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Human Rights, Civil Society and Conflict in Cyprus: Exploring the Relationships

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1. Introduction

The formulation of 'human rights' as an international legal concept has, since its inception post-WWII, taken the state as the main guarantor of the rights of its citizens. This has also meant that human rights violations have translated into failure of the state – understood, by the formulators of 'human rights' discourse, as the democratic, peace-seeking state. Based on this rationale, violations of human rights reflect undemocratic and/or conflict-ridden blemishes on the record of the state which needs to be corrected. But where the lack of democracy and conflict are endemic to the functioning of the state, the gap between internationally-understood human rights protection practices and the situation on the ground widens exponentially. It is not uncommon in such situations for a local group-bound concept of 'human rights' to develop, where the exclusion of the rights of others, which in fact underlines all notions of 'human rights' (Douzinas, 2000) is emphatically maintained[1].

Considering the variability of the levels and possible forms of conflict, it is obvious that diverse situations exist between the different ends of a spectrum. On the one extreme of this spectrum there is the ideal situation of a fully democratic and peaceful state where the human rights of all residents are respected while at the same time pluralism and multiculturalism prevail. A glance at reports of major international non-governmental organizations (INGOs) working on human rights such as Amnesty International or Human Rights Watch, as well periodic appraisals of state reports by UN committees working on human rights proves the impossibility of this scenario all over the world. On the other extreme there are the situations of ethnic conflict characterized by attempts to completely annihilate the other, where no rights are respected and where crimes against humanity exemplified by ethnic cleansing are being perpetrated. In contradistinction to the 'ideal' extreme, examples of this have persisted in the 20th century, from the Holocaust that effectively caused states to place human rights in the centre of the UN map, to the 1990s' Bosnia and Rwanda, and currently Darfur.

The point of this paper is to explore the situation in the middle of this spectrum, where in fact one would expect most societies, and for the purposes of this paper, conflict societies in particular, to fall, by focusing on the case of Cyprus. Within this frame what is examined here is the impact of a 'frozen conflict' on the development of various understandings of 'human rights' and the relation of these understandings to the work of civil-society organizations. In turn, these relations are contextualized within local state structures and specific political discourses. The paper thus firstly examines the formation of the postcolonial state in Cyprus and the long-term effects of the conflict on the developments of mono-ethnic state structures south and north of the dividing line, the first being internationally recognized as a state representing all Cypriots despite the lack

[1] The exclusion referred to here arises from the qualification of rights as 'human', whereby, as Douzinas insightfully reminds us, is a concept that throughout history has rarely included the totality of people in the world. Consider, for example, the exclusion of women from voting, blacks from political and civil rights, to more recently, the curtailment of the rights of undocumented migrants and terror suspects – all these examples are instances where 'human rights' in its very application, creates exclusions of those somehow placed outside an understanding of 'humanity'.

of Turkish-Cypriot participation in its government, the other being unrecognized except by Turkey and claiming to protect the rights of Turkish-Cypriots. On this basis an overview of the development of civil society on the two sides is then provided, spanning the early years of the conflict up to 1974, the years of separation between 1974 and 2003, and the political developments relating to the island's accession to and membership of the European Union (EU).

The following section attempts to classify civil society organizations on the basis of their work relating to the Cyprus conflict along the lines of civil society typology developed in the context of the SHUR project, i.e. determining their potential for fuelling, holding, or transforming and resolving conflicts (Diez and Pia, 2007; Marchetti and Tocci, 2007). One concern of the paper is also to show the impact of the European dimension in determining this potential. This is done by examining actions at the levels of the EU and Council of Europe (CoE), in the third section. This is especially important in the case of Cyprus because of the changes in the political dynamics brought about by accession to the EU, which have been analysed elsewhere in reference to the process of conflict resolution (Demetriou, 2004), but which are also very relevant in the examination of the human rights dimension. This section thus refers to EU accession and the various ways in which EU institutions have got involved in the Cyprus conflict, how this compares to the involvement of CoE structures, and how both have impacted the situation on the ground. The fourth section in the paper looks in rather more detail at the work of 20 selected civil society organizations with respect to the conflict. The section tries to elucidate the framework within which specific actions took place (framework of action) and the political conditions that lend these actions their importance (political opportunity structure). Based on these findings the paper will finally try to analyse the determinants of different approaches to the concept of 'human rights' between the various actors and the impact of these approaches on their actions.

In order to allow more in-depth comparison between the actions considered, the research has chosen to focus on two specific areas of human rights that have been considered the most salient aspects of the Cyprus problem for the last few decades: the first is the area of property rights and the related rights of refugee protection and the freedoms of movement and settlement, and the second is the work on the issue of missing persons and the related rights of the relatives to information and the state's duty to effective, thorough and impartial investigation, and punishment of perpetrators.

2. Background

Historical Outline

The Republic of Cyprus came into being in 1960, at the end of a bloody conflict between the Greek-Cypriot nationalist organization EOKA, which had sought the unification of Cyprus with Greece and the British colonial forces, which emerged as one of the three guarantors of the new independent state (the other two being Greece and Turkey). The conflict had began in 1955 and had in its wake also embroiled the Turkish-Cypriot community, historically linked to the Ottoman rule of the island, who was now being viewed by Greek-Cypriot nationalists as an insignificant to dangerous minority and thus was also attacked by EOKA. In opposition to these attacks the Turkish-Cypriot nationalist organization TMT was established calling for the partition of the island into Greek and Turkish sectors. The Republic's independence was thus viewed in the early years not so much as a victory of an anti-colonial movement, but rather as a compromise solution between the Greek-Cypriot call for unification with Greece (*enosis*) and the Turkish-Cypriot one for partition (*taksim*). This compromise materialized in the form of a constitution that was bi-communal in character in the sense that all powers were separated on ethnic-communal terms (e.g. the police force was made up of 60% Greek-Cypriots and 40% Turkish-Cypriots, the parliament and judiciary had a 70-30 representation) and of a state whose sovereignty was limited (the British were given sovereign rights on two military bases and Greece, Turkey and Great Britain were to act as guarantors of the state's sovereignty).

Debates still abound as to whether it was this communal separation of powers and restricted sovereignty that was to blame for the breakdown of the structure in 1963, i.e. whether it was primarily a legal impossibility, or whether it was the unwillingness of the communities' leaderships to make it work (Constantinou, 2008). What could be said with some certainty is that law and the concept of rights was at the heart of the events that led to the clashes of 1963 and 1964, where 193 Turkish-Cypriots were killed and 209 went missing, while 133 Greek-Cypriots were killed and 41 went missing. The government broke down, the UN moved into the island, and about 25,000 Turkish-Cypriots moved out of their homes and into self-administered enclaves[2]. The following years saw attempts at normalization aiming to solve the conflict by stopping hostilities, allowing some enclaved persons to return to their houses (five of the 24 Turkish villages and 19 of the 72 mixed villages that were affected) and seeking a commonly accepted legal solution to the problem that would return the situation to the pre-1963 state (Kyle, 1983). These were pursued until 1974, when the Greek-Cypriot National Guard attacked the presidential palace, executing a coup against president Makarios that had been planned by the junta in Greece, aiming to install nationalist leaders in the Republic's leadership who would effect the long-sought 'union with Greece'. Although Makarios survived the attempt, he was forced to flee the country, which was by then in the grips of civil conflict between the Greek-regime-led coupists and a small number of resisters from the left-wing parties and the ranks of Makarios' supporters. In the clashes that ensued a number of Greek-Cypriots were killed, mostly on the resisting side, while others were arrested (on reasons of

[2] This figure is elsewhere quoted as 20,000.

conscience), imprisoned, and some tortured. The installation of Nicos Sampson in the presidency, a man who had, among other attacks, led a 1963 assault against the Turkish-Cypriot Nicosia suburb of Omorphita (Küçük Kaymaklı), put the Turkish-Cypriot population at risk.

Upon these developments, Turkey invoked the Treaty of Guarantee and militarily intervened five days later (20 July 1974) to restore order and protect Turkish-Cypriot civilians. In the wake of this military operation, which was completed in August, over 150,000 Greek-Cypriots were displaced, almost 2,000 went missing and many others were killed. In retaliation attacks, Turkish-Cypriots suffered mass executions, while around 45,000 left their homes, with the last group of about 10,000 moving to the north following a humanitarian agreement of 1975 that allowed those stranded in opposing sides to cross to the zones under the control of their own communities (Turkish-Cypriot for the north, Greek-Cypriot for the south along today's Green Line)[3]. Since then, there have been sporadic killings of soldiers and civilians at the border, which remained closed until April 2003. A few thousand Greek-Cypriots became enclaved in villages in the north, a number that dwindled over the decades, while a few dozens of Turkish-Cypriots who had remained in the south were joined from the 1990s by other, mostly marginalized individuals, raising the number to a couple of thousand by the 2000s.

Despite the failure to reach a commonly accepted agreement for a political solution post-1974, structures have been laid down, some commonly agreed and others not, to regulate the otherwise uncertain situation. Most contested of all have been the various forms of administration of the zone in the north by Turkish-Cypriot authorities, which the Greek-Cypriot leadership has always viewed as a territory illegally occupied by Turkey. Thus in 1983 the Turkish-Cypriot Federated State, which had been declared in 1975, was unilaterally declared the Turkish Republic of Northern Cyprus (TRNC), a state that is recognized by Turkey but considered 'illegal' by the Republic's authorities. Although Turkish-Cypriot authorities have been calling for the recognition of their state, the political situation has generally remained in limbo since 1974, the only agreement recognized by both sides as valid being the ceasefire one. This 'problem of recognition', has meant that the TRNC (and by extension the Turkish-Cypriot community) has been over the decades excluded from major international fora, including organizations promoting democracy and human rights such as the UN and CoE. Thus, in addition, the TRNC's record of compliance with a host of international standards has remained beyond scrutiny and has escaped pressure to abide by such standards.

On the other hand, the Greek-Cypriot administration in the south has claimed sole representation of the Republic of Cyprus and has, gradually since UN Resolution 186 of March 1964, come to be recognized by the international community (with the notable exception of Turkey), as the government of the whole island (Resolutions 186 of 1964; 365 of 1974; 541 of 1983[4]). Consequently, the north is now treated merely as, following the recently-formulated description in EU parlance, 'the areas in which the Government

[3] Claims on the exact numbers of displaced persons vary to the extent that for Greek-Cypriots figures as diverse as 142,000 and 180,000 being cited, while for Turkish-Cypriots, claims of 50,000 being made.
[4] Resolution 365 available at http://www.un.int/cyprus/scr365.htm and resolution 541 available at http://www.un.int/cyprus/scr541.htm.

of the Republic of Cyprus does not exercise effective control' (EU, Protocol No. 10 on Cyprus to the Act of Accession, 2004). In fact, throughout the years, the staple Greek-Cypriot discourse has maintained that the violator of human rights in Cyprus is Turkey and that the record can only be set straight after the withdrawal of Turkish troops. This placing of responsibility for violations in the north on the Turkish government (for lack of a recognized government in control there) was also recognized by the European Court of Human Rights (ECtHR) in the landmark case of *Loizidou v. Turkey*, which ruled that the Turkish military exercised effective control over the area, and therefore its government was liable for such violations (see section three).

Indeed, considering that Rauf Denktash has remained the leader of the Turkish-Cypriot community from the early 1970s until he lost the presidency in 2004, and that there have been complaints regarding electoral transparency from opposition groups throughout the 1990s at least, it would seem that deficiencies in the TRNC's functioning as a democratic state went beyond the legal level. Yet, notwithstanding these, there have been events in the last decade which point to the fact that Turkish-Cypriot political structures cannot monolithically be dismissed as 'Turkey's puppet regime'. Turkish-Cypriot civil society has been developing a pro-solution oppositional voice that shook the regime in 2002 (and secured an election-led change of government the following year). Accountability for human rights abuses has began to be debated and structures are being put into place to promote that (e.g. the establishment of the Turkish Cypriot Human Rights Foundation in 2003).

On the other hand, the Republic of Cyprus has since 1974 staked its political rhetoric on the discourse of human rights, foregrounding the suffering of Greek-Cypriots as the exemplar of violation of rights on a communal level by Turkey. This has also meant that the government has maintained an exceptionally good record of signing and ratifying international conventions and agreements on human rights and has, overall, sought to appear as a good protector and guarantor of rights in the territory under its control (although, it might be claimed, in practice this was achieved to variable degrees).

Cyprus' EU accession changed the political landscape not only in the sense that it made the Republic a member of an organization driven, in discourse at least, by democratic and human rights principles, but also because it brought with it a new dynamics for conflict resolution. Within this context, the pro-solution movement mentioned above gained momentum in the north. The oppositional discourse which advocated a change in the official nationalist discourse towards more reconciliatory frames that would allow a re-unified island to enter the EU was thus strengthened. In parallel with this process also came a process of UN-mediated negotiations that culminated in a comprehensive proposal for the solution of the problem that came to be known as 'the Annan Plan'. This was put to referenda on both sides of the island in April 2004 and was rejected in the south while being accepted in the north. Despite the fact that the Plan was never adopted, it provided a blueprint for the ways in which intractable issues, many of which focused on human rights, might in the future be solved. Of particular interest to this paper are proposals regarding the settlement of the property issue, as well as proposals for the setting up of a truth and reconciliation commission that would deal, among other issues, with the issue of missing persons as well (Annan Plan, Main articles, Articles 10 and 11).

