

## Can Confidence Building Measures Help End the Cyprus Deadlock?

by Mustafa Çıraklı

The discovery of hydrocarbons in Eastern Mediterranean waters was quickly followed by a resurgence in territorial disputes and nationalistic fervour which have further complicated efforts to resolve the decades-old Cyprus conflict.

Four years ago, the United Nations Secretary-General (UNSG) António Guterres attempted to bring the parties to a deal before matters took a turn for the worst with the start of exploratory drilling, scheduled for the first half of 2018. While the two sides, together with the guarantor powers of Turkey, Greece and the UK, met at the Swiss Alpine resort of Crans-Montana for detailed talks in late 2017, these broke down over the vexed issues of governance and security.<sup>1</sup>

The ensuing war of words between Turkey and Greece over maritime

rights in the eastern Mediterranean, partly stemming from the unresolved conflict over the divided island of Cyprus, nearly came to boiling point last summer. Ankara, excluded from plans by the Republic of Cyprus, Egypt, Israel and Greece to run a pipeline to Europe, sent its own drill ships into contested waters surrounding Cyprus, as well as south of the Greek island of Kastellorizo.

The latest push undertaken by Guterres and the UN to break the deadlock also failed in April 2021 when the Secretary-General declared that there was not "enough common ground" to allow for the resumption of formal talks.<sup>2</sup>

As explained by Guterres, the Greek Cypriot position was "that negotiations should resume from where they left off in Crans Montana" and should "aim

<sup>1</sup> Tom Miles, "Cyprus Reunification Talks Collapse, U.N. Chief 'Very Sorry'", in *Reuters*, 7 July 2017, <http://reut.rs/2tmGyTW>.

<sup>2</sup> UN Secretary-General, *Opening Remarks at Press Conference Following the Informal 5+1 Meeting on Cyprus*, 29 April 2021, <https://www.un.org/sg/en/node/257124>.

to achieve a settlement based on a bi-zonal, bi-communal federation”.<sup>3</sup>

Meanwhile, the recently elected Turkish Cypriot leader Ersin Tatar responded that he was now pursuing a new policy,<sup>4</sup> one based on a two-state solution after decades of negotiations for a federation failed to resolve the Cyprus issue.

Against this backdrop of stalled talks over Cyprus, growing interest has been directed at developing confidence building measures (CBMs) as a means to end the deadlock and help defuse the dangerous tensions in the wider region.

For Cyprus, CBMs are nothing new. They were first proposed in the early 1990s by the then UNSG Boutros Boutros-Ghali when a series of talks between the two communities failed to agree on an overall framework agreement. The UN consequently proposed a series of measures to create “a new climate of confidence”, more favourable to the negotiation process.<sup>5</sup>

Since then, CBMs have been seen as an integral part of UN-mediated efforts, but have a mixed track record in terms of effectiveness. This was clearly demonstrated in the decision to link mobile telephone networks between the two sides, a confidence-building measure agreed upon in 2015 but only

implemented in 2019.

Confidence building measures appear now to have further lost their cachet, mainly because of the diverging visions of the two sides on their objectives. To be more specific, CBMs are increasingly conceived as a means to benefit, or undermine, one of the two sides.

From a theoretical perspective, this situation stems from two fundamental flaws regarding the way CBMs are conceived by the respective parties.

The first issue relates to the utility of such measures.

While it has become commonplace to note that CBMs can have different meanings in different contexts, scholars and practitioners nonetheless agree that the aim of CBMs is not to address the root causes of conflict but to help build trust which can then allow parties to address these causes through substantive negotiations.<sup>6</sup>

This broad consensus also reflects the widening of the concept, going beyond the security sector to encompass non-military fields,<sup>7</sup> such as economics, trade and shipping, water resources,

<sup>3</sup> Ibid.

<sup>4</sup> Peter Kenny, “Turkish Cypriot Leader Presents Cyprus Resolution Proposal”, in *Anadolu Agency*, 28 April 2021, <http://v.aa.com.tr/2223737>.

