LEARNING THROUGH EXPERIENCE: THE LIMITATIONS OF A CONSOCIATIONAL SOLUTION TO THE CYPRUS ISSUE

BY

KARTAL BATUHAN OLKAN

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Approval of the Institute of Social Sciences

Prof. Dr. M. Fazıl GÜLER
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Political Science and International Relations.

Assist. Prof. Dr. Bilgen SÜTÇÜOĞLU
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts.

Assist. Prof. Dr. Ebru İLTER AKARÇAY
Supervisor

Examining Committee Members

Assist. Prof. Dr. Ebru İLTER AKARÇAY -Yeditepe University

Assist. Prof. Dr. Gizem ALİOĞLU ÇAKMAK -Yeditepe University

Assist. Prof. Dr. Erhan İÇENER - Sabahattin Zaim University

PLAGIARISM

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Kartal Batuhan Olkan

ABSTRACT

This thesis explores the notion of consociationalism and also focuses on the reasons why the consociational model failed in Cyprus. The literature on the consociational model is explored. While Arend Lijphart's consociational democracy model offered a comprehensive solution for deeply divided societies, efforts to implement the Lijphart's model with the 1960 Constitution of the Republic of Cyprus and the Annan Plan in 2004 failed to unite the two communities on the island. In this study; in-depth case studies of Austria, Switzerland, Bosnia and Herzegovina, and Lebanon are also conducted with a focus on the factors that lead to the failure and success of the consociational model. The study attempts to identify the missing components of the model in the case of Cyprus by comparing the constitutions of the four countries chosen as case studies. The four case studies show that even a well-written constitution can culminate in failure if favourable conditions of consociationalism are not met.

Keywords: Cyprus problem, consociationalism, integrative model, Austria, Switzerland, Bosnia and Herzegovina, Lebanon

ÖZET

Bu tez, oydaşmacı demokrasi kavramını inceleyerek Kıbrıs'ta uygulanmak istenen bu modelin başarısız olma sebeplerine odaklanmaktadır. Oydaşmacı model, Arend Lijphart tarafından aynı ülke içerisinde yaşayan bölünmüş toplumların derin ayrılıklarını gidermek için kapsamlı bir çözüm olarak sunulmasına rağmen, Kıbrıs'ta 1960 Kıbrıs Cumhuriyeti Anayasası ve 2004 Annan Planı ile uygulanmak istenmiş fakat adadaki Kıbrıs Türk ve Kıbrıs Rum topluluklarını siyasi olarak birleştirme noktasında başarısız olmuştu. Buradan hareketle bu çalışma, modelin uygulanmak istendiği diğer örnekler olan Avusturya, İsviçre, Bosna Hersek ve Lübnan'ı da derinlemesine incelemektedir. İlgili vakaların anayasalarından derlenen veriler, modelin eksik bileşenlerini belirlemek için önemli bir rol oynadı. Detaylıca yapılan literatür taramasında derin ayrılıklara sahip toplumlar için sürdürebilir kapsamlı bir çözüm olarak sunulan oydaşmacı model incelendi. Nihai olarak, Kıbrıs'ın başarısızlığına paralel olarak bu dört vaka, Lijphart'ın önerdiği oydaşmacı modelin uygun koşullar yerine getirilmediği takdirde en iyi yazılı anayasa ile dahi başarısız olabileceğini savunuyor.

Anahtar kelimeler: Kıbrıs sorunu, oydaşmacı model, entegrasyon modeli, Avusturya, İsviçre, Bosna Hersek, Lübnan

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ABBREVIATIONS

CVP – Christian Democratic People's Party

EOKA – National Organization of Cypriot Fighters

EU – European Union

FDP – Free Democratic Party

FPÖ – Freedom Party of Austria

HDZ - Croatian Democratic Union of Bosnia and Herzegovina

MA – Main Article

ÖVP – Austrian People's Party

RoC – Republic of Cyprus

SDA - Party of Democratic Action

SDS – Serbian Democratic Party

SNDS – Alliance of Independent Social Democrats

SPÖ – Social Democratic Party (Austria)

SPS – Social Democratic Party (Switzerland)

SVP – Swiss People's Party

TFSC – Turkish Federal State of Cyprus

TRNC – Turkish Republic of Northern Cyprus

TMT – Turkish Resistance Organization

UK – United Kingdom

UN – United Nations

UNFICYP – United Nations Peacekeeping Force in Cyprus

UCR - United Cyprus Republic

USA – United States of America

LIST OF TABLES

1. INTRODUCTION

The Cyprus problem could not be solved since the 1950s although there have been many peace-making attempts and countless talks between two communities. Due to its strategic geographical position in Eastern Mediterranean, many other powers created grounds to interfere in the problem, and this transformed the issue into an international one. The problem, in other words, is far beyond being an example of a local ethnic conflict and an anti-colonial struggle against the British administration. The conflict did not merely threaten the life of the residents of the island, but it also put political and economic stability at risk by often putting Turkey and Greece on the verge of military confrontation.

Besides, the efforts at building a common Cypriot identity with the 1960 Constitution and the Annan Plan failed tragically. The communities could not form a Cypriot nation or identity by keeping their ethnic affiliations due to various reasons. The dominant opinion among the public has been that the two communities lacked the motivation to coexist and share power that constitutes the essence of the Cyprus issue. This study elaborates on the defects leading to failure in attempts at solving the Cyprus question since the 1960 Constitution, in reference to the solution that the consociational model offers.

In the first chapter of the study, the most significant political and social milestones in the history of Cyprus are examined in chronological order to understand the background of the issue. The interventions due to geopolitical struggle by other countries are placed in a historical framework. It is noted that the current problems in Cyprus mainly emerged during the transition from the British administration to the establishment of the Republic of Cyprus (RoC). During the decolonization period,

nationalist movements were strengthened and began shaping the political demands of the two communities. The first chapter also focuses on the policies followed by the two communities of the island that have been a party to the 1960 Constitution of the RoC, the intercommunal violence in 1963, the 1974 Cypriot military coup carrying the pro-Enosis nationalist Nikos Sampson to the presidency and the Turkish intervention in the island. The independence declaration of the Turkish Republic of Northern Cyprus (TRNC) in 1983, the Annan Plan in 2004, and the negotiation process from the failure of the Annan Plan in 2004 to October 2017 are also analysed.

The second chapter of the study focuses on the components of the consociational model and the characteristics of consociational democracies that are described with a theoretical focus. This chapter also focuses on the contestation between models as reflected in the debate between Arend Lijphart and Donald Horowitz, which helps us to reveal the consociational model's shortcomings in presenting a comprehensive solution to the Cyprus issue. It has to be underlined that Cyprus has provided a case in which a constitutional design incorporating elements of consociationalism were introduced to overcome an ethnic-regional divide. The attempt to govern through federalism ended in a civil war three years after independence in 1960. In 1974, the Turkish intervention resulted in the de facto division of the RoC into two ethnically homogenous areas. The political elites in the two communities negotiated thereafter for a consociational solution through balancing autonomy and powers.

The third chapter of the study addresses the similarities between consociationalism and the models proposed for a complete and sustainable solution to the Cyprus issue. Efforts at resolving the issue are described, which include the system established by the 1960 Constitution of RoC and the provisions of the Annan

Plan in 2004. The third chapter also focuses on the negotiation process after the failure of the Annan Plan until the date of October 2017. The common and different aspects of these attempts are analyzed. The articles of the 1960 Constitution, as well as the provisions of the Annan Plan, are comparatively examined.

The fourth chapter forms the central part of the study by directly focusing on the factors leading to success or failure in consociational settings. This section of the study looks at the various attempts to put in place a consociational settlement. The chapter examines the reasons why and how the model failed or succeeded in diverse settings. Austria and Switzerland are studied as successful examples of the model whereas Bosnia and Herzegovina and Lebanon present cases of failure.

The final chapter of the study includes a discussion at the prospects for a consociational solution to the Cyprus problem. Factors leading to the failure of consociationalism in Cyprus are scrutinized, with an emphasis on whether these failures are addressed in the part of the political developments after the failure of the Annan Plan until October 2017.

1.1. Objective

The objective of this thesis is to point the reasons out why consociationalism failed in Cyprus. The question of "Did the 1960 Constitution of the RoC and the Annan Plan offer a comprehensive solution in Cyprus?" is important to understand the issue. In this regard, my argument is that consociationalism did not provide a sustainable solution in Cyprus. This study argues that insisting on applying consociationalism in Cyprus does not provide a comprehensive solution to the Cyprus issue. Even today, not only Greek and Turkish Cypriot communities but also Turkey

and Greece, are still being two disputed parties in the island. Due to this confrontation, the Cyprus problem is ongoing for almost half a century.

1.2. Scope

The scope of thesis is to explain consociationalism as the prominent theoretical framework for the Cyprus problem, and to give the historical background of the issue which is important to understand the interests of other countries on the island and rivalry of Turkey and Greece in Mediterranean region. In the theoretical framework part of the thesis, Horowitz-Lijphart debate is also examined for revealing the consociational model's outcomes in presenting a comprehensive solution to the Cyprus issue. Efforts at providing a solution for Cyprus problem, which are the 1960 Constitution, the provisions of the Annan Plan in 2004, and the process from 2004 to October 2017 are also included in the thesis. Besides, the thesis includes Austria, Switzerland, Bosnia and Herzegovina and Lebanon case studies for explaining the reasons why and how the consociational model failed or succeed in diverse settings.

1.3. Research Question

This thesis seeks to answer the questions as; "Is consociationalism a best model to solve the Cyprus problem?", "What are the factors leading to failure or success in consociational settings, and under which circumstances the consociational democracies worked or failed?", and "Why the model failed in Cyprus in 1960 and 2004, and what is the alternative model for Cyprus problem?". Since there are few sources on the Cyprus and consociationalism in the literature, this study seeks to find the answers of these questions. Many of the studies have just tried to explain the Cyprus problem only in historical terms, not in comparison with other case studies in the world. In this regard, this thesis offers a comparative analysis at a different point of view.

1.4. Methodology

A detailed literature review is made for the readers. Constitutions are the primary source of this thesis. Besides, data is also collected from academic articles, journals, books, reports, journals, newspapers, official and press declarations. After collecting data from different type of sources, I interpreted the whole information. The main methodology for this thesis is the interpretation and comparison strategy. In the thesis, there is no any statistical data. Therefore, qualitative method is used. The constitutions of the relevant case studies are also used to support the findings about the consociational model. A case study approach is adopted to gain a detailed understanding of the consociational democracies and evaluate its effects. Generally, the thesis questioned why and under which circumstances the consociational model failed or succeeded in any country. Then, the study compared the findings with the case of Cyprus.

1.5. Limitations

This thesis is an attempt to explain the failure of consociationalism in the Cyprus problem. In this context, the primary aim of this study is to focus on the major attempts at resolving the Cyprus dispute between the two communities in 1960 and 2004, rather than giving a detailed historical background of the events.

Nevertheless, there are two limitations of this study. First of all, the literature on consociationalism is very limited. The notion of consociationalism is needed to be widened in order to make analysis. In this regard, the number of case studies ought to be increased. The second limitations of the study, it may have been missed the focus on the Cyprus problem because the thesis have four other case studies. Each case study may be a thesis topic in itself. In spite of the

limitations, this paper may be a good example for those who will study about the Cyprus problem and consociationalism in future.

2. CYPRUS ISSUE IN CONTEXT

Located at the maritime crossroads, the island of Cyprus has a rich cultural and archaeological heritage of an abundant natural beauty. As the third largest island in the Mediterranean Sea, Cyprus is located to the south of Turkey, west of Lebanon and Syria, northwest of Israel, north of Egypt and east of Greece (Hill, 1940). Due to its strategic location, many invaders, immigrants, and settlers occupied the island. Both Western and Eastern powers competed for Cyprus. The island was respectively ruled by Assyrians, Phoenicians, Persians, the Ancient Greeks, Romans, Byzantines, Lusignans, Genoese, Venetians, Ottomans, British and Turks over the centuries. Even today, the influential regional actors such as Turkey, Greece, Israel and Egypt, and international actors such as the USA, Russia, China and India intend to extend their interests and powers over the island to minimize their loss at the intricate Middle Eastern political scene.

This study does not focus on the Ancient History of Cyprus in detail, but, it underlines some significant turning points which shaped today's Cyprus. According to the archaeological evidence, the civilization of Cyprus went back 11.000 years to the 9th millennium BC, and it approximately corresponds to the early Neolithic period or Stone Age (Roberts, 1993). Various civilizations invaded Cyprus even during the Ancient times such as the Egyptians, Assyrians, Persians, Romans, Franks and Venetians (Roberts, 1993). However, the social and political outcomes of all these civilizations have not been reflected equally on the island. After the collapse of the Mycenae civilization in 1200 BC, the Ancient Greeks migrated from the Peloponnesus peninsula to the island (Roberts, 1993). This mass migration took place between 100 BC and 700 BC (Roberts, 1993). It accelerated the deep-rooted ethnic and demographic change on the island for a long time to come (Roberts, 1993).

In 522 BC, Cyprus came under Persian authority (Salih, 1968). This new Persian power in the island would disturb the Greek city-states, especially the strongest one Athens as the Persians captured the prominent raw materials and used them for building ships by conquering Cyprus. Although Alexander the Great ensured the political and social integrity of the island, Cyprus has become a battlefield between Greeks and Persians from the indicated period on (Salih, 1968). The Hellenistic movement which was initiated by Alexander the Great continued throughout the reign of his successor, the Macedonian general Ptolemy (Salih, 1968). It obviously was the first time that Cyprus came under the systematic influence of the Hellenistic movement.

In 58 BC, Cyprus placed under the authority the Roman Empire for approximately 1200 years (Roberts, 1993). With the rule of Rome, a wave of peace which is called Pax-Romana and a long-term stability period was experienced in Cyprus (Roberts, 1993). The most significant impact of the Roman Empire era was the spreading of Christianity on the island. After the collapse of the Roman Empire in 364, the Byzantine Empire ruled over the island (Roberts, 1993). The Church and feudalism were influential in the history of the island from 1192 BC to the Ottoman conquest (Roberts, 1993).

In 1571, the Ottoman Empire conquered Cyprus. The conquest of Cyprus by the Ottomans triggered the emergences of two results and new notions in the history of the island. First of all, a new ethnic balance appeared for the first time in the island as Turks began to settle on the island. Secondly, the Greek population that formed the majority at the date in the island had a new ruler; the Ottomans. The Ottoman Empire also introduced two new policies in Cyprus such as the timar and the millet systems. These two shaped the political and social structure in Cyprus for centuries. In the

timar system, the Ottomans issued timars, which meant a land grant, to the Ottoman soldiers under the condition that they had a chance to be the permanent settlers. This system enabled the Turkish population to grow rapidly all over the island during the 17th century. In other words, the Ottomans deliberately abolished the feudal structure and the nobles' influence over the land management. The lands under the control of the knights and nobles were allocated between the new Muslim settlers and the entrenched Greek-Orthodox community. Since then, a bi-communal structure has been formed with the beginning of the settlement of the Turkish population in Cyprus (Salih, 1968). Secondly, the millet system was vital for the development of the island during the Ottoman era. The Ottomans dissolved the feudal system, which was strictly run by the nobles, and implemented the millet system. The Christian Orthodox Church was recognized as the natural representative of the Greek population on the island as a result of the new system. The archbishop who became the Ethnarch[1] was considered the political representative and the spokesman of the community. The entity was the political, cultural and social center of the Greek community, as the tax levying power and some significant administrative privileges were placed under the Church's control. Meanwhile, the substantial impact of the Church on the Greek population and its loss of power under the British colonial power would make it the pioneer of the anti-colonial struggle. Also, the Church has become the epicenter of the Enosis[2] demand as the carrier of the Helen-Orthodox values (Markides, 1977). The millet system also had a significant impact on the Turkish community on the island.

[1] Ethnarch refers to the political leadership over a common ethnic group. The word derives from the Greek "Ethnos" (tribe/nation) and "Archon" (leader/ruler).

[2] Enosis (Ένωσις) which widely known as the unification of Cyprus into Greece for the Greek Cypriots. Its meaning is union in Greek language. The notion will be analysed in the next sections of the study.

The system classified the population under its control according to their religious rather than their ethnic identities. Therefore, the Muslim population enjoyed advantages in comparison to the non-Muslim population, and they kept these privileges until the inclusion of Cyprus into the British Empire.

The British rule in Cyprus began with the Cyprus Convention in 1878. The convention was an agreement between the Ottoman Empire and the British Empire. The convention allowed for the British presence in Cyprus, and it was also signed on the condition of the support of the British Empire to the Ottomans during the Congress of Berlin in the wake of the Russo-Turkish War of 1877-1878. To put it differently, the British Empire was to protect the crumbling Ottoman Empire against any probable Russian aggression or action (Stephens, 1966). During that period, the Russian Empire sought to increase its influence particularly throughout the Balkans and the Eastern Anatolian provinces. According to Uçarol (2000), there were two inevitable consequences of this convention for British policies in the island. Firstly, the British Empire would secure the exit from the Mediterranean basin and protect both the Suez Canal and India. Secondly, the Ottoman Empire would be considered as a barrier set in front of the Russian Empire by the British Empire, and it would be easy to control the Turkish straits (Uçarol, 2000).

When the Ottoman Empire declared war against the Entente states which also included Britain, the protectorate status of Cyprus ended in 1914. Consequently, the island was annexed by the British Empire, and it became a crown colony in 1925. However, the British Empire faced some political and social problems in the island. The first census was carried out in 1881. The Greeks constituted 73.9% of the aggregate population of the island whereas the Turks formed 24.4% and minorities such as Maronites, Latins and Armenians formed 1.7% (Varella, 2006). The Ottoman

Empire's successor state Turkey gave up all its natural rights and officially recognized the British administration in Cyprus with the Treaty of Lausanne in July 1923. When Turkey renounced all rights on Cyprus, it caused the rise of the Enosis movement.

In 1949, the Church challenged the British colonial authority, pressurizing it to put the Enosis question to a referendum which was rejected. Then the Church did not yield and continued to organize a plebiscite which would take place in other churches. Although the Turkish Cypriot community boycotted the plebiscite, 96 percent of those who voted approved the union with Greece (İsmail, 1988).

A new political era emerged from the early 1960s on. During 1960s and next two decades, the decolonization period was underway. The process evolved into a conflict between the Cypriots and the British administration on the popular demand for self-determination. The core problem arose at this point. The dispute expanded from the colonial question to the ethnic conflict between Greek and Turkish Cypriot communities. The British Empire's divide and rule policy accomplished its objective, and the British authority pretended to be an arbitrator instead of being a belligerent party to the conflict.

Each political idea needs to be put into effect through either soft or hard power to achieve its goal. Enosis soon created its military formation. Commander Grivas, who was tasked by Greece, with providing military aid to Enosis, founded EOKA (National Organization of Cypriot Fighters) in January 1955 whereas Archbishop Makarios politically led the Greek Cypriots. EOKA was a Greek Cypriot nationalist paramilitary organization that fought a campaign against the British rule, and aimed to achieve self-determination of the island. The organization started its campaign against the British Empire in April 1955. The guerrillas used violence against governmental

installations of the British administration all around the island (Mallinson, 2005). The British authorities planned to use the Turkish Cypriots as reserve police forces for fighting EOKA paramilitaries (Mallinson, 2005). Hence, the tension between the two communities increased (Mallinson, 2005).

In contrast, the majority of the Turkish Cypriots believed that the ultimate strategy of protecting the interest and the identity of their community was to form a resistance movement (Mallinson, 2005). Hence, the Turkish Cypriots founded TMT (Turkish Resistance Organization). It was a response to the rising demand for Enosis. TMT heavily consisted of the previous organizations of anti-colonial struggle, with roots in the 1878 Convention, the unfair treatment of the Turkish Cypriot population and resistance against Enosis. The fundamental goal of TMT was to defend the Turkish presence on the island and the organization unified the Turkish people all across the island (Mallinson, 2005). In 1955, the Greek Cypriots' uprising against the British administration erupted in full force, the response by the British authority was to form the Turkish Cypriots into police forces to help the fight against EOKA (Lindley, 2007). The background of TMT was based upon the organization named Volkan, founded by the Turkish Cypriots in 1956.

Although there was no influential umbrella organization until the foundation of TMT, small number of armed groups within the Turkish villages were underway public (Bryant, 2007). TMT controlled many of these groups (Bryant, 2007). After August 1958, two Turkish Cypriot officers Rauf Denktaş and Burhan Nalbantoğlu took the control over TMT, and they oversaw and trained the armed groups secretly in Turkey (Bryant, 2007). With the involvement of Denktaş and Nalbantoğlu, TMT quickly mobilized the Turkish population throughout the island (Bose, 2007). In addition, TMT demanded the Turkish Cypriots cease trade and punish those who

spoke in Greek (Bose, 2007). As a result of these policies, along with the mutual killings, the tension hit to a peak (Bose, 2007).

Due to the attacks of EOKA on the British and TMT bases as well as civilians, almost 600 people died in the fighting (Lindley, 2007). Considering the 1960 population of Cyprus[3], the number of loss may seem too small; however, in Joseph's opinion, 600 deaths are equivalent to 300,000 Americans which amounts to causalities of about 1% of the population (Joseph, 1997). The conflict "implanted bitterness in both ethnic communities and foreshadowed post-independence strife" (Attalides, 1979, p. 214). After the inter-communal fighting began, hatred and trust issues from past years, which played a crucial role in Greco-Turkish relations since the fall of Constantinople in 1453, appeared with a more intense character (Yılmaz, The Cyprus Conflict and The Question of Identity, 2005). Therefore, while constructing the RoC, there were two psychologically separated communities which had deep mistrust issues and probably hatred (Yılmaz, The Cyprus Conflict and The Question of Identity, 2005).

The 1950s was a milestone for the Cyprus problem. It was the first time of displacement for several thousand Cypriots (Bose, 2007). With the beginning of armed conflict among EOKA, TMT and the British forces, the tension spread into the villages. As a result, two communities lost mutual business relations as well as friendship (Bose, 2007). Thereby, the UK could not prevent the intercommunal conflict, and the British government decided to decolonise the island. The Colonial Secretary Alan Lennox-Boyd pledged in the House of Commons on December 19, 2956 that:

[3] The 1960 population of Cyprus was almost 600,000.

> "It will be the purpose of Her Majesty's Government to ensure that any exercise of self-determination should be effected in such a manner that the Turkish Cypriot community, no less than the Greek Cypriot community, shall in the special circumstances of Cyprus be given freedom to decide for themselves their future status" (Stephen, 1997, p. 8).

Cyprus' independence could be possible after a ceasefire in 1959-1960 that brought, at least, three years of relief from wars and fighting although it was partial. Three treaties were signed: the Treaty of Establishment, the Treaty of Alliance, and the Treaty of Guarantee. The first one, the Treaty of Establishment, established the quasi-federal RoC. The second one, the Treaty of Alliance, provided for substitution of troops by Turkey and Greece. The third one, the Treaty of Guarantee, allowed Turkey, Greece and the UK to be guarantor powers of RoC and its Constitution. The 1960 agreements were questioned that Cyprus would be threatened by foreign states due to the recognized the right of military intervention of the three guarantor powers (Eren, 1977). The 1960 agreements recognized the right of military intervention by the guarantors should the status of Cyprus be threatened (Eren, 1977). Moreover, the terms of independence were set forth by the Zurich and London Agreements of February 1959. The key provisions of the Constitution of RoC were put forward. The three treaties shaped the future relations among the guarantor powers of the island. The three treaties shaped future relations between Britain, Cyprus, Greece and Turkey. Hence, the civil war of the 1950s ended with the 1959–1960 London–Zurich Accords, which reached a compromise for the Cyprus problem resting on bi-national independence and political equality as well as the official partnership of the two communities (Ertekün, 1981). In conclusion, the founding of an independence Cyprus in which the rights of both communities would be taken into consideration was

decided. The executive power of that state, formally founded on August 16, 1960, consisted of a Greek Cypriot president of the republic elected by Greek Cypriots and a vice president chosen by Turkish Cypriots. Besides, there was to be a council of ministers consisting of ten ministers; seven from Greek and three from Turkish Cypriots (Şenay & Ekinci, 2014).