In sum, it could be claimed that the discourse on human rights in Cyprus has been largely defined by the development of the political conflict and in turn has had a defining effect on it. In the *longue durée*, the Republic has claimed, and largely held, the moral high ground in being identified as the victim of abuses by Turkey, while the TRNC has remained beyond the pail of international law. However, in recent years this picture is beginning to change and the dynamics of civil society action are a significant part of this change. It is this correlation that the present paper aims to elucidate.

Civil society development overview in relation to the conflict

Civil society organizations have existed in both parts of the island since at least the beginning of the conflict. In fact, keeping in mind the wider definition of 'conflict society organizations' (CoSOs) that is adopted here emphasizing the 'non-state' identity of organizations operating in a conflict environment, it could be claimed that Cypriot civil society co-emerged with the state. In this sense, a primary characteristic of CoSOs development has been their relationship to nationalism. In the pre-independence, British colonial period, groups organized successfully both for and against nationalist aims, primary examples being respectively, the fighters' organizations that fuelled the ethnic conflict, and the labour movement organized under the communist party umbrella, which fought for rights for the benefit of workers from both communities. After independence the former re-grouped into paramilitary organizations and played a leading role in the violence that ensued. On the other hand anti-nationalist groups were largely to be found within party structures. More formalized civil society structures appeared in the aftermath of the 1974 war and it is on these that the present paper focuses. However it should be borne in mind that the fault lines along which these organizations developed were largely the lines of nationalism / anti-nationalism, ethnic identification, and left- / right- wing politics that had defined the conflict in the previous period.

In fact, politics has defined much of social life in Cyprus for decades – so much so that political leanings became tied not only to the newspapers one read, but also the football team one supported or beer that one drank (Loizos, 1981). This has had an impact on the formation of civil society in the sense that despite the fact that the majority of civil society organizations do not have explicitly political aims (e.g. many being charity organizations or sports clubs), political positions are in many cases at the core of their organizational structure. At the same time, the concept of civil society as independent from the state and working in the interests of pluralism and to increase state accountability is a relatively new concept in Cypriot society.

In this sense it is indicative that the legal framework for registering non-governmental organizations (NGOs) has largely been premised on the exemplar of charity organizations and sports clubs. Thus for the south, the Law pertaining to Clubs and Foundations (Law 57 of 1972) provides that all such organizations need to be registered at each district with the Officer of Clubs (*éforos somatíon*) who approves each application. In such applications the applicants need to state the aims of the organization, provide a charter, a list and addresses of the steering committee, and a description of the organization's

property. The Officer then checks that the application fulfils the requirements of the law and issues the act of registration by which the organization gains legal validity[5]. In order to be registered, an organization needs to have signatures of twenty members. Although these provisions may compare with those regulating other types of NGOs elsewhere, the overall frame could be said to be lacking the specificities required for fostering a vibrant civil society by catering to needs of a multiplicity of NGOs (e.g. where these may not necessarily work on the basis of a following or amassing members). Thus, a number of groups may for example remain unregistered simply because of the bureaucratic process involved, until the time that their registration becomes essential, as for example when it comes to applying for certain types of funds. Another set of problems arises with the registering of bicommunal organizations, with membership from both sides of the Green Line, where concerns about recognition of the north may become an issue and the inclusion of individuals who are not Cypriot problematic. In effect, it could be claimed that as it currently stands, the Law functions mainly as a tool on the part of the state for keeping an inventory of the organizations operating in the south and less as an instrument that would enable a plurality of voices to be heard.

In the north, most non-governmental organisations operate under a similar legislation, the Law of Associations and Societies (Law 6 of 1961 as amended in 1991). The scope of this law covers all non-profit associations, societies and other organisations. Accordingly, such organisations are required to apply for registration at the Interior Ministry's Department of Social and Municipal Affairs, providing a charter, a list of its founding members, and the address of the organisation's headquarters. The charter must include provisions about the applicant organisation's aims and activities, conditions of membership, the functions and powers of the general assembly as well as the steering committee. In addition to this, another legal framework, the Evkaf and Vakfs Law (Cyprus Laws, chapter 337, as amended by Law 27 of 1959) exists for the operation of charitable foundations that are established as vakfs, i.e., by way of donating property to religious, charitable or public uses.

One indicative drawback in the enrichment of civil society is the lack of a centralized system whereby funding opportunities for NGOs may be accessed and links created between different sectors. This is all the more absent in terms of networking across the Green Line, especially for the NGOs in the north, where most of the links are created through individual connections. Funding in this respect is mostly provided by accessing various EU structures, and similarly, cross-border networking is enabled by mainly European and other external funding (e.g. UN, USAID).

This is in fact symptomatic of the development of civil society over the decades along state cooperation / opposition fault lines. But whereas identification or lack thereof with state rhetoric and policy may be a significant characteristic of civil society in general, the existence of the Cyprus conflict has lent this added significance as the stake in such identification came to be no less than the upholding of the state itself (Demetriou, 2007).

[5] See http://www.cyprus.gov.cy/moi/citizenscharter/citizenscharter.nsf/dmlunions_gr/dmlunions_gr?OpenDocument

This was in turn largely due to the particular characteristics of the conflict focused around the issue of recognition or non-recognition of the TRNC and respectively the recognition or non-recognition of the Republic of Cyprus as representative of all Cypriots. Thus in short, the development of civil society post-1974 has had as reference points the communal separation and the nationalist discourse of the two sides. Thus, the organizations that sprang up can be grouped in terms of location, south or north of the Green Line, and of ideological positioning (pro-reconciliation and critical of nationalist rhetoric or the opposite).

In the field of human rights the general discourse focused on the communal identification of victims and perpetrators along nationalist rhetoric, at least in the beginning. This was because the experience of war and atrocities was still recent and societies on both sides faced with large numbers of people who had been victimized (whether having had relatives killed or gone missing or having been uprooted from their homes). The first organizations that developed as distinct from state structures aimed primarily to offer support to such victims, in the forms of financial help, psychological counselling, or social networking. This was by far more pronounced in the south, partly because the scale of the suffering was greater and the impact more shocking (as few Greek-Cypriots had suffered the consequences of previous waves of violence), and partly because the state was almost in a state of collapse and little-equipped to manage the crisis. On the other hand, the Turkish-Cypriot side was now left with large numbers of properties and other gains which could be utilized to alleviate the losses of individuals who had suffered.

In this context, the main forms of organization that took shape in the south on the issues of refugees and missing persons were, in the 1970s associations of refugees based on place of origin (e.g. refugee associations or Kyreniotes or Famagustans, still in operation) and of relatives of missing persons (the *Pancyprian Association of Parents and Relatives of Undeclared Prisoners and Missing Persons*, henceforth the PAPRUPMP, that still exists). The main aims of the refugee associations were, according to the interviews, to try and find individuals and network and also to offer whatever help that could be offered. Similarly, the PAPRUPMP sought to collect information, network the relatives and lobby the government and bodies such as the Red Cross to take steps to find them. At this point it could be said that this civil society came to the help of the state, complementing the latter's work and rectifying situations (e.g. getting refugees from the same villages together in the face of their having been 'scattered' in various refugee settlements all over the island). Both civil society and the state shared completely the rhetoric that what Greek-Cypriot society had just experienced was a grave injustice and an unacceptable affront to its human rights (communally defined). This in turn meant that retribution was to be sought from Turkey, who had violated these communal rights through its invasion of Cyprus, and who should be made by the international community to first leave the island and secondly to be brought to justice. Thus, from this early stage, the international community became a chief addressee of civil society actions seeking to end the conflict (which, according to this rhetoric, would come about when the rights of Greek-Cypriots were fully restored). In short, being identified as the only victims (of Turkish atrocities) allowed the Greek-Cypriot establishment to bypass the question of past atrocities against Turkish-Cypriots and to gather support internationally for their own

interpretation of the political problem which was seen as 'a problem of invasion and occupation'.

This view persisted throughout the years, and also helped shape a second wave of civil society actions, which focused around the call for accessing the occupied territory. What made these actions different to previous forms of organization was that they were centered on social groupings rather than geographic ones or ones based on forms of violations. For example, the two events where Greek-Cypriot organizations attempted to cross the Green Line in efforts to 'send a message to the international community that a great injustice is being perpetrated in this island whereby people are prevented from visiting their homes and their land' were organized by women and motorcyclists (both in the 1990s). Such groups of course did not come into being suddenly, and in the case of the women's march the first one was organized right after the war with the support of female personalities internationally[6].

But in the phase that followed this, the form of organizing was qualitatively different because it also had different relations to governmental rhetoric than had been the case with 1970s civil society. Thus, while previous actions aimed primarily to bolster state attempts to support the victims of the war, this phase of organizing entailed citizens' attempts to take matters in their own hands in the face of continuing failed attempts to reach a settlement and solve the political problem in a way that would guarantee what the Greek-Cypriot side saw as the fundamental rights of its citizens (by which it mainly meant Greek-Cypriots). This is not to say that the actions of these groups (specifically their attempts to cross the Green Line) went contrary to state rhetoric. Rather they were rather based on it in the sense that they sprang from the logic of lobbying the international community to end this 'irrational situation' whereby people could not travel freely in their own country (because of the prohibitions set by the occupying army). But where the state failed to sponsor potentially dangerous events such as these (where people could be arrested or attacked), these actions attempted essentially to put this rhetoric into practice. At the same time, these actions should not be seen as simply nationalist, as interviewees who had taken part in them (specifically in the Women Walk Home campaign) have testified to the existence of variable political attitudes among the group, that ranged from the nationalist perspective emphasizing the need to show Turkish oppression for what it was to more reconciliatory approaches focused on showing that Greek-Cypriots who wanted to return home did not pose a threat to the security of Turkish-Cypriots and that freedom of movement should be a human right above all, not a communal one (see below). Yet, notwithstanding this variability, the outcomes of these actions were on the whole negative for the process of conflict resolution, as they resulted in the arrest of a number of Greek-Cypriot women by the Turkish army in the first case, and the killing of two Greek-Cypriot men by Turkish-Cypriot civilians in the second. These incidents caused further tension on the political level, which only began to dissipate with the inauguration of Greco-Turkish rapprochement in 1999 and the final phase of Cyprus' EU accession.

[6] A background to the movement can be found at: http://www.cyprus.com.cy/womenwalkhome.htm.

Quite differently from the south, the situation in the north, especially during the 1970s and 1980s, was marked primarily by efforts to organise the new political, social and economic structures and institutions of the Turkish-Cypriots. Many civil society organisations, including trade unions, and professional associations participated in these efforts, for example, by sending representatives to the constitutional assemblies of the Turkish Cypriot Federated State (1975) and that of the TRNC (1983). As regards human rights issues, when raised these were largely in the context of rights to life, liberty and security and based on narratives about the plight of the Turkish-Cypriots in the years between 1963 and 1974. In fact the thinking that prevailed both at the state level and among almost all civil society organisations at the time was this: the Turkish military operation was a legitimate intervention that put an end to the pre-1974 Turkish-Cypriot suppression by the Greek-Cypriots, and brought about a bizonal situation with a safe Turkish zone in the north into which all of the Turkish-Cypriot population could move and live as masters of their own destiny away from Greek hegemony. Later on in the 1990s, and spurred by developments in connection with the Greek-Cypriot application for the whole island's membership in the EU, the Turkish-Cypriot opposition began to reorganise around new ideas and objectives. These included more forceful criticisms of the official line of promotion of the TRNC at the expense of a Cyprus settlement, protests against what was seen as Turkey's oppressive presence and control over northern Cyprus, and demands for new policies to protect Turkish-Cypriot interests within the prospective context of EU membership of a reunited Cyprus.

In the same period, however, a bicommunal movement also began to emerge, which aimed squarely at rapprochement between the two communities. Having began with initiatives from left-wing fringe groups from the two sides, who, in the absence of any possibility to meet on the island because of the restrictions on crossing the Green Line, had decided to meet in locations abroad to discuss the process of negotiation and possibilities of coordinating politically to create a different impetus that would allow a solution to be reached. Although marginal, this type of organization could be said to have been the most oppositional to state discourse, openly criticizing nationalist positions. In the form of the Neo-Cypriot Association, which had since the late 1970s been closely allied to the New Cyprus Party in the north, this discourse attempted to create the story anew, arguing for a re-telling of history that would emphasise the common origins of Cypriots and thus seek a common future for the two communities[7]. Initiatives of this kind widened in scope in the next two decades and came to include citizens, academics, politicians, and professionals across the political spectrum. The most successful of these groups concentrated their efforts on training in conflict resolution, funded mostly by the UN and USAID. This resulted in activities ranging from conferences to youth camps, to meetings of former co-villagers, the set-up of bicommunal choir and dance groups, women's groups and regular meetings of experts to discuss particular aspects of a possible settlement. Although the bicommunalist discourse can be said to have slowly entered the political vocabulary of the mainstream in the form of de-demonising the other, stressing the common 'natural' will of Cypriots to live together in peace, and increasing the emphasis on political correctness overall, its impact on the political process seems so far to have been limited. This is partly because the rhetoric that bicommunalism

[7] See (websites).

offered resonated on the one hand with part of the official Greek-Cypriot rhetoric (e.g. in emphasizing the natural state of peaceful coexistence on the island prior to outside interference), yet fundamentally differed from it on the substantive issues that would necessitate a compromise for a solution to be reached. The issue of refugees and missing persons were two such issues and it is not coincidental that the general discourse of bicommunalism on these issues concentrated on the commonality of pain rather than the pursuit on ethnically-based rights. In fact such positioning brought the bicommunal movement under attack from the governments of both sides on a number of occasions when authorities branded individuals involved in bicommunal activities as traitors, naïve romantics, or spies. A recent example was the campaign in the period following the rejection of the Annan Plan, from the government in the south against individuals involved in rapprochement efforts, whereby the latter were presented as having yielded to financial support by American donors (USAID) to support the Annan Plan (Development Associates, 2004; Droushiotis, 2005[8]). In the north, in the pre-referendum period a similar campaign was conducted by nationalist civil society organisations and media against the supporters of the vision of 'solution [of the Cyprus problem] and EU [membership of reunited Cyprus]'.

