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The Complexity of Mediation

An Assessment of UN Good Offices Mission in Cyprus
1999-2004

Lars Niklas Nilsson

Abstract

This Master degree thesis aims to assess the UN-mediation attempts in Cyprus during 1999-2004. Performing a qualitative case study, I employ mediation theory to examine the UN good offices efforts, in order to see if the chosen mediation strategy can explain the failure to solve the dispute.

Results show that the timing for mediation was favourable, and the context of the conflict indicated that a mediation effort could be successful. However, the adversaries' lack of motivation at different stages of the process aggravated the UN Secretariat's chances of mediating successfully. Together with hassled negotiations and an occasionally badly chosen mediator strategy, these could be considered the reasons for the failed attempts to reach a solution of the Cyprus problem. As a consequence, in simultaneous referenda on 24 April 2004, the Cypriot people voted on the Annan Plan to settle the dispute. The Turkish Cypriots accepted the settlement with 65%, while 76% of the Greek Cypriots rejected the Plan.

Still, the United Nations is probably the most apposite mediator in the Cyprus dispute. By adhering to a formulation strategy to mediation in future negotiations, it may be possible to eventually reach an agreement between the disputing parties.

Key words: Cyprus problem, Mediation, Good offices, Annan Plan, United Nations

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1 Introduction

The Cyprus problem is one of the most intractable conflicts of our time. For several decades, the international community has attempted to solve the dispute through the use of mediation, but to no avail. An old proverb reads: “When Cyprus found it could not be a world power, it decided to become a world nuisance” (Mikes in Ker-Lindsay 2005:4). This rather cynical statement would probably be agreed upon by most mediators who haven’t spared any efforts when trying to solve the dispute.

The secret to deciphering the Cyprus problem is not only found in the relations of the Greek Cypriot and the Turkish Cypriot communities that constitute the Cypriot state. In addition, the role of the two motherlands, Greece and Turkey, is equally crucial for reaching a settlement, for reasons of security and legality.

Most mediation efforts have been performed by the United Nations (UN), usually under the auspices of the Secretary-General. In 1999, the incumbent Secretary-General of the UN, Kofi Annan, initiated a new round of negotiations where he would act in accordance with a good offices mandate. This time, the prospects for a settlement were considered much greater than for many years. These expectations were mainly a result of the initiated membership talks between the Republic of Cyprus and the European Union (EU). A potential EU accession was by many observers considered to offer a unique opportunity to settle the Cyprus dispute once and for all.

The UN-conducted negotiations between the two Cypriot communities eventually ended in the Annan Plan, a comprehensive settlement which came to be subject to public referenda in April 2004. The result was devastating: the Greek Cypriots rejected the proposal with 76% of the votes, while 65% of the Turkish Cypriots accepted the Plan.

Evidently, yet another mediation attempt had failed, but; what went wrong, and almost as important, who was to blame?

1.1 Statement of Purpose and Research Problem

The aim of the thesis is to ascertain the reasons for the parties’ failure to reach a settlement to the Cyprus problem. In approaching this aim, I employ mediation theory in order to establish whether an answer can be found in the good offices mission performed by the UN team during 1999-2004.

The overarching research problem is: *Why did UN fail to mediate a settlement between the two Cypriot communities?* Mediation evidently failed because the disputing parts couldn’t conciliate, but can the failure be explained through the

UN Secretariat's mediation strategy? In search of an answer to this query, I assume a set of sub-questions: Could the UN have mediated otherwise? Was the timing right? Were the parties motivated to settle?

I have chosen to analyze the Cyprus dispute and the attempts to solve it since it serves as an illustrative example of UN mediation and the difficulties that usually accompany the mediation efforts in an ethnic conflict. In addition, the dispute elucidates the fact that there still remain obstacles to EU enlargement.

By selecting Cyprus for research object, I was offered a multitude of angles of approach. For instance, one might want to analyze the relations of the two motherlands (i.e. Greece and Turkey), and their respective 'kin' on Cyprus. On a slightly higher level of abstraction, it would be interesting to examine people's security needs in an ethnic conflict. Nevertheless, I have chosen to analyze the failure to solve the conflict, in order to see if there is to gain any insight for future negotiations.

The choice of time period is based on the fact that the years 1999-2004 set the frame for the most recent and intensive negotiations ever held under UN auspices in Cyprus.

1.2 Theoretical Framework

In order to accomplish the purpose of the thesis, I elaborate my own theoretical framework of the use of mediation. The scope of mediation research is extensive and often presented without parameters, a fact that makes it more than necessary to offer a short review of the research field.

I have chosen to apply mediation theory for my research problem because it facilitates the study of a UN-activity in international relations. Further, in pursuit of finding a solution to a dispute, mediation theory offers another outlook to the study of ethnic conflicts. Mediation theory thus contributes with yet another approach on how to solve intractable conflicts.

There is no generally accepted mediation theory in political science. Indeed, mediation has been the subject of analysis for scholars belonging to such diverse disciplines as sociology, anthropology, psychology and law (see e.g. Kolb 1983; Friedman 2004; Carnevale & De Dreu 2005; Marsh 2002 respectively). Although this thesis focuses on mediation from a political scientist's point of view, it is important to emphasize that the study and knowledge of mediation has emanated from all these disciplines and more.

A review of mediation theory can clearly not cover all aspects to mediation. There are several different views regarding what constituents that should be most central for mediation theory. Neglecting certain aspects can thus have an impact on the analysis and its conclusions. Nevertheless, due to the limited space I have chosen to stress the diverse aspects that I find most relevant for solving the research problem.

In addition, the use of mediation theory for approaching an analysis of the Cyprus problem excludes other features of the dispute. For instance, factors such

as domestic politics in Cyprus and the role of the United Kingdom and United States do not lie in the scope of the thesis. These factors could by way of example be the object for future research.

1.3 Method and Material

In order to operate my research question I have performed a qualitative, theory developing, single-case study. Single-case studies are sometimes not regarded as useful for making generalizations (Lundquist 1993:105; Halvorsen 1992:67). However, when dealing with a research area such as mediation, a case study might provide empirical insights not only to academics but above all to practitioners (comp. Aggestam 1999:11). In other words, case studies can be useful to augment the theory's scope or to refine its mechanism (Eckstein in Bjereld et al. 2002:86).

My epistemological approach can be described as dualistic, meaning that I consider it possible for scholars to maintain a distance from his/her research object (Lundquist 1993:67f.). This is based on the fact that I had virtually no substantial knowledge of the Cyprus problem prior to my decision to make it the subject for my thesis. However, since the Cyprus problem is internationalized, involving organizations like UN, European Union and NATO, I can not claim that I was completely oblivious of facts concerning the region and its politics. For that reason, one might assert that it is impossible to be completely dualistic, as research will always involve a tad of subjectivism as well.

The material on the Cyprus problem is extensive, although articles and books that analyze the course of events in the 21st century are scarce. Much has been written about the UN and its mediation activities, and although the world order has changed since the days of the Cold War, much of the facts regarding UN remain unaltered.

Primary sources used for the thesis include UN documents and news clippings. Secondary sources are being accounted for by books, edited volumes, academic articles, as well as internet resources. I have highly valued the accounts of people who were involved in the process, such as Claire Palley, Lord Hannay and Kofi Annan. These individuals' works have served to give the thesis a high sense of centrality in respect of independence to the source, in the sense that the people present in an event usually provide priceless information (Esaiaasson et al. 2003:308f.). However, the three narrate a different story, mainly because of their different roles in the process, and I have placed great importance on weighing their respective works against each other.

Indeed, much of the material on Cyprus is highly politicized and sometimes emotional, and it is therefore important to take notice of the social context that the author belongs to (comp. Holme & Solvang 1997:134). In addition, Jarstad (2001:80) rightly observes that there is much less documentation in English of the Turkish Cypriot perceptions than of Greek Cypriot perceptions. Naturally, I have

attempted to bear this in mind during my reading, and my ambition has needless to say been to remain independent vis-à-vis my research object.

