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Rethinking the Cyprus Problem: Are Frame-breaking Changes Still Possible Through Application of Intractable Conflict Intervention Approaches to This “Hurting Stalemate”? 

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I. INTRODUCTION 

In an earlier article for this law review1 I argued that the struggle for peaceful reunification in Cyprus must be reconfigured2 in order 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.”3 A major impediment to achieving this outcome is that “past history of the conflict is a weight that bears heavily on those who sit at the negotiating table.”4 My suggested antidote was the utilization of the Track III or “community-based” approach to diplomacy,5 utilizing Braithwaite’s theory of “democratized...
restorative justice to encourage disputants to (1) “come to terms with their anger and hatred of past crimes of war,” (2) practice “rituals to heal damaged souls,” (3) “transform hatred into sorrow or forgiveness,” and (4) “exorcise the evil of the past while moving forward with hope.” The result is a “bottom up” rather than a “top-down” process that is preferable to traditional “elite diplomacy” which fails to consider “reactions of the general population.”

I advocated the use of connecting and communicating skills by members of the Cypriot civil society: (1) empowerment to exchange stories, (2) respectful reception by the listener, (3) humanizing rather than demonizing each other, (4) appreciating fully each others’ interests and underlying needs, (5) understanding that respect for an opposing point of view does not equate with agreement, and (6) self-respect. The result is the “Seven Keys to Peacebuilding”: (a) empowerment to participate, (b) recognition of opposing points of view, (c) trust to disclose the past, (d) truth expressed without reservation, (e) forgiveness without forgetting, (f) collaboration to produce solutions, and (g) reconciliation for future peace.

As of the date of final submission of my earlier article, the virtual stalemate between the opposing elements of traditional elite diplomacy regarding reunification continued to exist.

II. CURRENT STATUS OF CONFLICT AND ITS FUTURE

A. Background of the Problem

By the time this article is published more than three years will have passed since the bicommunal referenda voting on April 24, 2004. Notwithstanding the feeling of some in both communities that 2007 will be the year in which a solution to the Cyprus problem will finally emerge, there is currently an ongoing impasse.

7. See Turk, supra note 1, at 250.
8. See id.
9. Id.
10. Id. at 251-252.
11. Id.
12. See id. at 254-55.
Without significant change, the result will be this impasse, and not a resolution acceptable to both communities.

Ironically, the "long advocated reunification of the divided island on a bicommunal and bizonal basis" by Greek Cypriots was in the end rejected by their negative referendum vote in April 2004. The reversal of historical roles between Greek Cypriots and Turkish Cypriots was complete when the normally secession-minded Turkish Cypriots voted for reunification. Efforts for a negotiated settlement appear to have disappeared. These have been replaced by unilateral attempts to keep alive the pro-solution enthusiasm of the Turkish Cypriots while trying to motivate Greek Cypriots to effect political change. Surrounding this seems to be a cadre of support for "inter-communal reconciliation." 

"Pressure upon the political elites of both communities for immediate recommencement of negotiations" and reduction of "the isolation of the north" (as the "key to promoting a long-term and sustainable solution based on equality") have been advocated.

Reunification "within the broad framework laid down in the Annan Plan" appears to be "the only proposal that seems ultimately capable of common acceptance." Incredibly, the initial idea for a bizonal and bicomunal federation is attributed to the 1970s collaboration between Greek Cypriot Archbishop Makarios and the Turkish Cypriot Rauf Denktash. Present blockage of a similar agreement appears to be "the policy and attitude of the Greek Cypriot leadership and in particular of President Tassos Papadopoulos." But

[the Greek Cypriot Leadership] should realise that if they persist in their refusal to engage with the United Nations and with Cyprus's other international partners, the island will slip by default toward permanent partition and the independence of the north, whether formally recognised or not. The idea that Turkish Cypriots will instead accept minority status in a centralised Greek Cypriot state is a pipe dream.
Clearly, the dynamics of the Cyprus conflict need to be changed if there is to be hope for success concerning any future UN-brokered solution that might be proposed. This would require a new environment that advances the best interests of all parties.  

B. Specific Issues to Be Considered

1. European Union

The EU must promote "the economic development and European integration of northern Cyprus as it pledged to do in April 2004."  

2. Greek Cypriots

In order to rise above the "uncompromising position taken by the present government," opposition forces, moderates from all political elements, and leaders of civil society must generate debate of the critical "core issues." They must understand that regional stability will result from the two-state model and accept that the 1963 actions of the Greek Cypriots against Turkish Cypriots are as responsible for the conflict as the 1974 actions of Turkey against the Greek Cypriots. They must also acknowledge that upheaval from their homes and mourning their missing apply equally to Turkish Cypriots as well as Greek Cypriots, and reconsider the advantages of implementing the bizonal and bicultural principles to which Greek Cypriots agreed more than thirty years ago.  

3. Greece

The Greek government needs to actively affirm to the international community its support of the Annan Plan to restart negotiations and seek a solution satisfactory to both sides. In addition, Greece should assume the lead role in seeing that the EU renews efforts to discharge its obligations to Turkish Cypriot citizens.

20. Cf. id.
21. Id.
22. Id.
23. Id.
24. Id.
25. Id.
26. Id.
4. Turkish Cypriots

Turkish Cypriots must deal with the numerous unresolved property cases, bring their laws and practices into compliance with the *acquis communautaire* of the EU,\(^\text{27}\) see to it that the EU-Turkey Customs Union is extended to the north, and obtain agreement from Turkey to reduce (a) its number of military forces on the island and (b) its population of mainland settlers resulting from a thirty-year migration to the northern part of the island.\(^\text{28}\) They should also demonstrate more understanding of Greek Cypriot demands concerning their missing and the need for restoration of cultural monuments damaged over the years since 1974.\(^\text{29}\)

5. Turkey

Unilateral confidence-building efforts need to be undertaken to demonstrate its support of a satisfactory settlement.\(^\text{30}\) Full implementation of the twenty-five member-state Customs Union and Turkey's other existing EU commitments should be pursued.\(^\text{31}\) There should be partial reduction of the thirty-five thousand troops that are stationed in the north to a number that would not threaten the security interest of Turkey,\(^\text{32}\) and a plan for repatriation of a specified number of mainland Turkish settlers based on a formal census should be pursued.\(^\text{33}\)

6. United States

The U.S. can facilitate efforts to restart settlement negotiations for reunification of Cyprus within the broad framework of the Annan Plan by upgrading its diplomatic presence on the northern part of the island, and (b) increasing its contacts at every level with Turkish Cypriot officials and *civil society*.\(^\text{34}\)

\(^{27}\) Int'l Crisis Group, *supra* note 13.

\(^{28}\) Id.

\(^{29}\) Id.

\(^{30}\) Id.

\(^{31}\) Id.

\(^{32}\) Id.

\(^{33}\) Id.

\(^{34}\) Cf. id.
7. United Nations

This world organization must call for an end to the “isolation of northern Cyprus” and encourage the Greek Cypriots to “indicate their concerns with the Annan Plan in a form which offers some hope for a negotiated settlement.” At the same time, the UN must create a United Nations Development Programme Trust Fund for the north.