Thus in sum, it seems that Cypriot civil society on both sides have, on the whole, whether in support or against, advocated positions in parallel to the state within a context that was chiefly defined by constantly failing efforts to achieve a settlement. In the post-2004 period there has been much discussion about the failure of a vibrant civil society to fully develop in Cyprus, and especially in the south. Given the proliferation in recent years of specific rights-claiming groups, which may engage or not with the conflict at particular points in time (e.g. women's associations in the south may cooperate on specific issues with counterparts in the north), such arguments can only sound simplistic. However, in the context of human rights at least, the fact that the vast majority of organizations appear to understand human rights solely in the context of the conflict (excepting recent efforts to support migrants' rights, for example) seems to point to a convergence between state and civil society on the pervasiveness of the conflict in almost all spheres of life. It is perhaps for this reason that ultimately the impact of actions on conflict resolution seems to depend on the extent to which certain issues lend themselves to resolution outside the context of a comprehensive settlement of the wider conflict in Cyprus. This is the main issue examined in the interview analysis of section four, following some clarifying remarks on civil society typology, and an outline of the involvement of European institutions in the matter.

Civil Society typology

Although the role of Cypriot civil society has been the focus of much public debate in recent years, few studies have so far emerged that have attempted to classify this

[8] See Droushitotis' critical report in English at http://www.makarios.ws/upload/20051111/1131713084-12865.pdf and documentary at http://www.makarios.ws/cgibin/hweb?-A=980&-V=perireousa&_VCATEGORY=0000

concretely in comparative terms. One such study is the CIVICUS Civil Society Index report, undertaken by institutions on both sides in collaboration with each other and with UNDP and USAID funding. According to this study, civil society in the south appears to be slightly stronger than in the north in all four aspects quantified (i.e. the strength of its structure, the degree to which it is enabled in the wider social environment, the extent to which it promotes positive social values, and its social impact). At the same time there appears to be a large degree of correlation in these indicators. Thus, participation on both sides in civil society structures appears to be relatively weak, owing mainly to the high degree of politicization of civil action within party structures. On the other hand, the environment in which civil society operates was found to be generally enabling on both sides, surprisingly notwithstanding the presence of the Turkish army in the north. The promotion of positive social values was also judged to be significant, although more so within civil society organizations than with respect to the wider society. Impact was also found to be limited in terms of promoting accountability and tolerance. One significant point of divergence was the activism of civil society in promoting the Annan Plan, which seems to have been done more effectively in the north (CIVICUS, 2005: 16-17[9]). These findings are important to bear in mind when considering the typology for conflict society organizations in terms of their impact on the political process in the sphere of human rights.

For the purposes of enabling comparison, this project bases its typology criteria on the identity of NGOs, their wider frameworks of action and the structure of political opportunity. In the case of Cyprus, because so much has been staked on the solution of the political problem, it was found that the frameworks within which organizations operate have largely to do with each organization's view of the conflict and ultimate aims in relation to an eventual solution. This also holds for determining the identity of an organization, classified along the axes of multiculturalism, assimilationism, post-nationalism, and racism (Marchetti and Tocci, 2007: 14-15). However, given the asymmetries between the two sides, which inhere largely on the international lack of recognition of the north, it is particularly difficult to mirror these forms of identification between the two sides. For example, while a discourse of assimilation may appear straightforward in Greek-Cypriot calls for a unitary state where Turkish-Cypriots are to be counted as a minority and enjoy individual rights on the basis of that minority status, in the Turkish-Cypriot case such an argument is difficult to make with respect to Greek-Cypriots. Instead, what may be articulated is exclusionism whereby a separate Turkish-Cypriot state may be called for in the north, which would exclude Greek-Cypriots from becoming its citizens. For this reason, it was deemed more appropriate to represent this viewpoint on the basis of its emphasis on the idea of a nation-state, rather than assimilation of others. Thus, the term 'national-statist' has been used to refer to this form of identification. A further complication is that racism is not openly advocated by any group, especially in the context of the Cyprus conflict, since rhetorics of racial purity and exclusion of others would rather be articulated with reference to the ethnic group. For this reason, 'ethnicism' has been considered a more appropriate description of identification. Lastly, given the general emphasis on common cultural traits between Cypriots and the absence of substantial religion-based activism between the two sides, especially regarding

[9] Report available at http://www.civicus.org/new/media/CSI_cyprus_final_repot.pdf

the issues of focus here, multiculturalism as defined in the project (ibid) was not found to be a major aspect of organizations' identification. This is because neither the issue of property and refugee rights nor the issue of missing persons lend themselves to discourses that would foreground cultural difference without mapping it hierarchically. The cultural differences that might apply in the case of Cyprus would concern religion or language and thus might feature in human rights discourses regarding education or heritage, but a qualitative difference on the basis of culture cannot be claimed for the violations suffered through displacement and killings. Regarding the structure of political opportunity, this was found to be largely related to the types of connections each organization tries to foster within local society (including with the state), across the Green Line, as well as with the international community and societies (and states) abroad. Bearing this in mind an overview of the categorization of the impact of civil society action in the areas under concern in the Cypriot context is undertaken.

Given the pervasiveness of nationalism in defining identities in relation to the conflict, it should be expected that the impact of actions will also have nationalist discourse as a reference point for their evaluations. Thus, organizations that tend to subscribe to nationalist rhetoric will tend to engage in actions that have a fuelling effect. On the opposite end, organizations adopting a discourse of rapprochement will undertake activities that contribute to peace-building. The effect of holding the conflict is more difficult to determine in the case of Cyprus, largely because this is a 'frozen conflict' characterized by relative absence of violence (i.e. considering the deaths in 1996 as an exception), and thus the scope of holding the conflict from escalation is rather narrow. Yet, one way in which a holding impact might be considered relevant is the level of actions that have effects on the human rights situation as these relate to the conflict (in this case regarding the refugee and missing issues) but without having a specific aim to achieve results pertaining to particular political answers on how the conflict should be solved. Such for example might be seen to be the case in situations where law has been drafted in to solve individual human rights problems, or where local associations have sought the alleviation of key problems affecting individuals victimized but without engaging in political rhetoric of a wider scope. However, even here there appears to have been an impact on the political process. Perhaps one way to distinguish is to argue that holding impact acts on the symptoms of the conflict while peace-building or fuelling impact acts on the causes. Still, complicating the picture further is the fact that discourse and the effects of actions need not necessarily coincide. Thus, even though all interviewees have advocated support for a solution to the Cyprus problem and indicated that the main goal of their efforts is to secure a peaceful future, the understandings of this 'peace' differ. As a result, actions that may in rhetoric be presented as serving this aim of peace, may in fact fuel the conflict. Similarly, even pro-rapprochement actions may have some fuelling impact, when, for example, activists antagonize their own authorities and this allows the authorities of the other side to highlight an othering discourse that presents those authorities as oppressive and as violators of human rights even in their own societies. Such examples are difficult to find in the areas under scrutiny, but it is worth bearing in mind that one might be the persecution by the authorities in the north, including the military, of Turkish-Cypriot peace activists during the pre-referendum (2001-2003) period. In this connection one may cite also the Greek-Cypriot government's negative, if not hostile, reaction to individuals applying to the TRNC

Immovable Property Commission (since 2006) for compensation or reinstatement of their properties left in the north.

With these in mind, the Cyprus case study identified and interviewed 23 individuals in total, representing an equal number of organizations. However, in two cases single individuals represented two organizations while in another two cases an organization was represented by two individuals. Nine of the interviewees were based in the southern part of Cyprus, ten in the north (representing nine organizations), while four interviewees represented three associations based abroad (one of Greek-Cypriot membership, the other of Turkish-Cypriot and the third being bicommunal). A list of these interviewees and their organizations is provided in the appendix. The organizations varied widely, both in their status as civil society actors, some being registered as associations, others being more informal, yet others having links to the government and others being individuals acting largely in a personal capacity but whose actions had a wide social impact. The interviewees included representatives of mono-ethnic as well as bi-communal organizations.

Another important point that needs to be borne in mind here, in relation to considering organization typology is that forms of civil society organizing can vary widely. This is particularly relevant in the case of Cyprus because of the difficulties that official registration might pose for certain types of organizations (e.g. bicommunal groups have largely remained unregistered until recently). For this reason, the study considers formally registered as well as non-registered organizations. Furthermore, in order to allow a more in-depth view of the issues of refugees and missing persons, organizations linked to the government, which may not otherwise have been included in a stricter conceptualisation of civil society have been included. The main examples here is the Committee of Missing Persons (CMP), which is an international body working under the UN but with representation from both sides (governmental appointments), the Pancyprian Refugee Committee, an independent body in the south, which works in cooperation with the government and has a board membership appointed on the basis of political party representation, and the now dissolved Refugee Housing Project Committee in the north, which worked as a government body aiming to satisfy the needs of Turkish-Cypriot refugees in the 1960s and 1970s. Although these organizations represent affected groups in ways that do not involve active organizing and direct representation (that for example might include elections), they do serve as good comparisons to other organizations that would more squarely fall into a concept of ‘civil society’. Firstly, like NGOs, they are expected to act in the best interests of the affected individuals. Secondly, unlike NGOs, they have more capacity to produce results. Thirdly, they have considerable independence from the government but yet act always in cooperation with their own authorities – this is (albeit with some variation) the case with most NGOs interviewed. For the same reason of allowing better in-depth understanding of the issues, interviews have also included targeted individuals, who have, although acting in their personal capacity, had an impact on the issues under consideration – such for examples are journalists, lawyers, and litigants.

Given this wide array of organizations then, any form of categorization must ultimately be reductive. However, in order to allow comparison such a reduction was necessary. At

the same time, for the reasons outlined above, the identification scheme has been slightly modified to reflect the specificities of the situation better. Thus, organizations have been grouped on the basis of their discourse and actions along the axes of hierarchy / egalitarianism on the one hand and inclusion / exclusion on the other (Marchetti and Tocci, 2007: 14). In reference to Cyprus these qualities were reflected in the prioritization of one community's human rights over the other for the first axis and the emphasis put on addressing the concerns of the other community for the second axis (where exclusion is signified by mentioning the concerns of the other side in order to dismiss them). Thus, given the previous discussion on identification, ideal types of organizations for the issues under concern would be the following:

(i) A civic / post-national organization would work towards ensuring that the rights of Greek-Cypriot and Turkish-Cypriot refugees and relatives of missing persons are safeguarded, without emphasizing one over another and through promoting a discourse that emphasizes the rights of individuals irrespective of communal membership. Although the ultimate effects of their actions may vary as discussed above, such organizations are invariably in support of rapprochement and focus their activities on peace-building. Such organizations are the New Cyprus Party and the German-Cypriot Forum, who have lobbied for the rights of people from both communities. Similarly, lawyers and individuals addressing issues of human rights violations from both sides would also be classified a having a post-national outlook.

(ii) An organization with a national-statist identity would focus on the rights of one group rather than both but would not de-legitimise the right of the other community to claim similar rights as well. In this sense, rights are conceptualized in communal terms and the state is given a nation-state character in the sense that it is expected to look after its own first. The aims of their activities fall generally in one of the two categories of peace-building or and holding. Yet, actions from this type of organization may differ widely and have impacts across the spectrum to an even greater degree than is the case for post-national organizations. Such examples are the Turkish Cypriot Human Rights Foundation and the UK-based *Embargoed* campaign focusing on claiming rights of Turkish-Cypriots, Greek-Cypriot refugee associations of a moderate outlook, and the representatives of the two sides on the Committee for Missing Persons (CMP).

(iii) Multiculturalist organizations might claim rights on the basis of cultural identity but emphasize the importance of both communities having equal access to such rights. Impact here again may range from peace-building to holding to fuelling. In the case of Cyprus such rights might revolve around freedom of religion, or include economic and social rights that take account aspects of cultural identity. Because the issues of refugees and missing persons examined here do not fall into this category, organizations have not been assessed on this basis. The only exception is the Turkish Cypriot Teacher's Association, who although interviewed primarily on their positions

regarding the issues under investigation has also highlighted campaigns on the educational rights of Turkish Cypriots in the Republic.

(iv) Ethnicist organizations would be those who campaign for the rights of one community only and who maintain a discourse of victimization of one's community without reference to the suffering of the other. In this sense exclusion of the other point of view is achieved either through silence or through referring to the arguments in order to dismiss them. These organizations do not overall project a view of a future solution to the Cyprus problem that would include the other community in a meaningful partnership but rather present a communally-insular perspective. Unsurprisingly, the impact of their actions mostly falls in the fuelling end of the spectrum. Such organizations are the Turkish-Cypriot *Refugee Housing Project* of the pre-1974 period, and the *Martyrs' Families and Disabled Veterans' Association* in the north and the *Uneslaved Kyrenia*[10] association of Kyreniotes in the south as well as the *Cypriot Brotherhood* in the UK representing Greek-Cypriot interests.

