Power-sharing in a re-united Cyprus: Centripetal coalitions vs. proportional sequential coalition

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Power-sharing coalitions in severely divided places can take centripetal or consociational forms. Respectively, these aim to foster moderation by restricting coalitions to moderate parties from different ethnic communities or inclusivity by ensuring that coalitions are broadly and proportionately representative of the main political forces. This article draws on the experience of Cyprus to show the limits of negotiating centripetal coalitions even under “most likely to succeed” conditions. It investigates a major centripetalist initiative on the island between 2008 and 2010, and explains why this failed to catalyze a negotiated settlement. Likewise, the article points to the limits of classic consociational approaches in mediating power-sharing arrangements, particularly approaches that rely on corporate ethnic quotas. Contrary to conventional wisdom and much international practice, the article shows that consociational coalitions can take a liberal form that bypass such quotas. Specifically, the article presents and defends an important innovation in consociational theory and practice: the proportional sequential (PS) coalition. PS coalitions are automatically determined by election results, and allocate portfolios on a proportionate and liberal basis amongst a divided polity’s main political parties. We argue that PS coalitions can provide a broadly inclusive and negotiable settlement in the context of a re-united Cyprus as well as in other divided polities.

1. Introduction

On May 15, 2015, the leaders of Cyprus’s Greek Cypriot and Turkish Cypriot communities resumed negotiations on a comprehensive constitutional settlement of the Cyprus problem. One of the core issues in these negotiations is the composition of the re-united Cyprus’s joint, or federal, executive. As both communities will have to ratify...
any new settlement in separate and simultaneous referenda, any mutually acceptable executive will have to be based on power-sharing between the two sides. This leaves a number of possibilities, but one of the main choices will be between a centripetal coalition of the moderate parties in each community, and a consociational grand coalition that includes all of each communities’ main parties.¹

There are many supporters of a centripetal approach for Cyprus. These include the main leftist parties in each bloc, the Greek Cypriot AKEL and the Turkish Cypriot CTP; a prominent London-based think tank, the “Friends of Cyprus”; a number of academics;² and substantial sections of the Greek Cypriot and Turkish Cypriot communities, both of which are fearful of allowing hardliners from the other community into government.³ All these supporters utilize arguments that are associated with the academic contribution of Don Horowitz, the doyen of centripetal theory, although they may never have read his work.⁴ Indeed, centripetalist proposals for power-sharing in Cyprus were put forward as early as the late 1960s in bicomunal negotiations preceding Horowitz’s early work.⁵ Centripetalists argue that coalitions of moderate parties are more likely to be agreed on than consociational grand coalitions that include parties from either extreme of the bi-communal spectrum. Moderate coalitions are also thought to be more capable of delivering functionality, because of their greater propensity for cooperation.

In this article, we challenge centripetal theory and argue that a centripetal coalition is unlikely to be feasible or functional in Cyprus, or any other similarly divided polity. Instead, the paper proposes a novel kind of consociational grand coalition based on a

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⁵ For instance in the 1968 Beirut negotiations Glafkos Clerides, serving as the Greek Cypriot negotiator, proposed that the president and vice-president be elected together on a common ticket, a step that would have posed difficulties for hardliners on either side. The Turkish Cypriot leader Rauf Denktash reacted by pointing to the threat of communists coming to power, 1–4 Glafkos Clerides, *My Disposition* (1989–1991); Christoforos Fokaidis, *Reconciling Nation and State: Glafkos Clerides and Political Transformation in Cyprus* 182 (2014).
“proportional sequential” mechanism. Proportional sequential coalitions (“PS coalitions”), or so it is argued, are more likely to be agreeable to the Cypriot parties, and more likely to deliver functionality. PS grand coalitions also have significant advantages over conventional consociational grand coalitions or consociational coalitions that are not grand.

The article is organized into two main sections. Section 2 summarizes the centripetal critique of grand coalitions. It then explains what a PS coalition is and its general merits in relation to both centripetal and consociational alternatives in terms of adoptability, functionality, and normative attractiveness. Section 3 explains why a centripetal coalition is unlikely to be acceptable in Cyprus, and why a PS grand coalition has more potential there.

2. Centripetal coalitions and proportional sequential coalitions

Centripetal theory is based on the core idea that institutional designers in deeply divided places should seek to foster a type of politics that converges on the center—or moderate—ground. It is argued in particular that electoral systems should be selected to advantage politicians by making it profitable for them to appeal across different ethnic communities. The centripetal electoral system most often recommended by Horowitz is the alternative vote, a majoritarian preferential electoral system which he believes facilitates inter-bloc transfers on lower preferences, and leads politicians to depend on the support of other blocs for the margin of victory. Cooperation among elected moderate politicians, it is thought, will produce moderate policies that can act as balm on ethnic divisions: a centripetalist “compromising middle” will be able to fend off “extremists on the flanks.” Ideally, on the centripetalist view, it would be possible to create a moderate inter- or trans-ethnic party capable of winning executive power by itself, either through a presidential system, as preferred by Horowitz, or through a parliamentary system. But if this cannot be achieved, and it does seem unlikely in a deeply divided place, the next best option is a parliamentary coalition of moderate ethnic parties.

For centripetalists, the choice between a moderate coalition and a consociational grand coalition is an easy one. Horowitz argues that consociational grand coalitions—because they include rival hardline parties—are unlikely to be agreed upon.


7 See Horowitz, Explaining the Northern Ireland Agreement, supra note 1, at 214.

8 See Horowitz, The Agreement, supra note 1, at 93; Horowitz, Explaining the Northern Ireland Agreement, supra note 1, at 213.

9 “Consociational agreements are very hard to reach. This fact is not as notorious as it deserves to be.” See Horowitz, Explaining the Northern Ireland Agreement, supra note 1, at 197.
and unlikely to work. They are also seen as undemocratic, as they leave no room for opposition, in contrast with centripetal coalitions which need only be “minimum winning” in size.10 Consociational grand coalitions are regarded as suited only to places where they are arguably not needed, such as the moderately plural, small western European democracies that gave rise to consociational theory (Belgium, Austria, the Netherlands, and Switzerland). In deeply divided places, in contrast, consociations are seen as “inapt to moderate conflict.”11 The presence of consociations in such places is seen to be as “rare as the Arctic rose,” and usually the result of errors by international powers who impose them on unwilling locals.12

In the rest of this section, we contrast centripetal coalitions and conventional consociational coalitions with an innovative type of grand coalition based on proportional sequential mechanisms. We argue that such PS coalitions have advantages over the alternatives in terms of adoptability and functionality, and without sacrificing democratic merit.13

A PS executive is established by applying a divisor to parties’ seat numbers in the legislature to allocate ministries proportionally and sequentially.14 The party with the highest number of seats gets the first choice of ministry: its seat total is then divided by the divisor, with the next ministry allocated to the party with the highest remaining number of seats. This process is repeated until all ministries are distributed. Ties in the number of seats at any stage are broken by giving preference to the party with the highest number of votes. The exact degree of proportionality in the executive is a direct function of the divisor used and the number of ministries available.15 Holding the number of ministries constant, the d’Hondt divisor (1, 2, 3, 4 . . .) is more favorable to larger parties than Sainte-Laguë (1, 3, 5, 7 . . .), which is more favorable to larger parties than the Danish rule (1, 4, 7, 10 . . .). Table 1 shows how d’Hondt would allocate ten ministries in a hypothetical 100 seat legislature with the following five-party configuration: a hardline party and a moderate party from Ethnic Group A, a hardline party and a moderate party from Ethnic Group B, and a small non-ethnic party. As the moderates from Group A are the largest party, they get the first ministry, their seat total is then divided by 2 (M+1, where M = ministry), which gives the second pick to the hardliners from Group B, and so on. The result is an executive which is not just

10 Id. at 94.
11 Consociations are “more likely the product of resolved struggles or of relatively moderate cleavages than they are measures to resolve struggles and to moderate cleavages”. See Horowitz, ETHNIC GROUPS IN CONFLICT supra note 4, at 573: Horowitz, Constitutional Design, supra note 6, at 256.
12 See Horowitz, Constitutional Design, supra note 6, at 256 and 271: Horowitz, Explaining the Northern Ireland Agreement, supra note 1, at 197.
13 One of us uses these same points to argue for the merits of a proportional sequential coalition in Northern Ireland. John McGarry & Brendan O’Leary, Power-Sharing Executives: Consociational and Centripetal Formulae and the Case of Northern Ireland, ETHNOPOLITICS 3–8 (2015), DOI: 10.1080/17449057.2015.1088231.
14 For a recent analysis of PS executives in Northern Ireland, see JOANNE McEVOY, GOVERNING IN BOSNIA, MACEDONIA, AND NORTHERN IRELAND 39–107 (2014).
inclusive of parties from Group A and Group B, but inclusive of hardline and moderate parties from each of these groups.