C. Current Dilemmas Facing Reunification

Nicos A. Rolandis has been the standard bearer for those Greek Cypriots who support reunification. He writes regularly on the subject and constantly reminds his fellow citizens that their country “is continuously going down a slippery slope.” In arguing that “the situation on the ground has deteriorated,” Rolandis conducted a review of the “political due diligence of the past 32 months.” He concluded that the Greek Cypriots, by their actions:

- have “solidified the concept of partition”;
- have lost the beautiful seaport city of Famagusta (to which “her residents would have returned two and a half years ago” if the plan had been accepted);
- have lost the historically important village of Morphou;
- have missed the opportunity to have 90,000 refugees returned to “fifty-odd villages” representing “9% of the territory which would have been returned” to Greek Cypriots in the settlement;
- have lost the opportunity to achieve “termination of the Turkish occupation through the withdrawal of

35. Id.
39. Id.
40. Id. at 2.
41. See id.
42. See id.
43. Id.
more than 39,000 troops, return of the refugees, restoration of human rights”;⁴⁴
• have contributed to diminished confidence between the two communities;⁴⁵
• have been “inundated with a large number of additional Turkish settlers” who may not leave;⁴⁶
• have permitted construction of new buildings in the “occupied areas” (mainly for foreign buyers) worth “hundreds of millions of pounds”;⁴⁷
• have allowed “an explosion of tourist development in the north, which continues incessantly,” and that will not “come back to us”;⁴⁸
• have enabled “the EU through its European Court of Human Rights . . . indirect recognition of the Turkish Cypriot “state”;⁴⁹
• have permitted establishment of a “contact group between the European Parliament and the Turkish Cypriot ‘state’”;⁵⁰
• have facilitated acceptance of “members of the Turkish Cypriot ‘Parliament’ as observers in the Parliamentary Assembly of the Council of Europe”;⁵¹
• have created a situation where for “the first time since 1960 . . . the Cypriot President has not been invited for a meeting with the leadership of the U.S.”; but the Turkish Cypriot leader was included in a meeting with the U.S. secretary of state “in Brussels, in London, in Pakistan and elsewhere”;⁵²
• have created a situation where for “the first time in history” the Secretary-General and other high officials of the U.N. “are negative or even hostile vis-à-vis [the government of the Republic of Cyprus]”;⁵³

⁴⁴. Id. (quoting an evaluation made in April 2004 by AKEL, the “big party of the governing coalition”).
⁴⁵. Id.
⁴⁶. Id.
⁴⁷. Id. at 3.
⁴⁸. Id.
⁴⁹. Id.
⁵⁰. Id.
⁵¹. Id.
⁵². Id.
⁵³. Id.
have created a situation where the “55-odd countries” of the Islamic Conference have “for the first time upgraded the Turkish Cypriots to the status of ‘Turkish Cypriot state’”; 54

have created a situation where the European Commission “is not friendly at all towards” the Republic of Cyprus; 55

have enabled Turkey’s commendation in 2004 by the European Council (which includes the Republic of Cyprus) for “her constructive stance on Cyprus”; 56

have allowed “the operation of the Tymbou (Ercan) Airport” to be “considered as lawful for Cypriot, European and other foreign passengers” since 2004; 57

have created a scenario where “partition is in the wings” as “direct trade”; 58

have created a situation where the Republic of Cyprus “went through the humiliation of December 2006 in Brussels” when the republic demonstrated that it did not “possess even some vestiges of knowhow, experience and realism”; 59 and

have created a situation where “for the first time, the Cyprus problem is completely stagnant, nothing moves, whilst partition is gradually but steadily setting in.” 60

According to Rolandis, this is notwithstanding that he and others “have been speaking the bitter truth for 30 years and abandoned positions and high offices.” 61 He asks the hard questions:

Has this been appreciated or have we been berated for our stance? Have we managed to change the mentality of this

54. Id.
55. Id.
56. Id. at 4.
57. Id.
58. Id.
61. Id.
people who live with one hand lying on their wallet and the 
other hand on 'power' and 'favoritism', instead of placing one 
hand on their heart and the other on their country?\textsuperscript{62}

Rolandis has also considered what will happen when the 
Greek Cypriot presidential election takes place in 2008.\textsuperscript{63} He has a 
number of suggestions for the new president:

- Serve only a brief term concentrating on the resolution 
of the Cyprus problem, with the knowledge that this 
"will entail difficult and probably tragic moments for 
himself."\textsuperscript{64}

- Understand that he "will have to give the correct 
guidelines to the people, so that the blunders of the 
past will not be repeated," knowing that "many 
political parties will not be helpful in his quest for a 
solution."\textsuperscript{65}

- Be "prudent and moderate," because "[n]ationalists 
and fanatics cannot address bicommunal or 
multicommunal issues" since "[t]hey lead to 
confrontation."\textsuperscript{66}

- Accept that he "must be fair and objective" in 
recognizing that both Greek Cypriots and Turkish 
Cypriots are "debited with sins," and "he must be 
prepared to pay the price for these sins of ours."\textsuperscript{67}

- "[K]now that a bicommunal, bizonal federation for 
which we have signed both in the red ink of Makarios 
and in the blue ink of other Presidents, entails a 
number of substantive rights for the Turkish Cypriot 
community, which should not and cannot be 
overlooked."\textsuperscript{68}

- "[U]pgrade radically our relations with Europe, where 
we are today conceived as the black sheep of the 
family."\textsuperscript{69}

\footnotesize{62. \textit{Id.}  
63. See Nicos A. Rolandis, Greek Hero Kolokotronis, The Gunshot and the New 
President 2-5 (Jan. 18, 2007) (on file with author).  
64. \textit{Id.} at 2.  
65. \textit{Id.} at 3.  
66. \textit{Id.}  
67. \textit{Id.} at 4.  
68. \textit{Id.}  
69. \textit{Id.}}
• Reopen the “gates” of Washington, D.C., that have been “firmly closed for the President of the Republic of Cyprus for the past four years,” and also “gain better access to the family of the United Nations.” This will require acknowledgement that “sovereignty and state entity do not permanently belong to [the Republic of Cyprus]” because they are subject to the recognition of “the other 191 states of the world.”

• “[K]eep the balances which are a prerequisite for the survival of our country” by realizing, in part, that “Cyprus does not appear on many world maps, not even as a small speck.”

• “[E]xtend a hand of friendship to the Turkish Cypriots and to their leaders, even if such leaders will have to reach an understanding with Ankara [Turkey] in connection with the solution of our problem.” Otherwise, if “each side insists on its own positions to the bitter end, if we continue pulling Cyprus until we tear it apart, we shall eventually cry over a lost country.”

The former Turkish Cypriot leader Rauf Denktash has been quoted as saying, “[w]hat is hurting is the interpretation put on our ‘yes vote’ by the Americans and others to the effect that the Turkish Cypriot side has thus abandoned its sovereignty and separate independence, which is not true.” He feels that although the EU seems interested in lifting the embargo against Turkish Cypriots, the end result may not be certain if “the EU regards North Cyprus as an occupied part of the Republic of Cyprus. As long as they do not treat the North Cyprus on its own merits, all such moves are done with the consent of and subject to the conditions of the so-called government of Cyprus.” Notwithstanding close monitoring of the Cyprus situation by the EU, Denktash is of the opinion that “it would be catastrophic” for

70. Id.
71. Id.
72. Id. at 5.
73. Id.
74. Id.
76. Id.
Turkey to withdraw its troops from the island. Denktash feels that such action would cause Turkish Cypriots to have a “loss of faith in Turkey, in the EU and in themselves. New bloodshed would be followed by the Turkish Cypriots fleeing from the island.”

There appears to be some movement toward a two-state solution for Cyprus, at least from Turkish Cypriots, as indicated in a recent poll of members of that community. Approval of a two-state solution was supported by sixty-five percent while only twenty percent indicated a preference for a federal state. This is “a big swing of opinion since the 2004 referendum when sixty-five percent of the Turkish Cypriots voted in favor of the Annan plan.” Apparently, partition is also gathering support among Greek Cypriots. According to a 2006 opinion poll, 48% indicated support for full community separation while only 45% still supported reunification. Of this comparison, the majority of young Greek Cypriots (63% of ages eighteen to twenty-four, and 59% of ages twenty-five to thirty-four) indicated that they preferred not to live with Turkish Cypriots. The irony is that the common ground indicated by the interest in partition from both communities is contrary to the efforts of the international community to bring about reunification of the island, and consistent with the quote attributed to Rauf Denktash: “You cannot force two unwilling partners into marriage.”