The constitution of the new republic included a range of problematic matters such as disproportionately quotas on the Turkish Cypriots, and veto power for each side. These provisions not only increased tensions but also the veto powers caused the government to be deadlock (Lindley, 2007). The Treaty of Establishment allowed the UK to keep two sovereign military bases in Cyprus. It ensured that the UK would involve to be a prominent part of the diplomatic steps regarding Cyprus (Lindley, 2007). The Treaty of Alliance provided for a Greek army on 950 troops, and a Turkish military presence of 650 soldiers on the island. Two sides would cooperate in defence matters whereas Turkey and Greece would jointly train the RoC army for the defence of Cyprus (Lindley, 2007). The Treaty of Guarantee prohibited any kind of secessionist movement such as unification with another state (Enosis) or partition (Taksim). It was specified that the UK, Greece and Turkey, as the three guarantor powers, jointly or independently, were right to intervene the island for the restore the unity of RoC (Lindley, 2007). In case of any conflict, Turkey and Greece would involve to the island with the insurance of the two treaties (Lindley, 2007). Thus, the constitution would be the catalyst for intercommunal violence (Lindley, 2007).

The birth of the RoC introduced a temporary break from the intercommunal tension and rage, nevertheless, as Markides (1977, p. 25) stated:

> "There were no festivals, no ringing of church bells, no parades, no dancing people on the streets of Cyprus celebrating independence."

Both communities displayed a depressing mood. The foundation of the RoC meant the abandonment of Enosis policies for the Greek Cypriots. After the efforts put forward for decades, those intentions could not come true. In addition, the majority of Greek Cypriots did not perceive the constitution as legitimate. Furthermore, the Greek Cypriots claimed that the Cypriot parliament refused the right to amend the constitution without the consent of the guarantor powers (Yılmaz, The Cyprus Conflict and The Question of Identity, 2005). A short time after the establishment of the state, the Constitution of the RoC would be interpreted in different ways by the two communities, and critical problems arose (Yılmaz, The Cyprus Conflict and The Annan Plan: Why One More Failure?, 2005). Consecutive constitutional issues paralyzed the government, and the problems evolved into intercommunal discussions and disputes again (Yılmaz, The Cyprus Conflict and The Annan Plan: Why One More Failure?, 2005).

Furthermore, the political situation evolved into an insoluble condition. The attempts at solving the dispute between two parts of the RoC failed. The President Makarios put forward a thirteen point amendments to the guarantor powers of Cyprus.[4] Archbishop Makarios's thirteen point amendments covered some constitutional revisions in eliminating obstacles to the functioning of the government. The amendments also included the abandonment of the veto right of the President and the Vice President. Turkey had rejected it, and the intercommunal violence erupted

[4] In 1963, elected president of the Republic of Cyprus Archbishop Makarios proposed thirteen constitutional amendments. However, both Turkey and Turkish Cypriots rejected President Makarios's proposal.

again in capital Nicosia in 1963[5]. The government has collapsed, and the violence spread across the rest of the island. After the conflict spread throughout the island, the United Nations (UN) decided to involve to the Cyprus problem. On December 1963, the three guarantor powers brought their forces together for an ad hoc peacekeeping force (Salem, 1992). Thus, the UN Security Council passed Resolution 186 on March 1964, and United Nations Peacekeeping Force in Cyprus (UNFICYP) was established to take all additional precautions to stop the violence. The UN also appointed a mediator to effort promoting a peaceful solution to the dispute in Cyprus (Salem, 1992).

EOKA-B had carried out the coup in 1974 with the encouragement of the Greek colonels, and it still continued to operate underground and with guerrilla techniques as if their territory invaded (Şar, 2005). Hence, all these illegal attitudes and circumstances had brought about the Turkish peace operation, citing the Treaty of Guarantee to protect Turkish Cypriot community (Şar, 2005). These events laid blame on EOKA's wrong method for reaching Enosis by making the union of Cyprus with Greece even harder than before (Şar, 2005). After the Greek military coup in Cyprus, the Soviet Union gave the Turkish government, which was one of the least aggressive ones at the time, clear signs that they would not impede if Turkey chose the guarantee duty (Birand, 1985). Britain did not fulfill its responsibilities obliged by the Treaty of Guarantee, and, therefore, Turkey, as a guarantor power, by the 1960 agreements, alone made the peace operation in 1974 (Şar, 2005). Before action, Turkey approached Britain with an offer of military operation together, but Britain avoided doing it (Şar, 2005). So, Turkey ordered an amphibious landing, which succeeded in putting an end to the violence against Turkish Cypriots (Şar, 2005).

[5] The 1963 fighting is also known as 1963 Bloody Christmas.

The Greek-inspired coup against President Makarios caused fighting in 1974. At first intra-communally occurring violence among Greek–Cypriots, then had involved Turkish Cypriots and consequently a "peace operation" for the Turkish Cypriot side or an "invasion" for the Greek Cypriot side occurred (Diamond, 1997). In a two-stage offensive operation including different periods of fighting over two months (Şar, 2005), Turkish forces took control of 38 percent of Cyprus and a ceasefire line began existing (Şar, 2005). Between 40,000 and 50,000 Turkish Cypriots living in the south were sent towards north 188 and Greek Cypriots went south which implied and meant the need and necessity in different areas Dodd, 1998). The systematic attacks against the Turkish community continued up to Greek junta regime in 1974 (Dodd, 1998).

UNFICYP maintained a buffer zone between the two communities after the partition in 1974 which was a response to the military coup against President Makarios, "citing his alleged pro-communist leanings and his perceived abandonment of Enosis" (Şar, 2005, p. 50). Adamson (2001) claimed that “There can be no doubt that the responsibility for this barbaric putsch rests with the squalid military dictatorship in Greece... It is almost beyond belief that the Greek officers would attempt to install as President of Cyprus one Nikos Sampson, confessed murderer, the professional bully boy and fanatical supporter of Enosis” (Adamson, 2001, p. 288).

After the Turkish intervention in the island, numerous efforts were attempted for negotiating a new structure with the initiation of Kurt Waldheim who was the former UN Secretary General. However, the efforts were not succeeded. The demands of the two communities were completely different. The Turkish side demanded a strong bi-regional federation while the Greek Cypriots demanded a strong multi-regional and cantonal federation (Bryant, 2007). The negotiations ended without a

solution, so, due to the lack of solution, the Turkish Cypriot community proclaimed Turkish Federated State of Cyprus (TFSC) on February 13, 1975. Turkey recognized this new-born state. However, Greece strongly protested the new-born state and defined it as a threat to peace. Then Turkey recognized this new-born state while Greece protested this move and denounced it as a threat to peace. Inter-communal talks between two sides resumed throughout the late 1970s and early 1980s. However, no agreement was reached as in the previous attempts. (Yılmaz, The Cyprus Conflict and the Question of Identity, 2008).

The TFSC unilaterally declared the independence as the "Turkish Republic of Northern Cyprus" (TRNC) on November 15, 1983. Turkey was the only country that recognized TRNC, as it recognized TFSC in past. TRNC and Turkey established full diplomatic ties in April 1984. Then further efforts between the communities have been made with the assistance of third parties. The prominent effort belongs to the former UN Secretary General Boutros Boutros-Ghali's Set of Ideas. Set of Ideas motivated the communities to initiate more serious efforts to find a comprehensive solution (Yılmaz, The Cyprus Conflict and the Question of Identity, 2008). Then, several meetings were arranged between the leaders (Yılmaz, The Cyprus Conflict and the Question of Identity, 2008).

Although the UN had always been in a good willing during the meetings, Set of Ideas failed to offer a comprehensive solution to the Cyprus problem. Thereafter, the Annan Plan has become the next effort of the UN for a peaceful settlement. The Plan presented by another former UN Secretary General Kofi Annan to the sides on March 31, 2004. It was planned that the RoC would become the United Cyprus Republic that would be a federation of two constituent states (Christophorou, 2005). During the period, the Turkish community consisted of 28.5% of the island whereas

the Greek community comprised about 71.5% (Christophorou, 2005). The Plan would merely come into force if the two communities said "yes" in the simultaneous referendum (Christophorou, 2005). The referendum date set for April 24, 2004, and both communities had intense campaign during the process (Christophorou, 2005). The result of the referendums, however, utterly disappointed for the UN and the international community. Although the Turkish Cypriots voted in favour of the Plan as 64.90% ratio, the Greek Cypriot voted against the Plan as 75.83% percentage (Christophorou, 2005). All the efforts were frustrated, and the UN questioned its existence and position in the Cyprus problem (Christophorou, 2005). Today, the bi-communal negotiations are still ongoing without a tangible consequence.

3. THE COMPONENTS OF A CONSOCIATIONAL MODEL

This chapter describes and discusses consociationalism theory. The purpose of this chapter is to review the literature on the model. It begins with a brief overview, and outlines the components of the consociational democracy. It then goes on to discuss the criticisms and the alternative model to consociationalism.

3.1. Defining Consociationalism

In the late 1960s, the political scientists developed the notion of consociationalism. The model can be found in countries that are comprised of deeply divided societies. It is a form of democracy which seeks to regulate and stabilize the societies that are deeply divided into various religious, ethnic or linguistic groups. Besides, it is widely used by the constitutional engineers to reach a successful power-sharing structure which is based on the balance among the political elites from different groups.

Arend Lijphart, who advocated the concept of consociationalism, tried to explain the incoherence of political stability in a divided society on religious and class grounds in his study of Dutch democracy. Indeed, it is "characterized by an extraordinary degree of social cleavage" (Lijphart, 1968, p. 1). Lijphart (1968) stated the cause of the stability in the Dutch case was the spirit of accommodation among the elites. In the Dutch case, political elites laid competitive self-interest aside to protect the country from disaster (Lijphart, 1968). In Lijphart’s opinion; “Consociational democracy means government by elite cartel designed to turn a democracy into a fragmented culture into a stable democracy" (Lijphart, 1969, p. 216). He described the consociational model as "glidningspolitik", the "politics of smoothness" in the same article (Lijphart, 1969, p. 225). It was a characterization of a

political and institutional structure which Lijphart (1969) understood to have applicative implications for deeply divided societies.

According to Schendelen, Lijphart's idea was based on the notion that "by prudent leadership a plural society can become stable and democratic" (Schendelen, 1984, p. 42). The relevant notion developed from Almond's assertion that culturally diverse societies with mutually reinforcing divisions could merely expect societal and political instability (Schendelen, 1984). Almond (1956) classified the culturally diverse societies into four types to analyze differences. The first one is the Anglo-American system, which includes some members of the Commonwealth (Almond, 1956). The second system is the Continental European system, which excludes Scandinavian and Low Countries (Almond, 1956). The system combines some aspects of the Continental European and the Anglo-American systems (Almond, 1956). The third one is the pre-industrial or partly industrial political systems outside the European-American area (Almond, 1956). The last one is the totalitarian political systems (Almond, 1956). However, Lijphart (1969) focused on the Western democracies and re-shaped Almond's typology into three categories: Anglo-American system, Continental European, and a third non-specific type which is defined as the Low Countries and Scandinavia. It came on the scene due to the dissatisfaction with Almond's arrangement. Lijphart (1969) classified the Low Countries and Scandinavia as deviant cases of fragmented but stable democracies, also including Austrian and Swiss cases which are called as consociational democracies. Lijphart (1969) also added that the behaviour of political elites held the key to stability in societies with multiple cleavages. Post-World War I Austria and 19th Century Belgium are the clearest examples of this type as well as Switzerland and early 20th Century Holland (Lijphart, 1969).

Lijphart identified four primary characteristics of consociational democracies in his early work in 1977. These features are a grand coalition, mutual veto right, proportionality, and segmental autonomy (Lijphart, 1977). According to Lijphart (1977), the first and most significant component of consociational democracies is a grand coalition of political leaders of whole important segments of the plural societies. The second essential element of consociational democracies is the mutual veto right (Lijphart, 1977). The component provides the minorities an additional protection for their interest (Lijphart, 1977). Proportionality, which is the third principle of consociationalism, is about appointment and allocation of the political representation in civil services (Lijphart, 1977). Segmental autonomy, the fourth characteristics of the consociational model, is a high degree of self-government (Lijphart, 1977). It enables each party to conduct internal affairs independently (Lijphart, 1977).

The consociational model also displays some elements such as coalition cabinets, equality between ministers in cabinet, a rigid constitution, components of direct democracy, a neutral head of state, balance of power between executive and legislative organs, corporatist interest groups, proportional representation, judicial review which gives the right to minorities to go to the courts in iniquitous decisions, decentralized and federal government and an independent central bank (Lijphart & Crepaz, 1991).

Lijphart (1969) defined the elements of a successful consociational democracy. In successful consociational democracies, first of all, the elites have to accommodate the different interest and demands of each subcultures (Lijphart, 1969). Secondly, the elites have the potential to transcend cleavages, and ought to make an effort jointly with the elites of various subcultures (Lijphart, 1969). Thirdly, for

cohesive and stable consociational democracies, the elites need a commitment to maintain and improve the system (Lijphart, 1969). All requirements are based on the presumption that the elites notice the dangers of political fragmentation (Lijphart, 1969). For Lijphart (1969), however, efforts at consociationalism are not necessarily successful. Lijphart (1969) emphasized that consociational design failed in Cyprus and Nigeria. Thus, Uruguay abandoned the Swiss-style consociational system (Lijphart, 1969).

In Lijphart's opinion (1977), the rationale for applying consociationalism in deeply divided societies is to decrease inter-communal and political tensions by separating the disputant groups and reinstalling a functioning governing body. The model proceeds with the existing context, and it reduces disagreement in deeply divided societies already suffering from cleavages (Lijphart, 1977). Lijphart (1977) also advocated that implementing a high level of autonomy system among groups, encouraging negotiation and dialogue, and compromising at the decision-making level increased a culture of cooperation in deeply divided societies. For Lijphart (1977), the ultimate goal of the model is to create a trickle-down effect which creates a trust between the elites (Lijphart, 1977). So, building confidence and strengthening the ties between the groups reinforce faith in the government and institutions (Lijphart, 1977). Lastly, Lijphart (1977) stated that this slowly creates unity within a nation and ultimately renders the distinctive nature of consociational institutions obsolete.

Lijphart reclassified the four main components of consociational democracy into the two primary essentials of a grand coalition and segmental autonomy, and the two secondary characteristics of proportionality and mutual veto (Lijphart, 2004).

The primary component of consociational democracy is a grand coalition which comprises the political leaders of all vital groups (Lijphart, 1977). A grand coalition is a component that provides executive power-sharing to different segments of divided societies (Lijphart, 1977). Lijphart (1977) has not defined a particular power-sharing and grand coalition in the phrase, but, he has interchangeably used the concept of a grand coalition and executive power-sharing. In other words, Lijphart (1977) has used the notion of a grand coalition loosely, and it takes various types in different cases of consociationalism. Eventually, the opposing arguments have expressed Lijphart's definition of the grand coalition as a catch-all concept (Halpern, 1986).

The second component of consociationalism is segmental autonomy (Lijphart, 1977). According to Lijphart (1977), segmental autonomy establishes a perception of individuality, and also it enables to have various culturally-based community laws. The component gives the authority to the societies to run internal affairs independently, especially in the cultural and educational areas (Lijphart, 2002). Lijphart (1977) claimed that segmental autonomy takes two types: Territorial and non-territorial. For Lijphart (1977) when the boundaries of the constituent states coincide with the boundaries of the federal state, federalism is the most acceptable way to provide territorial autonomy if the different societies geographically concentrate. Nevertheless, a non-territorial form of segmental autonomy has to be applied when the groups are dispersed or geographically mixed (Lijphart, 2004). In this case, Lijphart (2002) gave the example of 1960 Constitution of Cyprus. The consociational model in Cyprus provided the segmental autonomy to both sides, and the 1960 Constitution set up separate communal chambers with exclusive legislative power over cultural, educational and religious matters (Lijphart, 2002).

Proportionality is another vital component of consociational democracies, and this feature requires the distribution of jobs and resources, and the allocation of representation in the institutions in deeply divided societies (Lijphart, 1977). The main aim behind proportionality is to give the right of fair representation and inclusion to the all segments of the society in the power structure of the state (Lijphart, 1969). As Lijphart (2004) suggested, proportional representation facilitates parliamentary proportionality in divided societies. According to Lijphart (2004), proportionality is an attractive choice in such deeply divided and plural societies, because, in addition to protect the right of minority representation, it put all groups in a same pot equally.

The last component of a consociational model is a mutual veto (Lijphart, 1977). A grand coalition offers significant political protection for minorities in deeply divided societies. However, it does not provide protection in consociational arrangements. According to Lijphart (1977), mutual veto right provides a shelter to the minority groups in deeply divided societies. With the guarantee of the mutual veto right, the majority cannot out-vote the minority and their vital interests (Lijphart, 1977).

3.2. Critical Evaluation

In this section of the chapter, the criticisms of consociationalism will be discussed. Also, other scholars' alternative approaches will be included. This study defends that Lijphart's understanding of the consociational model framework is questionable. While Lijphart's work has progressed in the literature of institutional engineering in divided societies, many writers have challenged his claim.

Brendan O'Leary and John McGarry, who would like to widen the practicality of consociational democracy in different path, have been at the center of a new consociational specification. They are probably the best-known critics of the consociational model. O'Leary thought that consociationalism did not adequate to overcome types of divisions (O'Leary, 2005). O'Leary (2005) also pointed out that the solution needs recognition of the identities of the new political institutions and co-sovereign or confederal relationships. Likewise, O'Leary and McGarry discussed that deficient attention is given to the role of external actors in both implementing and exacerbating agreements (McGarry & O'Leary, 2006). They emphasized the importance of institution linkage with international actors in the solution of a dispute. Thus, both McGarry and O'Leary (2006) maintained that consociational democracies focuses openly on peaceful issues. Then, this "new" consociationalism gives more attention to the transition from war to peace (McGarry & O'Leary, 2006). It placed emphasis on elements such as demilitarization, economic policy, human rights reform, military reform, policing reform, education, and language reform (McGarry & O'Leary, 2006).

Lustick (1979) criticized Lijphart's flexible rules for coding data, an impressionistic methodological posture, and an active to promoting consociationalism as a successful and applicable attempting of political engineering. Lustick advocated that applying the consociational model to the case studies do not fit (Lustick, 1997). Additionally, Lustick (1997) stated that the issues in divided societies are just settled by the leaders who convinced of the need for settlement. Otherwise, in Lijphart's definition, it is difficult to find a common ground in deeply divided societies in case of solving problems of the cleavage (Lustick, 1997). In view of Lustick (1979), determination of Lijphart to guide consociationalism for a broad range of case studies

made the stage very high, since Lijphart questioned the ability of the model to control conflicts favourably. Lustick (1979) further thought that Lijphart changed his mind from his early concept of consociationalism, because it seemed that the model caused political instability in each country as it was in small European countries.

The major competitor of the consociational model is the integrationist approach. It is another political engineering in divided societies. In particular, the defenders of integrationist model do not think that consociationalism is a reliable model on political elites to overcome the conflict in deeply divided societies. Donald Horowitz has been the most prominent advocate of integration. The integrationist theory fundamentally deviates from consociationalism in its recommendation of legislative and electoral structures that encourage inter-ethnic collaboration (Horowitz, 1991). The theory also argues that moderating political elites build inter-communal ties by preventing political incentives for excessive behaviour (Horowitz, 1991). In Horowitz's opinion (1991), the electorate in deeply divided societies are vulnerable to be conspired by political elites. Thus, the model is ineffective because it does not involve a mechanism to promote cooperation between elites. Horowitz (1991) argued that it is unreasonable to think that the politicians, whose mission are to pull the maximum number of votes from electoral, can apply the component of consociationalism and can compose such a cartel across ascriptive lines.

Horowitz (1985) argued that although a society which has even all of favourable factors of Lijphart could not be designated as divided because the appearance of aspects impress accurately that the fragmentation is not intense. For Horowitz (1985), the favorable circumstances merely emphasized the circularity of consociationalism. Using overarching loyalties, which is an example of a favorable condition, is told to promote consociational arrangements (Horowitz, 1985). Horowitz

(1985) claimed that such loyalties are supposed to moderate the conflict. Besides, moderate levels of conflict facilitate the emergence of consociationalism (Horowitz, 1985).

Integrationist approach requires that the freedom of political elites in deeply divided societies are particularly constrained (Horowitz, 1985). The consociational model rested on the assumption that the political elites were free to choose pursuing consociational steps of decision-making process to remove the dangers from intergroup tensions (Lijphart, 1977). According to Horowitz, however, such freedom did not designate conditions in deeply divided societies (Horowitz, 1985).

An additional criticism of the consociational model is that it weakens the opposing points of view (Reynolds, 2000). According to Reynolds (2000), the model was just planned towards cooperation among the political elites rather than a presentation of opposition in deeply divided societies (Reynolds, 2000). Therefore, there is a less genuine policy debate at the public level. So, there are not many incentives to inform the voters of misdeeds, corruption and failures in policy (Reynolds, 2000).

Brian Barry examined the nature of the divisions (Barry, Political Accommodation and Consociational Democracy, 1975). According to Barry, the nature of the divisions existed in the countries which are defined as the typical cases of consociationalism (Barry, Political Accommodation and Consociational Democracy, 1975). For instance, Barry gave the Swiss example as a typical case study of the model (Barry, Political Accommodation and Consociational Democracy, 1975). In spite of a cross-cut cleavages in the society, the Swiss political parties provide a remarkable consensus rather than the highly structured conflict of goals in the country

(Barry, Political Accommodation and Consociational Democracy, 1975). Barry also stated that the consociational model is tautological, and the relevance of the model is more doubtful than rottenly accepted (Barry, The Consociational Model and Its Dangers, 1975).

4. THE SIMILARITIES BETWEEN THE MODELS PROPOSED FOR A SOLUTION IN CYPRUS

In this chapter of the study, the models proposed for a comprehensive settlement in Cyprus will be examined. The actors that got involved in the Cyprus problem offer a constitutional settlement on the island. 1960 Constitution of the RoC and the Annan Plan were two important steps. However, the 1960 Constitution collapsed, and the Annan Plan would never be applied. Today as of October 2017, two leaders try to solve the problem along the same line. To understand why the question keeps on being intractable, for the failure of the two consociational experiments have to be analyzed.

