

# Journal of Peace Research

<http://jpr.sagepub.com>

---

## **Negotiating the Right of Return**

Neophytos G. Loizides and Marcos A. Antoniadis

*Journal of Peace Research* 2009; 46; 611

DOI: 10.1177/0022343309339245

The online version of this article can be found at:  
<http://jpr.sagepub.com/cgi/content/abstract/46/5/611>

---

Published by:



<http://www.sagepublications.com>

On behalf of:



[International Peace Research Institute, Oslo](#)

**Additional services and information for *Journal of Peace Research* can be found at:**

**Email Alerts:** <http://jpr.sagepub.com/cgi/alerts>

**Subscriptions:** <http://jpr.sagepub.com/subscriptions>

**Reprints:** <http://www.sagepub.com/journalsReprints.nav>

**Permissions:** <http://www.sagepub.co.uk/journalsPermissions.nav>

**Citations** <http://jpr.sagepub.com/cgi/content/refs/46/5/611>

## Negotiating the Right of Return\*

NEOPHYTOS G. LOIZIDES

*School of Politics, International Studies and Philosophy, Queen's University Belfast*

MARCOS A. ANTONIADES

*Department of Electrical and Computer Engineering, University of Toronto*

Negotiating the right of return is a central issue in post-conflict societies aiming to resolve tensions between human rights issues and security concerns. Peace proposals often fail to carefully balance these tensions or to identify incentives and linkages that enable refugee return. To address this gap, the article puts forward an alternative arrangement in negotiating refugee rights currently being considered in the bilateral negotiations in Cyprus. Previous peace plans for the reunification of the island emphasized primarily Turkish Cypriot security and stipulated a maximum number of Greek Cypriot refugees eligible to return under future Turkish Cypriot administration. The authors' alternative suggests a minimum threshold of Greek Cypriots refugees plus self-adjustable incentives for the Turkish Cypriot community to accept the rest. The article reviews different options including linking actual numbers of returnees with naturalizations for Turkish settlers or immigrants, Turkey's EU-accession, and territorial re-adjustments across the federal border. In this proposed formula, the Greek Cypriot side would reserve concessions until refugee return takes place, while the Turkish Cypriot community would be 'demographically secure' under all scenarios by means of re-adjustable naturalization and immigration quotas. Drawing parallels with comparable cases, the article emphasizes the importance of making reciprocity and linkages explicit in post-conflict societies.

### Introduction

Displacement is one of the most tragic aspects of violent conflict and is often

driven by beliefs among perpetrators that their actions will be irreversible once they establish new demographic 'facts' on the ground (Mann, 2005: 535; McGarry & O'Leary, 1993: 10). In several cases, however, a peaceful reversal of displacement has marked the beginning of post-conflict reconciliation and stability (Black & Koser, 1999; Leckie, 2003). For example, in Bosnia, of the estimated 2.2 million people driven from their homes during the 1992–95 war, an estimated 1,018, 292 had returned home by March 2007, while 459,543 had officially repatriated under minority status in areas administered by another ethnic group (Belloni, 2008; Black, 2001; UNHCR,

\* We would like to thank Roberto Belloni, Florian Bieber, Ali Burak Güven, Cathie Carmichael, Bruce Clark, Turgut Durduran, Brendan O'Duffy, Brendan O'Leary, Evangelos Liaras, Elvan Kayral-Morris, Eser Keskiner, Spyridon Kotsovilis, Brian Mandell, John McGarry, Elizabeth Prodromou, Elizabeth Thompson, and Djordje Stefanovic for their comments on previous versions of this article. We would also like to thank the *JPR* editorial team, especially Lene Bomann-Larsen, Han Dorussen, and Glenn Martin, as well as the anonymous reviewers for their feedback. An appendix along with the quantitative analysis and mathematical formulas can be found at <http://www.prio.no/jpr/datasets>. For interviews and presentations leading to this publication please see appendix. Correspondence: [n.loizides@qub.ac.uk](mailto:n.loizides@qub.ac.uk) and [marco.antonianides@utoronto.ca](mailto:marco.antonianides@utoronto.ca).

2005, 2006, 2007b).<sup>1</sup> Experts point out that through its relative success in reversing ethnic cleansing, Bosnia has avoided the fate of other post-conflict areas, from Cyprus to Kashmir to the Middle East, where cease-fire lines have turned into long-term lines of no-return, division and hostility (Cox & Garlick, 2003: 65).

The 2002–04 ‘Annan Plan’ for Cyprus stands as an example of the potential for and the limits of mediating the right of return in deeply divided societies. Following decades of protracted negotiations, the United Nations made an elaborate attempt to address the rights of Cypriot refugees – in *five* consecutive versions of the Plan. The last version of 31 March 2004 (Annan V) gained the approval of the Turkish Cypriot community in referendums held in April 2004 but was outvoted by a large Greek Cypriot majority. As revised, the Plan not only reflected domestic constraints and considerations but showed the stamp of international mediation, as it drew heavily from the experience of foreign mediators.<sup>2</sup> In essence, it echoed two general principles found in both the literature and practice of conflict resolution, namely, human rights and norms which emphasize the applicability of universal standards of retributive justice and the principle of pragmatism which relies on adaptation to local conditions, security concerns, and political expediency (Leckie, 2003: 25; Snyder & Vinjamuri, 2003).

<sup>1</sup> Updated numbers can be found at the UNHCR Bosnia website <http://www.unhcr.ba/>; there have been substantial concerns, but comparatively speaking, Bosnia stands out as one of the most successful cases of a peaceful reversal of ethnic cleansing.

<sup>2</sup> For a comparative analysis of refugee property rights, see the edited volume by Leckie (2003), particularly the analysis of UN officials, Lisa Jones and Madeline Garlick, writing on Rwanda and Bosnia, respectively. Both Jones and Garlick have subsequently served in Cypriot negotiations while at a more senior level, Richard Holbrooke, chief architect of the 1995 Dayton Accords in Bosnia, served in Cyprus as President Bill Clinton’s special envoy, preparing the ground for the introduction of the Annan Plan. See also references to Alvaro De Soto in this article.

Its final crafting by the UN offers interesting clues to the prevailing trends and principles among international mediators dealing with the right of return in post-conflict societies. The UN specifically proposed the return of 120,000 refugees (including descendants) to ‘new’ territories readjusted under Greek Cypriot administration (UN, 2003: 25–26; UN, 2004b: 20).<sup>3</sup> At the same time, it implicitly linked this concession with proposed restrictions on the right of return of approximately another 100,000 Greek Cypriots (including descendants) who traced their origins to the future Turkish Cypriot state (UN, 2003: 26; UN, 2004b: 20).<sup>4</sup> In its previous versions, the Annan Plan proposed a variety of restrictions on return, including lengthy time intervals for return, property restitution quotas, and partial restrictions on voting rights (UN, 2003: 26; UN, 2004b: 20). But little attention was paid to the normative justification of these restrictions, or to other factors like timing, sequence of concessions, linkages, and incentives. These omissions – and their rectification – are our principal concern.

Incentives and linkages in negotiating the right of return could take different forms, depending on the specific needs and features of a particular mediation. In our case, we demonstrate how an incentive/linkage approach could maximize the negotiability of the settlement in Cyprus. To this end, we introduce a minimum benchmark number and link the number of actual future returnees to self-adjustable incentives for the Turkish Cypriot side. More specifically, an agreement could postulate the return of a minimum number of 25,000 Greek Cypriots under Turkish Cypriot administration. If 25,001 opted for return, the Turkish

<sup>3</sup> The 2006 figures for Cyprus suggest approximately 660,600 Greek Cypriots and 265,100 Turkish Cypriots and settlers (see appendix).

