

Attempts at Redress Through the Lens of Social Identity: Housing, Land and Property of the Displaced in Cyprus

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ABSTRACT[∞]

Transitional justice measures, particularly reparations, have started to address housing, land and property (HLP) issues in relation to internally displaced persons (IDPs), but HLP grievances have not decreased. Because it is difficult to meaningfully engage IDPs in reparations and redress, contextualized approaches are suggested for remedies to become effective. We propose a lens of social identity theory (SIT) to illuminate the potential for HLP attempts for redress to be expanded to groups in intractable conflict. Based on research in Cyprus, we argue that SIT enables the scrutiny of whether and how legal decisions and administrative remedy mechanisms meaningfully relate to IDPs' notions of victimhood and (in)justice. We show that attempts for redress may act to maintain competitive narratives and exclusionary social identities in Cyprus. An inclusive victimhood narrative may shift categories available for an intergroup social identity for Cypriots, making it more likely for actual progress on the HLP issue.

KEYWORDS: Cyprus, internal displacement, internally displaced persons (IDPs), redress, social identity, victimhood

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[∞] The authors express their gratitude to the many Cypriots who shared their time and experiences. We are grateful to Rianne Letschert for her support of this research project and her trust. We thank Charis Psaltis for his thoughts and advice during the writing of this article, and the guest editors of this special issue and the anonymous reviewers for their constructive feedback. We thank Marola Vaes and Andreas Michael for their research assistance. The research for this article has been supported by the Netherlands Organisation for Scientific Research, the Netherlands Institute for the Study of Crime and Law Enforcement, the International Victimology Institute Tilburg and the Genetic Social Psychology Laboratory at the University of Cyprus.

INTRODUCTION

Despite increasing efforts to address the causes and consequences of displacement through transitional justice (TJ) mechanisms like reparations,¹ researchers warn that housing, land and property (HLP) grievances usually have not decreased amongst internally displaced persons (IDPs). Grievances potentially lay the groundwork for future troubles, including armed conflict.² Hence, it is difficult to meaningfully engage IDPs in restitution and other forms of reparations.³

As we will argue, an understanding of intergroup relations becomes crucial to comprehend the significance of reparations in relation to HLP. We emphasize the intergroup element because competition over land largely unfolds as an *inter-group conflict* and is a major cause of *social division*,⁴ which impacts groups' lives theretofore. These intergroup relations are decisive for how people identify themselves⁵ and conceive their (in)group,⁶ hence perceptions of attempts for HLP redress are filtered through a group lens. Therefore, an exploration of the possibilities and constraints for inclusive victimhood narratives may expand our understanding of the potential for HLP attempts for redress to go beyond the individual and encompass the social.

The Cyprus conflict, also known as the 'Cyprus problem,' is one of the longest standing conflicts in Europe. There are several unique characteristics of the Cyprus context, including longstanding hostility, mistrust and fear, even though no incidents of violence have occurred in recent decades.⁷ The relatively nonviolent, longstanding and intractable conflict in Cyprus, accompanied by geographical partition of the country in two, is perpetuated to this day. One of the most intractable aspects of the Cyprus problem is the issue of HLP rights.

This article starts off by depicting the background of the Cyprus problem. Then it briefly synthesizes insights from the larger debate about normative interpretations of reparations for victims of gross human rights violations, to emphasize the importance for HLP attempts for redress to be directed to intergroups in intractable conflict. It

1 See, for example, Megan Bradley, *Displacement, Transitional Justice and Reconciliation Assumptions: Challenges and Lessons* (Oxford: Refugee Studies Centre, 2012); Daniel Fitzpatrick and Akiva Fishman, 'Land Policy and Transitional Justice After Armed Conflicts,' in *Justice and Economic Violence in Transition*, ed. Dustin N. Sharp (New York: Springer Series in Transitional Justice, 2014), 263–287.

2 Jon Unruh, Emily Frank and Matthew Pritchard, 'A Digital Advance for Housing, Land and Property Restitution in War-Affected States: Leveraging Smart Migration,' *Stability: International Journal of Security & Development* 6(1) (2017): 1–17.

3 Roger Duthie, 'Transitional Justice and Displacement,' *International Journal of Transitional Justice* 5(2) (2011): 241–261.

