On the Cypriot States of Exception

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This article explores the politics of exceptionality in Cyprus. It focuses on the postcolonial constriction of Cypriot statehood—the framing of the sovereign itself as an exception—and how the emerging discourse of exceptionality unfolded a spiral of states of exception on the ground. Looking in and across a variety of Cypriot sites and regimes (north, south, sovereign base areas and buffer zone) the article examines what claims of exceptionality legitimate in political and everyday life as well as their ironic and paradoxical effects. Finally, it looks at how the Cyprus case informs debates on current theorizations of exceptionalism.

It's absurd, but I feel comfortable.

Daphne Slonim, a Cypriot Jew, on living inside a Turkish army camp in north Nicosia.

Certain states of exception are more comfortable than others. Even while they appear problematic or absurd to those experiencing them they can still be judged preferable—less bad, less risky—than available alternatives. Paradoxically, they fortify individuals in ways other modes of governance and security cannot. And as their exceptionality gets progressively normalized, people tend to experience cooptation and comfort in relative rather than absolute terms. The exception becomes the rule, the horizon of possibility, the way things are; the normal something one perpetually lacks, invents or simulates.

What of the Cypriot state of exception? How does one confront and relate to it? It may sound provocative to say—though almost banal to those versed in modern Cypriot history—that not much is normal with the state of Cyprus. The Republic of Cyprus (RoC) was intended to function as a state of exception from its very inception; an exception to the principle of self-determination, an exception to the withdrawal of colonial armies, an exception to independence from the “motherlands” and an exception to the unfettered exercise of sovereignty. It has been branded, among other things, the “reluctant republic,” the “truly international state” and the “quasi-state” (Xydis 1973; Tamkoc 1988; Constantinou 2006). For this reason, Cypriot exceptionalism cannot be viewed as derogation from a pre-existing Cypriot norm, but rather from an idealized western norm that was never instituted, a norm promising—yet not delivering—genuine self-governance, sovereign authority and state equality. To paraphrase Carl Schmitt (2005), the newly established RoC was a sovereign other sovereigns decided to treat as an exception.

This originary “exceptionality” brought forth and legitimated new states of exception, framed as emergencies and necessities that were meant to deal with this problematic condition. What passes off as Cypriot “normality” nowadays comprises a plurality of states of exception, a merging of diverse practices of sovereignty and modes of governance, which have come into existence and are being mobilized in order to deal with “the problem” the postcolonial Cypriot state was initially supposed to settle and instead exacerbated.
A politics of double exceptionality (Walker 2005) has thus become dominant in Cyprus. It produces, on the one hand, exceptions to the norm within the local sovereign state and, on the other hand, exceptions to the norm within the global system of sovereign states. This double exceptionality has become dominant in a manner that is highly complex and played out differently on the ground. It involves the division and suppression of the population in particular ways, but support and fortification in other ways. The local power game sustains regimes that enforce specific exceptions to legal and moral norms, but also exceptions to the exception (a point that I reiterate throughout this article). In this respect, a Cypriot Jew’s perplexing status is not unique. Two Cypriot Maronite women also currently live inside another Turkish army camp in Asomatos under quite similar conditions; extending a “humanitarian” right of residency that is not supposed to be enjoyed by “enemy” civilians but under severe restrictions in one’s freedom of movement and enjoyment of social life. To be sure, individuals and groups in Cyprus have been flagrantly denied their rights, and have had to go through extreme conditions of physical or symbolic violence, but they have also managed to negotiate ways of living that are often surprising, ways of living that empower them in their structural disempowerment, and give a glimpse of human potentiality in the midst of daily repression.

This article is concerned with the rationales, effects and counter-effects of four states of exception in Cyprus: (1) the internationally recognized RoC, currently in control of the southern part of the island; (2) the internationally unrecognized Turkish Republic of Northern Cyprus (TRNC), currently in control of the northern part of the island; (3) the UK Sovereign Base Areas (SBA), in control of 99 square miles of the island; and (4) the 180 km long UN Buffer Zone. I therefore use the term state of exception somewhat differently than Agamben (2005) to mean both a territorial regime of authority and legal extension of governmental or military power. With respect to these states of exception I have four theses.

First, that a state of exception provides discursive ground for new states of exception. It can offer rhetorical support to those opposing it to install counter-exceptions, rationalized as resistance or liberation, or as attempts at normalization. This has been a classic tactic pursued by the Greek-Cypriot and Turkish-Cypriot regimes, and something that also discursively legitimated the SBA as something other than imperial remnant (that is, as a “neutral” exceptional regime that was necessary for local stabilization and peacekeeping). The claim that exceptionalism is but a reaction to someone else’s emergency and discrimination can create a spiral of “ethical” exceptionalisms; exceptionalisms that can invariably provide support for formerly “marginalized” people and discrimination against formerly “privileged” others.

Second, and following from one, Cypriot states of exception are co-dependent; they need each other more than their representatives care to admit. Thus, it is sometimes in the interest of ruling elites and organized resistances not to support the “legalization” and “normalization” of an opposing state of exception as this will both remove a legitimating cause for one’s own but also make the opposing state of exception more palatable and thus more difficult to dismantle. It is in the interest of opposition also not to “allow” a state of exception to become too comfortable (for example, a very comfortable SBA regime can soften its neo-colonial presence, and reinstall and extend it as something other than military space, and a very comfortable Buffer Zone can make the task of reversing the division of the island less pressing or morally demanding).

Third, governmentality supports the legitimation and continuation of states of exception. If Michel Foucault is right in his assessment that it is the governmentalization of the state that has saved it and continues to provide its raison d’être (Foucault 1991), I argue that the same goes for the endurance of the
state of exception in Cyprus and elsewhere. The governmentalization of the state of exception (that is, the association of practices of exceptionalism with biopolitics, the pursuit of good life and the welfare of the population)—is what allows it to become acceptable over time, perceived as “necessary” for the security of life and lifestyles, and given that people experiencing it are invariably comforted by it, to accept and tolerate restrictions on individual freedoms, not just for others but also for themselves. In other words, the state of exception as a paradigm of government and strategy of sovereign power (Agamben 1998, 2005) needs also to be seen through its association with the politics of life and the meaning and practical use it has for those experiencing it on a daily basis.

Fourth, and contra Agamben, the exceptionalized are not always defenceless, reducible to “bare life,” especially when they encounter and have to navigate across different and opposing states of exception, and sometimes with ability to move across and to play one against the other. This is especially the case when one “manages” to become an exception to the exception, by way of seeking to overcome worse discrimination and marginalization or even empowering his or her position through self-exceptionalization. In this way, individuals or groups like the Cypriot Jew above can exploit gaps, contacts and circumstances to establish temporary or semi-permanent exceptions within the state of exception they live and by doing so soften its effects. They may not have ability to completely overcome the state of exception but the general point is that things are not as dark as some adherents of Agamben present them to be.