<sup>4</sup> For numbers and various definitions of the term refugee in Cyprus, see appendix.

Cypriot side would increase its quota for the naturalization of two additional settlers or immigrants from Turkey (if they so wished) or would get equivalent credits counting towards another issue, including territorial re-adjustment across the federal border. If only 24,499 Greek Cypriots were to resettle, the additional credits would be readjusted in favor of the Greek Cypriot side. The sides could agree on further linking the refugee/settler formula to tax revenues, immigration quotas, and unutilized land within or across the new federal border. Resources could also be used to help potential returnees, including Turkish Cypriot émigrés, or to compensate settlers willing to return to Turkey. But final details would need to be worked out by the two sides.

Self-enforceable linkages would maintain the balance of a settlement and reduce fears and uncertainties which are frequently a major impediment in the signing and implementation of peace agreements in divided societies (Fearon, 1998: 109; Horowitz, 1985: 177–179; Stefanovic, 2008). For example, the Greek Cypriot side would not necessarily need to make specific concessions until and unless refugees returned safely and in set numbers. Moreover, by having partial and re-adjustable control of its immigration and naturalization processes, the Turkish Cypriot community would become ‘demographically secure’ under all scenarios. Finally, by making credible commitments to the demographic needs of the Turkish Cypriots, the Greek Cypriot side could extract concessions on other issues, thus providing the incentive for a safer return for the refugees. More particularly, cooperation could be fostered at a local level by channeling re-adjustable benefits such as tax revenue to local communities (e.g. through municipalities). Such funds could finance development and social welfare programs, integrated policing mechanisms, educational programs, and civil society initiatives facilitating return.

Finally, the hypothetical 25,001st refugee would not be subject to any personal risk of being excluded from the return process; any risks and the obligation for readjustments would be transferred to the federal level.

Depending on the capacity of the system to adjust the initial benchmarks, all refugees could benefit and return under the incentives/linkage approach. For illustrative purposes, an online appendix accompanies this article; it includes quantitative analysis of multiple demographic scenarios and the relevant graphs. Its logic is simple: with an incentives/linkage approach, it is possible for all Greek Cypriot refugees to return in percentages *lower* than those endorsed by Turkish Cypriots in past negotiations. Moreover, higher numbers of refugees returning home imply more linkages and incentives on issues Turkish Cypriots consider important for their own community. The crucial questions that unavoidably emerge concern which linkages would be more appropriate for Cyprus and other divided societies, how these should be determined and justified, and whether external arbitration and renegotiation are necessary.

### Renegotiation and Arbitration

Readjustments could be agreed in advance of the settlement or by agreements negotiated at later stages, as needs change over time. Here, neutral arbitration mechanisms could be useful in renegotiations if sides fail to agree on mutually beneficial improvements.

This contingency is not without precedent. For example, the Annan Plan provided for such mechanisms in case of deadlocks at the executive level through the arbitration of the Supreme Court, comprising an equal number of Cypriot judges from the two communities and three foreign judges appointed by the UN (UN, 2004a: 11). Similar arbitration mechanisms are employed at the High Court of Hong Kong (McCall Smith, 2001: 101)

and the Constitutional Court of Bosnia (Belloni, 2008; Bieber, 2006: 123–129), where three ECHR appointed judges work alongside local judges from the three main communities (Bosnian Muslim, Serb, and Croat). Elsewhere, McGarry & O’Leary (2009: 42) demonstrate the positive role of outsiders in the implementation of the Good Friday Agreement in Northern Ireland, particularly in uncovering evidence of collusion between security forces and loyalist paramilitaries and overseeing policing reforms and the decommissioning of IRA weapons.

Bosnia, in particular, relies heavily on international arbitration. The relative success in reversing ethnic cleansing in Bosnia can partly be explained by the authority exercised by the Office of the High Representative (OHR), especially its capacity to readjust policies and incentives to encourage refugee return (Black, 2001; Cox & Garlick, 2003; Dahlman & Ó Tuathail, 2005). Trial-and-error efforts are essential, as it is often hard to predict demographic tipping points or envision the efficacy of linkages/incentives before their implementation. In 1998, the UN High Commissioner for Refugees (UNHCR) adopted the ‘Open Cities’ program, granting additional reconstruction funds to municipalities willing to accept the return of refugees and displaced persons (Black, 2001: 183). Moreover, in 2000, the OHR harmonized property laws and expectations across the country, creating the legal prerequisite for large-scale return (Belloni, 2005: 440–442). Bottom-up organizing and cross-community linkages and reciprocity proved significant in cases where international incentives were not available. For instance, in Sanski Most and Prijedor, displaced person organizations and civil society networks lobbied their respective entities to agree to return on the basis of reciprocity (Belloni, 2005: 441; Cox & Garlick, 2003: 77). Finally, the Constitutional Court played a facilitating role in promoting re-integration by deciding in 2000

that federal entities could not deny rights to minority returnees or claim an exclusively Serb, Croat, or Bosnian Muslim character (Belloni, 2008: 58–62). Arbitration mechanisms like those employed in Bosnia are essential in post-conflict societies: they facilitate (in cooperation with local authorities) the implementation of an agreement while renegotiating new linkages and incentives if necessary.

### **Turkish Cypriot Emigrés and Immigrants**

Besides settlers and immigrants, another possible linkage for the Cypriot negotiations involves Turkish Cypriot émigrés who have left Cyprus as a result of conflict and poor economic conditions in the North. In this instance, arbitration committees could divert resources and public policy to help repatriate members of the Turkish Cypriot diaspora, if the return of Greek Cypriots were to exceed the original benchmark of 25,000. Repatriating Turkish Cypriots could preserve demographic balances while maintaining the ‘Cypriot character of the island’ a position shared by both communities.

Even though the intentions of the diaspora cannot be estimated with any degree of certainty, there are several reasons to take émigrés into account. For one thing, there is a sizeable Turkish Cypriot diaspora of approximately 100,000 people, most of whom live in the London (UK) area and who maintain close links to Cyprus.<sup>5</sup> For another, Turkish Cypriot émigrés have suffered from exile and loss of property – and have not been offered compensation for their losses. Following the settlement, they will also benefit from restoration of or compensation for their property. Most have gained the education and skills needed for post-conflict reconstruction in Cyprus, making them a highly desirable

<sup>5</sup> For figures and various estimates, see appendix.

group of returnees for both communities. To this point, a recent report by the PRIO Centre in Cyprus estimates that the reunification of the island will create more than 33,000 jobs in the first five years alone (Antoniadou-Kyriakou, Oguz & Mullen, 2009: 2). On the whole, both Greek Cypriots refugees and Turkish Cypriot émigrés are likely to base their decision to return on how peaceful and prosperous the future Turkish Cypriot state is likely to become; therefore, their respective numbers are likely to correlate.

