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Cyprus Reunification Is Long Overdue: The Time is Right for Track III Diplomacy as the Best Approach for Successful Negotiation of this Ethnic Conflict

A. MARCO TURK*

I. INTRODUCTION

The cost of conflict around the world in human life, property, and social institutions makes it more apparent with each passing day that the struggle for world peace must be reconfigured. Democracy seems to be ignored in the elite practice of diplomacy that refuses to consider the needs of abused people, their hatred over human rights abuses, ethnic divisions, and exclusion from democratic processes in the determination of their own destinies. As a Fulbright Senior Scholar in conflict resolution, my experiences on the eastern Mediterranean island of Cyprus, and

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the failure of the United Nations (UN) efforts to achieve reunification of the Greek Cypriot and Turkish Cypriot communities in conflict, support the need for such a reconfiguration.

In 1960 the island of Cyprus achieved its independence from England.¹ By 1963 the Greek Cypriot majority was engaged in the ethnic cleansing of the Turkish Cypriot minority. This changed in 1974 when 35,000 Turkish troops arrived on the northern part of the island.² The troops' presence eventually resulted in the partition and creation of the breakaway "Turkish Republic of Northern Cyprus," recognized by no country in the world other than Turkey. Depending on the particular point of view, Turkey either *invaded* the island to *occupy* the northern part, or was *forced* by international inaction to send troops to *protect* the Turkish Cypriot minority from potential abuse by the Greek Cypriot majority.³ Notwithstanding UN efforts since 1974 to reestablish a central government and obtain the agreement of both communities to live together peacefully on the island, the conflict remains intractable and ripe for Track III⁴ (grass roots) intervention to achieve a reconfiguration.

As background to the current problem, Part II of this Article summarizes the historical ethnic underpinnings of the Cyprus conflict. Part III explores how the ethnic-political dynamic shaped my conflict resolution approach to the Cyprus problem. Part IV presents positive examples of civil society Track III effectiveness achieved by my methods. Part V discusses how the Track III approach can be applied to situations with analogous conflict. Part VI concludes with recommendations regarding any future efforts at reunification of Cyprus using Track III diplomacy, considering possible outcomes in the event of failure.

II. HISTORICAL ETHNIC UNDERPINNINGS OF THE CYPRUS CONFLICT

According to Joseph S. Joseph, the Cyprus problem is a domestic conflict because it involves parties within a single state identifiable by characteristics (e.g., geographic region, ideology,

1. See DAVID HANNAY, *CYPRUS: THE SEARCH FOR A SOLUTION* 1 (I.B. Tauris & Co. Ltd. 2005) (original date of publication).

2. See *id.* at 6-7.

3. See *id.* at 5-7.

4. See Part V *infra* for a detailed definition.

language, religion, or ethnicity).⁵ He notes that ethnicity implies a sharing of the “same sense of ancestral identification,” and that more than one ethnic group can be different from while comprising the population of a single state.⁶ Joseph defines domestic ethnic conflict as the following:

[T]he situation where two or more segments of a population, constituent elements of the same state, but with different ethnic identifications, are pursuing incompatible or mutually exclusive political goals.⁷

He designates the Cyprus problem for study as a “domestic ethnic conflict in an international context” that “affects and is affected by the international environment.”⁸ Joseph believes that there will be a “more fruitful” effort if we do so “within an international context and against the background of interdependence, power politics, conflict, and cooperation which characterize the world of nations.”⁹

A. *History of Ethnic Conflict in Cyprus*

Cyprus as an island-state suffers from prolonged ethnic conflicts involving its two major communities, Greek Cypriot and Turkish Cypriot.¹⁰ Inter-ethnic communal relations are derived from socio-cultural difference, while external forces have become an exacerbating factor in the conflict.¹¹ The creation of ancient roots has expanded throughout the history of the ethnic conflict in Cyprus.

During the Ottoman period, major factors in the conflict were religious and cultural, such as the “process of Islamization,” interests in securing strong ties with Turkey, and later strong efforts by Greek nationals seeking unification with mainland Greece (“enosis”).¹² From the arrival of the Middle Ages to the 19th

5. See JOSEPH S. JOSEPH, *CYPRUS: ETHNIC CONFLICT AND INTERNATIONAL POLITICS (FROM INDEPENDENCE TO THE THRESHOLD OF THE EUROPEAN UNION 4* (2d ed. 1997).

6. *See id.* at 4-5.

7. *Id.* at 6.

8. *See id.* at 12.

9. *Id.*

10. S.S. Misra, *Ethnic Conflict in Cyprus: A Socio-Political Study*, in *CYPRUS: IN SEARCH OF PEACE AND JUSTICE 198* (R.C. Sharma & Stavros A. Epaminondas eds., 1997).

11. *Id.*

12. *Id.*

Century, there was peaceful ethnic co-existence through interspersed Greek and Turkish settlements throughout the island, occasionally marked by Greek Cypriot rebellions. Notwithstanding ethnic and religious differences, grassroots peaceful coexistence existed in the face of oppression from the top.¹³

Economic coercion was applied by the Ottomans to accomplish religious conversion of Greek Cypriots.¹⁴ This was the beginning of Greek Cypriot distrust of Turkish Cypriots because the latter, although a minority, were in control economically and politically.¹⁵ In 1878, Ottoman rulers in Turkey ceded Cyprus to Great Britain, notwithstanding that the 80% Greek Cypriot population preferred Greece with which they had closer ethnic, religious, cultural, and political ties.¹⁶ Subsequent British colonial rule only served to increase the communal conflict resulting from the ethnic differentiation under Ottoman rule.¹⁷

Notwithstanding grassroots peaceful coexistence, the religious differences (between Orthodox Christians and Muslims) kept the two communities apart and preserved their individual identities.¹⁸ Greek Cypriot nationalism developed under the Orthodox Church's political leadership, which increased through extension of the education system.¹⁹ As early as 1931, Greek Cypriots were mobilized to demand enosis.²⁰ Much later, the nationalist leanings of Turkish Cypriots countered the Greek Cypriot anti-colonial nationalist movement. This led to Turkish Cypriot support of British rule on the island.²¹ From this came Ottoman influenced calls from Turkish Cypriots for their separate identity and claims.²² The result was an ethnic conflict between the two communities that was conditioned by two separate claims of nationalism traceable to two separate outside influences, Greek as well as Turkish.²³

13. *Id.*

14. *Id.* at 199.

15. *See id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.* at 200.

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

During the British rule, appeasement toward the Turkish Cypriot minority worsened the inter-ethnic relations and politicization of the traditional power structure. Turkish Cypriots sided with the British while the Greek Cypriots were engaged in uprising against the British, resulting in a further widening of the rift between the two communities.²⁴ As early as 1945, because of intensification of the Greek Cypriot nationalist movement for enosis, Turkish Cypriots sought separatism and unification with Turkey, and demanded partition of the island (“taksim”). Both Turkey and Britain supported this.²⁵

Both Greece and Turkey have had major impacts on intensification of the ethnic conflict that became internationalized with time.²⁶ In order to counter the Greek Cypriot nationalist demand for enosis, the British enlisted Turkish Cypriots as auxiliary police to deal with Greek nationalists on the island.²⁷ This resulted in ethnic clashes that caused rioting and the deaths of innocent civilians.²⁸ Although Turkey initiated the ethnic riots, the British ignored these in order to force compromise from Greek Cypriots.²⁹

In the aftermath of the British withdrawal from the majority of the island and the granting of Cypriot independence in 1960, an equal sharing of power between the two communities did not occur.³⁰ The Greek Cypriot majority sought enosis with Greece while the Turkish Cypriot minority wanted partition of the island between Greece and Turkey, if complete annexation by Turkey under some international arrangement was not possible.³¹ The result brought the international attention to the ethnic conflict because of the “geo-strategic implications of the Cyprus problem,” and any decision regarding partition was opposed.³² On the eve of the island’s 1960 independence from Britain, the ethnic conflict continued to separate the two communities.³³

The result of such competition between the two major ethnic

24. *Id.*

25. *Id.* at 200-01.

26. *See id.* at 201.

27. *Id.*

28. *Id.*

29. *Id.*

30. *See id.* at 202-03.

31. *Id.* at 201.

32. *Id.* at 201-02.

33. *Id.* at 202.

groups in Cyprus was "one of intergenerational crisis of the Cypriot society" because ethnic differences were aroused on a geographical basis opening the island to serious divisions and contests.³⁴ So from the inception of independence in 1960, the two communities failed to collaborate in an effort to achieve a united and integrated Cyprus.³⁵ The resulting bicomunal,³⁶ bizonal³⁷ constitutional framework of the newly independent Republic of Cyprus exacerbated the ethnic division.³⁸ The Greek Cypriots felt they had not received their share of economic and political power as befitted their proportional position on the island.³⁹ The Turkish Cypriots exhibited an uncompromising attitude in light of their lesser share of the percentage received, provoking Greek nationalists to reject the constitution.⁴⁰

The ethnic clashes during Christmas 1963 gave Turkey an excuse to threaten invasion of the island to secure Turkish Cypriot interests.⁴¹ This was followed by large population shifts, resulting in ethnic groups gravitating to their respective territorial enclaves and "de facto partition of the island."⁴² This ethnic crisis set the stage for both communities to invite UN mediation and the stationing of its peacemaking troops (United Nations Peacekeeping Force in Cyprus customarily referred to as "UNFICYP") on the island to establish the security and safety necessary for resolution of the ethnic conflict.⁴³ The democratic elections of 1968 and 1970, respectively, helped to calm the situation and downplay the ethnic division resulting in "inter-ethnic cooperation at the political level."⁴⁴

But the cooperation did not last. The 1967 mainland coup in Greece revived the Greek Cypriots' interest in enosis.⁴⁵ The new military regime in Greece plotted the 1974 coup in Cyprus to

34. *Id.*

35. *Id.*

36. Throughout this article, bicomunal will be spelled without a hyphen (rather than bi-communal).

37. Throughout this article, bizonal will be spelled without a hyphen (rather than bizonal).

38. See *Misra, supra* note 10, at 202.

39. See *id.* at 203.

40. *Id.*

41. *Id.*

42. See *id.*

43. *Id.* at 203-04.

44. See *id.* at 204.

45. *Id.* at 204.

overturn President (Archbishop) Makarios,⁴⁶ who fled the country even though the coup failed.⁴⁷ Turkey sent troops to attack the island and attempted to justify this by defending its action as a “peace operation” to restore order on the island.⁴⁸ Makarios eventually returned and resumed power. Political order was re-established but the Turkish troops continued to occupy the northern part of the island.⁴⁹ Thousands of Greek Cypriots were killed and wounded.⁵⁰ Approximately 40 percent of the Greek Cypriot population was forced to flee their homes in the areas occupied by Turkey, becoming refugees on their own island.⁵¹ (Greek Cypriots from the north fled to the south, and Turkish Cypriots from the south fled to the north.)

Turkey has continued to occupy approximately 37 percent of the island (with between 35,000-40,000 of its troops) ignoring repeated UN attempts to require withdrawal of all foreign troops from Cyprus in an effort to guarantee the island’s sovereignty and territorial integrity.⁵² The most recent attempts to resolve the Cyprus problem were the five versions of the plan proposed by UN Secretary-General Kofi Annan (Annan I, II, III, IV, and V) between October 2002 and March 2004 that were rejected, thus failing to accomplish their purpose.⁵³

B. Key Points in the Five Versions of the Annan Plan

1. Annan I

A new common state of Cyprus was created with its own constitution (each component state could draft its own so long as it

46. Makarios was both the leader of the Greek Orthodox Church in Cyprus and the chief executive of the Republic.

47. See *Misra*, *supra* note 10, at 204.

48. *Id.* at 204-05.

49. *Id.* at 205.

50. *Id.*

51. *Id.*

52. *Id.* at 205. See also CLAIRE PALLEY, AN INTERNATIONAL RELATIONS DEBACLE: THE UN SECRETARY-GENERAL’S MISSION OF GOOD OFFICES IN CYPRUS 1999-2004 15 (Hart Publishing UK 2005).