4.1. 1960 Constitution of the Republic of Cyprus

The Republic of Cyprus (RoC) was designed as "an independent and sovereign Republic with a presidential regime, the President being Greek and the Vice President being Turk elected by the Greek and the Turkish Communities of Cyprus respectively" (Cyprus Const. art. I, amend. IX). Cyprus Const. art. II, amend. IX states that all citizens of the Republic, including members of minorities on the island, are required to declare themselves part of either the Greek Cypriot (Cyprus Const. art. II, amend. IX, §. 1) or the Turkish Cypriot community (Cyprus Const. art. II, amend. IX, §. 2). For this purpose, the Turkish Community consists of the Turkish origin citizens whose mother language is Turkish or who are Muslims (Cyprus Const. art. II, amend. IX, §. 1). On the other hand, the Greek Community includes the Greek origin citizens whose mother language is Greek or who are members of the Greek-Orthodox Church (Cyprus Const. art. II, amend. IX, §. 2). According to the Constitution, Greek and Turkish are two official languages of the RoC (Cyprus Const. art. III, amend. IX,

§. 1). The validity of the two languages are equal in law (Cyprus Const. art. III, amend. IX, §. 2).

The executive branch of the RoC is composed of the President and the Vice-President (Cyprus Const. art. XLVI, amend. IX, cl. 1). The Council of Ministers was to be composed of seven Greek and three Turkish ministers, and the President and the Vice-President of RoC maintain the executive power in the Council of Ministers (Cyprus Const. art. XLVI, amend. IX, cl. 2). According to the Constitution of RoC, the Ministry of Foreign Affairs, the Ministry of Defence or the Ministry of Finance were going to belong to the Turkish member of parliaments (Cyprus Const. art. XLVI, amend. IX, cl. 3). Also, if the President and the Vice-President of RoC agree, they could apply rotational system into the previous clause of relevant article (Cyprus Const. art. XLVI, amend. IX, cl. 3). If the President and the Vice-President did not use their final veto right, the decision of the Council of Ministers were to be taken by an absolute majority (Cyprus Const. art. XLVI, amend. IX, cl. 5). The roles and power of the President and the Vice-President were different in the Council of Ministers. Seven Greek Cypriot Ministers were appointed by the President whereas three of Turkish Cypriot ministers in the Council are appointed by the Vice-President (Cyprus Const. art. LIX, amend. IX, §. 3). Both have right to remove the appointed ministers. (Cyprus Const. art. LIX, amend. IX, §. 3).

The House of Representatives and the Communal Chambers exercised the legislative power of the state (Cyprus Const. art. LXI, amend. IX). Thus, the Communal Chambers dealt with the public issues (Cyprus Const. art. LXXXVII, amend. IX). According to the Constitution, the House of Representatives was bi-communal, and it operated through proportional representation (Cyprus Const. art. LXII, amend. IX, §. 1). The number of representatives added up to fifty that split into

a 70:30 ratio between the Greek and Turkish Cypriots (Cyprus Const. art. LXII, amend. IX, §. 1). The President of the House of Representatives had to be a Greek Cypriot while the Vice-President was a Turkish Cypriot (Cyprus Const. art. LXII, amend. IX, §. 2). The structure was strengthened by separate elections of both communities at the same time by their respective communities (Cyprus Const. art. LXII, amend. IX, §. 2). The simple majority took the decisions of the House of Representatives (Cyprus Const. art. LXXVIII, amend. IX, §. 1). Electoral, municipal and taxation laws were exceptional for the simple majority because it needed separate majorities of the two communities' representatives (Cyprus Const. art. LXXVIII, amend. IX, §. 2).

However, the House of Representatives could dissolve itself by an absolute majority, including at least one-third of representatives that were elected by the Turkish community (Cyprus Const. art. LXVII, §. 1). In addition to the House of Representatives in the legislative branch, both communities had their own Communal Chambers. According to the Constitution, both communities could elect their representatives from among their members a Communal Chamber respectively (Cyprus Const. art. LXXXVI, amend. IX).

The judiciary was the third branch of the Republic which contained the Supreme Constitutional Court and the High Court of Justice. The Supreme Constitutional Court was established form the constitutional issues between the communities (Cyprus Const. art. CXXXIII, amend. IX, §. 1, c. 1). The Court's members consisted of one Greek Cypriot, one Turkish Cypriot, and one neutral member (Cyprus Const. art. CXXXIII, amend. IX, §. 3). The President and the other member judges of the Supreme Constitutional Court were to be appointed jointly by the President and the Vice-President of the RoC (Cyprus Const. art. CXXXIII, amend.

IX, §. 2). Both actors had the right to apply to the Court for the laws which they considered to be discriminatory for the communities (Cyprus Const. art. CXXXIII, amend. IX, §. 2, c. 1). Thus, the Constitution gave the right the Supreme Constitutional Court to return a legislative decision to the House of Representatives for reconsideration (Cyprus Const. art. CXXXVII, amend. IX, §. 1). Another established court was the High Court of Justice. The Constitution identified the structure of the High Court of Justice as holding jurisdiction not only in trying treasonable offenses but also in crimes against the constitutional order (Cyprus Const. art. CLVI, amend. IX, §. 1). Most frequently, the High Court was an appeal tribunal for cases referred from subordinate courts (Cyprus Const. art. CLVI, amend. IX, §. 2). The High Court of Justice consisted of two Greek Cypriots, one Turkish Cypriot, and one neutral judges who had two votes (Cyprus Const. art. CLIII, amend. IX, §. 1, c. 1). The neutral judge was also the President of the Court (Cyprus Const. art. CLIII, amend. IX, §. 1, c. 1). The President and the other judges of the High Court were to be jointly appointed by the President and the Vice-President of the RoC (Cyprus Const. art. CLIII, amend. IX, §. 2).

The Constitution of the RoC set forth the obligation of forming the officers to be employed in public services where 70% percent were to be Greek Cypriot and 30% percent Turkish Cypriot (Cyprus Const. art. CXXIII, amend. IX, §. 1). Additionally, the RoC army of 2000 was going to be formed of 60% percent Greek Cypriot and 40% percent Turkish Cypriot citizens (Cyprus Const. art. CXXIX, amend. IX, §. 1). The police and gendarmerie forces were also considered as public services, with a ratio established at 3/7 (Cyprus Const. art. CXXXI, amend. IX, §. 1).

4.2. The Annan Plan for Cyprus

At the preamble part of the Annan Plan, the Greek and Turkish Cypriots separately expressed that both communities would exercise their inherent constitutional power by their democratic and free will (U.N. The Annan Plan, cl. 9, pmbl. 1). They compromised on eight essential principles. Firstly, two communities would accept that the island is their home, and both would recall that they were the founders of the RoC established in 1960 (U.N. The Annan Plan, art. I, pmbl. 1). They would surpass the influence of the bad events of the past, and they would vow not to allow the same events to be repeated (U.N. The Annan Plan, art. II, pmbl. 1). Thus, the parties approve that any domination of either side by using force would be forbidden (U.N. The Annan Plan, art. II, pmbl. 1). Secondly, they would decide to refresh their cooperation on the basis of the new bi-zonal partnership that would ensure a shared future in the topics of security, prosperity and peace in an independent united Cyprus (U.N. The Annan Plan, art. IV, pmbl. 1). They would acknowledge that it would be no minority-majority relation between the identities of the two communities, therefore, political equality would be important, and neither community may claim any jurisdiction or authority over the other (U.N. The Annan Plan, art. III, pmbl. 1). Thirdly, they would commit to respecting fundamental freedoms, human rights and democratic principles as well as each other's religious, political, cultural, linguistic and social identity (U.N. The Annan Plan, art. VI, pmbl. 1). Also, they were underlying their respect to international law and the norms of the UN (U.N. The Annan Plan, art. V, pmbl. 1). Lastly, they would respect and protect the "special" ties with Turkey and Greece within a peaceful environment in the Eastern Mediterranean region (U.N. The Annan Plan, art. VII, pmbl. 1). Besides, they would join to the EU

when Turkey would be a member of the union (U.N. The Annan Plan, art. VII, pmbl. 1).

According to Main Articles of the Annan Plan, the Treaty of Alliance and the Treaty of Guarantee of the London and Zurich Agreements would continue to be in force and they would merely apply “mutatis mutandis” principle to a new state of affairs (U.N. The Annan Plan, art. I, §. 3). A new state would be named as the United Cyprus Republic (UCR) that would consist of two constituent states as the Turkish Cypriot State and the Greek Cypriot State (U.N. The Annan Plan, art. II, §. 1, cl. 1). Thus, the status of the new state, its constituent states, and its federal government would be completely modelled on the situation of Switzerland, its cantons and federal government (U.N. The Annan Plan, art. II, §. 1).

According to the Annan Plan;

> "The United Cyprus Republic is an independent state in the form of an indissoluble partnership, with a federal government and two equal constituent states, the Greek Cypriot State and the Turkish Cypriot State. Cyprus is a member of the United Nations and has a single international legal personality and sovereignty. The United Cyprus Republic is organized under its Constitution by the core principles of the rule of law, democracy, representative republican government, political equality, bi-zonality, and the equal status of the constituent states." (U.N. The Annan Plan, art. II, §. 1, cl. 1)

In addition to the relevant article, both constituent states would be equal status (U.N. The Annan Plan, art. II, §. 1, cl. 3). Also, the two constituent states would exercise all powers that would not vested by the UCR’s constitution, governing

themselves sovereignly under their constitutions (U.N. The Annan Plan, art. II, §. 1, cl. 3).

The constituent states of the UCR would have a coordination and cooperation with each other the federal government (U.N. The Annan Plan, art. II, §. 2). This cooperation would be provided through the agreements and the constitutional laws that would be approved by the legislative structures of the state (U.N. The Annan Plan, art. II, §. 2). This article also referred that the Belgian example would be applied by the two constituent states and the federal government in terms of foreign policy implementation and the EU affairs (U.N. The Annan Plan, art. II, §. 2). Thus, the federal government and the two constituent states would be fully respectful each other, and they would never violate their sphere of powers and functions (U.N. The Annan Plan, art. II, §. 3). Therefore, no hierarchy would be carried out (U.N. The Annan Plan, art. II, §. 3). On the other hand, the Constitution of the federal state would be amended by a separate majority of each constituent states' voter (U.N. The Annan Plan, art. II, §. 4).

According to the Annan Plan, all Cypriot citizens would gain citizenship status of a constituent state, and this complement status would not replace Cypriot nationality (U.N. The Annan Plan, art. III, §. 2). Senators would be separately elected by the Turkish and Greek Cypriot communities (U.N. The Annan Plan, art. III, §. 3). Political rights of the citizens would ensure by either the constituent state or the federal state depending on the status of the citizenship (U.N. The Annan Plan, art. III, §. 3).

The Annan Plan stated that the federal parliament would compose of two chambers (U.N. The Annan Plan, art. V, §. 1). The Senate and the Chamber of

Deputies would be the two chambers that would exercise the legislative power of the state (U.N. The Annan Plan, art. V, §. 1). Each chamber would have 48 members (U.N. The Annan Plan, art. V, §. 1, cl. 1). The Senate would be composed of an equal number of the two communities (U.N. The Annan Plan, art. V, §. 1, cl. 1). Moreover, the Chamber of Deputies would be composed in proportion to numbers of citizens of the two constituent states, and each constituent state would be attributed no less than one-quarter of seats (U.N. The Annan Plan, art. V, §. 1, cl. 1). Both chambers would take decisions in parliament by a simple majority, including one-quarter of voting senators from each constituent state (U.N. The Annan Plan, art. V, §. 1, cl. 2). Each constituent state would need a special majority of two-fifths of the Senators in the Chamber (U.N. The Annan Plan, art. V, §. 1, cl. 2).

The Office of Head of State would be represented in the Presidential Council, and the Council would exercise executive power (U.N. The Annan Plan, art. V, §. 2). The Presidential Council would be elected on a single list by the Senate (U.N. The Annan Plan, art. V, §. 2, cl. 1). The Chamber of Deputies would approve the list, and the President Council would be in power for a five-year term (U.N. The Annan Plan, art. V, §. 2, cl. 1). Six voting members would be included in the Council (U.N. The Annan Plan, art. V, §. 2, cl. 1). The structure of the Presidential Council would be based on proportionality (U.N. The Annan Plan, art. V, §. 2, cl. 1). Each constituent state would be a part of the Presidential Council to the number of persons holding, though no less than one-third of the ballot (U.N. The Annan Plan, art. V, §. 2, cl. 1). One-third of the Council's non-voting members would come from each constituent state (U.N. The Annan Plan, art. V, §. 2, cl. 1).

Besides, the decisions at the Presidential Council would be taken by consensus (U.N. The Annan Plan, art. V, §. 2, cl. 2). If it failed to reach a consensus among the

members, the decisions would be taken by simple majority, unless otherwise specified (U.N. The Annan Plan, art. V, §. 2, cl. 2). At least one member from each constituent state would provide the comprises (U.N. The Annan Plan, art. V, §. 2, cl. 2). In line with the Annan Plan, the departments would be attributed among its members by the Council (U.N. The Annan Plan, art. V, §. 2, cl. 3). So, same constituent state would not take the heads of the departments of the EU and Foreign Affairs, according to the same article of the Annan Plan (U.N. The Annan Plan, art. V, §. 2, cl. 3).

The Annan Plan frankly underlined the term of office and the description of the Presidential Council. According to the Annan Plan;

"Unless the Presidential Council decides otherwise, it shall elect two of its members not hailing from the same constituent state to rotate every twenty months in the offices of President and Vice-President of the Council. The member hailing from the more populous constituent state shall be the first President in each term. The President, and in his absence or temporary incapacity, the Vice-President, shall represent the Council as Head of State and Head of Government. The Vice-President shall accompany the President to meetings of the European Council. The President and Vice-President shall not enjoy a casting vote or otherwise increased powers within the Council" (U.N. The Annan Plan, art. V, §. 2, cl. 4).

The Supreme Court would maintain the Constitution, and would ensure the respect for it (U.N. The Annan Plan, art. VI, §. 1). The Court would consist of an equal number of judges from each constituent state (U.N. The Annan Plan, art. VI, §. 2). Three non-Cypriot judges would be provided by law (U.N. The Annan Plan, art. VI, §. 2). The federal institutions would be in force of the Foundation Agreement, and it would progress during transitional periods (U.N. The Annan Plan, art. VII, §. 1). In

line with the Article VII, three power branches of the transitional constituent state would entry into force by the Annan Plan (U.N. The Annan Plan, art. VII, §. 2).

The office of Head of State would be applied as co-presidency at the federal level (U.N. The Annan Plan, art. VII, §. 2). The federal government would be consisted of a Council of Ministers of which six members would distribute as three Turkish Cypriots and three Greek Cypriot members. Delegates from the parliament of the constituent states (U.N. The Annan Plan, art. VII, §. 2). The relevant article also mentioned about the allocation of the delegates between the constituent states:

"Delegates from each constituent state parliament shall sit in the transitional federal Parliament (24 Greek Cypriots, 24 Turkish Cypriots) and in the European Parliament (four Greek Cypriots, two Turkish Cypriots)" (U.N. The Annan Plan, art. VII, §. 2).

4.3. Latest Round of Negotiations as of October 2017

Negotiations between Nicos Anastasiades and the Derviş Eroğlu were planned to start in October 2013, but they could not agree on the roadmap which led to over four months of bickering. A joint statement was a precondition of Anastasiades for the resumption of the talks. With little progress on the text, however, both leaders pointed the finger at each other for the impasse. In 2014, Cyprus became a popular case study in the international community again. There are two reasons for this popularity. First one is natural reserves discovered in the Eastern Mediterranean region. The second reason is the financial crisis in the EU and its effect the southern part of the island.

On 11 February 2014, the comprehensive settlement talks started again with the agreement on the Joint Declaration by the two community leaders. The Joint Declaration includes principles which may be listed to cover:

"1. The status quo is unacceptable and its prolongation will have negative consequences for the Greek Cypriots and Turkish Cypriots. The leaders affirmed that a settlement would have a positive impact on the entire region, while first and foremost benefiting Turkish Cypriots and Greek Cypriots, respecting democratic principles, human rights and fundamental freedoms, as well as each other's distinct identity and integrity and ensuring their common future in a united Cyprus within the European Union.

2. The leaders expressed their determination to resume structured negotiations in a results-oriented manner. All unresolved core issues will be on the table, and will be discussed interdependently. The leaders will aim to reach a settlement as soon as possible, and hold separate simultaneous referenda thereafter.

3. The settlement will be based on a bi-communal, bi-zonal federation with political equality, as set out in the relevant Security Council Resolutions and the High Level Agreements. The United Cyprus, as a member of the UN and of the EU, shall have a single international legal personality and a single sovereignty, which is defined as the sovereignty which is enjoyed by all member states of the United Nations under the UN Charter and which emanates equally from Greek Cypriots and Turkish Cypriots. There will be a single united Cyprus citizenship, regulated by federal law. All citizens of the united Cyprus shall also be citizens of either the Greek-Cypriot constituent state or the Turkish-Cypriot constituent state. This status shall be internal and shall complement, and not substitute in any way, the united Cyprus citizenship.

The powers of the federal government, and like matters that are clearly incidental to its specified powers, will be assigned by the constitution. The federal constitution will also provide for the residual powers to be exercised by the

constituent states. The constituent states will exercise fully and irrevocably all their powers, free from encroachment by the federal government. The federal laws will not encroach upon constituent state laws, within the constituent states' area of competences, and the constituent states' laws will not encroach upon the federal laws within the federal government's competences. Any dispute in respect thereof will be adjudicated finally by the Federal Supreme Court. Neither side may claim authority or jurisdiction over the other.

4. The United Cyprus Federation shall result from the settlement following the settlement's approval by separate simultaneous referenda. The federal constitution shall prescribe that the united Cyprus federation shall be composed of two constituent states of equal status. The bi-zonal, bi-communal nature of the federation and the principles upon which the EU is founded will be safeguarded and respected throughout the island. The federal constitution shall be the supreme law of the land and will be binding on all the federation's authorities and on the constituent states. Union in whole or in part with any other country or any form of partition or secession or any other unilateral change to the state of affairs will be prohibited.

5. The negotiations are based on the principle that nothing is agreed until everything is agreed.

6. The appointed representatives are fully empowered to discuss any issue at any time and should enjoy parallel access to all stakeholders and interested parties in the process, as needed. The leaders of the two communities will meet as often as needed. They retain the ultimate decision making power. Only an agreement freely reached by the leaders may be put to separate simultaneous referenda. Any kind of arbitration is excluded.

7. The sides will seek to create a positive atmosphere to ensure the talks succeed. They commit to avoiding blame games or other negative public comments on the negotiations. They also commit to efforts to implement confidence building measures that will provide a dynamic impetus to the prospect for a united Cyprus." (Christou, 2014).

After the announcement of the Joint Declaration, a positive atmosphere emerged between two leaders. Not only Greek Cypriot but also The Turkish Cypriot side repeatedly demonstrated its commitment to a solution by making creative, constructive and flexible proposals throughout the drafting phase. Both Anastasiades and Eroğlu reaffirmed their goal for the establishment of a bicommunal, bizonal federation based on political equality. They also agreed on the federation will have single sovereignty. All UN members, which will arise from the Turkish and Greek Cypriots equally, will enjoy the sovereignty of the federation. After the Joint Declaration had announced by Anastasiades and Eroğlu, the Greek Cypriot negotiator Andreas Mavroyiannis and Turkish Cypriot negotiator Kudret Özersay held their first meeting on February 14, 2014. Two negotiators agreed to make visits to guarantor powers Turkey and Greece respectively.

However, negotiations were delayed as a result of a crisis ensuing from Turkey's sending of a warship to the northern coast of the island in October 2014, as part of a crisis over the exploration of offshore natural gas reserves. Hence, the Greek Cypriot leader Anastasiades rejected to attend the meeting on October 9, 2014 until May 2015. Reunification talks between the two communities on the island resumed in May 2015 after the election of Mustafa Akıncı as the new Turkish Cypriot leader in April 2015. Both leaders were expected to solve the issue by the end of 2016 within

the scope of UN parameters. Besides, seven meetings were set between August 23 and September 13, 2016.

Talks over the reunification of the island began on November 7, 2016. Both leaders gathered in Mont-Pelerin in Switzerland under the auspices of Espen Barth Eide who is the Special Adviser to the UN Secretary-General on Cyprus. UN Secretary-General Ban Ki-moon opened the talks by meeting Akıncı, Anastasiades and Eide, and stated the talks aiming to end the partition of Cyprus were now at a critical juncture. Two sides were also pushed by the UN Chief to resolve all issues, a special focus on the territorial adjustments. Although it was expected to be resolved the Cyprus problem by the end of 2016 with the formation of a federal administration, the UN-mediated talks failed without a solution.

After the failure of the talks in Mont-Pelerin, the two leaders have attended a dinner that was hosted by UN envoy Eide. According to Eide, both sides had a strong desire to move forward, and he announced that both leaders have agreed to restart stalled reunification talks. The talks started in Geneva on January 9, 2017, and two sides presented their roadmaps on January 11, 2017, to reach a comprehensive settlement. However, the reunification attempt failed.

Lastly, the Cyprus reunification talks began again in Switzerland on June 28, 2016. The talks was held with the participation of guarantor powers. Negotiations, attended by UN Secretary-General Antonio Guterres, covered topics such as land, political equality, property, equal rights to Turkish and Greek citizens, security and guarantees. Although the UN sought to have a peace deal to unite the island under a federal umbrella, the negotiations collapsed. So, the status quo did not change as of October 2017.

4.4. Comparative Analysis of the Two Attempts at Resolving the Problem

This part of the study includes comparative analysis of the two major attempts as the 1960 Constitution of RoC and the Annan Plan for Cyprus in 2004 at resolving the Cyprus issue.

Although the 1960 Constitution of the RoC was an important step to apply consociationalism in Cyprus, the RoC failed within three years, and two communities on the island could not come from above the issue. The Annan Plan was another consociational solution proposed by the UN. It was offered as the participation of two communities on the island in a federal system. Most studies in the field of consociationalism have not only focused on the components of the theory but also the positive aspects in case of the conflict resolution in Cyprus. Moreover, this part of the study will examine the main reasons why the 1960 Constitution and the Annan Plan failed in Cyprus. So, it will bring a new point of view on whether the consociational model is to be established in Cyprus.

The failure of 1960 Constitution frequently centers on weakness in the constitution. The RoC broke down because the key factors of consociational democracy were absent at the time. To begin with, the constitutional system of the RoC is most intricate. It is also that the long and complicated constitution (199 articles plus the annexes) contributed directly to the political confusion now prevailing on the island. The creators of the 1960 Constitution were faced with trying to find equitable solutions and logical answers to the traditional problems of the past.

Adams (1966) believed that it is apparent that these legalists did heed the warnings of history since they were wise enough not to force traditional enmities immediately together in the institutional framework of the RoC. Besides, the 1960

Constitution recognized and perpetuated the historical separateness of the two ethnic groups of the island (Adams, 1966).

The lack of grand coalition was the most prominent key factor in the RoC's collapse. The Cypriot consociationalism had neither elite support nor elite cooperation under its constitution from the very beginning. For the leaders, a consociational solution was the second choice. They advocated the separation (Enosis) or partition (Taksim) policies. Peter Loizos maintained that the reason behind the breakdown of the RoC was that both leaders took power when they have not been experienced yet (Loizos, 2001). They did not know how to conciliate and apply the aspects of the governance (Loizos, 2001). According to Loizos (2001), both leaders suddenly found themselves as the leaders of their communities. In this new situation, they had to compromise to survive rather than being extreme or uncompromising as in the past, and this responsibility was heavy for the two leaders Loizos (2001). Hence, when the RoC was built, the President and the Vice-President exemplified as the opposing image of the Greek and Turkish communities. So, it has become impossible for the two leaders to work together, and it would cause the failure of elite cooperation.