Divisor mechanisms have been used most commonly to allocate legislative seats to parties following PR elections by dividing the number of votes and allocating accordingly until the relevant number of seats is filled in the relevant district. The d’Hondt version (previously independently invented by Jefferson) was initially used to allocate the number of congressional seats to be held among the states of the USA according to their respective population shares. It is also used to allocate Committee Chairs and Deputy Chairs in the European Parliament, and committee places in the Scottish parliament, by dividing the number of seats. Since the Good Friday Agreement of 1998, however, d’Hondt has been employed to allocate ministries in the Northern Ireland executive. It has also been used in different formats to allocate executive and administrative offices in the Brussels-Capital Region in Belgium, and in the four largest Danish municipalities of Copenhagen, Aarhus, Odense, and Aalborg.

Contrary to centripetalist arguments, grand coalitions may be agreed to in deeply divided polities, without external imposition. This is more likely under some conditions than others, which is true of the alternatives too. Perhaps the most important facilitative condition for any sort of power-sharing coalition is a dual (or multiple) balance of power that makes it difficult for one bloc to govern alone. If this is absent, one community will seek to govern the other, either through one party or a coalition of parties, as happens in Israel and Sri Lanka, and happened in Northern Ireland between 1921 and 1972. Where an inter-bloc balance of power exists, and each bloc is represented by one party or coalition of parties, a grand coalition becomes a feasible choice. Within the past twenty years, such an inter-bloc balance of power has led to grand coalitions in Burundi (1999), Fiji (1997), Kenya (2008), and Zimbabwe.

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Table 1. The D’Hondt divisor allocation mechanism (with 10 ministries in a 100 seat legislature)

<table>
<thead>
<tr>
<th>Party</th>
<th>Hardliners Group A</th>
<th>Moderates Group A</th>
<th>Non-Ethnic Party</th>
<th>Hardliners Group B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Divisor M+1</strong></td>
<td><strong>S</strong></td>
<td><strong>M</strong></td>
<td><strong>S</strong></td>
<td><strong>M</strong></td>
</tr>
<tr>
<td>1</td>
<td>22 (3rd)*</td>
<td>28 (1st)</td>
<td>5</td>
<td>22 (4th)*</td>
</tr>
<tr>
<td>2</td>
<td>11 (7th)*</td>
<td>14 (5th)</td>
<td>11 (8th)*</td>
<td>11.5 (6th)</td>
</tr>
<tr>
<td>3</td>
<td>7.3 (9th)</td>
<td>9.3</td>
<td>7.3</td>
<td>7.7 (10th)</td>
</tr>
<tr>
<td><strong>Total M</strong></td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

Key: S = Seats in Legislature; M = Ministries in order of portfolio choice.

* = the number of total votes won by the party is used as a tie-breaker in cases where parties have identical numbers of legislative seats.

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(2009), albeit a sham coalition in the last case. Burundi has a large Hutu majority, but the Tutsi are a formerly dominant minority with strength in the military that cancels out the Hutu’s demographic advantage, so it is properly a case of a dual balance of power. As we shall see later, the same holds in Cyprus, where there is a dual balance of power in spite of the fact that the Turkish Cypriot community is only slightly larger as a proportion of the population than Burundi’s Tutsi. Dual and multiple balances of power between communities or parties have also facilitated grand coalitions in many other places, not all of which were ethnically divided. They include Austria (1945–1966), Belgium (25% of the 1918–1963 period), Colombia after its civil war (1958–1974), Germany (1966–1969, 2005–2009, and 2013 on), and Switzerland (since 1959). Some countries have opted for grand coalitions, even when they lacked an inter-bloc balance of power, i.e., even when one bloc or party possessed a strong majority that was capable of governing alone, for example Britain and Sweden formed “national governments” in the face of external threats during wartime.

But what if one or more of the ethnic blocs in an ethnically divided place has more than one sizable party, as so often happens? In these contexts, a grand coalition is facilitated when there is an “intra”-bloc balance of power alongside an inter-bloc balance. This is because it is difficult, when an intra-bloc balance exists, for one of the bloc’s parties (Party A) to enter a coalition without the other (Party B). The difficulty arises primarily from the threat (or manifestation) of outbidding from Party B, which will presumably be more hardline than Party A. Party B’s inclusion is necessary for stability and peace—for example, Party B can credibly threaten violence if left out of the coalition, or it may believe that Party B’s inclusion will strengthen the bloc’s overall clout within the power-sharing coalition in relation to other blocs. All of these possibilities are enhanced the stronger Party B is within its bloc, i.e. the closer there is to a balance between the two parties. It was this confluence of inter-bloc and intra-bloc balances that facilitated a two bloc, four party PS coalition in Northern Ireland in 1998. As will be argued, the same inter- and intra-bloc balances exist in Cyprus, which makes a PS coalition feasible there too. In sum, grand coalitions, including PS coalitions, are facilitated when there is a balance of power between or among blocs, and each bloc either has one party or an internal balance of power between or among parties. As the discussed examples suggest, this phenomenon is not uncommon.

In contrast, agreement on centripetal coalitions is facilitated, in our view, when an inter-bloc balance of power is matched with an “imbalance” within key blocs that favors moderate parties. If an informal coalition of moderate parties is to be established, the moderate parties will have to be able to combine to form a majority in the legislature. This was what happened in Northern Ireland in 1973–74 when moderate parties established a power-sharing coalition—the “Sunningdale executive,” although

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18 This is based on Lijphart’s calculation. See Arend Lijphart, Democracy in Plural Societies: A Comparative Exploration 32 (1977).
20 McGarry & O’Leary, supra note 13.
the coalition was critically weak within the unionist bloc—it was supported by only a minority of unionist voters and deputies. If a centripetal coalition or electoral system is to be formally required, perhaps as part of a peace settlement, the moderate parties must be strong enough to put this on the negotiating table, and negotiate it to fruition, including possibly passing it by referendum (perhaps, as is required in Cyprus, in each of the relevant blocs). This is on the reasonably safe assumption that only moderate parties will back something that advantages them while hardline parties will oppose this as it is aimed at excluding them. Thus, we find that in Fiji in 1997, the only empirical example in the world where a centripetal electoral system has been agreed to and implemented with the purposive aim of undergirding a parliamentary coalition of moderates, the project was initiated and shepherded through the constitutional review process by moderate parties from the Indian and Fijian communities, which at that point held leadership positions in each community. As we shall see, a centripetal electoral system was proposed and agreed to during negotiations in Cyprus in 2010, when, for the first time in post-independence Cypriot history, recognizably moderate leaders led both the Turkish Cypriot and Greek Cypriot communities.

Balance of power considerations affect not just agreement on, but also the implementation and maintenance of power-sharing coalitions, whether centripetal or grand. If a centripetal coalition is agreed to (or imposed by outsiders), it will experience outbidding pressures in direct proportion to the strength of excluded hardliners. Although Northern Ireland’s moderate parties were able to agree to and implement a centripetal coalition in 1973–74, they were unable to maintain it: it imploded less than five months after it took office because the balance of power in the unionist bloc favored hardliners and shifted increasingly in their direction during the coalition’s brief period in office, forcing unionist moderates to withdraw from the coalition. Fiji’s implementation of a centripetal electoral system in 1999 led to the electoral defeat of the moderate parties that had been responsible for its introduction. Although a centripetal electoral system was agreed to in Cyprus, it was not implemented, because one of the two moderate parties to the agreement was defeated in elections. What these cases suggest is that while it is possible to get agreement on centripetal arrangements while moderates enjoy some form of temporary leadership, itself a rare phenomenon, the implementation and particularly the maintenance of centripetal coalitions need moderate parties to enjoy a “stable” dominance in all relevant blocs, which may be even rarer than Arctic Roses. PS coalitions, in contrast, proportionally match intra- and inter community balances of power, including, as we will discuss, shifting balances, which is useful for agreement, implementation and maintenance.

