Loizides 2016), for example. Parties become increasingly hostile, leading to public alienation from the peace process. For the election of the members of the federal parliament—in which all representatives would be chosen on the basis of electoral results partially determined by the votes of all citizens—would become necessary. Loizides (2016) proposes a system that combines a broadly inclusive consociational d'Hondt cabinet with centripetalist crossvoting for the presidency. A centripetal electoral system (crossvoting) in exchange for a rotating presidency was agreed upon as part of the 2009 Cyprus peace negotiations by the two moderate leaders Talat and Christofias. This agreement demonstrates that neither consociationalism nor centripetalism alone is likely to be adoptable. The implications of adding centripetalism to consociationalism need to be discussed carefully by the UN, TCs, and GCs. While the rotation of the office of the president involves bicommunality and political equality, establishing a common political forum for the two electoral constituencies would provide for each the chance to influence the outcome of the elections in the other's community. As McGarry (2015) states, this proposal failed to progress in mediations because the centripetal voting systems are likely to be implemented only if these moderates remain durably dominant. However, since the moderate leaders of both communities negotiated from 2015–2017, this arrangement has not been seriously considered as a negotiable model. The electoral system envisaged the parties competing for votes within their own language communities, providing no incentive to take into account or be accountable to voters from the other language group. It is necessary to develop innovative institutions that make it possible to be more inclusive and less focused on ethnicity to bring political parties and communities together. Moreover, this model will likely to accommodate GC worries about effective participation of TCs.

Two Federal Units with Multiple Subunits

Understanding the Cyprus problem depends on understanding how two functional states can be merged into a single new entity. A discussion on this matter would lead to a debate about how many

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units one would need to ensure an equitable and durable federation—or some other model—in Cyprus or elsewhere. This point is particularly relevant now that talks have failed, indicating that, if nothing else, we have two states that need reintegration rather than one state that needs devolution.

The number and size of units in federal Cyprus needs to be reconsidered, especially for the asymmetrical reconstruction of a federal system. Bizonality is probably one of the biggest hurdles to asymmetrical federalism. Firstly, as the record shows—for example, in pre-1971 Pakistan, Czechoslovakia, and Serbia-Montenegro—dyadic federations are unworkable (McGarry and O'Leary 2009) and federations of two units that are highly unequal in population, wealth, and territory, as is the case in Cyprus, have problems (Bahceli and Noel 2013). While TCs would have self-rule, they would still be a minority due to the existence of a "dual power-structure," which occurs when a "core ethnic region" dominates a federation territorially and demographically. Secondly, there is no empirical case in which two units in a federation adopted an asymmetrical model. It is unclear how it would work out if one of the two units has more autonomy than the other.

In the context of Cyprus, both ethnonational communities are reluctant to abandon their single region to establish multiple units (McGarry 2017). Especially for TCs, abandoning their single region might seem to jeopardize collective self-determination and security. It would be a step backward, reviving traumatic memories of being enclaved and creating obstacles to the secession of the TCs should that be sought in the future (McGarry 2015). However, the formulation of the BBF model has not brought any success either. Thus, this article suggests the continuation of bizonality with a new approach: implementing nested autonomies (regions within zones) which will create two constituent entities (bizonality) with ethnically homogeneous and ethnically heterogeneous multiple subunits, similar to the arrangement in Bosnia and Herzegovina. This article states that asymmetrical federalism will work better if there are two zones with multiple regions in each zone. Bizonality here refers to areas with concentrations of population sufficiently large enough to ensure a majority presence of either community in that area rather than two constituent units to the federation. It refers to more geographical regions. As suggested by Leonidas Pantelides and Ahmet Sözen (Paraschos 2019), this does not nullify the principle of bizonality as a feature of population distribution; however, it does significantly strengthen the coherence of the system.