1.4 Outline of the Thesis

The structure of the thesis is as follows. The introduction serves as a preparatory chapter in which I denote the methodology used for the thesis.

In the second chapter I elaborate a theory of mediation, which aims to serve as a theoretical framework for the thesis. In the subsequent chapter, I present an overview of the Cypriot history, which is necessary for understanding the conflict and the context of the mediation efforts.

I thereafter examine the UN good offices mission in Cyprus, starting off chapter four with an analysis of the dispute's context, which is followed in section 4.2 by a depiction of the process leading to the Annan Plan. Subsequently, I examine the prospects for achieving a settlement as they were prior to April 2004, by analyzing the motivation of the disputing parties and the timing for the negotiations. In the following section, 4.4, I give an account of the establishment of the different versions of the Plan, and the negotiations that produced its contents. The final section of the analysis is devoted to explaining why the Greek Cypriot community rejected the Plan.

Finally, the fifth chapter includes a presentation of the generated results in a number of concluding remarks, followed by a brief account of the recent events.

2 Peacemaking through Mediation

Naturally, the evaluation of mediation efforts presupposes some knowledge of what constitutes mediation. Mediation as a notion is well-known, but where do its limitations lie, and what factors provide for a successful outcome of mediation? Hence, it follows that before analyzing the performance of the UN good offices in Cyprus, it is crucial to make an attempt of revealing the essence of mediation.

In order to approach mediation theory, it might be relevant to put the notion in relation to other, correlated, phenomena. According to Bercovitch (1992:3), mediation can be explained as the continuation of negotiations by other means. J.B. Stulberg (in Bercovitch 1997a:127) asserts that “mediation is a procedure predicated upon the process of negotiation”. Accordingly, mediation is dependent on the existence of negotiation, a relation which then again isn’t necessarily reciprocal. Negotiations can thus be carried out successfully without the interference of mediation, but mediation will scarcely come up to the fore without being preceded by failed negotiations.

Moreover, mediation is a type of peacemaking, which in turn is a form of third-party intervention. As noted by Touval & Zartman (1985:7), peacemaking differs from certain other forms of third-party intervention through its non-violent nature and because it is not intended to help one of the participants win or prevail. In turn, mediation is distinguished from other peacemaking activities mainly by the functions that the mediator performs. These include, apart from helping adversaries to communicate and change their images of each other, to “suggest compromises, negotiate [...] and bargain with adversaries in attempt to induce them to change their stance” (ibid.). Accordingly, a mediator can compare two disputing parties’ offers to each other, declaring whether or not the offers are compatible without revealing the actual offers (Schelling 1980:144f.). Thus, the mediator is (to use Schelling’s terminology) a ‘scanning device’, who can suppress and modulate the offers put forth by the parties.

2.1 Defining Mediation

The miscellaneous study of mediation is reflected by the plethora of mediation definitions that exist in the literature. There are probably almost as many definitions as there are articles written on the subject (see e.g. Schelling 1980:143; Starkey et al. 1999:116; Fisher 2001:313; Dunn & Kriesberg 2002:194).

On defining mediation, some scholars differentiate the activity from other forms of non-armed third-party intervention such as conciliation and good offices (see e.g. Keashly & Fisher 1996:241; Bercovitch 1997a:126; Hume 1997:320;

Berridge 2002:188; Fretter 2002:100), while others tend to use the term mediation as including all of these functions (see e.g. Bercovitch et al. 1991:8; Touval 1992:232; Skjelsbaek & Fermann 1996:76). By those who distinguish between the phenomena, conciliation and good offices are typically seen as less active and more advisory forms of third-party intervention than mediation¹. In addition, a distinction is usually made between mediation and arbitration. According to Hopmann (1996:228; comp. Touval & Zartman 1985:7), the difference is that “arbitration is a procedure in which the third party is asked to render a judgment about the settlement of the conflict, whereas in mediation the third party is requested to help the parties to the dispute reach agreement between themselves”.

For the purpose of this paper, I will use the definition offered by Bercovitch (1997a:130), who defines mediation as “a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organisation, a group, or a state) to change their perceptions or behaviour, and to do so without resorting to physical force or invoking the authority of law”.

In assuming this definition, I consider actions such as good offices and conciliation to lie within the notion of mediation, whereas acts of arbitration are excluded. This broad and comprehensive definition enables me to encompass the mediation activities of the UN Secretary-General in Cyprus although these formally are labelled good offices in UN terminology. This is necessary because, as we will see, the UN peacemaking in Cyprus during the period covered by this thesis varies between the active and a more advisory form of mediation. Hence, it should be clear that by assuming the above cited definition, I regard good offices as synonymous with mediation throughout the analysis. In the subsequent section, I continue the theoretical overview with a presentation of the different strategies that are available for a mediator.

2.2 Mediation Strategies

An often cited classification of mediation methods (see e.g. Hopmann 1996; Bercovitch 1997a; Aggestam 1999; Carnevale 2002), is the one offered by Touval and Zartman (1985). They outline three strategies by which mediators can induce disputing parties to agree to the concessions necessary for a resolution of the conflict: communication-facilitation; formulation and; manipulation.

When using *communication-facilitation* strategies, a mediator takes a quite passive and repository role, exhibiting *de facto* little control over the mediation process (Touval & Zartman 1985:12; Bercovitch & Houston 1996:29). The tasks here are delimited to carrying messages and proposals of concessions when communication between the adversaries is impossible. By facilitating communication,

¹ For a further explanation of the term ‘good offices’, see Ludlow (2003:761f).

the mediator can help disputing parties to show willingness to compromise without losing face or appearing weak towards each other and their respective electors (comp. Touval & Zartman 1985:12).

A more active mediator uses *formulation* strategies, also known as procedural strategies (Bercovitch & Houston 1996:29), which indicate a mediator acting as an advisor and organizer. The formulating mediator helps the two parties to self-help, by “tactful, sympathetic, accurate, straightforward prodding and suggestion” (Touval & Zartman 1985:12). For instance, a formulator can structure the agenda as well as suggest concessions that parties can make (Bercovitch 1997a:138). A mediator acting according to this strategy works on perceptions while using ‘pure’ mediation, which means that the mediator doesn’t exercise any power nor tries to change the nature of the problem and its circumstances (Touval & Zartman 1985:12). However, the formulator may still redefine the issues of the conflict and might even come up with a formula for the resolution of it.

Manipulation strategies finally, are the most active types of mediator behaviour, involving actions such as issuing ultimatums and providing incentives (comp. Bercovitch & Houston 1996:30). Also known as power mediation (Fisher 2001:313), this is a technique where the mediator uses leverage through offering rewards (‘carrots’) and punishments (‘sticks’) (Touval 1992:233; Aggestam 2002:59). However, as Touval and Zartman (1985:12) point out, leverage may not be possible if the mediator lacks the right resources of power and influence.

As noted by Bercovitch (1992:17), the mediator’s choice of strategy is intertwined with two factors, namely the nature of the dispute and the resources and interests of the mediator. The mediation strategy must therefore reflect factors such as the characteristics of the parties involved and the history of the conflict (ibid.:18f.). In the end, if mediation is to be successful, it has to be congruent with, and complementary to, a given conflict in its context, which is unique for each conflict (Bercovitch 1996:4; Wehr & Lederach 1996:72). Thus, there evidently isn’t any instant formula to mediation which is applicable on all types of conflict.

2.3 Achieving Effective Mediation

Now that we know what mediation really signifies and some of the tactics that stand available to the mediator, we ought to look into the variables that are relevant for mediation to be effective.

Jeffrey Rubin (1992:251) states that in order to obtain an effective international mediation, three prerequisites are necessary: “Disputant *motivation* to settle or resolve the conflict in question, mediator *opportunity* to get involved, and mediator *skill*”. First, for disputants to be *motivated* to settle their conflict they either must believe that negotiation offers rewarding opportunities that should not be ignored or they must believe that alternatives to negotiation are sufficiently unattractive that agreement looks better by comparison (ibid.). In other words, the

disputing parties should consider themselves as being in a mutually hurting stalemate or, in a mutually enticing opportunity (Zartman in Bercovitch 1997b:222).