Nicola Solomonides also explained the reasons why the consociational models failed in Cyprus (Solomonides, 2008). Lack of the favourable conditions triggered the failure of the 1960 Constitution of the RoC (Solomonides, 2008). Solomonides (2008) claimed that the first reason was unbalanced power distribution between the two communities. The influence by the Greek Cypriots over the Turkish Cypriots was evident (Solomonides, 2008). Secondly, a huge socioeconomic difference was another reason why the disparities existed between the two communities (Solomonides 2008). The Turkish Cypriot minority was in a disadvantaged position against the Greek Cypriot majority, and this gap widely increased after the independence of the island

(Solomonides, 2008). Thirdly, there was no overarching loyalty of the two ethnic groups in the island (Solomonides, 2008). Both communities failed to establish a common and inclusive Cypriot identity (Solomonides, 2008). Fourthly, Cyprus had no transition to a multi-party system (Solomonides, 2008). As a result, the national movements emerged, and they achieved to marginalized moderate political thoughts of each community (Solomonides, 2008). Fifthly, no cross-cutting cleavages existed island (Solomonides, 2008). It seemed to separate the communities into the electorates, and there were no bi-communal parties structure at all (Solomonides, 2008). Sixth, no extensive participation was provided in the negotiation table (Solomonides, 2008). The two communities merely involved in a negotiation process indirectly, when the guarantor powers, the UK, Turkey and Greece agreed on a solution (Solomonides, 2008). Seventh, the Greek Cypriots would not like to get rid of their hegemonic status quo, whereas the majority of the Turkish Cypriots supported separatist scenarios (Solomonides, 2008). So, power-sharing allocation was deficient in terms of protecting the national identities of both parties oriented towards the nation-state model (Solomonides, 2008). Eight, the community leaders did not show a conciliatory attitude to the public opinion (Solomonides). In other words, the two leaders of the communities rejected to compromise for a solution (Solomonides, 2008). Another problem was about the territorial segmentation (Solomonides, 2008). Despite the fact that both communities were living in separate regions, the population has been tried to be mixed (Solomonides, 2008). More importantly, with the veto power of the two communities, the 1960 Constitution of the RoC was practically unworkable in recurring deadlock (Solomonides, 2008). According to Solomonides (2008), therefore, the implementation time of the 1960 Constitution was wrong, and it did not succeed.

The Annan Plan offered a consociational solution where the two fragmented societies of Cyprus. After the first attempt with the 1960 Constitution of the RoC, the Annan Plan was a second chance for Cypriots to form a new state. This new state would be based on power sharing model as the classical examples of consociational democracies.

According to Sözen (2004), the Annan Plan provided proportional representation for the Greek and Turkish Cypriots in all segments of the state. The allocation of the positions in the state affairs would be fair in agreement with the notions of consociationalism (Sözen, 2004). The decision-making process was based on consensus at the federal state (Sözen, 2004). The minimum participation of both communities were required (Sözen, 2004). Thus, both communities had hidden veto right respectively (Sözen, 2004). For instance, at least one vote from each constituent state would be needed to take a decision on a simple majority (Sözen, 2004). Moreover, Sözen (2004) also claimed that the institutions that planned to be created in the UCR supported the elements of consociationalism, using proportional representation in case of reservation of seats. The Annan Plan additionally guaranteed the protection of communal rights and interests (Sözen, 2004). It would assure the constitutional order and the territorial integrity of both the UCR and the two constituent states (Sözen, 2004).

Sözen (2004) strongly advocated that the Annan Plan allow for good conflict-regulation practices. According to him (2004), the Annan Plan recognized a high level of autonomy to the constituent states within a bi-communal federation. This new type of federation would be based on a territorial division of power (Sözen, 2004). Thus, the federal state had no superiority against the constituent states with regards to the state and ethnic community relations (Sözen, 2004). So, inter-relations of the federal

state and constituent states were going to be equal, as the Annan Plan indicated (Sözen, 2004).

In his article, Sözen (2004) also explained the main differences between the 1960 Constitution and the Annan Plan, which are important for us to understand the reasons why the consociational model failed in Cyprus. According to Sözen (2004), the Annan Plan offered a regional federative solution rather than the non-territorial functional federative structure of the RoC. This type of regional federation gave an opportunity to the two communities to govern their separate autonomous areas (Sözen, 2004). Also, the two communities would have cooperated with the federal government (Sözen, 2004).

The first issue of the 1960 Constitution of the RoC and the Annan Plan are about the compounded texts. These texts are not easy to read for the communities. Due to the long documents, the leaders of the communities could not apply the laws to the communities properly. Alternatively, in other words, the leaders used the lack of intelligibility for their political goals. Archbishop Makarios especially took advantages of this situation over the Turkish Cypriot administration. The second problem is the lack of elite cooperation. The elites in Cyprus could not establish a positive and beneficial dialogue seen in other failed examples of the consociational model. The reason behind the lack of dialogue is the civil war that occurred as a sectarian dispute between Turkish and Greek Cypriots between 1955 and 1967. The intercommunal violence of Cyprus left the country devastated and fragmented. Two sides could not find a middle way to sit down at the table and produce a solution. After the foundation of the RoC, the hatred between two communities would affect the view of the politicians. Besides, the status quo would continue during the Annan Plan process.

Another catastrophic component of the consociational model in Cyprus is the mutual veto. Generally speaking, mutual veto right is a kind of a brake which prohibits the majority from putting pressure on the minorities of the society in divided societies. However, in the case of Cyprus, both communities used the mutual veto right to block the functioning of the Constitution. In the Annan Plan, the situation of the mutual veto right would be the same for both communities.

Despite there being too many negative tones, the components of the segmental autonomy and proportionality are the positive aspects of the 1960 Constitution and the Annan Plan for a consociational model. The structure of the Communal Chambers would be fair, functional, reasonable and acceptable. Also, the decision makers protected the existence of proportional sharing of posts in the civil service of the federal state. However, due to the failure of the 1960 Constitution and the Annan Plan, these two components could not bridge the discrepancy between the two communities.

Table 1

Comparative Analysis of the Efforts in Cyprus at Resolving the Problem

The Components of A Consociational Model	1960 Constitution of the RoC	The Annan Plan for Cyprus	Latest Round of Negotiations as of October 2017
A Grand Coalition	Art. I, XLVI, LXI, CXXXIII, CXXXVII, CLIII, CLVI	Art. V, VI, VII	Yes
Segmental Autonomy and Federalism	Art. II, LXXXVI, LXXXVII	Art. I, II, III, VII	Yes
Proportionality	Art. LIX, LXII, CXXIII, CXXIX, CXXXI	Art. V	Ambiguous
Mutual Veto	Art. LXVII, LXXVIII	Art. II, V	Ambiguous

5. FACTORS LEADING TO SUCCESS AND FAILURE IN CONSOCIATIONAL SETTINGS

In this section of the study, successful and failed cases of consociationalism will be explored with the objective of identifying the factors that lead to or block to the functioning of consociationalism.

5.1. Austria

As it stated in the Constitution, Austria is a democratic republic (Austria Const. art. I, amend. II). According to the Constitution, Austria is also a federal state and it is composed of nine autonomous states such as Länder of Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tirol, Vorarlberg, and Vienna (Austria Const. art. II, amend. II, § 2). The federation has legislative and executive powers in specific matters (Austria Const. art. X, amend. II). Those are some duties such as elections for the European Parliament (Austria Const. art. X, amend. II, §. 1, cl. 1), foreign affairs including the representation with other countries (Austria Const. art. X, amend. II, §. 1, cl. 2), control into and exit from the Federal state (Austria Const. art. X, amend. II, §. 1, cl. 3), financial issues in particular taxes to be collected on behalf of the Federation (Austria Const. art. X, amend. II, §. 1, cl. 4), civil law affairs related with economic association (Austria Const. art. X, amend. II, §. 1, cl. 6), the maintenance of order and security (Austria Const. art. X, amend. II, §. 1, cl. 7), controlling the Federal police and military forces (Austria Const. art. X, amend. II, §. 1, cl. 14), and the establishment of Federal authorities and other Federal agencies (Austria Const. art. X, amend. II, §. 1, cl. 16). According to the relevant article of the Austrian Constitution, the Federation and a Länder can bring to the agreements an end among themselves about issues their sphere of capabilities (Austria

Const. art. XV, amend. II, §. 1). The Federal President, the Federal Ministers, the State Secretaries and the members of the Land Governments are the highest executive authorities in the country (Austria Const. art. XIX, amend. II, §. 1).

The parliament consists of two chambers as the National Council and the Federal Council; and the chambers exercises the legislative power of the Federation conjointly (Austria Const. art. XXIV, amend. II).

According to the Constitution, the members of the National Council are elected under the principle of proportional representation (Austria Const. art. XXVI, amend. II, §. 1). Also, the Constitution indicates the structure of the Federal territory. According to the Article XXVI of the Austrian Constitution;

"The Federal territory will be divided into self-contained constituencies whose boundaries may not overlap the Länder boundaries; these constituencies shall be sub-divided into self-contained regional constituencies. The number of deputies will be divided among the qualified voters of the constituencies (electoral bodies) in proportion to the number of nationals who in accordance with the result of the last census had their principal domicile in a particular constituency plus the number of those who on the day of the census did not have their principal domicile in Federal territory, but were entered on the electoral register of a municipality pertaining to that particular constituency; the number of deputies allocated to a constituency will be divided in the same way among the regional constituencies. The National Council electoral regulations shall provide for a final distribution procedure relating to the whole Federal territory whereby in accordance with the principles of proportional representation which ensures a balance between the seats allocated to the parties standing for election in the constituencies and the distribution of the as yet

unallocated seats. A division of the electorate into other electoral bodies is not admissible." (Austria Const. art. XXVI, amend. II, §. 2).

The Federal Council is the representative organ of the Länder. The Länder are characterized in proportion to the number of citizens in the Federal Council (Austria Const. art. XXXIV, amend. II, §. 1). According to the Constitution of Austria, the most populated Land has twelve delegations in the Council (Austria Const. art. XXXIV, amend. II, §. 2). As the same article of the Austrian Constitution points out that:

"Every other Land as many as the ratio in which its nationals stand to those in the first-mentioned Land, with remainders which exceed half the coefficient counting as full. Every Land is however entitled to a representation of at least three members" (Austria Const. art. XXXIV, amend. II, §. 2).

Also, the Diets elected the members of the Federal Council by the principle of proportionality (Austria Const. art. XXXV, amend. II, §. 1). However, "at least one seat must fall to the party having the second largest number of seats in a Diet" (Austria Const. art. XXXV, amend. II, §. 1). Else, "several parties have the same number of seats, the second highest number of votes at the last election to the Diet" (Austria Const. art. XXXV, amend. II, §. 1). Besides, the Constitution of Austria states that "the presence of at least one-third of the members and an absolute majority of the votes is requisite for a resolution by the Federal Council" (Austria Const. art. XXXVII, amend. II, §. 1).

The Austrian Constitution states that the National Council and the Federal Council meet as the Federal Assembly (Austria Const. art. XXXVIII, amend. II). It will be in joint public session at the seat of the National Council (Austria Const. art.

XXXVIII, amend. II). The Assembly is "the affirmation of the Federal President as well as for the adoption of a resolution on a declaration of war" (Austria Const. art. XXXVIII, amend. II).

In the Austrian Constitution, the federal legislative procedure is explained. According to the Austrian Constitution, the members of the National Council submit the legislative proposals either by the Federal Council, or by one-third of the Federal Council's members, and as bills by the Federal Government (Austria Const. art. XLI, amend. II, §. 1). Article XLI indicates that "every motion by 100,000 voters or by one-sixth each of the electorate in three Länder shall be submitted by the Federal electoral board to the National Council", and it is called as "popular initiative" (Austria Const. art. XLI, amend. II, §. 2). Besides, the popular initiative is defined as "must concern a matter to be settled by Federal law and can be put forward in the form of a draft law" (Austria Const. art. XLI, amend. II, §. 2).

The Federal citizens elect the Federal President, having suffrage to the National Council (Austria Const. art. LX, amend. II, §. 1). According to the Article LX of the Constitution of Austria, "the candidate who polls more than half of all valid votes has been elected" (Austria Const. art. LX, amend. II, §. 2). Thus, the same article of the Austrian Constitution emphasizes that "if there is only one candidate, the election shall take place by way of referendum" (Austria Const. art. LX, amend. II, §. 1). According to Article LXIX of the Austrian Constitution, "the Federal Chancellor, the Vice-Chancellor and the other Federal Ministers are entrusted with the highest administrative business of the Federation" (Austria Const. art. LXIX, amend. II, §. 1). Those three constitute "as a body the Federal Government under the chairmanship of the Federal Chancellor" (Austria Const. art. LXIX, amend. II, §. 1). The Federal

President has the right to appoint the Federal Chancellor and the other members of the Federal Government (Austria Const. art. LXX, amend. II, §. 1).

The judicial branch of the Constitution is based upon the Administrative and Constitutional Court system. There is an Administrative Court of the Federation and in all Länder Administrative Courts of the Lander exist (Austria Const. art. CXXIX, amend. II). As Article CXXXIV of the Austrian Constitution mentions that "the Administrative Courts and the Federal Administrative Court each consist of one President, one Vice-President and the requisite number of other members" (Austria Const. art. CXXXIV, amend. II, §. 1). As a matter of fact, the Constitutional Court has the right to check the constitutionality of laws passed by the Austrian Parliament, and the legality of the regulations by the Federal Ministers (Austria Const. art. CXL, amend. II, §. 1). Thus, the Constitutional Court tries to solve the conflicts among the Federation and its members, and jurisdictional disputes among other courts and impeachments of the Federal President (Austria Const. art. CXLII, amend. II, §. 1).

According to Article CXLVII of the Austrian Constitution, "The Constitutional Court consists of a President, a Vice-President, twelve additional members and six substitute members" (Austria Const. art. CXLVII, amend. II, §. 1). Same article also states that "The President, the Vice-President, six additional members and three substitute members are appointed by the Federal President on the recommendation of the Federal Government" (Austria Const. art. CXLVII, amend. II, §. 2). Besides, "The remaining six members and three substitute members of the Constitutional Court are appointed by the National Council of three members and two substitute members and by the Federal Council of three members and one substitute member" (Austria Const. art. CXLVII, amend. II, §. 2). Article CXLVII of the Austrian Constitution also underlines that "Three members and two substitute

members must have their domicile outside the Federal capital, Vienna" (Austria Const. art. CXLVII, amend. II, §. 2).

5.2. Switzerland

Switzerland, officially the Swiss Confederation, is a federal republic in Europe. The country consists of twenty-six cantons: “the Cantos of Zurich, Bern, Lucerne, Uri, Schwyz, Obwalden and Nidwalden, Glarus, Zug, Fribourg, Solothurn, Basel-Stadt and Basel-Landschaft, Schaffhausen, Appenzell Ausserrhoden and Appenzell Innerrhoden, St. Gallen, Graubünden, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel, Geneva and Jura” (Switz. Const. art. I, amend. I). According to the Swiss Constitution, “Those twenty-six cantons are sovereign except to the extent that their sovereignty is limited by the Federal Constitution” (Switz. Const. art. III, amend. I). The Confederation regulates the political right in federal issues whereas the Cantons use their power on cantonal and communal issues (Switz. Const. art. XXXIX, amend. I, §. 1). Article XLIV of the Swiss Constitution states that "the Confederation and the Cantons shall support each other in the fulfilment of their duties and shall generally cooperate with each other" (Switz. Const. art. XLIV, amend. I, §. 1). On the other hand, problems among the Confederation and the Cantons will be resolved by negotiation or mediation (Switz. Const. art. XLIV, amend. I, §. 3). The Cantons can participate in the federal decision-making process in the cases specified by the Federal Constitution (Switz. Const. art. XLV, amend. I, §. 1). The Confederation ought to inform the Cantons, and will also consult the Cantons where their interests are affecting (Switz. Const. art. XLV, amend. I, §. 2). The Cantons enter into agreements with each other and establish common organizations and institutions (Switz. Const. art. XLVIII, amend. I, §. 1). Henceforth, the Confederation respects the autonomy of the Cantons (Switz. Const. art. XLVII, amend. I, §. 1). Also, the Confederation leaves

the Cantons sufficient tasks of their own and respects their autonomy (Switz. Const. art. XLVII, amend. I, §. 2).

Direct democracy is the prominent notion of which differentiates the Swiss political system from other countries. The Constitution provides the Swiss community an active role in affairs of state. According to Article CXL of the Swiss Constitution, the Swiss people and the Cantons put the vote for amendments to the Federal Constitution, accession to the organization for collective security or to supranational communities, and emergency federal acts that are based on a provision of the Constitution (Switz. Const. art. CXL, amend. I). It is defined as the Mandatory referendum (Switz. Const. art. CXL, amend. I). The optional referendum is another opportunity for the Swiss people to take part in the state affairs. According to Article CXLI of the Swiss Constitution, if within 100 days of the official publication of the enactment any 50,000 citizens eligible to vote or any eight Cantons request it; the topics will be submitted to a vote of people: federal acts, emergency federal acts whose term of validity exceeds one year, federal decrees provided the Constitution or an Act so require, international treaties, and contain significant legislative provisions or whose implementation requires the enactment of federal legislation (Switz. Const. art. CXLI, amend. I, §. 1). In Article CXLII of the Swiss Constitution, the conditions of required majorities are written:

> "1. Proposals that are submitted to the vote of the People are accepted if a majority of those who vote approve them.
>
> 2. Proposals that are submitted to the vote of the People and Cantons are accepted if a majority of those who vote and a majority of the Cantons approve them.

3. The result of a popular vote in a Canton determines the vote of the Canton.

4. The Cantons of Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden each have half a cantonal vote" (Switz. Const. art. CXLII, amend. I).

There is a bicameral system in the legislation branch of Switzerland. The Federal Assembly is vested as the supreme authority of the Confederation (Switz. Const. art. CXLVIII, amend. I, §. 1). Article CXLVIII of the Swiss Constitution also underlines that the Federal Assembly comprises two Chambers; the National Council and the Council of States (Switz. Const. art. CXLVIII, amend. I, §. 2). Both Chambers are equal in law (Switz. Const. art. CXLVIII, amend. I, §. 2).

The National Council consists of 200 representatives of the Swiss people (Switz. Const. art. CXLIX, amend. I, §. 1). The Swiss citizens elect the members of the National Council based on the proportional representative component (Switz. Const. art. CXLIX, amend. I, §. 2). According to Article CXLIX of the Swiss Constitution, “Each Canton constitutes an electoral constituency” (Switz. Const. art. CXLIX, amend. I, §. 3). The seats are allocated to the Cantons according to their relative population (Switz. Const. art. CXLIX, amend. I, §. 4). Therefore, each Canton has one seat at least (Switz. Const. art. CXLIX, amend. I, §. 4).

The Council of States consists of 46 representatives of the Cantons (Switz. Const. art. CL, amend. I, §. 1). According to Article CL of the Swiss Constitution, the Cantons of Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden each elect one representative whereas the other Cantons each elect two representatives (Switz. Const. art. CL, amend. I, §. 2). Besides, "The Cantons determine the rules for the election of their representatives to

the Council of States" (Switz. Const. art. CL, amend. I, §. 3). Article CLVI of the Swiss Constitution emphasized that although “the proceedings of the National Council and the Council of States take place separately, decisions of the Federal Assembly require the agreement both Chambers” (Switz. Const. art. CLVI, amend. I).

The structure of the Presidency will be explained in Article CLII of the Swiss Constitution. According to Article CLII of the Swiss Constitution, “Each Council elects a President from its members for a term of one-year, together with a first Vice-President and a second Vice-President” (Switz. Const. art. CLII, amend. I).

“The National Council and the Council of States hold joint proceedings as the United Federal Assembly under the presidency of the President of the National Council” (Switz. Const. art. CLVII, amend. I, §. 1). According to Article CLVII of the Swiss Constitution, the main objects of the United Federal Assembly are to “conduct elections, decided on conflicts of jurisdiction between the highest federal authorities, and decide on applications for pardons” (Switz. Const. art. CLVII, amend. I, §. 1). Article CLIX of the Swiss Constitution covers that “Decisions are taken in both Chambers and the United Federal Assembly by the majority vote” (Switz. Const. art. CLIX, amend. I, §. 2). However, “the consent of an absolute majority of the members of each of the two Councils is required for a declaration that a federal act is urgent, provisions on subsidies, and an increase in overall expenditure in the case of extraordinary financial requirements” (Switz. Const. art. CLIX, amend. I, §. 3).

The Federal Council is the supreme executive authority of the Confederation (Switz. Const. art. CLXXIV, amend. I). The Council consists of seven members (Switz. Const. art. CLXXV, amend. I, §. 1). Then, the Federal Assembly elects those members following each general election to the National Council (Switz. Const. art.

CLXXV, amend. I, §. 2). Article CLXXV of the Swiss Constitution, those members are "elected for a term of office of four years. Any Swiss citizen eligible for election to the National Council may be elected to the Federal Council" (Switz. Const. art. CLXXV, amend. I, §. 3). Additionally, in electing the Federal Council, it "must be taken to ensure that the various geographical and language regions of the country are appropriately represented" (Switz. Const. art. CLXXV, amend. I, §. 4). According to the Swiss Constitution, the President of the Confederation will also be the president the Federal Council (Switz. Const. art. CLXXVI, amend. I, §. 1). Besides, "The President and the Vice-President of the Federal Council are elected by the Federal Assembly from the members of the Federal Council for a term of office of one year" (Switz. Const. art. CLXXVI, amend. I, §. 2). The President will not be elected as the Vice-President of the Federal Council for the following years (Switz. Const. art. CLXXVI, amend. I, §. 3).

The supreme judicial authority of the Confederation is vested by the Federal Supreme Court, and it has its administration (Switz. Const. art. CLXXXVIII, amend. I, §. 1). The Federal Supreme Court takes part in the disputes "concerning violations of federal law, international law, inter-cantonal law, cantonal constitutional rights, the autonomy of the communes and other cantonal guarantees public law corporations, and federal and cantonal provisions on political rights" (Switz. Const. art. CLXXXIX, amend. I, §. 1).

There are two types of revisions chances of the Federal Constitution: total and partial revisions. According to the Swiss Constitution, "A total revision of the Federal Constitution may be proposed by the People or by either of the two Councils or be decreed by the Federal Assembly" (Switz. Const. art. CXCIII, amend. I, §. 1). Same article of the Swiss Constitution also underlines that "If the initiative emanates from

the People or if the two Chambers are unable to agree, the People decide on whether a total revision should be carried out" (Switz. Const. art. CXCIII, amend. I, §. 2). Moreover, new elections will be held in both Chambers if the Swiss people vote for a complete review (Switz. Const. art. CXCIII, amend. I, §. 3). According to the Article CXCIV of the Swiss Constitution, "A partial revision of the Federal Constitution may be requested by the People or decreed by the Federal Assembly" (Switz. Const. art. CXCIV, amend. I, §. 1).

5.3. Bosnia and Herzegovina

Bosnia and Herzegovina is a case study of a complex political system that is the consequence of a divided society. The Bosnian case is precisely a failure case study in consociationalism literature. The constitutional framework of the state maintains a state of fragmentation. This part of the study aims to focus on the Dayton Peace Agreement rather than the historical background of the case for explaining the reasons why the consociational model is deucedly failed.