The need for preexisting moderate strength—among parties and voters—if centripetalism is to be successful, is nowhere recognized by Horowitz. It is, however, accepted by one of his leading supporters, Ben Reilly, who acknowledges that centripetal

22 See RAJUSHKA & SHIEPSEL, supra note 19.
23 See Fraenkel & Grofman, supra note 21.
institutions, designed to produce moderation, may require a pre-existing “core moderate voice.” The problem is that this makes a centripetal coalition a circular proposition in which moderation begets moderation, a conclusion that reduces its utility in deeply divided places—ironically, the very charge that centripetalists level against consociationalism.

While centripetalists believe that broad inclusion leads to dysfunctionality and instability, the thinking behind grand coalitions is that the inclusion of hardline parties can strengthen stability by giving such parties a stake in the system and by allowing them to achieve at least some of their aims constitutionally. The only conditions for inclusion should be each party’s ability to win sufficient votes to be entitled to at least one ministerial portfolio, and a commitment to non-violent politics. A PS coalition offers particular functionality-enhancing institutional features that other grand coalitions do not. Individual hardline parties are given incentives to enter government because failure to do so results in their ministries going to rival parties rather than to a failure of executive formation. This is an argument that hardline parties can usefully use to persuade reluctant supporters. With each party’s share of ministries linked to its popular support, institutional incentives to parties to conduct themselves in a way that will broaden their electoral support are provided. As the most obvious way for radical parties to expand in the context of inclusive political institutions is at the expense of co-ethnic moderate parties, there is an incentive to moderate, as long as this can be achieved without an offsetting loss of votes to new parties on the hardliners’ extreme flank. A variety of institutional mechanisms are available to reduce this latter threat.

Another functional advantage of PS coalitions is that once parties agree to share power across ethnic communities, and providing the settlement specifies the number of ministries, executive formation occurs automatically following elections. There is no need for further negotiations or bargaining, or for ratification by the legislature.

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25 It requires no other political convergence, not even a commitment to the state in question.
27 Any institutional rule that helps large parties will have this effect, such as the d’Hondt divisor; a reduction in the number of ministries; electoral thresholds to win seats in the legislature; or small electoral district magnitudes. Such measures have to be balanced against the need for retaining a reasonably fair level of proportionality. One mechanism that allows party leaders to maintain discipline and reduce the risk of splits, without affecting proportionality, is list-proportional representation. See Taagepera & Shugart, supra note 15, at 24.
Centripetal rules, by contrast, can give rise to serious executive formation problems. If these rules are formal, i.e., the executive requires cross-ethnic support in direct or indirect elections, this may simply not be forthcoming. The UN Plan for Cyprus (the Annan Plan) that was put to a referendum in 2004 had a moderates-privileging centripetal rule that called for an executive council to be indirectly elected by a majority of the Senate plus two-fifths of each of the Greek Cypriot and Turkish Cypriot Senators, but bizarrely did not provide for a (necessarily non-centripetal) default rule that would come into play if the threshold was not met.\(^{29}\) Had the referendum passed, the reunited Cyprus might have started without a government, and with no constitutional way to form one. The Annan Plan also stated that any vacancy in the council would be replaced using the same election rule, but again didn’t stipulate what would happen if no one met the threshold.\(^ {30}\)

Informal centripetal electoral systems have equally serious executive formation problems. These are based on the alternative vote, or on related preferential voting systems, which are said to incentivize politicians to appeal across ethnic lines, and voters to vote across them, but do not guarantee either sort of behavior. This informal option ensures a result, but not a centripetal one. The adoption of the centripetal “supplementary vote” for presidential elections in Sri Lanka in 1978 was supposed to encourage moderate Sinhalese candidates to reach out for Tamil votes but this did not happen until 2015.\(^ {31}\) The Sinhalese candidates seem to have concluded that such cross-bloc appeals risked losing more votes from their own larger community than would be gained from the other smaller community. In Republika Srpska’s presidential election in 2000, which was based on the alternative vote, the Bosniak minority preferred to waste its votes by transferring to unelectable Bosniak candidates rather than to the moderate Serb candidate.\(^ {32}\)

The automaticity of PS coalitions can also be contrasted positively with consociational or other types of coalitions that rely on post-election bargaining to decide which parties will be in government, and how many ministries, and which portfolios, each party will have. Even in stable democracies, and even when there is ideological coherence among potential coalition partners, agreement on these issues can represent a “formidable task.”\(^ {33}\) In divided or deeply divided places, the task is likely to be even

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\(^{29}\) Annan Plan, art. XXV, § 2(e) (2004).

\(^{30}\) Id. art. XXVI, § 5.


\(^{32}\) The harder line of the two Serb candidates was elected on the second count, after receiving 49.8% of the vote in the first count. After the first count, a small Bosniak party—BOSS—was eliminated. A third of its 12,951 supporters chose not to transfer beyond their first preference. Of a total of 8927 transfers, only 3% crossed ethnic lines, and only two per cent of this total went to the moderate Serb. Enough votes, a fraction of 1%, were transferred to the Serb hardliner, ironically, to ensure his election. Sumantara Bose, Bosnia after Dayton: Nationalist Partition and International Intervention 233 (2000).

more difficult. Following the 2007 election in Belgium, it took 176 days to form a caretaker coalition that brought together enough parties to govern and that also conformed to constitutional provisions on cabinet parity for Francophones and Dutch-speakers. The problem was repeated in 2010–2011, when it took 541 days to form a cabinet, breaking the world record for the longest period of time without a government. After deadly riots following a disputed election in late 2007, Kenya’s parties agreed to share power, and on a rule to allocate ministries proportionally, but not on how to allocate particular portfolios. Within three months, disagreements over this threatened the power-sharing agreement.

In Zimbabwe in 2009, three parties agreed to share power, but portfolio allocation was left to Robert Mugabe who subsequently allocated most of the important portfolios, particularly those touching on security, to his own party, making a sham of the original power-sharing deal. Even when Mugabe reverted to single party rule after winning presidential elections in July 2013, it took him six weeks to form an executive because of “a need to balance factions within Zanu-PF.” In Iraq after the 2010 elections it took eleven months, including an advisory opinion from a transitional supreme court with an expired mandate, before a coalition government was formed, and even then certain posts remained unfilled. The prime minister, Nouri al-Maliki, imitated Mugabe’s move in 2009, this time retaining the two most important security ministries in his own office. The lack of confidence that this gave rise to among Iraq’s Sunni Arab minority helped to unleash a civil war in which Baghdad lost control of large parts of the country and which led to al-Maliki’s ouster in 2014. Finally, in Afghanistan former rivals, President Ashraf Ghani and his chief executive, Abdullah Abdullah, agreed to form a government of national unity in September 2014 after a disputed presidential election but only announced the list of ministers three months later causing a sharp drop in approval ratings. Centripetal coalitions of moderate parties also face these problems of bargaining over portfolio allocation on top of those already identified.