Of course, it should again be stressed that gradations have been found to exist and that not all organizations classified into these categories fit them exactly as 'ideal types'. While having this mind it should also be stressed that the ultimate impact of an action may be determined not only by the viewpoint and aims of the organization, but by the wider framework within which actions are undertaken. For this reason, before delving into further examination of the three types of impact, it is necessary to turn to the role of the EU and other European institutions such as the ECtHR of the CoE, as this has at points been a key determinant of the impact of actions, which in some cases may have aimed at different goals.

[10] The name of the association could more appropriately be translated as 'Kyrenia that resists enslavement', which harks back to nationalist interpretations regarding the occupation of the north.

3. The European dimension

The EU Accession process

With Cyprus applying for EU accession a historic chance seemed to have emerged to re-unite the island. This appeared possible due to the pressure that could now be applied toward the political leaders on both sides. However, hopes for reunification were frustrated with the rejection of the Annan Plan in the Greek-Cypriot community, after it was put to referenda held simultaneously on the two sides on 24 April 2004, which resulted in a 70% 'NO' majority in the south and 64% 'YES' majority in the north. Despite this result, Cyprus was granted membership in the EU while remaining divided and the Republic became a full member on the 1st May 2004. Throughout the parallel negotiation processes for accession on the one hand and for reunification on the other, the EU Commission (EC) and other EU bodies (not to mention other actors in the international community) had applied pressure on Cypriot politicians of both communities to negotiate a solution to the problem prior to the country's accession. Thus in 1993 the EU Council declared willingness to accept Cyprus as a member provided it was a functioning state voting and acting as one. This condition seemed at the time impossible to fulfil since the leadership of the Turkish-Cypriot community declared its opposition to the Republic's EU accession under the circumstances. Mainly because of this accession talks only started in March 1998, when the EU resolved not to link the Cyprus accession talks with the conflict resolution process. Yet social and political dynamics developed that linked the two. Acknowledging these, the EU Seville Council declared that they would prefer to include Cyprus into the Union if it were re-united and stated support for the Annan Plan. This incentive was abandoned in the 2002 Copenhagen meeting of the EU Council, when faced with the intransigence of the nationalist Turkish-Cypriot leader Denktash and given the willingness of the Greek-Cypriot to seriously negotiate in order to reach a comprehensive agreement, the EU agreed to go ahead with accession even in the absence of a solution, thus keeping the Republic's EU accession from becoming hostage to Turkish-Cypriot unwillingness to solve the conflict (Demetriou, 2008).

This was a decision that utilized the EU's second path of intervention in the negotiations, namely the application of pressure on the Turkish government, who was inclined to accept compromises for the solution of the Cyprus problem in order to help their own prospects for EU accession. In this period the EU appeared as a second mediator in the Cyprus question, adding to the work of the UN. Up to the rejection of the Annan Plan in 2004 it was mainly the latter which mediated negotiations between the two sides. After this date the UN continued to be stationed in Cyprus, but in the absence of any prospects of substantive dialogue between the two sides (until the presidential elections in the south in the beginning of 2008) its role on the island came under question. In this environment the EU's role in exerting political pressure to end the conflict became comparatively more significant. With renewed attempts to restart negotiations in 2008, the framework of negotiations has shifted discursively from an emphasis on the role of the UN to calling for a solution 'for Cypriots by Cypriots'.

From the perspective of the EU, Cyprus' accession introduced an exceptional situation to the Union, whereby the country was admitted as a full member but the government effectively represented a Greek-Cypriot south. The way in which this was regulated was by appending a protocol to the Accession Treaty (Protocol No. 10 on Cyprus) whereby Cyprus as a whole is admitted in the EU but the *acquis communautaire* suspended in the areas in which the Government of Cyprus does not exercise effective control[11]. This means primarily that the north is outside the custom and fiscal territory of the EU. This suspension however does not affect the personal rights of the inhabitants of Cyprus. For Turkish-Cypriots this means that they are regarded as EU citizens even if they live in an area not controlled by the Government. Yet at the same time, the suspension of the *acquis* means that the authorities in control of the north (i.e. Turkish-Cypriot and Turkish authorities) are not subject to scrutiny of EU institutions (at least not formally) regarding their respect for human rights in the way that other EU members are. What instead happens is that respect for such rights becomes the focus of political pressure rather than legal sanctions.

The accession of Cyprus to the EU as a divided island was exceptional in another way. It had taken place following a referendum in which Greek-Cypriots were seen to have rejected reunification and coexistence with Turkish-Cypriots while the Turkish-Cypriots who had accepted these were left outside EU jurisdiction (Greek-Cypriot officials argued in this respect that Greek-Cypriots had not rejected a solution but only this particular form of a solution). This fact created an abnormality on the level of how European values were understood, where the EU was seen as the cradle of inter-national reconciliation and rapprochement. In order to respond to this situation the EU established a series measures targeted towards the inclusion of Turkish-Cypriots in the EU (and partly aiming to counteract the seemingly negative attitude towards them by the Greek-Cypriot side)[12]. The most immediate of these measures was the Green Line Regulation, which concerns the cease fire line[13]. This is a special regime established by the Council (29 April 2004) in order to define 'the terms under which the provisions of EU law shall apply to the line between those areas [of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control] and the areas in which the Government of the Republic of Cyprus exercises effective control' (Article 2 of Protocol No. 10). In the Regulation was laid down the legal framework of the 'Green Line' so that it did not constitute an external border of the EU, including the rules that would apply to commercial transactions, i.e., crossing of goods, persons and services. The Green Line Regulation was established in 2004 and it has been renewed and revised several times, the last in April 2008. Its express aim is to enhance trade and economic integration in the island[14]. With this revision the possibilities for the transfer of agricultural products from the north was improved especially on the micro-level, as well as regulating the crossing of other products from the south, a measure aiming to improve the situation of shop-

[11] Text available at http://europa.eu/eur-lex/pri/en/oj/dat/2003/l_236/l_23620030923en09310956.pdf#page=25
[12] See http://europa.eu/rapid/pressReleasesAction.do?reference=IP/04/857&format=HTML&aged=0&language=EN&guiLanguage=en
[13] See http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0866R(01):EN:HTML
[14] See http://www.europa-eu-un.org/articles/en/article_7955_en.htm

keepers in the north[15]. A report concerning the implementation of this Regulation is prepared annually by the Enlargement Taskforce and sent to the EU Council[16].

The Green Line Regulation was approved by the Council immediately following the referendum and before the island's accession (i.e. on 29 April 2004). Other measures which directly aimed towards the goals of including Turkish-Cypriots in the EU took longer to implement, chiefly owning to Greek-Cypriot misgivings on how such implementation should materialize. One of these was adopted in Feburary 2006. It was an Aid Regulation aiming at making €259m available to the Turkish-Cypriot community for improvement of infrastructure and social conditions[17]. Another measure sought to regulate trade between the north and the EU in a direct way. This Direct Trade Regulation is still to be adopted by the Council[18]. Its adoption in fact constitutes the key sticking point in the relation between the EU and the Turkish-Cypriot community because its implementation runs against the obstacle of a 1994 decision of the European Court of Justice stating that Turkish-Cypriot goods were not allowed to be marked with pre-1974 Cypriot certificates of origin or health (International Crisis Group, 2008[19]). Due to this the export of Turkish-Cypriot goods into the EU came to a standstill, affecting the Turkish-Cypriot economy significantly and marking the start of what Turkish-Cypriots refer to as the economic isolation of the north. The 2004 measures appeared to be promising a reversal of this decision, which nevertheless did not materialize due to protests by the Greek-Cypriot side.

Perhaps the most relevant measure to the issues examined in the paper was the Aid Regulation, under which €1.5m was made available by the European Commission to the CMP. While these measures targeted Turkish-Cypriot rights more generally (e.g. including economic rights), the Turkish-Cypriot side claimed that they failed to address core problems in the integration of Turkish-Cypriots within the EU and thus failed to address issues of social and cultural rights. One example cited was the failure to include Turkish, an official language of the Republic, in the list of official EU languages, thus creating discrimination against Turkish-Cypriot applicants for EU positions (as their mother tongue did not count towards language skills). Another was the failure to recognize universities in the north as EU educational institutions and thus not allowing them to participate in EU programmes[20].

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[15] See: http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/554&format=HTML&aged=0&language=EN&guiLanguage=en

[16] The 2007 one available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0553:FIN:EN:PDF

[17] Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:065:0005:0008:EN:PDF

[18] Proposal available at: http://europa.eu/eur-lex/en/com/pdf/2004/com2004_0466en01.pdf

[19] International Crisis Group: Cyprus: Reversing the Drift to Partition. Page 21. Available at: http://www.crisisgroup.org/library/documents/europe/190_cyprus___reversing_the_drift_to_partition.pdf

[19] This appears to have been addressed at least partly through initiating a scholarship programme aiming at Turkish-Cypriots (available at http://www.benavrupadaokumakistiyorum.org/).

[20] This appears to have been addressed at least partly through initiating a scholarship programmes aiming at Turkish-Cypriots (available at http://www.benavrupadaokumakistiyorum.org/).

Even though the Cyprus conflict has not been solved, it has remained a frozen conflict for the last four decades. The EU accession process lent this stalemate a new dynamics, which brought the two sides close to an agreement. Yet this still eluded them, leaving the EU in the role of arbitrator regarding the legal state of affairs on the ground. Rights currently appear to occupy a rather minor position in this arbitration. Thus, various EU bodies like the parliament and the Commission have been used as lobbying platforms for Cypriot groups campaigning on human rights. However, especially in relation to refugee rights and the issue of missing persons, actions emanating from the EU have had little impact on the ground, and where this was the case (as for example in providing some funding to the Committee of Missing Persons, see below), the actions tended to built on pre-existing efforts of other organizations, such as the UN (which set-up the Committee for Missing Persons). It is this gap that the CoE, which unlike the EU binds Turkey through its membership in it, is increasingly being asked to fill, through its judicial instrument, the European Court of Human Rights (ECtHR).

The Role of the European Court of Human Rights

The ECtHR exists in its current form (with full-time judges) since 1998. The principles of the Court date back to 1953, however, when the European Convention on Human Rights (ECHR) entered into force (it had opened for ratification in 1950). The primary aim of the Court is to monitor the compliance of the state parties to the Convention. Complaints can be brought against state parties to the ECHR in the ECtHR by individuals as well as by other states. Until 1998, in signing the Convention states could opt out of the clause allowing individual applications to be brought against them. However, with the entry into force of Protocol 11 this acceptance was made compulsory. Applications to the ECtHR normally pass through three stages. In the first, individual applications are examined by a Committee (in exceptional cases by Chambers) and state applications by a Chamber, which decide on the admissibility of the case (or alternatively whether to strike it out). In the second stage the merits of the case are examined, which means that additional information is submitted to the Court and attempts at negotiating a friendly settlement made. In the final stage, the Court decides on the case and the parties may appeal to the Grand Chamber within three months, upon the expiry of which judgments are made final. The execution of a judgment is followed up by the CoE Council of Ministers which ensures that decisions are binding on states and that the latter comply by them[21].

In essence, the ECtHR represents a venue where individuals can claim their rights from states that infringe them. Thus, in terms of fostering civil society and promoting democracy it is an institution where the placing of the rights of the individual above the rights of the state is given a material foundation. This is especially relevant where individuals seek rectification of human rights violations from their own states. However, in the case of Cyprus another aspect of the possibilities of this institution has been highlighted, and that is the claim for rights by individuals against other states. In the

[21] See flowchart at http://www.echr.coe.int/NR/rdonlyres/BA3F06A3-133C-4699-A25D-35E3C6A3D6F5/0/PROGRESS_OF_A_CASE.pdf

particular case of Cyprus this other state has been Turkey, against which cases have been brought before the Court by both Greek-Cypriots and Turkish-Cypriots as well as by the Republic of Cyprus. All these cases have, in one way or another, arisen from the existence of the political problem. Thus, the claim for rights in the context of the ECtHR has brought into the picture yet another dimension of how human rights have related to the conflict.

Cyprus ratified the ECHR in 1962 and since then has ratified almost all CoE treaties[22]. Three human rights instruments have so far been signed but not ratified (Protocols 10 and 14, the first of which is now defunct, and the Protocol amending the European Social Charter – all three have not yet entered into force). It has failed to sign or ratify the Additional Protocol to the European Social Charter relating to workers' rights. Turkey, on the other hand, ratified the ECHR in 1954, while recognising its compulsory jurisdiction in 1990 (the RoC recognised it in 1989). To date, it has failed to sign and ratify a number of instruments, such as those relating to minorities and the Convention against Trafficking[23].

Of the cases in which Cyprus was involved, the dimension of the political problem played a role in the cases brought against Turkey, as well as cases brought against the Republic regarding the rights of Turkish-Cypriots in the territory controlled by its authorities. These latter cases, which do not deal with either refugee / property or missing persons' relatives' rights, have to do with issues around discrimination, i.e. the ill-treatment of a Turkish-Cypriot by the Republic's authorities (*Egmez v. Cyprus*), the rights of Turkish-Cypriots to marry and found a family (*Selim v. Cyprus*) and the rights of Turkish-Cypriot to vote and be voted for (*Aziz v. Cyprus*). Both the issues of refugee and property rights as well as the issues of missing persons have, up to now, been dealt with within the context of applications against Turkey. A detailed analysis of the first has been undertaken elsewhere (Özersay and Gürel, 2008). In this section an overview of only the most important cases will be provided.

