

*A Policy Report by the
Center for Sustainable Peace and Democratic Development (SeeD)*

**Beyond the Deadlocks:
Redesigning the Cyprus Peace Process**

Nicosia, September 2013

Executive Summary

The Cyprus Peace Talks, which came to an impasse in 2012, are expected to reconvene in late 2013. Critical decisions lay ahead: Are the sides, and the international community, prepared to recommit energy, resources and time into a process that has so far not lived up to its billing? Indeed, have we reached a point where a negotiated settlement has proven beyond the grasp of the sides, requiring a reassessment of the settlement framework?

Yet, it can also be argued that what has passed for a 'Cypriot-led' process over the course of the past five years falls far short of the participatory ideal it promised. In fact, the process itself has alienated people and limited the leaders' scope for negotiation. A new approach is required; one that will not only build on existing convergences, but one that will fulfill the promise of a genuinely participatory process that would serve as a bedrock for a new Cyprus, as well as regional stability and prosperity.

To revitalize the peace process, it is proposed that the following five principles should be adhered to:

1. **Develop an effective process for resolving existing deadlocks in the talks, by generating and evaluating multiple alternatives.** Such a process is essential if the current polarization of the two sides is to be overcome in a creative and rational manner. While external arbitration might appear promising as a way to overcome deadlocks, it would be far superior if the problem solving and deadlock resolution capacity of Cypriots is enhanced, as this would be useful to the communities well after a settlement is reached.
2. **Develop mechanisms of consultation, to ensure two-way communication between the peace process, and society at large.** Societal ownership is the only possible basis for long term political stability, both in seeking a settlement but also in the post solution era. Without such ownership, which can only come about through the effective engagement of society at large in a transparent peace process, blame games, information distortion and spoiling through maximal positions will predominate.
3. **Insert an international dimension to the peace process, to run in parallel with internal aspects of the talks.** The international dimension of the Cyprus Peace Process, involving several complex topics such as security and guarantees of implementation, is too critical to be left for last-minute negotiations without appropriate preparation. Best practices in international treaty making mandate prior committee work at a level of delegated representatives, before international conferences and other such instruments of summit diplomacy take place. The same should apply in the case of the peace process in Cyprus.
4. **Embed CBMs in the Peace Process, in such a way that they have maximum impact and are not neglected.** Developing social cohesion and fostering reconciliation is an essential prerequisite and companion for any political settlement, and cannot be treated as a 'side-show' to remember whenever the 'real' negotiations are faltering.
5. **Institute a monitoring and auditing mechanism, to assess levels of adherence to the above principles as the peace process moves forward.** Without an independent mechanism to evaluate adherence to principles, even the best designed process will gradually disintegrate under the weight of accumulated political habit and the agendas of individual actors.

Part I: Critical review of the Peace process so far

While peace talks to date have yielded some important convergences a comprehensive deal has proved elusive.

On the surface, this moment induces stock-taking and sobriety. Are 'Cypriot-led' talks, and together with it, any convergences regarding a settlement, nullified? Are the sides, and the international community, prepared to recommit energy, resources and time into a process that has not lived up to its billing? Indeed, have we reached a point where a negotiated settlement has proven beyond the grasp of the sides, requiring a reassessment of the settlement framework?

Yet, it can also be argued that what has passed for a 'Cypriot-led' process over the course of the past five years falls far short of the participatory ideal it promised. In fact, the process itself has alienated people and limited the leaders' scope for negotiation. A new approach is required; one that will not only build on existing convergences, but one that will fulfill the promise of a genuinely participatory process that would serve as a bedrock for a new Cyprus, as well as regional stability and prosperity.

Since the breakdown in the talks in 2012, the United Nations Good Offices mission has been engaging in shuttle diplomacy in an effort to find common ground between the sides to resume direct talks on substantive issues. The Greek Cypriot and Turkish Cypriot leaders, for their part, have been sharing views on this and on how to continue cooperation despite the impasse. There is now anticipation that the peace talks may recommence in the last quarter of 2013.