By way of contrast, a useful functional and normative feature of a PS coalition is that it is based on “proportionality.” Each party gets a share of ministries, including important ministries, proportionate to its share of legislative seats and popular support. The process brings an element of fairness and choice, which is seen by coalition specialists as strongly linked to system adoption and system maintenance. Proportionality permits a “liberal” form of consociation in which executive positions are allocated to any party that meets the electoral threshold, regardless of their basis.
consociations are generally normatively preferable to “corporate” consociations, such as those in Bosnia or Lebanon, where executive positions are restricted to representatives of predetermined ethnic communities, and which are said to discriminate against individuals and communities outside the protected categories.\footnote{Sejdic and Finci v. Bosnia and Herzegovina, Eur. Ct. H.R., Grand Chamber Judgment, Dec. 22, 2009.} Liberal consociations are able to cope better than corporate consociations with demographic and political change. For example, a liberal consociation would have helped address the problems that gave rise to civil war in Lebanon between 1975 and 1989, when the Shia Muslim population demanded a share of power that better matched its increasing share of the population. Liberal consociations may also facilitate the transcendence of ethnic divisions better than corporate consociations, because they permit non-ethnic parties to share in power, in line with their popular support. Indeed, as non-ethnic parties are likely to be rather small in deeply divided places, the combination of liberal consociation and inclusion offered by a PS executive is likely to be the only way such parties have a chance of attaining executive office. Liberal consociations are also much less likely than corporate consociations to be challenged by courts, particularly in Europe, that are increasingly likely to find the latter discriminatory on the basis of ethnicity.\footnote{Christopher McCrudden & Brendan O’Leary, Courts and Consociation: Human Rights Versus Power-sharing (2013).}

The consociational principle of proportionality is usually both fair and stabilizing because it is a reasonable proxy for the political balance of power. However, sometimes the balance of power does not reflect shares of the electorate, and in these cases a strong minority (or majority)—one that has external backing or military power—may insist on a disproportionate share of ministries. When deviations from strict proportionality occur, this requires the group beneficiaries of power-sharing to be specified, i.e., it requires a move away from liberal consociational principles. The best that can be done in these circumstances is to see that any deviation from proportionality and liberal consociation is as small as possible. As we shall see, the rules for a PS executive can be altered so that a strong minority receives slight over-representation in the executive while retaining the principles of liberal consociation for the bulk of the executive. If it becomes necessary to move from liberal consociation to a system that specifies corporate quotas, this can be done in as inclusive a way as possible, for example by nationality rather than religion, or by language ability rather than by mother tongue. As we show below with respect to Cyprus, where Turkish Cypriots are a strong minority, there are different ways to conceive of a PS executive that adheres to inclusivity, automaticity, and a reasonable, as opposed to a strict, form of proportionality.

Finally, contrary to centripetalists’ claims, inclusive coalitions based on proportional and sequential mechanisms can have reasonably robust democratic credentials. They establish governments that are democratically and proportionally inclusive of all parties with significant mandates that are willing to take their entitlements to portfolios. This democratic inclusiveness contrasts favorably with both centripetal minimum-winning coalitions and single party government in plurality systems, each of which may enjoy power with the support of a bare majority or even a plurality of voters. Proportional inclusion also prevents the disproportional distortions that occur
in minimum winning coalitions, such as those in Israel or Germany, where small parties frequently enjoy disproportionate pivotality because they hold the balance between large political factions.

PS executives are inconsistent with “governments in waiting” if by this is meant the conventional practice where a party or a minimum winning coalition of parties assumes office while the remaining parties go into opposition to wait their turn. This does not mean, however, that governments cannot be changed. Voters remain free to punish or reward any party by increasing or decreasing its share of ministries (or by altering its place in the sequence of portfolio allocation), and to vote new parties into the coalition while expelling any of its current parties, although the latter will be unlikely in practice in the case of large parties. In any case, accumulated (and inclusive) experience in government is not clearly a negative factor in places that have serious ethnic divisions, or serious financial problems for that matter, with the lack of experience in coalitions exacerbating Greece’s problems during the post-2008 financial crisis.\(^4^2\)

Moreover, the lack of a conventional government and opposition model applies only to cases of permanent (i.e., temporally open-ended) PS executives, but these are not the only possibility. PS coalitions, or grand coalitions in general, can be agreed to for limited time periods, to get through emergencies or transitions. This was what happened in South Africa, when a grand coalition was included as a temporary measure, lasting from 1994 to 1999, to reassure the white minority in the context of the end of apartheid. It is what happened in homogeneous countries like Sweden and the UK, where grand coalitions were adopted during wartime. The grand coalition agreed to in Kenya in February 2008 was also time-limited, to one parliamentary term, and the same is true of Germany’s current post-2013 grand coalition.

The accountability of the executive to voters may be less clear under a PS coalition than when a single party is in government, but it is not noticeably less clear than under any multi-party coalition, which is the more frequent alternative. Lacking a government in waiting does not mean the absence of opposition, two matters that are usually conflated. Not every party qualifies for government under a PS mechanism, just all parties that meet its threshold. Parties that qualify are free to go into opposition should they choose: a PS executive does not mean that parties must accept their ministerial entitlements, only that they are entitled to them.

If legislative committee chairs and deputy chairs are also allocated by a PS mechanism, as happens in Northern Ireland, a party that opts out of government remains entitled to lead a committee that questions the government. It can also be established as a detail of a settlement, as has again happened in Northern Ireland, that parties holding particular ministries are matched during committee hearings and

\(^{42}\) Greece entered the global financial crisis in a very vulnerable position despite having single-party governments for almost the entire post-1974 period. See Iosif Kovras & Neophyto Loizides, *The Sovereign Debt Crisis in Southern Europe: Majoritarian Pitfalls?*, 47 (1) Cew. Pol. (2015). In their recent electoral history both Greece and Turkey have adopted majoritarian political systems disproportionally favouring the largest party in parliament. Hence, political elites in Cyprus have lacked positive examples of consensus democratic practices either from the “two motherlands” or the broader region.
legislative debates with committee chairs and deputy-chairs from a different party. There is no provision for opposition parties to perform this role in the winner-takes-all Westminster system, often seen as the paradigmatic example of parliamentary accountability, but where all committees except public account committees are normally chaired by government MPs.

Indeed, governments in such parliamentary systems are usually careful to ensure that they maintain control over virtually all committees. As committee chairs and deputy chairs in a PS executive would be more likely to have more informal access, through party sources, to executive discussions than conventional oppositions possess, robust questioning can be facilitated and the screening of executive decisions from legislative scrutiny made more difficult. Given that the parties in an inclusive coalition are likely to be “opposed” to each other, it is reasonable to expect that this will also deliver accountability. Indeed, centripetalists’ complaint that inclusive coalitions lack opposition is in some tension with their other contention that inclusive coalitions are likely to be mired in internal opposition.

3. The case for a proportional sequential coalition in Cyprus

An important part of the case for a PS coalition in Cyprus is that conditions there are of the sort that facilitate the agreement and maintenance of PS coalitions. In contrast, the conditions that facilitate centripetal coalitions are absent. Moderate parties in either community in Cyprus are too weak to adopt and to sustain a centripetal coalition. This is clear from the fate of a proposal for a centripetal coalition in 2008–2010, as discussed next. 43

In negotiations that began in September 2008, the Greek Cypriot leader and President of Cyprus, Demetris Christofias, proposed a two-person collegial presidency for a united Cyprus in which a Greek Cypriot and Turkish Cypriot would rotate in office, with the latter serving for one third of each term. The presidency was to be elected by a centripetal electoral system known as “weighted cross-voting.” This envisaged an electorate for the Greek Cypriot member of the presidency that would be 80 percent Greek Cypriot and 20 percent Turkish Cypriot, and an electorate for the Turkish Cypriot member that would be 80 percent Turkish Cypriot and 20 percent Greek Cypriot. 44 The proposal was intended to replace traditional arrangements whereby the Greek Cypriot and Turkish Cypriot leaders were elected by separate electoral rolls, and was designed to achieve the core centripetal goal of benefiting moderates, as the minorities in each electorate could reasonably be expected to vote for a moderate from the other community. In effect, weighted cross-voting proposed a 20 percent start for Turkish Cypriot and Greek Cypriot moderates in run-offs against relatively hardline rivals, in a context where leadership elections were normally decided

43 For a recent account that explores solutions to the Cyprus problem, see RESOLVING CYPRUS: NEW APPROACHES TO CONFLICT RESOLUTION (James Ker-Lindsay ed., 2014)
44 The details of the weighted cross-voting proposals were reported by the Turkish Cypriot leader, Mehmet Ali Talat, on his Facebook account in March 2012.
by much smaller margins.\textsuperscript{45} Christofias’s weighted cross-voting proposal was accepted by Mehmet Ali Talat, the Turkish Cypriot leader and President of the unrecognized Turkish Republic of Northern Cyprus (TRNC), in January of 2010, although the proposal’s implementation awaited the successful negotiation of a comprehensive settlement of the Cyprus problem and its ratification in simultaneous referendums by majorities in each community.