By far the most comprehensive case concerning human rights in relation to the Cyprus conflict has been the case of the *Republic of Cyprus v. Turkey* of 2001. In short the case dealt with four main topics, each consisting of a number of claims. These four are:

1. Greek-Cypriot missing persons and their relatives
2. Home and property of displaced persons
3. Living conditions of Greek Cypriots in Karpas region of northern Cyprus
4. Rights of Turkish-Cypriots living in northern Cyprus.

[22] List available at http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?PO=CYP&MA=999&SI=2&DF=&CM=3&CL=ENG

[23] See list at http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?PO=TUR&MA=44&SI=2&DF=&CM=3&CL=ENG

On all points the Court found that human rights had been violated, not however to the extent that the Republic of Cyprus had claimed. Concerning the first charge involving missing persons, the Court found that Turkey had not organised an effective investigation into the whereabouts and fate of the missing Greek-Cypriots. Due to this and the way Turkey treated the relatives of the missing the Court found that the relatives had been treated in an inhumane way. All other points, such as the Republic of Cyprus' claim that the right of liberty had been denied to the missing were dropped by the Court. More success was met on the cluster concerning the home and property of displaced persons. Here Turkey was found to have denied Greek-Cypriots the right to return to their homes and use them. In addition the Court also noted the lack of any kind of compensation for such denial. In fact these decisions had been based on the *Loizidou v. Turkey* precedent, analysed below. The third point, concerning the conditions of living of Greek-Cypriots in the Karpas area of northern Cyprus was the most complex of all. Most of the points brought forward by the Republic of Cyprus were accepted by the court, apart from the complaint regarding free access to health services where no violation was found. Thus, concerning education two different human rights violations were claimed, the illegal censorship of schoolbooks by the Turkish authorities and the lack of appropriate secondary schools. Also again the property situation was criticized by the court, because in this special case a return to one's property after a long absence, as well as the possibility of bequeathing one's property to relatives in the south was not always possible. Finally, the treatment of Greek-Cypriots by representatives of the Turkish authorities was deemed to have violated human rights, first because of the lack of freedom of movement for the community and secondly because of the tight surveillance by the Turkish authorities. Also like in the other cases, the lack of compensation was again seen as another violation of human rights. The last claim, dealing with the rights of Turkish-Cypriots living in northern Cyprus was dropped in all but one point, this being the violation of human rights of civilians being tried by military courts. In sum, the case of the *Republic of Cyprus v. Turkey* brought more or less the expected results, Turkey was found in contravention of the ECHR especially in the cases concerning the property rights and welfare of Greek-Cypriots.

Although this case was important for the comprehensive coverage of claims, on the issue of property rights by far the most important case to date is the 1996 *Loizidou v. Turkey* case. The applicant lost her property in northern Cyprus after the Turkish invasion of 1974 and had since then attempted several times to return, within the context of a women's protest march (Women Walk Home) organised in 1989. As the Turkish army arrested her during the march, the applicant claimed that this constituted a prohibition on the part of the Turkish authorities to allow her access to and enjoyment of her property. The Court granted this claim and ordered that Turkey pay her 450,000 CYP (c. $1m) in compensation for loss of use of her property, increased by an 8% annual interest rate until the time of payment[24]. The sum was paid in 2003 but steps have not yet been taken in a satisfactory way to allow the owner to return to her property. The Loizidou case was considered a success by the Republic of Cyprus and has since then been treated as a

[24] Judgment available at http://cmiskp.echr.coe.int/tkp197/view.asp?item=3&portal=hbkm&action=html&highlight=Loizidou&sessionid=9046059&skin=hudoc-en

landmark judgment proving that Greek-Cypriot discourse on Turkey's violation of human rights in Cyprus was valid. Since the judgment a number of refugees have been encouraged to follow a similar route to claiming their rights from Turkey. However, to date there have only been three other cases on which the Court has issued judgments: the cases of *Demades v. Turkey* (2003 and 2008), concerning the rights to property and home of a Kyrenian refugee; *Tymvios v. Turkey* (2003), concerning the applicant's rights to a property in the north; and *Xenides-Arestis v. Turkey* (2005 and 2006), concerning the rights to property and home of a refugee from Famagusta[25]. In the first and last cases the Court ruled that the rights of the applicants to enjoy their properties (article 1of Protocol 1) as well as their rights to respect for family and private life (article 8) had been violated and awarded €785,000 and €885,000 respectively in compensation. In the case of *Tymvios v. Turkey*, a friendly settlement was agreed in 2008, when the applicant accepted a compensation of $1m and a Turkish-Cypriot property in the south in exchange for his property in the north. The exchange was agreed between the applicant and the Turkish-Cypriot Immovable Property Commission, which the Republic refuses to recognise as a legitimate body and for this reason has considered the case extremely damaging to its cause[26]. It should be noted here that although some of the individual applicants may have belonged to civil society groups, no organization publicly took part in the cases, including in the cases concerning the missing outlined below.

These cases are indicative of a number of characteristics of the process by which human rights have been used to translate political claims in legal language. Although it seems that at the beginning the ECtHR was applied to in order to bolster Greek-Cypriot claims against Turkey, the generalisation of this process also entailed the danger that an applicant might have gone against state policy opening loopholes for developments on the political level that the Republic may not have been happy with. This is what appears to be happening at present.

Regarding the issue of the missing there has only been one individual application where there has been a judgment thus far, the *Varnava and Others v. Turkey* case of 2008[27]. This case concerns the fate of nine Greek-Cypriot soldiers who disappeared shortly after the invasion. The complaint was brought forward by their relatives. Like in the case *Republic of Cyprus v. Turkey*, Turkey was not found to have illegally detained the men. However, it was deemed to have violated human rights in failing to conduct an effective investigation into their disappearance. It was also found to have violated the rights of the relatives in failing to provide them with adequate information regarding the fates of their relatives, which amounted to cruel and degrading treatment. The political ramifications of

[25] Judgment available at http://cmiskp.echr.coe.int/tkp197/view.asp?item=25&portal=hbkm&action=html&highlight=TURKEY%20%7C%20Cyprus&sessionid=9046936&skin=hudoc-en

[26] Judgment available at http://cmiskp.echr.coe.int/tkp197/view.asp?item=36&portal=hbkm&action=html&highlight=TURKEY%20%7C%20Cyprus&sessionid=9046936&skin=hudoc-en

[27] Judgment available at http://cmiskp.echr.coe.int/tkp197/view.asp?item=7&portal=hbkm&action=html&highlight=TURKEY%20%7C%20Cyprus&sessionid=9046936&skin=hudoc-en

this decision are still to be evaluated as further cases are also currently under examination, including by Turkish-Cypriot individuals against the RoC.

The significance of these cases with respect to the Cyprus issue is that they have highlighted in different ways aspects of the nexus between individual and collective rights, as well as between law and politics. This significance will be brought out in later sections, and especially in the analysis regarding the holding effect.

In addition to these cases, three judgments that were issued in June 2008 and just before the finalization of this report, need to be mentioned. These cases concern the killings of Greek-Cypriot civilians in the Green Line (*Isaak v. Turkey* and *Solomou and others v. Turkey*) and the freedom of expression of a Greek-Cypriot teacher living in an enclave in the north (*Foka v. Turkey*). In these cases the court held that in the first two cases there was a violation of the right to life and that no effective investigation had been made into the deaths and that in the third case there had been a violation to freedom of expression but that the applicant had not been subjected to degrading treatment as she had claimed. The significance of these cases for the paper lies in the fact that they are indicative of the range of human rights issues arising from the questions of property and missing persons examined in the paper. Thus, the attempts to cross the Green Line which are the actions that spurred the events leading to the violations in all three cases can be seen as essentially underscoring the claim to freedom of movement, which in Greek-Cypriot discourse is bound up within the cluster of refugee rights. On the other hand, the failure to investigate deaths occurring at points of inter-ethnic clashes lies at the heart of human rights campaigning on the issue of the missing on both sides of the Line. These issues are taken up in the following section.

4. Interview analysis

Fuelling Impact

Overview

Conflict dynamics have, over the course of the last few decades surveyed here, rendered the discourse on 'human rights' easy fuel for raising the tension in particular points in time. This fuelling impact resulted from the fact that this discourse has provided a constant source of ammunition in the *longue durée* for the oppositional political rhetoric on the two sides. Thus, for example, the Republic of Cyprus, acting as the signatory party to the various international conventions, has been appealing for the human rights of its citizens to be restored. However, these appeals have rarely included Turkish-Cypriots in the definition of those 'citizens'. On the other hand, the internationally unrecognized TRNC has had little access to those platforms and as a result a very crude discourse on 'human rights' developed that went little beyond the position that defended Turkey's stationing of troops on the island (against the Greek-Cypriot argument that this was a case of illegal invasion and occupation) as guaranteeing the rights to life, liberty and security of Turkish-Cypriots. These two positions surfaced mostly in periods when the political process was in stalemate and resolution prospects low. The role of civil society actors in this respect has been to provide support to these official governmental positions. However, it is important to keep in mind that the primary aim of such actors was by no means articulated as a conscious effort to fuel the conflict. Rather, in aiming at the restoration of one community's collective rights the conflict was fuelled because of the sidelining of the rights of the other.

Actions and discourses

On the Greek-Cypriot side such civil society actions focused on the issues emphasized in the study, i.e. the rights of refugees and of the missing persons and their relatives. They took the form of campaigning actions, either fuelling public/media debate domestically or aiming at awareness-raising on the international scene. For example, attempts at crossing the Green Line in 1989 and 1996 have been key in providing the strong imagery that until today signifies the irrationality and injustice of Turkish refusal to allow freedom of movement throughout the island; a claim that is often accompanied by a call for freedom of settlement as well. The violent clashes that have accompanied such attempts, have also provided the basis upon which individuals could file complaints and cases in international legal venues, most importantly the ECtHR against Turkey. In fact, it should be borne in mind that in the long-term these legal actions appear to have gained much more prominence in the general discourse on human rights than the events that spurred them. This might be because by the time this research was carried out the groups that had organized the demonstrations had disappeared from public debate and the relevant actions taken on by more well-organized groups or individuals acting in their personal capacity.

Similarly, campaigning on the missing persons issue also focused on imagery that stressed the victimization of their relatives, and particularly the vulnerable among them, such as women who lost their husbands or children who lost their parents. It is significant to note that most demonstrations of relatives of the missing took place at the Ledra Palace

check point, the only point in the capital where individuals could cross from one side to the other (and this after special permission was granted or if they were foreign tourists). In these demonstrations relatives wore black mourning the loss of loved ones and held pictures of them. They also often distributed leaflets to crossing tourists, outlining the human rights violations perpetrated against Greek-Cypriots as a whole by the occupying Turkish army. These leaflets aimed to deter crossings and thus minimize the 'recognition' of the TRNC by the individuals visiting the north as well as shorten its existence through stopping whatever monetary flow might result from such crossings. Although the *Pancyprian Association of Parents and Relatives of Undeclared Prisoners and Missing Persons* (PAPRUPMP) was foregrounded here, the *Unenslaved Kyrenia* association (*Adhoúloti Kerýnia*) also claimed a leading organizational role. In assessing the effectiveness of the action, the representative of the latter emphasized the long-term duration they had, considering they were being organized up to 2003. At that point the checkpoints opened, people were allowed to cross "and we were betrayed from the inside". This highly dichotomic discourse structured on the scheme of a victimized but brave and resisting self against an all-powerful enemy who despite its might wins only through betrayal is emblematic of an ethnicist identification, shared by CoSOs which may articulate their arguments in less radical terms. For example, another form of campaign that played a role in fuelling the conflict was the annual demonstrations of high school students at the checkpoint on the commemoration day of the unilateral declaration of independence of the TRNC on 15th November. These demonstrations took place for a number of years in the early 1990s and were supported, although not officially organized, by the Ministry of Education.They promoted a similar discourse but were not attempted post-2003 as actions to deter the crossing of Greek-Cypriots to the north. A similar kind of action was organized by the Cypriot Brotherhood in London, for a number of years in the 1990s, when candlelight vigils were held outside the Turkish Embassy, highlighting human rights violations on the issue of missing persons and calling on Turkey to withdraw its troops. However, a qualitative difference needs to be noted here again in the discouragement of confrontational attitudes that may have pervaded demonstrations in Cyprus. This diversification of form and aims was emphasized even more in the case of the Women Walk Home campaign, which according to the interviewee representative began as a peaceful demonstration but was in the second phase after the first event of 1989 overtaken by people of more nationalist leanings and ended up in violent clashes with Turkish-Cypriot police, which subsequently came to symbolize the campaign and gave it its chauvinist image. In a similar way, the fuelling impact of actions for the missing at the checkpoint may not have been of concern to organizations undertaking them at particular points in time, but it appears that over time a re-assessment of their impact was undertaken and less confrontational practices considered preferable.

All these demonstrations, although very different in scope and form, focused on the symbolism of not crossing and converged on highlighting the violation of the right of access (to the north as a geographical location for most but also access to information in the case of the missing). In this respect, the motorcyclists' demonstration of 1996 marked a peak in such campaigns, the violence that ensued further fuelling the conflict from the other side to such a degree that future actions were closely scrutinized and hardly attempted since.