The General Framework Agreement for Peace, officially known as the Dayton Agreement, was the peace accords reached in Dayton, Ohio, the United States of America (USA) on November 21, 1995, and formally signed in the capital of France, Paris on December 14, 1995. The Agreement put an end the 3,5 year-long the Bosnian War on parts of the territory of the former Socialist Federal Republic of Yugoslavia. The Bosnian War, which lasted from April 1992 to December 1995, cost the lives of over 100,000 people. It was clearly the deadliest and violent conflict on the European continent from the end of the World War II (Weller & Wolff, 2006). The Western perception of the issues in the Bosnian case became inseparably linked to notions such as "mass rape" and "ethnic cleansing" through the war (Bose, 2007). The Dayton

Peace Agreement has played a vital role in bringing about the peace possible in Bosnia and Herzegovina. In other words, although it was not defined either as a confederation or a federation, the Dayton Peace Agreement envisaged Bosnia and Herzegovina as an exclusive-type of consociational democracy. Richard Holbrooke, who was the US negotiator and chief architect of the Dayton Peace Agreement, defined the Agreement as a good one on paper that ended the war and established a single, multi-ethnic country (Holbrooke, 1999).

Some explanations are suggesting an answer to the question of why the civil war erupted in Bosnia and Herzegovina. This part of the study does not intend to line the reasons up that led to the outbreak of the violence between the ethnic groups in the country. It rather seeks to examine the outcomes of the consociational structure formalized through the Dayton Peace Agreement and its consequences for today's Bosnian case. In the literature, there are two depictions about the ethnic cleavages in Bosnia and Herzegovina. The first group claims the belief that Bosnia and Herzegovina was a peaceful state in which the various ethnic groups lived together in tolerance until the war broke out. As a matter of fact, the multicultural status of Sarajevo defined as the European Jerusalem is often linked to this view. Besides, the Bosnian War was not a product of endogenous forces, but it was forced upon the people by the external aggressors Croatia and Serbia (Bose, 2007). The second group, whose are strongly opposed to the external aggressors thought, advocates Robert Kaplan's "Balkan Ghosts" theory (Kaplan, 1993). Kaplan (1993) attributes the conflict between ethnic groups to the historical and ancient hatred. The media portrayed Bosnia and Herzegovina as a "wild" and "savage" country in which everyone fought against everyone (Bose, 2007). Frankly speaking, both assumptions do not reflect the Bosnian society correctly. In line with this purpose, Bose (2007) emphasizes that the

black-or-white, or tolerance-or-hatred dichotomy view not describe the political deadlock in the country. Besides, Steven Burg and Paul Shoup also explain the dilemma such words: "There were several Bosnia-Herzegovinas, which coexisted and which were in tension with each other" (Burg & Shoup, 1999, p. 60).

According to the Constitution of Bosnia and Herzegovina, it consists of the two Entities, the Federation of Bosnia and Herzegovina, and the Republika Srpska (Bosn. & Const. art. I, amend. I, §. 3). The Constitution attempts to build a new nation with some values on the foundation of the several structures. Each Entity has right to regulate its citizenship (Bosn. & Const. art. I, amend. I, §. 7). According to Article I of the Bosnian Constitution, there is a citizenship of Bosnia and Herzegovina, which is governed by the Parliamentary Assembly whereas a nationality of each Entity is to be regulated by each Entity (Bosn. & Const. art. I, amend. I, §. 7, cl. 4). The Entities have some responsibilities such as establishing special relationships with neighbouring states, providing a safe and secure environment for all persons in their jurisdictions and also entering into agreements with states and international organizations with the consent of the Parliamentary Assembly (Bosn. & Const. art. III, amend. I, §. 2). Also, the Constitution of Bosnia and Herzegovina establishes the national institutions such as the Parliamentary Assembly, the Presidency, the Constitutional Court and the Central Bank to carry out the national powers.

According to the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly consists of the House of Peoples and the House of Representatives (Bosn. & Const. art. IV, amend. I). Article IV of the Constitution of Bosnia and Herzegovina states that “the House of Peoples comprises 15 Delegates, two-thirds from the Federation (including 5 Croats and 5 Bosniacs) and one-third from the Republika Srpska (5 Serbs)” (Bosn. & Const. art. IV, amend. I, §. 1). Also, as Article IV of the

Bosnian Constitution mentions that “The designated Croat and Bosniac Delegates from the Federation will be selected respectively by the Croat and Bosniac Delegates to the House of the Peoples of the Federation” (Bosn. & Const. art. IV, amend. I, §. 4, cl. 1). Thus, the Republika Srpska's Delegates will be chosen by the National Assembly of the Republika Srpska (Bosn. & Const. art. IV, amend. I, §. 4, cl. 1). Nine members of the House of Peoples comprise a quorum, provided that at least 3 Bosniacs, 3 Croats and 3 Serb Delegates are present (Bosn. & Const. art. IV, amend. I, §. 4, cl. 2). The House of Representatives comprises 42 members, two-thirds elected from their Entity under an election law to be adopted by the Parliamentary Assembly (Bosn. & Const. art. IV, amend. I, §. 2). Members of the House of Representatives will be directly elected by the Parliamentary Assembly (Bosn. & Const. art. IV, amend. I, §. 2, cl. 1). A majority of whole members elected to the House of Representatives involves a quorum (Bosn. & Const. art. IV, amend. I, §. 2, cl. 2). The Parliamentary Assembly has responsibility for enacting legislation as necessary to implement decisions of the Presidency or to carry out the functions of the Assembly under the Constitution, approving a budget for the institutions of the state, deciding whether to consent to the ratification of treaties (Bosn. & Const. art. IV, amend. I, §. 4). Article IV explains the legislation process of the Constitution. According to Article IV of the Bosnian Constitution, “Each Chamber shall by majority vote adopt its internal rules and select from its members one Bosniac, one Croat, one Serb to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected” (Bosn. & Const. art. IV, amend. I, §. 3, cl. 2). All legislative acts require the approval of both Chambers (Bosn. & Const. art. IV, amend. I, §. 3, cl. 3). Moreover, all decisions taken in both Chambers will be by the majority of those present and voting (Bosn. & Const. art. IV, amend. I, §. 3, cl. 4). The relevant article

of the Bosnian Constitution underlines that “The Members and Delegates will make their best efforts to see that the majority includes, at least, one-third of the votes of Members or Delegates from each Entity” (Bosn. & Const. art. IV, amend. I, §. 3, cl. 4). If a majority vote does not contain one-third of the votes, the Chair and Deputy Chairs will meet as a commission and attempt to obtain approval within three days of the vote (Bosn. & Const. art. IV, amend. I, §. 3, cl. 4). If those efforts fail, decisions will be taken by a majority of those present and voting, provided that the dissenting votes not include two-thirds or more of the Members or Delegates elected from either Entity (Bosn. & Const. art. IV, amend. I, §. 3, cl. 4). Besides, Article IV also emphasizes that “The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniac, Croat or Serb people” (Bosn. & Const. art. IV, amend. I, §. 3, cl. 7). However, “The House of Peoples elected in the first elections after the entry into force of the Constitution may not be dissolved” (Bosn. & Const. art. IV, amend. I, §. 3, cl. 7).

The Presidency of Bosnia and Herzegovina comprises of three members (Bosn. & Const. art. V, amend. I). Those members consist of one Bosniac and one Croat, each directly elected from the Federation, and one Serb directly elected from the Republika Srpska (Bosn. & Const. art. V, amend. I). “Members of the Presidency will be directly elected in each Entity with each voter voting to fill one seat on the Presidency, by an election law adopted by the Parliamentary Assembly” (Bosn. & Const. art. V, amend. I, §. 1, cl. 1). In the first election, the Members of the Presidency will be elected for two years, but "The term of Members subsequently elected shall be four year" (Bosn. & Const. art. V, amend. I, §. 1, cl. 2). Thus, the Members of Presidency will merely be eligible for one term (Bosn. & Const. art. V,

amend. I, §. 1, cl. 2). Article V of the Constitution of Bosnia and Herzegovina involves the procedures of the Presidency. The members of the Presidency will appoint from their members a Chair (Bosn. & Const. art. V, amend. I, §. 2, cl. 2). The Chair will be the members who received the highest number of votes for the first term of the Presidency (Bosn. & Const. art. V, amend. I, §. 2, cl. 2). The Presidency takes all decisions by consensus (Bosn. & Const. art. V, amend. I, §. 2, cl. 3). Nevertheless, such decisions may “be adopted by two members when all efforts to reach consensus have failed” (Bosn. & Const. art. V, amend. I, §. 2, cl. 3). Also, according to the relevant article of the Bosnian Constitution,

"A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected, provided that he does so within three days of its adoption. Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect" (Bosn. & Const. art. V, amend. I, §. 2, cl. 4).

Article V of the Constitution of Bosnia Herzegovina also mentions about the responsibilities of the Presidency. According to the Article V of the Bosnian Constitution, the Presideny has responsibilities such as conducting the foreign policy, appointing ambassadors and other international representatives, representing the country in international organizations and institutions and seeking membership in such organizations, executing decisions of the Parliamentary Assembly, proposing an

annual budget to the Parliamentary Assembly, reporting as requested by the Parliamentary Assembly on expenditures by the Presidency, coordinating as necessary with international and non-governmental organizations in the country, performing such other functions as may be required to carry out its duties as may be assigned to it by the Parliamentary Assembly, and lastly negotiating, denouncing and ratifying treaties of the country with the consent of the Parliamentary Assembly (Bosn. & Const. art. V, amend. I, §. 3).

The Presidency nominates the Chair of the Council of Ministers (Bosn. & Const. art. V, amend. I, §. 4). It takes office on the approval of the House of Representatives (Bosn. & Const. art. V, amend. I, §. 4). According to Article V of the Bosnian Constitution, the Chair nominates a Foreign Minister, a Minister for Foreign Trade, and other ministers (Bosn. & Const. art. V, amend. I, §. 4, cl. 1). Those ministers nominated by the Chair will take office upon the approval of the House of Representatives again (Bosn. & Const. art. V, amend. I, §. 4, cl. 1). In addition, the Chair and the Ministers together constitute the Council of Ministers and report to the Parliamentary Assembly, including on expenditures by the country annually (Bosn. & Const. art. V, amend. I, §. 4, cl. 1). Furthermore, no more than two-thirds of all ministers is going to from the territory of the Federation (Bosn. & Const. art. V, amend. I, §. 4, cl. 2). The Chair also nominates Deputy Ministers, “who shall not be of the same constituent people as their ministers” (Bosn. & Const. art. V, amend. I, §. 4, cl. 2). The Deputy Ministers take office when the House of Representatives approve them (Bosn. & Const. art. V, amend. I, §. 4, cl. 2). Lastly, according to the Bosnian Constitution, "The Council of Ministers shall resign if at any time there is a vote of no-confidence by the Parliamentary Assembly" (Bosn. & Const. art. V, amend. I, §. 4, cl. 2).

Another significant institution of Bosnia and Herzegovina is the Constitutional Court, which represents the judiciary arm of the state. The Constitutional Court of Bosnia and Herzegovina has nine members (Bosn. & Const. art. VI, amend. I, §. 1). Four members will be selected by the House of Representatives of the Federation and two members of the Assembly of the Republika Srpska (Bosn. & Const. art. VI, amend. I, §. 1, cl. 1). The remaining three members will be chosen by the President of the European Court of Human Rights after consultation with the Presidency (Bosn. & Const. art. VI, amend. I, §. 1, cl. 1). According to VI, a majority of all members of the Court constitute a quorum (Bosn. & Const. art. VI, amend. I, §. 1, cl. 1). Moreover, the Constitutional Court adopts its rules of court by a majority of all members (Bosn. & Const. art. VI, amend. I, §. 1, cl. 2). The Constitutional Court upholds the Constitution. Article VI of the Bosnian Constitution states that "The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina" (Bosn. & Const. art. VI, amend. I, §. 3, cl. 1). Additionally, the Constitutional Court is a type of appeal authority over issues under the Constitution arising out of a judgement of any other court in the country (Bosn. & Const. art. VI, amend. I, §. 3, cl. 2).

The last institution among the structures is the Central Bank. According to Article VII of the Bosnia Constitution, the Central Bank of Bosnia and Herzegovina will be an authority for issuing currency and for monetary policy throughout the country (Bosn. & Const. art. VII, amend. I). Thus, Article VII of the Constitution of Bosnia and Herzegovina gives the information about the structure of Central Bank to us:

"The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighbouring state, may cast tie-breaking votes on the Governing Board" (Bosn. & Const. art. VII, amend. I, §. 2).

5.4. Lebanon

Lebanon is another well-known failure case study in the consociational model literature. In this part of the study, the National Pact and the Taif Agreement process are going to be examined to understand why the Lebanese.

With the collapse of the Ottoman Empire at the end of World War I, Lebanon became a French mandate at the five provinces. The country gained its independence in 1943, establishing a unique system of government. Unlike the Republic of Cyprus, the Lebanese case came into prominence with religious diversity. The new system is named as confessionalism, a consociational type of power sharing mechanism. It is typically a power-sharing model which entails distributing institutional power among religious communities based on proportionality. After Lebanon gained independence from France, the Maronite and Sunni political elites of the country came together and envisaged the National Pact. The Pact was a carefully-crafted verbal agreement. It laid down as a condition that while the Lebanese Christians would abandon the protection and influence of the Western powers over the country, the Lebanese Muslims accepted to give up their Pan-Arab political desires (Türedi, 2008). In other words, both sides agreed on existing geographical boundaries of Lebanon (Türedi, 2008).

The desire was to build a sense of overarching Lebanese national identity which would pacify both Christians and Muslims. According to the National Pact, Lebanese presidents would be Maronite Christians whereas prime ministers would be Sunni Muslims, and the speakers of the Chamber of Deputies would be Shi'ite Muslim. Based on the 1932 census, it was accepted that Christians and Muslims would be represented in parliament according to a 6/5 ratio. Thus, civil and public service would also be made on a sectarian basis (Seaver, 2000). According to Seaver (2000), the problematic point in this newly constituted state was the lack of consensus with its inhabitants about their national identity. Most Muslims identified themselves as Arabs with an ambition to unite with Syria and the rest of the Arab lands. Most Christians also identified themselves as Lebanese with an eagerness to keep a close and special relationship with the West, particularly France. This dilemma was a major obstacle to the development of a normal Lebanese state. It divided the Lebanese polity on most political issues, including the necessity of ending the mandate, accompanying sharp religious lines.

Essentially, the National Pact was a political compromise between the two largest religious communities to gain independence and proceed to govern Lebanon on the ground of the religious representation provided in the Constitution. Until the civil war, Lebanon was one of the few liberal democracies in the Middle East. What made Lebanon's democratic regime extraordinary was its tenacity despite a multi-confessional population with an overarching Christian-Muslim cleavage and 17 different sects. While Lebanon's Muslim society consists of three sects as Shi'ite, Sunni, and Druze; the Christian residents are divided into several sects such as Maronite, Greek Orthodox, Armenian Orthodox, Greek Catholic and Armenian Catholic. Though in smaller numbers, Jews and Protestants also were the inhabitant of

the country. Besides, the Palestinians that lived in Lebanon at the time were composed of originally Sunni Muslims as 85 percent and secondarily non-Maronite Christians as 15 percent. Palestinians Muslims, however, were not legal citizens of the Lebanese state mostly (Harris, 1997). Although the National Pact succeeded to end the French mandate era in Lebanon, the Pact, unfortunately, failed to transform the country into an unproblematic state. The cleavage continued to exist between Christians and Muslims. The high tension between the religious groups developed into an armed conflict. The developments evolved to the breakdown of the governmental authority and outbreak of civil war in 1975. In the beginning, the decades-long and bloody Lebanese Civil War was a fighting between Maronite and Palestinian forces that were mainly from the Palestine Liberation Organization. Then, not only Muslim Lebanese but also the leftist and Pan-Arabist groups have made an alliance with the Palestinians. Besides, the Cold War status quo had a powerful impact on Lebanon. During the war era, Maronites sided with the Western bloc while leftist and pan-Arab groups sided with Soviet-aligned Arab countries (Khalidi, 1979).

The surviving members of Lebanon's 1972 National Assembly met in Taif, Saudi Arabia to discuss a charter of reconciliation between the belligerents of the civil war at the end of September 1989. Taif Agreement aimed to provide the ending of the civil war and the return to political normalcy, the revision of the Lebanese Constitution of 1943, the establishment of special relations between Lebanon and Syria and the beginning of complete Syrian withdrawal from the Lebanese soil. The main constitutional reforms are such as transfer of power from the Maronite Christian President to the Sunni Muslim Prime Minister and the Shi'ite Muslim Chairman of the National Assembly, executive power is to be exercised by the Council of Ministers and the distribution divided equally between Christians and Muslims, and an

improvement in the number of seats in the National Assembly, from 99 to 128, to be split equally between Christian and Muslim deputies. In addition to these reforms, the important positions at the state structure will be distributed among the religious groups of the country. According to Taif Agreement, the President of Lebanon will be a Maronite Christian whereas the Prime Minister will be a Sunni Muslim. Also, the Chairman of the National Assembly will be a Shi'ite Muslim.

In principle, Lebanon has made significant moves toward integrative consociationalism (Salamey, 2009). According to Salamey (2009), the Taif Agreement stipulated the creation of a bicameral chamber; a Chamber of Deputies elected directly by the Lebanese citizens on a national non-sectarian "self-determination" basis and a Senate that maintains "predetermined" sectarian representation. Also, the Agreement recommended the further decentralization of government administrations. However, due to strong sectarian elite objections, Lebanon failed to implement such a bicameral and administrative arrangement. Salamey (2009) supports that the chronic weak of nature of the state in Lebanon and the continuous failure of international efforts to provide a sustainable consociational system are attributed to the agreements that have neither helped accommodate nor moderated political sectarianism in the country. As a consequence of the weakness of nature of the state, the sectarian conflict was heightened even after the signing of Taif Agreement. The conflict continues and the state repeatedly failed.

In Lebanon, there is a unicameralism system in legislation. The legislative power is entrusted in one chamber, the Chamber of Deputies (Leb. Const. art. XVI, amend. I). According to Article XXIV of the Lebanese Constitution, "The Chamber of Deputies consists of elected representatives whose number and the manner of the election are determined by the electoral laws in effect" (Leb. Const. art. XXIV,

amend. I, §. 1). The relevant article underlines that the Chamber of Deputies issues on electoral law (Leb. Const. art. XXIV, amend. I, §. 2). The seats of the Chamber of Deputies are allocated according to the equality rules among Christians and Muslims and the proportionality among the sects of both sides and between different districts (Leb. Const. art. XXIV, amend. I, §. 2). Besides, "With the election of the first Chamber of Deputies on a national basis, not sectarian, a new Senate shall be established in which all religious communities are represented and whose power shall be limited to supreme national causes" (Leb. Const. art. XXII, amend. I). In the Chamber, the decisions are taken by the majority of votes; otherwise the proposal is rejected (Leb. Const. art. XXXIV, amend. I). Thus, according to the Article XXXIV of the Lebanese Constitution, "The Chamber cannot be validly convened unless attended by the majority of the members who constitute it" (Leb. Const. art. XXXIV, amend. I).

According to Article XXVII of the Lebanese Constitution, the member of the Chamber of Deputies represents the all of the nation (Leb. Const. art. XXVII, amend. I). The electors of the Chamber of Deputies cannot impose restrictions or conditions on his mandate (Leb. Const. art. XXVII, amend. I). Furthermore, according to the Lebanese Constitution, a Representative will combine the representative and the ministerial functions (Leb. Const. art. XXVIII, amend. I). The members of the Chamber of Deputies select the ministers either persons outside it, or from both (Leb. Const. art. XXVIII, amend. I). Representatives merely "have the right to decide on the validity of their mandate" (Leb. Const. art. XXX, amend. I, §. 1). The term of office of any Representative “cannot be nullified except by a two-thirds majority of each member” (Leb. Const. art. XXX, amend. I, §. 1).

Besides, one of the prominent provisions of the Lebanese Constitution, Article XCV explains the structure of the Chamber of Deputies:

"The Chamber of Deputies, elected on the basis of half Muslims and half Christians, must take the appropriate measures to eliminate political sectarianism, according to an interim plan, and the formation of a National Council under the presidency of the President of the Republic consisting, in addition to the President of the Chamber of Deputies and the Prime Minister, political, intellectual and social notables" (Leb. Const. art. XCV, amend. I, §. 1).

The Council of Ministers vests the executive power (Leb. Const. art. XVII, amend. I). It is the authority to which the Armed Forces are subjected (Leb. Const. art. LXV, amend. I). According to Article LXV of the Lebanese Constitution, the functions of the Council of Ministers are elaborating the public policy for the in all fields, taking care of the enforcement of laws and orders, appointing state employees, dissolving the Chamber of Deputies by request from the President of the Republic (Leb. Const. art. LXV, amend. I). Thus, the Council of Ministers gathers periodically in a first headquarters (Leb. Const. art. LXV, amend. I). The legal quorum for its convening is a two-thirds majority of its members (Leb. Const. art. LXV, amend. I). Thus, “The decisions are taken by consent of two-thirds of the government, but if this is not possible, then by voting, and its decisions are made by the majority of the present” (Leb. Const. art. LXV, amend. I). Lastly, the Chamber of Deputies and the Council of Ministers have the right to propose laws (Leb. Const. art. XVIII, amend. I). Unless the Chamber of Deputies adopts it, a law cannot be published (Leb. Const. art. XVIII, amend. I).

The Chamber of Deputies has special procedures for internal issues. Article XLIV of the Lebanese Constitution explains this procedure fairly. According to the Lebanese Constitution; “Every time a new Chamber is elected, it collects under the presidency of the oldest member while the youngest two members act as secretaries” (Leb. Const. art. XLIV, amend. I, §. 1). Article XLIV of the Lebanese Constitution also emphasizes that the President and Vice-President will be elected separately, for the term of the Chamber (Leb. Const. art. XLIV, amend. I, §. 1). It will be by secret balloting and by the absolute majority of the votes (Leb. Const. art. XLIV, amend. I, §. 1). The result is based on the proportional majority in a third ballot (Leb. Const. art. XLIV, amend. I, §. 1). Moreover, the oldest member is considered elected in case of equal votes (Leb. Const. art. XLIV, amend. I, §. 1).

As the Lebanese Constitution states that, the President of the country is not only the Chief of State but also the symbol of the unity of Lebanon (Leb. Const. art. XLIX, amend. I, §. 1). According to Article XLIX of the Lebanese Article, the President chairs the Higher Defence Council and also is the Commander in Chief of Armed Forces which are subject to the authority of the Council of Ministers (Leb. Const. art. XLIX, amend. I, §. 1). On the other hand, the President of the Republic is elected by secret ballot by a two-thirds majority of the votes in the Chamber of Deputies in the first round (Leb. Const. art. XLIX, amend. I, §. 2). Besides, Article LIII of the Lebanese Constitution goes into details about the President's powers. According to the sections of the relevant article, the President has some powers such as presiding over the Council of Ministers whenever he or she wishes without participating in the vote, appointing the Head of Government, promulgating a decree appointing the Prime Minister separately, transmitting the bills submitted to him or her by the Council of Ministers to the Chamber of Deputies, addressing messages to

the Chamber of Deputies in case of necessity and presenting any of the urgent matters to the Council of Ministers outside the agenda (Leb. Const. art. LIII, amend. I).