This is encouraging. Especially talk of the need for continued and enhanced cooperation between the sides and communities demonstrates forward thinking. The implementation of meaningful confidence building measures (CBMs), in parallel to Comprehensive Settlement talks, would signal to the respective communities that there remains an ambition to resolve differences and that the sides acknowledge that they will continue to act in good faith.

But it is not enough. The track record of the sides in agreeing and implementing CBMs, and in bridging substantive differences, is spotty at best. Only a genuine effort to include people that wrests the Cyprus issue from the realm of secretive and divisive talks can generate momentum and mutual trust. Otherwise, the next few months will serve only as an interlude to whatever 'Plan Bs' to be implemented unilaterally and without regard to citizens living on either side of the island.

This paper outlines the flaws in several dimensions of the peace process up to now, particularly demonstrating how distance between the leaders and the respective communities has undermined confidence in the process. The paper will then go on to explore the means by which the right set of policies would not only help overcome

mutual mistrust, but would also serve as a foundation for a new set of principles and rigorous, participatory processes, should direct negotiations resume.

This is not the first time that the sides have failed to reconcile and arrive at a comprehensive settlement. However, there is a widely felt apprehension that this time will not be 'business as usual'.

The failure of the current process may have far reaching consequences even beyond the borders of Cyprus. For decades the international community and the sides in Cyprus have pursued a federal, power-sharing arrangement that constitutes the basis of negotiations. The inconclusive termination of the current round of negotiations will raise the question as to whether the established UN parameters are still valid. This will exacerbate the already wide gap of trust between the estranged communities in Cyprus. Uncertainty could undermine the political stability that to date has ensured that a 'frozen conflict' remained dormant. Failing to agree on basic parameters not only increases uncertainty in Cyprus but abroad as well, potentially destabilizing relations in the region. Coupled with regional unrest related to the 'Arab Spring' - most recently the Syrian crisis - and the prospect of monetizing reserves of natural gas and oil in the eastern Mediterranean, there is the real threat of Cyprus emerging as an epicenter of regional rivalry. Moreover, a departure from the established UN settlement parameters and the continued irresolution of the Cyprus problem will inhibit Turkey-EU relations, as well as undermine cooperation between the EU and NATO on security issues. In short, there is more at stake than the failure of just another round of talks in Cyprus.

All of this is quite ironic, since the inception of the 'Cypriot-led' talks was supposed to have engendered ownership and trust at all levels. Building a peace treaty completely from scratch was never an option, so UN parameters were reaffirmed. Meanwhile a large body of preexisting work required reconsideration and a political process of social dissemination. Unlike previous rounds that were heavily mediated, if not arbitrated by the United Nations, the current round was supposed to be a more 'bottom up' approach that would instill confidence in the communities so that a settlement would prove viable and sustainable.

To facilitate this approach, the sides had agreed to the establishment of Working Groups (to deal with the substantive dossiers of the Cyprus problem) and Technical Committees (to deal with day to day issues requiring cooperation). Thus, the negotiations were meant to include deliberation and cooperation in the design and implementation of a settlement package. Whereas the process could have been more participatory in engaging grassroots actors, at the very least the establishment of technical level negotiations was a novelty.

Whatever the merits of the design, there were tell-tale signs of the impending impasse for many months, if not years. The process may have begun in 2008 with Working Groups' reviews of dossiers and revived popular optimism regarding the fate of the

talks, especially with the election of two like-minded leaders supporting a federal solution in Cyprus. However, Working Groups only convened for three months, paving the way for full-fledged negotiations held exclusively between the leaders in closed door sessions. Similarly, the work of Technical Committees was subordinated to political authority and in many committees suspended. Any potential for ideas filtering down or commitments cross-fertilizing with civilian initiatives faltered and were effectively curtailed. Thus, Technical Committees and Working Groups were rendered nominal institutions that could not positively contribute to conflict transformation. Thereafter the negotiations took on a more familiar hue.