This violence is thus an indicator of the fuelling impact of civil society action on the northern side as well. In fact it is in this respect that the term conflict society organization may be more appropriate, since the perpetrators of this violence were reportedly members of the Grey Wolves organization, which advocates national purity and legitimizes violence to defend it. At the time, it was claimed that members of this organization had been 'shipped in', if not on orders, then with support, from the Turkish-Cypriot leadership specifically in order to defend the border area against violence from the Greek-Cypriot protesters. In the micro-frame of the protest, therefore, the actions of both sides helped fuel each other into violence, leading to the gruesome mob-killing of a Greek-Cypriot protester on the day and the shooting of a second one later on. Yet just as Greek-Cypriot society was shocked into the reality of what re-kindling ethnic violence might lead to, so did society in the north, with media criticizing the killings as the acts of outsiders (i.e. Turkish nationals).

Beyond the violent incidents mentioned above, the Greek-Cypriot demonstrations added fuel to the conflict between the two sides in a more pervasive way. They highlighted the huge gap between the Greek-Cypriot and Turkish-Cypriot mainstream perspectives about the significance of the consequences of the 1974 events and the subsequent division as well as Turkey's relation to Cyprus. More specifically, it was perceived by the Turkish Cypriot side as a challenge to 'bizonality', which it regarded as the mutually agreed basis for any potential Cyprus settlement (1977 and 1979 agreements) and assumed as having been virtually realised in 1974. Thus the strong reaction against the Greek-Cypriot demonstrators could be defended by the more nationalist circles in the north, including in the administration, as legitimate defence in the face of what was viewed as pre-meditated aggression and provocation against 'our existence', and violation of the 'mutually agreed principle of bizonality'. For according to this view, Greek-Cypriots' demand to return to their homes and properties was a threat against Turkish-Cypriots who because of what they suffered for 11 years (1963-1974) never wanted to go back to their homes and properties they had to abandon in the south. It was claimed that the demonstrations annoyed and worried Turkish-Cypriots because they were aimed at stripping the Turkish-Cypriots of their rights and at presenting the Turkish army which liberated the Turkish-Cypriots as an occupation army that was preventing freedom of movement and settlement.

Indeed, the Greek-Cypriot discourse on which these actions were based is one that maintains that what happened in 1974 was a brutal, unjust, and unprovoked Turkish invasion that forced Greek-Cypriot refugees out of their homes, killed thousands, and rendered others missing. This is in general the nationalist line promoted by the governing establishment in education and political rhetoric. As a consequence of this view of history, the Greek-Cypriot demands for justice and full respect of human rights means the return of all refugees to their homes and the disclosure by Turkey of all the details pertaining to how the missing persons were killed, or indeed, whether any are still alive. This has for decades been the content of the understanding of 'human rights' in Greek-Cypriot rhetoric. The parallels with the actions of CoSOs outlined above become evident when one considers that the point most symbolic of the division of the island in the central shopping street (Ledra Street) is marked by a monument depicting the violation of human rights by Turkey and by a permanent photo exhibition on the plight of the

missing[28]. In calling for such respect of human rights, both government and civil society have often quoted international treaties and standards to back up these demands and have always maintained that above all, a solution to the Cyprus problem should be based on the UN principles contained in these documents as well as UN security council resolutions (pertaining to Cyprus). This view however, is rather selective in that it fails to acknowledge the wrongs done to the other side, primarily prior to 1974, something that has in turn formed the basis of the understanding of 'human rights' for the Turkish-Cypriot side.

Framework of Action

This understanding of history and human rights forms the framework of action for most Greek-Cypriot CoSOs in general. It defines their major lobbying platforms as international institutions such as the UN, the CoE and the EU. For diaspora organizations, and particularly the communities living in countries which have been key players in Cyprus such as the UK and the US, lobbying their governments is also a main framework of action, as are public campaigns against Turkey. The target of such campaigns may be defined as 'raising awareness' abroad, 'informing' foreign publics of the human rights violations suffered by the Cypriot (meaning Greek-Cypriot) people, or lobbying foreign politicians and diplomats for support. Most of these campaigns and actions are carried out in consultation with the Republic's government, and indeed many interviewees spoke of their amicable relationships with the government on this matter. However, others have also stated that they see their role as 'guarding' the interests of their community and raising concerns when concessions are being made or about to be made that would violate Greek-Cypriot human rights. One notable example of this was the statement of the representative of the refugee association 'Unenslaved Kyrenia', who emphasized the organization's opposition to the 1977 and 1979 agreements – opposition which they not only raised with the government of the time, but also publicized. Keeping such positions in the forefront of the organizations' political work, despite coming obviously into disagreement with official positions, is seen nevertheless as providing 'ammunition' to the government who may use the seeming extremism of such positions to claim more concessions from the other side on the negotiating table (ibid).

Political Opportunity Structure

Within this structure it is unsurprising that such civil society actions have most often been spurred by developments in the political front. Thus, for example, the 2004 referendum was a period of major campaigning in the south of the island for raising awareness about the shortcomings of the Annan Plan and the ways in which it failed to fully guarantee the human rights of Greek-Cypriots. Following its rejection, diaspora organizations found themselves advocating the rightfulness of this rejection to the publics abroad. Similarly, in the period of stalemate of the mid- to late- 1990s, many campaigns were focused on carrying the message both home and abroad that Turkey was the key violator of Greek-Cypriot human rights. This included long-term campaigning outside the Turkish embassy in London for example, or campaigning, as described above, on the crossing points against the crossing of tourists from the south to the north (in order to prevent

[28] This symbolism has been explored elsewhere (Demetriou, 2007b).

legitimization of the TRNC). It could safely be assumed that the lack of any progress on the level of political negotiations and the nationalist rhetoric promoted as a result provided fertile ground for the development of such actions.

By comparison, a mirror situation cannot be claimed for the north. This is primarily because of two reasons. The first is that the non-recognition of the state made lobbying internationally impossible. The second is that nationalist discourse held that the war of 1974 had been an operation that restored peace in Cyprus and that the Cyprus conflict had now come to an end. Therefore, since past injustice by Greek-Cypriots had been corrected, the need for campaigning on Turkish-Cypriots' human rights was minimized. Instead, actions and discourse focused on opposing Greek-Cypriot positions using the blanket argument that what was at stake in the existence of the TRNC was the safeguarding of the Turkish-Cypriots' right to life, security and liberty.

Thus, on the Turkish-Cypriot side, such attempts by Greek-Cypriot groups to cross the border appeared, to ethnicist organizations as confirmation of the eternal aim of Greek-Cypriots to violate Turkish-Cypriot space and disturb the 'peaceful' status quo. In answer to this, violence may have appeared less in terms of aggression and more in terms of defence. Thus, for example, the representative of the *Martyrs' Families and Disabled Veterans Association* (*Şehit Aileleri ve Malul Gaziler Derneği*) spoke of an ever-present threat of attack from Greek-Cypriots, who have always been the attacking side, which the Turkish army currently protects Turkish-Cypriots against. This focus on Greek-Cypriots as the aggressors was also echoed by the representative of the Refugee Housing Committee, which operated in the 1960s when Turkish-Cypriots were in enclaves and later following the war when they were displaced from the south. Here again there was a qualitative difference in this presentation, in that Greek-Cypriot individuals were presented as essentially good-natured (e.g. friends), while Greek-Cypriot violations of Turkish-Cypriot rights (to housing, accommodation, health, and ultimately life) were framed within a wider notion of 1960s policies of confrontation, which aimed at making Cyprus Greek, for example by encouraging Turkish-Cypriots to emigrate. In this sense, the work of the Committee far from fuelling the conflict, aimed at restoring rights that had been violated. Yet in coming to effectively appropriate properties left behind by Greek-Cypriots who fled during the war and distribute them to Turkish-Cypriot evictees, it effectively realized one of the most contentious policies ('the global exchange of properties') regarding property rights in the conflict. Further still from aiming to fuel the conflict yet doing so nevertheless is the campaign of the London-based Embargoed group who lobby for the rights of Turkish-Cypriots to participation in international activities (ranging from sports events to air travel). Even though the organization has not explicitly campaigned on the issues of the missing or property rights, it does consider both to be humanitarian issues and solvable primarily through reconciliatory efforts. In itself, this would be a peace-building perspective. Yet in couching this in a wider frame of claiming rights against the Greek-Cypriot insistence not to recognize the TRNC it ends up antagonizing the Greek-Cypriot side and thus having instead a fuelling impact.

In conclusion, it could be said that the major characteristic of fuelling actions is that they promote nationalist understandings of the conflict and draw on insular interpretations of human rights as primarily inhering to ethnic communities. Yet because in a conflict the

frame of identification cannot but be dialectical, the other must either be presented as having no rights or their claims to those rights dismissed as illegitimate. In this sense, talk about Greek-Cypriot aggression in the 1960s can be silenced, the violence of 1974 presented as retributive justice, and the fears of the other community in the current situation (e.g. the Turkish-Cypriot fear that Greek-Cypriots might still pursue the goal of *enosis* or the Greek-Cypriot fear that ending Turkish-Cypriot isolation would lead directly to recognition of the TRNC) dismissed as irrational.

Holding Impact

Overview

Many civil society actions in recent years have related to the development of the political conflict in ways that seem to have neither fuelled it nor opened the way for conflict resolution. This is most clearly the case post-referendum, where, in the absence of any clear vision of resolution in the short term, much of civil society action has been geared towards making progress on issues irrespective of the outcome on the level of negotiations between the leaderships. In this respect the issue of the missing persons has provided a much wider avenue for pursuing such progress by comparison to the refugee question. Thus, since the mid 2000s exhumations of bones of people who died in various stages of the conflict and had been recorded 'missing' have progressed at a faster rate than they had ever done in previous decades and this development continued despite the ups and downs of the political process[29]. On the other hand, it could be claimed that the filing of cases with the ECtHR, most of which concern Greek-Cypriot refugee rights, is also an attempt to seek some form of redress outside the political development process. This, however, as many interviewees agreed, is much more debatable since the end result of this legal process is less easily divorced from the political one. Perhaps it is no coincidence that by comparison, the process of recovering missing persons offers more dimensions for reciprocation than does the issue of property and refugees, which has resulted in far fewer and only recent applications to the ECtHR by Turkish-Cypriots. Another characteristic of the holding effect is that it is rather difficult to divorce altogether from both fuelling and peace-building aspects. Thus, for example, the result of successfully recovering the bones of missing persons might be conducive to reconciliation in the wider public field, while asking for respect for rights outside the frame of the political process, as Turkish-Cypriot civil society is currently doing in respect to the call for 'ending isolation', or as Greek-Cypriot refugees have done in the ECtHR, might end up fuelling nationalist discourse.

[29] The CMP was established in 1981 but produced little concrete results until an agreement between the two leaderships in 1997 allowed it to resume its work under a revised format. The first identification of remains and return to relatives under the new format was completed in 2007. However, a number of hitherto missing persons had been identified prior to that. Fore more information see http://www.cmp-cyprus.org/nqcontent.cfm?a_id=1305&tt=graphic&lang=l1

Actions and Discourses

The actions that have mainly determined a 'holding' effect on the conflict have mainly been visible on the level of formal procedures (i.e. exhumations and the resolution of cases at the ECtHR). However, the achievement of that effect materialized through the campaigning efforts of civil society actors who aimed at raising public awareness. What is most important to note here is that these efforts were on the whole largely undertaken by people acting in a personal capacity. One of the most notable examples to mention here are the efforts of journalists to publicize the stories of missing persons and aspects of the issue that the governments on both sides sought to suppress over the years – such as, for example, the fact that the Republic's government had not identified bones of unidentified persons killed and buried in 1974, particularly in intra-communal fighting, or the fact that Turkish-Cypriot authorities had not kept proper files on their missing persons.

The scope and format of these actions was largely determined by the discourse prevailing on the issues. All Greek-Cypriot interviewees spoke of the issue of the missing persons as 'the most tragic aspect of the Cyprus problem'. In this discourse, the pain of the relatives was emphasized, which in turn helped accentuate the call to put an end to their protracted uncertainty regarding the whereabouts of their loved ones. The imagery regarding the issue of the missing, referred to in the previous section is important to stress here again, as some of the women who have lost husbands and children have been the figureheads of campaigns against Turkey. Dressed in the traditional black clothes of mourning, and holding photos of their missing relatives as they were before 1974 (some young moustached men smiling for portrait photos, others children staring at the lens), were to be seen in the 1980s and 1990s outside embassies in Cyprus and abroad, or at the Green Line, calling on the international community to end the injustice perpetrated by Turkey, and on the Turkish troops to get out of Cyprus. Some have criticized these actions, saying that such campaigns served primarily to promote governmental nationalist rhetoric but did little for actually determining the fate of the missing persons. Instead, they suggested, staying clear of nationalist rhetoric and acknowledging the individual suffering of relatives has proven more conducive to yielding tangible results.

On the Turkish-Cypriot side, all of the individuals who disappeared in the years of inter-communal violence have been presumed dead and considered martyrs. This has also been used for political ends, as the leadership has used this presumption to claim the issue closed. For the families, this has meant that their access to information on how their relatives died was denied.