In Lebanon, the head of government is the Prime Minister (Leb. Const. art. LXIV, amend. I). He or she represent the government and responsible for executing the public policy made by the Council of Ministers (Leb. Const. art. LXIV, amend. I). According to Article LXIV, the Prime Minister assumes the powers such as presiding over the Council of Ministers, conducting the representative consultations for the formation of the Government, presenting the public policy of the Government to the Chamber of Deputies, countersigning all decrees with the President of the Republic except the decree nominating him or her Head of Government, the decree accepting the Government's resignation or considering it resigned, gathering the Council of Ministers and elaborating its agenda, following upon the achievements of the administrations and public organizations, coordinating ministers, providing guidance to ensure the good performance, setting working sessions with the concerned institutions is the stage in the presence of the minister in charge (Leb. Const. art. LXIV, amend. I).

The Supreme Council is the last institution which is going to be revised in the Lebanese case. Article LXXX of the Lebanese Constitution states that “The Supreme Council whose mission is to impeach the President and Ministers consists of seven Deputies elected by the Chamber of Deputies, and eight of the highest-rank Lebanese judges according to the judicial hierarchy or according to seniority regarding their equal ranks” (Leb. Const. art. LXXX, amend. I). The members of the Supreme Council assemble under the presidency of the Judge with the highest rank (Leb. Const. art. LXXX, amend. I). The Supreme Council takes the decisions by a majority of ten votes (Leb. Const. art. LXXX, amend. I).

5.5. Where the Model Worked/Failed and Under Which Circumstances?

As it is examined in the previous section, four case studies are selected to look at the various attempts at putting in place a consociational model. Austria and Switzerland are defined as the successful examples while Bosnia and Herzegovina and Lebanon are designated as the failure of the model. This part does not come to a conclusion about the model, but, it can be overtly stated that even the most well-written constitution will fail if some of the favourable conditions are missing in consociational democracies. The favourable conditions of consociational democracies ought to be accomplished in divided societies for a successful power-sharing distribution. So, the factors leading to failure or success in consociational settings and the reasons why and how the model failed or succeeded will also be included in this part of the chapter.

In each case study among the four countries, different groups have power sharing by specific features. Among the Serbs, the Bosniaks, and the Croats in Bosnia and Herzegovina; the Maronites, the Shi'ites, and the Sunnis in Lebanon; the Social Democrats and the Conservatives in Austria; the German, the French and the Italian-speaking communities in Switzerland. In Cyprus, the cleavage is based upon the Turkish and Greek Cypriot population. The division of the countries might be built on the different types of cleavages such as ethnic, linguistic and religious divides. Hence, each divided society has a different experience with the implementation of the consociational model.

The Bosnian case is one of the most well-known failure of the consociational experiments in the European continent. Bosnia and Herzegovina has several similarities with other failed cases such as Lebanon and Cyprus. To understand the

circumstances of a failed consociation model, one has to look at the Bosnian and Lebanese cases.

The first reason of the failure of the consociational democracy in Bosnia and Herzegovina is the lack of elite cooperation. In Bosnia and Herzegovina, in 1992, a referendum was held in which the majority of the population either opposed or supported the new state. A huge percentage of the Serbian population boycotted the referendum, and it was accepted by the Bosniaks and the Croats as 99.7 percent of the voters voted for the independence of Bosnia and Herzegovina on April 6, 1992 (Bose, 2007). Despite the consent of the majority of the population for the independence of a new state, due to the Serbs' boycott, three groups of the country have no consensus on the issues. Therefore, lack of consensus was the biggest problem at that time. The Serbs were not as enthusiastic for establishing a new state as much as the Bosniaks and the Croats. The civil war erupted in 1992 and was ended by the Dayton Peace Agreement. The civil war in Bosnia and Herzegovina and Lebanon made the cleavages deeper among the opposing groups. Therefore, the legislative branch of the constitution is going to be non-functional in their parliaments. Cyprus also experienced a civil war, and the 1960 Constitution of the Republic of Cyprus aimed to end the civil war among the Turkish and Greek Cypriots. Neither the 1960 Constitution nor the Annan Plan provided a comprehensive solution under a consociational democracy. Consequently, Cyprus has similarities with failed cases such as Bosnia and Herzegovina regarding the lack of the elite cooperation which is an obstacle to the solution of the problem.

The second reason for the Bosnian failure is about the weak segmental autonomy and the federal structure. The Federation of Bosnia and Herzegovina, the Republika Srpska, and Brcko District are the three divided parts of Bosnia and

Herzegovina. The Federation of Bosnia and Herzegovina, which forms 51% part of all country, is governed by the Bosniak-Bosnian Croat collaboration. The Republika Srpska, which makes up 49% of the country's territory, is merely under the authority of the Bosnian Serbs. On the other hand, the autonomous Brcko District, a small and the most controversial part of the country, is administrated by a local government. The complex administrative structure of the state does not allow for successful governance. Thus, all three political elites advocate different types of federal structures in the country. The Bosniak political elites defend to establish a unitary state whereas the Croatian political elites would like to have the state as a kind of union of three entities. Moreover, the Serbian political elites support the unification of the Bosnian Serbs with the Republika Srpska, which is a still problematic issue of the country. The essential problem of the segmental autonomy in Bosnia and Herzegovina is about the asymmetrical federal state structure between two legal entities of Bosnia and Herzegovina.

The Federation of Bosnia and Herzegovina is a constituent state of Bosnia and Herzegovina. The Entity was established by the 1994 Washington Agreement, which concluded the conflict between the Bosnian Croats and Bosniaks. The Federation consists of 10 autonomous cantons, and all of these ten cantons have their capital, parliament, government, president, army, customs and civil departments. Two large political parties dominate the government of the Federation of Bosnia and Herzegovina. The Bosniak Party of Democratic Action (SDA) and the Croat Democratic Union of Bosnia and Herzegovina (HDZ) are two major coalition partners of the government. However, the International Crisis Group warned the parties in its report in September 2010 (Federation of Bosnia and Herzegovina – A Parallel Crisis, 2010). According to the report of the International Crisis Group (2010), the two

largest political parties SDA and HDZ have shaped political scene of the country, and the fragmentation got deepen. The recommendations of the report (2010) were to establish a commission to propose structural reforms, strengthen the Constitutional Court of the Federation, adjust the territories among the cantons in accordance with the presence of the groups, and make the law on concessions. However, suggestions were not met, and fragmentation further increased.

Republika Srpska is another constituent unit of the country too. The Entity has its capital, parliament, government, president, army, customs and civil departments. However, unlike the Federation of Bosnia and Herzegovina, the Republika Srpska is more centralized, not having the autonomous cantons. According to the Constitution of Republika Srpska, there is an 83-member unicameral People's Assembly of Republika Srpska. Two major political parties in the Assembly are Alliance of Independent Social Democrats (SNDS) and Serbian Democratic Party (SDS). Since 1991, SDS and SNDS have been the part of a grand coalition. Furthermore, Republika Srpska has more autonomy than the Federation of Bosnia and Herzegovina. Indeed, Republika Srpska opened a representative office in Brussels in 2009 for relations with the EU. Moreover, Republika Srpska and Serbia signed the Agreement on Special Parallel Relations in 1997, and it was implemented in 2010. According to the Agreement, A Council for Cooperation has founded, and the Council consists of the presidents and prime ministers of Serbia and Republika Srpska (Article 5).

Like the Cyprus case, the asymmetrical federal structure and weak segmental autonomy between the Federation of Bosnia and Herzegovina and the Republika Srpska make the cleavage deeper and precipitate the failure of the model in Bosnia and Herzegovina.

The third reason for the Bosnian failure is related to the compound written documents and complex political system. The first goal of the Dayton Peace Agreement was to stop the bloody armed conflict among the groups, and not establishing a stable democracy. With its 150 pages, the Dayton Peace Agreement can be defined as one of the most complex written document in the world. It is not easy to read the paper for an ordinary Bosnian citizen. So, enforcement of the Constitution, with the purpose of establishing a stable democracy, is also equally hard. In this context, the Dayton Peace Agreement, as well as the Constitution of Bosnia and Herzegovina, have a similar complexity with the 1960 Constitution of the Republic of Cyprus and the Annan Plan in the Cyprus case.

Lebanon presents another failed case study of consociationalism. Unlike Bosnia and Herzegovina and Cyprus, the fragmentation among the groups is based on religious, rather than ethnic cleavage. The model applied in the country is called as confessionalism due to the sectarian divergence. Consociationalism enhances competition among the sects instead of providing a unified national Lebanese identity.

The first reason of the failure of the Lebanese case is the unfair proportional representation system. The 1932 Census, which was the first and last official census, has regulated the proportional representation process of these designated religious groups in the modern Lebanese state. Although the census played a major role to regulate power-sharing among the religious groups, no official census has been organized. According to the 1932 census, the Muslim and the Christian population was almost equal. However, the Christians lost their majority in the 1960s. It led to Muslims claim more representation power than before. The government rejected changing the power-sharing balance, and armed conflict erupted. These two issues, the destructive and bloody armed conflicts and the migration waves, undoubtedly

changed the demographic structure of the country. The 1932 Census could not provide the fair proportional representation of the sects in all branches of the state. Even though the Shiite population is more than Sunnis today, a Shite cannot be elected as a president or even a prime minister of Lebanon.

The second reason for the Lebanese failure is the lack of elite cooperation like Cyprus and Bosnia and Herzegovina. During the pre-Civil War period in Lebanon, the multi-party system was successfully adopted. The six major religious groups were represented at that time. Five communities, except for the Shiites, had their political parties, and this had a positive influence on the consociational democracy. After the Civil War, however, the Muslims outnumbered the Christians. The multi-party system failed, and it evolved into the bi-polar system due to the imbalance between Muslims and Christians. These two religious groups decided to build two blocks which damaged the balance of power. To sum up, the lack of elite cooperation also prevented the establishment of a successful grand coalition.

The third weakness in the model in Lebanon is that the political elites failed to establish a grand coalition. Lijphart (1977) identified that the National Pact was a type of grand coalition since the six major political parties shared the important office positions during the Civil War period. According to the National Pact of 1943, the President is to be a Maronite whereas the Prime Minister is to be a Sunni, the Speaker of the Parliament is to be a Shiite, the Deputy Minister, and the Deputy Speaker of Parliament is to be an Orthodox. However, the Pact of 1943 did not lead to the current state of Lebanese sectarian politics. The groups changed the power-sharing structure in The Taif Agreement a little bit, but, it did not solve the problem. Today, the Muslims, as the largest community in the country, claim more power than the Maronites.

The fourth reason for the Lebanese failure is the lack of the mutual veto right. Lijphart (1977) stated that the mutual veto power is implemented in the pre-Civil War era as an informal and unwritten element. Nonetheless, the mutual veto was never officially applied in the Lebanese constitutional order. Despite the lack of mutual veto right in the Constitution, the religious communities could not guarantee their political protection above the other groups.

This study finds two similarities between Lebanon and Cyprus. Firstly, the identity is the biggest problem of the two countries. Both in Lebanon and Cyprus, the people, do not adopt a unifying. In Cyprus, for instance, the people of the island identify themselves either Greek or Turkish Cypriots whereas the Lebanese people describe themselves as belonging sects. It is almost impossible to create an all-encompassing Lebanese or Cypriot identity for these two countries. Secondly, both Lebanon and Cyprus experienced bloody civil wars which deepen the fragmentation among the groups.

Austria is a relatively successful example of consociationalism. The cleavage in Austria is not ethnic like in Cyprus. After the collapse of the Habsburg's Austro-Hungarian Empire at the end of World War I, the First Austrian Republic was established in 1919. The First Austrian Republic had close ties with Germany. In 1938, Austria was occupied by Nazi Germany and the annexation continued until the end of World War II in 1945. When the Allies defeated the Nazis, a new period had begun for the Austrian people. The USA, the Soviet Union, the Britain and France took control over Austria. The Allies started to work on establishing a new democratic constitution in the country. In 1955, the Allies' occupation ended and the Second Austrian Republic was established. The government adopted the Declaration of Neutrality which meant that Austria would be a neutral state permanently. After all, as

a consequence of the developments, the Austrian elites developed a consensus democracy. The Conservatives and the Social Democrats would be two parties to the grand coalition.

The first feature of Austrian consociationalism is a strong grand coalition structure. Austria has a multi-party system, and all segments of the society can represent themselves in the parliament according to the results of the elections. From 1945 to 1986, the conservative Austrian People's Party (ÖVP) and the Social Democratic Party of Austria (SPÖ) established a grand coalition. The right-wing Freedom Party of Austria (FPÖ) surged in the parliament as the third partner in the coalition after 1986. However, it can be seen that ÖVP and SPÖ prefer to establish a grand coalition instead of cooperating with the FPÖ. In the latest parliamentary election in 2013, SPÖ won the election as the strongest party in the parliament whereas ÖVP became the second largest party in the Parliament. FPÖ could not win the election and stayed out of the coalition. Unlike the failure in other consociational experiments in the literature, the Austrian political elites could manage to establish grand coalitions although they had different ideological stances. The main reason for this success is the ability to reach a compromise.

The second feature of the Austrian consociational model is a fair proportional representation in the legislative and executive branches. As it is examined in the earlier section on Austria, the Austrian Parliament has two chambers. The National Council and the Federal Council represent the legislative power jointly. Thus, the Federal Assembly consist of the 183 members of the National Council and the 61 members of the Federal Council. A political party must at least poll 4% of the popular votes to win a seat in the National Council. According to the 2013 National Council election results, SPÖ won 52 seats in the Council while ÖVP won 47 of the seats. As

the third party, FPÖ won 40 seats of the Council, and other remaining 44 seats were shared among the three political parties. So, any party which takes the support of the people can be a part of the grand coalition in proportion to its share of the total vote.

The third feature of the success of the Austrian consociational democracy is the mutual veto right. In the Austrian Constitution, the mutual veto right is not written officially. Instead of a deliberate coverage in text, it is provided through direct democracy. Unlike Lebanon and Bosnia and Herzegovina, both political elites and the people mostly use the veto right to protect their political rights rather than blocking the constitutional mechanism. In this respect, referenda (Volksabstimmungen), popular initiatives (Volksbegehren) and the national opinion polls (Volksbefragungen) are three instruments of direct democracy in the Austrian's legal system. Direct democracy structure has been successfully practiced. In Austria, thirty-four popular initiatives (Volksbegehren) were organized since 1964. Three referenda (Volksabstimmungen) were held since the 1950s. The first referendum took place in 1938 which was related to the Austrian nuclear power, and people rejected it with 50.5% percentage of the votes. The second one was held in 1978 about the Austrian European Union membership referendum. 66.6% percentage of the votes was the membership and Austria joined the EU as part of the 1995 enlargement. The last referendum was organized in 2013. It dealt with the issue of Austrian conscription referendum. The proposal was supported by SPÖ and the Green Party whereas ÖVP stood in opposition. Austrian people rejected the proposal with 59.7% percentage.

The Austrian Parliament defines democracy in Austria as representing more than just the majority (Parliamentarism Explained, n.d.). According to the official description, everyone ought to be able to say their opinion and defend their interests in a spirit of mutual respect (Parliamentarism Explained, n.d.). Besides, if the

decisions were merely left to the majority, democracy would be in danger and such a case only those who know how to win a majority would be able to protect their interests. So, for the Austrian Parliament, it is better to point at "the people" rather than "the politicians" and "the people" means everyone, not the majority.

Consociational democracy in Austria is quite different from the case of Cyprus. It is due to the different perspective of the Austrian political elites. The Austrian political elites strictly support taking decisions jointly, limiting each other's power throughout the functioning of the Parliament and the Federal President, respecting different opinions, promoting the interaction of the Parliament and the Government. The efforts of the political parties help the consociational model succeed in the country.

Switzerland is defined as the successful consociational model with its stable and advanced democracy. The main difference between Switzerland and other European countries is that Switzerland was never attacked and was never occupied by an external power during the world wars era. The neutrality of the Swiss governments during that period helped the country maintain their political stability undamaged. Nothing like the failed case studies of the model, Switzerland has not experienced a bloody civil war that prevented the fragmented groups from being more divided. The main cleavage in Switzerland is a linguistic one. As a result; German, French and Italian cultures are the three prevailing top languages and cultures in the country. Switzerland can manage to create a common identity with an old historical background and shared values such as direct democracy, federalism, and proportional representation.

The first component of the Swiss consociational model is a grand coalition. Switzerland has a multi-party system with a rich party landscape. Swiss People's Party (SVP), Social Democratic Party (SPS), Free Democratic Party (FDP), and Christian Democratic People's Party (CVP) are the four major political parties which are represented in the government.

The second component of the Swiss consociationalism is proportional representation. In Switzerland, a magic formula is applied for dividing the seven seats of the Swiss Federal Council between the four main political parties according to their electoral support. The formula was firstly implemented in 1959. Following the 2015 Federal Council elections, seven seats in the Federal Council were distributed according to the magic formula. According to the formula; FDP, SPS, and SVP has two seats while CVP has won 1 seat in the Council. Although the formula is still in use, it has no legal status in the Swiss Constitution.

The third component of the Swiss consociational model is high segmental autonomy. The power of the state is shared among the Confederation, the Cantons and the Communes. The structures have extensive powers and protect their interests. Therefore, with its four national mother tongues and geographical landscapes, the federal structure brings in significant social consonance. The Swiss Confederation has 20 cantons and six-half cantons. These cantons and communes are largely autonomous. Each canton has its legislative, executive and judiciary structures which are designated by its constitution and the people elect the representatives for the cantonal parliaments. Unlike Lebanon and Bosnia and Herzegovina, the high segmental autonomy, and decentralized administrative divisions allow for different linguistic groups to rule themselves.

The fourth and last component of the Swiss consociational democracy is the mutual veto right. In Austria, the notion of direct democracy grants the mutual veto power to minorities. As similar is observed in Switzerland. Switzerland is a unique example of direct democracy in the world. The Swiss people are directly involved in the decision-making process. The people can reject a draft law or the politicians' decisions in a referendum. Direct democracy concept also plays a significant role for the groups to protect their interests.

The federal popular initiative, the mandatory referendum, and optional referendum are three types of referenda. Federal popular initiatives allow the citizens to offer any changes to the Swiss constitution. For the submission to the Federal Council, at least 100,000 citizens' signatures are needed. Then, the Council must debate the proposal in eighteen months. This can be illustrated briefly by the number of referendums organized. From 1858 until today, 604 referendums have been held. From 2006 to 2016, 84 referendums took place in Switzerland. At least one referendum was organized each year whereas the maximum referendum number in a year is five. In 2016 alone, nine referendums were held. The Swiss people can vote in referenda more frequently than the citizens of any country. Therefore, direct democracy system in Switzerland helps sustain the balance among the various groups in the society.

To sum up, several factors have to be fulfilled for establishing a successful consociational democracy in deeply divided societies. It is not easy to define the model as succeed or failed in a case study. Moreover, it can be summarized that the more circumstances that are met, the more likely that consociationalism will be successful. Otherwise, the model cannot be implemented to the divided societies for a comprehensive solution.

Table 2

Comparative Analysis of the Four Case Studies of Consociationalism

The Components of A Consociational Model	Austria	Switzerland	Bosnia and Herzegovina	Lebanon
A Grand Coalition	Art. XIX, XXXVIII, LX, LXIX, LXX, CXXXIV, CXLII, CXLVII	Art. CXLVIII, CL, CLII, CLVI, CLVII, CLXXIV, CLXXV, CLXXVI, CLXXXVIII, CLXXXIX	Art. IV, V, VI, VII	Art. XVI, XVII, XVIII, XXII, XXVIII, XLIX, LIII, LXIV, LXV, LXXX
Segmental Autonomy and Federalism	Art. II, X, XV, XXIV, CXXIX, CXL	Art. I, III, XXXIX, XLIV, XLV, XLVII, XLVIII	Art. I, III	Art. XXVII, XCV
Proportionality	Art. XXVI, XXXIV, XXXV	Art. CXLIX	Art. IV, V, VI, VII	Art. XXIV
Mutual Veto	Art. XXXVII, XLI	Art. CXL, CXLI, CXLII, CLIX	Art. V, VI	Art. XXX, XXXIV, XLIV

6. CONCLUSION: PROSPECTS FOR A CONSOCIATIONAL SOLUTION TO THE CYPRUS PROBLEM

Although the model is proposed for a constitutional solution in deeply divided societies, few scholars seek to answer the question as to why consociational democracies are failed in general. The main objective of the current dissertation is not only to examine consociationalism and its effects on Cyprus but also to fill the gap in the literature in this respect. Returning to the question posed at the beginning of this study, it is now possible to state that consociationalism does not offer a comprehensive solution for all deeply divided societies. The study of the constitutions of two successful and two unsuccessful experiments with consociationalism is undertaken from a comparative perspective.

The most obvious finding to emerge from this study is that even the most well-written constitution applied to a deeply fragmented country will be a failure if the favourable conditions of consociationalism are missing. Chief among these conditions, it is possible to highlight the elite accommodation. The failed examples of the consociational democracies show us that the attitudes and behaviour of the elites directly affect a better power-sharing structure. If the elites are reluctant to establish a grand coalition, it is almost impossible to sustain a successful consociational democracy. In Cyprus, Lijphart's favourable conditions were missing in 1960 and 2004. Due to these missing aspects, the 1960 Constitution failed, and the Annan Plan was stillborn.

The research also seems to confirm that it is hard to find a consociational solution in the countries with an experience of bloody civil war in their past. Lebanon and Bosnia and Herzegovina are two significant examples. A bloody civil war

increases fragmentation and the tensions among the groups continue unabated. Like other successful examples of consociationalism, Austria and Switzerland had no experience of such a bloody civil war throughout their history. A bloody war among the groups can be expected to cause the lack of political dialogue that is essential for a consociational democracy.

Another finding of the study is related to the importance of the mutual veto right. Many fragmented groups in deeply divided societies use the veto power in the constitution to hinder the legislative process instead of protecting their rights against their coalition partner. In Austria and Switzerland, political parties or communities do not permit the blocking the constitutional rights of the parties, though their political views may be different. Not only in Cyprus but also in other failed examples, however, the parties have frequently used the veto power to paralyze the legislature. Hence, exploitation of the mutual veto power is another problematic aspect of consociationalism to be solved.

This study has raised many questions in need of further research. It also provides a framework for the exploration of alternative models proposed for a comprehensive solution to the Cyprus problem. The results of this study support the idea that consociationalism is not a suitable power-sharing structure and the model cannot provide a comprehensive solution for the island. The integrative model can present an alternative solution. More work is needed to determine the combination of aspects of different models.

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Appendix A: Thirteen Amendments Proposed by Makarios

1. The right of veto of the President and the Vice-President of the Republic to be abandoned.

2. The Vice-President of the Republic to deputise for the President of the Republic in case of his temporary absence or incapacity to perform his duties.

3. The Greek President of the House of Representatives and the Turkish Vice-President to be elected by the House as a whole and not as at present the President by the Greek Members of the House and the Vice-President by the Turkish Members of the House.

4. The Vice-President of the House of Representatives to deputise for the President of the House in case of his temporary absence or incapacity to perform his duties.

5. The constitutional provisions regarding separate majorities for enactment of certain laws by the House of Representatives to be abolished.

6. Unified Municipalities to be established.

7. The administration of Justice to be unified.

8. The division of the Security Forces into Police and Gendarmerie to be abolished.

9. The numerical strength of the Security Forces and of the Defence Forces to be determined by a Law.

10. The proportion of the participation of Greek and Turkish Cypriots in the composition of the Public Service and the Forces of the Republic to be modified in proportion to the ratio of the population of Greek and Turkish Cypriots.