Meanwhile, Greek Cypriot President Tassos Papadopoulos has not decided whether he will run for re-election in 2008. Based

77. Id.
78. Id.
80. See Tragic Common Ground Between North and South, supra note 79.
81. Id.
82. Id.
83. Id.
84. Id.
85. See Cyprus President Against Casino, FIN. MIRROR, Jan. 18, 2007, http://www.financialmirror.com/more_news.php?id=5854&type=news. “No man’s land” is the area of the buffer zone between the two communities patrolled by and under the control of U.N. peacekeeping forces.
on his actions so far regarding reunification, such a decision will have an impact on the solution to the Cyprus problem:

- He proposed demilitarization of the walled capital city of Nicosia (the last such divided capital city in the world) so that a crossing point would be opened at the end of one of the city’s main commercial streets (Ledra Street) in order to secure safe passage for Cypriots crossing to and from the north through “no man’s land.”

- He hopes that “during 2007 there will be sufficient preparation for substantive negotiations leading to a Cyprus settlement.”

- He acknowledged that “we know exactly what the other side is aiming at, and they know exactly what we are aiming at. [Turkish Cypriots] clearly want to establish in Cyprus two separate legal entities, upgrade their own entity to a state short of diplomatic recognition . . . . We want a solution that will lead to the reunification of the state, the territory, society, economy, [and] institutions.”

- He believes any solution must serve “exclusively” the interests of the Cypriot people.

- He is committed to a bizonal, bicommmunal federal solution.

- He believes that “people with good will can find a solution without depriving either Greek Cypriots or Turkish Cypriots of their rights.”

- He feels that a reunified Cyprus is the “best thing” for Cypriots.

- He stressed that the property issue is “crucial” to a political settlement.

- He feels that there is a better solution than the Annan plan that was rejected by Greek Cypriots in 2004.

86. See id.
87. Id.
88. Id.
89. Id.
90. Id.
91. Id.
92. Id.
93. Id.
94. Id.
He is “genuinely” in favor of Turkey’s European orientation so long as it meets its obligations to the EU and to Cyprus that are the same as required of other candidates for EU membership.95

He does “not want to isolate the Turkish Cypriots” since “it is not in our interest because I think the economic equilibrium is one of the basic necessities, prerequisites for bringing about a solution.” But he insists that “the issue is not economic but political and figures prove it.”96

He continues to oppose opening of the airport in the north to international flights on the ground of “sovereignty of the state.”97

On the other side, Mehmet Ali Talat, the current Turkish Cypriot leader, has also commented on the Cypriot problem:

He wants more notice from the world for Turkish Cypriots and the lifting of the “unfair isolations” because Turkish Cypriots by their referendum vote “had proved their will for a solution in the island and their intention could not be judged.”98

He believes that with the assistance of Turkey, Turkish Cypriots are “striving for” a fair and lasting compromise in Cyprus.99

He noted the “extensive armament in the Greek Cypriot part” and said that this was disconcerting.100

He stated Turkish Cypriots were equal partners with Greek Cypriots in the Republic of Cyprus of 1960 and would be their “political equal” in any future agreement. So they should “have equal right and say on the natural resources on the land and sea areas of the island of Cyprus.” This came in response to the

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95. Id.
96. Id.
97. Id.
99. Id.
100. Id.
recent argument over who owns the oil in Cyprus and who should receive compensation for it.\textsuperscript{101}

The United States has also indicated its thoughts on the Cypriot problem:

- It hopes that "2007 could be a year of Cyprus. And UN Secretary General Ban Ki-Moon is now putting together a team. We hope that there will be even senior Americans on that team in the new UN effort to try to resolve finally the problems that have stemmed from the invasion of Cyprus 30 years ago.\textsuperscript{102}

- It is optimistic that 2007 will be the year for a final Cyprus solution based on the "hope that all the relevant parties can come together to once again try to find a solution to this very difficult long-standing problem."\textsuperscript{103}

- It feels that ultimately the Greek Cypriots decided against the Annan plan.\textsuperscript{104}

- It believes that the region is at "a point now where enough interested parties in the region have expressed an interest in maybe trying again to find a solution...\textsuperscript{105}

- It supports renewed UN efforts to find a solution, but the U.S. "would be in a supporting role."\textsuperscript{106}

III. THE NEED TO ESTABLISH COOPERATIVE RELATIONS IN SPITE OF THE INTRACTABLE CONFLICT RESULTING FROM THE EVENTS OF 1963 AND 1974

The 1960 Constitution was "an unusual experiment in consociational democracy."\textsuperscript{107} Consociational democracy "is the solution to the problem of coexistence inside one single people between different tendencies (religious, social, etc.)."\textsuperscript{108}


\textsuperscript{103} Id.

\textsuperscript{104} Id.

\textsuperscript{105} Id.

\textsuperscript{106} Id.

\textsuperscript{107} Reed Coughlan, Cyprus: From Corporate Autonomy to the Search for Territorial Federalism, in AUTONOMY AND ETHNICITY: NEGOTIATING COMPETING CLAIMS IN MULTI-ETHNIC STATES 219, 219 (Yash Ghai ed., 2000).

\textsuperscript{108} Id. at 224.
"Consociationalism is also referred to as "sociological federalism" or "personal federalism," which "could not have been expected to succeed in Cyprus . . . because of the very structure of Cypriot society." A successful consociational democracy requires a society composed of "three or more segments and where no single segment is dominant." Cyprus, however, is an ethnic conflict area consisting of "two highly segmented elements" that "are demographically and economically unequal."

After 1974, when the military intervention by Turkey effectively partitioned Cyprus, the possibility of "a territorially based federation" presented itself through the physical separation resulting from the exchange of populations on the island. It has been argued that federalism "is not an appropriate solution for Cyprus . . . because the socio-economic disparities between the two segments in [sic] the island have become much deeper" than even those conditions that "undermined the consociational experiment in the period 1960-63." In addition, the island's proximity and importance to Greece and Turkey have increased the difficulty in resolving the conflict.

Actual bicommunality came into being in the 1570s with the arrival of approximately 20,000 Turkish settlers on the island to join Greeks, Maronites, and Armenians, who numbered around 85,000. When Great Britain accepted control of the island, the approximate split in population was 73.4% "Greek Church" and 24.9% "Mahometan." Over one hundred years have passed since both communities rejected proportional representation because it "would get in the way of exercising what each took to be its legitimate prerogative to dominate the other," resulting in a "lack of trust and mutual good will" that "persists to this day."

Historically, enosis (unity with Greece) has been sought by Greek Cypriots and opposed by Turkish Cypriots. While

109. Id.
110. Id. at 219.
111. Id.
112. Id.
113. Id.
114. Id. at 220.
115. Id.
116. Id.
117. Id.
118. Id. at 221.
119. Id.
alienation between the two communities can be traced to the effort to achieve enosis, the educational systems of the two communities that “were effectively transplanted from Turkey and Greece” have also played a significant part. The curricula of separate schools for Greek Cypriots and Turkish Cypriots taught the historical “enmity and warfare between the two mainlands,” thus ensuring the same enmity between Greek and Turkish Cypriot children. This was a constant reminder of their differences and “reinforced the growing sense of distrust and antagonism between the two groups.”

The fighting that took place to force the English out of Cyprus had two differing objectives: Greek Cypriots fought for enosis whereas the Turkish Cypriots wanted partition. One of the reasons that the experiment in consociational democracy failed is that “there was no overarching loyalty” uniting the two communities. Rather than being “a single people” as Cypriots with different dispositions, inhabitants of the island were “two different peoples” whose “nationalism was virtually a figment of British imagination” because they considered themselves tied to their respective ethnic heritages. And, the leaders of the two communities were not interested in moderation and compromise. This was evident in the pre-independence conflict as well as the post-1960 operation of the fledgling republic. Although the unique aspect of a constitution established to reflect consociational democracy is its recognition of communal separation, the U.S. State Department claimed this to be its “great weakness.”

The demise of consociational democracy in Cyprus was actually attributable to the structure of the island’s society. To succeed, the political leaders of both communities would have been required to commit to the continued unity of the republic and demonstrate “a spirit of compromise and mediation.” Because Cyprus was a “dual segment” society, politics was “a zero-sum
game” where the gain by one community was seen as a loss for the other, tending to “exacerbate intercommunal antagonisms.” Majority segment domination of the minority segment was the result. The dual imbalance proved fatal because Turkish Cypriots were only about 18% of the island’s population and also disadvantaged economically. The Greek Cypriot majority “were reluctant partners to an agreement which, in their view, had been forced upon them.”