### Safety and Violence

Cycles of cooperation could build on an existing positive relationship between the two communities in Cyprus who have not experienced physical violence for decades. In theory, though, in the absence of constraints and safeguards for the Turkish Cypriot community, even a small group of radicals could obstruct the first returning Greek Cypriots before their numbers rise and (supposedly) overwhelm the Turkish Cypriot community. This is not idle speculation, as such attempts took place in several municipalities in Bosnia, such as Jusići, during the first phases of repatriation of Bosnian Muslim refugees (Dahlman & Ó Tuathail, 2005). However, the incentives/linkage approach makes return more secure by de-linking the process of return from political and demographic competition. If necessary, economic and institutional sanctions against any side found 'responsible' for an episode of violence might further improve security. For instance, in Bosnia, the Office of the High Representative suspended elected representatives when they refused to implement the Dayton Accords (Belloni, 2008). Enforcement mechanisms might be essential as one needs to threaten sanctions and guarantee their withdrawal if compliance is forthcoming (Schelling, 1960: 14, 134–137). Such mechanisms might not eliminate violence entirely – particularly

incidents driven by massive popular support or entrenched in domestic politics and cleavages.

Moreover, endemic violence could make post-conflict settler–indigenous peoples cooperation more difficult, as in the cases of Israel in the occupied territories and France in Colonial Algeria, where settlers overwhelmingly confronted the indigenous populations (Lustick, 1993: 7–57, 239–302). Nonetheless, the incentives/linkage approach could offer all sides an incentive to monitor and 'police' in-group members (Fearon & Laitin, 1996: 715–735). At any rate, in Cyprus, there is less potential for violent incidents than in other divided societies because of the absence of violence in the past three decades, the ongoing economic development, and the risks ethnic violence poses for the burgeoning tourist industry. Linking low levels of violence with refugee rights and land return could offer an alternative linkage serving more 'troubled places', such as Israel/Palestine, Northern Iraq (Kirkuk), or Kashmir, to escape from cycles of violence.

### The EU Linkage

In Cyprus, the linkage/incentive approach could be expanded to a macro-level by including Turkey and the European Union. It has been argued that the absence of EU incentives and disincentives at all stages of the conflict resolution process in Cyprus has contributed to past failures in negotiations (Demetriou, 2004: 16). Also important has been the failure at the EU level to make conditionality and incentives explicit by allowing each side to frame the Cyprus EU accession process in its own terms. These ambiguities frustrated and disappointed all sides in the negotiations, particularly the Turkish Cypriots who voted for the nationalists in the 19 April 2009 parliamentary elections, thereby constraining the moderate role of Turkish Cypriot leader Mehmet Ali Talat.

Nonetheless, current negotiations and arguably issues concerning settlers and refugees will have direct effects on Turkey's EU accession process. From the point of view of international law, Turkey used the settlers to create irreversible 'facts on the ground' in Cyprus. Empires and modern states have frequently used settlers to solve the 'problem' of refugees and indigenous population in disputed lands (Carens, 2000: 217–218; Lustick, 1993). However, the Turkish settler problem in Cyprus differs from other contemporary cases in two critical ways. First, unlike the Israeli settlers in the West Bank, Turkish settlers could succeed in becoming the overwhelming majority in northern Cyprus, even exceeding the number of Greek Cypriots in few decades. Second, unlike Tibetans, Greek Cypriots are in a position to enforce contemporary international norms on refugees and colonization. The Republic of Cyprus has the institutional capacity through its veto to permanently exclude Turkey from European integration, citing human rights violations but also igniting a new series of crises in the Eastern Mediterranean. For this reason, it is critical for regional security that current negotiations in Cyprus reach a settlement, if possible before the next Turkish Cypriot presidential elections in April 2010.

Moreover, a key challenge in future Cyprus negotiations is minimizing the 'ambiguity and hope factor' in Turkey's EU accession process. Turkey fears that concessions on Cyprus will not be reciprocated if Turkey is eventually denied EU membership. At the same time, Greek Cypriots expect better negotiation terms if Turkey comes closer to membership. Accordingly, in 2004, the United Nations suggested a formula whereby a reunited Cyprus could not veto Turkish accession, proposing instead a link between Turkey's EU membership and post-negotiation concessions to the Greek Cypriots. By linking self-enforceable provisions to Turkey's final EU status, the

UN created the possibility of two types of settlements, one for each scenario: one more favorable for Turkey if no accession occurs and one more favorable to the Greek Cypriots to accompany Turkey's EU membership. In short, the UN aimed to create incentives for everyone to work towards the preferred scenario of Turkey's inclusion in the EU.

Although the UN has demonstrated remarkable ingenuity in crafting these linkage provisions in 2004, one can raise criticisms on two levels. First, the Annan Plan made the basic human rights of Greek Cypriots dependent on a larger geopolitical puzzle, one which goes beyond the influence of refugees. Second, there was a potential for mismatch between local conditions in Cyprus and the dynamics of Turkey's EU accession.

The incentives/linkage approach could offer an alternative by incorporating Turkey's EU accession as one of its multiple key components, hence increasing the potential for win-win gains without restricting the linkage to a single dimension. In fact, in Cyprus and other divided societies, it is possible to introduce quantifiable monitoring of the contribution of each side to human rights and the needs of the others. This could include periodic assessments and key performance indicators, drawing from the application of metrics currently used in many areas of business, public service, and scientific life, and could potentially be modified and applied in ethnic conflict management (Tarrow, 1995: 474).

### Property Linkages

Further to this, in the current negotiations, the most significant obstacle is arguably property rights. Previous proposals de-linked refugee residency rights from property restitution, suggesting separate arrangements for each issue (UN, 2003: 22; Rotberg, 2003: 18). Annan V proposed the restitution of

approximately one-third of each owner's property and compensations for the remainder (UN, 2004b: 12). On the one hand, the restitution of only one-third of the properties contradicted previous ECHR decisions, such as the landmark *Loizidou* case affirming the inalienable nature of property rights of refugees in Cyprus (Leckie, 2003: 42). On the other, decisions by the same court imply that apart from restituting properties, compensations could become acceptable options in the future (ECHR, 2003). In the end, both Greek Cypriot and Turkish Cypriot refugees would gain by compromising on property rights, because current ambiguity over the final type of settlement and ongoing legal disputes in Cypriot courts and the ECHR have decreased the value of their properties.

Other cases hint at similar possibilities of compromise. Commenting on a past success in El Salvador, former head of the Cyprus mediation team, Alvaro De Soto, points to the arms-for-land formula as a key element in the overall strategy of reintegrating the guerrillas into society. According to this formula, land occupied by the guerrillas during the war years was purchased and offered to former combatants and their supporters as an incentive to the implementation of the peace agreement (De Soto & del Castillo, 1994: 69). Drawing on her experience in Rwanda, another member of the De Soto team, Lisa Jones, notes that fundamental rights of the affected population should be carefully balanced with security concerns. Jones comments on post-genocide, community-based arrangements in Rwanda aimed at sharing land among returnees and new owners and avoiding the prospect of renewed violence (Jones, 2003: 223, 217).

Although it cannot resolve the property issue, the incentives/linkage approach could add to the functionality of a compromise. Mediators should investigate whether a system of reserved lands could incentivize support among refugees especially if old

Greek-Cypriot houses, churches, and schools are included within reserves designed specifically to attract Greek Cypriot returnees. Drawing primarily from Canada and the First Nations, Kymlicka emphasizes the critical importance of reserves and argues that history has shown that the most effective way to protect indigenous communities is to establish reserve territories where land cannot be alienated without the consent of the community as whole (Kymlicka, 1995: 43). Admittedly, however, a necessary condition for the success of such arrangements is prior consultation with property holders.