The opportunities to build convergences from the bottom-up were sidelined and the process was effectively subordinated to the political agenda and domestic electoral cycles. Thus, despite good intentions, leaders were risk averse and minus input from the communities, less creative than the task required.

Closed session summits progressed, producing various convergences documents as well as mutual reassurances.

Yet the Cypriot-led talks became more reclusive and the leaders more introverted. As the distance between the leaders and the people increased, this gap provided 'spoilers' an opportunity to exploit the mistrust between the communities and their respective leaders. Thus, 'near convergences' became guarded 'secrets' and the sides resorted to the basic tenet that 'nothing is agreed to until all is agreed to'. Consequently, the negotiations led to uncertainty and a lack of ownership as opposed to an aggregation of convergences and a process that engendered trust, collective problem solving or creative cooperative practices.

While the process floundered, the United Nations Good Offices facilitators lacked the mandate to induce a breakthrough despite the personal appeals of the UN Secretary General who even made a trip to Cyprus in 2010. The UN recognized that at the level of grassroots there was a yawning gap while simultaneously requesting a more robust mediation function in order to consolidate potential convergences. Ultimately, the UN's 'enhanced role' proved insufficient to build sufficient convergences due to the growing alienation of people from the process. Thus, the failure of two Greentree summits was not surprising in retrospect. The allure of succumbing to 'blame game' tactics, on both sides, in lieu of genuine commitments to a political breakthrough was in evidence throughout the process. Without grassroots dynamism and support, hence the rationale for a Cypriot-led process, the prodding of the UN may suffice to reinstate talks, but would fail to bring about their successful conclusion.

The retrospective above is not intended to induce pessimism, but to suggest as a departure point the need to redesign the negotiation process. Given the ongoing diplomatic efforts this is an ideal time to reconsider the elements that have apparently derailed progress in the direct talks. Assuming that the sides are committed to reengaging on the basis of existing UN parameters, then what is required is further

agreement on a process that will meet the expectations of the sides and their communities. Short of this there is every reason to believe that another round of negotiations will face the same fate as those that have come before.

A more participatory framework will allow multiple processes to progress in parallel, leading to cumulative progress in internal and international substantive dossiers while simultaneously building societal trust. Building trust in the process and in each other is as important as brokering a deal. After all, the real test of any settlement package would be in its implementation. Good will and cooperation skills will be essential. To this end, a track record of positive experiences with co-operation would foster an environment more conducive to the success of a complex system of governance and transitions.

Part II: A comprehensive proposal to reform the Peace Process

In order to revitalize the peace process and remedy the multiple deficits discussed above, it is proposed that the following five principles should be adhered:

1. **Develop an effective process for resolving existing deadlocks in the talks, by generating and evaluating multiple alternatives.** Such a process is essential if the current polarization of the two sides is to be overcome in a creative and rational manner. While external arbitration might appear promising as a way to overcome deadlocks, it would be far superior if the problem solving and deadlock resolution capacity of Cypriots is enhanced, as this would be useful to the communities well after a settlement is reached.
2. **Develop mechanisms of consultation, to ensure two-way communication between the peace process, and society at large.** Societal ownership is the only possible basis for long term political stability, both in seeking a settlement but also in the post solution era. Without such ownership, which can only come about through the effective engagement of society at large in a transparent peace process, blame games, information distortion and spoiling through maximal positions will predominate.
3. **Insert an international dimension to the peace process, to run in parallel with internal aspects of the talks.** The international dimension of the Cyprus Peace Process, involving several complex topics such as security and guarantees of implementation, is too critical to be left for last-minute negotiations without appropriate preparation. Best practices in international treaty making mandate prior committee work at a level of delegated representatives, before international conferences and other such instruments of summit diplomacy take place. The same should apply in the case of the peace process in Cyprus.
4. **Embed CBMs in the Peace Process, in such a way that they have maximum impact and are not neglected.** Developing social cohesion and fostering reconciliation is an essential prerequisite and companion for any

political settlement, and cannot be treated as a ‘side-show’ to remember whenever the ‘real’ negotiations are faltering.