This article will be concerned with what specific claims to exceptionality amount to in and across a variety of Cypriot sites, including their ironic and paradoxical effects, what local regimes and international institutions have historically made of those exceptional specificities as well as, more generally, what discourses of exceptionality enable or disable in political and everyday life. With respect to the latter, I have made use of interviews I conducted in 2006 and 2007. The article will conclude with some thoughts on how the Cyprus case informs current theorizations of the state of exception.

Cyprus, Liminality, Exceptionality

So as to fully appreciate the predicaments of the Cypriot situation, the liminal position of states like Cyprus within the international system of states needs to be considered. One should also marry current debates on exceptionalism with a postcolonial insight. Specifically, an insight that looks beyond western paradigms, and informs and reflects on how for many parts of the “de-colonized world” the choice has never been between normal and exceptional states, but rather between different states of exception. For the postcolonial state, exceptionality as constricted sovereignty has often been systemic and endemic, underscoring exceptionalism not as a mere by-product of governmental “decree of necessity,” but as a foundational act that was imposed and neatly combined with emancipatory pretensions. In certain instances, exceptionality was legally enshrined in the “quality” of state sovereignty that accompanied formal independence.

Cyprus’ liminal status is therefore not unique or unprecedented. Consider, for example, the similar treaty guarantees and legal extensions that conditioned the independence of countries like Bhutan, Sikkim, and Palau, and continue to determine their politics, or the supervisory regime in post-Dayton Bosnia, or the recent plans for Kosovo’s “supervised independence.” The logic of exceptionality furnishes some states with only certain attributes of sovereignty, providing only “degrees of statehood” (Clapham 1998) or establishing “quasi-states” (Jackson 1990), which lack capacity to exclusively exercise the attributes of
sovereignty in terms of effective government and enforcement of laws and regulations.\footnote{There is a wider debate about the concept of quasi-states, using the term differently than Jackson to identify non-recognition or the lack of de jure authority; see Kolstø 2006. There are also a variety of postcolonial critiques concerning the problematic use of such rankings of sovereignty, see Grovogui 1996 and Constantinou 2004.} There may be bad—but dare I say also good—reasons for granting only limited sovereignty to certain states. A protracted conflict combined with a history of violence, for example, may be good reason for going the liminal way. Nonetheless, the “monopolistic definition of sovereignty” can also obscure alternative sovereignties and “transethnic collaboration” and transgression in places like Cyprus (Agathangelou and Ling 1997). The diverse actions and reactions of groups and individuals to claims of sovereignty and exceptionality need thus to be analyzed, taking into account that postcoloniality entails western symbolic domination as well as projections of indigenous cultural difference (in relation to Cyprus, see Bryant 2006). I argue that in Cyprus, liminal sovereignty (or the exceptionalization of Cypriot statehood by the system of sovereign states) provided a legal rationale and a moral alibi for breeding or enhancing other local sovereignties, establishing contra exceptionalization and new states of exception on the ground. This situation has been exacerbated because there has been no Cypriot norm to return to, or rather, the Cypriot norm figured as just another state of exception, so the cynical response was why bother.

Beyond liminal sovereignty, the Agambian theses as well as many of their critiques have tended to neglect the subaltern uses and abuses of the discourse of exceptionality. To be sure, Agamben inspired writings have exposed the discourse of exceptionality as a strategy by the powerful for the suspension of international laws and norms, of legitimating intervention around the globe as well as supporting neo-imperialist rationales and practices (invasions, occupations, concentration camps, “enhanced interrogation tactics,” etc; see, among others, Edkins and Pin-Fat 2005). Still such theses have been appropriated to produce one-dimensional perspectives of modern rule, brushing over existential questions, local specificities, interpretations, resistances and catachreses of exceptionality (see critiques by Prozorov 2005; Huysmans 2006; Neal 2006). Rather than universalizing the bureaucratization of exceptionalism practised worldwide one needs to contextualize and give due account to individual circumstances, examining the degrees of ability or efficiency in exercising legal extension and discrimination.

Cypriot exceptionality cuts both ways. It does not only project constrained ability in the exercise of sovereignty but also constrained ability in exercising the state of exception. Although nasty states of exception are in place, they are not enforced with the efficiency of an idealized “Germanic” bureaucracy. The patronage culture of small countries, like Cyprus, limits state ability to impersonally apply the state of exception. For, in practice, almost anyone will be able, if not personally, then through family, friends and contacts to reach the ear of an official or Minister, and bypass or soften, where possible, the effects of the state of exception. Not that things are good \textit{for all} but they could have been much worse \textit{for many}. In interviews, I often came across statements like “had I not known or telephoned so and so” things would have been really bad. For example, a Maronite was helped to overcome official mistreatment because he knew someone who knew Serdar Denktash, a former Deputy Prime Minister in the north. A Turkish Cypriot living in the south overcame bureaucratic objections over acquisition of property by personally calling the Greek Cypriot Minister of Interior. Even a Turkish settler who illegally crossed to Larnaca, claimed to have been helped out of a “difficult situation” by a Greek Cypriot policeman who was his “friend” and saved him from imprisonment (Interviews: September 9, 2006, February 20, 2007, August 19, 2007).
Furthermore, people have frequently succeeded in resisting or softening the effects of the state of exception by engaging in “disguised dissent” or “calculated conformity,” selectively conforming to it in its legal guise but undermining it on the ground (Scott 1985; Bleiker 2000). For example, some Greek Cypriots and Maronites have returned and live permanently in the north after the partial opening of the barricades in 2003 and against the TRNC state of exception that officially forbids them do so (interviews at Kormakiti September 29, 2007). For another man who returned to his ancestral village of Davlos, the authorities seem not to have enforced restrictions until the issue was sensationalized by the media (Politis September 29, 2006). What these examples expose are gaps in the exercise of the state of exception not acknowledged in the traditional literature, gaps limiting its power implications though certainly not overcoming it. What takes place in these gaps cannot be determined in advance. As suggested above, people can—instrumentally or inadvertently—become exceptions to the exception and so temporarily or semi-permanently free themselves from the authorized discrimination and negative effects levied upon those who are just exceptions. However, these same people may end up being framed as tokens, serving as a symbolic inversion or fig leaf for the state of exception. Whatever the case, the point is that people experience and exploit the gap—the exception to the exception and tokenism—differently, depending on social and political structures as well as personal circumstances.

The discourse of exceptionality or self-exceptionalization can also be a means of empowering specific positions. As Slavoj Zizek put it, by critically reflecting on Vaclav Havel’s “power of the powerless”: “powerlessness can be manipulated as a stratagem in order to gain more power, in exactly the same way that today, in order for one’s voice to gain authority, one has to legitimize oneself as being some kind of (potential or actual) victim of power” (Zizek 2006:149). Cypriot subalternity can be and has been used precisely in this way as a strategy of empowerment; a sometimes necessary and at other times perverse attempt to “do justice” and support a “return to normality.” This has been combined with the “egoism of victimization” (Volkan 1979), not only in order to justify discrimination against others but also to demand positive discrimination for oneself. For the latter, it is not uncommon for people, north and south of the Green Line, to claim (and often with success) an ius singulare, an exception from the application of national laws or local regulations, on the basis of being refugees, or close to the Buffer Zone, or resistance fighters, or relatives of martyrs. In other words, the discourse of exceptionality provides a rich resource and can have permutations and reverse results from what Agamben described: not reduction to “bare life” but elevation to privileged citizenship and primal life. Cypriot exceptionalism thus brings forth various paradoxical manifestations as well as conducts and counter-conducts, resistances and ironic twists with regard to how social and political relationships are governed. These various manifestations, discourses and conducts require scrutiny and critical reflection.