4 Chris Huggins, 'Linking Broad Constellations of Ideas: Transitional Justice, Land Tenure Reform, and Development,' *Transitional Justice and Development: Making Connections* (2009): 332–374.

5 Katharina Schmid, Miles Hewstone and Nicole Tausch, 'Secondary Transfer Effects of Intergroup Contact via Social Identity Complexity,' *British Journal of Social Psychology* 53(3) (2014): 443–462.

6 Miles Hewstone, Simon Lolliot, Hermann Swart, Elissa Myers, Alberto Voci, Ananthi Al Ramiah, and Ed Cairns, 'Intergroup Contact and Intergroup Conflict,' *Peace and Conflict: Journal of Peace Psychology* 20(1) (2014): 39–53.

7 The last skirmish took place in 1996 in which two Greek Cypriots were killed.

proposes an analysis that employs the lens of social identity theory (SIT),⁸ and more particularly the elements of place-based identity, whereby the group rather than individual experience of victimization is central. We argue that this set of theories enables the scrutinization of whether and how legal decisions and domestic administrative remedy mechanisms meaningfully relate to ways that notions of victimhood and of (in)justice in terms of HLP are constructed by IDPs themselves.

Subsequently, domestic administrative procedures on both sides, and the influence of decisions by the European Court of Human Rights (ECtHR) on these procedures, are presented. Afterwards, we analyze how the interviewees in our research in Cyprus perceive victimhood, justice and the legal and administrative responses to their HLP grievances.

In the concluding remarks, we argue that, in Cyprus, victimhood narratives have become entrenched through social identity processes, and that this adversarial process is played out at the level of the ECtHR, which in turn adds to the ongoing antagonism and political distrust between ingroups and outgroups.⁹ This approach is innovative as it moves beyond the unit of the individual in relation to the concrete issue of HLP remedies. It aids in identifying the wider social impact of HLP measures and potential for collective measures of reparations around HLP. Furthermore, through this article we seek to contribute to the limited number of empirical studies on survivors' experiences and expectations of the ECtHR.¹⁰

BACKGROUND OF THE CYPRUS PROBLEM

Although a detailed exploration is beyond the scope of this article, a basic understanding of the conflict is key to appreciating current HLP issues in Cyprus. It is estimated that Greek Cypriots (GCs) constitute 77 percent of the population and Turkish Cypriots (TCs) constitute 18 percent of the population, although estimates that are more current place TCs at 10 percent of the total population of the island.¹¹ TCs and GCs have been geographically segregated since the island was partitioned in 1974 by a dividing line (the Buffer Zone, also known as the 'Green Line') marked by military checkpoints.

Hostilities between communities flared, before and during British postcolonial independence in the 1960s, wherein constitutional guarantees for power sharing failed. Such hostilities, promoted by extreme factions on both sides with support from foreign countries, led to violence, and the majority of TCs fled to enclaves in fear of GC aggression. Continued hostility, violence and diverging interests between the

8 Henri Tajfel, *Human Groups and Social Categories: Studies in Social Psychology* (Cambridge: Cambridge University Press, 1981).

9 'Ingroup' refers to one's own group. 'Outgroup' refers to the group one is not a member of. The in/out-group is defined by the perspective being used. Sometimes we reflect from the point of view of Turkish Cypriots (TCs) and sometimes Greek Cypriots (GCs), or from an IDP toward other groups. Intergroup goes beyond the ingroup and outgroup distinction.

10 See A. Balta, 'What's Law Got to Do with It? Assessing International Courts' Contribution to Reparative Justice for Victims of Mass Atrocities through their Reparations Regimes' (PhD diss., Tilburg University, 2020): 206.