The Greek-Cypriot nationalist discourse on refugee-hood is equally centered on the pain of loss of one's home and property and the injustice of being denied access to both. By comparison to the campaigns calling for the withdrawal of Turkish troops and the return of all refugees to their homes, actions that have had a holding impact on the conflict can be said to fall into two categories. On the one hand they were those that focused on Greek-Cypriot immediate needs at the initial stage (e.g. providing individuals with food and shelter) and later lobbying for better economic and social integration (e.g. through suggesting policy development). Examples of such organizations are the independent bodies of the Pancyprian Refugee Committee (*Pangýpria Énosi Prosfýgon*) and the

independent office of the Officer of Equalized Distribution of Burden (*Foréas Isónomis Katanomís Varón*), which aims to equalize the economic losses from 1974 amongst the Greek-Cypriot population (e.g. in practice mostly through special grants for refugees). These bodies have not actively engaged in a discourse of othering, but have not been concerned with Turkish-Cypriot rights or positions either. On the other hand, holding impact can also be observed in actions that have simply allowed essentialist perspectives of the 'other' to be broken down. In this light, the cases lodged with the ECtHR have been important in separating between the Turkish government (which stations troops on the island) as the violator of human rights and Turkish-Cypriots as not the primal enemy. Most importantly, they have also separated between the call for respect of individual rights (of property, movement, and settlement) and the envisioned solution of a unitary state that nationalist rhetoric has often implied. In the words of one interviewee, the aim of the application was not to get money but to have rights restored. And once such rights are fully and truly restored, i.e. through the return of the property in question, living there would be symbolic of returning the character of the place, with its Greek-Cypriot residents, to what it once used to be – no matter what administration one is under (ibid). Having in mind recent cases, however, which appear to clash with some of the fundamental tenets of Greek-Cypriot government rhetoric (such as the inability of the Immovable Property Board in the north to settle cases in a just manner because of its illegal character), it could be argued that the separation of the legal from the political that this course of action offers can also have aspects of fuelling impact. Similarly, such cases also exemplify how the existence of the Immovable Property Board, set-up with prompting of the ECtHR decision to deal with claims of Greek-Cypriots regarding their properties in the north and thus potentially to restore justice in ways that might also help peace-building efforts, has in itself had a fuelling effect because of the refusal of the Republic to recognize it as a legitimate rights-granting instrument. This is where the framework and political opportunity structure of such actions become important.

Framework of Action

In terms of the issue of the missing persons, the framework of the actions taken up by civil society has followed a number of directions. The first of these was the right to information, which also entailed various interpretations. Organizations which have taken the issue up, mainly in cooperation with the PAPRUPMP, have first and foremost called for the fate of the missing to be ascertained. This included recovering the remains of those killed, but also calling for the return of missing persons which may have still been alive. The recovery of remains, on the other hand, also included disclosing of information about how these individuals had been killed. This call in turn leads to a second direction, relating to the responsibility for the deaths. This entails both state responsibility relating to military policies and tactics, as well as to individual responsibility, which is about bringing perpetrators to justice. The extent to which the right to information should be prioritised over the right to retribution is the main question facing most discussions around issues of truth and reconciliation (Yakinthou, 2008; Sant-Cassia, 2005). As legal experts noted, this is a discussion that has not yet taken place in Cyprus and one that soon should. Yet, the PAPRUPMP appears rather skeptical about the value of such a discussion, pointing to the paramount importance for the work of exhumations to continue. At the same time, given that by 2008 the remains of some 380 were exhumed of

whom only 84 have been identified, the possibility that the remains of all 2000 missing persons will be exhumed, identified and returned to their families in the near future seems questionable. It is perhaps for this reason that other civil society actors emphasize the importance of reaching the stage of identifying perpetrators, not so much as they claim, for the benefit of punishing people who may not even be alive any more, but more importantly for the benefit of building a more peaceful society in the future. In this respect, the multifarious nature of the framework in which work on the missing is carried out, points to all three types of impact, namely fuelling (in following a strictly nationalist rhetoric), holding (separating the process from the level of high politics), and peace-building (emphasizing the possibilities for reconciliation).

On the issue of refugees, the framework which has opened possibilities of following different directions, has been the differing kinds of rights called upon: rights to property, to settlement, and movement. Here again, the separation of the legal process from the level of high politics has had an impact. However, in comparison with the issue of the missing, in the case of the refugee issue, this separation has also entailed the limitation of state control over the process, and the transfer of control over developments to the ECtHR. This has ultimately meant that the nexus between law and politics was left to individuals and organizations to problematize. In this respect, it is important to note that many of the actors interviewed emphasized the fact that legal and lobbying actions had been taking in consultation with the government, even though this may have been acknowledged to different extents.

Political Opportunity Structure

The differing impacts that actions have had were to a large extent determined by the political opportunity structure as this was shaped in the *longue durée*. Thus, in the first years following the war, when the possibility that some of the missing persons might still be alive the image of the missing as prisoners helped to promote a rhetoric that ultimately had a fuelling effect. Following the first attempts at reconciliation on the societal level, the possibility of cooperation to achieve concrete results became evident. This was further enhanced following the identification of the remains of US citizen Andreas Kassapis in 1998 after the involvement of the US State Department Special Coordinator for Cyprus in the case[30]. Political will on the governmental level, however, from the two sides was also necessary for exhumations to begin and this also entailed the presence of a number of factors, including legal cases in the ECJ[31] and ECtHR and Turkey's EU aspirations, relating to the willingness of the Turkish government to cooperate.

On the refugee issue, the structure of political opportunity followed a similar path. In this sense, the first actions post-74 were carried locally but aimed at showing to the domestic and international public the injustice of not having access to one's home. From these actions, however, sprang the possibility of securing binding decisions relating to property

[30] A list of identified Greek-Cypriot missing persons and related media stories is available at http://www.missing-cy.org/identifications.html

[31] What is meant here is that the ECJ decision was important to the issue of the missing not in a direct way but in having provided ammunition for the Greek-Cypriot side in the conflict regarding the status (and non-recognition) of the north and thus in the setting of the wider political framework – much like Turkey's EU membership application.

ownership, which the first ECtHR applications sought to do. What allowed these to materialize was the willingness of individuals (applicants), experts (lawyers) and officials (governmental actors from which advise was sought) to 'experiment' with such new ways of lobbying for rights. This process soon created its own dynamics, whereby the restoration of individual property rights was sought at the ECtHR level for a variety of political purposes.

In conclusion, it could be said that the impact of holding the conflict that various actions on the issues of refugees and missing persons have had is rather difficult to determine. This is chiefly because such actions did not originate from an attempt to keep the conflict from worsening but to pursue various forms of resolution. Where such forms were compatible with the perspectives of the other side, the net result has tended towards peace-building (see below); where not, it has tended towards fuelling the conflict (see above). The feature that has allowed this structure to exist (i.e. preventing 'holding' impact from being an end in itself) was the underlying structure of the Cyprus conflict in general as a conflict perpetually on the verge of being solved, without imminent real signs of worsening or concrete signs of ending.

Peace-building Impact

Overview

Peace-building actions by civil society actors have over the years become centered around the concept of 'bi-communalism', referring to the meeting and cooperation on various levels of different groups of Greek- and Turkish- Cypriots. Because of the closed nature of the border up to 2003 such cooperation was often difficult in the past and although supported by various international actors was not always supported by the authorities on the two sides (Demetriou, 2007a; Hadjipavlou-Trigeorgis, 1993). This limited the cooperation that resulted in the set-up of groups that aimed at discussing aspects of the Cyprus conflict and lobbying for peace and reconciliation locally and internationally. However, because of the interpretation given to the concept of 'human rights' by the Greek-Cypriot side and the actions around it, lobbying on 'human rights' in general as well as on particular rights on which diametrically opposed nationalist interpretations existed, seemed unfruitful. This situation began to change post-2003 and after the referendum, when bi-communalist work came to encompass more 'difficult' aspects of the problem, such as issues hitherto monopolized by nationalist discourse.

Actions and Discourses

The actions on which peace-building civil society efforts in general focused came under the rubric of 'reconciliation'. This included meetings of groups across the line, as well as various forms of discussing particular aspects of the problem (Broome, 2004; Development Associates, 2004). Yet issues that were until recently little discussed were the issues of refugees and the missing persons. This difficulty was probably due to the fact that the nationalist discourse that had developed especially around the latter issue drew on the 'self-evident' character of the injustice that had been perpetrated during the violent clashes – civilians being shot in cold blood, mass graves created, and the fates of

thousands never confirmed. The pain of the relatives never informed was the basis of this discourse and their unity in claiming their rights taken for granted. This made the articulation of a different discourse extremely difficult and unlikely to yield public support. In addition, such an alternative discourse would have also grappled with the state's responsibility at different levels (e.g. failing to investigate information already available to it), most importantly including bringing the perpetrators to justice. As common knowledge has it that some of these may well have held high governmental posts post-1974, to probe this subject could also endanger both the individuals handling such information and the wider effort of rapprochement. This was more so during the years when the border was closed and direct communication across the Green Line near-impossible. It is for these reasons perhaps that the first attempts to deal with the issue came after the opening of the checkpoints, when on the anniversary of the landing of the Turkish troops in 1974 (a celebration in the north and commemoration in the south), anti-nationalist groups from both sides began to visit, on an annual basis, the sites of mass graves and to lay wreaths in an attempt to commemorate those who lost their lives on both sides. This action aimed to emphasize common loss and common pain, linking individual human rights violations to the commonality of a homeland, by-passing the communal level[32]. It was, in this sense, an action framed within a wider effort to question the exclusion of other's human rights in official discourse. As a first step in the bicommunal movement's engagement with the issue it went little beyond emphasizing empathy. However, the issue was soon taken up on different levels, and most importantly by journalists on the two sides acting in their individual capacities (in fact one having already engaged with it in earlier years), who put individual stories in the public eye, and also sought to collect information that eventually allowed the ascertaining of the fates of a number of individuals. However, in order for these concrete results to materialize, the efforts of the CMP were also needed, who after years of inaction was re-activated and making use of the positive general climate was able to put expertise to use for re-starting the process of exhumations.

By comparison, the issue of refugees and property rights still remains low on the reconciliation agenda, again probably because if its complex nature and the indeterminate character of what an actual solution may involve (including in terms of territorial re-adjustments and in terms of the parameters on which rights of access and use will be determined). Thus, for example although there have been initiatives of bringing former co-villagers together, starting from before the Green Line opened, these aimed primarily at the social encounter level, of sharing news and memories of past common life together. Village-level meetings to initiate ideas or action on how reconciliation at least on the local level might encompass the refugee / property issue as well have not yet been undertaken[33]. It is noteworthy in this sense that Greek-Cypriot interviewees involved in both refugee associations and bicommunal groups have stated that they had not considered this possibility, almost implying that combining the two forms of activity was

[32] Exemplary of such a discourse is the work of Angastiniotis (ref) which, it could be argued, has been showcased by the authorities in the north, diminishing its credibility in the south.

[33] Yet the possibilities of such actions in terms of enhancing the democratic process has been noted by researchers. See Rebecca Bryant's 'Oral Histories in Pre-Conflict Village Life in Cyprus' project (at: http://www.cies.org/NCS/ncs_rbryant.htm).

irrelevant. Yet there has been some engagement with the issue on a general level, where reconciliation initiatives have presented the refugee issue as one involving loss on both sides, in which the central focus was the generation of empathy between individuals from the two communities. One exception was the "Let's Unite Famagusta" initiative, which involved the German-Cypriot Forum and the Association of Rights and Freedoms and the New Cyprus Party in the north (among other groups). In this initiative, affected communities (i.e. evicted from Famagusta in 1974 and living there currently) as well as other Cypriots in the bicommunal movement lobbied the EU to support an initiative calling for the return of the town to its residents under UN administration, in the form of an experiment for coexistence in the absence of a more comprehensive solution[34]. This built on an earlier effort by the Famagusta Refugee Association, which in the aftermath of the referendum petitioned the EU Commission to consider proposing the return of Famagusta to its original inhabitants as a reconciliation measure[35].

Both types of actions outlined in this section have been centred on a discourse of reconciliation. This has on the one hand made it possible to articulate viewpoints that were in diametric opposition to the traditional rhetoric on the issues of refugees and the missing, but on the other hand limited the scope of actions. This is on one level rather paradoxical, as these core human rights issues, which are the ones on which nationalist rhetoric has focused, are essentially matters of individual loss and individualized pain. Thus, from a human rights perspective, it is precisely these issues that offer the greatest scope for applying a civic framework of interpretation on their solution, i.e. by following a liberal logic where rights are not ethnically prioritized. It is significant in this sense that one of the few major studies on human rights violations relating to the conflict undertaken by an INGO was a report by Amnesty International on the issue of the missing, issued in 1996 and calling for the fate of the missing to be determined, thorough and impartial investigations to be carried out, and perpetrators to be brought to justice. This document seems to have had less impact than expected on the local level and has selectively, if at all, been used as a basis for local campaigning by interested groups. This is, one can safely assume, because of the problem locally in articulating such a call for prosecutions. It could therefore be argued that throughout the years peace-building civil society has had an impact in slowly changing the nationalist discourse on these two issues, and if not reversing it towards a focus on empathy, at least furnishing it with understandings different to the official interpretations. The current phase in this process is the beginning of a discussion concerning the set-up of a truth and reconciliation commission, where experts (e.g. academics and lawyers) are now debating whether one should be sacrificed for the other, or whether there might be ways of not compromising either. In turn, this change in the discourse cannot be argued to have taken place in a vacuum – on the contrary, the ECtHR litigation process, which has overall had a holding impact on the conflict, has been catalytic in spurring these peace-building initiatives. At the same time, the actions of individuals who took the risk of acting in their personal capacities were also a big factor in the discursive change.