RoC State of Exception

The RoC is a state that was not locally demanded or supposed to be. Had the right of self-determination been granted in 1960, the majority of Greek Cypriots would have voted for union with Greece (enosis) and the majority of Turkish Cypriots for partition (taksim). Given that the Greek-Turkish ratio was roughly 4:1, in the absence of a separate exercise of self-determination, enosis would have been the clear result. The creation of the RoC was therefore not an anti-colonial, ideological aim but a realpolitik compromise that was especially bitter for the Greek Cypriots. The “compromise” was also the pretext for exceptionalizing the state ab initio, given that an independent sovereign state was no one’s
first choice, nor something the public seriously considered or prepared for before 1959.

The postcolonial state of exception was negotiated in typical colonial fashion in the Zürich summit, between Britain, Greece and Turkey in February 1959, which took place in the absence of Cypriot representatives. If there is currently a certain bias by locals against imposed plans from foreign powers (which ends up being obsessive and problematic) this is not without historical reason. What the Cypriot leaders signed in London on February 19, 1959 was a pre-arranged plan which they did not themselves negotiate (though they were subsequently involved in the drafting of the Constitution), creating a state that Cypriots did not ask for, and one that according to general consensus displayed only a semblance of sovereignty and independence.

The “guarantee system” constricted Cypriot sovereignty, in effect replacing colonialism with a neo-colonial insurance system. The so-called “guarantor” powers (that is, the United Kingdom, Greece and Turkey) were given rights of individual or collective intervention; rights that violated peremptory norms of public international law, specifically Article 2.4 of the UN Charter (cf. Hoffmeister 2006:44). The UN, mindful of the possibility that RoC’s “guarantees” could render it ineligible for UN membership, commissioned a legal opinion from none other than the most reputable legal authority at the time, namely Hans Kelsen. Kelsen pointed out that Article 3 of the Treaty of Guarantee was “to some extent, obscure” but bypassed the issue by submitting that “the Treaty [of Guarantee] cannot validly be interpreted as granting the guarantors an unqualified right to intervene by use of armed force” (Kelsen 1959). In other words, the guarantors had only a qualified right to militarily intervene, and this had to be combined with either rationales of self-defence, UN enforcement action, or invitation by the state of Cyprus.

Schmitt’s general criticism seems valid, namely that “a neo-Kantian like Kelsen does not know what to do with the exception” (2005:14) and so rationalizes it away, faithful in the priority of the norm. In effect, the calculated obscurity left the unqualified right as an option—a competency and decision of the sovereign guarantor—given that Kelsen’s submission, or a text based on it, never became law (for example, a protocol to the Treaty of Guarantee). Indeed, the Treaty of Guarantee was used to legitimate the Turkish intervention in 1974. Following from this legal ambiguity the RoC received only moral and political support, such as typically from the 1964 Non-Aligned Conference Declaration: “Cyprus, as an equal member of the United Nations, is entitled to and should enjoy unrestricted and unfettered sovereignty and independence” (quoted in Moran 1999:67). That it had a right to and should have them was evidence that other states too thought it did not actually possess them. But note that this support for “normalization” was also an attempt to recognize the Makarios regime and its state of exception after 1963. At least within the Non-Aligned Movement, Makarios succeeded in linking the normalization of Cypriot statehood within the system of states with acceptance of the legal extension of his power within the RoC.

Beyond its international legal status, the RoC’s exceptionality has also been discussed in terms of its internal consociational provisions that were meant to balance out deep ethnic divisions, regional interests, and imperial needs. With regard to the constitutional provisions of the RoC, former Greek Cypriot Presidents, Attorney Generals and jurists, love to quote and paraphrase from S.A. de Smith’s comparative study of Commonwealth constitutions, which opined that “the Constitution of Cyprus stands alone among the constitutions of the world” and that “is probably the most rigid in the world”; that it is “weighted down by checks and balances, procedural and substantive safeguards, guarantees and prohibitions”; that it looks as if “constitutionalism has run riot in harness with communalism” or conceived by “a constitutionalist and a
mathematecian in nightmarish dialogue’’; that “never have the chosen representatives of a political majority been set so daunting an obstacle course by the constitution-makers”; and that “this precariously poised structure is about to fall crashing about their ears.” (Soulioti 2006:115–119; Clerides 1989:71; Tornaritis 1979:39).

Although the point of exceptionality should not be missed, it is also clear that the sui generis character of the Cypriot constitution rhetorically assisted Greek Cypriots to demand its revision as well as being a post-facto justification for the new state of exception that followed the 1963 intercommunal strife. In short, the originary state of exception was a cause célèbre for the Greek Cypriot leadership to bring about a new state of exception that set aside the “dysfunctional” character of the Constitution and “unfair privileges”; in effect a state of exception meant to soften the impact of the original postcolonial exception at the expense of the collective rights of the Turkish-Cypriot community. Intercommunal violence and the occupation of the northern part of the island by Turkish troops since 1974 provided further post facto justifications for the RoC state of exception.

Before exceptionalizing Turkish Cypriots, the RoC system of governance already discriminated against smaller minorities (for example, Maronites, Armenians, Roma) who were denied separate ethnicity and had to formally opt to belong to the Greek-Cypriot or Turkish-Cypriot community (refusal to opt to belong to either would have automatically denied them basic civil and political rights). The Constitution also abnormalized intermarriage, making it illegal for a Greek Cypriot and Turkish Cypriot to marry (unless one converted and changed ethnicity), despite allowing for Greek Cypriots and Turkish Cypriots to marry any foreigner of whatever religion through a civil marriage. The implications of these have been discussed elsewhere, and though the right to intermarry has been won in Selim vs Cyprus before the European Court of Human Rights (ECHR), the practical effects and affects of these discriminations continue to this day (Constantinou 2007; Hadjipavlou 2004).

The revising of the RoC state of exception after the 1963 intercommunal clashes specifically targeted the communal rights of Turkish Cypriots and in many respects their individual rights as well. Both the apologist and critical studies of the RoC’s “doctrine of necessity” tend to focus on this period. Certain studies are legalistic in character, safely assuming the jurisprudential basis of the doctrine, and simply looking at its interpretations and applications (for example, Papa-philippou 1995). Such works take the Roman maxim salus populi suprema lex (people’s safety is the supreme law) for granted, without being concerned with “whose safety” is secured and at what price. Others are more critical of the impact that the RoC’s laws of necessity have had on Turkish Cypriots and intercommunal relations (Özersay 2005, Trimikliniotis 2007). The critique is often concerned with the disenfranchising of Turkish Cypriots, their banning from RoC official posts (executive, legislative, judicial) as outlined in the 1960 Constitution, the “guardianship” laws under which Turkish Cypriot properties have been kept under the control of the state after 1974, and the general ethnocratric, anti-democratic and anti-participatory culture that has been promoted.