Weighted cross-voting was accepted in a context where the intra-bloc balance of power in both communities was unusually propitious. Talat led the left-wing and pro-settlement CTP. He was the most moderate Turkish Cypriot leader since Cyprus gained independence in 1960. His interlocutor, Christofias, led the left-wing and pro-settlement AKEL, and was one of the most moderate Greek Cypriot leaders since 1960. It was the first time since independence that two moderates led both communities simultaneously. Support for centripetalism came naturally to both leaders, as Talat’s CTP was the Turkish Cypriot political party most likely to win votes from Greek Cypriots while Christofias’s AKEL was the Greek Cypriot party most likely to win votes from Turkish Cypriots.

In reality, however, neither of the two moderate leaders enjoyed a clear or stable dominance within their respective blocs. This was particularly important in Talat’s case as he was up for re-election in April 2010. Although Talat had been elected in 2005 with 55 percent of the vote in the first round, economic decline and disillusionment with negotiations had led to his CTP receiving just 29 percent of the vote in the Turkish Cypriot parliamentary elections of 2009. By contrast, a right-wing nationalist party, the UBP, won the 2009 elections with 44 percent of the vote. Its leader, Derviş Eroğlu, became prime minister of the TRNC. The Democratic Party, another hardline nationalist party, won 11 percent of the vote. Effectively, although Talat was President, his political party—the CTP—was in a weak minority position within the Turkish Cypriot bloc at the time he agreed to weighted cross-voting.

Understandably, both hardline Turkish Cypriot parties were fiercely opposed to weighted cross-voting, as it was purposely designed to marginalize them. Eroğlu immediately denounced the proposed electoral system on the grounds that the right would cease to exist.\textsuperscript{46} In the presidential election campaign of April 2010, Eroğlu

\textsuperscript{45} When weighted cross-voting, or variations of it, have been proposed in Cyprus, it has been argued that it would ensure that the elected candidates from each community would have to “seriously take into account both communities’ interests and concerns”: Greek Cypriot Proposals, Cyprus National Council, Jan. 30, 1989, available at http://www.cyprus.gov.cy/moi/pio/pio.nsf/0/1CF2A298CB8C65CEC2256D00344433/$file/Proposals%201989.pdf. It was also argued that it would make it advisable for politicians of both communities to appeal also to members of the other community for their votes. Until now there has been no advantage in so doing. [Weighted cross-voting would] give a premium to all politicians to develop policies that would appeal to members of the other community. Not all would. Those that did would be rewarded by receiving voters from the other community which at the margins would affect the outcome of elections.

formed an electoral pact with the Democratic Party’s leader, Serdar Denktas, on the issue of weighted cross-voting, and won in the first round. Eroğlu became his community’s interlocutor in the negotiations, and that terminated the centripetal electoral proposal.

In the Greek Cypriot bloc, Christofias’s AKEL was in a similar position to Talat’s CTP, although Christofias did not face re-election. There was (and is) a reasonably stable three way balance of power within the Greek Cypriot bloc among the left (AKEL), centre-right (DISY), and nationalist right (DIKO and an assortment of smaller parties). Christofias depended for his election as president in 2008 on the support of DIKO in the second round of a two round contest. In the first round, Christofias won 33 percent of the vote, compared to 32 percent for the hardline DIKO candidate, Papadopoulos, and 33 percent for the centre-right DISY’s Kassoulides. With Papadopoulos eliminated, DIKO switched its support to Christofias, which allowed him to defeat Kassoulides in the second round by 53 percent to 47 percent. Similarly, between 2006 and 2011, AKEL held only eighteen of fifty-six seats (with 31 percent of the vote) in the Greek Cypriot controlled Republic of Cyprus’s legislature, and depended on a coalition with hardline DIKO (eleven seats and 18 percent of the vote) for a governing majority.

Christofias’s intra-bloc weakness, and his dependence on a nationalist coalition partner, helped to prevent him from making concessions to Talat that might have secured Talat’s re-election, or from securing a settlement, including weighted cross-voting, before the Turkish Cypriot leader had to face re-election. Christofias, who started his own presidency with high levels of public approval, eventually wasted his political capital by failing to promote his own compromise for a cross-voted and rotating presidency. During the critical 2010 Turkish Cypriot presidential election campaign Christofias opposed a joint declaration with Talat, failing “to take advantage of the golden opportunity to announce progress in the negotiations.” After Talat’s defeat, Christofias decided not to run for re-election when his term ended in 2013, his decision reinforced by a serious economic crisis. He was replaced by DISY’s Nicos Anastasiades, who was also put into power with DIKO’s help, and who opposed weighted cross voting because it favored the left.

47 Support was evident initially across the political spectrum including from DISY, the largest opposition party, but during the negotiations, Christofias’s approval for the handling of the Cyprus problem dropped to 45%, down from 75% in 2008. See Clock Tickving On Reunification Talks, BUSINESS MONITOR ONLINE, Oct. 13, 2009.


49 Even DISY, the only Greek Cypriot political party apart from AKEL, that has any serious prospect of winning support from Turkish Cypriots, denounced weighted cross voting. The party’s vice-chair argued it had been concocted to “keep the left governing Cyprus forever.” See Resigning is Christofias’s Only Option, PHILEFEPHERIS, Sept. 4, 2011. Even the pro-settlement Cyprus Mail accused Christofias in its humour column of wasting “most of his meetings with Talat negotiating some lunatic formula (emphasis added) that would allow him to be elected president of the federal state.” See Pres Nik Living the Dream in Germany, CYPRUS MAIL, May 11, 2014, available at http://cyprus-mail.com/2014/05/11/tales-from-the-coffeeshop-pres-nik-living-the-dream-in-germany/.
The lack of stable dominance by moderate parties in either of Cyprus’s two blocs meant that a centripetal proposal more modest than those recommended by Horowitz, and conceived under the “most likely to succeed” political conditions in Cyprus’s post-independence history, could not be adopted. The moderates were able to agree on a centripetal proposal in negotiations but lacked the necessary dominance to steer it through the adoption process in the face of outbidding by hardliners.

Cyprus’s intra-communal balance of power, in which neither moderates nor hardliners are stably dominant, but in which there is a rough balance, points towards the need for a PS coalition rather than a centripetal coalition. The first step involves selecting an appropriate PS divisor, because while each delivers proportionality, some are more favorable to small parties, and therefore to small communities. If the d’Hondt divisor (1, 2, 3 …) that was used in Northern Ireland was used to allocate eight ministries in Cyprus, Turkish Cypriot parties, which received 23 percent of the combined votes cast in the last Greek Cypriot and Turkish Cypriot parliamentary elections, would get only one ministry, or 12.5 percent of the total (the CTP would receive sixth pick). This result would neither accommodate the inter-community balance between Greek Cypriots and Turkish Cypriots, nor the intra-community balance between moderates and hardliners in the Turkish Cypriot bloc. If, by contrast, the Danish divisor (1, 4, 7 …) was used, Turkish Cypriot parties would receive a more fairly proportional two of eight ministries, or 25 percent. They would also get higher, and fairer picks: CTP would receive fourth pick and UBP 8th pick (see Table 2).