In the case of Cyprus (and arguably Israel/Palestine), another possibility is to prepare a flexible map, with final territorial re-adjustment to be determined on the basis of population movements among refugees and settlers. For instance in Cyprus, if 25,000 Greek Cypriot refugees opted to return, the Turkish Cypriot federal territory would be delineated to 25 percent while if 100,000 opted for return, the territory would be readjusted to 30 percent. All other scenarios fall into a middle ground. This linkage is likely to be preferred by Turkish Cypriots and settlers in areas currently designated for return under Greek Cypriot administration.

### Normative Assessment and Limitations

The incentives/linkage approach attempts to address and quantify complex claims, but it admittedly runs the risk of falling into normative inconsistencies. In defending its appropriateness in Cyprus, one could highlight three major features. First, it builds on material and improves ideas already negotiated (and sometimes endorsed) by both sides in previous negotiations. Second, it eliminates Annan's lengthy time quotas in establishing permanent residency – hard to justify after decades of non-violent resistance among Greek Cypriot refugees to achieve

the right of return. These quotas assume that ethnic relations could improve with time and inter-ethnic interaction; however, such assumptions are hard to justify empirically, as post-conflict societies usually go through several cycles of moderation and tension. A major difficulty with transitional periods is that it is not easy in advance (during negotiations) to know when the transition will be over. It is therefore better to leave such arrangements and restrictions to decay 'organically' (McGarry & O'Leary, 2009: 69), letting people change them gradually within their pre-agreed rules and emerging norms.

Third, the incentive/linkage approach suggests the gradual naturalization of settlers, making legalization partly conditional on their collective contribution to peace. This arrangement addresses critics' concerns that legalization of settlers sets an unfortunate precedent (Chrysostomides, 2000: 434). The approach proposed here is consistent with emerging international norms aiming to rectify previous injustices perpetrated by settlers or outside powers without punishing the descendants of settlers or the settlers themselves (Kymlicka, 1995; Carens, 2000). At the minimum, writing off violations of international law should involve some form of retribution towards those whose livelihoods have been significantly affected, including refugees and their descendants.

The proposed incentives/linkage approach could also be criticized for assuming a degree of rationality among actors. In conflict situations, it is always possible that incentives might not be clearly evaluated or acted upon by all players, leaders and followers alike (Schelling, 1960). Acknowledging these critiques, the model provides incentives for cooperation at both the local and the leadership levels; its relatively simple rationale should appeal to all. It is designed to prevent manipulation and adversarial framing by

involving mutually advantageous linkages in each demographic scenario, thereby explicitly minimizing opportunities for spoilers to create worst-case scenarios. The article argues for carefully balancing win-win arrangements in negotiations, with credible signals being sent to the other side even when such signaling equates to painful concessions by the side doing the signaling.

In all cases, sides should be aware that offering up something that is less important will not suffice; they have to offer something that is important to them if they wish to signal serious intentions and make credible commitments. In this instance, reciprocating Greek Cypriot refugee return with the naturalization of Turkish settlers/immigrants is a costly concession for the Greek Cypriot community; nonetheless, it would be a powerful signal acknowledging the fears, interests, and demographic uncertainties of the Turkish Cypriot side. Elsewhere, in Israel/Palestine, for example, mutual concessions on crucial issues such as land and refugee rights would signal a serious engagement with conflict transformation. Emphasizing these points in its endorsement of the incentive/linkage approach for the Cypriot refugees, the *Economist* magazine suggests that the idea's boldest aspect is the 'acceptance (from the Greek Cypriots) that the Turkish Cypriot side of a bi-zonal federation has legitimate interests, around which bargain can be constructed' (*Economist*, 2008).

Like other public policy and causal models, in Cyprus and elsewhere, incentives and linkages might not represent a sufficient condition for future cooperation. Other factors must be in place, such as security guarantees, constitutional arrangements including power-sharing, and the explicit endorsement of a settlement in public referendums. Even more important for the quality of any future settlement is the open acknowledgement of past injustices and crimes (Rotberg, 2003: 13;

Trimikliniotis, 2007; Kovras, 2008). Refugee return requires a transformation of security-centered discourses portraying refugees and settlers as potentially threatening to a post-conflict discourse; a revised discourse should depict these people as disadvantaged individuals and fellow citizens in need of assistance (Stepputat, 1999: 217).

## Conclusion

The international experience of refugee return continues to deteriorate across the planet, suggesting the need for new conflict management strategies. In 2006, the Norwegian Refugee Council estimated that the total number of conflict-related internally displaced persons was 24.5 million worldwide, while the UNHCR reported 10 million refugees, the highest level since 2002 (UNHCR, 2007a,c). At the same time, the number of those who decide to return voluntarily continues to decline. In 2006, only 734,000 refugees repatriated voluntarily, one-third less than in 2005, when there was a total of 1.1 million returnees (UNHCR, 2007a: 8). These figures, as well as multiple failed attempts to resolve refugee conflicts in troubled parts of the planet, suggest the need for novel ideas in negotiating the right of return.

The incentive/linkage approach could be particularly relevant in disputed territories such as Western Sahara and Kirkuk. In Western Sahara, for example, there is a growing alignment between Moroccan settlers and native Sahrawis (Mundy & Zunes, 2010). Fearing this alignment, the Moroccan government refused in 2003 to implement its previous commitment to carry out a referendum on the future of the territory – even though settlers constitute the majority of Western Sahara's population. According to Mundy and Zunes (2010), there is an increasing potential for new politics of resistance

based on an alliance between native Western Saharans and Moroccan settlers, particularly those who share an ethnic Sahrawi background. Likewise, in Kirkuk, the Kurdistan Regional Government has been encouraged to implement confidence-building measures to assure stability and trust with the non-Kurdish populations (including settlers) before any referendum on the status of the province (Natali, 2008). Here and elsewhere, proposals and initiatives drawing and reinforcing linkages between indigenous and settler interests could foster constructive alliances in conflict-ridden societies.

Approaches to negotiating the right of return should go beyond narrowly defined considerations of security or the mere advocacy of universal norms to embrace a wide repertoire of alternative arrangements. If multiple issues were included in the incentives/linkage approach, sides would be much more likely to have vital and continuing interests at stake and to take the negotiation process seriously. Negotiation theorists have long explored how to maximize gains in mediations, minimize critical uncertainties, and build credible commitments for future interactions (Fisher & Ury, 1981; Raiffa, 1982). But expanding the 'mythical fixed pie' often requires reconfiguring linkages, tying together issues (as we do here in the case of Cyprus) 'that are not necessarily related in any functional sense' (Lohmann, 1997: 39).

As we have noted here, linkages across issues in post-conflict societies could allow sides to be compensated for possible losses in one issue with favorable re-adjustments in another, thus preserving the initial benefits which derive from a negotiated settlement. Incentives in the form of linkages serve as powerful instruments in turning conflict into cooperation (Dorussen, 2001: 251) while providing safeguards for reciprocity and effective implementation of agreements under conditions of uncertainty (Fearon &

Laitin, 1996: 715–735). Since ‘real’ and ‘perceived’ fears are widespread in divided societies, it is crucial to ensure that the ‘ethnic/demographic balances’ of peace settlements are monitored and restored through self-enforceable adjustments. In Cyprus and other divided societies, effective safeguards are necessary because of mutual mistrust and popular beliefs on both sides that once in a position of power, the other side will renege. Reciprocity and signals of benign intentions preserve peaceful coexistence and facilitate the implementation of human rights. Fears of perceived demographic threat are easier to control if each side reciprocates in kind and if there are available formulas and credible mechanisms to guarantee implementation. Overall, the incentive/linkage approach expands the ‘fixed pie’ in negotiations, reduces critical uncertainties, and provides incentives for peaceful refugee return. Similar approaches could provide a repertoire of options in many troubled parts of the world facing refugee–settler conflicts.