11. The number of the Members of the Public Service Commission to be reduced from ten to five.

12. All decisions of the Public Service Commission to be taken by simple majority.

13. The Greek Communal Chamber to be abolished.

Appendix B: The Relevant Articles of the 1960 Constitution of the Republic of Cyprus

Cyprus Const. art. I, amend. IX.

The State of Cyprus is an independent and sovereign Republic with a presidential regime, the President being Greek and the Vice President being Turk elected by the Greek and the Turkish Communities of Cyprus respectively as hereinafter in this Constitution provided.

Cyprus Const. art. II, amend. IX, §. 1.

The Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church.

Cyprus Const. art. II, amend. IX, §. 2.

The Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems.

Cyprus Const. art. III, amend. IX, §. 1.

The official languages of the Republic are Greek and Turkish.

Cyprus Const. art. III, amend. IX, §. 2.

Legislative, executive and administrative acts and documents shall be drawn up in both official languages and shall, where under the express provisions of this Constitution promulgation is required, be promulgated by publication in the official Gazette of the Republic in both official languages.

Cyprus Const. art. XLVI, amend. IX, cl. 1.

The executive power is ensured by the President and the Vice-President of the Republic.

Cyprus Const. art. XLVI, amend. IX, cl. 2.

The President and the Vice-President of the Republic in order to ensure the executive power shall have a Council of Ministers composed of seven Greek Ministers and three Turkish Ministers. The Ministers shall be designated respectively by the President and the Vice-President of the Republic who shall appoint them by an instrument signed by them both. The Ministers may be chosen from outside the House of Representatives.

Cyprus Const. art. XLVI, amend. IX, cl. 3.

One of the following Ministries that is to say the Ministry of Foreign Affairs, the Ministry of Defence or the Ministry of Finance, shall be entrusted to a Turkish Minister. If the President and the Vice-President of the Republic agree they may replace this system by a system of rotation.

Cyprus Const. art. XLVI, amend. IX, cl. 5.

The decisions of the Council of Ministers shall be taken by an absolute majority and shall, unless the right of final veto or return is exercised by the President or the Vice-President of the Republic or both in accordance with Article 57, be promulgated immediately by them by publication in the official Gazette of the Republic in accordance with the provisions of Article 57.

Cyprus Const. art. LIX, amend. IX, §. 3.

The Ministers shall hold office in the case of the Greek Ministers until their appointment is terminated by the President of the Republic and in the case of the

Turkish Ministers until their appointment is terminated by the Vice-President of the Republic.

Cyprus Const. art. LXI, amend. IX.

The legislative power of the Republic shall be exercised by the House of Representatives in all matters except those expressly reserved to the Communal Chambers under this Constitution.

Cyprus Const. art. LXII, amend. IX, §. 1.

The number of Representatives shall be fifty: Provided that such number may be altered by a resolution of the House of Representatives carried by a majority comprising two-thirds of the Representatives elected by the Greek Community and two-thirds of the Representatives elected by the Turkish Community.

Cyprus Const. art. LXII, amend. IX, §. 2.

Out of the number of Representatives provided in paragraph I of this Article seventy per centum shall be elected by the Greek Community and thirty per centum by the Turkish Community separately from amongst their members respectively, and in the case of a contested election, by universal suffrage and by direct and secret ballot held on the same day. The proportion of Representatives stated in this paragraph shall be independent of any statistical data.

Cyprus Const. art. LXVII, §. 1.

The House of Representatives may dissolve itself only by its own decision carried by an absolute majority including at least one third of the Representatives elected by the Turkish Community.

Cyprus Const. art. LXXVIII, amend. IX, §. 1.

The laws and the decisions of the House of Representatives shall be passed by a simple majority vote of the Representatives present and voting.

Cyprus Const. art. LXXVIII, amend. IX, §. 2.

Any modification of the Electoral Law and the adoption of any law relating to the municipalities and of any law imposing duties or taxes shall require a separate simple majority of the Representatives elected by the Greek and the Turkish Communities respectively taking part in the vote.

Cyprus Const. art. LXXXVI, amend. IX.

The Greek and the Turkish Communities respectively shall elect from amongst their own members a Communal Chamber which shall have the competence expressly reserved for it under the provisions of this Constitution.

Cyprus Const. art. LXXXVII, amend. IX.

The Communal Chambers shall, in relation to their respective Community, have competence to exercise within the limits of this Constitution and subject to paragraph 3 of this Article, legislative power solely with regard to the following matters: all religious matters; all educational, cultural and teaching matters; personal status; the composition and instances of courts dealing with civil disputes relating to personal status and to religious matters; in matters where the interests and institutions are of purely communal nature such as charitable and sporting foundations, bodies and associations created for the purpose of promoting the well-being of their respective Community; imposition of personal taxes and fees on members of their respective Community in order to provide for their respective needs and for the needs of bodies

and institutions under their control as in Article 88 provided; in matters where subsidiary legislation in the form of regulations or bye-laws within the framework of the laws relating to municipalities will be necessary to enable a Communal Chamber to promote the aims pursued by municipalities composed solely of members of its respective Community; in matters relating to the exercise of the authority of control of producers' and consumers' co-operatives and credit establishments and of supervision in their functions of municipalities consisting solely of their respective Community.

Cyprus Const. art. CXXIII, amend. IX, §. 1.

The public service shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks.

Cyprus Const. art. CXXIX, amend. IX, §. 1.

The Republic shall have an army of two thousand men of whom sixty per centum shall be Greeks and forty per centum shall be Turks.

Cyprus Const. art. CXXXI, amend. IX, §. 1.

The Heads and Deputy Heads of the army, the police and the gendarmerie of the Republic shall be appointed jointly by the President and the Vice-President of the Republic.

Cyprus Const. art. CXXXIII, amend. IX, §. 1, c. 1.

There shall be a Supreme Constitutional Court of the Republic composed of a Greek, a Turk and a neutral judge. The neutral judge shall be the President of the Court.

Cyprus Const. art. CXXXIII, amend. IX, §. 2.

The President and the other judges of the Supreme Constitutional Court shall be appointed jointly by the President and the Vice-President of the Republic: Provided that in the case of a vacancy solely in the post of either the Greek or the Turkish judge the proposal of the President or the Vice-President of the Republic to whose Community the judge to be appointed shall belong shall prevail if the President and the Vice-President of the Republic do not agree on the appointment within a week of such proposal.

Cyprus Const. art. CXXXIII, amend. IX, §. 3.

The neutral judge shall not be a subject or a citizen of the Republic or of the Kingdom of Greece or of the Republic of Turkey or of the United Kingdom and the Colonies.

Cyprus Const. art. CXXXVII, amend. IX, §. 1.

The President and the Vice-President of the Republic, either separately or conjointly, shall have a right of recourse to the Supreme Constitutional Court under the provisions of this Article on the ground that any law or decision of the House of Representatives or any provision thereof discriminates against either of the two Communities.

Cyprus Const. art. CLIII, amend. IX, §. 1, c. 1.

There shall be a High Court of Justice composed of two Greek judges, one Turkish judge and a neutral judge. The neutral judge shall be the President of the Court and shall have two votes.

Cyprus Const. art. CLIII, amend. IX, §. 2.

The President and the other judges of the High Court shall be appointed jointly by the President and the Vice-President of the Republic: Provided that in the case of a vacancy solely in the post of either a Greek judge or the Turkish judge the proposal of the President or the Vice-President of the Republic to whose Community the judge to be appointed shall belong shall prevail if the President and the Vice-President of the Republic do not agree on the appointment within a week of such proposal.

Cyprus Const. art. CLVI, amend. IX, §. 1.

The following offences in the first instance shall be tried by a court composed of such judges belonging to both Communities as the High Court shall determine presided over by the President of the High Court: Treason and other offences against the security of the Republic; offences against the Constitution and the constitutional order.

Cyprus Const. art. CLVI, amend. IX, §. 2.

Provided that in the appeal from any decision of such court the High Court shall be presided over by the President of the Supreme Constitutional Court in the place of the President of the High Court and in such a case the President of the Supreme Constitutional Court shall have all the powers vested in the President of the High Court.

Appendix C: The Relevant Articles of the Annan Plan for Cyprus in 2004

U.N. The Annan Plan, art. I, §. 3.

The Treaty of Establishment, the Treaty of Guarantee, and the Treaty of Alliance remain in force and shall apply mutatis mutandis to the new state of affairs. Upon entry into force of this Agreement, Cyprus shall sign a Treaty with Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus, along with additional protocols to the Treaties of Establishment, Guarantee and Alliance.

U.N. The Annan Plan, art. I, pmbl. 1.

Affirming that Cyprus is our common home and recalling that we were co-founders of the Republic established in 1960.

U.N. The Annan Plan, art. II, §. 1.

The status and relationship of the United Cyprus Republic, its federal government, and its constituent states, is modelled on the status and relationship of Switzerland, its federal government, and its cantons.

U.N. The Annan Plan, art. II, §. 1, cl. 1.

The United Cyprus Republic is an independent state in the form of an indissoluble partnership, with a federal government and two equal constituent states, the Greek Cypriot State and the Turkish Cypriot State. Cyprus is a member of the United Nations and has a single international legal personality and sovereignty. The United Cyprus Republic is organised under its Constitution in accordance with the basic principles of rule of law, democracy, representative republican government, political equality, bi-zonality, and the equal status of the constituent states.

U.N. The Annan Plan, art. II, §. 1, cl. 3.

The constituent states are of equal status. Within the limits of the Constitution, they sovereignly exercise all powers not vested by the Constitution in the federal government, organising themselves freely under their own Constitutions.

U.N. The Annan Plan, art. II, §. 2.

The constituent states shall cooperate and co-ordinate with each other and with the federal government, including through Cooperation Agreements, as well as through Constitutional Laws approved by the federal Parliament and both constituent state legislatures. In particular, the constituent states shall participate in the formulation and implementation of policy in external relations and European Union affairs on matters within their sphere of competence, in accordance with Cooperation Agreements modelled on the Belgian example. The constituent states may have commercial and cultural relations with the outside world in conformity with the Constitution.

U.N. The Annan Plan, art. II, §. 3.

The federal government and the constituent states shall fully respect and not infringe upon the powers and functions of each other. There shall be no hierarchy between federal and constituent state laws. Any act in contravention of the Constitution shall be null and void.

U.N. The Annan Plan, art. II, §. 4.

The Constitution of the United Cyprus Republic may be amended by separate majority of the voters of each constituent state in accordance with the specific provisions of the Constitution.

U.N. The Annan Plan, art. II, pmbl. 1.

Resolved that the tragic events of the past shall never be repeated and renouncing forever the threat or the use of force, or any domination by or of either side.

U.N. The Annan Plan, art. III, §. 2.

All Cypriot citizens shall also enjoy internal constituent state citizenship status. This status shall complement and not replace Cypriot citizenship.

U.N. The Annan Plan, art. III, §. 3.

Other than in elections of Senators, which shall be elected by Greek Cypriots and Turkish Cypriots separately, political rights at the federal level shall be exercised based on internal constituent state citizenship status. Political rights at the constituent state and local level shall be exercised at the place of permanent residency.

U.N. The Annan Plan, art. III, pmbl. 1.

Acknowledging each other's distinct identity and integrity and that our relationship is not one of majority and minority but of political equality where neither side may claim authority or jurisdiction over the other.

U.N. The Annan Plan, art. IV, pmbl. 1.

Deciding to renew our partnership on that basis and determined that this new bi-zonal partnership shall ensure a common future in friendship, peace, security and prosperity in an independent and united Cyprus.

U.N. The Annan Plan, art. V, §. 1.

The federal Parliament composed of two chambers, the Senate and the Chamber of Deputies, shall exercise the legislative power.

U.N. The Annan Plan, art. V, §. 1, cl. 1.

Each Chamber shall have 48 members. The Senate shall be composed of an equal number of Greek Cypriots and Turkish Cypriots. The Chamber of Deputies shall be composed in proportion to persons holding internal constituent state citizenship status of each constituent state, provided that each constituent state shall be attributed no less than one quarter of seats.

U.N. The Annan Plan, art. V, §. 1, cl. 2.

Decisions of Parliament shall require the approval of both Chambers by simple majority, including one quarter of voting Senators from each constituent state. For specified matters, a special majority of two-fifths of sitting Senators from each constituent state shall be required.

U.N. The Annan Plan, art. V, §. 2.

The Office of Head of State is vested in the Presidential Council, which shall exercise the executive power.

U.N. The Annan Plan, art. V, §. 2, cl. 1.

The Presidential Council shall be elected on a single list by special majority in the Senate and approved by majority in the Chamber of Deputies for a five-year term. It shall comprise six voting members, and additional non-voting members should Parliament so decide. The composition of the Presidential Council shall be proportional to the number of persons holding the internal constituent state citizenship status of each constituent state, though no less than one-third of the voting members and one-third of any non-voting members of the Council must come from each constituent state.

U.N. The Annan Plan, art. V, §. 2, cl. 2.

The Presidential Council shall strive to reach decisions by consensus. Where it fails to reach consensus, it shall, unless otherwise specified, take decisions by simple majority of members present and voting, provided this comprises at least one member from each constituent state.

U.N. The Annan Plan, art. V, §. 2, cl. 3.

Notwithstanding voting rights, the members of the Council shall be equal. The Council shall decide on the attribution of Departments among its members. The heads of the Departments of Foreign Affairs and European Union Affairs shall not come from the same constituent state.

U.N. The Annan Plan, art. V, §. 2, cl. 4.

Unless the Presidential Council decides otherwise, it shall elect two of its members not hailing from the same constituent state to rotate every twenty months in the offices of President and Vice-President of the Council. The member hailing from the more populous constituent state shall be the first President in each term. The President, and in his absence or temporary incapacity, the Vice-President, shall represent the Council as Head of State and Head of Government. The Vice-President shall accompany the President to meetings of the European Council. The President and Vice-President shall not enjoy a casting vote or otherwise increased powers within the Council.

U.N. The Annan Plan, art. V, pmbl. 1.

Underlining our commitment to international law and the principles and purposes of the United Nations.

U.N. The Annan Plan, art. VI, §. 1.

The Supreme Court shall uphold the Constitution and ensure its full respect.

U.N. The Annan Plan, art. VI, §. 2.

It shall comprise an equal number of judges from each constituent state, and three non-Cypriot judges until otherwise provided by law.

U.N. The Annan Plan, art. VI, pmbl. 1.

Committed to respecting democratic principles, individual human rights and fundamental freedoms, as well as each other's cultural, religious, political, social and linguistic identity.

U.N. The Annan Plan, art. VII, §. 1.

The federal institutions shall be in place upon entry into force of the Foundation Agreement, and shall evolve in their operation during transitional periods.

U.N. The Annan Plan, art. VII, §. 2.

The transitional constituent state legislatures, executives and judiciaries shall be in place upon entry into force in accordance with this agreement. At the federal level, the office of Head of State shall be vested in a Co-Presidency. The federal government shall be composed of a Council of Ministers of six members (three Greek Cypriots, three Turkish Cypriots). Delegates from each constituent state parliament shall sit in the transitional federal Parliament (24 Greek Cypriots, 24 Turkish Cypriots) and in the European Parliament (four Greek Cypriots, two Turkish Cypriots).

U.N. The Annan Plan, art. VII, pmbl. 1.

Determined to maintain special ties of friendship with, and to respect the balance between, Greece and Turkey, within a peaceful environment in the Eastern Mediterranean.

U.N. The Annan Plan, cl. 9, pmbl. 1.

We, the Greek Cypriots and the Turkish Cypriots, exercising our inherent constitutive power, by our free and democratic, separately expressed common will adopt this Foundation Agreement.

Appendix D: The Relevant Articles of the Constitution of Lebanon

Leb. Const. art. XVI, amend. I.

The Legislative Power is vested in one Chamber: The Chamber of Deputies.

Leb. Const. art. XVII, amend. I.

The Executive Power is entrusted to the Council of Ministers, which shall exercise it according to the provisions of this Constitution.

Leb. Const. art. XVIII, amend. I.

The Chamber of Deputies and the Council of Ministers have the right to propose laws. A law cannot be published unless the Chamber of Deputies adopts it.

Leb. Const. art. XXII, amend. I.

With the election of the first Chamber of Deputies on a national basis, not sectarian, a new Senate shall be established in which all religious communities are represented and whose power shall be limited to supreme national causes.

Leb. Const. art. XXIV, amend. I, §. 1.

The Chamber of Deputies consists of elected representatives whose number and the manner of the election are determined by the electoral laws in effect.

Leb. Const. art. XXIV, amend. I, §. 2.

Until the Chamber of Deputies issues an Electoral Law, outside the sectarian record, representative seats are distributed according to the following rules: Equally between Christians and Moslems, proportional between the sects of both sides, proportional among districts.

Leb. Const. art. XXVII, amend. I.

The member of the Chamber of Deputies represents the whole nation. His electors cannot impose restrictions or conditions on his mandate.

Leb. Const. art. XXVIII, amend. I.

A Representative may combine the representative and the ministerial functions. Ministers may be selected from the members of the Chamber of Deputies or from persons outside it, or from both.

Leb. Const. art. XXX, amend. I, §. 1.

Representatives only have the right to decide on the validity of their mandate. The mandate of any Representative cannot be nullified except by a two-thirds majority of all members.

Leb. Const. art. XLIV, amend. I, §. 1.

Every time a new Chamber is elected, it convenes under the presidency of the oldest member, while the youngest two members act as secretaries. The President and Vice-President are separately elected, for the term of the Chamber, by secret balloting and by the absolute majority of the votes cast. In a third ballot, the result is based upon the proportional majority. In case of equal votes, the oldest is considered elected.

Leb. Const. art. XLIX, amend. I, §. 1.

The President of the Republic is the Chief of State, and the symbol of the unity of the Homeland. He ensures the respect of the Constitution, and the maintenance of Lebanon's independence, its unity, and its territorial integrity in accordance with the provisions of the Constitution. He chairs the Higher Defence Council. He is the

Commander in Chief of the armed forces which are subject to the authority of the Council of Ministers.

Leb. Const. art. LIII, amend. I.

The President of the Republic presides over the Council of Ministers, whenever he wishes, without participating in the vote.

The President of the Republic appoints the Head of Government in charge of consulting with the President of the Chamber of Deputies with respect to representative mandatory consultations, the results of which are officially reported to him.

He promulgates a decree appointing the Prime Minister separately.

He promulgates with the consent of the Prime Minister, the decree to form the Government, and the decrees to accept the resignation of Ministers or their dismissal.

He promulgates, independently, the decrees to accept the resignation of the Government or to consider it resigning.

To transmit the bills, submitted to him by the Council of Ministers, to the Chamber of Deputies.

To receive the Ambassadors, and accept their accreditation.

He presides over official ceremonies, and grants State badges of honour by decree.

He grants special pardon by decree, but the general pardon can only be granted by law.

In case of necessity, he addresses messages to the Chamber of Deputies.

He presents any of the urgent matters to the Council of Ministers, outside the agenda.

He calls the Council of Ministers to extraordinary meetings, as he deems necessary, in agreement with the Head of Government.

Leb. Const. art. LXIV, amend. I.

The Prime Minister is the Head of Government. He represents it, speaks in its name, and is responsible for executing the public policy made by the Council of Ministers. He assumes the following powers:

He presides over the Council of Ministers. By law, he is Vice President of the Supreme Council of Defence.

He conducts the representative consultations for the formation of the Government, and countersigns with the President of the Republic, the decree of its formation. The Government must present its ministerial program to the Chamber of Deputies for a vote of confidence within thirty days from the date of promulgating the decree of its formation. The Government cannot assume its functions before a vote of confidence, nor after its resignation, nor after considering it resigned, except in the narrow sense to manage the business.

He presents the public policy of the Government to the Chamber of Deputies.

He countersigns all decrees with the President of the Republic, except the decree nominating him Head of Government, or the decree accepting the Government's resignation, or considering it resigned.

He signs the decree to open an extraordinary session and the decrees promulgating the laws and the request to reconsider them.

He convenes the Council of Ministers, and elaborates its agenda. He notifies the President of the Republic, in advance, of the topics included therein, and of the urgent topics to be discussed.

He follows upon the achievements of the administrations and public organizations, and coordinates among Ministers, and provides guidance to ensure the good performance.

He convenes working sessions with the concerned institutions in the State, in the presence of the Minister in charge.

Leb. Const. art. LXV, amend. I.

The executive power is vested in the Council of Ministers, and is the power to which the Armed Forces are subjected. Of the functions it performs, are:

Elaborating the public policy for the State in all fields, the bills and organizational decrees, and taking the decisions necessary for their implementation.

Taking care of the enforcement of laws and orders, overseeing the functions of all the State apparatus, including administrations and civil, military, and security organizations, without exception.

Appointing State employees, dismissing them, and accepting their resignations, according to the law.

Dissolving the Chamber of Deputies by a request from the President of the Republic, if the Chamber abstains, for other than compelling reasons, from convening during an ordinary session, or during two extraordinary successive sessions, not less than one month each, or in case of rejecting the Budget as a whole for the purpose of paralyzing the hand of the Government to act. This right cannot be exercised another

time for the same reasons which lead to the dissolution of the Chamber in the first time.

The Council of Ministers convenes periodically in a special headquarters, and is presided over by the President of the Republic whenever he attends its sessions. The legal quorum for its convening is a two-thirds majority of its members. Its decisions are taken by consent, but if this is impossible, then by voting, and its decisions are taken by the majority of those present.

Leb. Const. art. LXXX, amend. I.

The Supreme Council, whose mission is to impeach the President and Ministers, consists of seven Deputies elected by the Chamber of Deputies, and eight of the highest-rank Lebanese Judges according to the judicial hierarchy, or according to seniority in case of their equal ranks. They convene under the presidency of the Judge with the highest rank. The impeachment decisions are issued by the Supreme Council by a majority of ten votes. The impeachment proceedings therein are determined by a special law.

Leb. Const. art. XCV, amend. I, §. 1.

An extraordinary appropriation may not be opened, except by a special law. However, if unforeseen circumstances create urgent expenditures, the President of the Republic issues a decree, based upon a decision made by the Council of Ministers, to open extraordinary or additional appropriations, and by transfer of appropriations in the budget, without exceeding the upper limit determined in the budget law. These measures must be submitted to the Chamber for approval in its first ensuing session.

Appendix E: The Relevant Articles of the Constitution of Bosnia and Herzegovina

Bosn. & Const. art. I, amend. I, §. 3.

Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska.

Bosn. & Const. art. I, amend. I, §. 7.

There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity.

Bosn. & Const. art. I, amend. I, §. 7, cl. 4.

Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly, between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities only if Bosnia and Herzegovina is their country of residence.

Bosn. & Const. art. III, amend. I, §. 2.

The Entities shall have the right to establish special parallel relationships with neighbouring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.

Each Entity shall provide all necessary assistance to the government of Bosnia and Herzegovina in order to enable it to honour the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Parliamentary Assembly and Presidency of Bosnia and Herzegovina shall be the responsibility of that Entity,

except insofar as the obligation is necessary for continuing the membership of Bosnia and Herzegovina in an international organization.

The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.

Each Entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly. The Parliamentary Assembly may provide by law that certain types of agreements do not require such consent.

Bosn. & Const. art. IV, amend. I.