53. See *id.* at 275, Appendix 6. See also HANNAY, *supra* note 1, at 192, 194-95. On December 13, 2002, the EU, although still hoping for a reunited island by the time the Accession Treaty would be signed, relaxed its requirements for Cyprus and accepted the candidacy for accession of a divided island. (The stick had been removed leaving only the carrot.)

would not be incompatible with the overall settlement).⁵⁴ Numerous annexes dealt with, among other things, security, property, territorial adjustment, and European Union (EU) issues.⁵⁵ If both community-approval referendum vote results were positive, the set of agreements would become effective the following day, so that the EU could take appropriate action to admit to membership the new unified Cyprus.⁵⁶

With respect to status, sovereignty, and continuity, there would be a "new state of affairs in Cyprus" referred to as "Cyprus" or the "State of Cyprus."⁵⁷ The result would be a "single international legal personality" consisting of two separate states.⁵⁸ The "common state" would exercise the constitutional powers allocated to it while the component states would exercise all other powers. There would be no hierarchy between the two levels.⁵⁹ All prior acts of the Greek Cypriot Republic of Cyprus and the Turkish Cypriot TRNC would be legitimized so long as they did not contradict the settlement terms.⁶⁰ The new "state of affairs" (*not* "state") would be "indissoluble" so that neither secession nor domination of any other institution by one side would be possible.⁶¹

Foreign affairs, EU relations, central-bank functions, common-state finances (to the extent relevant), economic and trade policy, aviation and navigation policy, as well as some more technical matters, were allocated to the common state.⁶² The Swiss model for an executive council of the common state was followed (four Greek Cypriots and two Turkish Cypriots chosen by each side, respectively) requiring agreement by at least one member from each side.⁶³ The council would select a president and vice-president from among its members, rotating every six months with never less than a 2:1 rotation.⁶⁴ However, for the first 36 months of the new state of affairs the two leaders (Glafcos Clerides for the Greek Cypriots and Rauf Denktaş for the Turkish Cypriots)

54. See HANNAY, *supra* note 1, at 182.

55. *Id.*

56. *Id.*

57. *Id.* at 182-83.

58. *Id.* at 183.

59. *Id.*

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.*

would serve as “co-presidents.”⁶⁵

Two houses of parliament would be established for the common state: The upper house would be divided 50:50 between Greek Cypriots and Turkish Cypriots elected by the legislatures of their respective component states.⁶⁶ The lower house would be elected by popular vote, and the share of seats could not be less than 25 percent for either side.⁶⁷ No legislation could be passed without approval of both houses, and Turkish Cypriots were protected from subornation of any of their members during any effort to pass anti-Turkish Cypriot legislation.⁶⁸ To avoid the possibility of a deadlock, and to permit it to break ties in the event other institutions deadlocked, a supreme court would be comprised of three Greek Cypriots, three Turkish Cypriots, and three non-Cypriots.⁶⁹

Regarding security, neither of the two separate states could secede nor unite with any outside state.⁷⁰ The number of Greek Cypriot and Turkish Cypriot troops that could remain on the island was limited (somewhere between 1,000 and 9,999).⁷¹ Disbanding of all Cypriot forces with removal of arms, a legally binding arms embargo, and island-wide UN-mandated international military presence for an indefinite period, were prescribed.

Territorial adjustment providing for transfer of additional property to Greek Cypriots, enabling the return of more Greek Cypriots and displacement of fewer Turkish Cypriots, was specified.⁷² A “property board” was to be established to handle mutual compensation for lost property and determination of “right of residence.”⁷³ A moratorium on return was to exist for three years regarding unoccupied property and five years for occupied property.⁷⁴ While no decision was made regarding Turkish Cypriot citizenship for post-1974 Turkish immigrants, all Cypriots would be Cypriot citizens as well as citizens of their respective

65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.* at 183-84.

70. *Id.* at 184.

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.* at 185.

component states.⁷⁵

*Settlement of the Cyprus problem and EU membership were inseparable.*⁷⁶ Rights of establishment and purchase of property were restricted. Cyprus's military participation in EU Security and Defense Policy was ruled out.⁷⁷ EU financial assistance would be sought to narrow the economic gap between Greek Cypriots and Turkish Cypriots.⁷⁸ And a reconciliation commission was proposed to facilitate healing of wounds and to deal with "antagonistic interpretations of historical events."⁷⁹

2. Annan II

The main changes to Annan I were in the areas of political citizenship, the transitional presidency, and the residual presence of Greek and Turkish troops.⁸⁰ Political citizenship could be held in only one component state or the other, not both; and a four-year moratorium would be imposed on Greek Cypriots moving to the north and Turkish Cypriots moving to the south, with caps established regarding such change in residencies.⁸¹ The definition of Cypriot citizenship was revised so that, in effect, most Turkish immigrants (even post-1974) would become citizens of the Turkish Cypriot component state, and provision was made for EU financial assistance to those who were refused permanent residency and were repatriated.⁸² Further territorial map adjustments were made, and a cap was placed on property restitution.⁸³ A "relocation board" was proposed to help displaced persons resulting from territorial adjustments, including direct UN involvement.⁸⁴

The transitional presidency of the two signatory co-presidents of the component state (Clerides and Denktash) was reduced from three years to 30 months.⁸⁵ There could be no amendment of the basic articles of the new constitution, and the European Parliament seats allocated to Cyprus would be divided two-thirds

75. *Id.*

76. *See id.*

77. *See id.*

78. *Id.*

79. *Id.*

80. *See id.* at 189-91.

81. *See id.*

82. *See id.* at 190.

83. *See id.*

84. *Id.*

85. *See id.* at 189.

Greek Cypriot and one-third Turkish Cypriot.⁸⁶ Management of natural resources would become a common rather than component state responsibility, and EU safeguard measures to protect the Turkish Cypriot component state were increased.⁸⁷

The residual presence of Greek and Turkish troops was specified to be 2,500-7,500, and it was left to Greece and Turkey to negotiate the actual figure.⁸⁸ The two component states, as well as Greece and Turkey, would need to consent to any international military operation in the “new” Cyprus, and the required notice to the UN concerning troop movements of the residual contingent forces remaining on the island was raised.⁸⁹

3. Annan III

The decision was made to submit the proposed settlement plan for approval at separate simultaneous referenda in each community, effectively taking the two leaders “off the hook” so their only obligation would be to put the proposal to their respective voters.⁹⁰ If both electorates approved the proposal, the two leaders would be bound (along with Greece, Turkey, and Britain, the three guarantor powers) to put the voter-approved plan into operation the next day.⁹¹ *However, it was made clear that a negative vote on the referenda would not invalidate EU accession.*⁹²

Cyprus would be renamed “The United Cyprus Republic,” an “independent and sovereign state with a single international legal personality and a federal government” consisting of “two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State.”⁹³ Annan III increased Turkish Cypriot land to 29.2 percent.⁹⁴ The two constituent states would each gain the right to determine their own internal citizenship.⁹⁵ Annan III increased the moratorium on the Greek Cypriot right of residence in the north to six years and adjusted the length of the various

86. *See id.* at 190.

87. *See id.*

88. *See id.*

89. *See id.* at 189-90.

90. *See id.* at 208.

91. *See id.*

92. *Id.* at 211.

93. *See id.* at 208.

94. *Id.* at 209.

95. *Id.*

periods following expiration of the moratorium.⁹⁶

At such time as Turkey would accede to EU membership, all remaining Greek and Turkish troops would be removed from Cyprus. In the meantime, it would no longer be required that Greece and Turkey agree to international military operations on the island.⁹⁷ Restriction was imposed on the definition of the term "religious sites" so as to prevent the Greek Cypriot Orthodox Church from excessive repossession of property in the north.⁹⁸ A specific list of 45,000 Turkish immigrants who would have the right to Turkish Cypriot citizenship was advanced. Exemption of students and academic staff from residency limitations and immigration controls was provided.⁹⁹

Most favored nation status was included for Turkey.¹⁰⁰ Debts were to be assumed by the respective constituent states.¹⁰¹ Six thousand Turkish and Greek troops were permitted to remain on the island. However, the advance notice required for ordinary troop movements would be reduced to two days, and to three days for troop exercises.¹⁰²

The EU and the Council of Europe would endorse the settlement so as to avoid property litigation. The new federal government would harmonize the economies of the two constituent states.¹⁰³ The EU would be requested to convene a "donor conference" to raise funds for displacement costs resulting from territorial and other adjustments. The increase in territorial adjustments and overall property reinstatement limits favored Greek Cypriots.¹⁰⁴ An unlimited number of Greek Cypriots could return to certain specified villages that would have the sole responsibility for their own cultural and educational affairs.¹⁰⁵ Greek Cypriots residing in the Turkish Cypriot constituent state would have immediate voting rights in European and local elections.¹⁰⁶ Greek Cypriots over the age of 65 would have only a

96. *Id.*

97. *Id.*

98. *Id.*

99. *Id.*

100. *Id.* at 210.

101. *Id.*

102. *Id.*

103. *Id.*

104. *See id.*

105. *Id.*

106. *See id.*

two-year moratorium regarding their return to property in the north, and all quantitative restrictions would be removed. Nine years permanent residence would be a prerequisite to attaining Cypriot citizenship.

Non-Cypriot supreme court judges would only be permitted to have a voice if Cypriots could not agree, and a “Court of First Instance” would be created. Rules regarding entry and residence rights would need to be compatible with the Schengen agreement.¹⁰⁷ Resolution of the missing-persons issue from 1974 would be given constitutional force. Annan III also covered removal of Greek and Turkish troops from the island, elimination of the requirement that Greece and Turkey agree to international military operations, and removal of limits on Greek Cypriot residence in the north, upon Turkey’s accession to the EU.

4. Annan IV and V

In early February 2004, the parties agreed to resume negotiations “under the aegis of the UN and on the basis of the Annan Plan,” with the Greek and Turkish governments joining in if necessary.¹⁰⁸ If this failed, Annan would prepare and submit a new version of his plan for voter approval (during the April 24, 2004 referendum elections).¹⁰⁹ In the meantime, EU draft legislation for a reunited Cyprus would be completed.¹¹⁰ Because Annan failed to obtain agreement on amendments (Annan IV) to earlier versions of his plan, he was forced to abandon a final definitive version of his plan (Annan V).¹¹¹ However, it was Annan V (although not fundamentally different from earlier versions) that was submitted to the Greek Cypriot and Turkish Cypriot voters on April 24, 2004.¹¹²

The poll results demonstrated that rational self-interest was necessary to overcome the “demons of history and prejudice,” something that was not possible here given the elitist Track I

107. The 1985 agreement between France, Germany, Belgium, Luxembourg and the Netherlands, signed at Schengen, Luxembourg, providing for the end of controls on their common internal borders so that a single external border for immigration checks was established with one set of rules. Explanation available at <http://europa.eu.int/scadplus/leg/en/lvb/133020.htm>.

108. See HANNAY, *supra* note 1, at 241-42.

109. *Id.* at 242.

110. *Id.* at 243.

111. *Id.* at 243-44.

112. *Id.* at 244.

(leaders only) approach taken from the very beginning.¹¹³ Although purportedly the Turkish Cypriot leader Rauf Denktash had publicly referred to the Annan Plan as “dead and off the table,” the widespread opinion of the international community was that it was “the most sophisticated and the most complete attempt ever made to solve the Cyprus problem”¹¹⁴ and that EU membership by a reunited Cyprus was “the keystone of any settlement.”¹¹⁵ Apparently, the Turkish Cypriots who voted “yes” agreed, but the Greek Cypriots voting “no” did not. After one thousand years, Nicosia, the capital of Cyprus, maintains its distinction as the only militarily divided city in Europe.¹¹⁶ At least for the immediate future, it will remain so along with the entire island.

III. THE ETHNIC-POLITICAL DYNAMIC THAT SHAPED MY CONFLICT RESOLUTION APPROACH TO THE PROBLEM

If we are to appreciate the unique attributes of this ethnic conflict, we must consider the historical chain of events that mixed religion, culture and politics as a powerful dynamic in the years when attempts at resolution took place.¹¹⁷ The history of the conflict is a weight that bears heavily on those who sit at the negotiating table.

Historically, outside powers have dominated the island and its politics, causing both communities to tend to defer to interlopers in determining their fate. The British have not been trusted or liked by either side. So the decision of the British “dumping the whole problem in the laps of the Greeks and Turks, in return for the establishment of two Sovereign Base Areas to meet their strategic needs in an otherwise independent Cyprus,”¹¹⁸ indicated a willingness to look the other way that encouraged hard line positions on both sides of the conflict. Archbishop Makarios, as President of the Republic of Cyprus, openly expressed an opinion that independence was but the first “step on the road to enosis,”¹¹⁹ and neither Greece nor Turkey did much to help make the

113. *Id.* at 246.