## References

- Antoniadou-Kyriacou, Praxoula; Ozlem Oguz & Fiona Mullen, 2009. ‘The Day After II: Reconstructing a Reunited Cyprus’, PRIO Cyprus Centre Paper. Nicosia: PRIO Cyprus Centre.
- Belloni, Roberto, 2005. ‘Peacebuilding at the Local Level: Return to Prijedor’, *International Peacekeeping* 12(3): 434–447.
- Belloni, Roberto, 2008. *State Building and International Intervention in Bosnia*. London: Routledge.
- Bieber, Florian, 2006. *Post-War Bosnia: Ethnicity, Inequality and Public Sector Governance*. New York: Palgrave Macmillan.
- Black, Richard, 2001. ‘Return and Reconstruction in Bosnia-Herzegovina: Missing Link, or Mistaken Priority?’, *SAIS Review* 21(2): 177–199.
- Black, Richard & Khalid Koser, eds, 1999. *The End of the Refugee Cycle? Refugee Repatriation and Reconstruction*. New York: Berghahn.
- Carens, Joseph, 2000. *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*. Oxford: Oxford University Press.
- Chrysostomides, Kypros, 2000. *The Republic of Cyprus: A Study of International Law*. The Hague: Martinus Nijhoff.
- Cox, Marcus & Madeline Garlick, 2003. ‘Musical Chairs: Property Repossession and Return Strategies in Bosnia and Herzegovina’, in Leckie (65–83).
- Dahlman, Carl & Gearóid Ó Tuathail, 2005. ‘The Legacy of Ethnic Cleansing: The International Community and the Returns Process in Post-Dayton Bosnia–Herzegovina’, *Political Geography* 24(5): 569–599.
- Demetriou, Olga, 2004. ‘EU and the Cyprus Conflict: The View of Political Actors in Cyprus’, Working Paper 9. Working Paper Series in EU Border Conflicts Studies.
- De Soto, Alvaro & Graciana del Castillo, 1994. ‘Obstacles to Peacebuilding’, *Foreign Policy* 94: 69–83.
- Dorussen, Han, 2001. ‘Mixing Carrots with Sticks: Evaluating the Effectiveness of Positive Incentives’, *Journal of Peace Research* 38(2): 251–262.
- ECHR, 2003. ‘Chamber Judgments in the Cases of Eugenia Michaelidou and Michael Tymvios v. Turkey and Demades v. Turkey’, European Court of Human Rights, 31 July.
- Economist*, 2008. ‘New Ideas for an Old Quarrel’, 4 September.
- Fearon, James, 1998. ‘Commitment Problems and the Spread of Ethnic Conflict’, in David Lake & Donald Rothchild, eds, *The International Spread of Ethnic Conflict*. Princeton, NJ: Princeton University Press (107–126).
- Fearon, James & David Laitin, 1996. ‘Explaining Interethnic Cooperation’, *American Political Science Review* 90(4): 715–735.
- Fisher, Roger & William Ury, 1981. *Getting to Yes: Negotiating Agreement Without Giving In*. Boston, MA: Houghton Mifflin.
- Horowitz, Donald, 1985. *Ethnic Groups in Conflict*. Berkeley, CA: University of California Press.
- Jones, Lisa, 2003. ‘Property Restitution in Rwanda’, in Leckie (105–125).

- Kovras, Iosif, 2008. 'Unearthing the Truth: The Politics of Exhumations in Cyprus and Spain', *History and Anthropology* 19(4): 371–390.
- Kymlicka, Will, 1995. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Clarendon Press/New York: Oxford University Press.
- Leckie, Scott, ed., 2003. *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*. Ardsley, NY: Transnational.
- Lohmann, Susanne, 1997. 'Linkage Politics', *Journal of Conflict Resolution* 41(1): 38–67.
- Lustick, Ian, 1993. *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank–Gaza*. Ithaca, NY: Cornell University Press.
- Mann, Michael, 2005. *The Dark Side of Democracy: Explaining Ethnic Cleansing*. Cambridge: Cambridge University Press.
- McCall Smith, James, 2001. 'One Sovereign, Two Legal Systems: China and the Problem of Commitment in Hong Kong', in Stephen Krasner, ed., *Problematic Sovereignty: Contested Rules and Political Possibilities*. New York: Columbia University Press (105–141).
- McGarry, John & Brendan O'Leary, eds, 1993. *The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts*. London: Routledge.
- McGarry, John & Brendan O'Leary, 2009. 'Power Shared after the Deaths of Thousands', in Rupert Taylor, ed., *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict*. London: Routledge (15–85).
- Mundy, Jacob & Stephen Zunes, 2010. *Western Sahara: War, Nationalism and Conflict Irresolution*. Syracuse, NY: Syracuse University Press.
- Natali, Denise, 2008. 'The Kirkuk Conundrum', *Ethnopolitics* 7(4): 433–443.
- Raiffa, Howard, 1982. *The Art and Science of Negotiation*. Cambridge, MA: Belknap Press of Harvard University Press.
- Rotberg, Robert, 2003. 'Cyprus after the Annan Plan: Next Steps Toward a Solution', *World Peace Foundation*. Cambridge, MA: Belfer Center (<http://www.cyprusaction.org/projects/WPF37CyprusafterAnnan.pdf>).
- Schelling, C. Thomas, 1960. *The Strategy of Conflict*. Cambridge, MA: Harvard University Press.
- Snyder, Jack & Leslie Vinjamuri, 2003. 'Trials and Errors: Principle and Pragmatism in Strategies of International Justice', *International Security* 28(3): 5–44.
- Stefanovic, Djordje, 2008. 'The Path to Weimar Serbia? Explaining the Resurgence of the Serbian Far Right after the fall of Milosevic', *Ethnic and Racial Studies* 31(7): 1195–1221.
- Stepputat, Finn, 1999. 'Repatriation and Everyday Forms of State Formation in Guatemala', in Black & Koser (210–227).
- Tarrow, Sidney, 1995. 'Review: Bridging the Quantitative–Qualitative Divide in Political Science', *American Political Science Review* 89(2): 471–474.
- Trimikliniotis, Nicos, 2007. 'Reconciliation and Citizenship in Cyprus: A Trans-Communal Concept of Social Action', *Cyprus Review* 19(1): 13–15.
- UN, 2003. 'Report of the Secretary-General on His Mission of Good Offices in Cyprus'. Document S/2003/398.
- UN, 2004a. 'Report of the Secretary-General on his Mission of Good Offices in Cyprus'. Document S/2004/43.
- UN, 2004b. 'The Comprehensive Settlement of the Cyprus Problem', 31 March.
- UNHCR, 2005. 'Update on Condition for Return to Bosnia and Herzegovina', January (<http://www.unhcr.ba/publications/B&HRET0105.pdf>).
- UNHCR, 2006. 'Statistical Summary as at 31 October 2006 (Total Number of Refugees and Displaced Persons who Returned to/within Bosnia and Herzegovina)', October ([http://www.unhcr.ba/return/Summary\\_31102006.pdf](http://www.unhcr.ba/return/Summary_31102006.pdf)).
- UNHCR, 2007a. 'Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons', *UNHR Global Report* (<http://www.unhcr.org/gr06/index.html>).
- UNHCR, 2007b. 'Statistics Package', Sarajevo, 31 March ([http://www.unhcr.ba/updatejuly/SP\\_03\\_2007.pdf](http://www.unhcr.ba/updatejuly/SP_03_2007.pdf)).
- UNHCR, 2007c. 'UNHCR Report Says Refugee Population Rises to Almost 10 Million', 19 June (<http://www.hrea.org/lists/refugee-rights/markup/msg00655.html>).