The United States, as the primary mediator in the Cyprus conflict, entered the picture in 1963 in order to prevent a war between Greece and Turkey over Cyprus. This intervention had the effect of partitioning the island between the two communities, without considering “the rights, wishes, or interests” of the people. From 1963-1974, the Greek Cypriots sought “a unitary government in which the rights of the minority were constitutionally guaranteed” while Turkish Cypriots argued that “the bicomunal constitution had established the republic on the federated principle of two separate communities with identical political rights.” By 1974, the de facto partition of the island and the presence of Turkish troops in the North had the dramatic effect of shifting the balance of power so that plans for a federal solution to the Cyprus problem were severely altered. This has not changed except to demonstrate a hardening of positions.

Greek Cypriots have been successful in internationalizing their position, while Turkish Cypriots have not had the same benefits because the international community (with the exception of Turkey) only recognizes the Greek Cypriot republic. The two communities appear to be moving further apart as time passes. Greek Cypriots want a federation where all powers not specifically designated to the two separate governments are reserved to the central government. Turkish Cypriots see a loose federation

130. Id. at 227.
131. Id.
132. Id. at 227-28.
133. See Sean J. Byrne, The Roles of External Ethnoguarantors and Primary Mediators in Cyprus and Northern Ireland, 24 CONFLICT RESOL. Q. 149, 165 (2006).
134. Id.
135. See Coughlan, supra note 107, at 228.
136. Id.
137. Id. at 231.
138. Id. at 229.
139. Id. at 232.
where all powers are retained by the two separate states except for those powers specifically designated to the central government. Each side has a different point of view regarding solution to the impasse because both see history in dissimilar ways, while at the same time sharing "a basic lack of trust and a deep-seated insecurity about the future." The fundamental conflict between Greek and Turkish Cypriots is about the "insecurity of both communities": Each need "to feel safe from the threat they believe the other poses to their independence and freedom."

Both sides are adamant concerning their respective preconditions for negotiation of any settlement. Turkish Cypriots insist on the continued presence of Turkish troops for purposes of their security and safety. Greek Cypriots fear that "Turkey might finish what it started in 1974" and "are convinced that Turkey intends to take over the whole island." Their fears are reinforced by the continued presence of the 30,000 Turkish troops in the north since 1974, resulting in Greek Cypriot demands for their withdrawal.

No one can rewrite the history that has resulted in the demand of Greek Cypriots for a strong unitary state and the interest of Turkish Cypriots in a loose confederation. What are the prospects for a bicomunal, bizonal federation being the successful resolution of the intractable Cyprus conflict if John Stuart Mills's three conditions to a federation of long duration (i.e., mutual sympathy between the two populations, some degree of mutual need, and assurance that one community will not dominate the other) do not appear to be present in the Cyprus conflict? Mills would probably conclude that the Cyprus problem "is not a good candidate" for a federal solution. Thus what can be done with a conflict that has such a "long and difficult history" and "the inability of third parties to resolve it"?

140. Id. at 232.
141. Id. at 233
142. Id. at 234-34
143. Id. at 234.
144. Id.
145. Id.
146. Id.
147. Id.
148. Id. at 237.
149. Id.
150. Id. at 236-37.
It has been said that "no two-unit federation has ever survived."151 The danger of an irreconcilable confrontation between the units in a two unit federation is so great that sooner or later it would lead to civil war, secession, or both."152 This is all the more likely where one of the two units is dominant.153 As bicomunal societies, Northern Ireland, Sri Lanka, and Cyprus face difficulties because the majority communities have succeeded in dominating the minority, making it difficult to design a structure of government that can successfully manage the resulting tensions.154 In the case of Cyprus, the conflict between Greece and Turkey (as the two "mother countries") has defined the historical struggle.155

With the declaration of independence by the Turkish Republic of Northern Cyprus (TRNC) in 1983, following nine years of the island's partition since 1974, "de facto, if not de jure, autonomy" has been achieved by the Turkish Cypriots. Is it realistic to expect that they will surrender this now?156 It is not possible to force federation on an "unwilling partner."157 "Continued international mediation designed to achieve [federation] flies in the face of what we know about Cyprus and what we have learned about the conditions under which federalism is likely to succeed."158

The possibility of forgiveness and reconciliation is critical to the consideration of this destructive ethnic conflict. Without this there can be no resolution as forgiveness means relinquishing the drive for vengeance against those who caused harm. An integral element is the willingness to assist in the rehabilitation of the offender without being required to forget the harm suffered. Seeking just punishment is not prohibited so long as the goal is the eventual return of the offender to the community. Forgiveness is preferred over "nursing hate" so that the parties can move forward with their lives. The injured party accepts both the good and the bad in themselves as well as in the harm-doer as part of the process of forgiveness. This does not preclude the victim from establishing

151. ld. at 237.
152. ld. at 238.
153. ld.
154. ld.
155. ld.
156. ld.
157. ld. at 239.
158. ld.
conditions of forgiveness that are the subject of the negotiation between harm-doer and victim that is facilitated by an independent impartial intervener from the community. Beyond forgiveness we find reconciliation that re-establishes the relationship between victim and harm-doer for the future as they move on with their respective lives.  

The following are among the issues that are especially important when considering the establishment of cooperative relations in the aftermath of a destructive conflict:

- **Mutual security** by its very nature requires that both sides feel secure so that each side is comfortable. Important to this requirement are disarmament and arms control procedures that are mutually verifiable.

- **Mutual respect** necessarily implies that protection from both physical danger and psychological harm and humiliation requires mutual cooperation. When one side engages in activities such as insult, humiliation, or inconsiderate conduct, the other usually responds in kind. The result is a decrease in both physical and psychological security.

- **Humanization of the other** is the antithesis of demonization and requires that each side see the other in the context of everyday activities that emphasize their commonalities rather than their differences.

- **Fair rules for managing conflict** require the preparation for disputes by advance development of all elements for their constructive and just management.

- **Curbing the extremists on both sides** starts with an understanding that when one side initiates extremist conduct within its borders the other side will follow suit so that it becomes necessary for both to act if the effort is to be successful.

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160. *Id.* at 64.

161. *Id.*

162. *Id.* at 65.

163. *Id.*

164. *Id.*

165. *Id.*
Gradual development of mutual trust and cooperation will have the best chance of success if early cooperative endeavors are successful. So the opportunities and projects for cooperative efforts must be: (1) clearly achievable, (2) meaningful, and (3) significant.

Conflict and justice are "bidirectional." Successful prevention of destructive conflict presupposes more than constructive conflict resolution processes. It requires change in the way our societal institutions (economic, educational, familial, political, and religious) recognize and honor human equality, shared community, non-violence, fallibility, and reciprocity. "Adherence to these values not only eliminates gross injustices, but also reduces the likelihood that conflict itself takes a destructive course and, as a consequence, gives rise to injustice."

Rather than being "an immutable fact that inevitably leads to war," ethnicity is a social construction of symbols, myths, and memories that can be changed with the passage of time. While ethnic conflicts have been attributed by some theorists to deep and ancient hatreds or grand clashes of civilizations, Sigmund Freud's term "the narcissism of small differences" seems to be a better description.

While every conflict is different, there is a common dynamic consisting of (1) divisions created by ethnic symbols and myths, and (2) fears for group survival created by economic rivalries or the weakening of state authority. When support is mobilized through appeals to ethnic symbols by elites or leaders, any number of events (such as those of 1963 and 1974 in Cyprus) can spark fighting. "Symbolic politics" play a role in the use of the emotional power of ethnic symbolism and is used by political entrepreneurs and extremist groups to reconstruct the preferences.

166. Id.
167. Id. at 67.
168. Id.
169. Id.
170. Id.
171. See JOSEPH S. NYE, JR., UNDERSTANDING INTERNATIONAL CONFLICTS: AN INTRODUCTION TO THEORY AND HISTORY 158 (Pearson/Longman 2007).
172. Id.
173. Id.
174. Id. at 161.
175. Id.
of the citizenry at large. The result for many ethnic disputes is that they erupt because conflict is preferred over cooperation by one or both sides.