During the 1963–1974 period the majority of Turkish Cypriots were forced to move into enclaves, living under extremely difficult social, economic and psychological conditions (Volkan 1979). They adapted into these new political circumstances by developing an independent administration vis-à-vis the Greek Cypriot dominated RoC but one that was increasingly depended on the Turkish “motherland.” They became a separate polity, in practice and in mentality, long

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2See Makarios’ “Thirteen Points” for the Revision of the Constitution and the Turkish and Turkish-Cypriot responses.
before (and some argue in preparation of) the proclamation of the TRNC. In this respect, the post-1963 state of exception of the RoC was progressively the condition of possibility for making credible interview, September 26, 2006, making credible demands within the Turkish-Cypriot community that their rights would be guaranteed not by dismantling the Greek-Cypriot state of exception but by enhancing and formalizing their own (more below).

In the meantime, those Turkish Cypriots who after 1963 chose to live in the RoC controlled area have been harassed and discriminated by both sides. Many found it difficult to work anywhere after 1974, unless a special case was made on their behalf and as a “favor” by Greek-Cypriot politicians or other powerful figures (evidence that the state of exception can be bypassed or lessened but requires perseverance and contacts). The prolongation of their exceptional status enhanced indirect pressures of assimilation, such as baptism in order to live “normally” in the south, even in the case of Muslim/Turkish couples (Cyprus Mail April 4, 2003, and interview September 26, 2006).

Note, however, the paradox of how actions and rulings that may challenge discrimination and certain aspects of the state of exception can still legitimate other aspects of it. For example, whereas seminal cases before the ECHR like the Aziz vs Cyprus case (which in 2004 gave Turkish Cypriots living in the south the right to vote in RoC elections) have been rightly celebrated, this does not necessarily suggest that “the end of the road for the de-legitimization process of the law of necessity has been reached” (Trimikliniotis 2007:40). In this case, the ECHR certainly redressed a discrimination that the law of necessity created against Turkish Cypriots, but it also implicitly legitimated the law of necessity, specifically the law that does not give Turkish Cypriots the collective right to vote in a separate electoral roll (for the Vice-President and their own MPs) as provided in the relevant suspended articles of the 1960 Constitution. In other words, the ECHR reversed an exception by normalizing another exception, which allows the “democratic” rationale for the post-1963 state of exception to continue, though this is also now being challenged by a new case before the ECHR (Erel vs. Cyprus). This shows how difficult it is to dismantle the state of exception in its totality through individual case law, even though supranational rulings create conditions that minimize its effects or cancel specific manifestations of it.

**SBA State of Exception**

The international legal status of the SBA in Cyprus is unique. Set apart from Cypriot territory but also ordinary British territory, the SBA is designated British Overseas Territories, a euphemistic term that replaced British Dependent Territories and Crown Colonies. Unlike any of the other 13 British Overseas Territories (for example, Gibraltar, Falklands, St Helena, Pitcairn, Montserrat, etc.) the administration of the bases in Cyprus does not come under the Foreign and Commonwealth Office but under the Ministry of Defence. The closest equivalent to the SBA regime is the former Treaty Ports in Ireland (Berehaven, Queenstown and Lough Swilly) that were kept by the United Kingdom as sovereign bases under the Anglo-Irish Treaty (1921) that established the independent Republic of Ireland, and handed back in 1938 to guarantee Ireland’s neutrality during World War II. Note, however, that the SBA encompasses or borders entire villages and their inhabitants. Also note that the SBA is not European Union (EU) territory, even after the accession of RoC and despite UK membership (exempted from EU jurisdiction under Protocol 3 of the EU Treaty of Accession, 2003). The SBA exemplifies how “Europeanization” far from dismantling states of exception can relegitimate and prolong them.

The SBA has its own legal system and courts, and separate laws from both the United Kingdom and the RoC as enacted by the SBA administrator. The
authority of these laws is based, revealingly, on the Colonial Laws Validity Act of 1865, enacted to remove “any doubt” or challenge to the laws as passed by local colonial administrators of the British Empire. Nonetheless, the SBA laws have to adhere (and to a considerable extent they do adhere when not clashing with military requirements) to the provision of the 1960 Treaty of Establishment (ToE) that “the laws applicable to the Cypriot population will be as far as possible the same as the laws of the Republic” (Appendix O, 3(2)). However, the following sentence is crucial for what it omits and for the state of exception it implicitly legitimates:

Protection of Cypriot Rights—The rights of Cypriots (and others resident in the Republic) and Cypriot communities and corporations in regard to property will be fully protected (ToE, Appendix O, 3(3)).

Besides property rights, the SBA does not have any treaty obligations to protect Cypriot rights, including obligations that nowadays go together with the post-imperial and people-centred exercise of sovereignty. What is more, the clause that is levied on the RoC of “no discrimination… against those who live or work” in the SBA (that is, both Cypriots and British) is not reciprocated (Appendix 0, 4(a)). And more revealingly, the post-May 2004 reluctant acceptance of the jurisdiction of the ECHR, which was hailed as a belated extension of European human rights standards to the SBA, has specifically left out Articles 1, 13 and 15 of the European Convention (Ordinance 9, 2004; SBA/128/163). That is to say, the SBA authorities have no responsibility to “secure to everyone within their jurisdiction the rights and freedoms” of the Convention (Article 1); have not accepted that everyone should have “effective remedy” for violations done by officials (Article 13); nor accepted that any derogation from the Convention in cases of “public emergency” needs to be done within specified limits and justified to the Secretary General of the Council of Europe (Article 15). This creates a black hole and leaves considerable room to manoeuvre with available provisions, if and when necessary.

To that extent, another but qualitatively different state of exception has been established in Cyprus in parallel to the RoC state of exception in 1960. Note this is not limited to the designated base territory but one with spill over effects throughout the island of Cyprus, namely with power to take over airports, ports, power stations and other government functions within the territory of the RoC in emergency situations. Typical of the SBA’s overwhelming power to “legally” exceptionalize the whole island if it so wishes is the following amazing provision:

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

“After consultation” (note, not “agreement” or “consent”) is a euphemism. Its power potential lies in the acquisition of unspecified additional rights vis-à-vis the RoC at times of emergency, which are to be defined by the UK government (Constantinou and Richmond 2005).