11 Nikos Trimikliniotis and Corina Demetriou, *Legal Framework in the Republic of Cyprus, Displacement in Cyprus – Consequences of Civil and Military Strife* (Nicosia: PRIO Cyprus Centre, 2012).

two communities resulted in complete partition, after the military intervention (according to TCs) or invasion (GCs) by Turkey in 1974. Currently, the northern part of the island is under Turkish military occupation, with approximately 30,000–40,000 Turkish troops on the ground since 1974.¹² The southern area of Cyprus is effectively under the control of the Republic of Cyprus (RoC) and accounts for 59 percent of the island, while the northern area is administered by the self-declared Turkish Republic of Northern Cyprus (TRNC), a secessionist state which is considered invalid by international law.¹³ Despite joining the European Union (EU) in 2004 as a de facto divided island, the whole of the RoC is EU territory; this means that both TCs and GCs are EU citizens, but in practice EU law is suspended in areas where the RoC does not exercise control.

As a result of the war in 1974, the GC community living in the northern part of the island was forced to move to the southern part and the TC community living in the south was forcibly moved to the north, except for the enclaved GCs who have remained in villages in the Karpas Peninsula in Northern Cyprus. It is estimated that 443 enclaved persons are living in the peninsula today.¹⁴ The enclaved GCs have experienced severe deprivations as Greek-speaking Christians living under Turkish rule, and although their conditions have improved over the years, they are still limited to conducting small-scale agricultural activities on their own plots of land for subsistence. For a long time, the enclaved were seen in the south as champions of GC landownership, which led to governmental financial and moral support, as they were deprived access to schooling, medical services and other basic goods. Enclaved adults were not prevented from living in the south, but the consequence was that they had to give up their status as an enclaved person, thereby losing access to their plots of land. Hence, in both the north and south there was much abandoned land and many abandoned properties, but a physical barrier, the Green Line, prevented access.

The military checkpoints along the Green Line were in place until 2003, after which a handful of checkpoints were opened. During this 30-year period of de facto partition, two separate and largely opposing ‘stories’ developed between the TCs and GCs, who rarely, if ever, had a chance to meet. Separate educational systems and mass media exacerbated the situation by promoting one-sided historical narratives of victimization and negative stereotypes of the other,¹⁵ giving rise to competing contentions around who are the rightful/deserving owners of HLP in Cyprus.

HLP issues are one of the biggest obstacles in the settlement of the Cyprus dispute. Between 1963 and 1974, almost half the 570,000 population of Cyprus lost property due to intercommunal violence or military action.¹⁶ Complicating the matter even

12 Charis Psaltis and Huseyin Cakal, ‘Social Identity in a Divided Cyprus,’ in *Understanding Peace and Conflict Through Social Identity Theory*, ed. Shelley McKeown, Reeshma Haji and Neil Ferguson (Cham: Springer, 2016), 229–244.

13 U.N. Security Council Resolutions 541 (1983) and 550 (1984).

14 RoC, Ministry of Foreign Affairs, http://www.mfa.gov.cy/mfa/Embassies/Embassy_Vienna/vienna.nsf/page73_gr/page73_gr?OpenDocument (accessed 30 June 2020).

15 Charis Psaltis, ‘Collective Memory, Social Representations of Intercommunal Relations, and Conflict Transformation in Divided Cyprus,’ *Peace and Conflict: Journal of Peace Psychology* 22(1) (2016): 19–27.

16 Crisis Group Europe Report N°210, Cyprus: Bridging the Property Divide 9 December 2010, <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/cyprus/cyprus-bridging-property-divide> (accessed 25 June 2020).

further, the two sides of the conflict cannot agree on basic fundamentals. TCs claim 22.8 percent of the land in the south, while GCs use a figure closer to 14 percent.¹⁷

REPARATIONS AND SOCIAL IDENTITIES: FROM INDIVIDUAL TO GROUP PROCESSES

The last decade has witnessed increasing interest in forced migration and TJ.¹⁸ Large-scale HLP efforts have become an essential component in international frameworks and ensuing state-level attempts for redress in TJ contexts.¹⁹ However, some scholars have questioned whether international frameworks have the possibility to meaningfully engage IDPs with HLP measures, and to provide them significant forms of redress.²⁰ To become significant, they suggest contextualized approaches for HLP procedures as an alternative for rights-based models,²¹ and to consider these procedures as political processes rather than mainly as legal provisions.²² These suggestions correspond with the outcomes of discussions that have taken place within the larger debate about the normative interpretation and efficiency of reparations for victims of gross human rights violations.