[34] Resolution available at http://www.letsunitefamagusta.net/en.htm
[35] Relevant press releases in English available at http://www.frm.org.cy/Data/ENGLISH/PressRelease.htm and others in Greek at http://www.frm.org.cy/Data/PressRelease.htm

Framework of Action

These factors in fact relate directly to the framework in which the actions described above were undertaken. In this sense, the framework is delimited by two main characteristics: the variable relationships of actors to the state and the limits of individual action. In terms of the first, of key significance was the fact that bi-communal civil society always employed a discourse that in the south at least was oppositional to nationalist state discourse but at the same time also shared referents. Thus, it promoted ideas of reconciliation that included acknowledging aspects of the other community's positions as legitimate, as for example the fact that human rights violations had also been perpetrated by one's own side against the other. This was a point that until 2008 had never been officially articulated by the government and thus questioned the hegemony of nationalist discourse. But at the same time, it worked within a framework that posited bi-communal coexistence as an ideal state of affairs, something which was also used as a foundation for arguing, on the nationalist side, for a return to the 1960 situation when, nationalist rhetoric had it, the two communities had lived together in peace. This dual relationship to the state discourse resulted in the public remaining apathetic towards initiatives undertaken by civil society, where actions were more ignored than either criticized or supported.

In the north, the situation was different in the sense that bicommunal discourse fell squarely and unequivocally in the opposing side of state positions that were founded on the logic of separatism. For this reason repression of activities was attempted at various points in the pre-2003 period. This in turn however also meant that on the Turkish-Cypriot side other issues of human rights became prioritized over those regarding older violations – such were issue of freedom of expression and respect of democratic processes.

In terms of the second characteristic, i.e. the limits of individual action, the peace-building impact appears to have been strongest where action sought to criticize state discourse (by comparison to other types of impact where actions did not oppose it). Thus, one of the key turning points in the discourse on the missing took place when a Greek-Cypriot investigative journalist exposed in the 1980s the fact that unnamed graves of 1974 dead existed in the military cemetery in the south but that these had never been investigated to determine whether missing persons had been buried in them (also see above). When things began to change substantially in the 2000s this effort at journalistic investigation was supplemented by the actions of a Turkish-Cypriot journalist who began to collect stories and information regarding missing persons from both sides and unmarked graves that had not been investigated. These efforts added to the pressure to carry out investigations and supplemented the work of exhumations already underway by the CMP.

Political Opportunity Structure

Turning to the structure of political opportunity the most significant factor was undoubtedly the process of Cyprus' accession and the dynamics created around it. This included the process of negotiations that took place from 2002 and resulted in the drafting of the Annan Plan. These dynamics were characterized by the widespread activism

amongst the Turkish-Cypriot community in support of a solution and a reunified Cyprus' accession to the EU, and Turkey's change in its intransigent attitude towards willingness to bargain Cyprus in exchange for its own accession to the EU. In this, the initiatives that were named "This Country is Ours Platform" and the "Common Vision" initiatives – which included political parties, trade unions and numerous other civil society organisations and promoted the "Solution and the EU" goal – were key actors. This process also impacted on human rights aspects of the problem in profound ways. By far the most significant here was the revitalization of the CMP, which acquired new members and staff, and resumed the exchange of information in much more meaningful ways, including through the hiring of foreign experts to undertake exhumations and identification, and agreeing on the role of the south-based Institute for Neurology and Genetics in the identification process. In terms of actions on the refugee issue the same EU dynamics can be said to have been important in structuring civil society action. In these terms, the precursor of the "Let's Unite Famagusta" campaign was a signature campaign organized by the Famagusta Municipality, a Greek-Cypriot municipality 'in exile' in the south, which after the failure of the referendum sought to lobby the international community to ensure the restoration of Famagustans' rights. In answer to this, the campaign described above sought to emphasize the reciprocal aspect of such rights and the common will of the two communities to live together.

In conclusion, the peace-building impact of civil society actions built on a combination of international and local aspects. The most tangible successes of actions in this field were undoubtedly on the issue of the missing persons, where discourses were changed substantially but where also substantive progress was achieved. It could be claimed that the overall frame in which this success was effected was one that resonated with international legal understandings of human rights as individually-focused, but also founded on the principles of equality and democracy. It was when local civil society articulated this perspective that international support became most fruitful.

5. Conclusion

This paper has sought to examine the impact on the Cyprus conflict of actions arising from discourses on 'human rights'. It has focused on discourses on two issues of human rights in particular, namely the refugee / property rights and the rights of missing persons and their relatives. These two issues have been contextualized within the wider discursive frame of human rights and the conflict. They have thus been examined in terms of their relevance to nationalist frames of interpreting 'human rights'. In this context, the impact of such actions on the conflict have been assessed following a three-tier categorization developed in the context of the "SHUR: Human Rights in Conflict" project, of which this study is a part. The categories thus employed were (i) fuelling impact, (ii) holding impact, and (iii) peace-building impact. Under the first, actions which have ultimately led to a worsening of the relations between the two sides (chiefly on the official but also wider social level) have been grouped. Under the second, actions which have kept the two sides from engaging in further confrontation were included. The third category included actions that have contributed to reconciliation. In determining this impact the authors have considered the intention of the actors, the identity of the organization and the temporal and discursive context in which the actions were undertaken. From this analysis, a number of conclusions can be drawn.

Firstly, the self-other dichotomy has proved central to the conceptualization of human rights in the conflict context. This dichotomy takes on a nationalist hue, whereby self and other are conceptualized as such in ethnic terms. This is not a unique finding for Cyprus, but it is important to consider because it forms the backdrop against which all of the discourses examined are articulated. This means that nationalist discourses are based on the view of a key enemy against whom national-communal interests need to be defended and the idea that national-communal survival is staked on such a defence. The particularity of the Cyprus case further rests on the fact that otherness has been subject to different conceptualizations by different actors. Thus, whereas Turkish-Cypriot nationalist rhetoric has projected Greek-Cypriots as its others, on the Greek-Cypriot side the picture has been complicated by the existence of multiple interpretations, where Turkey as an occupying force was considered the arch-enemy but where Turkish-Cypriots have been viewed sometimes in distinction to this (e.g. as Cypriots above all with whom peaceful coexistence is possible) and sometimes as mere pawns furthering Turkish expansionist plans.

The second factor determining the ultimate impact of actions related to human rights on the political issue relates to the ways in which governmental discourse has been perpetuated by civil society actors. In this sense, the most effective actions have, over the long-term, been those where core aspects of this nationalist discourse formed the basis of civil society action. One reason for this is that it was vastly easier for such actors to articulate and further nationalist discourse, as the pressure from the state was considerably less than was the case for actors that sought to undermine this state rhetoric. Thus, actions that aimed to project the community's human rights against those of the other community have over the years received much more media and therefore public attention. At the same time, such actions were also highlighted in the rhetoric of the opposite side, in order to prove the unwillingness of the other to cooperate for finding a

solution and the rightfulness of the self in making claims of unreliability against the other. However, as alternative discourses began to take root through the activities of the bi-communal movement from the 1990s onwards, this situation changed slightly, and more considerably in the north, where opposition began to gather strength and question the effectiveness of such nationalist rhetoric. In the south this seems to have happened much later, and particularly in the period following the opening of the checkpoint and the referendum when access to the other side became more direct.

This leads to the consideration of a third factor in determining impact, and this is the extent to which human rights debates have been allowed to become separated from the process of political negotiation. In taking this into account, the effect of the long-term stalemate needs also to be considered. Thus, it could be claimed that the perpetuation of a nationalist discourse that particularly on the Greek-Cypriot side was based on the demand for restoration of rights, alongside the repeated failures to agree on a political solution that might allow such restoration to come about created an environment where the usefulness of keeping the two linked together began to be questioned. When the first Greek-Cypriot ECtHR applications were filed, for example, a major concern of the actors was not to oppose state rhetoric but to furnish it with legal ammunition that might lead to a restoration of rights piecemeal so that ultimately, regardless of any compromise made in the context of a solution agreement key rights would be guaranteed. At the same time, this was a gamble which in the long-term allowed rights to be transferred from the communal to the individual level and feed into the political process as pressure on both sides to respect human rights. On the political front the outcome of this dissociation is yet to be judged, but it would be easier to say that in terms of guaranteeing individual rights this seems at the moment a positive development. This is the case even more so, considering that in recent years Turkish-Cypriots seem to have tapped into this possibility and began to use it as well – which of course has brought the political repercussions of this process even more prominently to the fore.

A fourth factor determining the political impact of actions is the difficulty of articulating a peace-building discourse that contradicts state rhetoric on sensitive human rights issues. Here, the issues of refugees / property and the missing are of particular relevance because in Greek-Cypriot discourse they represent, respectively, ‘the most complex’ and ‘the most tragic’ aspects of the Cyprus problem. On the other hand on the Turkish-Cypriot side they both seem to have been solved in a straightforward and simple manner, which is nevertheless being put into question every time the issues come up for negotiation. Thus, going against the received wisdom of traditional nationalist rhetoric entails the danger of being dismissed or criticized of insensitivity to communal concerns or capitulation to the other side. For this reason, discourse that has sought to differentiate itself from such rhetoric, primarily in the context of reconciliation, has had to focus on the concepts of pain and loss that have framed nationalist discourse. Yet, in so doing it has opened them up to incorporation of pain and loss of the other as well. Thus, although difficult to articulate such a discourse, when it was finally done it had a significant impact on wider conceptualizations of ‘human rights’ in relation to the conflict.

Finally, a fifth factor to consider in the analysis of the impact of actions on the conflict is the significance of the international dimension of such actions. This is of high importance

to Cyprus in specific because the international dimension has been a determining factor in the organization of most civil society actions surveyed here. In turn, the reason for this is the high degree of involvement of the international community in the problem since at least the set-up of the Republic. But the ramifications of this involvement in the long term have chiefly been determined on the basis of the recognition issues, where since the beginning of the inter-communal violence and the stationing of UN troops on the island the Republic of Cyprus, even though run solely by Greek-Cypriots has been considered as the representative of the whole country. This prevented any sort of official recognition of Turkish-Cypriot authorities on the international legal level. As a result, the Greek-Cypriot side has viewed the international community, and specifically the UN, the CoE, and more recently the EU, as the major addressee of its lobbying actions and the major source of support in its plight for rights. This in turn has caused it to develop an increasingly sophisticated discourse on rights, even to the point of claiming rights for Turkish-Cypriots against Turkey in the ECtHR. On the Turkish-Cypriot side by comparison access to international fora where rights could be claimed was for a long time largely absent and thus the discourse on rights that developed over the years went little beyond the communal right to life and the political right to self-determination. Moreover, from the Turkish-Cypriot perspective the fact that the Greek-Cypriot administration was internationally recognised as legitimate government of the whole of Cyprus meant that such international fora were in principle biased towards Greek-Cypriots and against Turkish-Cypriots, and hence were potentially 'full of traps' and could not be trusted.

When considering these factors and determining the ultimate impact of actions, a series of qualifications need also to be kept in mind, in order to ensure that the analysis is not reductive to the point of becoming blind to the complex nature of the issue. The first of these is the fact that actually most of the actions examined here appear to have a mixed impact. Thus, actions which may have been undertaken with the aim of promoting peace-building could also have had fuelling effects, just as actions arising from a nationalist perspective that would otherwise have been expected to have a fuelling impact may in the long run have promoted reconciliation. Of major importance to the findings is the fact that actions classified as having had a holding impact have actually had variable impacts at different points in time, sometimes appearing to fuel the conflict, and at other times appearing to be promoting peace-building. What chiefly determines the overall impact of an action is the context in which it is undertaken and the timeframe used for the analysis.

This relates to a second qualification that needs to be born in mind, namely the fact that intentions and outcome do not always match in terms of the impact of actions on the conflict. More so is the case when intentions are judged on the basis of the discourse projected by organizations. In respect to the fuelling impact, for example, it needs to be stressed that none of the interviewees explicitly articulated an organization's intention to fuel the conflict. On the contrary, all of the organizations examined have projected a solution to the Cyprus problem as one that fully respects Cypriots' rights as their ultimate aim. Taken at face value, this would potentially classify all actions as starting off from the intention of peace-building. It is at this point that it becomes important to contextualize this discourse within a landscape of counter-discourses, both within one's own community and with respect to discourses on the other side. Alongside this contextualization it has also been necessary to contextualize the actions undertaken in

terms of their impact on the conflict in the longer term and beside actions that may have been spurred by the original actions.

To conclude, what appears to be happening at the present moment in relation to civil society impact on the political process is a developing trend towards peace-building. This is unsurprisingly chiefly related to the involvement of international organizations and bodies, such as the European Commission and European Parliament, and the ECtHR, which, especially since the referendum of 2004 appear to be emphasizing a liberal approach on rights with stress on the individual in opposition to the state. This has meant that peace-building efforts have been helped by this rhetoric on the one hand, and on the other hand, that nationalist viewpoints are needing to be articulated in more liberal terms, which effectively means taking into account the legitimacy of rights claims by individuals belonging to the other community as well.

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UN Human Rights Committee:

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UN Committee on the Elimination of All Forms of Discrimination against Women:
http://www.un.org/womenwatch/daw/cedaw/

UN Committee on the Rights of the Child

http://www2.ohchr.org/english/bodies/crc/index.htm

UN Peace Keeping Force in Cyprus:

http://www.unficyp.org/nqcontent.cfm?a_id=1

UN Security Council Resolutions on Cyprus:

http://www.un.int/cyprus/resolut.htm

Women Walk Home Campaign:

http://www.cyprus.com.cy/womenwalkhome.htm

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