One complication is that the Turkish Cypriots are likely to insist on more than 25 percent of ministries, and will probably want around 33 percent. This latter figure would better reflect the inter-community balance of power in which Turkish Cypriots, backed by Turkey, are in a much stronger bargaining position than their demographic weight would suggest. The same balance led, in the 1960 constitution, to Turkish Cypriots receiving 33 percent of cabinet positions, and 40 percent of army and police positions—and the 1960 precedent, reflected in subsequent settlement initiatives including the UN’s Annan Plan in 2004, makes it all the more difficult for Turkish Cypriots to accept strict demographic proportionality. Fortunately, there is no serious political obstacle to modest Turkish Cypriot over-representation, as Greek Cypriot leaders, increasingly realistic about inter-bloc power balances (realpolitik) after decades of negotiations, have conceded the principle on many occasions, but

50 Horowitz’s preferred centripetal electoral systems are the majoritarian alternative vote and the distributions method (where a winning presidential candidate requires a plurality or majority plus a certain low threshold—such as 20–25%—in different regions of the country). Neither of these electoral systems are thinkable in Cyprus, as they both raise the possibility that a Turkish Cypriot candidate, or a Greek Cypriot-Turkish Cypriot joint ticket, could be elected without a single Turkish Cypriot vote. For details, see John McGarry, *Centripetalism, Consociationalism and Cyprus: A Close-up Analysis of the “Adoption” Issue*, in *Power-Sharing: Empirical and Normative Critiques* (Allison McCulloch & John McGarry eds., forthcoming 2016) Christofias knew that such proposals would be unacceptable, which is why he proposed an electoral arrangement that allowed each community to play an “equal” role in the election of the other community’s candidate.

51 The Danish rule was suggested to the authors by Brendan O’Leary.

52 Anything more than a modest over-representation of Turkish Cypriots would pose a risk of rejection by Greek Cypriot voters in a referendum.
Table 2. Model 1: The Danish divisor allocation mechanism (assuming 10 ministries with one co-first minister allocated to the largest party in each bloc)

<table>
<thead>
<tr>
<th>Party</th>
<th>UBP</th>
<th>CTP</th>
<th>AKEL</th>
<th>DISY</th>
<th>DIKO</th>
<th>EDEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>V*</td>
<td>V</td>
<td>M</td>
<td>V</td>
<td>M</td>
<td>V</td>
</tr>
<tr>
<td>Divisor</td>
<td>32,874</td>
<td>46,166</td>
<td>Co-First Minister</td>
<td>132,171</td>
<td>138,682</td>
<td>Co-First Minister</td>
</tr>
<tr>
<td>1</td>
<td>32,874</td>
<td>8</td>
<td>46,166</td>
<td>4</td>
<td>132,171</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>33,043</td>
<td>7</td>
<td>34,670</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total M</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

* V = votes and M = ministries. Votes are based on those won by each of these parties in their last parliamentary elections. Vote share and seat share should correspond in an election held under PR.

Turkish Cypriots use a ‘horizontal voting system’, which allows each voter to cast a number of votes (the number depending on the size of constituency) for one party or a number of parties. To estimate the number of votes the Turkish Cypriot parties would have received in the last parliamentary election if each voter had one vote, we calculated the actual percentage of votes each party received and multiplied this by the number of Turkish Cypriots who voted. For example, CTP received 477,209 votes out of 1,243,441 (or 38.38 percent of the vote). The total number of Turkish Cypriots who voted was 120,287, suggesting an estimated 46,166 votes for CTP.
it poses a technical problem if all ministries are allocated by a PS mechanism, which emphasizes proportionality. The simplest, and fairest, way to deal with this complication is to have two co-first ministers (or prime ministers)—likely to be necessary in any case—and to allocate these outside the PS mechanism on the basis of parity, with one position going to the leader of the largest party in each community. Parity is a normatively defensible principle when one community is asked to throw in its fortunes with another, although it can hardly be insisted on in all offices if the communities differ significantly in size. In the specific context of Cyprus, the need for parity is recognized by the agreed principle of “political equality” between the two communities, which is generally seen as compatible with numerical equality in a few areas (such as representation in the courts, and Senate). Appointing two first ministers on the basis of parity, and allocating another eight ministers on the basis of the Danish rule would give Turkish Cypriot political parties a safe three of ten ministries, or 30 percent (see Model 1 in Table 2). Indeed, this would resemble what happens in Northern Ireland. Both before and since 2007, its First Minister and Deputy First Minister have been appointed apart from the rest of the executive on the basis of what is, in effect, a parity principle, although, in Northern Ireland, because the communities are close in size, parity and proportionality converge. In Northern Ireland, the co-first ministers are also allowed to co-appoint junior ministers, and have agreed to one each. If this was permitted in Cyprus, expected Turkish Cypriot representation would increase to 33 percent of total ministers, or four of twelve.

Alternatively, if a decision was made to draw electoral boundaries for the federal legislature in such a way that Turkish Cypriot parties could reasonably expect to win roughly 30 to 33 percent of the seats, then the Danish divisor could be used to allocate all of the federal ministries, including the co-first ministers. The over-representation of small units in federal legislatures, including in lower houses, is a common practice, and such over-representation for the “territory” of the Turkish Cypriot constituent state could be justified on federal grounds. The Annan Plan of 2004 slightly overrepresented the Turkish Cypriot constituent state by giving it no less than 25 percent of the seats in the federal lower house. These ancillary rules would allow either most or all of the executive to be elected in a difference blind (liberal consociational) manner, and they show how PS mechanisms can be flexibly adjusted to satisfy particular balances of power.

A second way to over-represent Turkish Cypriots is less desirable from a liberal consociational perspective, but is likely to be more attractive to Turkish Cypriots (and thus more consistent with the ‘real’ inter-community balance), as it would offer them firm corporate quotas, now and in the future. It is also more in keeping with Cypriot

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53 This means safe in all foreseeable scenarios, including those where Greek Cypriot parties join together to take advantage of the allocation system, although this could also be made difficult through well-designed party laws that prohibited such opportunistic behaviour.

54 An alternative to the Danish divisor is the Hare quota (total votes/total seats), which is already used in the Republic of Cyprus to allocate seats in municipal, national and European parliament elections. Both the Danish rule and the Hare quota could guarantee automaticity and proportionality, and they both favour smaller parties.
practice, including the 1960 constitution and Annan Plan, both of which were based on corporate principles. In this alternative, the two communities would be constitutionally guaranteed a proportion of ministries, with around one-third allocated to Turkish Cypriots.

In this case, the PS mechanism would be run twice, once among each community’s elected political parties (see Model 2 in Table 3). The Turkish Cypriots would prefer that any such parliamentary executive be based on the federal Senate, elections to which are likely to be contested on separate electoral rolls, with the senators serving as communal representatives. As long as there was prior agreement in the constitutional settlement on the number of ministries and the sequence in which each bloc’s parties would take their ministerial picks, this mechanism would deliver full automaticity and inclusivity. It would also offer proportionality within each of the blocs but not between them. The preferred divisor in this case would likely be d’Hondt, on the grounds that, given corporate guarantees, there would no longer be a need to protect the small Turkish Cypriot community (as in Model 1 in Table 2), and that favoring large parties in power-sharing deals discourages outbidding. In Model 2 (Table 3), we have assumed that the co-first ministerships will be assigned to the leading parties in each bloc, although in Model 2, this will constitute the first picks of these two parties.

Model 2 (Table 3), with its reliance on corporate quotas, is more likely to be criticized by the European courts, which have interfered increasingly in power-sharing settlements, although the courts may also decide that such quotas meet their key test of “reasonableness.” The dangers of judicial intervention could be reduced, but not removed, if the barriers for membership in the two communities were low, for example if the communities were defined in terms of language, as happens in Belgium, instead of mother tongue or ethnicity. The Brussels Capital Region runs the d’Hondt process internally within each linguistic community while in a number of decisions the Belgian Constitutional Court has ruled that pre-determining the number of seats allocated to each language group does not violate the European Convention on Human Rights principles of equality and non-discrimination. Nonetheless, the corporate quotas option also raises the potential for future political difficulties if the communities change in size as happened in Lebanon, or if new identity groups emerge as happened in post-National Front Colombia.