At the outset, and perhaps surprisingly, affected Cypriots living in and around the SBA are not firmly and absolutely against this state of exception but tend to be ambivalent towards it. During my interviews, I found those in and around the Dhekelia base to be on the whole more positive towards the SBA regime than those of the Akrotiri base. People in Dhekelia expressed dissatisfaction with restrictions over land development; nuisance caused by military exercises and
shooting of heavy weaponry; restriction over permits for water abstraction from boreholes that “affect” army supply; strict enforcement of traditional yet illegal bird hunting; and “unreasonable” restrictions over grazing and farming. With regard to the latter, about a decade ago, a “watermelon war” was declared with the locals demanding to farm in areas near the Pyla firing range, and with the SBA authorities rejecting the removal of their shooting range, arresting farmers, and going as far as removing the soil to enforce the military restrictions (Cyprus Mail October 1, 1997). But many Greek Cypriots in the Dhekelia area (including some of those who complained about SBA policies) acknowledged that in the absence of British sovereignty their villages now bordering or close to the Buffer Zone, would have been occupied by the Turkish army. Thus, British sovereignty provides a security against the Turkish occupation that the RoC can in name but not in practice provide, and from this perspective the SBA constitutes a preferable state of exception for many Cypriots living there. This rationale of liberal zone of peace has actually been used to legitimate the presence of the SBA in 1960 (the British “guarantee”) and especially after 1963 when British troops were used for peacekeeping. In and around the villages of the Akrotiri base, local Cypriots are less positive, though again, not all of them are absolutely dismissive. They have similar complaints to those in Dhekelia, but they have one additional major concern that has been discussed for at least a decade; namely the installation and upgrading of gigantic military antennae that locals say entail serious health hazards. When one visits the Akrotiri village, it is hard not to feel that one is entering a military zone (quite unlike the other villages in SBA where army presence is more subdued). To enter the village one has to follow a road through the military antennae in the north of the village and at the outskirts of the village in the south one reaches the entrance of a restricted military zone that is the airport of RAF Akrotiri. In the Athletic club of the village, with the background noise of landing aircrafts, I listened to the complaints of men with tears in their eyes; two lost their wives to cancer and one of them had cancer. They were convinced that the high rate of cancer was the result of the antennae and remain unconvinced of the University of Bristol Report, endorsed by the RoC, which was supposed to reassure them (in any case the Report also suggested that “the absence of evidence does not imply that there is no association” and included qualifications about “results that were difficult to interpret” due to the lack of “Standardized Mortality Ratios”). There was also no doubt in the villagers’ mind that if this area was located within the RoC and the EU, they would have had greater leverage on decisions that affected the local community. Current SBA attempts for an environmental management plan of the Akrotiri peninsula are perceived as disingenuous. To that extent, the SBA governmentalization of its state of exception in this area is contested and divisive. Negotiating or resisting the exceptionalism of the bases is a highly complex matter. For example, the SBA does not accept that immigrants washed up on SBA territory have the right to seek asylum in the United Kingdom, and the RoC is not willing to help the SBA out of this problem, meaning that the case of 60 Iraqis has been going on for more than 9 years (Philoleftheros February 2, 2007). The decision of the SBA to return the Berengaria retained site in Polemidhia to the Republic has met with calls by the locals (a joint committee comprising both Greek Cypriots and Turkish Cypriots) for the area to be returned to the original owners not the RoC as the British army no longer uses it for the purpose of expropriation. Even

3For the report, see http://www.sba.mod.uk/environment_forms/Antennae%20Health%20survey.pdf. (Accessed March 4, 2008)

4For the consultation workshop, see http://www.sba.mod.uk/environment_forms/results%20english.pdf. (Accessed March 4, 2008)
current proposals by the base authorities to lift existing restrictions in land development in the area\(^5\) (a core demand of the locals) has ironically met the objections of the RoC government, which feels that housing developments purchased by foreigners (primarily British) has the potential of turning the SBA into a Gibraltar, as a former Foreign Minister, Giorgos Lillikas, put it \((\text{Cyprus Mail} \text{ July 21, 2007, Phileleftheros September 12, 2007})\). In other words, the RoC government fears more the normalization of the Bases’ state of exception, the scenario of foreign settlers (especially British) with legitimate interests in the future status of the SBA that may counter demands that sovereignty should be ceded back to the RoC. For the RoC it is preferable for the SBA to remain a “military” state of exception rather than become a “political” one.

The Council of Europe has recently showed interest in the status of the people living in the Bases and a visiting rapporteur of the Parliamentary Assembly declared them as “second class citizens” \((\text{Cyprus Mail} \text{ November 16, 2006})\). The qualified acceptance of the jurisdiction of the ECHR by the United Kingdom since May 2004 opens up legal opportunities that were not available before for challenging SBA policies, though the extent will be tested in court. The ECHR potential has been recognized by the SBA, and that explains an attempt to be more flexible towards certain local demands as well as the offer to return half of the SBA with a settlement of the Cyprus problem. But isn’t this an ingenious way to make more palatable and prolong this particular state of exception? Locals tend to view it as yet another attempt to deny the full enforcement of their human rights and at Akrotiri village they specifically complain that it is simply sweetening the “bitter bill.” Beyond the selective enforcement of human rights some locals complain of the “buying of consciences” to acquiesce to the continuation of this state of exception; that is, referring to the preferential employment treatment and relatively high salaries that the SBA gives to the locals, as well as its support for local businesses that creates dependencies and inevitably splits the local community when it comes to protest and direct action. As vociferously put by one local: “Kadis [the judge] is screwing us, and we argue among ourselves if and whom to protest to.”\(^6\) Something that shows not just the feeling of desperation about this state of exception, but the division within the community as to its negative impact or accrued benefits, how far one ought to resist or accept it.

The Buffer Zone’s State of Exception

The intercommunal fighting that began in December 1963, led to UN involvement and the dispatch of the UN Peacekeeping Force in Cyprus (UNFICYP) in March 1964. UNFICYP’s mandate has been “to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions” \((\text{SC Resolution 186})\). The mandate did not specify what restoration of law and return to normality entailed.

If normality was a return to the pre-1963 situation (the old legal order), the big irony was that not only the Greek-Cypriot leadership appeared disinterested to return to the “divisive constitution” but also the Turkish-Cypriot leadership given that the abnormal situation of barricades and enclaves (despite having adverse effects on the Turkish Cypriots) was in effect preparing secession and partition, in line with Turkish-Cypriot nationalist aspirations. Without downgrading the important role of UNFICYP in monitoring ceasefires and providing

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\(^6\)Interview with Costas Nicolaou at Akrotiri, August 18, 2007.
humanitarian assistance, especially with regard to “a return to normal conditions” it was called upon to fulfil a constructively ambiguous task. In the meantime, the local power regimes were busy preparing and normalizing new states of exception. UNFICYP’s 1964 mandate is still in force, though expanded after the 1974 war, which divided the island and brought forth “certain additional or modified functions”; namely the maintenance of ceasefire through the patrol of the Buffer Zone (SC Resolution 364). The Buffer Zone is 180 km long, covers around 3% of the island, and includes five inhabited villages (with around 8,000 people living and working in it). That the UN has created by default a state of exception in this area was made clear in the Secretary General’s Report (1976) which explained “that neither side can exercise authority or jurisdiction beyond its own forward military lines” (S/12253). Note, not just denial of authority, but jurisdiction. In practice, it is up to the UN to protect and enforce the law within this area and it can decide with reference to which regime it will do so according to the situation. Its remit is that it will allow “innocent civilian activities… subject to legitimate security requirements and giving due regard to humanitarian considerations.” (S/12253). This gives considerable leeway to the UNFICYP. For example, protests and demonstrations may or may not be interpreted as violating the Buffer Zone’s “integrity” and similarly the right to enjoy property or cultivate one’s land may or may not be allowed, decided on a case-by-case basis. Though UNFICYP’s regulations can often be very strict, its state of exception is softer, and unlike the other Cypriot states of exception, it formally has an expiry date, biannually renewed by the UN Security Council and based on RoC consent.

