



1976

Book Review: Polyviuo: Cyprus in Search of a Constitution: Constitutional Negotiations and Proposals, 1960-1975

Follow this and additional works at: <https://scholar.smu.edu/smulr>

Recommended Citation

Book Review: Polyviuo: Cyprus in Search of a Constitution: Constitutional Negotiations and Proposals, 1960-1975, 30 Sw L.J. 959 (1976)

<https://scholar.smu.edu/smulr/vol30/iss5/11>

This Book Review is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in SMU Law Review by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

BOOK REVIEW

CYPRUS IN SEARCH OF A CONSTITUTION; CONSTITUTIONAL NEGOTIATIONS AND PROPOSALS, 1960-1975. BY POLYVIOS G. POLYVIU. Nicosia, Cyprus: Chr. Nicolaou & Sons, Ltd. 1976.

An ancient Dutch proverb states that when two cultures share the same bed, the devil sleeps between. This has certainly proven to be true in many parts of the world today, and particularly on the historic island of Cyprus where the two main ethnic groups, the Greek Cypriots and the Turkish Cypriots, have been engaged in internecine strife since the island obtained its independence from British colonial rule in 1960.

In his book *Cyprus in Search of a Constitution*, Dr. Polyvios G. Polyviou, a distinguished professor of Constitutional Law at Oxford University, has concentrated upon one aspect of Cypriot efforts to arrive at a satisfactory and peaceful accommodation between the two groups, namely the various constitutional phases through which Cyprus has passed in the last fifteen years. In focusing upon the conflicts between the two Cypriot communities over important issues of constitutionalism and government, the author freely acknowledges that his approach may be incomplete because foreign involvement, strategic and economic considerations, and international politics have all decisively intruded into all attempted constitutional accommodations which sought to control the devil sleeping in the bi-communal bed. Nevertheless, by limiting his study to the Cypriot constitutional negotiations, the author has clearly demonstrated the intellectual and spiritual confusion plaguing both sides. This confusion persistently militated against a pragmatic assessment of the situation, tainted objective analysis, and has continued to divide rather than to unite the nation.

The original Cypriot Constitution was drawn up under British auspices, with major input from Greece and Turkey and only a minimal input from Cypriot leaders. The constitution reflected the desires of the two so-called "mother" countries, presumably insistent upon making life better for their co-religionists in Cyprus but in actuality attempting to maintain political spheres of influence. It did not truly reflect any recognition which may have existed on Cyprus at the time of independence that to become a viable nation transcommunal ideals and obligations had to be given priority over the divergent institutions of the two communities. This constitution, not of their own making, was reluctantly accepted by the representatives of both Cypriot communities, but with serious reservations. It contained no general sense of national purpose and unity, and it proved to be unworkable. In 1963, therefore, Archbishop Makarios, as the leader of the Greek Cypriot majority, proposed constitutional changes which were undoubtedly needed but which were immediately rejected by the Turkish Cypriot leaders as an attempt to create an independent Greek state in which the Turkish Cypriots were to be left at the mercy of the Greeks.

Almost immediately intercommunal strife broke out, and the Cyprus problem became a perennial one for the United Nations, under whose auspices various conferences were held seeking to find an acceptable constitutional formula by which the two communities could enter into a partnership for the governance of the island. Although slow and painful, some progress was made. For a time it seemed as though both groups were undergoing a learning process, and it appeared that eventually there might be a defusing of ancient animosities and a building of a new relationship. Before this could come about, however, dissent between the "enosis" faction and the independent Cyprus faction broke out in the Greek Cypriot community, much of which was engendered by the military government which came to power in mainland Greece in November 1974. This division created understandable apprehension in the Turkish Cypriot community, and when it was followed on July 15, 1974, by a coup against the Makarios government, the Turkish Cypriots and their Turkish advisors feared that the dreaded "enosis" would take place. Thereupon Turkey, invoking a Treaty of Guarantee whereby Greece, Turkey, and Great Britain all guaranteed to take action to assure the political independence and sovereignty of Cyprus, invaded Cyprus.

This Turkish invasion drastically shifted the balance of power in favor of the Turkish Cypriots who with the aid of the Turkish army physically divided the island's population and territory into two separate units by expelling all Greek Cypriots from Turkish occupied areas and by declaring the Turkish area to be an autonomous state in preparation for the creation of a bi-regional federal government on Cyprus.

Again under urgent United Nations prompting, new constitutional negotiations were undertaken in Geneva in 1974, negotiations which were attended by the author, and which he presents in a non-legalistic manner as seen through the eyes of a member of the Greek Cypriot delegation. Dr. Polyviou provides a devastating demonstration of the fragmentation that condemned these and all subsequent discussions between the two communities to failure.

This book is admirably researched and gracefully presented. It is, for the most part, a legal study, but the author writes with such clarity that those not trained in the law can easily follow the constitutional history of these fifteen troubled and significant years for Cyprus. Unfortunately, the book leaves the reader with a feeling of utter frustration in that, unintentionally, the author seems to prove that it is apparently an impossible dream to establish a constitutional regime in a nation where after all these years neither the majority nor minority communities have one iota of faith or trust in the intentions or words of the other. The devil still sleeps between.

*Ann Van Wynen Thomas**

* B.A., University of Rochester; J.D., University of Texas; LL.M., Southern Methodist University. Professor of Political Science, Southern Methodist University.