114. *Id.* at 220.

115. *Id.* at 234.

116. Explanation available at <http://www.cosmosnet.net/azias/cyprus/nicosia.html>.

117. See HANNAY, *supra* note 1, at 1-2.

118. *Id.* at 2-3.

119. *Id.* at 3.

bicommunal aspect of independence succeed.¹²⁰ The United States' interest has primarily been to strategically avoid open hostilities between Greece and Turkey that would weaken NATO, while the former Soviet Union provided unquestioning support to Makarios in an effort to do just the opposite.¹²¹

Enosis and *taksim* (seeing that the northern part of the island becomes part of Turkey as a result of partition or "double enosis")¹²² reared their nationalistic heads periodically throughout the history of the conflict. Three international treaties between Greece, Turkey and the United Kingdom negatively affected exercise of its sovereignty by Cyprus (the Treaty of Guaranty prevented secession or Cypriot unification with any other state; the Treaty of Alliance permitted a small joint military force composed of Greek and Turkish troops on the island; and the Treaty of Establishment granted the United Kingdom its sovereignty over the 99 square miles comprising the two Sovereign Base Areas).¹²³

The United Nations has been unable to do much to improve the security situation on the island since 1964 when it first deployed its initial small military force.¹²⁴ Had it not been for the forceful intervention by then President Lyndon B. Johnson in 1967, Turkish troops would have arrived on the island as part of a military intervention force.¹²⁵ Since 1963, and especially following the Turkish intervention of 1974, with the exception of Turkey, the UN and the rest of the international community has treated the Greek Cypriots as the sole legitimate government of Cyprus.¹²⁶ Former Turkish Cypriot leader Rauf Denktaş has continued to argue that there could be no solution to the Cyprus problem until that attitude was reversed (i.e., either withdrawing recognition of the Greek Cypriots or recognizing the Turkish Cypriots on an equal but separate basis).¹²⁷

120. *Id.* at 3.

121. *Id.*

122. *Id.*

123. *Id.* at 3-4.

124. *See id.* at 5.

125. *Id.*

126. *Id.*

127. *Id.* But see *Turkish Cypriots Elect New President*, L.A. TIMES (California), Apr. 18, 2005, at A6 (on April 17, 2005, Mehmet Ali Talat, a pro-unification candidate, became the newly elected Turkish Cypriot leader. He immediately called for reunification and EU membership for Turkish Cypriots.).

In the aftermath of Turkey's hostile intervention of 1974, the ethnic cleansing was "regularized" by a 1975 agreement acknowledging the population exchange without legal recognition.¹²⁸ While a few Greek Cypriots remain in the north and still fewer Turkish Cypriots remain in the south, the current geopolitical configuration of the island was established in 1975.¹²⁹ Thus there are effectively two "mono-ethnic states" that are separated only by a buffer zone maintained by UN peacekeeping troops.¹³⁰

Because Greek Cypriots have never forgotten the loss of one-third of their country (rich agricultural and commercially tourist-friendly land), they are determined to reclaim it, and compensation for this loss has been an unacceptable alternative in any settlement discussions.¹³¹ Greek military capability has been no match for the superior Turkish military establishment just forty miles away (not to mention the 35,000-40,000 Turkish troops already occupying the northern part of the island).¹³² So Turkish Cypriots have come to believe that they can only rely on Turkey, and are convinced that the Greek Cypriots will expel all Turkish Cypriots from the island if given the opportunity. This means that Greek Cypriots must now deal with their own security concerns as well as those of the Turkish Cypriots.¹³³

Although the outsiders have been convinced of the need to work through the UN for a settlement of the Cyprus problem, they have religiously avoided direct involvement.¹³⁴ Subsequent efforts to achieve a settlement have established a bicomunal, bizonal federation framework for a solution.¹³⁵ In 1975, while not yet asserting independence from the Republic of Cyprus, the Turkish Cypriot demand for a federation translated into them naming their part of the island the "Turkish Federated State of Cyprus."¹³⁶ Subsequent concession by Greek Cypriots concerning a future federation acknowledged passage into history of the bicomunal

128. See HANNAY, *supra* note 1, at 6.

129. *Id.*

130. *Id.*

131. *Id.* at 6-7.

132. *Id.* at 7.

133. See *id.* at 7.

134. *Id.*

135. *Id.* at 8.

136. *Id.*

unitary state that had been the result of independence.¹³⁷ The future would require the existence of two units, one of which would be that of Turkish Cypriots. Obstinate machinations on the part of both sides in the succeeding years served to frustrate any meaningful discussions for a successful settlement of the conflict.¹³⁸

In 1983, a unilateral declaration of independence came from Turkey and the Turkish Cypriots: henceforth the northern part of the island would be known as the "Turkish Republic of Northern Cyprus (TRNC)."¹³⁹ The UN Security Council issued a condemnation and called on UN members not to recognize the TRNC. None did except Turkey.¹⁴⁰ The creation of the TRNC has continued to make settlement less and less attainable.¹⁴¹ This has also caused far-ranging problems for the TRNC and its attempt to participate on the international stage, widening the gap between the economies of the two communities requiring increasing dependence of Turkish Cypriots on subsidies from Turkey.¹⁴²

The 1990 application of the Republic of Cyprus (controlled by Greek Cypriots) to become a member of the European Union was accepted as valid in 1995.¹⁴³ However, the Turkish Cypriots subsequently refused the offer from the Greek Cypriots to become members of the Cyprus EU negotiating team.¹⁴⁴ On May 1, 2004, the Greek Cypriot Republic of Cyprus alone became a member of the EU.¹⁴⁵ The long-held hope that EU accession negotiations would enhance the opportunity for a resolution of the Cyprus problem became another failure in the extensive list of dead-end attempts at settlement.

IV. POSITIVE EXAMPLES OF TRACK III EFFECTIVENESS ACHIEVED BY MY METHODS

Diplomacy is a key factor in the peacebuilding process. It is practiced at three levels: Tracks I, II, and III.¹⁴⁶ Track I involves

137. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

141. *Id.*

142. *See id.*

143. *Id.* at 9.

144. *Id.*

145. *Id.* at 241.

146. *See* Foundation for Co-Existence (FCE): *Promoting Coexistence Through Human Security*, <http://www.fcoex.com/pages/glossary.htm> (last visited Sept. 1, 2005). There are

individuals from the political and military elite. They influence the process at the high level of official and coercive action as well as non-coercive activities such as facilitation and negotiation.¹⁴⁷ Track II involves unofficial or informal interaction between members of adversarial groups who seek to influence the process through change of public opinion, as well as utilization of organized material and human resources in an effort to achieve resolution of a conflict.¹⁴⁸ Participants at the Track II level are NGOs, businesses, local and religious leaders, and ordinary citizens.¹⁴⁹ This level can be effective as a connector between Tracks I and III. Finally, Track III advocates are "community-based." They employ various approaches to peaceful resolution such as public education, citizen advocacy, and events like conferences and workshops, in the attempt to "achieve reconciliation, healing, problem solving and mediation at the grassroots level." At the Track III level the effort is to encourage "multi-stakeholder dialogue, reconciliation exercises and co-existence among communities."¹⁵⁰

Prior to August 1997, the civil society in Cyprus had apparently not been exposed to mediation skills and techniques. The general population on both sides received me with great enthusiasm. The response from the elite was patronizing at best. The question to be addressed was how to empower both sides to interact with each other so as to express their respective interests and underlying needs while at the same time encouraging each to recognize, understand, and consider the other's point of view, in order to achieve resolution of conflict. I introduced three models: (1) traditional problem solving,¹⁵¹ (2) transformation of relationships,¹⁵² and (3) the humanistic-transformative¹⁵³ (that seeks

varying opinions regarding the estimated number of tracks. See, e.g., LOUISE DIAMOND & JOHN W. McDONALD, *MULTI-TRACK DIPLOMACY: A SYSTEMS APPROACH TO PEACE* 1-5 (3rd ed. 1996). However, for efficient application, writers in the field generally prefer the use of three tracks.

147. *Id.*

148. *Id.*

149. *Id.*

150. *Id.*

151. See generally CHRISTOPHER MOORE, *THE MEDIATION PROCESS: PRACTICAL STRATEGIES FOR RESOLVING CONFLICT* (Jossey-Bass: A Wiley Imprint 2003).

152. See ROBERT A. BARUCH BUSH & JOSEPH P. FOLGER, *THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT THROUGH EMPOWERMENT AND RECOGNITION* 12 (Jossey-Bass Inc. 1994). A second edition has since been published.

153. See Mark S. Umbreit, *Humanistic Mediation: A Transformative Journey of Peace-*

to educate and establish reasonable expectations on the part of both sides to a conflict).

The personal histories of murder, rape, and the missing, as well as loss of valuable property, on both sides, were something that none of the bicomunal participants were prepared to discuss directly with each other face-to-face, except from the vantage of leveling charges against the other community. It was easier to keep the real hurt to oneself. Consequently, the training allowed participants on each side to keep their deepest feelings buried and permitted them bicommunally to venture only so far as they were willing to go.

From 1997-1999, I trained segments of the island's Greek and Turkish Cypriot divided population in methods designed to resolve their historical conflicts. While I was acutely aware of the religious, ethnic and political conflicts to be considered in any effort to establish peacebuilding protocols, I was careful to tread lightly in these areas. By the time I left the island in 1999, I had been responsible for future establishment of a mediation center in each community in addition to having trained a bicomunal cross-section of students, teachers, administrators, doctors, lawyers, judges, social workers, mental health professionals, government employees, law enforcement and military personnel in communication skills and the three then existing approaches to mediation. The training took place over approximately five hundred hours, and was delivered to more than six hundred persons.¹⁵⁴

During the last six months of 1998, I organized and worked with a group of fifty-two Cypriots comprising the "Oslo Group."¹⁵⁵

making, 14 MEDIATION Q. 201-13 (1997).

154. I made return trips in 2000, 2001, 2003, and 2005 to continue my peacebuilding work with both Greek and Turkish Cypriots. My peacebuilding efforts have also taken me to Norway, Israel, Turkey, and England, as well as to both coasts of the United States. In October 2003, I participated as one of only two Americans invited to attend the Oxford University international workshop on "Getting to Yes" regarding efforts to reunify Cyprus. As part of my continuing work with the Cyprus Fulbright Commission through the U.S. State Department, I conducted a two-week education/training program for six Cypriot family court judges (three Greek and three Turkish) in the Los Angeles area in August 2004, dealing with family law in a federal system. My two earlier Fulbright/State Department programs in the USA for Cypriots (lawyers, judges, law professors, and police) have dealt with: (1) the administration of justice, and (2) community policing, in the United States.

155. Lawyers, accountants, mental health professionals, government employees, business operators, teachers, students, media, and ordinary citizens totaling 25 from each

The name of the group originated from their meeting in Oslo, Norway, under the auspices of the Cyprus Fulbright Commission, between June 29 and July 5, 1998, where the twenty-six Greek Cypriots and twenty-six Turkish Cypriots convened to participate in a conflict intervention skills¹⁵⁶ training workshop for peacebuilding in Cyprus.¹⁵⁷ Oslo was selected as the site for the workshop because the political situation on Cyprus prevented Greek and Turkish Cypriots from openly meeting together on the island.¹⁵⁸

The training was conducted over a three-day period followed by two days of group deliberations, brainstorming their ideas for a solution to the Cyprus Problem through a bicomunal, bizonal federation.¹⁵⁹ During these deliberations the group designated over 30 possible issues to be considered, deciding on six for immediate consideration and subsequent development.¹⁶⁰ These issues were: (1) Bicomunal Movement; (2) Structure of Government; (3) Security; (4) Human Rights; (5) Social Issues; and (6) Economic Issues.¹⁶¹

The issue-selection process was followed by the election of a bicomunal steering committee consisting of five members from each community plus their Cyprus Fulbright Commission representative.¹⁶² The meeting (Oslo I) was concluded with the issuance of a declaration by the group concerning their views on

side, plus one Greek Cypriot and one Turkish Cypriot program representative from the Cyprus Fulbright Commission. This accounts for the description of 26 citizens from each community.