<sup>5</sup> UN Secretary-General, *Report of the Secretary-General on His Mission of Good Offices in Cyprus (S/26026)*, 1 July 1993, point 6, <https://digitallibrary.un.org/record/170147>.

<sup>6</sup> Simon J. A. Mason and Matthias Siegfried, “Confidence Building Measures (CBMs) in Peace Processes”, in African Union and the Centre for Humanitarian Dialogue, *A Handbook for AU Practitioners, Vol. 1: Managing Peace Processes. Process Related Questions*, African Union, 2013, p. 57-77, <https://www.hdcentre.org/wp-content/uploads/2016/07/AU-Handbook-Volume-I-Process-related-questions-July-2013.pdf>.

<sup>7</sup> Organization for Security and Co-operation in Europe (OSCE), *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*, Vienna, OSCE, 2012, <https://www.osce.org/node/91082>.

environment, power, energy, education and science and technology.

From this perspective, the Greek Cypriot side has been more prone to adopt a rather negative view of CBMs. These tend to be stereotyped as “distractions” diverting attention from the substance of the problem, or as traps which aim for “recognition by stealth”, a reference to the “upgrading” of the status of the Turkish Republic of Northern Cyprus, recognised only by Turkey.

This reluctance on the part of Nicosia was also noted by Guterres in his report, lamenting that “in their efforts to promote closer cooperation between the communities, local and international actors continue to be confronted with challenges and obstacles linked to the status of the north and concerns relating to ‘recognition’”.<sup>8</sup>

Guterres also added that “as the sides explore further opportunities for confidence-building and cooperation, I urge them to devise creative ways of overcoming obstacles with a view to achieving meaningful progress and delivering tangible benefits to their communities, without prejudice to the issue of recognition.”

For its part, the Turkish Cypriot side is by no means immune from negative tendencies. Most recently, it has rebuked UN efforts with its decision to partially open the coast of the fenced-off area of Famagusta (Varosha/Maraş),<sup>9</sup>

<sup>8</sup> UN Secretary-General, *United Nations Operation in Cyprus (S/2019/562)*, 10 July 2019, point 55, <https://undocs.org/S/2019/562>.

<sup>9</sup> “Varosha: Turkey Reopens Deserted Cyprus Resort But Tourists Will Wait”, in *BBC News*, 8

an area that has remained closed for 46 years.

UN Security Council Resolution 550/1984 clearly describes as “inadmissible” attempts to unilaterally settle any part of Maraş/Varosha by individuals other than its lawful inhabitants.<sup>10</sup> It moreover calls for this area to be transferred to the UN administration, while Resolution 789/1992 frames this transfer as a needed confidence building measure.<sup>11</sup>

It is important to note that no settlement activities have taken place in the area, and the Turkish Cypriot authorities have reportedly stressed that the property rights of the previous residents will be respected.<sup>12</sup> Yet, the move was nonetheless criticised, and described by the Greek Cypriot leadership as torpedoing the prospects of a deal.<sup>13</sup>

October 2020, <https://www.bbc.com/news/world-europe-54465684>.

<sup>10</sup> UN Security Council, *Resolution 550(1984)*, 11 May 1984, point 5, <https://digitallibrary.un.org/record/67600>.

<sup>11</sup> UN Security Council, *Resolution 789(1992)*, 25 November 1992, <https://digitallibrary.un.org/record/154294>.

<sup>12</sup> “Ersin Tatar, Maraş’ta konuştu: ‘Burada hak sahibi olanlar gelip iade alabilirler’”, in *Kıbrıs Postası*, 15 November 2020, [https://www.kibrispostasi.com/c35-KIBRIS\\_HABERLERI/n355942](https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n355942); UN Secretary-General, *Report of the Secretary-General on his Mission of Good Offices in Cyprus (S/2021/5)*, 8 January 2021, point 13, <https://undocs.org/en/S/2021/5>.

<sup>13</sup> Katy Turner, “President Condemns UDI in the North”, in *Cyprus Mail*, 15 November 2020, <https://cyprus-mail.com/?p=364344>; Helena Smith, “Cyprus Asks UN to Step In As Beach in North Is Opened After 46 Years”, in *The Guardian*, 9 October 2020, <https://www.theguardian.com/p/f3z99>.