Destructive conflicts persisting for long periods of time are capable of resisting attempts at resolution and “can appear to take on a life of their own” because they attract multiple parties, increase in complication, and threaten “basic needs and values.” In conflicts such as the one in Cyprus where hostilities have existed “for centuries,” the results are negative in that they consist of mutual alienation, contempt, and atrocities such as genocide, murder, and rape.

The essential point to understand about “intractable conflicts” is that they “persist because they appear impossible to resolve.” Intractable conflicts are differentiated from tractable ones by “their persistence, destructiveness, and resistance to resolution.” If an intractable conflict has persisted for some time, many of the following characteristics will be present: (a) context (legacies of dominance and injustice, and instability); (b) issues (human and social polarities, and symbolism and ideology); (c) relationships (exclusive and inescapable, oppositional group identities, and intense internal dynamics); (d) processes (strong emotionality, malignant social processes, and pervasiveness, complexity, and flux); and (e) outcomes (protracted trauma and normalization of hostility and violence).

In addressing intractable conflict there are five major paradigm approaches:

- **Realism.** These are protracted conflicts that are “dangerous, high-stakes games that are won through strategies of domination, control, and countercontrol.”

- **Human Relations.** This is the view of intractable conflict as a “destructive relationship” that locks
parties “in an increasingly hostile and vicious escalatory spiral and from which there appears to be no escape.”

- **Pathology (Medical).** This views intractable social conflicts as “pathological diseases, as infections or cancers of the body politic that can spread and afflict the system and that therefore need to be correctly diagnosed, treated, and contained.”

- **Postmodernism.** These conflicts are seen as intractable because they are “rooted in the ways we make sense of the world.”

- **Systems.** This “is based on an image of a simple living cell developing and surviving within its natural environment.”

There is something in each of these approaches that would be applicable to and useful concerning the Cyprus problem:

- **Realism.** Strong protective action is necessary leading to the discovery of “effective methods for minimizing acts of aggression and for bolstering a sense of social and institutional stability, while at the same time confronting the underlying patterns of intergroup dominance and oppression that are the bedrock of many conflicts.”

- **Human Relations.** “[C]hange is thought to be brought about most effectively through the planful targeting of people, communities, and social conditions, and is best mobilized through normative re-educative processes of influence.”

- **Pathology.** This model is favored by “agencies, community-based organizations, and nongovernmental organizations working in settings of protracted conflict.”

- **Postmodern.** This view treats “conflict as a story, a narrative or myth that provides a context for
interpretation of actions and events, both past and present, which largely shapes our experience of ongoing conflicts.”

- **Systems.** While one of the most common, it is the least well developed of the five paradigms; yet this appears to be the most applicable for the Cyprus problem because it “encourages us to see the whole” presenting “the political, the relational, the pathological, and the epistemological as simply different elements of the living system of the conflict.” The attractive aspects of this paradigm are the “interdependent nature of the various objectives in intervention of mutual security, stability, equality, justice, cooperation, humanization of the other, reconciliation, tolerance of difference, containment of tension and violence, compatibility and complexity of meaning, healing, and reconstruction.”

While much work is necessary to make this paradigm successfully operative, it does suggest “that through the weaving and sequencing of such complementary approaches, it may be possible to trigger shifts in the deep structure of systems like Northern Ireland, Cyprus, and the Middle East, in a manner that may produce a sustained pattern of transformational change.”

What, then, should be the guidelines for intervention in Cyprus? Looking to the work of Morton Deutsch, Dean Pruitt, Paul Olczak, Heidi Burgess, Guy Burgess, John Paul Lederach, Herbert Kelman, and Michael Wessells, we can consider the following:

- conducting a thorough analysis of the conflict system prior to intervention;
- considering the complexity of intractable conflict, a multidisciplinary framework must include a foundation based on analysis and intervention;

192. *Id.* at 544-45.  
193. *Id.* at 546.  
194. *Id.*  
195. *Id.*  
196. *Id.* at 546-55.  
197. *Id.* at 547-48.  
198. *Id.* at 548-49.
fostering an authentic experience of "ripeness" among disputants or key representatives of the various groups involved in an intractable conflict. 199

orienting the disputants toward the primary objective of defining a fair, constructive process of conflict engagement rather than attempting to achieve conflict resolution outcomes. 200

using elicitive (rather than prescriptive) approaches when working across cultures; 201

using short-term interventions such as crisis management that are coordinated and mindful of long-term objectives; 202 and

initiating and sustaining constructive, nonlinear change. 203

Appropriate approaches for issues rooted in the past, the present, and the future must be integrated in the general intervention strategy. 204 "Ultimately, conflict practitioners need to

199. Id. at 549-51. This is "one of the first and most critical challenges conflict resolvers face when working with malignant conflict systems" because the disputants must be helped "to cross their own social psychological barriers to making peace with their enemy." Id. "When destructive and escalatory dynamics have become normalized, ripeness should be viewed as a commitment to a change in the nature of the relations of the parties from a destructive orientation toward a more constructive state of coexistence with potential for mutual gain." Id.

200. Id. at 551.

201. Id. at 551-52. This tends to be both more respectful of disputants and more empowering and sustainable. Id. A prescriptive intervenor is one who is perceived as the expert while the participants are "passive recipients of predetermined knowledge, models, and skills" of the intervenor. Id. at 552. The elicitive approach emphasizes "the local, cultural expertise of the participants" so both intervenor and participants "together design interventions that are specifically suited to the problems, resources, and constraints of the specific cultural context." Id. An elicitive approach eliminates the bias embraced by prescriptive intervention but additionally empowers the participants through respect for, embracing of, and accommodating their voices.

202. Id. at 552-53.

203. Id. at 553-54. Effects of three impact types are possible: (1) episodic ("direct and immediate but typically short term or superficial"); (2) developmental (takes time to unfold but may greatly affect the quality of the patterns of the interaction); and (3) radical (dramatic alteration of the system's pattern). Id. at 554. The "agent of change" level can also result in categorical differences in the initiatives of change themselves. Id. There are three general agent of change levels: (1) top-down ("leaders and elite decision makers"); (2) middle-out ("key midlevel leaders and community networks and structures"); and (3) bottom-up ("grassroots organizations or the masses directly"). Id. Radical impact from the bottom-up seems to have the best chance of succeeding to "trigger fundamental shifts in conflict patterns (from destructive to constructive) through small but important changes" that are "frame-breaking." Id.

204. Id. at 554-55.
develop enhanced capacity for understanding the power of the past, as well as the patience and tolerance that some of these approaches demand."

Although many attempts are made to resolve conflict situations, only a few are successful. The main indication for possible settlement is "ripeness," which translates into that point where both sides are "hurting" so much that the cost to continue is too great. This is the "hurting stalemate" concept. Not all hurting stalemate situations have led to settlement, Cyprus being a prime example.

"At the beginning of the twenty-first century, the Cyprus conflict remains one of the great puzzles in international conflict resolution." In over 40 years, UN peacemaking efforts have yielded only two agreements in the 1970s that aspired to a bicomunal federation. Yet even these efforts have been undermined by mistrust between the two communities, creating a de facto political division of the island. As long as this mistrust continues, no proposal – however well-crafted – will mend the situation.

A possible prerequisite to creating a united Cyprus is the acknowledgement of the "political and psychological nature of the division" that has existed for at least two generations. This requires acknowledgement of "two equal political communities as they exist on their current territory" so that each is "sufficiently secure" to take the necessary steps "towards a true rapprochement." One of the key roadblocks is in the word "equal."