156. Connecting and communicating skills were emphasized. Examples include body language; codes we establish; sharing feelings and ideas; hearing, seeing, understanding; conversational style; framing and reframing; messages and meta-messages; effect of our words and how to adjust content so we say what we mean; improving talk to improve relationships; vocal signals; power and solidarity; empathy; "stepping into each other's shoes;" reading faces and expressions; feedback; roles; ideology of communication; "tricks people play;" empowerment; willingness to listen and consider the other party's point of view; respect; forgiveness and reconciliation. *See generally* DEBORAH TANNEN, *THAT'S NOT WHAT I MEANT: HOW CONVERSATIONAL STYLE MAKES OR BREAKS RELATIONSHIPS* (1987).

157. Oslo I, G/T Cypriots, July 4, 1998.

158. In December 1997, I was present on the island when Turkish Cypriot leader Rauf Denktash ordered the "Green Line" (the buffer zone separating the two communities guarded by UN peacekeeping troops) closed, preventing Greek Cypriots going to the north and Turkish Cypriots going to the south.

159. Oslo I, G/T Cypriots, July 4, 1998.

160. *Id.*

161. *Id.*

162. *Id.*

the Cyprus Problem and how they hoped to contribute to a peaceful solution on the island.¹⁶³ Upon their return to Cyprus, the 52 members of the Oslo Group were divided into six subgroups, each containing two sections (one from each community), with each section being chaired by a steering committee member from the appropriate community.¹⁶⁴ Each subgroup was assigned one of the six issues designated by the group in Oslo, and each section of that subgroup was given the assignment of preparing a draft of the particular issue under consideration by their subgroup.¹⁶⁵

Monthly (July-December 1998), the steering committee met bicommunally¹⁶⁶ on the island for the purpose of exchanging drafts

163. OSLO GROUP DECLARATION ON CYPRUS

"A five-day workshop took place in Oslo, Norway, between twenty-five Greek-Cypriots and twenty-five Turkish-Cypriots in their individual capacities. They came together at the invitation of the Cyprus Fulbright Commission and were hosted by that organization and the PRIO International Peace Research Institute.

The need for this meeting in Oslo resulted from the difficulties currently faced by people not being able to meet on the island. The aim was to promote better understanding, increased contacts, resumption of bicomunal activities, and to provide ideas for more community involvement in relation to the Cyprus problem.

During the meetings, communication skills were acquired and practiced setting the stage for an exchange of views on the solution to the Cyprus problem and the future of the bicomunal movement.

In relation to the Cyprus problem the group emphasized the importance of working towards the establishment of a democratic, bizonal, bicomunal Federal Republic in which human rights will be recognized and implemented, the security needs of both communities will be safeguarded, and which will achieve membership in the European Union as the Federal Republic of Cyprus at the earliest possible time.

The group expressed anxiety over the current deterioration of the peace efforts and escalation of tension on the island. It is believed that the resumption and support by everybody of bicomunal contacts would play an important role in creating a conducive climate for cooperation and understanding, which will form the basis for a fair, just, and lasting peace in Cyprus.

The necessity of reconvening the Oslo group was recognized by the participants for further discussion of the issues relating to coexistence development activities. It is hoped that these [discussions] will promote better understanding in Cyprus and facilitate a speedy solution to the Cyprus problem.

The group would like to express their appreciation to the Cyprus Fulbright Commission, the PRIO International Peace Research Institute, and the Norwegian Foreign Ministry for making this event possible."

"Oslo, Norway July 4, 1998."

164. Oslo I., G/T Cypriots, July 4, 1998.

165. It was made clear to me by several members of the group at the conclusion of the workshop during evaluation that, had they not participated in the intensive three-day conflict intervention skills portion, the results would not have developed as they did.

166. These meetings took place in a restaurant located outside the small village of Pyla

with their subgroup counterparts on the assigned issues and continued to rework the papers. Final working drafts were exchanged, and unified resulting papers were prepared for presentation to the overall group at their next meeting in Oslo. Under the continuing auspices of the Cyprus Fulbright Commission, 31 members of the Oslo Group returned to Norway, from December 7-11, 1998,¹⁶⁷ to consider, discuss, amend, and adopt final detailed statements of interest concerning each of the six issues.¹⁶⁸

Subsequent to completion of their working sessions, the members of Oslo II were invited by the International Peace Research Institute, Oslo (PRIO), to attend the one-hour live taping of the CNN interview of the two 1998 Nobel Peace Laureates, which took place at the Oslo City Hall, the site of the actual awards. After having adopted what I believe was the first expression at any track of concrete suggestions concerning issues involved in a potential Cypriot bicomunal, bizonal federation,¹⁶⁹ this was a very moving concluding experience for all members of the group who heard the two laureates speak of forgiveness and reconciliation in Northern Ireland.

The work product of the Oslo Group was in no way intended to be exclusive, preemptive, or the only approach to the subject matter. This was simply the work of 31 participants at Oslo II who drew upon the efforts of the 52 members of Oslo I, to express their own collective personal interests based on their underlying

(in the Pergamos area on the site of the British Sovereign Base Areas) very close to a Turkish Cypriot checkpoint permitting only limited passage (person and time) solely by Turkish Cypriots. Some months earlier, I had discovered this limited area that is located approximately 45 minutes southeast of the capitol city of Nicosia. The meetings were able to take place because of the sympathetic owners of the restaurant. Subsequently, until April 21, 2003, when Denktash announced the lifting of all restrictions on the Green Line (See HANNAY, *supra* note 1, at 225), an increasing number of bicomunal groups adopted that approach and gravitated to the restaurant for meetings on a regular basis.

167. Oslo II., G/T Cypriots, December 7-11, 1998.

168. Because of attrition due to illness, employment, or preexisting personal commitments, it was not possible for all 52 members to attend the Oslo II meeting.

169. FINAL REPORT OF THE CYPRUS FULBRIGHT COMMISSION'S OSLO II BICOMMUNAL PEACEBUILDING WORKSHOP TO CONSIDER RECOMMENDATIONS REGARDING THE FOLLOWING AS THEY CONCERN A POSSIBLE FEDERAL SOLUTION OF THE CYPRUS PROBLEM: BICOMMUNAL MOVEMENT, STRUCTURE OF GOVERNMENT, HUMAN RIGHTS, SOCIAL ISSUES, SECURITY ISSUES, ECONOMIC ISSUES, Norway, Dec. 11, 1998 (hereinafter OSLO II FINAL REPORT) (on file with the author and also with various individuals including members of the Oslo Group, the Cyprus Fulbright Commission, officials from both communities, and the press).

needs.¹⁷⁰ Though they expressed strong feelings during the negotiation process that lasted into the early hours of their last full morning in Oslo, there was no acrimony, common courtesy prevailed, and the participants gave recognition to each other through a democratic process.¹⁷¹ *They acted solely as private citizens and did not claim to speak for others, officially or unofficially.* They desired only that others may consider and frankly discuss the issue of peace in Cyprus and a lasting solution to the Cyprus Problem, and that people in both communities would speak and listen to each other, practicing empowerment and recognition. They operated under the belief that the only opinions not heard are those not expressed.¹⁷²

These 31 dedicated people,¹⁷³ along with their remaining 21 colleagues, intended to continue their work on these and other issues in the future, and they welcomed others to join and fully participate with them in the effort to achieve peace on the island, for the benefit and well being of all Cypriots.¹⁷⁴ They demonstrated that the results were not as important as the process employed. They could all work together and triumph over adversity, setting an example of peaceful cooperation. In this spirit, the final vote on each issue was set forth on the section divider that preceded the particular presentation.¹⁷⁵

The Cyprus Fulbright Commission and the U.S.-Norway Fulbright Foundation for Educational Exchange cooperated to provide this opportunity for bicomunal self-expression.¹⁷⁶ It appears that this may have been the first such collaboration between Fulbright organizations from different countries. The Royal Norwegian Ministry of Foreign Affairs and PRIO supported this cooperative effort financially and otherwise.¹⁷⁷

In originally organizing the Oslo Group and training them in various conflict intervention skills as well as facilitating their deliberations during both meetings, and at the numerous bicomunal steering committee gatherings, it became more convincing at each stage that, if the people of this island could be

170. *Id.*

171. *Id.* ("Recognition" simply meant respecting differing opinions.)

172. *Id.*

173. There were fifteen Greek Cypriots and sixteen Turkish Cypriots.

174. See OSLO II FINAL REPORT, *supra* note 169.

175. *Id.*

176. *Id.*

177. *Id.*

left alone to work together as Cypriots without interference, they would find the solution to the problem and a lasting peace could finally be achieved in Cyprus. The fact that the members of the Oslo Group were willing to meet and work together as *private citizens* to arrive at a solution to be recommended to others, and that they actually *did succeed in doing so*, is far more important than *what they actually recommended*. Nevertheless, it is informative to see what they accomplished in the process, especially when comparing their success at the level of Track III diplomacy with the historical failures of the elite diplomats in Track I.

The Oslo Report

The forty-six page¹⁷⁸ Final Report of the Oslo Group is a collection of six papers, each addressing one of the following six issues designated for immediate consideration and development: Bicomunal Movement, Structure of Government, Human Rights, Social Issues, Security Issues, and Economic Issues.¹⁷⁹

1. Bicomunal Movement¹⁸⁰

The importance of the bicomunal movement is its link between the two communities. It formed a bridge between the current problem and the envisaged solution, through "cooperation, collaboration, trust and understanding between the two communities" and the exploration and examination of "common grounds on certain issues . . . regarding the envisaged solution."¹⁸¹ Its mission was to "contribute towards the establishment of a lasting peaceful Federal State" that would "safeguard the peaceful coexistence" of each community "through strong security measures in every aspect and to form one identity."¹⁸²

In order to be successful, the bicomunal movement would need to be institutionalized, structured, and encourage new participation through a "democratic institution whose operations

178. The actual number of pages containing the declaration of the group and the substantive provisions of the six papers total thirty-five. OSLO II FINAL REPORT, *supra* note 169.

179. *Id.*

180. See *id.* at 8. Adopted unanimously.

181. *Id.* at 9.

182. *Id.*

will be safeguarded by democratic procedures.”¹⁸³ Detailed provisions were proposed regarding objectives, institutionalization, methods, organizational structure, a bicomunal council and selection procedure with equal community membership from each bicomunal activity group, a steering committee and selection procedure for five members from each community, responsibilities for the council and steering committee, administration and accounting procedures, reference materials, and a proposed action plan.¹⁸⁴

2. Structure of Government¹⁸⁵

A bicomunal, bizonal “Federal Republic of Cyprus (FRC)” would be established with “one international personality and one citizenship,” consisting of “two federated states” administered respectively by each of the communities.¹⁸⁶ Each of the states would be administered “on the basis of political equality in the federal structure” (legislature, executive and judiciary) with the federal constitution recognizing “all human rights of all Cypriots and shall provide for their implementation.”¹⁸⁷ Each state was to have its own constitution, legislative body, executive, and judiciary, and decide all issues not reserved to the federal government.¹⁸⁸ The federal constitution was to be the “supreme law of the FRC” and would prevail as between the states in the event of conflict.¹⁸⁹ Some of the listed powers (e.g., police) could be exercised concurrently with the federal government.¹⁹⁰

The powers of the federal legislature and executive were: foreign affairs; defense; citizenship and immigration; federal budget and federal taxation (fiscal and monetary policy and central bank); customs; federal police; port; air traffic control and civil aviation; external commerce; ensuring free and unfettered

183. *Id.*

184. *Id.* at 9-14.

185. *Id.* at 15. Approved: 29, disapproved: 2. Both disapprovals were from Greek Cypriots. One objected to the provisions concerning sovereignty, political equality, the term “state,” single chamber federal legislature, election of the president and vice-president. The other objected to the provision concerning a single chamber federal legislature.

186. *Id.* at 16.

187. *Id.* at 16.

188. *Id.* at 16.

189. *Id.* at 16.