5. **Institute an auditing mechanism, to assess levels of adherence to the above principles as the peace process moves forward.** Without an independent mechanism to evaluate adherence to principles, even the best designed peace process will gradually disintegrate under the weight of accumulated political habit and the agendas of individual actors.

More specifically, and moving on to a technical level, several actions are proposed under each of these principles, as follows:

1. *Develop an effective and transparent process for resolving existing deadlocks in the talks, by generating and evaluating multiple alternatives*
 - a. A smaller number of Working Groups to be reconstituted, but as independent bodies comprising Cypriot experts, with international expert support where needed. To ensure a broad membership, experts will be nominated through a quota system, as follows: 1) A number of experts to be separately nominated by the leader of each community, 2) A number of experts to be nominated via consensus between the two leaders, 3) The remaining experts to be nominated by parliamentary parties, in line with their electoral strength. In line with UNSC Resolution 1325 mandating the participation of women in peace processes, gender balance will be sought in the make-up of the Working Groups.
 - b. The task of the Working Groups will be to generate several alternatives for a specified list of deadlocked issues, as submitted by the official sides. To this end, only three Working Groups will be constituted: 1) Property and Territory, 2) Constitution and Citizenship, 3) Security and International Treaties.
 - c. Working Group proceedings will be televised and transmitted (with live translation as needed) through broadcasting networks in both communities.
 - d. The two official sides will separately evaluate each of the alternatives generated by the Working Groups, and then compare their evaluations looking for those proposals which seem to be most acceptable to both sides simultaneously.
 - e. Both the generated options and the evaluations of the options by the official sides will be made available as public documents.
 - f. UN Good Offices to facilitate, monitor and time-structure the processes of option generation, at the level of the Working Groups, and option evaluation, at the level of the official sides.

2. *Develop mechanisms of consultation, to ensure two-way communication between the peace process, and society at large.*

- a. Establish a joint press office of the peace process, to update the general public regarding developments in the peace talks on an on-going basis. The joint press office will be tripartite, including spokespersons from both communities and from the UN.
- b. Establish a Civil Society Consultative Body, where broad-membership CSOs from both communities will interact with representatives of the leaders. The Consultative Body will support the formal political process by providing a window into the concerns and priorities of the general public, and also by airing fresh and creative ideas that may then be utilised by the formal political process. In line with UNSC Resolution 1325 mandating the participation of women in peace processes, gender balance will be sought in the make-up of the Civil Society Consultative Body.
- c. Enhance the role of all political parties in the negotiations, by ensuring that structured meetings between party leaders and the official sides in each community take place at more regular intervals. In turn, the political parties will be expected to engage in ongoing dialogue with their grass-roots regarding the substance of the talks, bringing priorities, visions and concerns back to the negotiating table.
- d. Institute a process of Participatory Polling, to explore the acceptability of alternative proposals with the general public, ahead of a referendum. The options to be tested in the polls will be generated through inclusive processes, involving the several bodies (Working Groups, Civil Society Consultative Body, Joint Development and Reconciliation Commission) discussed in this proposal.

3. *Insert an international dimension to the peace process, to run in parallel with internal aspects of the talks.*

- a. Key international actors (state and inter-state) to appoint representatives whose task will be to liaise with the peace process.
- b. The mandate of the international representatives to be focused both on the state of affairs following a comprehensive settlement, and with pursuing CBMs that possess an international dimension.
- c. Role of international representatives in the peace process to be limited to joint consultations with representatives of both communities. Any disagreements between the Cypriot representatives to be resolved internally before going back to the international representative.
- d. Separate consultations to take place in reference to each international actor, with an agenda that is specific to current challenges and future relations with the specific actor. Broader consultations, involving multiple actors, may also take place when warranted by the agenda.