205. Id. at 555.
206. See Hugh Miall et al., Contemporary Conflict Resolution 162 (1st ed. 1999).
207. Id. This may "foster great commitment to the peace process" by the participants ultimately leading "to plans and initiatives with prolonged sustainability." Id.
208. Id.
209. Id.
211. Id.
212. Id.
213. Id.
214. Id. at 78.
215. Id. (emphasis added).
Although the 1960 Constitution of the Republic of Cyprus was bicommunal in nature, it served to deepen the divisions between the two communities. The constitution did not establish "a common Cypriot identity," but perpetuated distrust by maintaining a delicate balance between the respective interests of the Greek majority and Turkish minority.\textsuperscript{216} To worsen matters, it contained "remnants of colonial rule that could not be resolved on independence and were thus left to be worked out by the Cypriots themselves."\textsuperscript{217}

The 1960 Constitution contained the "four characteristics that define a system of power-sharing": (1) coalition of major ethnic groups, (2) proportional allocation of public service appointments and funds, (3) segmental autonomy, and (4) decision-making subject to mutual veto; however, there was a failure of power-sharing on the island.\textsuperscript{218} This failure resulted from four elements: (1) lack of fairness, (2) lack of functionality, (3) lack of political will, and (4) lack of common identity.\textsuperscript{219} After only three years dealing with the constitution, Makarios attempted to secure its revision to remove obstacles interpreted by the Greek Cypriots to be detrimental to "the smooth functioning of the government."\textsuperscript{220} The aftermath has "left Cyprus de facto partitioned."\textsuperscript{221}

Greek Cypriots have sought a federal republic that would (1) be independent, (2) maintain territorial unity, (3) recognize a single sovereignty, and (4) provide the same citizenship for all Cypriots.\textsuperscript{222} They have strived for a 70:30 ratio in elected representation and a reduction of the Turkish Cypriot area to facilitate repatriation of at least a majority of the 160,000 Greek Cypriot refugees to their homes in the north.\textsuperscript{223} They have also demanded unrestricted freedom of movement, residence, and property.\textsuperscript{224} Additionally, they insist on the complete demilitarization of the island and "repatriation" of Turkish settlers who have immigrated to the north since 1974.\textsuperscript{225}

\textsuperscript{216} Id. at 80.
\textsuperscript{217} Id. at 78.
\textsuperscript{218} Id. at 83.
\textsuperscript{219} Id. at 84.
\textsuperscript{220} Id. at 82.
\textsuperscript{221} Id. at 86.
\textsuperscript{222} Id.
\textsuperscript{223} Id.
\textsuperscript{224} Id. at 86-87.
\textsuperscript{225} Id. at 87.
Turkish Cypriots have sought to emphasize the bizonal, bicommunal aspects of a new federal republic with each separate community having equal partnership status.\textsuperscript{226} Any such new federal republic would hold powers limited to the following equally represented areas: foreign affairs, finance, and economic coordination.\textsuperscript{227} The two separate constituent states would retain all other powers.\textsuperscript{228} Only minor concessions would be made so that Turkish Cypriots would retain at least twenty-nine percent of the territory on the island.\textsuperscript{229} They feel that the three freedoms advanced by the Greek Cypriots should be restricted, especially to the right to acquire property where compensation should be the method of adjustment.\textsuperscript{220} Neither the presence of mainlanders from Turkey or Turkish troops is an issue for negotiation.\textsuperscript{231} Both communities are seen as equal so sovereignty should be treated in like manner.\textsuperscript{232}

Greek Cypriots have officially supported a federal solution when facing international observation.\textsuperscript{233} Domestically, however, their political leaders have rejected the proposal as an acknowledgment of “defeat” in the 1974 war.\textsuperscript{234} Turkish Cypriots have promoted a two-state confederation in an effort to preserve their 1974 gains.\textsuperscript{235} Turkey has been the only outside supporter of this two-state proposal.\textsuperscript{236} The international community has pushed not for a confederation, but a bizonal, bicommunal federation.\textsuperscript{237}

As the world’s ethnic conflicts have become more visible, academic circles have begun to embrace the ideas of secession and partition.\textsuperscript{238} Consequently, the future of a possible federal solution in Cyprus has been seriously questioned.\textsuperscript{239} Both sides seem to prefer the status quo to accepting the suggestions of the other.\textsuperscript{240}
Although continuation of the status quo over the long run "is too unstable and explosive," the international community is faced with a troubling dilemma. Partition violates international law if it is not by mutual agreement, and a federal solution cannot be imposed because public support would doom it from the beginning. While there have been threats that UN peacekeepers would be withdrawn in the event of indefinite continuation of the status quo, this "would leave a dangerous vacuum, and fighting would probably break out immediately." And diplomatic withdrawal would succeed in simply leaving the Cypriots on their own without the resolve to work toward a negotiated solution.

Susanne Baier-Allen has suggested that moving beyond the status quo will require certain elements of the current division to be accepted, namely the existence of "two ethnically homogenous communities, each with their own political administration." Acknowledgement of the current state of affairs in Cyprus is also necessary as a precondition to establishing the trust required to continue the negotiation process. Additionally, she believes political and economic confidence-building measures are needed. Her approach to restarting the negotiation process is based on "the point that a solution will not be brought about by engineering a constitutional plan at the negotiating table."

In the long term, a solution must start

from an understanding of the psychological state of the people concerned – both officials and ordinary citizens – that works to alter hostile perceptions and to foster positive images of the other side. Ultimately, any solution will have to be put to the test by the people that have to live with it. Therefore, any solution has to start with them.

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241. Id.
242. Id.
243. Id. at 89-90.
244. Id. at 90.
245. Id.
246. Id.
247. Id.
248. Id.
249. Id. at 91 (emphasis added).
Interestingly, Baier-Allen predicts that a failure by the EU to use the “carrot and stick” approach to get the parties to compromise would be fatal.250 “If the EU simply accepted a divided Cyprus, then the Green Line would become one of its external borders, cementing the division of the island.”251 On May 1, 2004, the EU accepted a divided Cyprus.252

IV. CHALLENGES AND FUTURE OPPORTUNITIES FOR PEACE-BUILDING IN CYPRUS

Peace has been “spoiled” in Cyprus since the inter-communal fighting of 1963 and the following partition of the island in 1974.253 To further exacerbate the problem, each community has taken actions that have strengthened their respective positions at the expense of the other community’s basic needs.254 The failure of the UN to succeed in mediating the conflict is attributable to the spoiling activities of different actors advocating the specific bargaining positions of the two communities.255 Spoiling is not a clear-cut action, but rather differs from “normal politics” by a matter of degree.256 In Cyprus, this phenomenon has not been inimical to negotiation processes but rather to the peace process and settlement of the conflict.257

Spoiling has been accomplished by those who have believed that a particular vision of a future Cyprus was attainable.258 While spoiling contains its own ideology and perceptions of power, “vested interests in the persisting conflict have also played a role.”259 The relatively low turnover of political elites in each community has accentuated this problem by reducing “the scope for constructive change.”260 It has also “hinder[ed] a genuine

250. Id. at 90.
251. Id. at 90-91.
252. See Turk, supra note 1, at 250.
254. Id. at 263.
255. See id.
256. Id. at 262.
257. Id. at 262-263.
258. Id. at 263.
259. Id. at 264.
260. Id.
transformation of elite interests, ideologies, and discourse in line with changing circumstances.  

The basic needs of the principal parties and the “spoiling” positions and actions they have advanced to satisfy such needs are numerous. Greek Cypriots want:

- reunification of Cyprus and avoidance of secession by the northern part of the island or its annexation to Turkey;
- a return to the status quo prior to the 1974 arrival of Turkish mainland troops and the larger territorial share and political representation;
- liberalization of the “three freedoms” (movement, settlement, and property) as well as respect for human right, including the right of refugees to return to their properties in the north;
- security guarantees against Turkish aggression;
- abrogation of the Treaty of Guaranty of 1959, replacing those unilateral rights of intervention in Cyprus by Britain, Greece, and Turkey with an international guarantees that would prevent Turkey from interfering in the affairs of the island, and
- complete repatriation of Turkish immigrants who came to Cyprus after 1974.

On the other hand, Turkish Cypriots want:

- political equality with Greek Cypriots, in addition to rigid limitations on the number of Greek Cypriots allowed to return to the north and the time frame for that to occur, as well as insisting that reciprocal property claims be resolved mostly through compensation and inter-communal property exchanges.