NEOPHYTOS G. LOIZIDES b. 1974, PhD in Political Science (University of Toronto, 2005); Lecturer, Queen's University Belfast (2006– ); recent or forthcoming articles in *African Journal of International and Comparative Law*, *Electoral Studies*, *International Studies Perspectives*, *Nationalities Papers Parliamentary Affairs* and *Middle Eastern Studies*.

MARCOS A. ANTONIADES b. 1978, PhD in Electrical Engineering (University of Toronto, 2009); Post-Doctoral Fellow, University of Toronto (2009– ). Recent articles published in *IEEE Transactions on Antennas and Propagation*, *IET Microwaves, Antennas and Propagation* and *IEEE Antennas and Wireless Propagation Letters*.

## Appendix for “Negotiating the Right of Return”

This appendix accompanies article by Loizides, Neophytos & Marcos Antoniadis. 2009.

“Negotiating the Right of Return” *Journal of Peace Research*, 46 (5): 611-622. The appendix provides data, mathematical models, and illustration for the arguments presented in the article. The following are the main features/arguments of the article:

- a) We set initial agreed-upon benchmarks for 25,000 Greek Cypriots (GCs) returning under Turkish Cypriot administration. The estimate of the Greek Cypriot population is set at 726,660 at the time of a settlement,<sup>1</sup> and that of the Turkish Cypriots (TCs) plus settlers who fit criteria for immediate naturalization is set at 159,162.<sup>2</sup>

---

<sup>1</sup> The 726,660 figure is an estimate for the first day after the settlement. It is based on the 2006 demographic report by the statistical service of the Republic of Cyprus. In 2006, the population was 778,700, including 118,100 foreign residents in the areas controlled by the Republic of Cyprus. There are 660,600 Greek Cypriots (a figure that includes the Maronite, Armenian, and Latin minorities which are treated as part of the Greek Cypriot community for the purposes of this article). Taking into consideration the fact that many permanent residents will qualify for citizenship in the near future, and that the compromise will have provisions for the naturalization of some Greek citizens in the island, as well as considering the effect of mixed marriages, the article assumes an initial benchmark of 726,660 ( $660,600 \times 110\%$ ). For more information on the Greek Cypriot statistics, see Press and Information Office, 2006)

<sup>2</sup> The 159,162 figure is an estimate for the first day after the settlement. It is based on the 2006 census in the northern part of the island which found a population of 265,100. The census found 178,031 TRNC citizens; among those, 42,572 had both parents born in Turkey. The figure for current TRNC citizens with at least one parent born in Cyprus is 132,635 (the number includes those settlers whose ‘non-Cypriot’ parents were born in the island). Taking into consideration many other groups that might qualify for naturalization (for example, non-citizens married to Turkish Cypriots) and the fact that any compromise will have provisions for naturalization for at least a few thousand settlers with long presence in Cyprus, the article assumes an initial benchmark number of 159,162 Turkish Cypriot citizens on the first day after the settlement ( $132,635 \times 120\%$ ). Even though the Turkish Cypriot side will naturalize fewer settlers than in Annan V, for the purpose of our illustration it gets twice as many naturalizations compared to Greek Cypriot ratios (120% instead of 110%). For more information on the Turkish Cypriot census see, (TRNC Prime Ministry, 2007)

- b) We set a linkage involving returning Greek Cypriot refugees<sup>3</sup> on the one hand and Turkish Cypriot émigrés, settlers, and immigrants from Turkey on the other, with no return restrictions for Greek Cypriot refugees or Turkish Cypriot émigrés.
- c) We argue that all 100,000 Greek Cypriot refugees and descendants could be accommodated in the Turkish Cypriot areas, with a Greek Cypriot population percentage under 27%.
- d) Resulting from the readjustment, as Greek Cypriots increase their numbers in the Turkish Cypriot areas, Turkish Cypriots could increase their percentage of the total Cyprus population to approximately 26% – at the most.
- e) We also argue for readjustments if there are any deviations from the original benchmarks favoring disproportionately either the Greek or the Turkish Cypriot side.
- f) We estimate that another factor that might influence demographics is the return of Turkish Cypriot émigrés from the diaspora approximately 100,000.<sup>4</sup>

In Graph I below, ‘Returning GC Refugees and the Total Population Required in the TC State,’ GC<sub>1</sub> demonstrates major advantages over the Annan Plan III and Annan Plan V formulae (for data used to generate graphs in Matlab see appendix I at the end of this document). First, unlike the various versions of the Annan Plan in GC<sub>1</sub>, GC<sub>2</sub> and GC<sub>3</sub> there

---

<sup>3</sup> Scholars and politicians in Cyprus almost exclusively use the term ‘refugee,’ although technically, the majority of Cypriot refugees have not crossed an international border and therefore, should be correctly described as displaced persons. In order to avoid confusion, however, the authors use the common term refugee. Estimates of refugees vary as many refugees have married to non-refugees or immigrated. Cyprus law considers as refugees eligible for government aid those whose father’s were present in the north and became refugees after 1974. Law discriminates against other Greek Cypriot property holders in northern Cyprus and individuals whose mother’s were refugees in 1974.

<sup>4</sup> It is estimated that 57,000 left Cyprus after 1974 (Statistical Service of the Republic of Cyprus 2006: 11). In an article in *Toplum Postasi*, a Turkish Cypriot London newspaper, Reshat Akar refutes Rauf Denктаş’s claim of 400,000 Turkish Cypriots in the diaspora, arguing that 100,000 Turkish Cypriots live abroad (Akar 1997).