Refugee problems, property issues, cries for justice for past atrocities, and a sense of intolerable loss (Bahceli and Noel 2013) necessitate dynamic rather than absolute bizonality. Two conflicting demands have emerged on the issue of property rights which have dominated the negotiation process: for GCs, respect for property is an extension of the wider demand that any solution respect basic and inviolable human rights, while TCs see property rights strictly within the confines of "bizonality," interpreted to mean a restricted right of restitution of GC property in the north (Gürel and Özersay 2006). It is not a logical or realistic option to deviate from bizonality following decades of negotiations in this area. Moreover, the evolution of the territorial dimension of ethnonational conflict in Cyprus has shaped discussions on bizonality as the only model. Internal and external dynamism have confirmed the tendency towards bizonality. However, regions within zones would accommodate conflictual demands from both communities. This arrangement could balance the competing interests of both communities regarding territory and property issues, raising the issue of bizonality, whereby TCs would form a clear majority in their region. At the same time, GCs would have the opportunity to see their property rights reinstated in the heterogeneous subunits of the TC constituent state. The problem that could emerge is the electoral system at the local level in the heterogeneous subunit(s). Similarly, crossvoting would be needed to achieve cross-cutting cleavages at this level. Moreover, increasing the number of actors through the direct representation of each subregion in the federal legislature would be able to accommodate two conflictual understanding of bizonality. Thus, this model would satisfy the territorial claims of both sides and help to ensure practical respect for political equality, minimizing the risk of dysfunctionality (ethnonational polarization in decision-making processes) (Vural and Peristianis 2008; Pantelides and Sözen 2019).

Another reason which necessitates the continuation of bizonality in a different framework is the fact that the normative theories of asymmetrical federalism were developed in reference to systems

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(i.e., Canada and Spain) in which the national minorities being able to draw on one regional unit. Asymmetry is used as an institutional mechanism for recognition of minority nationhood (in addition to formal constitutional or quasi-constitutional recognition), given that insistence on symmetry was used to deny recognition of minority nationhood. In the Cypriot case, TCs demanded symmetry precisely in order to gain recognition as a nation equal to that of the GCs. However, the implication of the symmetrical model seems not to accommodate for ethnic pluralism in Cyprus, as the normative theory of asymmetrical federalism and empirical facts indicate. Asking for no explicit asymmetrical arrangement from TCs does not mean that a federal system would not involve an asymmetrical model but the federal system is likely to produce asymmetrical arrangements. There is a need to have a better understanding of the needs, causes, and consequences of asymmetrical federalism in multinational contexts. As Requejo states, "When you put a symmetrical model in a society which is asymmetrical from a national perspective it is not possible to accommodate minorities" (2018). Multinational federalism maintains a "federation of nationalities" rather than simply a "federation of provinces" (Rocher and Smith 2003, 29). A system that favors regionalism or provincialism does not fit with the reality of a multinational Cyprus. Consequently, a system of asymmetrical federalism is promoted to deal with multinational diversity, underpinned with the justification "that some communities, because of their minority status, may need particular political levers to ensure their development" (Rocher and Smith 2003, 33). Thus, both communities—especially the TCs—need to analyse the theoretical and empirical implications of symmetrical and asymmetrical federalism.

Conclusion

This article analyzed both the normative and institutional dimensions of asymmetry to see how it might serve the purposes of a better plural federal model in Cyprus. It argues that an asymmetrical national problem, as seen in Cyprus, requires an asymmetrical solution, a solution that can be accomplished through a series of mechanisms, including periodic renegotiations, a piecemeal and incrementalist approach, a form of "centripetal consociationalism," and so forth. It also argues that contemporary federalist theory is (overly) dominated by confederalist thinking. So, a more nuanced approach to asymmetrical federalism is required. This would entail a reconceptualization of "togetherness" and "separateness."

The extent to which asymmetry is politically acceptable and legally and administratively legitimate is a matter of political values. On the one hand, the GC leadership places a high value on "uniform living conditions," which would lead to the centralization of policy norms and less room within national programs for asymmetrical treatment. On the other hand, the TC leadership deals with diversity by aiming for greater decentralization and effective participation. With a very uneasy compromise between the two parties, asymmetrical federalism could address these differences. Surely, any attempt to change the content of proposals to add de jure asymmetrical features might seem, at first glance, a risky proposition. Cypriots remain deeply divided on the issue of differential recognition and could resist asymmetry for three reasons. First, asymmetry could be viewed as potentially challenging national unity with a TC constituent state secession. Second, asymmetry could be seen as threatening to the fundamental principles of liberty and equality, touching upon concepts of justice, a primary concern of the GCs. Third, it could be regarded as an unequal arrangement by the TCs. The second view appeals to uniform conceptions of equality that translate into several concerns about representation in central institutions and whether the TC constituent state would enjoy more powers than GC one, challenging the idea of equal citizenship, and about representation in central institutions. Moreover, introducing asymmetrical federalism could be problematic in Cyprus under its current conditions because of difficulties in mollifying concerns about secession and equality where there is no sense of "common identity" and "togetherness" between the two communities. Thus, this article suggests centripetal consociationalism. Moreover, the paper proposes a piecemeal and incremental approach to a federal process, which