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261. Id.
262. Id. at 265.
263. Id.
264. See id. at 266.
265. Id.
266. See id. at 268.
267. Id.
268. Id.
269. Id.
270. Id. at 270.
The reason that the foregoing assertions are considered as “spoiling” rather than “normal and legitimate political positions” is because “they deny the mutual fulfillment of the principal parties’ basic needs.” Over the years, both parties have attempted to legitimize their spoiling positions in various ways. Since 1974, the Greek Cypriots have been persuaded by the government, civil society, and the media of the moral and legal superiority of their cause. Certain factions have also characterized any attempt by the Greek government to pressure Greek Cypriots to a settlement as a betrayal of the Greek Cypriots and an abdication of Greece’s “historical responsibilities.”

Turkish Cypriots have played upon fears of renewed domination by Greek Cypriots to support independent statehood. As a result, Turkish Cypriots see the return of Greek Cypriot refugees, the liberalization of the “three freedoms,” or inter-communal contact as a return to the unacceptable status quo ante 1963. Concerns about displacement through property readjustments and the repatriation of Turkish settlers have also served as justification for their spoiling positions. To further complicate matters, Turkey has insisted that Cyprus is the key to Turkish national security and necessary to protect it from “hostile Greek designs.”

Spoiling has been enabled by international third parties. Greek Cypriots have enlisted the aid of the UN, EU, and the European Court of Human Rights (ECHR), while Turkish Cypriots have “mirrored” the actions of Greek Cypriots. With increased success for the Greek Cypriots coming from the international community, the Turkish Cypriots stepped up their insistence on political equality conditioned by recognition of their sovereignty. Turkish and Turkish Cypriot nationalists even argued that unilateral admission of Greek Cypriots to the EU

271. Id.
272. See generally id. at 272-80.
273. Id. at 272. Notably, the desirability of true compromise with the Turkish Cypriots has never been advanced by the political class. Id. at 273.
274. See id. at 273.
275. Id.
276. See id.
277. See id. at 274.
278. Id.
279. See id. at 275.
280. See id. at 275-76.
281. See id.
without Turkish Cypriots and the prior admission of Turkey would lead to permanent partition of the island.\footnote{282}{Id. at 277.}

The EU’s potential for generating support for reunification was a missed opportunity through the failure to foster a new effort to build consensus among all elements on the island, resulting in increased spoiling arguments and tactics.\footnote{283}{See id. at 278.} The current situation is ripe for further spoiling because EU membership for Greek Cypriots places them in an improved bargaining position to prevent further EU actions that could assist the Turkish Cypriots by lifting the restrictions causing their international isolation.\footnote{284}{Id. at 279.} Also, the unintentional actions of the EU in allowing the possibility of full membership for a divided Cyprus has encouraged the efforts of Turkish and Turkish Cypriot nationalists in arguing that this could consolidate partition.\footnote{285}{See id. at 278.} The ultimate reversal occurred when the people in the north forced moderation through a positive referendum vote – but that went for naught because the Greek Cypriot spoilers carried the day.\footnote{286}{Id.} Finally, the EU’s inability to create an effective policy regarding Turkey missed the opportunity to cause a change in Turkey’s policy towards Cyprus prior to the Turkish elections in November 2002.\footnote{287}{Id. at 279, 280.} The principal lesson here is that the EU’s failed policies in Cyprus are its “failure to account for the diverse make-up of the parties in the conflict” through lack of “a common and consistent EU foreign policy towards the conflict” itself that “never materialized.”\footnote{288}{Id. at 279.}

In order “to keep the internal parties together to take a pragmatic approach to mediate a resolution as there was in South Africa,” there must be “a mutually hurting stalemate.”\footnote{289}{See Byrne, supra note 133, at 155.} However, the hurting stalemate in Cyprus is not mutual because the Greek Cypriots appear to be able to do quite well without the Turkish Cypriots, especially after Greek Cypriot admission to the EU. The reverse appears not to be true for the Turkish Cypriots. For successful peacebuilding in Cyprus there must be “an intersection of the objectives, the actors, and a complementarity of the
mediators' [primary and external ethnoguarantors] roles and their functions."

V. HOW TO WORK WITH THIS INTRACTABLE CONFLICT

In working with a system of intractable conflict we need to understand the interrelationship of the inter-communal elements and their interaction with outside influences as they change with the passage of time. This will require a consideration of the positive and negative feedback that may result in escalation, de-escalation, and stabilization of conflict. The complex activities utilized would be in the nature of integrating "multidisciplinary perspectives and methodologies" that will deal with "immediate, short-term, and long-term goals in a comprehensive and coordinated fashion," while considering the distinctions between the past, present, and future intervention approaches.

"Ripeness" is also a critical element in the process. Emphasizing the introduction of forces of change rather than removal of obstacles of resistance, hence determining the present commitment of the conflicting parties to participate in "a constructive conflict process" is crucial. Following closely is the requirement of awareness of post-traumatic stress syndrome symptoms and manifestations of trauma at the community level, as well as knowledge of crisis intervention in cases of emergency.

Constructive conflict processes require the use of collaborative alternative dispute resolution forms of independent/neutral third-party intervention plus facilitation of dialogue sessions, town hall meetings, problem-solving and other confidence-building workshops. Elicitation of locally relevant cross-cultural information is also important.

Because of the need to intervene at an early point when the parties to a conflict are able to "still see the humanity and the validity of the other's needs," it seems that the "greatest hope in

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290. Id. at 163. The third-party interveners in the conflicts existing in Cyprus and Northern Ireland are of two types: Primary mediators are those "who have the power and clout to enforce agreements," and regional external ethnoguarantors are those "who have cultural, historical, and political ties to internal allies." See id. at 149.

291. See Coleman, supra note 178, at 556 (referring to dynamical system theory as applied to the Cyprus problem).

292. Id.

293. Id.

294. Id.

295. Id.
working intractable conflicts is to find the means to avert them."

In the case of the long-standing Cyprus problem it is far too late to avert the conflict. The question is whether it is too late to intervene successfully with a new creative approach.

VI. CONCLUSION

It is perilous to ignore intractable conflict. The role of emotions indicates that simply working to “separate the people from the problem and focus on interests instead of positions to surface options for mutual gain that . . . will be embraced by all” has limited applicable success to intractable conflict (although both sides of the Cyprus problem have many commonalities).

The Cyprus conflict is intractable because it has proved an unworthy candidate for mediation. While not hopeless, it is arguable that success can only be accomplished through transforming it into a more peaceful and cooperative situation than has been the case to date. This transformation will ensure that the parties will live side-by-side peacefully while they continue to disagree. At some point, perhaps they will once again approach the bargaining table to reconsider reunification. Until that time, transformation of the relationship between the two communities will help to establish stability in the region.

For such a transformation to take place, outside third parties who have mismanaged the problem will need to withdraw. The only sure way to avoid mismanagement by third parties would be for the people themselves on both sides of the dispute, and at the grassroots level, to take control of their own destiny. This can be accomplished through transforming “the culture of the conflict into a culture of peace” that empowers the citizenry on both sides “in a constructive conflict-resolution process” through use of “storytelling and dialogue groups,” enabling the parties to “mourn, heal, reconcile, and forge a new constructive story.” Failing this,

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296. Id. at 557.
298. See id. at 175.
299. See Byrne, supra note 133, at 167. Storytelling is used to surface “underlying complexities in virulent protracted conflict situations” and can be used “as an intervention to build bridges between communities.” Id.
"future seeds of destruction may be sown for the next generation to deal with."\textsuperscript{300}

In December 2005, Turkish Cypriots constructed a bridge in the divided capital city of Nicosia to ease movement for Turkish troops stationed in the north. This upset Greek Cypriots and frustrated plans for constructing a new crossing point at the Ledra Street boundary in the middle of the divided capital.\textsuperscript{301} In January 2007, Turkish Cypriots extended a reconciliation gesture by starting to dismantle the bridge.\textsuperscript{302} On March 9, 2007, Greek Cypriots, in a reciprocal good faith gesture, demolished a dividing wall on the Ledra boundary street.\textsuperscript{303}