According to Bercovitch (2002:8), four preconditions determine whether or not mediation is an appropriate method for solving an international dispute: 1) a conflict is long, complex, or intractable; 2) the parties' own efforts have reached an impasse; 3) neither party is prepared to countenance further costs or loss of life, and; 4) both parties are prepared to cooperate, tacitly or openly, to end a cycle of conflict. Moreover, international mediation is most likely to be successful when it is undertaken within the right context, when the proper strategy has been adopted, and when the timing is ripe, either factually or at least as perceived to be by the parties (Bercovitch 1997b:222). Thus, in order to mediate successfully, it is crucial to recognise the ripe moment for mediation. Zartman (1989:272) argues that a ripe moment arise either when the disputing parties have reached a mutually hurting stalemate "marked by a recent or impending catastrophe; when unilateral solutions are blocked and joint solutions become conceivable; or when the 'ups' and 'downs' start to shift their relative power positions".

The importance of motivation for settlement is also stressed in the five preconditions for effective mediation put forth by Susskind & Babbitt (1992:31ff.), of which the following concerns motivation: "Disputants must realise that they are unlikely to get what they want through unilateral action; The alternatives to agreement must involve unacceptable economic or political cost, and; Other international or regional interests with a stake in the dispute must exert pressure for resolution". In a similar vein, Pruitt (2002:48f.) emphasizes the need of motivation to settle combined with optimism about reaching a mutually acceptable and binding agreement. In relation to this, Bercovitch (2002:19) asserts that effective mediation requires active participation as well as high motivation and consent on behalf of the disputing parties.

Equally important is the *opportunity* for the mediator to intervene. The disputants must at least show a grain of willingness to negotiate with the other party, and if one or both of the conflicting parties have decided to avoid any outside intervention it is more or less impossible for a mediator to make a difference (comp. Rubin 1992:252). As noted above, the mediation opportunity must also appear within the 'right' context with the right representatives. Consequently, Susskind & Babbitt (1992:31ff.) emphasize that the representatives of the disputing parties must have sufficient authority to speak for their members and to commit to a course of action, an important remark which allude to Rubin's prerequisite of mediator opportunity.

By way of *skills*, Rubin (1992:252) states that the mediator must possess a combination of process skills and content skills, meaning that the intermediary must be able to reframe issues, have the ability to listen, and know when to intervene at the right moment, as well as having extensive knowledge of the particular context of the conflict. In relation to this, Berridge (2002:197) accentuates impartiality, influence, the ability to devote sustained attention to their dispute (comp. Rothchild 2005:219ff.), and finally, that all mediators have a strong incentive to achieve a durable settlement.

Naturally, some scholars emphasize different preconditions for effective mediation. For instance, Stedman (1996:358) argues that the effectiveness of mediation requires “leverage, [...] strategy, and timing”. Leverage, according to Touval (1992:233), comes from the parties’ need for a solution that the mediator can provide, but also from the parties’ susceptibility to the shifting weight that the mediator can apply. In contrast, Kleiboer (2002:138) shows that leverage does by no means guarantee a successful mediation outcome. Instead, the specific context of each conflict determines the appropriateness to use leverage in mediation.

Furthermore, the location for the mediation procedure has also been proved an important factor. Bercovitch & Houston (1996:29) argue that mediation which is implemented on neutral ground provides good conditions for mediation to be successful. In addition to this, Rothchild (2005:219ff.) emphasizes the importance of the mediator’s continuing existence on the scene. It is thus important that the disputing parties don’t feel abandoned or neglected by the mediator.

Regarding the mediator’s impartiality, some scholars assert that a mediator must be impartial (see e.g. Jonah 1992:180; Berridge 2002:188), while others claim that mediators can be, and often are, biased (Bercovitch 1996; Carnevale & Arad 1996). In any event, Wehr & Lederach (1996) show that in some cases, a mediator from within the conflict environment that is partial to a certain extent is more likely to succeed than an impartial outsider. Whether or not the mediator is neutral, one must always bear in mind that the relationship between mediator and adversaries is never entirely devoid of political interests (Bercovitch 2002:9).

The last approach to mediation analysis that deserves attention is known as the contingency approach. Using this methodology, one regards the outcomes of mediation efforts as contingent upon a number of contextual and process variables (Bercovitch et al. 1991). Contextual variables, such as dispute intensity² and dispute issues³, as well as the process variable of mediator strategies, have proved to exert great influence on the effectiveness of international mediation (ibid.). For instance, disputes of low intensity seem much more amenable to mediation than more intense disputes do (comp. Hartzell et al. 2001:198). Further, disputes involving issues such as territory or security are much more amenable to mediation than disputes over issues of ideology or independence (Bercovitch et al. 1991:14). Studies by the same approach have also shown that mediators can enhance the chances for an agreement by reducing or repackaging the number of issues in dispute through focusing on tangible rather than intangible issues (Bercovitch & Langley 1993:689). Since the contingency approach entails quantitative methods, I will not apply its methodology for this thesis. However, the results generated from the studies can yet contribute with insights for the analysis of UN mediation.

After this presentation of the theoretical framework, we are ready to continue with the empirical analysis. But first, let me start by reviewing some decisive events in the history of Cyprus.

² Low intensity disputes imply a small number of fatalities; high intensity disputes show a record of many casualties (comp. Hartzell et al. 2001:190).

³ By conflict issues, Bercovitch et al. (1991:14) refer to the underlying causes of a dispute.

3 Setting the Stage – Cypriot History

In order to facilitate the comprehension of the conflict, it is necessary to give an account of some important facts regarding Cyprus' history.

Ever since the Bronze Age, the Greek culture and language have had a great influence on major parts of the island. As a result of its strategic position in the Mediterranean, Cyprus has been ruled by among others; Phoenicians, Assyrians, Egyptians, Romans, Byzantines and Venetians (Scherer 1997:6; Welin & Ekelund 1999:14f.). In 1571, the Ottoman Empire conquered Cyprus, and Turkish soldiers settled on the island. It is from this moment that the Cyprus population is constituted by mainly two distinct ethnic groups (Joseph 1997:41).

Three centuries later, in June 1878, United Kingdom (UK) took charge of the administration of the island as a result of the Cyprus Convention, which meant that the UK acquired, if not *de jure*, then *de facto*, sovereignty in Cyprus (Hill 1952:285). Nevertheless, the Convention obliged Great Britain to pay an annual tribute to the Sultan, as well as to maintain Ottoman law in force. In 1914, as a consequence of Turkey joining Germany in the First World War, the UK annexed Cyprus and in 1925 it became a crown colony (Higgins 1981:81).

During much of the first half of the 20th century, the Greek Cypriots sought union of the entire island with Greece (*enosis*), but the UK refused to give up Cyprus for strategic reasons. Consequently, the Turkish Cypriots allied with the UK in its ambition of maintaining the colonial status quo (Faustmann 2001:3), while both motherlands sided with the objectives of each one's protectorate. Unsurprisingly, the tensions on the island resulted in strained relations between the two NATO-members Greece and Turkey, which sequentially led to major concern in the Western Hemisphere⁴.

In January 1950, a plebiscite concerning the question of *enosis* was held, with the overwhelming result of 95, 7% Greek Cypriots voting in favour of union with Greece (ibid.:4). The result notwithstanding, the initial reaction of the UK was to leave the demands for self-determination unsatisfied. In April 1955, the Greek Cypriots, led by the independence movement EOKA, finally revolted against the British colonial rule and after four years of protracted internal disturbances, Cyprus gained independence and the Republic of Cyprus was established in 1960.