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may prove successful over time. The repeatedly failed negotiations in Cyprus illustrate the difficulty of accomplishing a comprehensive solution. Yet, adopting an incremental and piecemeal approach—dividing each issue into stages—to negotiation can help to defer controversial decisions on foundational issues to the future where eventually asymmetrical federalism will be likely to crop up in these processes. The continual renegotiations between TCs—aspiring to self-determination and effective participation—and GCs—focusing on state sovereignty—is an important way in which an asymmetrical model can be attained. The main reason is that the problem in Cyprus, as in the case of many other new federal models, is that a desire for federal union based upon voluntary agreement does not seem possible under the current conditions.

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Notes

1 The Supreme Court Act stipulates that at least three of the judges must be appointed from Québec. See Supreme Court Act, Section 5–6. https://laws-lois.justice.gc.ca/eng/acts/s-26/page-1.html
2 In 1974, the Turkish military intervened after a coup by GC hardliners, with the support of the Greek junta, ousted president Makarios. The result was the subsequent partition of the island and eventual existence of two ethnically homogenous zones with TCs controlling 37% of the island in the north.
3 The UN Security Council Resolution 649. http://unscr.com/en/resolutions/doc/649
4 "Secretary-General Stresses Equal Status of Parties in Cyprus Proximity Talks" Press Release SG/SM/7546, 12 September 2000, https://www.un.org/press/en/2000/20000912.sgsm7546.doc.html
5 Speech by Tassos Papadopoulos at the UN General Assembly on September 23, 2004. *International Debate*, March 2005, 79–82.
6 UN Security Council, S/2004/437, Report of the Secretary-General on his Mission of Good Offices in Cyprus (May 28, 2004).
7 Mehmet Ali Talat, Letter to the Editor, *Financial Times*, March 5, 2008.
8 See Article 3 Citizenship, residency and identity in "The Comprehensive Settlement of the Cyprus Problem," March 31, 2004. http://www.hri.org/docs/annan/Annan_Plan_April2004.pdf
9 The Comprehensive Settlement of the Cyprus Problem.
10 Cyprus 2015 Initiative. 2011. *Solving the Cyprus Problem: Hopes and Fears.* Interpeace and 'Cyprus 2015' Initiative.
11 TC leader Mehmet Ali Talat (2008) declared "the goal is to establish a new partnership state in Cyprus, based on the political equality of the two peoples and the 'equal status' of two constituent states." See Talat 2008, Letter to the Editor. TC leader Rauf Denktas also pointed to "the political parity and symmetry needed for a solution of the conflict" Denktas, Rauf Raif. 2007. Interviewed by author, July 30.
12 As Anastasiades states, "I wish to stress the importance of a settlement that will…..ensure the viability of the state, the fundamental freedoms and human rights of all its citizens…" Anastasiades: Cyprus Solution is Important for Regional and International Relations, June 8, 2017. http://www.goldnews.com.cy/assets/energy/anastasiades--cyprus-solution-is-important-for-regional-and-international-relations
13 The Annan Plan contained provisions limiting the number of GCs and TCs able to settle in the two constituent states. See Article 3 of the Annan Plan: http://www.hri.org/docs/annan/Annan_Plan_April2004.pdf
14 Security Council, SC/13683, "Unanimously Adopting Resolution 2453 (2019), Security Council Grants Six-Month Mandate Extension for United Nations Peacekeeping Force in Cyprus," January 30, 2019. https://www.un.org/press/en/2019/sc13683.doc.htm.

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15 Security Council. 2003. Report of the Secretary-General on his mission of good offices in Cyprus(S(2003)398), April 1.

16 See Report of the Secretary-General. S/2019/37. http://www.uncyprustalks.org/wp-content/uploads/2019/05/2019-01-11-SG-report-UNFICYP-S-2019-37.pdf

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