The crown of UNFICYP’s success has been Pyla. This is the only mixed village that remained in Cyprus after 1974–1975 where inhabitants were not directly or indirectly forced to flee, and this is due to its location inside the Buffer Zone. UN authority in effect neutralized the jurisdictional claims of the Greek-Cypriot and Turkish-Cypriot regimes. No police or army can enter the village without the consent of the UN, nor can the national flags of the two sides fly, except in specific locations (the two schools) or specific national days. These and other measures were put in place by the UN as an attempt to avoid tensions that replicate the ups and downs of the Cyprus conflict. Though Pyla has not always managed to avoid tensions it has managed to remain on the whole peaceful. Pyla’s state of exception is thus often idealized as the normal state of being in Cyprus, how Cyprus without “the problem” should be or would have been (Papadakis 1996/7).

Pyla’s status has allowed for a number of “exceptional” practices to take place; practices that the existing states of exception north and south of the Green Line either forbade or discouraged. Countless bicommmunal meetings of various kinds have taken place, such as civil society initiatives, academic workshops, cross-cultural reunions, and so on. It has provided a safe haven for all kinds of illegal or “illegal” activities: barter, contraband, gambling, etc. However, following the opening of the checkpoints to civilians in April 2003, these kinds of activities can take place anywhere in Cyprus, and so Pyla lost its exclusivity. The locals are ambivalent towards that loss, or newfound “normality”: they welcome the loss of the conspicuous reputation and underground deals, but those who had small shops and businesses in the village (an unrepresentative high number for such a village) lament the reduction in the bicommmunal and other crowd (Interviews August 17, 2007).

The exceptionality of the Buffer Zone is experienced differently, depending on the situation of individuals that live and work in it. Though happy not to have become refugees, some villagers complain that they are invariably dispossessed.

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7There are a few other villages where individuals and families stayed behind, notably in Potamia, Ayia Triada and Rizokarpaso, but none has the feeling of a functioning mixed village.
and disadvantaged, a condition that is not given due concern. For example, they point to the reduced price of land, building restrictions, and selectivity or arbitrariness in the UN’s choice of what land within the Buffer Zone gets cultivated. Andreas Stavrou in Mammari considered the UN to be in practice an “occupying force,” which under the pretext of security effectively keeps villagers “prisoners” within the confines of the village and with no freedom to walk and work on the surrounding countryside (Interview August 20, 2007). A farmer in Denia who also had complaints was, however, full of praise for the Argentinean peacekeepers, unlike the villagers in Mammari that have to deal primarily with the British contingent. The general impression is that the Argentineans are more willing to accept local representations and to bend the rules to make life more “normal,” whereas the British tend to be more rule-bound and formalistic, strictly adhering to the military “demands” and “balance” of the Buffer Zone (Interview August 21, 2007).

As indicated above, UNFICYP has a mandate and authority to support the “return to normal conditions” as necessary, and the locals try to make the most of this, demanding their rights against military “privileges,” including military demands from their own side. The support or not of the RoC and TRNC highly depends on their perception of whether meeting such demands enhances or diminishes their own claims to sovereignty in the short or longer terms.

Still some villagers have positive things to say about the Buffer Zone. For example, some praise the “precious silence” and the unspoilt environment in this area. The latter is something that especially outsiders (who have no economic interests) tend to appreciate. A refugee from Filia explained the joy of going “illegally” into the Buffer Zone, even if only briefly to enjoy the unspoilt nature as it was during his childhood. All these would have been sacrificed “on the altar of progress and development, if there was no division, as it happened elsewhere in Cyprus” (Interview August 21, 2007). The Buffer Zone’s exceptionalism thus secures the area’s ecological integrity, in line with similar arguments made of “green” zones and lines worldwide.

Another interesting case is that of Strovilia, where the UN Buffer Zone provided an unlikely opportunity to a family whose orchard was divided (half of it in the UK bases and half of it designated Buffer Zone). This allowed the family to overcome building restrictions that the authorities of the SBA had and in practice for an outspoken member of the community to move outside British sovereignty and under UN protection. The UN seems to have accepted the villager’s fait accompli of a new house (an interesting and positive interpretation of a ‘return to normal conditions’) and rejected the representations of the SBA that the house should not be build. Though this was allowed to go on happily for many years, recently the solution has been given by the Turkish military, which moved to occupy this area in violation of the Buffer Zone agreement (but interestingly without evicting the family). Thus, the family moved from the British, to the UN and now also to the TRNC state of exception (Cyprus Mail August 4, 2007, Interview August 5, 2007). Rather than undertaking specific governmental functions, the UNFICYP undertakes in this and other similar cases to limit, mediate and coordinate the rival governmental practices of the other three states of exception with regard to the Buffer Zone.

TRNC State of Exception

In the opening sentence of the TRNC declaration of independence on November 15, 1983 the Greek Cypriot exceptionalization of Turkish Cypriots after 1963 is specified as a legitimating cause for secession.8

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This is in line with the rationale establishing the Provisional Turkish Cypriot Administration in 1964 and the Turkish Federated State of Cyprus in 1975, both of which were justified as emergency and transitional administrations safeguarding the rights of Turkish Cypriots. Partition violates Article 1 of the Treaty of Guarantee, which is annexed to the RoC Constitution, but the TRNC rationale is that the 1960 Constitution has already been violated by Greek Cypriot enosis attempts as well as arbitrary suspensions that excluded the Turkish Cypriots from their legitimate share of power.9

The fact that the TRNC has been declared invalid by the Security Council and not recognized by any other state than Turkey, axiomatically renders it a state of exception with respect to international law. Thus, the TRNC can be said to generate “politically charged affectivity” with regard to how locals perceive its officialdom (Navaro-Yashin 2007). Furthermore being only a de facto state and not de jure and legally “responsible,” allows it considerable leeway compared to recognized states in enforcing exceptions and derogations from human rights (to the extent that Turkey is willing to pay the economic costs and political price internationally, such as in the Council of Europe). Not surprisingly, the extent of TRNC’s exceptionalism lessened as the EU aspirations of Turkey increased.