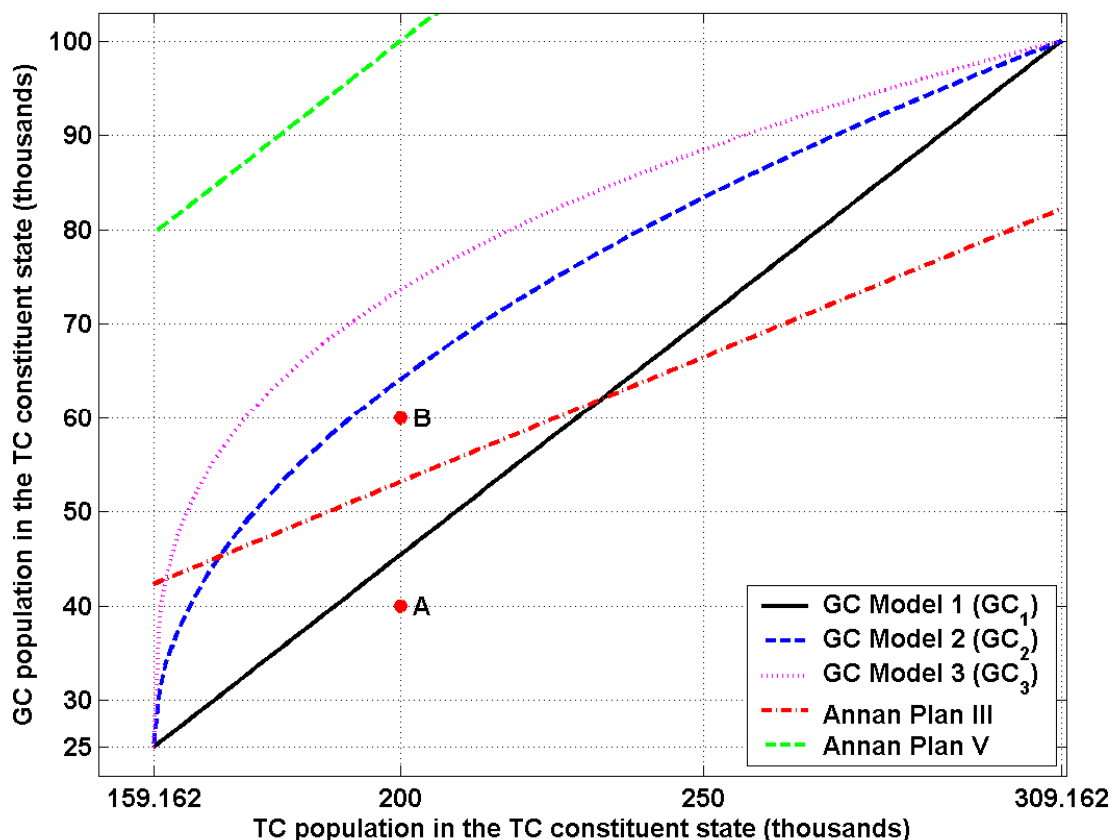
are no lengthy time quotas in establishing residency or restrictions on voting rights. Nor is there any ambiguity as to whether the 2/3 Turkish speakers majority provision in Annan V implies that the remaining 1/3 will be Greek Cypriot refugees only, or whether non-refugees and foreigners will count as well.<sup>5</sup> Second, because there is a direct link between returning refugees and population changes in the Turkish Cypriot state (i.e. 2:1 in GC<sub>1</sub>), GC<sub>1</sub> is steeper than Annan III; therefore, we could accommodate the 100,000 refugees more easily. Finally, Annan Plans III or V could do nothing in the hypothetical scenarios A (200, 40) and B (200, 60) which represent demographic scenarios that favor disproportionately the Turkish Cypriot and Greek Cypriot sides respectively. For each of these, the incentives/linkage approach suggests readjustment aiming to preserve the original balance of the plan.

Additional demographic arrangements can be obtained if we explore miscellaneous options for the return of GCs in the TC constituent state. In Graph I below we offer two additional mathematical models aiming to optimize the performance of our formula. GC<sub>2</sub> and GC<sub>3</sub> offer even better results for the Greek Cypriot side than GC<sub>1</sub> because they allow more GCs to initially return, based on comparatively lower settler and immigrant requirements. These are absolute gains for the GCs that can be traded for other issues at the beginning of the negotiations. Alternatively, in a multi-issue incentives/linkage system, sides could start with GC<sub>1</sub> and switch to GC<sub>2</sub> or GC<sub>3</sub> to partly readjust for Turkey's EU accession if there is need for more refugee return.

---

<sup>5</sup> Annan III came with time intervals in establishing residency, while Annan V stipulated no restrictions in temporary residency, time intervals in establishing permanent residency for the 33.33% figure of non-Turkish speakers, or permanent restrictions in certain voting rights (for the Senate) even after establishing permanent residency. There was also a possibility that the 33.33% allocated to non-Turkish native speakers could include non-refugee Greek Cypriots, third-country immigrants, EU permanent residents, or Kurdish-origin settlers. To this point, the experience of the Good Friday Agreement suggests the importance of making ethnic quotas explicit. For example, mandatory provisions for hiring Catholics at the reformed Police Service of Northern Ireland allowed Polish Catholics to apply under these quotas causing discomfort and confusion to all sides aiming to implement the spirit of the peace agreement for Northern Ireland.

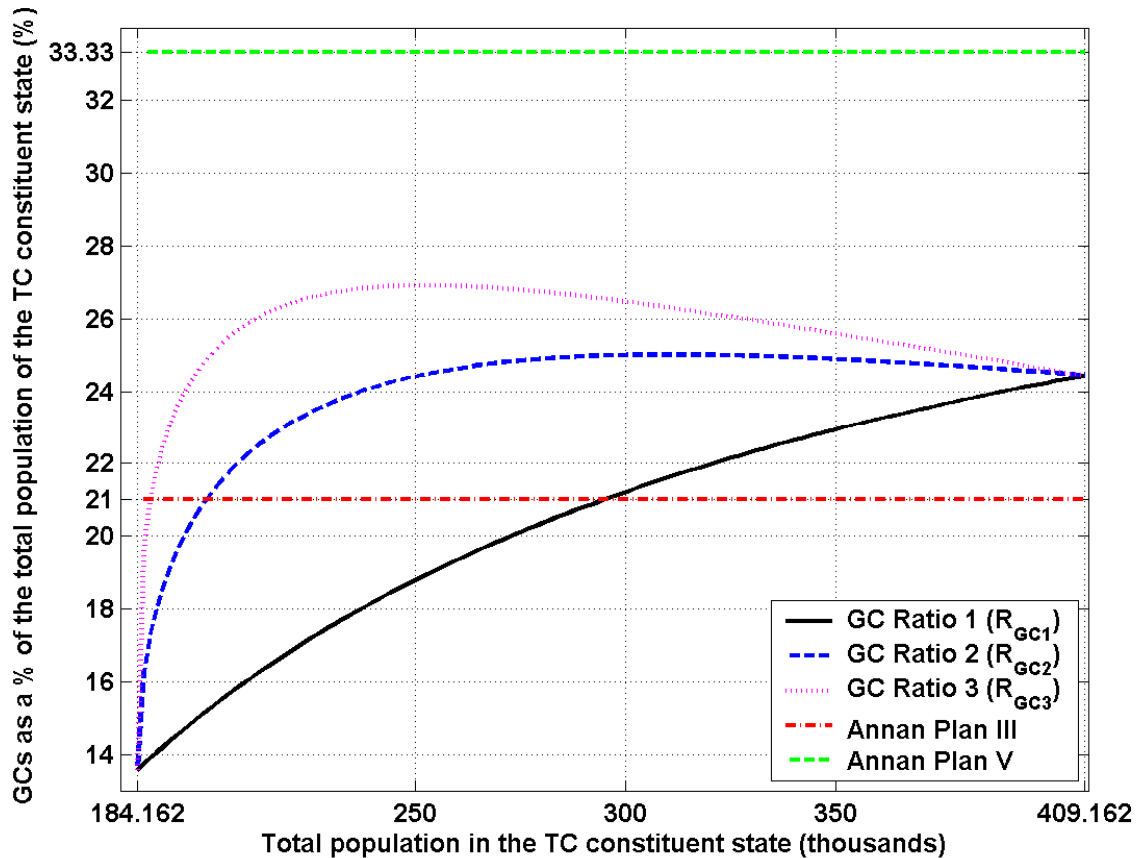
**Graph 1: Returning GC Refugees and the Total Population Required in the TC State**