- e. At a minimum, it is expected that the European Union, Turkey and Greece should appoint such representatives. Representatives of additional actors can be appointed with the consent of both Cypriot leaderships.
 - f. The agenda in talks with the EU representative will be two-fold: Negotiating how the EU acquis will apply to the whole of Cyprus following a settlement, and helping to prepare the Turkish Cypriot community for eventual adoption of the EU acquis in the interim.
 - g. The agenda in talks with Turkey and Greece will primarily focus on issues of security and guarantees, and the identification of common interests between unified Cyprus, Greece and Turkey in political, social and economic affairs.
 - h. Solutions found and agreements reached with international interlocutors will be codified in Memorandums of Understanding, to be converted into international treaties as soon as the Comprehensive Settlement is ratified.
4. *Embed CBMs in the Peace Process, in such a way that they have maximum impact and are not neglected.*
- a. Appoint distinct representatives of the leaders to work on CBMs exclusively, without being burdened with responsibilities for the substantive aspects of the peace talks. In this context, the UN should also nominate a separate special envoy, whose task will be to liaise with the leaders' representatives on CBMs.
 - b. Contextualize CBMs within a scientifically validated model of societal change, under the authority of a Joint Development and Reconciliation Commission, and with the assistance of international experts.
 - c. The mandate of the Commission will include all of the following: Building of trust and friendship between members of the two communities, fostering of inter-dependence and institutional harmonization within a framework of sustainable development, and the resolution of issues specific to each community, deriving from the ongoing nature of the Cyprus Problem and the suspension of the EU acquis communautaire in the north.
 - d. Staff the Commission with eminent personalities from both communities, suitably qualified social scientists and development experts, as well as the CBM representatives of the leaders. In line with UNSC Resolution 1325 mandating the participation of women in peace processes, gender balance will be sought in the make-up of the Joint Development and Reconciliation Commission.
 - e. International development and reconciliation expert institutions will be invited to support the work of the Commission at a technical level, while upcoming opportunities for international funding for development and reconciliation could be channeled through the

Commission for shared use by both communities. Additionally, future income from hydrocarbon exploitation could partly be channeled through the Commission to fund joint development and reconciliation.

- f. Existing Technical Committees will be placed under the authority of the Commission, which will guide their work and follow up on implementation. Additional Technical Committees can also be established at the recommendation of the Commission.
- g. Already agreed CBMs that have been proposed through the existing technical committees but not yet implemented, will be prioritized for evaluation by the Commission and subsequent implementation.
- h. Proposed CBMs will be validated through public opinion research before their implementation, in order to choose those for which society is most ready and considers most pivotal.
- i. CBMs which require international support or assent would still be initiated by the Commission, and then put to the relevant international actor/s for action as needed.

5. *Institute an auditing mechanism, to assess levels of adherence to the above principles as the peace process moves forward*

- a. Put together terms of reference and essential qualifications for members of a tripartite Audit Board, to be comprised of a Greek Cypriot, a Turkish Cypriot and a UN member.
- b. Each community's leader to nominate a member based on the terms of reference, to be ratified by the majority of political parties. UNSG to nominate third member, to be ratified by the Security Council. Once appointed, Audit Board members will be fully independent and function as a consensus body.
- c. Audit Board to report every 3 months on the level of adherence of the peace process to the agreed principles and processes, diagnosing divergences and submitting recommendations.
- d. Specifically, the Audit Board will be evaluating the following on an ongoing basis: Whether Working Groups have been instituted as agreed, whether evaluation of policy options is taking place as agreed, whether two-way consultation mechanisms with the public have been established, whether international actor representatives have been appointed and are engaged in talks, whether the Joint Development and Reconciliation Commission is operating as planned, etc.

Undoubtedly, the several new mechanisms and institutions proposed here will increase the engagement of Greek Cypriots and Turkish Cypriots in the peace process to an unprecedented level. This process of building shared institutions should not be seen as a temporary arrangement, 'until the Cyprus problem is solved' but as an opportunity to develop fledgling federal institutions and a first step in the direction of shared responsibility, by all Cypriots, for the future of Cyprus.