One major issue that underscores both the systemic exceptionality of the TRNC and the arbitrariness in the enforcement of exceptions on the ground is the special status reserved for the Turkish army. In Republic of Turkey style, the army’s right to be consulted is guaranteed through the TRNC Security Council whose decisions euphemistically “receive priority consideration by the Council of Ministers” (TRNC Constitution, Article 111). When this is combined with Transitional Article 10—which is still in operation 23 years after the TRNC Constitution came into force—the power of the Turkish army is almost unlimited, given that the army is not answerable to the executive but can continue to implement the “process and provisions” that brought it to Cyprus. In effect, through this “transitional” article a state of emergency is declared in perpetuity, or “as long as the defence and internal security of the Turkish people of Cyprus and the international situation so necessitate,” a condition so general and vacuous as to mean anything anyone in the Turkish “deep state” wishes it to mean. In terms of judicial power, not just army personnel but civilians can be tried before a military court for “military offences” (Article 156). Military offences have been extended in the past to include bi-communal activism, and journalists criticizing or discrediting the army.

Still the TRNC state of exception has been more severely felt by the non-Turkish ethnic groups living in north Cyprus. TRNC citizenship provisions, specifically Article 67, ensured that Greek Cypriots and Maronites living in the north could not become TRNC citizens, even if they wished to, and so rebranded as “aliens” with limited rights.10 This is in addition to Article 159 of the TRNC Constitution which “legally” dispossessed Greek Cypriots of the immovable properties that they “abandoned” (another euphemism for ethnic cleansing). Quite ironically, the 1975 Third Vienna Agreement that allowed people to remain in the north if they so wished to, and so rebranded as “aliens” with limited rights. This provision has not been honored for these people are highly discriminated, yet, note that “normalization” in terms of granting them full TRNC citizenship would not be something the RoC government would appreciate given that it sees the TRNC as illegal.

With regard to the Maronites, most of whom were forced to flee their habitats in 1974, two of their four villages have been appropriated by the Turkish army (Ayia Marina and Asomatos). Despite this, through the mediation of the Holy

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9The RoC constitution explicitly forbids both partition and union with another state.
See, the Maronites managed to negotiate special arrangements that allowed them to move across the Green Line (especially to and from the village of Kormakiti) something that Greek Cypriots did not enjoy until April 2003. This is indicative of how the Maronites successfully registered their own exceptionality within the TRNC state of exception. Typically, the Maronite church of Kormakiti has been decorated with Holy See flags, whereas in the south the Maronites tend to display their formal association and allegiance to the Greek Cypriot community by raising flags (and sometimes Lebanese ones to distinguish themselves from the Latin catholic community of Cyprus). Maronites now have offers from the TRNC to become full citizens and develop their property in the north. But their Parliamentary Representative in the RoC pointed out that they would not do that without the consent of the RoC government, thus avoiding to antagonize Greek Cypriots who cannot currently do so. Clearly, the Maronites are careful not to overcapitalize on their exception-to-the-exception status in the north, as this runs the risk of undermining their status in the south.

The Greek Cypriots living in the Karpasia peninsula are the most discriminated among the ethnic groups in north Cyprus. The Parliamentary Assembly of the Council of Europe (PACE) in Resolution 1333 (2003), which examined the rights of Greek Cypriots, Maronites and Gypsies living in the north, stated that it found the Greek Cypriots to have been the most vulnerable group and was "particularly shocked by the imposed division of families, the prohibition on young people returning to their homes, the arbitrary confiscations and expropriations and the general climate of apprehension and uncertainty, even fear, to which members of these communities are deliberately subjected" (par. 8). Though people acknowledge that things are relatively better since 2003, "soft" ethnic cleansing still continues for the remaining ones and the "security" excuse is still being used to deny the rights of Greek Cypriots who stayed behind in 1975, and born in the north, to freely reside in their place of birth. Recently, the practice of bulldozing "unsafe" Greek Cypriot houses has been criticized not only by the Greek Cypriot side but also by the Turkish Cypriot civil society (Cyprus Mail May 23, 2007). Greek Cypriots in the north are viewed as the former privileged members of the RoC state of exception, so official sympathy for their condition is limited.

Besides TRNC discrimination, Greek Cypriots in Karpasia complain of RoC discrimination, which often follows official perceptions that "the enclaved" cooperate with the TRNC authorities or in cases of mixed marriage. An interviewee suggested that the RoC authorities "either see us as martyrs or honorary Turks, whatever suits them." (Interview August 25, 2007). Also, they have been especially bitter of their inability to sell their products in the south, such as honey, fish and snails (exacerbated and formalized by EU customs regulations since 2004; though some of these problems are now being re-addressed) and to buy and sell products across the Green Line (that is, to establish business ventures and not simply to sell their own products). However, their exceptional status is also a reason for positive discrimination; besides the weekly humanitarian aid through the UN (food, medicine, and other basic amenities), they all receive a monthly RoC stipend, in addition to pensions and other social benefits. A walk around the villages of Ayia Triada and Rizokarpaso is revealing. The Turkish settlers have been clearly privileged by TRNC policies—given "legal" occupancy of the "abandoned" houses of Greek Cypriots—but many settlers are employed as maid or worker by the remaining Greek Cypriots. In this context, the TRNC state of exception though creating a formal discrimination against the Greek Cypriots also renders visible a paradoxical disparity where the "masters" work as "servants."

11Interview with Antonis Hadjirousos, December 7, 2006.
The binary of privileged settler versus alienated local is further complicated when one considers that the ethnic fabric of the Turkish settlers and immigrants is far from uniform (it includes Kurds, Arabs, Yuruks, etc.). The latter groups do not receive TRNC citizenship with the same ease and those who are suspected of Kurdish nationalism have not only been rounded up and intimidated, but also deported (ironically back to Turkey), stripped of TRNC nationality (if they had one) and end up losing all the property that was granted to them originally to settle. A self-designated “Kurdish Cypriot” living in the north confirmed that Kurds who are “legal” and enjoy asylum in the south are in contact and cooperate with those of them in the north (Interview May 15, 2007). In fact, a number of Kurds found it possible to move from one state of exception to the other, and succeeded in claiming asylum and residency in the RoC. But that the RoC state of exception is not a cosmopolitan paradise, is clear by the fact that some of them chose to be baptized and change their name (Ioannides 1991:37 and 47).

**Beyond the Cypriot Exception**

In the late twentieth and early twenty-first century, there were high hopes that the Cypriot accession to the EU with its problem settled would have brought an end to the different states of exception in Cyprus. Cypriots would have embraced the “European identity” and used it as a new ontology to transcend the ethno-nationalist discourses and practices that dominated politics on the island (for the debate, see Diez 2002). Indeed, the EU process created such a momentum that during the UN sponsored negotiations for a comprehensive settlement of the Cyprus problem there were discussions and propositions for phasing out some of the colonial guarantees, at least if and when Turkey joined the EU. Even without the problem settled, it was thought that the “upgrading” of norms would have had a positive effect on the ground (less exceptionalizations and discriminations), not only for the *de jure* RoC that was acceding but also for the *de facto* state in the north, over which the EU would have had a leverage directly and/or through Turkey. The settlement of “the problem” through the Annan Plan would have ended many, if not all, aspects of the RoC, TRNC and Buffer Zone states of exception but would have formally re-legitimated (that is, through referenda) the SBA one; that is, through a new founding act that was going to reduce the moral and legal objections that Cypriot exceptionalism was based on a colonial “treaty of coercion” (Constantinou and Richmond 2005).