A PS executive constructed in either of these ways (Tables 2 or 3) would be likely to win broader political support among both Turkish Cypriot and Greek Cypriot political parties than the centripetal presidency proposals considered between 2008 and 2010, or any other executive arrangement that gives moderates a decisive advantage. This is because both PS models broadly respect the inter- and intra-community power balances. As the 2008–2010 proposal would have decisively advantaged the moderate wings of each bloc (AKEL and CTP), and likely restricted the executive to them, we can reasonably surmise that the other parties in each bloc entitled to office under Models 1 and 2 would prefer a PS executive. On the Greek Cypriot side, these other parties

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55 See McCrudden & O’Leary, supra note 41.
56 See Bodson & Loizides, supra note 16.
Table 3. Model 2: The d’Hondt divisor allocation mechanism (assuming 12 ministries, with a 8:4 corporate split between Greek Cypriots and Turkish Cypriots)

<table>
<thead>
<tr>
<th>Party</th>
<th>AKEL</th>
<th>Divisor</th>
<th>V</th>
<th>M</th>
<th>DIKO</th>
<th>EDEK</th>
<th>DISY</th>
<th>V</th>
<th>M</th>
</tr>
</thead>
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<td></td>
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<td>1</td>
<td>132,171</td>
<td>2nd</td>
<td>138,682</td>
<td>1st</td>
<td>63,763</td>
<td>5th</td>
<td>36,113</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>66,085</td>
<td>4th</td>
<td>69,341</td>
<td>3rd</td>
<td>31,876</td>
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<tr>
<td>Total M</td>
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<td></td>
<td>132,171</td>
<td>2nd</td>
<td>138,682</td>
<td>1st</td>
<td>63,763</td>
<td>5th</td>
<td>36,113</td>
</tr>
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</table>

<table>
<thead>
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<th>Party</th>
<th>CTP</th>
<th>Divisor</th>
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<th>M</th>
<th>UBP</th>
<th>DP</th>
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<td></td>
<td></td>
<td>1</td>
<td>46,166</td>
<td>1st</td>
<td>32,874</td>
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<tr>
<td></td>
<td></td>
<td>2</td>
<td>23,083</td>
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<tr>
<td>Total M</td>
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<td></td>
<td>46,166</td>
<td>1st</td>
<td>32,874</td>
<td>2nd</td>
</tr>
</tbody>
</table>

* V = Votes and M = ministries.
(DISY, DIKO, and EDEK) won 59 percent of the vote in the last parliamentary election, compared to AKEL’s 33 percent. In the Turkish Cypriot bloc, the two parties most likely to be excluded under centripetalism (the UBP and DP)—which would both be in the governing coalition under Model 2 (Table 3) or if the number of ministries were increased in Model 1 (Table 2)—won 50 percent, compared to the CTP’s 37 percent.

Moreover, AKEL and the CTP, the major moderate parties in each bloc, are unlikely to be as antagonistic towards a PS executive as the hardline parties are towards centripetalism. This is because as moderate parties, AKEL and the CTP are more flexible on executive arrangements, and may well, like their Northern Ireland counterparts in 1998, come to see the benefits of inclusion for stability, and to avoid outbidding. It is also because a PS executive would include the moderate parties too, while a centripetal executive would exclude the hardliners. Indeed, under both models, AKEL and the CTP would have nearly half the seats in the PS executive, and in some scenarios could form a majority.

Even if more political parties in Cyprus are likely to prefer a PS executive over a centripetal executive, they will support the former only if they can be reasonably assured it will be functional. This is particularly important in Cyprus, as it is the site of one of the most infamous consociational failures in modern history: the collapse of the 1960 consociational executive in 1963, after just three years of operation. Virtually all Greek Cypriots believe that executive to have been “unworkable,” which helps to explains why centripetal ideas have gained traction among some Greek Cypriot leaders and civil society groups. The “Greek Cypriot nightmare,” as Kofi Annan put it during UN led negotiations in 2003, is that the executive institutions of a future united Cyprus will break down in the same way that the 1960 arrangements did, this time paving the way for the formal recognition of the TRNC. The Turkish Cypriots have their own bad dreams about the 1960–1963 breakdown, one in which they see themselves as the main victims. In their view, the breakdown was followed by the monopolization of the institutions of the Republic of Cyprus by Greek Cypriots, and by the isolation of the Turkish Cypriots in small enclaves until Turkey came to their aid in 1974. The Turkish Cypriot nightmare is that the breakdown of a settlement will lead

57 One of the ironies of the Northern Ireland Agreement is that executive formation via the d’Hondt PS mechanism was chosen by the two leading moderate parties, the SDLP and the UUP, even though they were the largest parties in each bloc, and had the numbers in the Assembly to opt. along with the small cross-ethnic Alliance party, for a centripetal minimum-winning coalition of moderate parties. It was the SDLP leader, John Hume, who proposed a d’Hondt-based PS grand coalition, and his UUP counterpart, David Trimble, accepted. These leaders were concerned about being outbid if they restricted the coalition to their parties, and were heavily influenced in their thinking by what happened to a previous moderates-only coalition—the Sunningdale executive, which had been established in 1973–74 but lasted only five months. The hardline parties in each bloc in 1998—the DUP and Sinn Féin—were minority parties and therefore the main beneficiaries of an inclusive approach. They played no role in discussions on the executive in the lead up to the 1998 Agreement: the DUP boycotted the negotiations, while Sinn Féin focused on issues relating to all-Ireland and security dimensions, McGarry & O’Leary supra note 13.

58 Stanley Kyriakides, Cyprus: Constitutionalism and Crisis in Government (1968).


to a reversion to the current status quo, where they lack recognition or, even worse, to the predicament they found themselves in before 1974. This is why most Turkish Cypriots prefer recognized independence over the risks of consociational reunion. Having discussed the functional benefits of a PS executive over the alternatives in general terms, the paper ends by explaining three Cyprus-specific functional advantages of a PS consociational executive over the 1960 consociational model.

3.1. A ‘pragmatic’ grand coalition

Although Horowitz and many others use the experience of Cyprus’s 1960 executive as an indictment of consociational grand coalitions, the 1960 executive was not a grand coalition (or a PS grand coalition) of the main Greek Cypriot and Turkish Cypriot parties. This distinction matters. The 1960 executive was a majoritarian consociation, i.e. a consociation that involved two leaders—a Greek Cypriot president and a Turkish Cypriot vice-president—chosen by separate electoral rolls and with majority support in their respective communities. Each leader was responsible for selecting his cabinet ministers, on a 70:30 (Greek Cypriot:Turkish Cypriot) ratio. The result was a dyadic executive comprised of a monolithic Greek Cypriot bloc and a monolithic Turkish Cypriot bloc, which confronted each other on every issue, including those that had little direct bearing on ethnic politics such as taxation.

Because a grand coalition would involve, in contrast, all major parties in each community, it would open up important prospects for cross-cutting political alignments, ironically of the type that Horowitz appears to favor (but which the alternative vote, his preferred majoritarian electoral system, seems designed to thwart). An advantage of Cyprus in relation to other deeply divided places like Northern Ireland is that each of its two ethnic blocs is also importantly divided along left and right ideological lines. Indeed, the division of Greek Cypriots into left and right ideological pillars is as strong as those divisions that gave rise to consociational systems in some western European democracies, and is in part a legacy of a violent right-wing coup d’état in 1974. Matters are not quite as polarized among Turkish Cypriots, but they are also clearly and stably divided into a socialist left wing party (the CTP) and two nationalist and right wing parties (UBP and DP), with no centrist parties between them. A PS grand coalition would promote inter-ethnic alliances on both the left and right.

Relatedly, a grand coalition would expose the fact that each of the two blocs is divided into constitutional moderates and hardliners. The moderate-hardline division is not exactly the same as the left-right division, with the right-of-center DISY


62 According to the Constitution of the Republic of Cyprus (art. 39) a winning candidate for the position of president (or vice-president) needs more than 50% of the votes in his/her community voting separately. If no candidate meets this requirement in the first round, a run-off is held a week later between the two leading first-round candidates. The first elections took place simultaneously in December 13, 1959. Makarios won in a two person election while Küçük was elected unopposed: see Protes Proedrikes Ekloges [First Presidential Elections], PRESS AND INFORMATION SERVICE, available at http://www.proedrikes2013.gov.cy/elections_1959-2008/elections_1959.htm.
occasionally taking positions on the constitutional issue that are more moderate than leftist AKEL, including on the referendum on the Annan plan, which DISY supported but AKEL did not. One of the most injurious effects of the winner take all electoral system currently used to elect the President of Cyprus (and Greek Cypriot leader) is that it has exacerbated rivalries between AKEL and DISY, and has made each of them dependent on the support of the Greek Cypriot’s third party, DIKO, which is radically ethnocentric on the constitutional issue. It was the alliance between DIKO and AKEL, for example, that partly explains the latter’s opposition to the UN’s Annan Plan, and, as discussed, AKEL leader Christofias’s reluctance to make concessions to Talat before the latter’s election defeat in 2010. A grand coalition based on a PS mechanism would mean that DIKO would no longer enjoy a pivotal role in executive formation, and would make AKEL and DISY independent to forge informal alliances with each other within the government on constitutional issues. Indeed, a PS executive would produce a strong majority in the Council of Ministers that is likely to be pragmatic on constitutional issues. Given current levels of support, AKEL+CTP+DISY would have seven of ten ministries under Model 1 (Table 2) and eight of twelve ministries under Model 2 (Table 3).