The UK, Greece and Turkey were constitutionally appointed as guarantors for the territorial integrity, sovereignty and independence of the new Republic. To ensure this, Greece and Turkey were given a right to station 950 and 650 troops respectively, while the UK would hold two naval bases on the island (Ker-Lindsay 2005:6)

⁴ For further reading on the tense relations between Greece and Turkey, see Alford, J (ed.) 1984.

The Cypriot constitution was designed according to basic power-sharing features, including a 7:3 Greek-Turkish ratio in the Cypriot cabinet and all public services (Lijphart 2002:50). Greek Cypriot Archbishop Makarios III became President and Turkish Cypriot Dr Fazil Küçük Vice-President. According to Migdalovitz (2005:1), most Greek Cypriots still favoured *enosis*, while Turkish Cypriots preferred partition of the island and uniting a Turkish zone with Turkey (*taksim*). Moreover, the Greek Cypriots considered many of the constitutional provisions as unjust and refrained from implementing them (Joseph 1997:25). In contrast, the Turkish Cypriots insisted on full implementation of the constitution which contained crucial provisions for their security (ibid.). In retrospect, it is quite obvious that the constitution of 1960 could only have worked with a high degree of consensus, but instead the disquieted years preceding the independence had brought suspicion, antagonism and in many cases hatred between the two ethnic groups in Cyprus. These attitudes hardly motivated the communities to cooperate (Hannay 2005:4; Welin & Ekelund 1999:20).

After three years of tension and failed efforts to establish constitutional order, Greek Cypriots led by President Makarios abrogated the constitution, establishing a new, all-Greek, government (Kaufmann 1999:244). In December 1963 violence erupted, which in turn led to involvement from Greece and Turkey on each side, and due to the cold war, Cyprus internal politics became a major international crisis (comp. Polyviou 1980:2). In January 1964, all Turkish Cypriot ministers, feeling high-jacked by the other side, left their mandates as a protest against the 13 constitutional amendments made by Makarios a few months earlier (Hannay 2005:4; Holmberg 1998:36ff). Ever since this moment, all ministries as well as parliamentary seats reserved for Turkish Cypriots remain vacant.

In relation to this, Jarstad (2001:166) observes that, in contrast to the belief that the constitutional rules provided interdependence between the two groups, the decentralisation and institutionalisation of separate institutions instead facilitated the process of territorial segregation into ethnically homogeneous entities in Cyprus. As a result, the power sharing structure of the 1960 constitution may thus actually have worsened the antagonism between the two ethnic communities.

In 1974, the ruling junta in Greece staged a coup d'état in Cyprus, overthrowing Makarios and replacing him by pro-*enosis* Nicos Sampson. In response, within days Turkish troops invaded/intervened⁵ the northern parts of the island, stopping at the present Green Line which still divides the island. Sampson's government soon collapsed and Makarios resumed power (Kaufmann 1999:244).

In 1983, the Turkish Cypriot leader Rauf Denktash proclaimed the independence of the northern part of the island, referred to as the Turkish Republic of Northern Cyprus (TRNC). To this day, in accordance with a Security Council resolution, the TRNC remains unrecognised by any state other than Turkey.

⁵ Greek Cypriots denote the act as an invasion; Turkish Cypriots regards it as an intervention.

4 UN Mediation in Cyprus

The involvement of the United Nations in the Cyprus dispute commenced with a formal appeal by Greece to the General Assembly in 1954, concerning the self-determination of Cyprus (Faustmann 2001:9). A decade later, in consequence of the confrontations in December 1963, a UN peacekeeping mission (UNFICYP) was established in Cyprus with mandate to “prevent a recurrence of fighting and, as necessary to contribute to the maintenance and restoration of law and order and a return to normal conditions” (Lindley 2001:77; Zacarias 1996:50). The mandate remains more or less unaltered to this day.

In parallel with the UNFICYP peacekeeping mission, the UN has also engaged in mediation activities in Cyprus since the 1960's⁶. This was initiated in 1964 when Secretary-General U Thant appointed the Finnish diplomat Sakari Tuomioja as mediator with orders to take charge of the formal peacemaking efforts. In the years that followed, all Secretary-Generals from Kurt Waldheim to Javier Pérez de Cuéllar and Boutros Boutros-Ghali have been engaged in missions of good offices in Cyprus (Newman 2001:127ff.).

The ultimate goal of the mediation process is for it to be successful, by which I mean an outcome in form of some sort of settlement or agreement promising the reduction of conflict (comp. Kriesberg 1996:219f.; Bercovitch & Houston 1996:14; Touval & Zartman 1985:14). Furthermore, the outcome of mediation is contingent upon the conflict's context, which in turn determines the prospects for successful mediation. Therefore, the first section of this chapter is devoted to elucidating the issues that constitute the basis for the Cyprus conflict, and the appropriateness for using mediation in solving this particular dispute.

4.1 The Context of the Conflict

The Cyprus problem is multi-faceted, involving issues such as territory, security, property, governance and sovereignty. Approximately one million people live in Cyprus today, whereof 78% are Greek Cypriots, 18% Turkish Cypriots and 4% minority groups⁷ (Holmberg 1998:33; www.ne.se). TRNC controls 36% of the territory and 57% of the coastline (Hannay 2005:35), which placed in relation

⁶ For an elaborate account of UN mediation and negotiations over the Cyprus problem during the first two decades of Cyprus' independence, see Polyviou (1980).

⁷ Since 1974, immigration of Turks has somewhat altered the ethnographic ratio.

with the demography, makes the territorial issue an evident constituent of the dispute (comp. Bitsios 1975:212).

The Turkish Cypriots are a minority on the island, therefore perceiving themselves as excluded and oppressed. Conversely, the Greek Cypriots are a minority in the region, with Turkey being the militarily dominant force on the island, holding 35,000 troops in TRNC (Stavrinides 2005:84). Considering that Cyprus is situated only about 70 km south of Turkey, but more than 800 km from the Greek mainland⁸(Welin & Ekelund 1999:13), this results in a double-minority problem, with consequential security issues (comp. Palley 2005:30). Further, half of the population of Cyprus lost their properties as a result of the political and military events between 1963 and 1974, where roughly three times as many Greek Cypriots as Turkish Cypriots were affected (Hannay 2005:37). Moreover, as of 2004, about 120,000 mainland Turks have migrated to Cyprus (Stavrinides 2005:84), many of them settling on land that legally belongs to someone else. In 1974, out of 574,000 Greek Cypriots some 180,000 were refugees in their own country (Kyle 1997:19). Conversely, 53,000 Turkish Cypriots had been forced to the north (Welin & Ekelund 1999:14). Thus, for obvious reasons, the property issue has been at the heart of all negotiations concerning the Cyprus problem.

Another issue regards governance. During most negotiations, discussions have centred on two topics: bicommunality, where the two ethnic groups participate together in administering the state; and bizonality, which implies a certain amount of autonomy over a defined territory (comp. Jakobsson-Hatay 2002:45). Lastly, the sovereignty issue is about whether or not there should be one or two recognized states on the island, and how much influence that should be allowed from the guarantor powers, i.e. United Kingdom, Greece and Turkey.

To continue, when reviewing Bercovitch's four preconditions that are needed for mediation to be apposite⁹, one might contend that at least three were fulfilled in 1999. The Cyprus problem is by definition a complex, intractable conflict, where previous peacemaking efforts have reached an impasse. Further, apart from a minor incident in 1996 (Kyle 1997:32), neither side has shown any signs of aggression, and the financial costs of a prolonged dispute are substantial. Thus, the only tentative precondition was concerning the parties' preparedness to cooperate. The leaders had not been in contact since 1997, and as we shall see, both sides would take turns in being reluctant to deviate from their respective demands.

Turning to contingency theory, one can confirm that the conflict includes issues such as territory and security, which as noted in section 2.3, typically are issues that are amenable to mediation. In terms of intensity, there was a high amount of fatalities during the confrontations in the 1960's, as well in July 1974, resulting in thousands of victims on both sides (comp. Scherer 1997:42). However, the last thirty years have passed without practically any fatalities. This makes it misleading to classify the conflict as one of high intensity, especially since advocates of contingency theory fail to specify a limit for separating high

⁸ Correspondingly 500 miles from Greece and 40 miles from Turkey (Polyviou 1980:1).