190. *Id.* at 17.

interstate trade; health; environment; natural resources; federal postal and communications services; registration of patents and trademarks; registration of companies; and any other powers that would be agreed upon by the two federated states.¹⁹¹

The federal legislature was to be "single chamber" and consist of an "equal number of representatives of each federated state."¹⁹² Only "a simple majority" would be required to enact legislation.¹⁹³ The "presidential system" was adopted for the federal government, with a vice-president to be from a different community than the president.¹⁹⁴ Selection of the president was left open between election "by universal suffrage" and rotation between the two communities after election.¹⁹⁵

Flags, federal anthem, and public holidays were categories left to be decided.¹⁹⁶ The proposed court system was elaborate; it provided for a lower and higher court in each state, a federal court, and the European Court of Human Rights.¹⁹⁷ In some situations, a citizen could apply directly to the federal court, which was to be composed of an equal number of judges from each community.¹⁹⁸ Cyprus laws would be considered in all the courts, but only the states would have jurisdiction over family law.¹⁹⁹

3. Human Rights²⁰⁰

Human rights were to be "approached from the point of view of the needs of every individual and must be based on international norms and criteria."²⁰¹ It was specifically noted that these issues must be considered "in order to achieve serious progress towards the final and lasting solution."²⁰² The main issues addressed are: missing persons, settlers, refugees and property, freedom of movement, and identity.²⁰³

191. *Id.* at 16.

192. *Id.* at 17.

193. *Id.*

194. *Id.*

195. *Id.*

196. *See id.*

197. *Id.* at 18.

198. *Id.*

199. *Id.*

200. Adopted unanimously, although one Greek Cypriot "expressed reservations as to the provisions concerning missing persons and settlers." *Id.* at 19.

201. *Id.* at 20.

202. *Id.*

203. *Id.*

A. Missing Persons

This issue was to be given priority, removed from the political arena in order to avoid political exploitation, and put “into a common humanitarian perspective.”²⁰⁴ Both sides encouraged continuation of the work of the “existing independent commission on missing persons,” and it was suggested that representatives of the families of missing persons be involved in the efforts.²⁰⁵ Specific instances of atrocities were to be avoided, with emphasis placed on “what happened, in general terms.”²⁰⁶ The commission was charged jointly with “truth and reconciliation so that things are brought to light, and both communities accept responsibility and apologize to the other community for the atrocities.”²⁰⁷ Political leaders were urged “to accept political cost in order to relieve human suffering.”²⁰⁸ Policies were encouraged that jointly honored and remembered “the missing and victims of atrocities.”²⁰⁹ In order to avoid continuance of unrealistic hopes, the category of “missing, presumed dead” was to be ascribed to those cases where families were satisfied that individuals could not be traced.²¹⁰

B. Settlers

The issue of what to do about citizenship for those non-Cypriot individuals living in northern Cyprus was to be addressed in a humanitarian manner.²¹¹ Cypriot citizenship was recommended for settlers who had been married to Cypriots for over three years.²¹² However, individuals “born in Cyprus, of non Cypriot origin, and their first degree relatives” would be permitted to remain on the island, but “given the option to accept a repatriation scheme to be developed.”²¹³ The new federal government would be responsible for granting citizenship.²¹⁴

204. *Id.* at 20.

205. *Id.*

206. *Id.*

207. *Id.* at 21.

208. *Id.*

209. *Id.*

210. *Id.*

211. *Id.*

212. *Id.*

213. *Id.*

214. *Id.*

C. Refugees and Property

It was recommended that refugees have the right of return to their property and/or the right to be compensated for loss of property.²¹⁵ In order to facilitate a large return of Greek Cypriot refugees, territorial adjustments “along the lines of the percentages outlined in the Ghali Ideas” were recommended.²¹⁶ Subject to the security needs of each community, all Cypriots would be given the gradual right to return to their former homes taking into consideration the present occupants of the property and the time necessary to build bicomunal confidence and relations.²¹⁷ Property-owning refugees choosing not to return would be compensated.²¹⁸ The Ghali proposals on compensation were adopted.²¹⁹ Once all the territorial adjustments had been completed, it was contemplated that the federal government would establish regulations concerning purchase and ownership of property so that all Cypriots would have the right to purchase property anywhere on the island.²²⁰

D. Freedom of Movement

Balanced against the security needs of each community, complete freedom of movement (for individuals, goods, and services) was the goal to be achieved “as quickly as possible.”²²¹ Foreign workers could be employed only if “local people” were unavailable.²²² Extremism from either side was to be discouraged through joint policing, with violators being “identified, exposed and severely punished.”²²³

E. Identity

Notwithstanding the historical weakening of the Cypriot identity, “a unique Cypriot identity” was claimed that should be the basis for mutual acceptance and respect.²²⁴ The Cypriot

215. *Id.* at 21.

216. *Id.*

217. *Id.*

218. *Id.*

219. *Id.* at 21-22.

220. *Id.* at 22.

221. *Id.*

222. *Id.*

223. *Id.*

224. *Id.*

multicultural society was referred to in the hope that “humanistic values” rather than “national values” would be developed.²²⁵ The positive history of how the two communities had lived together was to be preferred over the negative “two versions of history” that prevailed.²²⁶ Creation of cultural endeavors was encouraged in an effort to promote the unique Cypriot culture domestically and internationally.²²⁷ This “very difficult and sensitive aspect of the Cyprus problem” was to be dealt with through confidence-building measures using “international norms and criteria.”²²⁸ Certain provisions of the Economic Issues paper were adopted concerning compensation for property.²²⁹

4. Social Issues²³⁰

This paper dealt with education, language, environment, health services, public relations, cultural heritage, and reconstitution of the society.²³¹

A. Education

Education was referred to as something that could assist in bicomunal tolerance and the ability of each community to live peacefully with the other.²³² The educational system of each community was charged with having been “at the root of the Cyprus problem” because for decades it poisoned “the relations of the two communities,” created “negative stereotypes,” built “hatred for the ‘other’ as the ‘enemy,’” and encouraged “nationalism and chauvinism.”²³³ An entirely new bicomunal approach was called for that would feature Cyprus (rather than either Greece or Turkey) as the “mother country” respecting all cultures and communities.²³⁴

B. Language

Language was singled out as being responsible for the barrier

225. *Id.*

226. *Id.*

227. *Id.*

228. *Id.* at 23.

229. *Id.*

230. Approved: 28; abstained: 1; absent: 2. *Id.* at 25.

231. *Id.* at 26.

232. *Id.* at 27.

233. *Id.*

234. *Id.*

between the two communities because of the two mother tongues.²³⁵ As a result, English was designated as the language that should be used to remove the barrier.²³⁶ Greek and Turkish would become the compulsory second languages in the opposite communities, respectively, taught from the third grade.²³⁷

C. Environment

Adoption of a bicomunal program "based on the 24 principles of the UN charter for the environment" was proposed, "the aim of which shall be the sustainable development of the country."²³⁸

D. Health Services

Basing the recommendation on past use by Turkish Cypriots of the apparently superior health care facilities of the Greek Cypriots, a proposal was made for a more organized arrangement that could assist in reuniting the two communities in a bid for peace.²³⁹ This would include one general hospital and several specialized clinics for the island as a whole.²⁴⁰ Common agendas were encouraged for the various health-related NGOs in the two communities.²⁴¹

E. Public Relations

This area was singled out as a necessary prerequisite to a successful peace process.²⁴² Specific areas designated for concentration of efforts by the bicomunal groups were: (1) the need for rapprochement, (2) the purpose of bicomunal meetings and the organizations participating in such gatherings, (3) the promotion of each other's community within the opposite community, (4) organization of conflict resolution institutions that "will use the methodology to seek mutually accepted solutions to conflicts," (5) creation of common-interest clubs, and (6) emphasis on the major role of women in the peace process as the more

235. *Id.* at 28.

236. *Id.*

237. *Id.* at 28-29.

238. *Id.* at 29.

239. *Id.* at 30.

240. *Id.*

241. *Id.*

242. *Id.* at 31.

successful of the genders in this endeavor.²⁴³ In the list of various methods to be employed in the public relations campaign for peace, a provision for creation of a “remembrance and forgiveness group” was inserted “to establish and acknowledge our past mistakes and cultivate the belief in forgiveness to enable us to move on.”²⁴⁴

F. Cultural Heritage

It was declared that “our common future on this island must be based on the respect for the heritage of both communities.”²⁴⁵ Cultural heritage was to be a uniting rather than a divisive force, and something to be promoted to the outside world.²⁴⁶ Collecting stories from past generations of the island “who had lived together in peace and harmony”²⁴⁷ prior to the outbreak of hostilities resulting in the current division was encouraged. Tolerance for both cultures and heritages was suggested.²⁴⁸ Publicizing and preserving historical sites was urged, as was the early education of students to appreciate the diverse heritage of the island.²⁴⁹ A dictionary of common words of each community used by the other was also proposed.²⁵⁰

G. Reconstruction of the Society

It was noted that since 1955 “Cypriot society was an essentially divided society” because of religion and language as well as social disparities in the areas of business, police and civil service.²⁵¹ Religion was targeted as a “major obstacle” because of the 1960 Constitution of the Republic of Cyprus prohibition against intermarriage.²⁵² Acknowledgement was made that the 1974 war was the cause of non-communication between the two communities, “poisoned through the mass media on both sides.”²⁵³ Noting that, regardless of the particular form of the final solution

243. *Id.*

244. *Id.* at 32.

245. *Id.* at 32.

246. *Id.* at 32.

247. *Id.*

248. *Id.* at 32.

249. *Id.*

250. *Id.*

251. *Id.* at 33.

252. *Id.*

253. *Id.*

to the Cyprus problem, "a reconstitution of the society along with some kind of integration" would be an indispensable condition to preserve the distinct existence of Cyprus.²⁵⁴ In order to achieve this, the elimination of negative references to Greek or Turkish Cypriots was recommended in an effort to prevent the two communities living apart and behaving as strangers on the small island. In order to accomplish reconstruction of the society, the following recommendations were made: (1) seek "proper behavior of the mass media," (2) change in the system of education, (3) establishment of permanent bicomunal youth camps, (4) encourage efforts to change attitudes to appreciate how much both communities share in common, (5) emphasize the Cypriot nature of the two communities rather than looking to Greece or Turkey, and (6) discover methods to create "common myths."²⁵⁵

5. Security

The Security paper dealt with five areas: Guarantees, Demilitarization, Extremists, Trust, and Territory.²⁵⁶

A. Guarantees

A treaty of guarantee would secure the security of the new Federal Republic and of the two sovereign states created.²⁵⁷ Until the Federal Republic should be admitted as a full EU member, the guarantor countries of Greece, Turkey, and the UK, plus the UN Security Council, would be looked to for security.²⁵⁸ When full EU membership is attained, the security arrangements of the EU are to be added.²⁵⁹ The independence and territorial integrity of the Federal Republic and the two separate states would be guaranteed, and any union with another country or any form of partition or secession was prohibited.²⁶⁰ Neither state could unilaterally amend the constitution of the Federal Republic, nor could either subsequently withdraw from the treaty of guarantee when it was decided that a system of guarantee was no longer

254. *Id.* at 34.

255. *Id.* at 34.

256. *Id.* at 36-40. Approved: 22; abstained: 8; absent: 1. One Turkish Cypriot "objected to the provision concerning guarantees." *Id.* at 36.

257. *Id.* at 37.