The integration of large-scale HLP efforts happened in a zeitgeist where the conception of reparations expanded from a focus on repairing individual victims and punishing individual perpetrators to objectives that were supposed to instigate profound transformations within post-conflict societies. As TJ scholars and practitioners in the early 2000s started to look beyond trials and truth commissions to recognize legacies of harm and to prevent atrocities from happening again, justice aims and, therefore, the modalities of reparations expanded more and more in practitioner and academic debates.²³ Besides addressing the harms of victims through material compensation, reparations needed to strengthen reconciliation, reform governments and repair political, social, economic and historical inequalities.²⁴ Nowadays, reparations concern restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The integration of forward-looking mechanisms aimed at transforming post-conflict societal structures implied greater obligations of the state. Reparations were expected to promote civic trust by restoring bonds of trust between state and victims through the integration of survivors as equals in society.²⁵ In terms of significance again, this also meant that the efficacy of reparation programmes became

17 Ibid.

18 Bradley, supra n 1 at 5.

19 Unruh, supra n 2 at 2. Megan Bradley demonstrates how norms on solutions for IDPs have evolved since the introduction of the Guiding Principles on Internal Displacement in 1998. Megan Bradley, 'Durable Solutions and the Right of Return for IDPs: Evolving Interpretations,' *International Journal of Refugee Law* 30(2) (2018): 218–242.

20 Duthie, supra n 3 at 241.

21 Fitzpatrick, supra n 1 at 263

22 Bradley, supra n 19 at 232.

23 Jemima García-Godos, 'Victims' Rights and Distributive Justice: In Search of Actors,' *Human Rights Review* 14(3) (2013): 241–255.

24 Lisa Laplante, 'Just Repair,' *Cornell International Law Journal* 48(3) (2015): 513–578.

25 Pablo De Greiff, 'Justice and Reparations,' in *Handbook of Reparations* (Oxford University Press, 2006), 451–477.

determined, amongst other factors, by political will and the presence of functional institutions.²⁶

With the expansion of the orientation and the modalities of reparations, debates arose about the actual effects of reparations within particular contexts.²⁷ Studies on reparations so far mainly focussed on the normative assumptions of what reparations should do instead of what they were actually doing.²⁸ Scholars started to embrace contextualized approaches to reparations to explore their possibilities and limitations at particular places. To qualify the effectiveness of the respective modalities, we have therefore seen over the last decade more studies that propose empirical research, and that inquire into victims' perceptions of and satisfaction with reparations and into their participation in reparations efforts.²⁹

Hence, as with the suggestions about the significance of HLP efforts, similar observations have led to an expansion of the interpretative framework of reparations to attend to both the harm of victims and objectives that have to do with social justice at large, to observations about the importance of political processes for these processes to become meaningful and to questions about the meaningfulness of the different modalities to obtain these objectives.

Nevertheless, despite this expansion to an integrative conceptualization of reparations, HLP efforts are still conceived as an individual matter. Except for indigenous groups who were forcibly relocated from their ancestral lands, HLP efforts are seen as a measurement to make reparations to individuals and are based on an individualized assessment of a victim's damages. However, involuntary property losses may also involve a loss of dignity that results in harm that goes beyond the individual, namely in community destruction.³⁰ When people are involuntarily uprooted, 'and deprived of the social and emotional ties that define and sustain them,'³¹ the interrelationships between groups in societies change. As such, reparations in terms of HLP issues not only involve individual restitution, but should also concern improving social structures within society at large. As we will argue here, this interpretation of responses to HLP issues as an individual matter overlooks opportunities to make these efforts more significant.

We propose an analysis that employs the lens of SIT to better understand the potential for HLP attempts for redress to be directed to groups in intractable conflict, whereby social rather than individual interpretations of HLP grievances of group

26 Brianne McGonigle Leyh and Julie Fraser, 'Transformative Reparations: Changing the Game or More of the Same?', *Cambridge International Law Journal* 8(1) (2019): 39–59.

27 Alina Balta, Manon Bax and Rianne Letschert, 'Between Idealism and Realism: A Comparative Analysis of the Reparations Regimes of the International Criminal Court and the Extraordinary Chambers in the Courts of Cambodia,' *International Journal of Comparative and Applied Criminal Justice* 45(1): 15–38.