⁹ See above, page 8.

from low intensity conflicts. Thus, the contingent of intensity can't provide us with an answer to whether there was an opportunity to intervene effectively.

In conclusion, one could say that the climate was reasonably favourable for mediation to be successful when the UN set out on its good offices mission in 1999. There was strictly speaking only *one* explicit factor that seemed negative in respect of the mediation activity to work; the parties' motivation to cooperate.

Section 4.3 will be devoted to the investigation of whether this factor was crucial for the outcome of the Secretary-General's good offices mission, but first the analysis calls for an account of the early mediation efforts, starting in 1999.

4.2 Proximity Talks and Negotiations 1999-2002

As already mentioned, the UN has a long history of peacemaking attempts in Cyprus. Thus, it was nothing new under the sun when Kofi Annan and his Special Adviser on Cyprus, Álvaro de Soto, initiated proximity talks between TRNC-leader Rauf Denktash and Cypriot President Glafcos Clerides in December 1999. Five rounds of talks were to be held in a period of one year. During the first three rounds, the UN listened and questioned without forwarding any suggestions, let alone any proposals. These rounds served to acquaint the UN mediators with the positions of the two sides on the main issues (Fisher 2001:317). The parties met separately and the Secretary-General refused to pass on to one what the other was saying, also requesting that the parties refrained from notifying the press what had been said (comp. Hannay 2005:119f.). The mediation strategy adopted by the UN at this stage can be denoted as the communication-facilitation strategy, which according to Fretter (2002:111), is the most frequently utilized by the Secretary-General and other UN mediators.

Although there still weren't any explicit proposals of concessions, the adversaries *did* show a willingness to negotiate (comp. section 2.2). At least, both parties had initially welcomed UN's proposal to mediate. These proximity talks occasionally involved Turkey and Greece as parties, while the UK and United States participated as observers in their capacity of guarantor power and NATO-member, respectively.

In July 2000, the UN team turned to the more active formulation strategy when de Soto set out his 'preliminary thoughts' to the disputing parties, asking them what they thought of the ideas. Although these 'thoughts' only served to sum up what was to be negotiated (Hannay 2005:125f), issuing the document was a way of setting the agenda. This is ascertained by the fact that possible concessions from both sides were formulated. Thus, the UN appears to have assumed that the parties would have to be enticed into bilateral talks if future negotiations were to be conceivable.

In November, Annan issued another statement to both leaders, which was more detailed and a great deal longer than de Soto's 'preliminary thoughts'. The contents was not to be regarded as proposals and the Secretary-General made clear that all decisions were to be made by the two sides without interference of

the UN. The purpose was not an agreement on issues, instead Annan wanted Clerides and Denktash to reflect on the ideas put forth and to respond to de Soto on his planned visit to Cyprus (Hannay 2005:136). Still acting as a formulator, the UN had now adapted the role of an advisor, and was giving the dispute much attention by continuous visits to the scene.

Despite the fact that both parties at first had seemed motivated to negotiate, only Clerides welcomed the ideas. In contrast Denktash, after having consulted the Turkish government, announced that he would not attend another round of discussions planned for January 2001. The reason for Denktash's withdrawal was probably that he disliked the fact that the UN was to become more prominent than before in the negotiations (Hannay 2005:143), a conclusion he had made from the statement issued earlier by the Secretary-General. In addition, he disapproved of the role of the European Union, who refused to remove the trade embargo on northern Cyprus, and also had discarded Denktash's demands for recognition of TRNC as a state (Eralp & Beriker 2005:184; Ker-Lindsay 2005:23; Migdalovitz 2005:6). Thus, it was to take a year until proximity talks were resumed.

On 5 September 2001, Annan invited both leaders to meet with him separately a week later. While Clerides accepted, Denktash did not because, "the necessary foundation [had] not been established" (Migdalovitz 2005:6). In November, Denktash wrote to Clerides proposing face-to-face talks on the island without any preconditions and all issues on the table. He wanted to negotiate directly with the Greek-Cypriots, allowing the UN team to participate as merely a note-taker, (Hannay 2005:155; Ker-Lindsay 2005:24). Accordingly, Clerides and Denktash met on December 4 for the first time in four years in the presence of Special Adviser de Soto. The next day, Clerides was the first Cypriot President to visit the north since 1974, when he attended a dinner at Denktash's residence in the northern parts of Nicosia (Migdalovitz 2005:6; S/2003/398).

The Turkish-Cypriot leader's suspicious attitude towards the UN could seriously have exacerbated the Secretary-General's mediation efforts at this stage. As noted in section 2.3, the mere opportunity for the mediator to intervene is crucial in order to being able to mediate properly. If mediation is to be effective, confidence of all parties is required. Only the Greek Cypriots showed confidence in the UN team; less support came from the Turkish Cypriots. This time, the UN could proceed to mediate to favour, following Denktash's explicit request not to let the UN participate as actively as they had done in November 2000.

As a result, new direct talks began in January 2002 and proceeded until September the same year, yet again under the auspices of UN. The parties had decided that there would be no final agreement until all issues were agreed upon (Migdalovitz 2005:6). The location for the talks was the former civil airport of Nicosia, situated in the UN-controlled buffer zone. The airport had been closed since the fighting in 1974, which meant that it was neutral ground and access to it was controlled by UN-soldiers, keeping demonstrators out of reach. Also, both leaders were only a ten-minute drive to where they lived (Hannay 2005:158). This speaks in favour of the argument that mediation which is implemented on neutral ground provides good conditions for mediation to be successful. In any case, the location facilitated a rapprochement, which ultimately would lead to the

Secretary-General's distribution of his proposals for a settlement in November 2002. This implies that the mediation efforts resulted in something tangible, although no actual agreement was made during the negotiations of January 2002.

4.3 Timing of the Mediation Effort

Even though only bilateral talks had taken place instead of real negotiations, the mediation process was certainly on the road, and the Secretary-General and his team were actively working on a blueprint for a solution. It is therefore of great importance to ask whether the dispute was ripe for a mediated solution, and whether the two parties can be considered to have been motivated to settle.

There certainly were prospects for a solution to the dispute. Approaching EU accession, it seemed to be a great opportunity for the Cypriot people to reach a settlement. The desire to enter the EU would make the Greek Cypriots more willing to find a solution, and Turkey's ambitions to join the EU would also be a strong incentive for them to inflict cooperation from the Turkish Cypriot side. Moreover, the pending EU accession schedule certainly helped the UN in producing a plan that both sides would find at least "workable" (comp. Reilly in Eralp & Beriker 2005:186).

In addition, Palley (2005:24) observes that the Greek Cypriots found the compromises on power relationships easier to make during the 2002 negotiations than earlier, because many matters within federal competence would be decided in Brussels if Cyprus became an EU Member State, so that the occasions on which Greek and Turkish Cypriot politicians might clash would be greatly reduced.

In Turkey, the Cyprus issue was always regarded as central for the national security (Kaliber 2005:320), and the government had thus been opposed to Cyprus joining the EU. The turning point was in November 2002, when the AKP-party led by Recep Tayyip Erdogan won the parliamentary elections in Turkey. The primary policy goal of the AKP was to secure a Turkish accession to the EU, which in practice called for a solution of the Cyprus problem (Ker-Lindsay 2005:24). Thus, Turkey had a change of heart and consequently tried to convince Denktash to resume negotiations, which he finally did although possibly on his own initiative. In any case, it paved the way for the UN to present the parties with a document containing proposals for a settlement.

Thus, taking all these aspects in consideration, one might contend that the conflict was ripe for resolution. Even if the parties hadn't actually reached a mutual hurting stalemate, the unilateral solutions were indeed blocked and joint solutions were conceivable. As it seems, negotiations offered opportunities for both parties that simply could not be ignored.