Complicating the situation is a recent statement by a Turkish academic that UN Peacekeeping Forces are no longer needed in Cyprus because the division of the island "into two distinct states" has eliminated "any cause for conflict between the two communities."\textsuperscript{304} The expert added: "The intricate and chronic Cyprus issue has caused a waste of time and resources."\textsuperscript{305} Moreover, an important Greek Cypriot columnist has commented: "In short, after 44 years, during which there were countless rounds of negotiations and all aspects of a settlement agreed, apart from a few points that were completed by the UN at Birgenstock, we now want everything deleted and to start from scratch. At best, at this rate, we might hope for a Cyprus settlement in 50 years from today."\textsuperscript{306} He suggested that the two leaders of their respective

\textsuperscript{300} Id.
\textsuperscript{301} Id.; see also \textit{A Timeline of Key Events in Cyprus' History}, INT'L HERALD TRIB., Mar. 9, 2007, \texttt{http://www.iht.com/articles/ap/2007/03/09/europe/EU-GEN-Cyprus-Timeline.php}.
\textsuperscript{302} Id.
\textsuperscript{303} Id.; \textit{but see Cyprus' Greek Side Razes Part of Barrier}, L.A. TIMES, Mar. 9, 2007, at A9, \texttt{available at LEXIS} (reporting that the Greek Cypriot President Tassos Papadopoulos had said that there would be no civilian crossing where that checkpoint had been until Turkey removed its troops from the location).
\textsuperscript{305} Id.
\textsuperscript{306} See \textit{Loucas Charalambous, Return to Point Zero}, CYPRUS MAIL, \texttt{http://www.cyprus-mail.com/news/main.php?id=31087&cat_id=1} (last visited Mar. 6, 2007). Secretary-General Kofi Annan arrived on Saturday March 27, 2004, in Bürgenstock, Switzerland, where talks involving the Greek Cypriot and Turkish Cypriot parties, with the participation of Greece and Turkey, were underway. Secretary-General's Visit to Bürgenstock, Switzerland (March 28-31, 2004), \texttt{http://www.un.org/av/photo/sgtrips/sgswitz032804.htm} (last visited Apr. 28, 2007). On Monday, March 29, 2004,
communities might better serve the peace process if they spent the afternoon together in the northern village of Kyrenia. In doing so, “they would finally realise that they solved the Cyprus problem, for good, in 2004 and did not have to exert themselves [any further] . . . in order to achieve their objective. The objective has already been achieved.”

Presumably he was referring to the de facto partition informally recognized by the results of the April 2004 referenda vote.

A prominent Turkish columnist has also indicated that the “single state model” will no longer work, and “behind closed doors” there is a possibility for a “negotiated partition of the island” because of the failure to provide equal status for both communities. “Despite insistence on putting efforts on plans for the unity of the island, in the coming years we may be hearing increased voices in public for a negotiated partition process as any attempt to unite the island is becoming outdated. We can’t change the natural flow of the river, can we?”

Is it too late to intervene successfully in the Cyprus conflict with a new creative approach? The answer would seem to be “yes” unless we alter the game by applying a radical change initiative from the bottom-up level through organization of inter-communal grassroots dialogue workshop groups that will: (1) strive to “see the humanity and the validity of the other’s needs” and (2) follow up the workshops with education and mobilization of their respective communities as Cypriots to make known their desire for reunification at the polls. Among other issues, these workshops would consider mutual security, mutual respect, humanization of the other, fair rules for managing conflict, curbing the extremists on both sides, and gradual development of mutual trust and cooperation.

The different priorities of the two communities may make it possible for each to achieve their goals without harming the

the Secretary-General unveiled a revised Cyprus plan that he said would "break the ice" in stalled reunification talks. Id.

307. See Charalmbous, supra note 306.
308. Id.
310. See id.
311. Id.
312. See Coleman, supra note 178, at 557.
other. Being able to work well with conflict will strengthen how they relate to each other and provide opportunities to deal with their differences, thereby turning “adversaries into partners.”

“While an immediate goal may be to improve the way our side deals with their side, a focus on process tends to leave us both on the same side.” This requires being “open to asking different questions.”

Conflicting interests can be handled more successfully in this manner.

The issue is “not about who is right and who is wrong, or about one-shot solutions, but about the process for dealing with conflicting views about right and wrong, and for dealing with the inevitable changes that lie ahead.”

One side asking itself what it would like the other side to do, why the other side has failed to follow through, and how it could aid the other side in following through is a good starting place. Nevertheless, each side needs to change the questions that it has been asking of the other.

Some of this has been occurring through workshops funded from the outside such as the 2005 advanced narrative mediation workshop in Nicosia and the 2006 bicommmunal academics workshop in San Diego, California (conducted by John Winslade and Gerald Monk, and the author), with financial support from the Fred J. Hansen Institute for World Peace at San Diego State University. In addition, the 2006-2007 Rock Rose Institute Youth Dialogue Project (YDP) engaged youths aged eighteen to twenty-four from five countries including Cyprus “based on their role as change makers in their communities and their ongoing commitment to non-violence.” Also, human rights efforts should

314. Id.
315. Id.
316. Id.
317. Id. at 144.
318. Id.
319. Id.
320. Id.
321. This information was provided by Dr. Dilek Latif who is an instructor in the International Relations Department at Near East University in North Nicosia (Turkish Cypriot), Cyprus, and a visiting Fulbright Scholar in the Negotiation, Conflict Resolution and Peacebuilding Programs at California State University, Dominguez Hills, for the spring 2007 semester. In an e-mail to the author, dated March 19, 2007, Dr. Latif noted: The RockRose Institute Youth Dialogue Project (YDP) is engaged youth (ages 18-24) from five countries Cyprus, New Zealand, South Africa, Denmark and United States. Six youth were selected to represent each of these countries ( in
be made in both communities to establish “truth and reconciliation” type groups. But the grassroots on both sides must become vocal in their bottom-up support, as well as participation and advocacy, because “any solution will have to be put to the test by the people that have to live with it. . .any solution has to start with them.”

Failing this, it would seem that the future holds little promise for reunification. As it becomes evident from a world view that the independence of Kosovo may be possible, the Greek Cypriot administration “is becoming increasingly concerned” about the possibility of such a precedent assisting the Turkish Cypriots in a like manner. In the event of a similar occurrence, a de jure partition of Cyprus may be the likely solution.

case of Cyprus 3 Turkish Cypriots and 3 Greek Cypriots), based on their role as change-makers in their communities and their on-going commitment to non-violence. The students have been learning and practicing skills of inquiry, dialogue and conflict resolution. Since November 2006, participants attended in a series of four in-country meetings to learn and practice dialogue using the different methodologies: The World Café, Public Conversations Project, Search for Common Ground, and Facing History and Ourselves. The Project will end in May 2007.

During the Search for Common Ground meeting that took place on 5th of January 2007 at the Near East University Library in north Nicosia the Cypriot youth focused on finding a common ground for Cyprus. The team discussed: “What can be our common ground? Can Cypriotness be our common ground? Are we Turks, Greeks, Cypriots, Turkish Cypriots or Greek Cypriots? It is very complicated to identify ourselves. We know that we are different than the mainland Turks and mainland Greeks. How do we define ourselves: Turkish Speaking or Greek Speaking Cypriots? At the end, the session ended with the outcome that Cypriotness is our common ground and we can use this to re-unite our island and identify ourselves as Turkish Speaking and Greek Speaking Cypriots in Cyprus.

Dr. Dilek Latif is one of the Turkish Cypriots facilitators of the Cyprus team along side Mehves Beyidoglu Onen, [and] Dr. Stavroula Philippou and Dr. Miranda Christou [are the Greek Cypriot facilitators]. For more information about the project please visit http://www.rockroseinstitute.org.

Email from Dr. Dilek Latif, Instructor, Near East U., N. Nicosia (Turkish Cypriot), to author (Mar. 19, 2007, 00:00:00 PST) (on file with author).
322. Baier-Allen, supra note 210, at 91 (emphasis added).