258. *Id.*

259. *Id.*

260. *Id.*

needed.²⁶¹ A Supervision and Verification Committee was to be formed for purposes of responding to security threats to the Federal Republic or either single state.²⁶² Members of the committee would be representatives of the guarantor powers and of the president and vice-president of the new Federal Republic.²⁶³ UN support personnel would assist the committee in carrying out its responsibilities to investigate “any development, which in the view of any of its member [sic] is a threat to the security of either side or of the Federal Republic.”²⁶⁴ Investigation would be conducted “through inspection or any other method deemed necessary.”²⁶⁵ Prompt implementation of recommendations of the committee for rectification of treaty violations would be required.²⁶⁶ Support to the committee would come from UN Security Council revision of the UNFICYP mandate.²⁶⁷

B. Demilitarization

The Federal Republic and each of the separate states would form separate police forces.²⁶⁸ All paramilitary activities and possession of weapons (other than those for which hunting licenses have been issued) would be outlawed by the Federal Republic.²⁶⁹ Violation would be a federal offense.²⁷⁰ Importation or transit of weapons, absent federal government approval, would be prohibited.²⁷¹ A specific time frame for complete demilitarization would be agreed upon.²⁷² Civilian groups would be prohibited from engaging in reserve force, military, or paramilitary training.²⁷³ Each side would implement the agreement for demilitarization simultaneously.²⁷⁴ In the event that complete militarization was not accomplished, both sides would have the right to return to the last

261. *Id.*
262. *Id.* at 37-38.
263. *Id.*
264. *Id.* at 38.
265. *Id.*
266. *Id.*
267. *Id.*
268. *Id.* at 38.
269. *Id.*
270. *Id.*
271. *Id.*
272. *Id.*
273. *Id.*
274. *Id.*

stage fulfilled.²⁷⁵ Gradual disarmament on the "Green Line" was contemplated through a process that provided for mixed patrols consisting of police from both sides in conjunction with UN personnel.²⁷⁶ This would be an "intermediate area" constantly expanding, with free movement of people, merchandise, and settlement, so that eventual workplaces would be created.²⁷⁷

C. Extremists

Police forces on both sides were encouraged to control their extremists pursuant to contemplated Federal Republic law.²⁷⁸ With the publicity assistance of the mass media, a committee consisting of educators from both sides would revise the textbooks containing the history of Cyprus in an effort to prevent the growth of extremist ideas.²⁷⁹ Existing foreign extremist elements would be banished from Cyprus and those not yet present would be prohibited from entering.²⁸⁰

D. Trust

Trust is something that should be promoted by the Federal Republic on an international basis, and schoolbooks should refer to each community in a proper manner.²⁸¹ Companies in one community should be encouraged to hire members of the other community.²⁸² The mass media should be encouraged to participate in the process of confidence-building, and there should be a day recognizing the victims of bicomunal violence.²⁸³

E. Territory

The Federal Republic consisting of the two federated states would have an "indivisible personality."²⁸⁴ While not affecting the demographic character of the respective federated states, Cypriots would have the freedom to live in either zone of the bizonal,

275. *Id.*

276. *Id.*

277. *Id.* at 39.

278. *Id.* at 39-40.

279. *Id.*

280. *Id.*

281. *Id.* at 40.

282. *Id.*

283. *Id.*

284. *Id.*

bicommunal Federal Republic.²⁸⁵ The federal government would have the responsibility for territorial arrangements resulting from the freedom of settlement, travel and possession guaranteed by the federal constitution.²⁸⁶ Because of past historical failures to solve the Cyprus problem, it was recommended that international organizations in addition to Turkey and Greece should be part of the guarantor process.²⁸⁷ Success would depend on both sides trusting each other to work together and believing in what they have agreed to do.²⁸⁸

6. Economic Issues²⁸⁹

The economic matters dealt with in this part of the report were: compensation, European Union (EU), embargos, and currency.²⁹⁰ The term “embargo” was used only in the context of the non-recognition problems suffered by the Turkish Cypriots as a result of the events that have occurred since the 1974 war.²⁹¹ The issue of compensation was relevant only in connection with those who would seek redress. In that event, the Gali [Ghali] Set of Ideas was to be the basis for discussion.²⁹² The Federal Republic of Cyprus should be the entity that would become a full member of the EU, with the Turkish Cypriot community having full representation and participating equally in accession negotiations.²⁹³ Because it would be in the interest of the Federal Republic, the accession of Turkey to the EU was supported.²⁹⁴ So long as there would be no prejudice to either side, interim measures that promote confidence and good will were supported.²⁹⁵ A single federal currency issued through a single central bank, autonomous of the EU and the euro, was encouraged.²⁹⁶

285. *Id.*

286. *Id.*

287. *Id.*

288. *Id.*

289. Approved: 29; Disapproved: 2. One Turkish Cypriot “objected to the provisions concerning the European Union, and territorial adjustment and compensation.” A second Turkish Cypriot “objected to the provisions concerning accession negotiation and accession to the European Union.” *Id.* at 41.

290. *Id.* at 42-43.

291. *Id.* at 42.

292. *Id.*

293. *Id.*

294. *Id.*

295. *Id.*

296. *Id.* at 43.

Compensation would be provided for loss of bank deposits, and Turkish Cypriot banks were to be compensated for their statutory reserves deposited with the Central Bank of Cyprus prior to 1974.²⁹⁷

A. Compensation

The property claims of displaced persons from both communities were recognized and should "be dealt with fairly on the basis of a time-frame and practical regulations based on the 1977 high-level agreement on the need to ensure social peace and harmony," and on the provisions of the paper.²⁹⁸ The question of compensation would be considered only in those cases where individuals freely chose that option.²⁹⁹ As a first priority, the Greek Cypriot administration would have the responsibility for relocation and support concerning Turkish Cypriots residing in the area under Greek Cypriot control as well as displaced persons who would be returning.³⁰⁰ Turkish Cypriot 1974 residents would be able to elect to remain in the area under Greek Cypriot administration or request comparable property in the area coming under Turkish Cypriot administration.³⁰¹ Displaced Turkish Cypriots residing under Greek Cypriot administration would have the option of receiving a comparable residence in that area, returning to their former property, or receiving a comparable residence in the area under Turkish Cypriot administration.³⁰² Establishment of a bicomunal committee to "arrange for suitable housing for all persons affected by the territorial adjustments" would take place immediately after referenda approval.³⁰³

297. *Id.*

298. *Id.* at 43. See generally PALLEY, *supra* note 52, at 344. On February 12, 1977, Makarios and Denktash, in the presence of UN Secretary-General Dr. Kurt Waldheim, at UNFICYP Headquarters, Nicosia, Cyprus, agreed to seek "an independent, non-aligned, bi-communal Federal Republic" with "territory under the administration of each community [to be] discussed in the light of economic viability or productivity and land-ownership." Issues such as "freedom of movement, freedom of settlement, the right of property and other specific matters [remained] open for discussion taking into consideration the fundamental basis of a bi-communal federal system and certain practical difficulties which may arise for the Turkish Cypriot community." With respect to the "powers and functions of the central federal government," they were "to safeguard the unity of the country having regard to the bi-communal character of the State." *Id.*

299. *Id.* at 43.

300. *Id.*

301. *Id.*

302. *Id.* at 43-44.

303. See OSLO II FINAL REPORT, *supra* note 169, at 44.

In the areas under either Greek Cypriot or Turkish Cypriot administration, each community would be responsible for establishing an agency to handle issues related to displaced persons.³⁰⁴ Where displaced persons elect to seek compensation for lost property, ownership of that property would be transferred to the community having administration of that area.³⁰⁵ Title to such properties would be exchanged “between the two [community] agencies at the 1974 values plus inflation.”³⁰⁶ Compensation to displaced persons would be made by the agency in their community from sales or exchange of transferred property effected by the agency.³⁰⁷ The owners of property would have the election to be compensated at either 1974 figures plus inflation or at current prices.³⁰⁸ In the event of a shortfall of funds necessary for property compensation, the federal government would provide the deficit from a compensation fund of revenue sources “such as windfall taxes on the increased value of transferred properties following the overall agreement, and savings from defense spending.”³⁰⁹ Added revenue to cover the shortfall would come from the solicitation of contributions to the compensation fund from other governments and international organizations.³¹⁰ Long-term leasing and other commercial arrangements could also be considered as a source of shortfall funding.³¹¹ Authorized claimants for compensation were to be: (1) Greek Cypriots and Turkish Cypriots (or their heirs) who resided and/or owned property in 1974 that would now be located in the area administered by the other community, and (2) post-December 1963 displaced persons (or their heirs) from either community.³¹²

The option to return could also be elected by those current permanent residents of Cyprus in the federated state now administered by the other community who were owners of that property at the time of their displacement.³¹³ If current permanent residents had been renters at the time of displacement, and they

304. *Id.*

305. *Id.*

306. *Id.*

307. *Id.*

308. *Id.*

309. *Id.*

310. *Id.*

311. *Id.*

312. *Id.*

313. *Id.*

wished to resume permanent residency in the area, they would receive priority under arrangements for freedom of settlement.³¹⁴ Filing periods for claims, a limitation on the number of annual applications, and a deadline year for return to permanent residence were discussed.³¹⁵ Provisions were also made for a joint federated state review for evaluation of the situation at the end of a prescribed period.³¹⁶ That period would begin upon essential completion of the resettlement and rehabilitation process resulting from territorial adjustment. Settlement of those electing to return would not occur until satisfactory relocation of those affected by such election.³¹⁷ Notwithstanding the need to preserve original ownership rights, special provisions were designed to cover the following situations: (1) where current occupant displaced persons express a wish to remain, (2) where substantial alterations or improvements to the property have been made by the current occupant, (3) where the property has been converted to public use, or (4) where persons who have been involved in hate crimes against persons in the community of return have, after due process of law, been prevented from returning by that federated state.³¹⁸

B. European Union

It was made clear that EU membership for the new Federal Republic "should not be dependent on the membership of any other country."³¹⁹ While the EU could make a significant contribution, irrespective of accession to membership the priority for the new Federal Republic should be equalization between the communities of their economic standards.³²⁰ As the EU membership accession process continues, the Turkish Cypriot community should be permitted to participate in the negotiations without prejudice to its position in relation to settlement of the

314. *Id.*

315. *Id.* at 45. Apparently, no limitation was placed on the right of return for those Maronites who in 1974 lost their permanent residence in the area of the federated state that would be under the future administration of the Turkish Cypriot community. Maronites are "a Christian sect that had emigrated to Cyprus, predominantly from Lebanon" during the Ottoman period (1571-1878). See INSIGHT GUIDES: CYPRUS 65 (Hansjorg Brey & Claudia Muller eds., 1993) (explaining that Maronites historically had been living in enclaves in northern Cyprus).

316. OSLO II FINAL REPORT, *supra* note 169, at 45.

317. *Id.*

318. *Id.*

319. *Id.*

320. *Id.*

Cyprus problem.³²¹

C. Embargos

Without prejudicing the position of either community in relation to the settlement of the Cyprus problem, interim measures should be created to: (1) establish “free business or shopping areas” for both communities in places such as Pyla Village, (2) facilitate the free movement of tourists between the two communities, (3) lift all local and international restrictions concerning communication and transportation (e.g., postal and telephone), (4) permit freedom of travel for Turkish Cypriots on the same basis as Greek Cypriots, (5) allow channeling of international financial aid and support to both communities, and (6) make possible the participation of Turkish Cypriots in international cultural and sporting events.³²²

D. Fiscal Issues

The federal and state constitutions should provide for the levy of taxes on all levels of the federal system (central government, each federated state, and local authorities).³²³

E. Public Reaction

Subsequent to its completion, the members of the Oslo Group attempted to get a hearing for their report from government officials, press, and others on both sides, who they thought would be interested in the results. They were mostly ignored for three years.³²⁴ Then, in the early part of 2002, a Greek Cypriot Sunday front-page newspaper story referred to what the Oslo Group did as “shocking.”³²⁵ Also, participants in the group are criticized as being “hand picked by the Americans” and “betraying the pain” caused by Turkey’s invasion of the island, and their work was described as a “pointless psychological effort” to deal with a “geopolitical problem.”³²⁶

321. *Id.*

322. *Id.* at 46.

323. *Id.*

324. See Jennie Matthew, *Conflict Resolution Critics ‘Playing a Political Game,’* CYPRUS MAIL: NEWS ARTICLES IN ENGLISH, Jan. 29, 2002, <http://www.hri.org/news/cyprus/cmnews/2002/02-01-29.cmnews.html>.

325. *Id.*

326. *Id.*

The work of the group is also seen as the result of “American input” that seeks to “promote unacceptable compromises” through the “US Embassy in Nicosia and the American Fulbright Commission” as the “major sponsors of conflict resolution groups” with annual \$15 million in U.S. Congressional appropriations to “help solve the Cyprus problem.”³²⁷ All of which may have been caused by the “face-to-face negotiations between President Glafcos Clerides and Turkish Cypriot leader Rauf Denktash and the 2003 Presidential Elections” in the Greek Cypriot community.³²⁸

The Turkish Cypriot press also expressed itself around the same time. Under a “banner headline” the newspaper *Yeni Duzen* announced that e-mail threats were made against the lives of Turkish Cypriot Oslo Group members and their families as a result of the Oslo Report.³²⁹

Following this, on February 14, 2002, five original Greek Cypriot members of the Oslo Group held a press conference in Nicosia where they defended the activities of the group and its report against critics who had labeled it as “treacherous.”³³⁰ Although it was acknowledged that this had been “the first time that 25 people from both sides came together and agreed on the contents of a document,” the press within the last week before the conference had “dredged up the report branding much of its content unacceptable.”³³¹ The five Greek Cypriots “accused the media of being hypocritical and of having totally ignored the report” because only two newspapers “published anything” three years earlier.³³² They also noted that both Clerides and Denktash had “refused to look at it” even though they had been “offered copies from their respective sides.”³³³ The group suspected that the “resurrection” of the report was “linked to someone’s political agenda in view of the resumption of direct talks, which began on

327. *Id.*

328. *Id.*

329. See *Threatening E-mails to the Turkish Cypriot Members of the Oslo Group*, CYPRUS PRESS AND INFORMATION OFFICE: TURKISH CYPRIOT PRESS REVIEW DIRECTORY, Feb. 11, 2002, <http://www.hri.org/news/cyprus/tcpr/2002/02-02-11.tcpr.html>.