However, it may also be argued that it was impossible to synchronize the moments at which both parties were under pressure to settle. "When the Greek Cypriots were under the greatest pressure (up to March 2003) the Turks were not ready to handle Denktash. And when they finally were ready in 2004, the pressure

on the Greek Cypriots had eased off” (Hannay 2005: 235). Hence, it is clear that the timing for mediation was not an easy target for the UN.

Obviously, the EU had seemingly a great opportunity to exert leverage on the disputing parties. Nonetheless, this turned out to be a perfect Catch 22 for the European Union. As observed by Lindley (2003), if EU would set a solution of the Cyprus problem as a condition for the accession of Cyprus, it would give Turkey and the TRNC veto rights over the Cypriot accession. On the other hand, *not* putting a solution as a precondition would indeed give up much leverage over Cyprus when negotiating for accession. The latter policy also risked importing the Cyprus problem to the European Union. On top of all, the Greek Deputy Foreign Minister stated that Greece would block the EU’s expansion eastward if Cyprus were not accepted because it is divided (ibid.; Migdalovitz 2005:13).

Consequently, the EU took the formal approach that a solution of the Cyprus problem would *facilitate* the accession of Cyprus to the European Union. However, the European Council made clear that the decision would be made without a political settlement being a precondition (Hannay 2005:112f.). This decision obviously relieved the Greek Cypriots from a great deal of pressure, simultaneously diminishing the possibility for the mediating UN team to use leverage.

As noted by Richmond (2005:174), EU could instead have retained the power to offer attractive incentives to Cyprus without necessarily confirming membership in advance. In relation, Palley (2005:41ff.) argues that the Greek Cypriots actually would, if put in a position where agreement was necessary to achieve EU membership, have accepted the Plan in the form of Annan II. However, they didn’t have to make that choice since Denktash rejected the proposals and EU already had made clear that a solution was *not* a precondition for accession.

In terms of the parties’ motivation to negotiate, Ker-Lindsay (2005:29) claims that it was clear that the talks in early 2002 were started by the Turkish Cypriot leadership more as an attempt to hold off the EU accession of Cyprus, rather than an honest attempt to reach an agreement. Thus, it was more or less impossible for the UN to gain opportunity to mediate methodically.

Not until the inauguration of the new pro-EU Turkish government were the conditions created for more positive Turkish attitudes towards Cyprus. Indeed, exert of pressure from regional interests with a stake in the dispute is one of the preconditions for effective mediation stressed by Susskind & Babbitt (1992:32). Together with the growing opposition to Denktash within the Turkish Cypriot community reflected by mass demonstrations in northern Cyprus, the timing therefore seemed to be quite right for mediation, at least at one side of the fence.

4.4 The Annan Plan

On 11 November 2002, the Secretary-General issued the first of five versions of a comprehensive and detailed settlement, called the Annan Plan. The UN team was

evidently still adapting a formulator strategy, using ‘pure mediation’ through presenting a formula to solve the dispute.

Special Adviser de Soto had already in July 2001 worked on a document with an overall view of the elements that would be included in a settlement, much based on former Secretary-General Boutros-Ghali’s ‘Set of Ideas’, presented in 1992. De Soto’s document later served as an outline to the proposals that Annan presented to the parties in November 2002 (comp. Hannay 2005:152ff).

4.4.1 Annan I-III

The first version of the Annan Plan was drafted shortly before the important European Council summit in Copenhagen on 11-13 December 2002, where Cyprus was expected to receive a formal invitation to join the European Union.

Clerides replied that he was prepared to negotiate on the basis of the proposals, although submitting additional comments to the Plan. Denktash, still in New York where he was recuperating from open-heart surgery, asked for more time to consider the proposals. After pressure from the Turkish government, Denktash accepted to negotiate, although leaving serious reservations concerning many issues in the proposals (Hannay 2005:185). Denktash’s reservations were so fundamental, that a new set of proposals were needed to get negotiations under way. For that reason, on 10 December Annan tabled a revised version of his Plan (called Annan II), which was to form the basis for negotiations in Denmark. However, instead of going to Copenhagen, Denktash went to Ankara for medical care. His delegate at the summit, ‘foreign minister’ Tahsin Ertugruloglu, made clear that there was nothing to negotiate about (Hannay 2005:188ff.; Palley 2005:43). The Turkish-Cypriots apparently still didn’t perceive that they were unlikely to get what they wanted through unilateral action, making it a whole lot trickier for the UN to mediate effectively. Hence, there was obviously no chance of reaching an agreement in Denmark, and the timetable was further delayed.

Despite all this, negotiations were nevertheless resumed in January 2003 and continued until mid-February. Kofi Annan had set a deadline for an agreement on 28 February, a date which more and more seemed very optimistic, especially when considering the intransigency that still characterized Rauf Denktash’s approach to the negotiations.

Adherence to the negotiations timetable was further complicated by the fact that the Greek Cypriot presidential elections were due in February 2003 (Ker-Lindsay & Webb 2004:973). Tassos Papadopoulos, known as a hard-liner, was elected president and installed on 28 February. Annan had therefore waited until 26 February to present the second revision of the Plan (Annan III), which included a British offer to give up 45 of the 99 square miles that configure the British Sovereign Base Areas since Cyprus’s independence (Migdalovitz 2005:8).

This reward, which was expected to facilitate a solution of the territorial issue, also revealed the fact that the UN had to depend on states when using leverage¹⁰. As noted by Fretter (2002:114), the UN organization has, unlike its members, no ‘carrots’ of its own and has no ‘sticks’ to wield. Moreover, if the mediator lacks the right resources of power and influence, leverage may neither be possible nor wise to use as a mediator strategy (comp. Touval & Zartman 1985:12).

In contrast to Annan I and II, the leaders were no longer asked to bind themselves to anything except for putting the Plan to their electorates. Should the results from the referenda be positive they would become bound, together with the guarantor powers, to implement the Plan the following day (Hannay 2005:208). In a meeting in The Hague in March 2003, Papadopoulos grudgingly accepted to put Annan III to a referendum. However, Denktash yet again refused to accept, and proposed that negotiations begin from scratch (Ker-Lindsay 2005:25). So, the Secretary-General could not do anything else but to terminate his mediation efforts. A disappointed Kofi Annan wrote in his report to the Security Council (S/2003/398:32) that he would not take any new initiative “unless and until [...] the political will exists necessary for a successful outcome”. He blamed a great deal of the missed opportunity on Mr Denktash, who “by and large declined to engage in negotiation on the basis of give and take” (ibid.:28).

In turn, the Security Council unanimously adopted resolution 1475, fully supporting Kofi Annan’s “carefully balanced plan” of 26 February 2003 as a unique basis for further negotiations, and called on both sides to negotiate within the framework of the Secretary-General’s good offices, using the plan to reach a comprehensive settlement (www.un.org).

4.4.2 Annan IV

About three weeks after the Secretary-General’s report to the Security Council had been tabled, the Turkish Cypriots suddenly announced that all restrictions on the Green Line would be lifted. For the first time in nearly 30 years, Greek and Turkish Cypriots could cross the border freely (Hannay 2005:225). The Cypriot government officially declared the decision illegal, but nevertheless facilitated free movement across the border (Migdalovitz 2005:8)¹¹.

In December 2003, Turkish Cypriots had parliamentary elections, which made Mehmet Ali Talat, leader of pro-Annan Plan party CTP, prime minister. However, the CTP was forced into a coalition with Serdar Denktash (Democrat Party), who became foreign minister. As a result, Serdar’s father Rauf Denktash could remain the leading negotiator for the Turkish Cypriots, although with a weakened moral and political position (Ker-Lindsay 2005:25).

As noted by Jonah (1992:200), “the Secretary-General has the ability to harness the power and influence of relevant states that, in turn, might influence

¹⁰ See sub section 4.4.2 for a further discussion on leverage.