28 Eva Ottendoerfer, 'Translating Victims' 'Right to Reparations' into Practice: A Framework for Assessing the Implementation of Reparations Programs from a Bottom-up Perspective,' *Human Rights Quarterly* 40(4) (2018): 905–931.

29 Mijke de Waardt, 'Are Peruvian Victims Being Mocked? Politicization of Victimhood and Victims' Motivations for Reparations,' *Human Rights Quarterly* 35(4) (2013): 830–834; Ottendoerfer, *supra* n 28.

30 Bernadette Atuahene, 'Dignity Takings and Dignity Restoration: Creating a New Theoretical Framework for Understanding Involuntary Property Loss and the Remedies Required,' *Law and Social Inquiry* 41(4) (2016): 796–823.

31 Atuahene, *supra* note 30 at 801.

members are central. We emphasize intergroup relations because competition over land largely unfolds as an intergroup conflict and is a major cause of social division,³² which impacts groups' lives theretofore. These intergroup relations are decisive for how people identify themselves³³ and conceive their (in)group,³⁴ hence perceptions of attempts for HLP redress are filtered through a group lens. SIT supports an exploration of the possibilities and constraints for inclusive victimhood narratives, to expand our understanding of the potential for HLP attempts for redress to go beyond the individual.

Social identity, which is the aspect of the self that derives meaning and self-esteem from social group membership, plays a key role in the competition that may ensue over resources, be they material resources like land deeds or symbolic resources like emotional attachment to a place or collective psychological ownership (CPO; the sense of a particular group that they have the exclusive right to determine how the target of ownership should be used and by whom).³⁵ When considering the Cyprus problem, competition over apparently scarce resources is a core factor in the conflict. As a result, categories of social identity, and by extension place identity, are extremely salient in Cyprus because ownership of land is socially and politically contested, physically divided between the two sides and constantly patrolled.

We propose that a shift in social self-awareness, in terms of 'whose group is your group,' is what actually drives the increase/reduction in the potential for reparative measures. On the one hand, ingroups hunker down into their own group (the ingroup) in competition with the other group (the outgroup), leading to members' identification with their ingroup becoming amplified. On the other hand, cooperation for a superordinate goal may eliminate such conflict.

Through processes of social identity, vital ingredients for the potential of HLP efforts to be successful are shaped, such as willingness to engage in intergroup contact and perspective taking; hope that justice can be achieved; and behaviors such as compromise and negotiation, because engaging in these will affect the value a person may gain from the ingroup.³⁶

Consequently, social identity theories are key for understanding how intergroup competition over resources functions to amplify exclusive group-based narratives of victimhood in order to cement positive group-based emotional experience. These narratives largely define what a group perceives to be fair and just. As in other contexts, hierarchies of victimhood continue to dominate the political narrative in Cyprus,³⁷ with both sides claiming they have lost more at the hands of the other and

32 Chris Huggins, *supra* n 4.

33 Katharina Schmid et al., *supra* n 5.

34 Miles Hewstone et al., *supra* n 7.

35 Maykel Verkuyten and Borja Martinovic, 'Collective Psychological Ownership and Intergroup Relations,' *Perspectives on Psychological Science* 12(6) (2017): 1021–1039.

36 Henri Tajfel and John C. Turner, 'An Integrative Theory of Intergroup Conflict,' in *The Social Psychology of Intergroup Relations*, ed. William G. Austin and Stephen Worchel (Monterey, CA: Brooks Cole 1979): 33–47.

37 Vincent Druliolle, 'Recovering Historical Memory: A Struggle against Silence and Forgetting? The Politics of Victimhood in Spain,' *International Journal of Transitional Justice* 9(2) (2015): 316–335; Kieran McEvoy and Kirsten McConnachie, 'Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy,' *European Journal of Criminology* 9(5) (2012): 527–538; Mijke de Waardt, 'Naming and

therefore deserve more, and denying past responsibility for crimes, potential for redress or any commonalities. Such exclusive group distinctions are extremely salient and become entrenched in time, as outgroups continue to rival over who suffered more, people in the north or in the south, for decades. This ends up happening even between different victim categories. HLP abuses are often seen as secondary, whereas human rights abuses such as loss of life are seen as primary – this reflects the trend in reparations efforts as well, as HLP issues were recognized much later as central.³⁸