330. See Jean Christou, *Oslo Group Slams its Critics*, CYPRUS MAIL: NEWS ARTICLES IN ENGLISH, Feb. 15, 2002, available at <http://www.hri.org/news/cyprus/cmnews/2002/02-02-15.cmnews.html>.

331. *Id.*

332. *Id.*

333. *Id.*

January 16," 2002.³³⁴

The five Greek Cypriots also made it clear that they had acted in their personal capacities and had not claimed that their work "would result in a political solution."³³⁵ They praised the Turkish Cypriot members of the Oslo Group "who were brave enough to defend and support within their community the methodology used by the group and its final outcome, as well as the right of every Cypriot to meet and express themselves freely despite the pressure and threats they faced."³³⁶

F. Post-Oslo Workshops

During the summer of 2000, pursuant to an arrangement funded by the United Nations Office of Project Services (UNOPS), I returned to Cyprus to provide an advanced program to a selected number of those who had been trained by me earlier. I planned to expand on the humanistic aspects of the Umbreit model. However, just prior to my departure for Cyprus, a new model of conflict resolution was published. This is referred to as "narrative mediation" and was designed to succeed where the more traditional problem-solving and interest-based models failed, especially in the area of violence and international hostilities.³³⁷ I decided to use this new model as the basis for the advanced bicomunal training.

My interest in teaching this radical new model was motivated by the fact that it developed the individual stories of the parties to a conflict as a means of creating a lasting resolution. Its goal is to create a relationship incompatible with conflict, which is accomplished through a transformed relationship constructed from stories that demonstrate understanding, respect, and collaboration. The complex nature of conflicts is deconstructed and replaced by new possibilities for change through (1) achieving a trusting relationship with the parties, (2) mapping the effects of a particular conflict's history, (3) constructing a new narrative for solution, and (4) seeking consensus and resolution.

My prior work (1997-1999) with the general population was

334. *Id.*

335. *Id.*

336. *Id.*

337. See generally JOHN WINSLADE & GERALD MONK, NARRATIVE MEDIATION: A NEW APPROACH TO CONFLICT RESOLUTION (2000).

centered on teaching the bicomunal participants how to connect and communicate, getting them to role-play scenarios from their respective cultures, and demonstrating how the various mediation models could successfully resolve conflict in the situations that they developed. While they were able to work and negotiate successfully with each other in a bicomunal setting, they always did so without allowing those from the other side to really experience their very personal deep-seeded feelings related by historical divisive images.

When I explained the narrative model in September of 2000, the participants in the bicomunal workshop were at best resistant and proceeded reluctantly. However, in the process of telling their stories they became empowered to express themselves without reservation, managed to give each other's point of view recognition, and genuinely attempted to understand how the other side felt historically.

The conclusion of the lengthy workshop disclosed unanimity of feeling that, contrary to their original reluctance, participants accomplished something special for the first time in the twenty-six years of the island's divisive history. They were able to speak openly about their respective traumas and understand the diverse points of view generated by the historical passage from one generation to another. It was clearly possible that unresolved resentments previously festering in this civil society could now be controlled.

I returned to Cyprus in June 2003 to once again work with selected participants from my prior programs.³³⁸ The purpose of the two 2003 bicomunal workshops³³⁹ was to provide an opportunity for the participants to become familiar with and discuss in detail

338. Pursuant to a Sally Casanova Memorial Grant from California State University, Dominguez Hills.

339. Two consecutive one-week bicomunal workshops had been scheduled with duplicate agendas in order to keep the size of each manageable and to accommodate the schedules of the various participants. However, most of the people designated for the first workshop preferred the second, resulting in a much smaller first workshop and a much larger second one. It is the second workshop that produced the activity referred to in this article. While the first workshop (seven days) was effective, the extent of the debate was limited due to its small size (seven Greek Cypriots and three Turkish Cypriots, which varied from day-to-day). Some of the participants from the first workshop decided to also attend the second one because they wanted to interact with the larger group. The second workshop, which lasted six days, was attended by fifteen Greek Cypriots and sixteen Turkish Cypriots, which also varied from day-to-day.

the proposed Annan Plan for reunification of Cyprus.³⁴⁰ The ground rules were set forth at the beginning of each workshop.³⁴¹ The participants in the larger second workshop decided that they did not want to debate the Annan Plan per se, but rather desired to brainstorm their own list of peace plan issues for their agenda.³⁴² Honoring their wish, that approach was taken. The participants created a possible list of 48 issues for group consideration.³⁴³ From

340. Annan Plan for Cyprus Settlement, <http://www.tcea.org.uk/Annan-Plan-For-Cyprus-Settlement.htm>. Main points of the Annan Plan:

1. A single state comprised of two equal components in a dissoluble union
2. A single international entity offering a single Cypriot citizenship
3. Territorial adjustments reducing Turkish Cypriot component of the island to 28.5% from 36%
4. Return of 85,000 Greek Cypriot refugees to their homes in the island's Turkish Cypriot north
5. Cyprus to join the European Union and maintain special links to Greece and Turkey
6. A two-chamber parliament, each containing 48 members
7. A six-member presidential council proportional to the population of the two states, with a 10-month rotating presidency
8. Demilitarization of the island, reinforced by an embargo on arms imports
9. Constitutional safeguards for civil and minority rights

341. **“JUNE PEACEBUILDING WORKSHOP NUMBER TWO**

RULES GOVERNING DISCUSSION OF THE ANNAN PLAN”

1. Please practice empowerment and recognition
2. Please be courteous, wait for the prior speaker to fully conclude, do not interrupt
3. Please speak only when you have something NEW to add...DO NOT REPEAT what others have said. before you...AND REMEMBER: ‘I’ STATEMENTS
4. Please be patient and wait for your turn to speak. You will be recognized eventually for that purpose, and you will have the opportunity to express yourself
5. Please express YOUR PERSONAL VISION regarding the possible content of the Plan
6. Please consider the respective interests and underlying needs involved rather than positions...AND REMEMBER: ALL THE PRINCIPLES OF HUMANISTIC CONFLICT MANAGEMENT
7. Please be persuasive and not coercive
8. Please be collaborative rather than confrontational
9. Please make it all work
10. Please keep in mind that each of you CAN make a difference

“GOAL: To create a possible grassroots alternate plan by consensus that you feel could work to solve the Cyprus problem.”

342. The Turkish Cypriots appeared to have more knowledge of the actual Plan provisions than did the Greek Cypriots.

343. **“JUNE 2003 PEACEBUILDING WORKSHOP NUMBER TWO*****

LIST OF POSSIBLE PEACE PLAN ISSUES FOR AGENDA”

1. All people on Cyprus living together in peace
2. Long-term vision of future for Cyprus
3. Provision for periodic revisions of plan
4. Return of displaced persons from each community

this list ten main issues with their respective sub-issues were

5. Immediate removal of all barriers, embargoes, and complete freedom of movement for all people on Cyprus without showing passports
6. Equal rights (human and otherwise) and opportunities for all people on Cyprus
7. Balancing property rights with the right of shelter
8. Demilitarization
9. Definition of 'just and lasting solution to Cyprus problem'
10. Procedure to guarantee endurance of a dissoluble union
11. Exercise of political rights for citizens at both state and federal levels
12. A single state comprised of two equal units
13. Freedom of settlement without limitation
14. Proportionate representation should reflect the population of the two communities
15. Structure and term of presidency
16. Turkish Cypriot state to continue with current name with current geographical boundaries
17. Respect for international agreements
18. Territorial adjustments
19. European Union membership and special links to Greece and Turkey
20. Definition of terms to be used
21. Adoption of law of the European Union as the basis for the laws of Cyprus
22. Common education facilities [modified during discussion to include 'one version of revised history; bi-communal respect for tolerance, diversity, and ethnicity']
23. Common health facilities
24. Control of airspace
25. Ways of removing [modified during discussion to include 'animosity, hostility, and'] ill feelings between the two communities
26. Unified state without discrimination
27. Elections and voting structure
28. Trade rights and agreements
29. Legitimacy of European Union accession
30. How to learn not to 'bury future in the past'
31. Eurovision selection process for Cyprus
32. Mainland Turks
33. Civil and criminal court structure with two-state jurisdiction
34. Effect of no solution to Cyprus problem by May 2004
35. No links to Turkey or Greece and no guarantors or British Bases
36. Establishment of an Office for Mediation
37. Cyprus and Turkey to become European Union members at the same time
38. Bicommunality and bizonality
39. Citizenship and identity
40. Rights of other minorities on Cyprus
41. Areas of responsibility between federal and state entities and their functionality
42. Two separate states
43. Rights of subsequent purchasers
44. Global exchange and compensation
45. Revisiting 1960 Zurich Agreement
46. Interdependent economic system
47. Free labor movement and freedom to choose employment
48. Bicommunal youth centers

selected for discussion and voting.³⁴⁴ Because of the length and intensity of the subsequent discussion process, only five of the ten issues selected (with their various sub-issues) were discussed and voted on.³⁴⁵

When I subsequently presented the 2003 positive outcome during an international workshop at Oxford University the following October,³⁴⁶ I was astounded to discover that several of the other participants felt that diplomacy is best left to the elites. The fact that Alvaro de Soto, the U.N. Secretary-General's representative and the de facto author of the Annan Plan,³⁴⁷ was also in attendance made the lack of faith in civil society all the more surprising.

The 2003 workshops questioned whether each community could put aside its history in order to achieve the goodwill necessary for a positive outcome in meeting the May 1, 2004 deadline established by the European Union for accession to membership of a reunited Cyprus.³⁴⁸ A negative answer would admit only the Greek Cypriots to the European Union. In such event, the division between the two communities would be further exacerbated, and it could be only a matter of time before Turkey would seek to partition and annex the northern part of Cyprus because of its determination to maintain control over the entire island as essential to her security.³⁴⁹ This appears to be notwithstanding any necessity to protect Turkish Cypriots.³⁵⁰

Unfortunately, the division appears to have been further breached by the failure of the referenda process on April 24,

344. In the order to be discussed, the following numbered issues from the list of 48 were selected: 6, 8, 25, 5, 22, 13, 32, 34, 1, and 21.

345. The five of the ten issues discussed and voted on were numbers 6, 8, 25, 5, 22. While the purpose of this article does not extend to an analysis of the results of the voting, it should be noted that the overwhelming majority of votes were in favor of positive solutions.

346. See Othon Anastasakis et al., *Getting to Yes: Suggestions for Embellishment of the Annan Plan for Cyprus* (2004), available at http://www.sant.ox.ac.uk/esc/esc-lectures/Oxford_Cyprus.pdf.

347. See PALLEY, *supra* note 52, at 18-19.

348. Based on my information from the executive director of the Cyprus Fulbright Commission, my 2003 workshops were the first to provide any kind of bicomunal dialogue concerning the details of the Annan Plan. Incredibly, in view of the critical nature of the Plan as the last hope for peace on Cyprus for the foreseeable future, numerous bicomunal members with whom I interacted confirmed that my workshops were the first. *Id.* at 236.

349. *Id.* at 236.

350. *Id.*

2004,³⁵¹ and the official admittance of only the Republic of Cyprus (Greek Cypriots) to the European Union on May 1, 2004.³⁵²

V. HOW THE TRACK III APPROACH CAN BE APPLIED TO SITUATIONS WITH ANALOGOUS CONFLICT

Braithwaite argues that to be effective today, “diplomacy must adopt practices and values more akin to those of restorative justice,” and that unless people can come to terms with their anger and hatred of past crimes of war, peace has little chance to succeed.³⁵³ He asserts the need for rituals to heal damaged souls, to discover the ability to transform hatred into sorrow or forgiveness, and exorcise the evil of the past while moving forward with hope.³⁵⁴ Following Braithwaite’s arguments, forgiveness is something that requires that the survivors be emotionally ready; it cannot be forced.