¹¹ Since then, 7 million visits have been made to and from TRNC, without incidents (Evriviades 2005)

the decision making of the parties in conflict". Indeed, Turkey's growing concerns that the Cyprus dispute would affect her own aspirations of EU accession resulted in a request on 24 January from Turkish Prime Minister Erdogan to Annan that Cyprus talks resume as soon as possible. Erdogan also added that Turkey would allow the UN to fill in the possible 'blanks' in the agreement, if the Greek Cypriots accept that as well (Ker-Lindsay 2005:25f.; Migdalovitz 2005:9). Both Greek Cypriots and Greeks repeated their commitment to a settlement on the basis of the Annan Plan, and the international community was still anxious to reach a settlement in Cyprus.

Accordingly, the Secretary-General invited the parties to New York for three days of negotiations in early February 2004, setting a new timetable. According to Hannay (2005:243), the first phase of the resumed negotiations in New York and Nicosia was a pure charade, where neither side negotiated seriously. The parties seemed to lack optimism about reaching a mutually acceptable agreement, and without this kind of optimism, the motivation to settle logically becomes useless. However, the Secretary-General asserts that positive results were achieved at the technical level (S/2004/437).

The second phase of negotiations, set in Bürgenstock in Switzerland on 24 March, was more serious owing to the presence of representatives from the guarantor powers who had begun to influence the UN team to a greater extent (see Palley 2005:100). Rauf Denktash boycotted the negotiations, leaving the authority to negotiate to Mehmet Ali Talat and Serdar Denktash, who both could be expected to make more concessions than Rauf Denktash.

As noted in section 2.3, if mediation is to be effective, the representatives of the disputing parties must have sufficient authority to speak for their members and to commit to a course of action. Although the UN Secretariat treated Talat and Serdar Denktash as the political leaders of TRNC and negotiated with them as such, the actual leader of the northern part of Cyprus remained Rauf Denktash, who was, and probably still is, opposed to the Annan Plan. It is thus important to note that he had the factual power to withdraw his negotiating authority or to veto any decisions (comp. Palley 2005:passim). Needless to say, this complicated the mediation efforts even more.

Still, the new TRNC representatives actually *did* make mediation easier. As it appears they contributed with a higher amount of motivation and active participation in the negotiations, which was quite the opposite of what the UN were used to from TRNC negotiators.

Alas, once again the process ended in a deadlock, although this time much to the responsibility of Papadopoulos, who rejected the amendments (presented on 29 March 2004 and referred to as Annan IV) that the Secretary-General had made to the previous version of the Plan. The amendments were perceived by the Greek Cypriots as creating permanent separation on an ethnic basis, and would bring the whole island into the sphere of Turkey's influence (Palley 2005:135). In fact, the roles at the negotiation table had at the present time changed. It was now the Greek Cypriots who seemed less optimistic about a settlement.

Therefore, as had been agreed upon in New York in early February, Annan would table a definitive version of the Plan (Annan V), on his own responsibility

(S/2004/302). The Secretary-General was thus left with no choice but to fill in the parts of the plan where no consensus of the plan had been reached between the two parties (Ker-Lindsay 2005:26). This actually made the Secretary-General more than a formulating mediator. Instead, he would now engage in a more manipulative mediation strategy. However, the problem with the UN adapting this kind of mediation strategy is the lack of force to impose it.

The Secretary-General is often regarded as an apposite channel of communication, particularly when direct channels between adversaries are blocked (Skjelsbaek 1991:110). On the other hand, Touval (1994:45) asserts that the Secretariat does not serve as an *authoritative* channel of communication, because of the scarce political and economic leverage that the UN holds. In addition, the main UN assets, legitimacy and credibility, are consistently eroded by its inability to formulate and pursue the kind of coherent policy that is essential to mediation. A mediator must have the ability to pursue a dynamic negotiation, seizing opportunities, and having the necessary flexibility to adjust positions and proposals as the situation unfolds (ibid.:52f.). Even though the UN met some of these requirements, it was impossible to be as flexible as the situation called for.

In addition, it goes without saying that, given the context of the conflict, the UN had to remain impartial towards the disputing parties. Thus, taking the impartial nature of the Secretary-General's mission into consideration, it is easy to understand the sinister wording of Palley (2005:10): "Once the member of the Secretariat exercising good offices becomes 'a party', rather than a simple facilitator, one or other side will inevitably become aggrieved, so that the conduct of the Secretariat, now itself a party, will become an issue".

This prediction was of course not very promising for a settlement. In the subsequent section, we will find out whether this prophecy was true or not.

4.4.3 Annan V – The Referenda

The final version of the Annan Plan was presented on 29 March and was to be the subject for referenda held on both sides of the Green Line on 24 April. The document consisted of nearly 10,000 pages. The main body, which is 200 pages long, was presented on 31 March 2004, but the remaining 9,800 pages which were of equal importance, were not finalized until the day before the referenda. Logically, many Cypriots were suspicious to a solution that seemed to have been pushed through in a matter of days, after decades of dispute. This also aggravated feelings of insecurity towards the unknown and unforeseeable results of accepting the Plan (Christophorou 2005:101).

Still, Annan V was not very different from the earlier versions of the Plan; instead, the reactions at the press conference following the presentation of the Plan were quite indicative of what could be expected to happen in the referenda. The triumphant tone of the statements by the Turkish prime minister Talat contrasted with the attitude of Papadopoulos, who appeared in a hurry to leave the press conference (comp. Christophorou 2005:87). Accordingly, the Turkish government and Talat supported the Plan, encouraging the Turkish Cypriot

community to say 'yes'. Rauf Denktash still rejected the Plan, but he did no longer possess the power to influence his people.

On the other side of the Green Line, Papadopoulos decided to reject the Plan. On 7 April 2004, Prime Minister Tassos Papadopoulos announced in a televised address to the people that he was opposing the Annan Plan 'because it was legalizing and deepening the de facto partition instead of ending it', consequently calling on all Greek Cypriots to reject the plan (Christophorou 2005:89). According to Papadopoulos, issues such as Greek Cypriot acquisition of property and the return of refugees were not dealt with in a satisfactory manner, and the continued presence of Turkish troops in the north together with increased Turkish guarantor rights created conditions for insecurity for Greek Cypriots (Migdalovitz 2005:9). Another worry was that Cyprus would be flooded with work-seekers from Turkey after having joined the EU. Annan I-III had contained limitations with respect of immigration to the island, all of which had been abandoned in Annan V (Palley 2005:58). Shortly after the televised speech, almost all Greek Cypriot political parties decided to support the President's decision (while others postponed their decision), and although the two former Greek Cypriot presidents Clerides and Vassiliou came out in favour of the proposals, together with a statement by the Greek Prime Minister Costas Karamanlis that the positive elements outweighed the 'difficulties', this was not enough to turn the majority around for a positive outcome in the south (Ker-Lindsay 2005:27; Migdalovitz 2005:9; Kadritzke 2004).

Consequently, on 24 April, in two simultaneous referenda on the Plan for a reunification of the island, the Greek Cypriots rejected the proposal with 76% while the Turkish Cypriots accepted it with 65%. More than 90% of the Greek Cypriot electorate turned out to vote. In contrast, the votes in TRNC were of dubious validity, since it also included the votes of tens of thousands of illegal Turkish settlers who were allowed to vote (Evriviades 2005:6). Besides, it was 65% of *those who voted* in TRNC. After deducting the Turkish Cypriots who rejected the Plan and the ones not voting, it turns out that only 54% of the TRNC electorate accepted the Annan Plan (Palley 2005:91). Hence, the Annan Plan was not as well received as the international community has led us to believe.

One week after the referenda, on 1 May 2004, the Republic of Cyprus joined the European Union as a divided state, and yet another UN peacemaking effort had failed.

4.5 Why Did It Fail? – The Greek Cypriot Rejection

In order to seek an answer as to why the UN failed to reach a settlement, it might be of interest to briefly scrutinize the attitudes of the people who rejected the proposals; the Greek Cypriots.