3.2. No monolithic veto

A widely recognized reason for the collapse of the 1960 consociation was that it gave a powerful executive veto to both the president and vice-president. This veto was employed in October 1961 by Vice-President Fazıl Küçuk to prevent the integration of the army, a step President Makarios responded to by scrapping plans for any army, which helped polarize the blocs and left the field to rival ethnically based paramilitary movements, contributing to conflict. The veto thus directly and indirectly exacerbated relations between the communities.

To address perennial Greek Cypriot concerns about this monolithic veto, the UN’s Annan Plan in 2004 proposed a collegial presidential council with four Greek Cypriots and two Turkish Cypriots. A qualified majority of the six, including at least one member from each side, was to be required to pass any measure (art. 5.1(b)). This was intended to reduce the use of vetoes as these would now require a no from both Turkish Cypriots or from three of the four Greek Cypriots. The problem with this solution, however, was that under the Annan Plan’s executive formation rule—the election of a single list of ministers by a majority in the Senate including two fifths of Turkish Cypriot and Greek Cypriot Senators—it was possible for a single party to win all of each community’s seats on the presidential council. In short, an informal party veto could have imitated the dyarchic veto that existed in 1960. By contrast, a PS grand coalition would be much less likely to produce a monolithic political group in either community. The fissiparous nature of a PS coalition, seen by centripetalists as a weakness, would here help to strengthen moderates. As it would virtually guarantee the moderate parties that Horowitz favors at least one ministerial seat in each community, and in most cases considerably more than this (see Tables 2 and 3), these parties

\[63\] It would be even more difficult to invoke a veto in a larger executive, as we have assumed in Table 1.
would be in a position, under the Annan Plan’s veto formula, to prevent frivolous uses of the veto, while ensuring the veto was still present to protect each community from blatant abuses.

3.3. Improved control over legislation

The third advantage of a PS executive over the 1960 presidential consociation (and the centripetal presidency proposed in 2008–10), is that a PS executive would be based on an “oversized” parliamentary coalition. The prospects of executive driven legislation, including budgets, receiving parliamentary approval would be enhanced. A consensus in a PS executive would guarantee legislative approval, regardless of whether such approval required simple, special or concurrent majorities. Another way to put this argument is that as it will be inevitable that any united Cyprus legislature will be loaded with special majority decision-making rules, to protect the Turkish Cypriot minority in particular, it will be necessary for the government to be as oversized as possible if it is to control the legislative agenda. As Lijphart has argued, the need for cabinets to be large enough to overcome legislative veto-points is a key reason for having oversized coalitions.64

As a united Cyprus will be federal, a PS parliamentary executive would also act as a constraint on conflict between the two federal chambers, and between federal institutions and those of the constituent states and municipalities, given that the same parties are likely to be prominent in all of these.

In contrast, presidential executives, including the 1960 model, are not guaranteed legislative majorities. The centripetal collegial presidency proposed in 2008–10 would likely have had only minority support in both chambers of the federal legislature.65

In spite of these multiple advantages, a PS executive, like other types of executive, cannot guarantee against breakdown. But a further way to protect against dysfunctionality is to negotiate agreed deadlock breaking mechanisms (DBMs) that come into play when vetoes have been invoked on matters vital to the state’s functioning. One way to proceed is to take advantage of the fact that the united Cyprus will be an independent state, rather than a region of a state, like Northern Ireland. All independent states with parliamentary systems, whether based on PS executives or not, require “symbolic” heads of state, endowed, at least in theory, with deadlock-breaking powers, such as the ability to resolve a stalemate in government by calling elections. A re-united Cyprus will require two heads of state, one Greek Cypriot and one Turkish Cypriot, who will most likely rotate in office temporally on a two to one basis, and who could be elected on the basis of “weighted cross-voting.” This presidency could be entrusted with breaking executive deadlocks on vital issues if both its members agree. If they cannot agree, the deadlock could be referred to the country’s Supreme Court.

64 See Lijphart, supra note 18, at 202–203.
65 One answer to this is to elect the other institutions by centripetal electoral systems also, but there is virtually no chance of this happening, as Horowitz acknowledges. See Horowitz, Constitutional Design, supra note 6.
which, following the provisions of the 2004 Annan Plan and of the 1960 constitution, is likely to have an uneven number of judges, with an external judge agreed to by both communities in the swing position. The Annan Plan and the 1960 constitution, however, lacked the prior, and more desirable, domestic and democratic arbitration mechanism suggested here.

Such a DBM would establish a “triple lock” against executive dysfunctionality. A consensus in the Council of Ministers—facilitated by the split veto described above—or at the level of the non-executive presidency, or in the Supreme Court, would be sufficient to break any deadlock in the executive. The triple lock would provide incentives for the deadlock to be broken early in the process: vetoing ministers would have an incentive to compromise knowing that the presidency or courts could endorse a deal that would be more sub-optimal for them, while the presidency would have an incentive to put its stamp on the measure under discussion rather than leave it to the courts. The election of moderate Mustafa Akıncı to the Turkish Cypriot leadership in April 2015 provides an opportunity, if a settlement is reached, to extend the current leaders’ mandate, for them to guarantee the implementation of the settlement in its first years; such an arrangement will be more legitimate if the joint presidents assume primarily symbolic and arbitration roles. As both Akıncı and Anastasiades are widely respected and trusted across communal lines, the joint presidency will also become more acceptable to both communities helping to assure a positive result in a settlement referendum.

In the long-term, recurring deadlocks either in the council of ministers or presidency could also give rise to fresh elections, to protect at least against unpopular uses of the veto power; otherwise both the inclusive executive and presidency should have fixed terms.

4. Conclusion

There are several other reasons why power-sharing is more likely to be successful in a reunited Cyprus, ceteris paribus, than in decolonized Cyprus, and although these are not directly related to the merits of PS coalitions, some of them are related to consociational theory. Unlike in 1960, a reunited Cyprus will provide for considerable “segmental autonomy” through federalism. This will shift important decisions from the federal PS executive, where agreement will be necessary, to more homogeneous constituent state arenas, where it will not be. And a reunited Cyprus will be in the EU, which will also relieve its decision-making institutions in relation to 1960.

Furthermore, unlike in 1960, when the Zurich–London accords were imposed on a reluctant Greek Cypriot leadership, any future Cyprus settlement will be an exercise in co-determination, through separate and simultaneous referenda, again squarely in keeping with principles of consociational “democracy,” in which accords should be agreed to democratically rather than imposed. While the Greek Cypriot leadership moved quickly after 1960 to undermine the constitution, it will be more difficult to do that this time, as the constitution will have the imprimatur of both communities. A referendum, of course, also makes a settlement more difficult to attain.
If the two sides in Cyprus cannot agree on an open-ended PS coalition, i.e., one that will be in place until it is changed by a constitutional amendment by and concurrent consent of the two communities, they could decide to opt for a temporary PS coalition, for one or two terms after a settlement. This would mimic the South African precedent of 1994–99 and would have attractions for Greek Cypriots in particular, although perhaps not the Turkish Cypriots.

Agreement on a PS coalition could, as we have argued, make a yes vote more likely in referendums on each side, as it is likely to weaken opposition to a settlement among hardliners, while retaining the support of moderates. A PS coalition also has a reasonable chance of maintaining stability. On both counts, it has advantages over a centripetal coalition of moderates. Of course, a settlement and affirmative referendums will depend not just on agreement on power-sharing, but on agreement on other controversial issues as well.