In advocating a reconfiguration, Braithwaite asserts that “bottom up restorative justice” can heal ethnic division in those instances where “restorative peacemaking” can be connected to “top-down preventive diplomacy and negotiated cessation of hostilities.”³⁵⁵ This can be the antidote to the official “elite diplomacy,” where deals are made among representatives of governments without considering reactions of the general population.³⁵⁶ Elite diplomacy has failed to sustain the successes of international mediation and preventive diplomacy.³⁵⁷ It is Braithwaite’s contention “that to be effective, diplomacy must adopt practices and values more akin to those of restorative justice,” which he refers to as “democratized restorative justice.”³⁵⁸

The practices and values that I used for my work in Cyprus can be described as part of a “democratized restorative justice” approach. They are designed to transform the conflicted relationships, to manage and ultimately resolve the controversy,

351. *Id.* at 217. Percentage of valid votes cast: Turkish Cypriots 64.91 “Yes;” Greek Cypriots 75.83 “No.”

352. *See* HANNAY, *supra* note 1, at 241.

353. JOHN BRAITHWAITE, *RESTORATIVE JUSTICE AND RESPONSIVE REGULATION* 172, 207 (2002).

354. *Id.*

355. *Id.* at 169.

356. *Id.* at 170.

357. *Id.* at 170.

358. *Id.* at 172.

while addressing the disputed issues. Members of civil society³⁵⁹ need to learn the skills and techniques of how to connect with each other in order to effectively communicate as part of a “two-way street.” These are the tools that will make the process work.

Participants need to become empowered to tell each other their stories, *i.e.* their personal points of view, in a respectful listening atmosphere. This creates an understanding of the storyteller’s point of view and establishes his / her humanity. In order to accomplish this, the participants must first acknowledge that the “other side” is not the enemy, but rather the problem is the enemy causing the conflict.

Next, it is important to work with the participants on the reversal of their roles and their ability to “step into each other’s shoes” to fully appreciate their respective interests and underlying needs. This view assists in establishing a different perspective. It effectively says that there is no single “truth,” but only the perception of the facts as seen through the eyes of the beholder. The result is the realization that there can be a respect for different points of view without agreeing with the “other side.”

This leads to a possible collaboration between opposing points of view to create a mutually acceptable version of the events from which the parties can move forward. In order to set the stage for the process of forgiveness and reconciliation, the participants need to practice tolerance, appreciate diversity and ethnicity, and understand that each feels hurt while accepting that each has caused pain. The participants also need to understand the damage caused by anger and hatred, and the benefits of love and kindness. Self-respect is the thread that binds all of this together, creating what I refer to as the “*Seven Keys to Peacebuilding*.” These are:

- Empowerment to participate fully in the process
- Recognition of each other’s point of view
- Trust established in order to “open the curtain” that hides the past
- Truth disclosed without reservation in order to create understanding
- Forgiveness given willingly while not being required to forget

359. See HAROLD H. SAUNDERS, *A PUBLIC PEACE PROCESS: SUSTAINED DIALOGUE TO TRANSFORM RACIAL AND ETHNIC CONFLICTS* 12 (1999). It is “the public area in which citizens outside government do their work.” This is “the arena in which the associations citizens form and many less formal nongovernmental organizations work.”

- Collaboration practiced to design productive solutions
- Reconciliation achieved for future peaceful conduct

VI. CONCLUSION

The bicomunal participants in my September 2000 narrative mediation workshops were ordinary citizens who had the opportunity to disclose their sorrows and suffering directly to each other, followed by the expressions of apology and the granting of forgiveness. They effectively accomplished the goal of “humanizing” each other so that they understood and acknowledged their respective points of view. If citizens in areas of cultural, religious, ethnic, or political conflict are able to engage the larger community on each side with the healing aspects of mutual goal development and successful establishment of working relationships, members of civil society may yet provide a positive example of democratized restorative justice.

The lesson for peacebuilding seems clear. Rather than continuing to rely on the elite approach to diplomacy at the Track I level (or even Track II), those negotiating such conflicts should consider all stakeholders and work from the ground up through civil society, rather than from the top down entangled in the special interests of those occupying the seats of government. The approach suggested here provides individuals at the grass roots with the opportunity to tell their stories about a particular injustice, its consequences, and what must be done to “make things right.” The result can be more than simply a society with a greater voice from its citizens. It also offers a more efficient and just system of government as well as a truly positive step towards securing an improved peaceful world.

Based on my personal experiences with Cypriots from all levels of civil society at the grass roots on both sides of the “Green Line” or Buffer Zone,³⁶⁰ I believe there is a viable argument for the emphasis on Track III diplomacy (rather than the proliferation of unsuccessful efforts to date at the level of Track I or even Track II) as the next step in the attempt to achieve a positive peaceful reunification of the island. History demonstrates that elite diplomacy has failed. The results from the Oslo Group indicate that Track III diplomacy from the bottom up could have possibly made a difference in achieving a positive outcome in the

360. See HANNAY, *supra* note 1, at 6.

bicommunal referenda voting on April 24, 2004.³⁶¹

Notwithstanding the emphatic reiteration of current Greek Cypriot President, Tassos Papadopoulos, as to “the commitment of my people, as well as my strong personal one, to the solution of a bi-zonal, bi-communal federation,”³⁶² the peace process has not been resumed. The result is that “time is cementing the status quo – and thus working against the Cypriots – all Cypriots.”³⁶³ The EU is considering “comprehensive proposals to put an end to the isolation of the Turkish Cypriot community,”³⁶⁴ and it has urged both sides “to show a willingness to compromise . . . and do the impossible – reach for the other’s hand . . . to create a new united Cyprus.”³⁶⁵ Although working with Turkish Cypriot authorities to enhance the economy, the EU has denied that the effect would be recognition of the Turkish Cypriots as a separate state.³⁶⁶

While all Cypriots have been able to “mix together fully and cross to the opposite sides of the island,” since April 2003, the fact of the matter is that Greek and Turkish Cypriots for the most part do not trust each other and engage in minimal contact.³⁶⁷ The

361. An impartial comparison of the written results of the Oslo Group with Annan I through V clearly supports the conclusion that, if left to work it out themselves, the people at the bottom are far superior to those at the top.

362. See PALLEY, *supra* note 52, at 241.

363. See Olli Rehn, Member, European Commission, Responsible for Enlargement, Speech at the Cyprus International Conference Center (May 13, 1995), in *CYPRUS: ONE YEAR AFTER ACCESSION*, at 3, available at http://europa.eu.int/comm/mission_barroso/rehn/speeches/pdf/050513_nicosia.pdf.

364. *Id.* at 4.

365. *Id.* at 5.

366. See *EU Pledges AID for Turkish Cyprus*, BBC NEWS, available at <http://newsnote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/europe/3660> (last visited Oct. 9, 2005).

367. See Tabitha Morgan, *Cyprus Keeps its Hidden Barrier*, BBC NEWS (United Kingdom), available at <http://news.bbc.co.uk/1/hi/world/europe/4313016.stm> (last visited Oct. 7, 2005).

Emine Erk, Turkish Cypriot lawyer, whose husband is the mayor of North Nicosia, represents some of the families of those who were killed during the 1974 war and who are still missing. Believing that both sides should stop the political exploitation, she says: “If a Greek Cypriot dares to mention any of the suffering of Turkish Cypriots he will be accused of talking like a Turkish Cypriot extremist. And the same goes for Turkish Cypriots...The Turkish Cypriot missing is an issue and a wound in the north for those people...[T]he Greek Cypriot missing is an issue, and a wound in the south...There is no sign of both groups getting together and realising [sic] that their grief is the same, the crime against them is the same. That’s the culture that unfortunately still needs a lot of change.” Greek Cypriot bicommunal activist Katie Economidou says: “There are no results of all those 20 years of citizens being involved, like a bicommunal school, bicommunal exchanges of trade, maybe companies founded together...There are no pages

international community has indicated that it does not want the status quo. The prospect of relief for the Turkish Cypriots from the heavy burdens imposed by the embargo and lack of international recognition (other than by Turkey) seems to indicate a movement towards partition. The question for Turkey is why only partition? Why would it not annex the entire northern part of the island currently under joint Turkish and Turkish Cypriot control? In the face of this, it is "perplexing to see that the Greek Cypriot side does not wish to give in writing to the Secretary-[G]eneral of the UN the changes it wants to have in [the] plan."³⁶⁸

Both communities need to discover how to engage in dialogue together because a solution is in the best interest of each, and that is where the open issues should be addressed.³⁶⁹ Turkey has suggested a May or June 2006 meeting "under the auspices of UN Secretary[-]General Kofi Annan" on the Cyprus conflict between representatives from the Turkish and Greek Cypriot communities also to be attended by diplomats from Turkey and Greece.³⁷⁰ UN reaction has been to indicate that its resumption of peace efforts will have to wait until "after the May 2006 parliamentary elections in the Republic of Cyprus [in order to] avoid a hasty new process of negotiations, which would fail in no time."³⁷¹

Turkey has indicated a willingness to open its sea and airports to Greek Cypriots in exchange for a reciprocal end to restrictions on Turkish Cypriots.³⁷² The EU, US, and UN support of this effort

on [sic] our newspaper on the life of the other side. The Green Line is open physically for us to move but there is an invisible barrier that stops us." Both women were members of the Oslo Group and participants in my training workshops.

368. See Dr Ozdemir A. Ozgur, *Comment - The Cyprus Problem: Ideas, Realities and Might 2*, available at http://www.cyprus-mail.com/news/main.php?id=18989&cat_id=1 (last visited Sep. 1, 2005). "It must be pointed out that because of the Turkish Cypriots and proximity of Cyprus to Turkey, as well as because of strategic, historical, moral and psychological reasons, Turkey is not ready to forget and throw Cyprus out of her sight. The more so, because she is surrounded by Greece on her western frontiers and would not like to be surrounded by Greece in the south, too, through Cyprus, by hook or by crook. Frankly speaking, Turkey's feelings are to some extent shared by the big powers. Here comes again into the picture the role of might and mighty powers. The question is: can the Greek idea confront and beat the might of Turkey and others? We have to use our brains."

369. See Rehn, *supra* note 363, at 4.

370. See *UN to Revive Cyprus Talks in May*, EurActiv.com - EU News, Policy Positions & EU Actors online, available at <http://www.euractiv.com/Article?tcaturi=tcm:29-152089-16&type=News> (last visited Feb. 8, 2006).

371. *Id.*

372. *Id.*

has not been sufficient to prevent rejection by Greek Cypriot President Tassos Papadopoulos and other leaders who have claimed that Turkey's proposal was simply "a rehashing of earlier inconclusive proposals."³⁷³ Former Greek Cypriot foreign minister (1978-1983) Nicos Rolandis, who also held other government positions, has noted that, had the Annan Plan been accepted, "[n]inety thousand Greek Cypriots would have been able to go back to their homes under Greek Cypriot administration" and "[t]housands could have gone back under Turkish Cypriot administration."³⁷⁴ In addition, he has emphasized that "the massive [Turkish Cypriot] construction bonanza on Greek Cypriot properties in the [Turkish Cypriot] occupied area would never have taken place."³⁷⁵ The point of no return has passed for Greek Cypriots, while Turkish Cypriots have been able to convince Greek Cypriot courts to issue orders for return of property to its Turkish Cypriot owners.³⁷⁶

A handwritten quotation attributed to Margaret Mead, passed to me by a participant during the second June 2003 workshop discussion of the Annan Plan, seems particularly apropos here: "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."³⁷⁷

Perhaps it is time for a second Track III Oslo Group.

373. *Id.*

374. See Nicos A. Rolandis, *King Jigme and Floundering Cyprus*, available at http://www.cyprus-mail.com/news/main.php?id=24591&cat_id=1 (last visited Feb. 26, 2006).

375. *Id.*

376. *Id.*

377. The participant was one of the teachers who had participated in the training for educators as part of the Cyprus Fulbright Commission's bicomunal conflict resolution program (an intensive 40-hour workshop in teaching tolerance in the classroom through the use of people skills that improve human performance and communication) that I conducted at the Neve Shalom peace village in Israel from August 25-30, 2000. The quotation had been located on the inside front cover of the program materials that I prepared and distributed to the participants at that workshop.