An understanding that all sides have suffered many types of victimizing experiences with an impact that still causes suffering, as the Cyprus problem remains unresolved, is indicative of an inclusive victimhood narrative that could move momentum toward intergroup attempts for justice.³⁹ Instead, exclusive and even competing macro-narratives are instituted as they alleviate the burden of past wrongdoings, negate accountability and allow for the nostalgia of an ideal but uncompromising solution, no matter how long it takes. Being deemed the bigger victim can justify violence, ‘exceptional’ political narratives and arrangements, a lack of scrutiny toward political leadership and accountability, and can enable avoidance of negative emotions for past wrongdoing as well as denial of responsibility and material compensation. Social identity, by virtue of dominant competing victimhood narratives between the north and the south and inside the north and the south, is by and large exclusionary in Cyprus, especially because the lack of interaction between the two sides provides the ground for exclusive narratives of victimhood to develop and for elements of social identity to be hijacked by ties to the ‘mother’ countries of Turkey and Greece.⁴⁰

Additionally, we include an analysis of place identity as a pervasive aspect of social identity to illuminate the impact of physical space, particularly HLP (procedures), on victimhood. Place identity theory is a set of ideas around the meaning of a place that reflects onto its users and contributes toward the conceptualizations of the self, so that place can be experienced as a part of the self.⁴¹ Central to this theory is the idea that there is an attachment to place based on emotional bonds – where one feels secure and content. It points to the physical environment itself as an identity definer,⁴² through three proposed processes – threat, emotional attachment and behavior.⁴³

When sudden changes occur to a physical setting and people are forced to make adjustments, threat to their well-being and social identity is activated. Next, groups

Shaming Victims: The Semantics of Victimhood,’ *International Journal of Transitional Justice* 10(3) (2016): 432–450.

38 Duthie, *supra* n 3 at 241.

39 Masi Noor, Johanna Ray Vollhardt, Silvia Maria and Arie Nadler, ‘The Social Psychology of Collective Victimhood,’ *European Journal of Social Psychology* 47(2) (2017): 121–134.

40 Charis Psaltis, *supra* n 12 at 229.

41 Harold M. Proshansky, ‘The City and Self-Identity,’ *Environment and Behavior* 10(2) (1978): 147–169.

42 Fatima Bernardo and José Manuel Palma-Oliveira, ‘Place Identity: A Central Concept in Understanding Intergroup Relationships in the Urban Context,’ in *The Role of Place Identity in the Perception, Understanding, and Design of Built Environments*, ed. Hernan Casakin and Fatima Bernardo (Sharjah: Bentham Science Publishers, 2012): 35–46.

43 Lynne C. Manzo, ‘Beyond House and Haven: Toward a Revisioning of Emotional Relationships with Places,’ *Journal of Environmental Psychology* 23(1) (2003): 47–61.

form an emotional bond to a place, beyond the intimate images, memories and feelings between people and the spatial context. Finally, in terms of behavior, the experiences of an individual within a physical setting can modify the cognitive process of memory and interpretation. Therefore, the spatial setting can have symbolic-cultural value, where behaviors around it are integrated with identity. In Cyprus, wherein over half the population has been displaced, aspects of place identity are of utmost importance, especially since many displaced people are currently living in properties that belong to others, with the furniture and memories of former inhabitants who lived in that house.⁴⁴

Hence, social identities can be impenetrable (exclusive) or permeable (inclusive); they sustain and are sustained by inclusive or exclusive victimhood narratives that are legitimated in the wider societal, especially political, arena. When competitive victimhood narratives arise in the face of perceived threat, and are confirmed by HLP attempts for redress in legal or administrative procedures, we argue that it is less likely that redress will be effective. This is because redress itself may instigate competition between groups, as a result of which exclusive identities of victimhood are reinforced, which deprive recognition of the outgroup's suffering while anchoring the ingroup to their suffering as a central marker of their social identity. Such intergroup relations will not aid in transitioning to a new social status quo, despite the fact that individuals may make their HLP grievances heard and seek and receive justice in the TJ arena.