What is now becoming apparent is that, in certain fundamental respects, EU accession has left the states of exception intact and in some respects enhanced them. There were no recommendations by the EU that the RoC should address its post-1963 state of exception, given that efforts were directed towards a comprehensive settlement of the Cyprus problem that was meant to bring an end to all that. The TRNC’s state of exception was not addressed at all (given that it is an internationally unrecognized state anyway) and was dealt with simply by suspending EU law (the *acquis communautaire*) in the areas not effectively controlled by the government of the RoC. However, current EU Commission efforts to harmonize TRNC laws with EU ones worry the RoC government about what this may entail, specifically the danger of “upgrading” and “normalizing” the TRNC in Taiwan fashion. The suspension of the *acquis* in the north and the subsequent problem on how to deal with this part of EU territory, seems to be legally (and revealingly) approached by the Commission by reference to colonial examples, like Gibraltar, Ceuta and Melilla cities in Africa but also Helgoland (given by Britain to Germany in exchange for Zanzibar in 1890) (COM 2004, 466 Final). The SBA state of exception was secured through Protocol 3 of the EU Accession Treaty (2003), which left the SBA outside EU territory and with discounts in the implementation of European human rights instruments. The UN Buffer Zone
regime was left intact and in effect became an EU border (Council Regulation No 866/2004), and with the EU demanding stricter and more effective control. Though it took some time, locals increasingly realize that the EU is quite good in prolonging particular states of exception as well as in creating new ones. Of course, things can still develop in unpredictable ways, be it through a comprehensive settlement of the Cyprus problem within the EU, or a joint effort by Greek Cypriots and Turkish Cypriots to formally demand the withdrawal of the UK bases as part of a settlement, or recognition of the TRNC inside, or outside, or inside/outside the EU.

The Cyprus case illustrates two fundamental problems with regard to current theorizations of the state of exception. First, a problem that has not been adequately discussed concerns the status of the sovereign within the system of sovereign states and its ability to exclusively decide upon exceptions to the norm within its territorial jurisdiction. This has been commonly suggested as a matter of proliferation and application of international legal instruments, which engenders new norms that should be adhered to and cannot be easily violated. However, these limits also have to do with the character of sovereignty that the system of sovereign states makes possible in particular places and at particular times. Specifically, this article has shown that the international system can allow for “obscure” treaties of guarantee to exempt peremptory norms of international law and to constrict the sovereignty of newly established states. This certainly imposes limits on the sovereign with regard to how far it can go in implementing domestic exceptions to the norm (it can only do it as long as it does not risk the external intervention of the “guarantor”) but note that the sovereign can always try to upgrade its status (in the case of the RoC by joining the EU), and within that regional system of sovereign states negotiate the continuation of certain exceptions and/or removal of others. This may still create contradictions in the public discourse of local elites, such as demands that the Treaty of Guarantee is abolished while also demanding that new “international guarantees” are given for the settlement of the Cyprus problem.

To that extent, the ability to decide on and enforce domestic exceptions is highly based on the quality of sovereignty one claims to possess and others may want to contest. Is it supervised or unsupervised sovereignty? Is it the sovereignty of a recognized or of an unrecognized state? And if the latter, do the exceptions of that sovereign also remain “unrecognized” and unaccounted for in their specificity, viewed generally as part of the “illegality” of that state’s existence and therefore as illegal norms rather than legal exceptions? Could the lack of a political settlement work as an alibi for exceptionalism? These questions readily inform the political and moral predicaments on how to deal with the exceptionalism of the TRNC.

Yet, the Cyprus case also illustrates the existence of other “sovereignties” that are less visible in the contemporary system of states, like the “overseas territory” of the SBA. That the SBA was established as a colonial remnant of limited responsibility and accountability makes it in certain respects easier to enforce exceptions (that is, it does not have to pretend to be a democratic polity as it was never meant to be anything other than a military base). However, its size and the fact that locals live and work in it, makes it necessary to assume some responsibility for the population on par with modern governmentality. It is also clear that, in practice, the SBA, and successive UK governments, have shown awareness about the peculiarity of SBA sovereignty and have been careful not to antagonize too much the sovereignty of the RoC. Interestingly, the SBA has not made full use of the excessive legal rights it has with regard not only to its territory, but to the whole island, as explained above.

Second, this article suggests that the discourse of exceptionality is not exclusive to governments and sovereign power, but also a means through which individuals
seek to fortify themselves, take exception from specific states of exception, and where possible move outside, or across one to another. There is of course never a guarantee that the fortification the logic of exceptionality provides—qua taking exception from the state of exception—will be adequate or sustainable. However, the point is that the reduction to ‘‘bare life’’ is not necessarily or always total as hardcore adherents of Agamben imply.

In fact, this is the promise offered by Agamben’s more deeply historical study of exceptionalism, which is lost on the way to universalizing its practice for current anti-imperial, anti-authoritarian use. What is lost is how the Roman practice of sacratario also entailed the idea of the population’s counter-exceptionalization of the sovereign, the secessionist logic through which ‘‘lex sacrata founded a political power that in some way counterbalanced the sovereign power’’ (Agamben 1998:84). This is a detail that is nowadays brushed over. Without wishing to idealize the insurrectional moment of naming or taking exception, I have tried to show in this article that postcolonial and ethnocentric regimes in Cyprus utilize the logic of exceptionality but may also be challenged or ‘‘softened’’ by it, allowing for individual opportunity and making possible a politics of resistance, which often remains unacknowledged, disguised or tangential. The paradox is that this politics of resistance can sometimes take the form of explicit or implicit support for one or another state of exception, be it an opposing regime of authority which exceptionalizes others or a regime within which one can successfully become an exception to the exception.

From this perspective, Antonio Negri (2003) is right in identifying a redemptive potential in the later Agamben. But this potential needs to be qualified, assessed within specific contexts, where redemption may be muted and still problematic for others. Consider, for example, my epigrammatic Cypriot, who reads the implications of her exceptional status (her right to live in her house inside an army camp created after the 1974 war) as the reason for becoming more inward looking, more religious—in fact, an Orthodox Jew (Interview July 9, 2007). Culturally she still feels very much a Cypriot, has learned to live with the absurdity of her situation, though invariably alienated from both the Greek-Cypriot and Turkish-Cypriot communities. Nicosia provides social comfort but Jerusalem spiritual comfort. Her latest redemption has been in joining another state of exception, becoming a citizen of Israel. She has not yet decided, but one day she may move there permanently.

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