It is clear that utilising CBMs in a zero-sum manner and their pegging onto the root causes of the conflict, including competing interpretations of "recognition" and "sovereignty", is unlikely to build an environment of trust between the sides.

The second flaw relates to the methodology associated with CBMs. Namely, their "top-down" nature.

It is true that in the European context, CBMs were contained in formal, negotiated agreements to enhance predictability, stability and trust in East–West relations.<sup>14</sup>

In Cyprus too, the focus has been on "negotiated actions" and CBMs have been institutionalised with the introduction of bi-communal Technical Committees, led by the leaders, "to address issues that affect the day-to-day life of people".<sup>15</sup>

Scholarship and field experience has long shown that CBMs should not be understood as centring on a single mediator working with just two negotiating parties in a single series of high-level negotiations. In fact, the Organization for Security and Cooperation in Europe (OSCE) has recognised that the "best" CBMs are initiated at, or involve, different levels;<sup>16</sup>

<sup>14</sup> Johan Jørgen Holst, "Confidence Building Measures: A Conceptual Framework", in *Survival*, Vol. 25, No. 1 (January/February 1983), p. 2-15.

<sup>15</sup> UN Development Programme (UNDP) in Cyprus website: *Support Facility to the Bi-communal Technical Committees*, <https://www.cy.undp.org/content/cyprus/en/home/projects/support-facility-to-the-bi-communal-technical-committees.html>.

<sup>16</sup> OSCE, *OSCE Guide on Non-military*

or as one scholar has put it, bottom-up, as well as top-down.<sup>17</sup>

Against this backdrop, it is apparent that a new, bottom-up approach toward CBMs is needed for Cyprus in order to support the UN process and find creative means to relaunch the negotiations. This approach should, above all, recognise the multifaceted nature of the conflict and the need for a variety of initiatives at different levels of society to build trust, develop cooperation and pave the way toward sustainable peace.

It is not that there are no grassroots initiatives in Cyprus. On the contrary, the island does have a dynamic, inter-communal, peace-orientated civil society movement supported by the international community in fostering dialogue between Greek Cypriot and Turkish Cypriot communities.

The problem, nonetheless, is that the NGOs that ought to provide the infrastructure for designing and implementing targeted actions "have been reduced to operating in a small, confined space"<sup>18</sup> with very little leverage or influence over official/governmental CBMs.

A bottom-up approach would thus strengthen and empower civil society to act as the key conduit

*Confidence-Building Measures (CBMs)*, cit.

<sup>17</sup> Walter Kemp, "From Confidence Tricks to Confidence Building: Resolving Conflict in the OSCE Area", in *IPI Meeting Notes*, May 2011, p. 2, <https://www.ipinst.org/?p=983>.

<sup>18</sup> Birte Vogel and Oliver P. Richmond, "Enabling Civil Society in Conflict Resolution", in *CORE Policy Briefs*, No. 2 (2013), <https://www.prio.org/Publications/Publication/?x=7238>.

for the discussion, design and implementation of “creative” CBMs, concentrating on identifying local needs, offering legitimacy and building ownership. In this new understanding, intergovernmental organisations (IOs) and donor countries would also have an equally important role to play. The political access and understanding that IOs are able to develop becomes particularly useful for an expanded role for local actors and non-governmental stakeholders to sit around the same table with top level policy-makers.

With the support of IOs, policy recommendations resulting from internal dialogue can also receive a more receptive response from governments. Of course, CBMs are not magic bullets, even when they are “inclusive”, “bottom-up” or “tailor-made”. Some indication that the parties are willing to try to change the status-quo and engage in dialogue remains fundamental. Yet, a bottom-up approach, linked to and coordinated with existing processes, and facilitated by IOs and local civil society networks themselves could magnify their impact tremendously.

Ultimately, given the legacy of failed top-level negotiations and the resurgence of mutual accusations and grievances, creative confidence building measures that are based on direct knowledge and experience of the two communities could go some way towards breathing new energy into the UN-led negotiation process.

*6 July 2021*

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