The Greek Cypriots had a number of reasons for rejecting the Annan Plan. Firstly, it is important to note that the Greek Cypriots were only prepared for a solution promising more or less maximum benefits. The Greek Cypriot part of the

island is economically stronger than its northern counterpart, and Cyprus was granted access to the European Union. The Turkish Cypriots in contrast, who have lived in isolation for decades, felt that their future lay within a non-divided state, which on top of all would be an EU-member (Christophorou 2005:103).

Further, of paramount importance was the security issue. The fact that the Turkish troops were to remain on the island was subject to fears for the Greek Cypriots. It seems that as long as Turkish troops remain on the island, Greek Cypriots perceive that their security is not guaranteed.

Also, the Plan lacked enforcement mechanisms to ensure that the Greek Cypriots' properties in TRNC would actually be returned, and a majority of Turkish settlers were permitted to stay in northern Cyprus (Palley 2005:223ff.).

Moreover, as noted by Richmond (2001:121), "existing states do not want the states system broken up, so the best that the mediator can do [...] is to try to bring the parties themselves to agree to a modification of their claims to sovereignty and the lessening of demands for ethnic self-determination". In relation to this, some observers state that the internationally recognized Republic of Cyprus would be dissolved and replaced by a loose confederation of two autonomous states (Coufoudakis 2005).

This was actually what Turkey had demanded ever since 1974. Indeed, Papadopoulos was convinced that Annan, influenced by US and British representatives, favoured Turkey's point of view at the expense of the rightful interests of the Greek Cypriots (Stavrinides 2005:84). In fact, in connection with the Secretary-General's submission of Annan V, the Turkish Prime Minister Erdogan claimed that the Plan satisfied nearly all of Turkey's demands and those of the Turkish Cypriot leadership (Evriviades 2005:6). As it appears, in its endeavours of convincing the Turkish Cypriots and their motherland to reach an agreement, the UN may have forgotten to take notice of the Greek Cypriot demands while only looking at their concessions. The Secretariat was simply too occupied of meeting one side's demands, that they at an important moment neglected the other part's needs and demands. This may also explain the Greek Cypriots change of heart in terms of accepting the Annan Plan. Christophorou (2005:103) describes this suggestion well: "The Cyprus Referenda may be a characteristic example of a coordinated effort by the international community, which missed the target because all focused their attention only on the target".

In relation to this, Palley (2005:221) explains that the "Greek Cypriots perceived the Plan as a foreign plan, a UN construction imposed upon them, with foreign Powers pressing for adoption of its terms in their own and in their allies' interests and demanding concession after concession by the Greek Cypriot side, many of these being demanded at the last minute at Bürgenstock and thereafter being imposed by the Secretary-General".

In conclusion, the UN-conducted mediation may have been ineffective as a consequence of fact that the alternatives to agreement obviously didn't involve unacceptable economic or political cost, at least for the Greek Cypriots.

5 Conclusion

There are many theories as to why the Cyprus problem has been so difficult to solve. One is that the Cypriots simply don't want a settlement, because they find a division of the island better than unification. Another theory is that there is a fundamental lack of trust between the two communities which impedes them to cooperate. Yet another theory suggests that the parties actually enjoy arguing for argument's sake (Ker-Lindsay 2005:4). Be that as it may, one is still led to believe that both sides would ultimately want a settlement in order to live in peace.

When the UN initiated negotiations in 1999, most of the preconditions needed in order for mediation to be successful were present. The only negative factor was concerning the parties' motivation to cooperate. Furthermore, the timing for the mediation effort was, if not ideal, then certainly more good than bad. Unilateral solutions were since long blocked, and as it appeared, the conflict was ripe for resolution. The pending EU accession gave the disputing parties yet another incentive to come to an agreement.

The UN applied three different mediation strategies. When negotiations started, a communication-facilitation strategy was used. Thereafter, and for most of the good offices mission, the UN employed a formulation strategy. This strategy can also be considered the most successful and the most apposite for the UN Secretariat given its resources. Hence, the failure to reach an agreement between the adversaries in 2003 is not to be found in the mediator and the use of formulation strategy. Instead, much can be explained by the lack of motivation in the TRNC camp under the leadership of Rauf Denktash. The Secretary-General often lacked the opportunity to mediate as a consequence of Denktash's pessimism, and him failing to show up on several occasions. As stressed by Rubin (1992:252), if one or both of the conflicting parties have decided to avoid any outside intervention it is more or less impossible for a mediator to make a difference.

During 2004, the UN turned to a manipulation strategy which proved to be ineffectual as a result of UN's lack of leverage. As a matter of fact, some sort of power mediation might well be needed in order to solve this intractable conflict, and since this can not be implemented by the United Nations, perhaps a US-led mediation effort could be fruitful (comp. Yesilada & Sozen 2002). However, Fisher (2001:323) argues that the parties in Cyprus appear to be relatively unmoved by coercive tactics, or by promises of increased economic well-being. In relation, I personally think that the UN Secretariat is the most apposite mediator in this particular dispute, provided that a formulation strategy is conducted.

Bercovitch (1997:233) asserts that the ripeness of a conflict is a more significant variable in effective mediation than the status or identity of a mediator. Nevertheless, we must still reassess the UN as a mediator. Of the skills that are usually mentioned as necessary for a successful mediator, one might contend that

the Secretariat possessed the ability to reframe issues and listen. In addition, the UN team consisted of several experts on Cyprus and the region, thus also possessing extensive knowledge of the particular context of the conflict, as well as having fairly good timing. What the UN *did* lack, was leverage, which is essential for mediation. This was demonstrated on several occasions during negotiations. The only organization in position to use leverage was the EU, and as we have seen, they did not make use of their position. Instead, the UN could have used its status to convince the European Union not to accept Cyprus as a member state if a solution wasn't made. On the other hand, this might be a long shot, since the EU observably sets its agenda without checking with the UN.

The failure to reach an agreement can thus partly be derived from UN's choice of strategy in the very last part of the process. After the breakdown of negotiations in March 2004, the UN-team had to fill in parts of the settlement. Turning to a manipulative strategy and claiming that it was now or never, the UN seemingly offered one part too many carrots, failing to wield any sticks. This created a sense of insecurity for the Greek Cypriot people, feeling that an agreement was imposed on them. However, the Secretariat can't be fully blamed for not achieving a solution in Cyprus. The main responsibility lies naturally in the hand of the two communities, who changed over between them of being pessimistic and unmotivated to settle for an agreement, making mediation impossible.

Finally, even though most of the individuals involved in the Annan talks faced a not so envious anti-climax, the picture should not be painted all too black. Mediation can, even when the conflict remains unsolved, do much to alter the way the disputants feel about each other and indirectly lead to a long-term improvement in the parties' relationship (Bercovitch 1997:148). Thus, the future mediators may hopefully be able to build upon the efforts and experiences made by past mediators. The theoretical implications of the analysis are three-fold: Firstly, An extreme amount of patience is needed when mediating. With the benefit of hindsight, it is obvious that the UN-team were rushing the negotiations in order to not losing the timetable. Secondly, one part of the problem seems to have been the take-it-or-leave-it basis of the Annan Plan. Future mediators perhaps ought to refrain from focusing on the whole idea at one time. Instead, it might be better to negotiate issue by issue, with small agreements, in order to get the parties closer step by step. Lastly, consistency is a crucial asset for the mediator. As indicated above, the nature of the dispute must be congruent with the mediator's interests and resources. A mediator should consequently maintain the strategy that he or she has the best prerequisites for performing well. In the United Nations' case, this would be the formulation strategy.

As for the latest developments, Cypriot Foreign Minister George Iacovou suggested in December 2004 that Greek Cypriots might be willing to resume negotiations on the basis of Annan III (www.cyprus-mail.com). Since then, both sides have expressed urges for new talks and a continuance of UN's good offices mission. (S/2005/743:2). However, almost two years after the referenda no progress has been made, and the two leaders haven't even spoken to each other once (www.sydsvenskan.se). The future will tell if there ever can be a solution to the Cyprus problem.

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