The Parliamentary Assembly shall have two chambers: The House of Peoples and the House of Representatives.

Bosn. & Const. art. IV, amend. I, §. 1.

The House of Peoples shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniacs) and one-third from the Republika Srpska (five Serbs).

The designated Croat and Bosniac Delegates from the Federation shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska.

Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniac, three Croat, and three Serb Delegates are present.

Bosn. & Const. art. IV, amend. I, §. 2.

The House of Representatives shall comprise 42 Members, two- thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.

Bosn. & Const. art. IV, amend. I, §. 2, cl. 1.

Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement.

Bosn. & Const. art. IV, amend. I, §. 2, cl. 2.

A majority of all members elected to the House of Representatives shall comprise a quorum.

Bosn. & Const. art. IV, amend. I, §. 3, cl. 2.

Each chamber shall by majority vote adopt its internal rules and select from its members one Serb, one Bosniac, and one Croat to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected.

Bosn. & Const. art. IV, amend. I, §. 3, cl. 3.

All legislation shall require the approval of both chambers.

Bosn. & Const. art. IV, amend. I, §. 3, cl. 4.

All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or

Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity.

Bosn. & Const. art. IV, amend. I, §. 3, cl. 7.

The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniac, Croat, or Serb peoples. The House of Peoples elected in the first elections after the entry into force of this Constitution may not, however, be dissolved.

Bosn. & Const. art. IV, amend. I, §. 4, cl. 1.

The Parliamentary Assembly shall have responsibility for enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.

Bosn. & Const. art. IV, amend. I, §. 4, cl. 2.

The Parliamentary Assembly shall have responsibility for deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina.

Bosn. & Const. art. V, amend. I.

The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.

Bosn. & Const. art. V, amend. I, §. 1, cl. 1.

Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an election law adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.

Bosn. & Const. art. V, amend. I, §. 1, cl. 2.

The term of the Members of the Presidency elected in the first election shall be two years; the term of Members subsequently elected shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.

Bosn. & Const. art. V, amend. I, §. 2, cl. 2.

The Members of the Presidency shall appoint from their Members a Chair. For the first term of the Presidency, the Chair shall be the Member who received the highest number of votes. Thereafter, the method of selecting the Chair, by rotation or otherwise, shall be determined by the Parliamentary Assembly.

Bosn. & Const. art. V, amend. I, §. 2, cl. 3.

The Presidency shall endeavour to adopt all Presidency Decisions by consensus. Such decisions may nevertheless be adopted by two Members when all efforts to reach consensus have failed.

Bosn. & Const. art. V, amend. I, §. 2, cl. 4.

A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was

elected, provided that he does so within three days of its adoption. Such a decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect.

Bosn. & Const. art. V, amend. I, §. 3.

The Presidency shall have responsibility for:

Conducting the foreign policy of Bosnia and Herzegovina.

Appointing ambassadors and other international representatives of Bosnia and Herzegovina, no more than two-thirds of whom may be selected from the territory of the Federation.

Representing Bosnia and Herzegovina in international and European organizations and institutions and seeking membership in such

organizations and institutions of which Bosnia and Herzegovina is not a member.

Negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina.

Executing decisions of the Parliamentary Assembly.

Proposing, upon the recommendation of the Council of Ministers, an annual budget to the Parliamentary Assembly.

Reporting as requested, but not less than annually, to the Parliamentary Assembly on expenditures by the Presidency.

Coordinating as necessary with international and nongovernmental organizations in Bosnia and Herzegovina.

Performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the Entities.

Bosn. & Const. art. V, amend. I, §. 4.

The Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives.

Bosn. & Const. art. V, amend. I, §. 4, cl. 1.

Together the Chair and the Ministers shall constitute the Council of Ministers, with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields referred to in Article III (1), (4), and (5) and reporting to the Parliamentary Assembly (including, at least annually, on expenditures by Bosnia and Herzegovina).

Bosn. & Const. art. V, amend. I, §. 4, cl. 2.

No more than two-thirds of all Ministers may be appointed from the territory of the Federation. The Chair shall also nominate Deputy Ministers (who shall not be of the same constituent people as their Ministers), who shall take office upon the approval of the House of Representatives.

Bosn. & Const. art. VI, amend. I, §. 1.

The Constitutional Court of Bosnia and Herzegovina shall have nine members.

Bosn. & Const. art. VI, amend. I, §. 1, cl. 1.

Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.

Bosn. & Const. art. VI, amend. I, §. 1, cl. 2.

Judges shall be distinguished jurists of high moral standing. Any eligible voter so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighbouring state.

Bosn. & Const. art. VI, amend. I, §. 3, cl. 1.

The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina, including but not limited to:

Whether an Entity's decision to establish a special parallel relationship with a neighbouring state is consistent with this Constitution, including provisions concerning the sovereignty and territorial integrity of Bosnia and Herzegovina.

Whether any provision of an Entity's constitution or law is consistent with this Constitution.

Disputes may be referred only by a member of the Presidency, by the Chair of the Council of Ministers, by the Chair or a Deputy Chair of either chamber of the Parliamentary Assembly, by one-fourth of the members of either chamber of the Parliamentary Assembly, or by one-fourth of either chamber of a legislature of an Entity.

Bosn. & Const. art. VI, amend. I, §. 3, cl. 2.

The Constitutional Court shall also have appellate jurisdiction over issues under this Constitution arising out of a judgment of any other court in Bosnia and Herzegovina.

Bosn. & Const. art. VII, amend. I.

There shall be a Central Bank of Bosnia and Herzegovina, which shall be the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina.

Bosn. & Const. art. VII, amend. I, §. 2.

The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighbouring state, may cast tie-breaking votes on the Governing Board.

Appendix F: The Relevant Articles of the Constitution of Switzerland

Switz. Const. art. I, amend. I.

The People and the Cantons of Zurich, Bern, Lucerne, Uri, Schwyz, Obwalden and Nidwalden, Glarus, Zug, Fribourg, Solothurn, Basel Stadt and Basel Landschaft, Schaffhausen, Appenzell Ausserrhoden and Appenzell Innerrhoden, St. Gallen, Graubünden, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchâtel, Geneva, and Jura form the Swiss Confederation.

Switz. Const. art. III, amend. I.

The Cantons are sovereign except to the extent that their sovereignty is limited by the Federal Constitution. They exercise all rights that are not vested in the Confederation.

Switz. Const. art. XXXIX, amend. I, §. 1.

The Confederation shall regulate the exercise of political rights in federal matters, and the Cantons shall regulate their exercise at cantonal and communal matters.

Switz. Const. art. XLIV, amend. I, §. 1.

The Confederation and the Cantons shall support each other in the fulfilment of their duties and shall generally cooperate with each other.

Switz. Const. art. XLIV, amend. I, §. 3.

Disputes between Cantons or between Cantons and the Confederation shall wherever possible be resolved by negotiation or mediation.

Switz. Const. art. XLV, amend. I, §. 1.

In the cases specified by the Federal Constitution, the Cantons shall participate in the federal decision making process, and in particular in the legislative process.

Switz. Const. art. XLV, amend. I, §. 2.

The Confederation shall inform the Cantons of its intentions fully and in good time. It shall consult the Cantons where their interests are affected.

Switz. Const. art. XLVII, amend. I, §. 1.

The Confederation shall respect the autonomy of the Cantons.

Switz. Const. art. XLVII, amend. I, §. 2.

It shall leave the Cantons sufficient tasks of their own and respect their organisational autonomy. It shall leave the Cantons with sufficient sources of finance and contribute towards ensuring that they have the financial resources required to fulfil their tasks.

Switz. Const. art. XLVIII, amend. I, §. 1.

The Cantons may enter into agreements with each other and establish common organisations and institutions. In particular, they may jointly undertake tasks of regional importance together.

Switz. Const. art. CXL, amend. I.

The following must be put to the vote of the People and the Cantons: amendments to the Federal Constitution; accession to organisations for collective security or to supranational communities; emergency federal acts that are not based on a provision of the Constitution and whose term of validity exceeds one year; such federal acts must be put to the vote within one year of being passed by the Federal Assembly.

The following are submitted to a vote of the People: popular initiatives for a complete revision of the Federal Constitution; popular initiatives for a partial revision of the Federal Constitution in the form of a general proposal that have been rejected by the

Federal Assembly; the question of whether a complete revision of the Federal Constitution should be carried out, in the event that there is disagreement between the two Councils.

Switz. Const. art. CXLI, amend. I, §. 1.

If within 100 days of the official publication of the enactment any 50,000 persons eligible to vote or any eight Cantons request it, the following shall be submitted to a vote of the People: federal acts; emergency federal acts whose term of validity exceeds one year; federal decrees, provided the Constitution or an act so requires; international treaties that: are of unlimited duration and may not be terminated; provide for accession to an international organisation; contain important legislative provisions or whose implementation requires the enactment of federal legislation.

Switz. Const. art. CXLII, amend. I.

Proposals that are submitted to the vote of the People are accepted if a majority of those who vote approve them.

Proposals that are submitted to the vote of the People and Cantons are accepted if a majority of those who vote and a majority of the Cantons approve them.

The result of a popular vote in a Canton determines the vote of the Canton.

The Cantons of Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden each have half a cantonal vote.

Switz. Const. art. CXLVIII, amend. I, §. 1.

Subject to the rights of the People and the Cantons, the Federal Assembly is the supreme authority of the Confederation.

Switz. Const. art. CXLVIII, amend. I, §. 2.

The Federal Assembly comprises two chambers, the National Council and the Council of States; both chambers shall be of equal standing.

Switz. Const. art. CXLIX, amend. I, §. 1.

The National Council is composed of 200 representatives of the People.

Switz. Const. art. CXLIX, amend. I, §. 2.

The representatives are elected directly by the People according to a system of proportional representation. A general election is held every four years.

Switz. Const. art. CXLIX, amend. I, §. 3.

Each Canton constitutes an electoral constituency.

Switz. Const. art. CXLIX, amend. I, §. 4.

The seats are allocated to the Cantons according to their relative populations. Each Canton has at least one seat.

Switz. Const. art. CL, amend. I, §. 1.

The Council of States is composed of 46 representatives of the Cantons.

Switz. Const. art. CL, amend. I, §. 2.

The Cantons of Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden each elect one representative; the other Cantons each elect two representatives.

Switz. Const. art. CL, amend. I, §. 3.

The Cantons determine the rules for the election of their representatives to the Council of States.

Switz. Const. art. CLII, amend. I.

Each Council elects a President from its members for a term of one year, together with a first Vice-President and a second Vice-President. Re-election for the following year is not permitted.

Switz. Const. art. CLVI, amend. I.

The proceedings of the National Council and Council of States take place separately.

Decisions of the Federal Assembly require the agreement of both Chambers.

Provision shall be made by the law to ensure that in the event of disagreement between the Councils decisions are made on: the validity or partial invalidity of a popular initiative; the implementation of a popular initiative in the form of a general proposal that has been adopted by the People; the implementation of a Federal Decree initiating a total revision of the Federal Constitution that has been approved by the People; the budget or any amendment to it.

Switz. Const. art. CLVII, amend. I, §. 1.

The National Council and Council of States hold joint proceedings as the United Federal Assembly under the presidency of the President of the National Council in order to: conduct elections; decide on conflicts of jurisdiction between the highest federal authorities; decide on applications for pardons.

Switz. Const. art. CLIX, amend. I, §. 2.

Decisions are taken in both Chambers and in the United Federal Assembly by the majority of those who vote.

Switz. Const. art. CLIX, amend. I, §. 3.

However, the consent of an absolute majority of the members of each of the two Councils is required for: a declaration that a federal act is urgent; provisions on subsidies, guarantee credits or spending ceilings that involve new non-recurrent expenditure of more than 20 million francs or new recurrent expenditure of more than 2 million francs; an increase in overall expenditure in the case of extraordinary financial requirements.

Switz. Const. art. CLXXIV, amend. I.

The Federal Council is the supreme governing and executive authority of the Confederation.

Switz. Const. art. CLXXV, amend. I, §. 1.

The Federal Council has seven members.

Switz. Const. art. CLXXV, amend. I, §. 2.

The members of the Federal Council are elected by the Federal Assembly following each general election to the National Council.

Switz. Const. art. CLXXV, amend. I, §. 3.

They are elected for a term of office of four years. Any Swiss citizen eligible for election to the National Council may be elected to the Federal Council.

Switz. Const. art. CLXXV, amend. I, §. 4.

In electing the Federal Council, care must be taken to ensure that the various geographical and language regions of the country are appropriately represented.

Switz. Const. art. CLXXVI, amend. I, §. 1.

The President of the Confederation chairs the Federal Council.

Switz. Const. art. CLXXVI, amend. I, §. 2.

The President and the Vice-President of the Federal Council are elected by the Federal Assembly from the members of the Federal Council for a term of office of one year.

Switz. Const. art. CLXXVI, amend. I, §. 3.

Re-election for the following year is not permitted. The President may not be elected Vice-President for the following year.

Switz. Const. art. CLXXXVIII, amend. I, §. 1.

The Federal Supreme Court is the supreme judicial authority of the Confederation.

Switz. Const. art. CLXXXIX, amend. I, §. 1.

The Federal Supreme Court hears disputes concerning violations of: federal law; international law; inter-cantonal law; cantonal constitutional rights; the autonomy of the communes and other cantonal guarantees in favour of public law corporations; federal and cantonal provisions on political rights.

Switz. Const. art. CXCIII, amend. I, §. 1.

A total revision of the Federal Constitution may be proposed by the People or by either of the two Councils or be decreed by the Federal Assembly.

Switz. Const. art. CXCIII, amend. I, §. 2.

If the initiative emanates from the People or if the two Chambers are unable to agree, the People decide on whether a total revision should be carried out.

Switz. Const. art. CXCIII, amend. I, §. 3.

If the People vote for a total revision, new elections shall be held to both Chambers.

Switz. Const. art. CXCIV, amend. I, §. 1.

A partial revision of the Federal Constitution may be requested by the People or decreed by the Federal Assembly.

Appendix G: The Relevant Articles of the Constitution of Austria

Austria Const. art. I, amend. II.

Austria is a democratic republic. Its law emanates from the people.

Austria Const. art. II, amend. II, §. 2.

The Federal State is composed of the autonomous Laender of Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tirol, Vorarlberg and Vienna.

Austria Const. art. X, amend. II.

The Federation has powers of legislation and execution.

Austria Const. art. X, amend. II, §. 1, cl. 1.

The Federation has powers of legislation and execution in the following matters: The Federal Constitution, in particular elections to the National Council, and referenda as provided by the Federal Constitution; the Constitutional Court.

Austria Const. art. X, amend. II, §. 1, cl. 2.

The Federation has powers of legislation and execution in the following matters: external affairs including political and economic representation with regard to other countries, in particular the conclusion of international treaties, notwithstanding Laender competence in accordance with Art. 16 para 1; demarcation of frontiers; trade in goods and livestock with other countries; customs.

Austria Const. art. X, amend. II, §. 1, cl. 3.

The Federation has powers of legislation and execution in the following matters: regulation and control of entry into and exit from the Federal territory; immigration

and emigration; passports; residence prohibition, expulsion and deportation; asylum; extradition.

Austria Const. art. X, amend. II, §. 1, cl. 4.

The Federation has powers of legislation and execution in the following matters: Federal finances, in particular taxes to be collected exclusively or in part on behalf of the Federation; monopolies.

Austria Const. art. X, amend. II, §. 1, cl. 6.

The Federation has powers of legislation and execution in the following matters: civil law affairs, including the rules relating to economic association but excluding regulations which render real property transactions, legal acquisition on death by individuals outside the circle of legal heirs not excepted, with aliens and transactions in built-up real property or such as is earmarked for development subject to restrictions by the administrative authorities; private endowment affairs; criminal law, excluding administrative penal law and administrative penal procedure in matters which fall within the autonomous sphere of competence of the Laender; administration of justice; establishments for the protection of society against criminal or otherwise dangerous elements; copyright; press affairs; expropriation in so far as it does not concern matters falling within the autonomous sphere of competence of the Laender; matters pertaining to notaries, lawyers, and related professions.

Austria Const. art. X, amend. II, §. 1, cl. 7.

The Federation has powers of legislation and execution in the following matters: the maintenance of peace, order and security including the extension of primary assistance in general, but excluding local public safety matters; the right of association and assembly; matters pertaining to personal status, including the

registration of births, marriages and deaths, and change of name; aliens police and residence registration; matters pertaining to weapons, ammunition and explosives, and the use of fire-arms.

Austria Const. art. X, amend. II, §. 1, cl. 14.

The Federation has powers of legislation and execution in the following matters: organization and command of the Federal police; settlement of the conditions pertaining to the establishment and organization of other protective forces with the exception of the municipal constabularies; settlement of the conditions pertaining to the armament of the protective forces and their right to make use of their weapons.

Austria Const. art. X, amend. II, §. 1, cl. 16.

The Federation has powers of legislation and execution in the following matters: the establishment of Federal authorities and other Federal agencies; service code for and staff representation rights of Federal employees.

Austria Const. art. XV, amend. II, §. 1.

In so far as a matter is not expressly assigned by the Federal Constitution to the Federation for legislation or also execution, it remains within the Laender's autonomous sphere of competence.

Austria Const. art. XIX, amend. II, §. 1.

The highest executive authorities are the Federal President, the Federal Ministers and the State Secretaries, and the members of the Land Governments.

Austria Const. art. XXIV, amend. II.

The legislative power of the Federation is exercised by the National Council jointly with the Federal Council.

Austria Const. art. XXVI, amend. II, §. 1.

The National Council is elected by the Federal people in accordance with the principles of proportional representation on the basis of equal, direct, personal, free and secret suffrage by men and women who have completed their sixteenth year of life on the day of election.

Austria Const. art. XXVI, amend. II, §. 2.

The Federal territory will be divided into self-contained constituencies whose boundaries may not overlap the Laender boundaries; these constituencies shall be sub-divided into self-contained regional constituencies. The number of deputies will be divided among the qualified voters of the constituencies (electoral bodies) in proportion to the number of nationals who in accordance with the result of the last census had their principal domicile in a particular constituency plus the number of those who on the day of the census did not have their principal domicile in Federal territory, but were entered on the electoral register of a municipality pertaining to that particular constituency; the number of deputies allocated to a constituency will be divided in the same way among the regional constituencies. The National Council electoral regulations shall provide for a final distribution procedure relating to the whole Federal territory whereby in accordance with the principles of proportional representation which ensures a balance between the seats allocated to the parties standing for election in the constituencies and the distribution of the as yet

unallocated seats. A division of the electorate into other electoral bodies is not admissible.

Austria Const. art. XXXIV, amend. II, §. 1.

Pursuant to the following provisions, the Laender are represented in the Federal Council in proportion to the number of nationals in each Land.

Austria Const. art. XXXIV, amend. II, §. 2.

The Land with the largest number of citizens delegates twelve members, every other Land as many as the ratio in which its nationals stand to those in the first mentioned Land, with remainders which exceed half the coefficient counting as full. Every Land is however entitled to a representation of at least three members. A substitute will be appointed for each member.

Austria Const. art. XXXV, amend. II, §. 1.

The members of the Federal Council and their substitutes are elected by the Diets for the duration of their respective legislative periods in accordance with the principle of proportional representation but at least one seat must fall to the party having the second largest number of seats in a Diet or, should several parties have the same number of seats, the second highest number of votes at the last election to the Diet. When the claims of several parties are equal, the issue shall be decided by lot.

Austria Const. art. XXXVII, amend. II, §. 1.

Save as otherwise provided by this law or as otherwise laid down in the Federal Council's Standing Orders in regard to individual matters, the presence of at least one third of the members and an absolute majority of the votes cast is requisite for a resolution by the Federal Council.

Austria Const. art. XXXVIII, amend. II.

The National Council and the Federal Council meet as the Federal Assembly in joint public session at the seat of the National Council for the affirmation of the Federal President as well as for the adoption of a resolution on a declaration of war.

Austria Const. art. XLI, amend. II, §. 1.

Legislative proposals are submitted to the National Council as motions by its members, by the Federal Council or by one third of the Federal Council's members, and as bills by the Federal Government.

Austria Const. art. XLI, amend. II, §. 2.

Every motion by 100,000 voters or by one sixth each of the voters in three Laender (henceforth called "popular initiative") shall be submitted by the Federal electoral board to the National Council for action. The right to vote, as to popular initiatives, appertains to those who on the last day of registration for National Council suffrage and have their principal domicile in a municipality in Federal territory. The popular initiative must concern a matter to be settled by Federal law and can be put forward in the form of a draft law.

Austria Const. art. LX, amend. II, §. 1.

The Federal President is elected by the Federal people on the basis of equal, direct, personal, free and secret suffrage by men and women having suffrage to the National Council. If there is only one candidate, the election shall take place by way of referendum. Article 26 para 5 to 8 is to be applied accordingly.

Austria Const. art. LX, amend. II, §. 2.

The candidate who polls more than half of all valid votes has been elected. If no such majority results, a second ballot takes place. Votes in this can validly be cast only for one of the two candidates who have polled the most votes in the first ballot.

Austria Const. art. LXIX, amend. II, §. 1.

The Federal Chancellor, the Vice-Chancellor and the other Federal Ministers are entrusted with the highest administrative business of the Federation in so far as this is not assigned to the Federal President. They constitute as a body the Federal Government under the chairmanship of the Federal Chancellor.

Austria Const. art. LXX, amend. II, §. 1.

The Federal Chancellor and, on his recommendation, the other members of the Federal Government are appointed by the Federal President. No recommendation is requisite to the dismissal of the Federal Chancellor or the whole Federal Government; the dismissal of individual members of the Federal Government ensues on the recommendation of the Federal Chancellor. The appointment of the Federal Chancellor or the whole Federal Government is countersigned by the newly appointed Federal Chancellor; dismissal requires no countersignature.

Austria Const. art. CXXIX, amend. II.

The authorities competent to secure the legality of all acts of administration are the independent administrative tribunals in the Laender, the Asylum Court and the Administrative Court.

Austria Const. art. CXXXIV, amend. II, §. 1.

The Administrative Court consists of a President, a Vice-President, and the requisite number of other members (chamber presidents and Court councillors).

Austria Const. art. CXL, amend. II, §. 1.

The Constitutional Court pronounces on application by, the Supreme Court, a competent appellate court an independent administrative tribunal the Asylum Court, the Administrative Court or the Federal Tender Office whether a Federal or Land law is unconstitutional, but ex officio in so far as the Court would have to apply such a law in a pending suit. It pronounces als on application by the Federal Government whether Land laws are unconstitutional and likewise on application by a Land Government, by one third of the National Council's members, or by one third of the Federal Council's members whether Federal laws are unconstitutional. A Land constitutional law can provide that such a right of application as regards the unconstitutionality of Land laws lies with one third of the Diet's members. The Court pronounces furthermore whether laws are unconstitutional when an application alleges direct infringement of personal rights through such unconstitutionality in so far as the law has become

operative for the applicant without the delivery of a judicial decision or the issue of a ruling; Art. 89 para 3 applies analogously to such applications.

Austria Const. art. CXLII, amend. II, §. 1.

The Constitutional Court pronounces on suits which predicate the constitutional responsibility of the highest Federal and Land authorities for legal contraventions culpably ensuing from their official activity.

Austria Const. art. CXLVII, amend. II, §. 1.

The Constitutional Court consists of a President, a Vice-President, twelve additional members and six substitute members.