THE LAND ISSUE: ADMINISTRATIVE AND LEGAL RESPONSES

There is a considerable connection between the rulings of the ECtHR, the two competing 'national' political objectives of both sides and the concrete remedy endeavors related to HLP issues that are undertaken.⁴⁵ Although the main issue for GCs is reunification, bi-zonality is key to the TC side.⁴⁶ Regarding HLP issues, this means that demands of the GC side focus on the objective that all IDPs on both sides will have the right to return and get back their properties. The objectives on the TC side encompass an exchange of property that would impede a return, and would result in two separate regions.⁴⁷

Hence, during the first years after the partition, the TRNC approved the 'Housing, Allocation of Land and Property of Equal Value' law in 1977,⁴⁸ according to which TCs who fled from the south would be assigned to a property that was left behind by GCs. Later on, displaced people would also receive the title deeds and ownership of the properties. However, not everybody received properties in exchange for the properties they lost.⁴⁹

44 Hanife Aliefendioğlu and Pembe Behçetoğulları, 'Displacement, Memory and Home(less) Identities: Turkish Cypriot Women's Narratives,' *Gender, Place & Culture* 26(10) (2019): 1472–1492.

45 Fusun Türkmen and Emre Öktem, 'Major Rulings of the European Court of Human Rights on Cyprus: The Impact of Politics,' *Mediterranean Politics* 22(2) (2016): 1–23.

46 Rhodri C. Williams and Ayla Gürel, *The European Court of Human Rights and the Cyprus Property Issue: Charting a Way Forward* (Oslo: Peace Research Institute Oslo, 2011).

47 Crisis Group Europe, *supra* n 15.

48 'Housing, Allocation of Land and Property of Equal Value' law, <https://www.mahkemeler.net/cgi-bin/elektroksharf.aspx?which-letter=%C4%B0> (accessed 30 June 2020).

49 Personal conversation with lawyer, Nicosia, 4 June 2020.

RoC law maintains that TCs are the legal owners of their properties in the government-controlled areas, although their properties were placed under ‘custodianship’ of the Ministry of the Interior in 1991.⁵⁰ The Custodian Law effectively prohibits the sale, exchange or transfer of abandoned TC properties, even though some are used for public sector projects or to house displaced GCs.

Subsequently, on both sides, remedy mechanisms were installed, to instigate compensations for lost properties exclusively for each side’s population, that is for the ingroup only. Here, the role of the ECtHR is important for understanding the functioning of these mechanisms because they were created in reaction to the ECtHR. To date, the ECtHR has released six crucial judgments on Cyprus about the continuing effects of Turkey’s military intervention/invasion in 1974.⁵¹ Property has been the main aspect of these cases. The Court itself cannot provide a comprehensive solution to the Cyprus problem, but the rulings do describe a set of universal legal standards that would be required for a solution.⁵²

As a result of the rulings in earlier cases,⁵³ which focussed on the ‘continuing violations’ by Turkey regarding the access and use of property by GCs, GCs were recognized by the ECtHR as the legal owners of these properties, and Turkey was held responsible for violations of the right to property as well as the right to respect for the home. Furthermore:

because neither the Turkish nor the Turkish Cypriot authorities had established a credible remedy for these violations, compensation has been ordered by the Court in favor of affected individual applicants for loss of use of their property.⁵⁴

Through *Cyprus v. Turkey* (2001), the ECtHR held Turkey responsible for violations of different articles of the European Convention, including land and property violations.⁵⁵ It furthermore decided that possible application of Article 41 (just satisfaction) of the European Convention on Human Rights (i.e., compensation) was not ready for decision. The ECtHR held that domestic remedies should be found, and, in line with this, the TRNC passed legislation in 2003.⁵⁶ In accordance with a further ruling of the ECtHR, *Xenides-Arestis v. Turkey* (2005),⁵⁷ the TRNC set up the Immovable Property Commission (IPC). Additionally, the decision in *Demopoulos*

50 ‘Turkish Cypriot Properties (Administration and Other Matters) (Temporary Provisions) Law of 1991, No. 139/1991, http://www.moi.gov.cy/moi/moi.nsf/page34_en/page34_en?OpenDocument (accessed 25 June 2020).

