

CYPRUS NEGOTIATIONS *

Claire Palley

Consultant to the Attorney-General of the Republic of Cyprus

1. Intractable international problems still arise from disintegration of empires and competing claims for self-determination as with the Kashmir dispute, Palestine and Israel, and States formed from the Tsarist, Russian and Ottoman Empires. Some may appear settled, due to external pressures, economic or military, or because of overwhelming demography, or because the parties wielding power preferred anticipatory compromises to bloody struggles. Thence the Zimbabwe, South African and Northern Ireland settlements. But, until such a point is reached, disputes endlessly revolve in 3 stages: force; stalemate; and negotiations.
2. Those seeking a sustainable settlement have to engage in prolonged negotiations, against the background stalemate, and must relegate the use of force. Cyprus Governments and concerned third States have since 1964 pursued the negotiating path – apart from the disastrous recourses to force in mid-1974, triggered by Greek Junta action.
3. The negotiating option requires the parties, especially the weaker party, to have a mind-set equipped to withstand long-term attrition and to resist pressures to abandon or modify its objectives – these often being characterized as stubborn obstructionism and impractical clinging to theoretical rights. But what is called obstinacy usually reflects the core values of the negotiating society: the interests of all members of society, are sought to be protected – rather than only those of vocal groups, who can be bought off by compromises slanted in their interests.
4. But far more than a determined mind-set is necessary. My paper, without patronizingly offering Cypriots political psycho-therapy, indicated essential attitudes. Those negotiating must adopt long-term perspectives, seeing issues in their broader contexts. Negotiators must then focus not only on the responsibilities of the two Communities but on the responsibilities of concerned States. The aim would not be to vilify perceived wrongdoers, but to raise external Powers' consciousness about their own involvement and self-interest in settling the Cyprus dispute and avoiding risks of revived Near East violence. Even their existing awareness makes withdrawal of UNFICYP an empty threat.
5. Turkey is the external actor most needing to be "engaged" – however much, when put to the test, she may wish to shuffle off serious engagement. Nonetheless, Turkey's self-interest in developing her

* The Main Speaking Points by Dr. Claire Palley on November 23, 2010 during the presentation of the paper Claire Palley, "Must History Repeat Itself By Duplicating Earlier Mistakes In The 60-Year Long Negotiations About Cyprus's Future?", Cyprus Center for European and International Affairs, Policy Paper, 2/2010, 23 November 2010.

economy, in stabilizing her political future and in proper security in a changing environment, all require her to keep on her EU path. It is a myth that Turkey will achieve greater influence by turning eastward towards Iran's, Russia's and Middle Eastern States' realms. Negotiators must neither under-estimate, nor over-estimate, the capacity and options of their counter-parts across the table. They certainly must not respond by making unreciprocated concessions when dire predictions are made to them. Whatever the ups and downs, they must not allow their own confidence to deflate through over-anxiety about the risks which are inherent in all situations of long-continued crisis.

6. Negotiators (and the political groupings for whom they act) must have infinite patience. All involved need that quality: internal actors, concerned third States and international organisations, like the UN and the EU. Cypriots should learn from Turkey, which has great patience and the ability endlessly to talk sideways through third States and indirectly through Turkish Cypriot intermediaries (who have also had their own significant messages to convey).
7. Other important attitudes are necessary – particularly in the public and in political figures in general. They must not introvert their feelings of disappointment and bitterness into suspicions about the qualities of their elected leaders. This undermines leaders, and, in a communications world where only criticism is regarded as worthy of publication, turns every potential difficulty into a crisis of confidence.
8. Nor must negotiating groups dwell on "the sins" of their rivals for power. Such brooding only deepens conflict. This is why balanced history education is crucial to mutual understanding and long-term reconciliation.
9. Conversely, "victims" must not wallow in guilt – especially in response to often self-righteous critics. Instead, they must, while acknowledging human fallibility, adhere to the values in which they believe and insist upon observance of consequential rights to justice and civilized standards.
10. The negotiators, and their publics, must be confident that they will, with determination and persistence, ultimately achieve a successful deal, which, despite involving unwanted compromises, will be sufficiently just for the overall settlement to be acceptable and to be followed by honorable implementation.
11. When that right time for compromises arrives, a determined negotiating leader must be courageous in saying "Yes!" – just as, at the wrong time, he must be courageous in saying "No!". Thereafter comes the most difficult task of all: convincing his electorate of the wisdom of the settlement.
12. Because in 2009 I foresaw exhaustion, bitterness and non-involvement of Turkey as putting the negotiations at risk, I wrote this paper. That

negative situation is now more evident. Cypriots who want a peaceful ultimate outcome must not panic about failed negotiations. Instead, they must insist on further, almost unending, negotiations until a just compromise can be reached.

13. The world community's international Organisation, the UN, whose Members must give the UN every assistance, is obliged "to bring about by peaceful means, and in conformity with the principles of justice and international law" settlement of the Cyprus dispute. It must "achieve international co-operation in solving international problems and in promoting respect for human rights ... for all without distinction as to race ... or religion". The UN and its Members are so bound to act by Articles 1 and 2 of the UN Charter. Cypriots must stop worrying that the UN will terminate its support for negotiations. Although the form and details of that support may be modified, the UN will observe its Charter obligations to be "a center for harmonizing the actions of nations" in peacefully adjusting disputes.