Graph II shows that GC<sub>1</sub>, GC<sub>2</sub>, GC<sub>3</sub> satisfy all Greek Cypriots refugees while maintaining the GC population in the TC state well below the 27% limit at all times, adding a major incentive for both Turkey and the Turkish Cypriots in the negotiations. This concession to the Turkish and Turkish Cypriot sides is so significant that it could prove a catalyst in their endorsement of key Greek Cypriot demands in future negotiations. The ratios  $R_{GC_1}$ ,  $R_{GC_2}$  and  $R_{GC_3}$  in Graph II correspond to GC<sub>1</sub>, GC<sub>2</sub>, and GC<sub>3</sub> respectively and fulfill this requirement with our initial suggestion of  $R_{GC_1}/GC_1$  being as low as 24%. GC<sub>2</sub> and GC<sub>3</sub> combine more

Greek Cypriot return at the beginning with the potential for the Turkish Cypriots to ‘recover’ their demographic percentage in later stages.

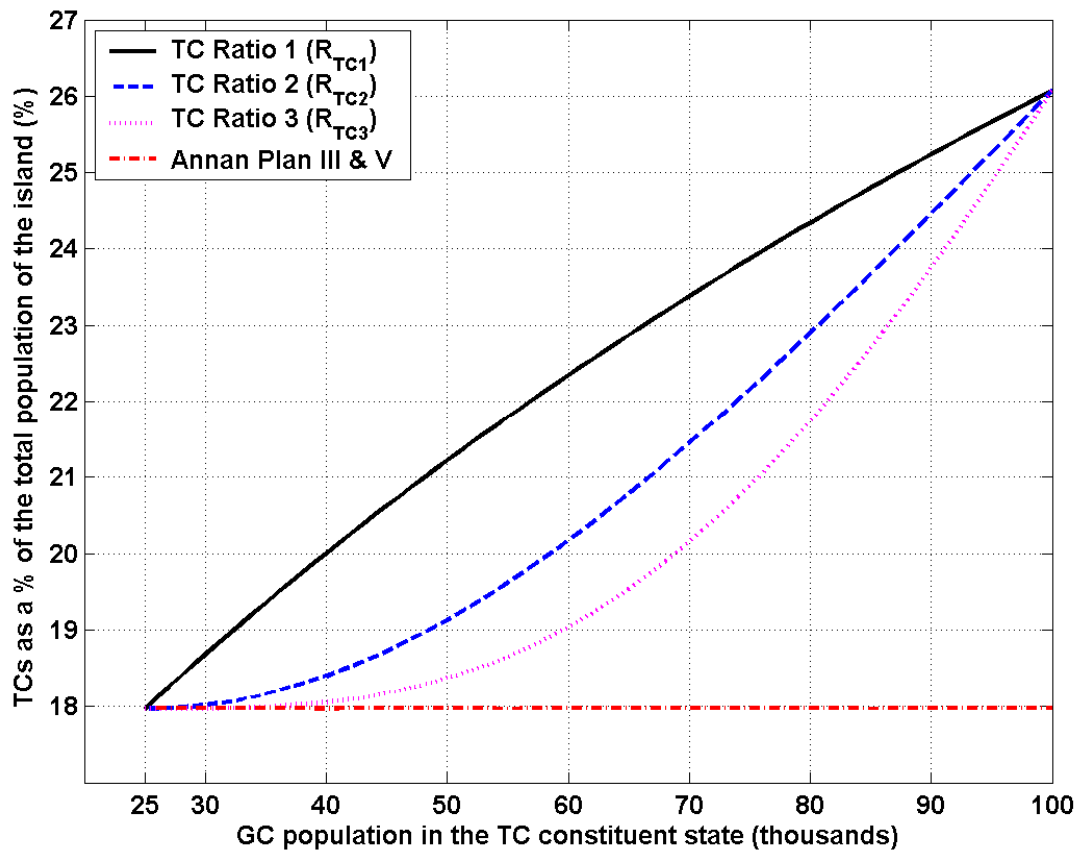
**Graph II: Greek Cypriots as a Percentage of the Total Population in the TC State**



One of the major advantages demonstrated in the incentives/lineage approach is the trade-off between Greek Cypriot percentages in the north with Turkish Cypriot percentages overall in the island. This occurs because our model does not require immigration quotas that reflect the current populations in the island (as Annan III and V do). When the Turkish Cypriots increase their percentages because of émigrés, settlers and immigrants, the Greek Cypriot side receives an equal chance to naturalize Greek citizens. However, Turkish Cypriots will have a much easier time getting immigrants from Turkey than will Greek Cypriots from Greece. We assume that for every two newcomers in the north, the south will

succeed in naturalizing only one Greek newcomer. This will be the expected rate of immigration, given the loss of labor in the south because of refugees returning in the north. Graph III suggests that the TC population could increase to as much as 26% of the total Cyprus population if complete refugee return takes place.

**Graph III: Turkish Cypriot Percentage of the Total Cypriot Population**



### **Additional References**

Akar, Reshat, 1997. *Toplum Postasi*, April 1-2 (translated by PIO as ‘Turkish Cypriot Writer Queries Claim that there are 400,000 Turkish Cypriots Living Overseas’).

Press and Information Office (2006), *Demographic Report 2006*)

([http://www.pio.gov.cy/mof/cystat/statistics.nsf/All/1A87FF0C4E254CC1C22571FE002D4AD4/\\$file/DEMOGRAPHIC\\_REPORT-2006.pdf?OpenElement](http://www.pio.gov.cy/mof/cystat/statistics.nsf/All/1A87FF0C4E254CC1C22571FE002D4AD4/$file/DEMOGRAPHIC_REPORT-2006.pdf?OpenElement))

TRNC Prime Ministry (2007) *TRNC General Population and Housing Unit Census*

(<http://nufussayimi.devplan.org/Census%202006.pdf> )

## **Interviews & Presentations:**

The authors would like to thank Muharrem Faiz, Kamil Kayral, Oncel Polili, Sevgül Uludağ, and Yücel Vural for providing interviews for this project. We would also like to thank Lisa Jones, Didier Pflihter and Robert Dann from the United Nations mediation team in Cyprus; Petros Liakouras and Alexis Alexandris from the Greek Ministry of Foreign Affairs; Toumazos Tselepis, George Vassiliou, George Iacovou and Leonidas Pantelides from the Greek Cypriot negotiating team; Emine Erk, Kudret Özersay, Erol Kaymak and Osman Ertuğ members of the Turkish Cypriot negotiating teams and politicians Alpay Durduran, Averof Neophytou, Christophoros Fokaides, Hasan Tacoy and Phedon Phedonos for their advice on formulating our argument. Previous versions of the formulas covered here were presented at the conference *Crossing the Green Line, Cyprus Forum*, Cornell University, November 2003; at the Solomon Asch Center reunion conference in July 2006; at the University of East Anglia in October 2006; the University College Dublin and the Association for Cypriot, Greek & Turkish Affairs at the London School of Economics in May 2007; and finally Kent University in December 2008. The authors would like to thank the organizers and participants for their feedback as well as Toronto, Harvard, Princeton and Queen's Universities for their financial support for this research.