51 *Loizidou v. Turkey* (1996), *Cyprus v. Turkey* (2001), *Demades v. Turkey* (2003), *Eugenia Michaelidou v. Turkey* (2003), *Xenides-Arestis v. Turkey* (2005) and *Demopoulos and others v. Turkey* (2011).

52 Williams, *supra* n 47 at 1.

53 *Loizidou v. Turkey* (1996), [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-58201%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-58201%22]}) (accessed 30 June 2020); Williams, *supra* n 47 at 4.

54 Williams, *supra* n 47 at 3.

55 See, European Court of Human Rights 341 10.5.2001 Press release issued by the Registrar Judgment in the Case of *Cyprus v. Turkey*, [https://hudoc.echr.coe.int/eng-press#{%22itemid%22:\[%22003-68489-68957%22\]}](https://hudoc.echr.coe.int/eng-press#{%22itemid%22:[%22003-68489-68957%22]}) (accessed 30 June 2020).

56 Türkmen, *supra* n 46 at 289.

57 *Xenides-Arestis v. Turkey* (2005), [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-71800%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-71800%22]}) (accessed 30 June 2020).

and Others v. Turkey (2010)⁵⁸ implied that as much as the legal owner has a right, so does the inhabitant using the property, at least for 40–50 years. In the same decision, the IPC Law was considered to provide an effective remedy and thus complaints of applicants for non-exhaustion of domestic remedies were rejected.⁵⁹

As a result of the GCs application before the ECtHR in the late 1980s, the TRNC set up the IPC as a potential domestic remedy in the north. Meanwhile in the south, within the Custodian Law, the Turkish Cypriot Properties Fund was established to pay compensation for loss of use and expropriation to owners after a solution.⁶⁰

However, both remedy mechanisms cope with difficulties that seriously threaten their capacity to effectively instigate individual restitution. As of 2013, there exists a disagreement between the Turkish government and TRNC authorities regarding who should be responsible for financing the compensation. The Turkish government, originally the provider of funds for the IPC, gradually reduced and finally stopped financing the IPC in January 2019. The IPC became non-functional, while there are still on-going cases as well as concluded cases in which compensation has not yet been paid.⁶¹ Moreover, there are also questions about how compensation is calculated.⁶²

Likewise, the actual capacity of TCs to claim and use their property in the south is also minimal. The few TCs who have tried to get compensation from the RoC encountered serious obstacles.⁶³ This is mainly because a particular section of the Custodian Law clearly prohibits any payment to TCs while the ‘unsettled situation’ on the island continues.⁶⁴ As a result of pressure from cases that TC individuals took to the ECtHR against Cyprus,⁶⁵ an amendment to the Custodian Law in April 2010 was made, allowing TCs who reside in government-controlled areas in Cyprus or abroad to claim their property. However, again, other sections of the same law contradict this by prohibiting payments under the ‘unsettled situation’ and blocking TC owners residing in the north from claiming their property.⁶⁶

In the absence of effective domestic remedies, more GCs are turning to costly and slow judicial solutions. Claimants on both sides who took the ECtHR route were redirected to domestic remedies. Fewer TCs seek justice on HLP issues at the level of the ECtHR, because in their case they were ‘given’ new property as their own and in some sense had to relinquish claims to their old properties, whereas GCs were ‘loaned’ properties until the ‘unsettled situation’ was to be resolved, and this strengthened their claim to their old properties. Furthermore, it is important to note

58 Demopoulos and Others v. Turkey (2010), [https://hudoc.echr.coe.int/eng#{%22dmdocnumber%22:\[%22864000%22\],%22itemid%22:\[%22001-97649%22\]}](https://hudoc.echr.coe.int/eng#{%22dmdocnumber%22:[%22864000%22],%22itemid%22:[%22001-97649%22]}) (accessed 30 June 2020).

59 Personal conversation with lawyer, Nicosia, 22 May 2020.

60 Deniz Senol Sert, ‘Cyprus: Peace, Return and Property,’ *Journal of Refugee Studies* 23(2) (2010): 238–259.

61 Personal conversation with lawyer, Nicosia, 22 May 2020.

62 Personal conversation with lawyer, Nicosia, 4 June 2020.

63 Crisis Group Europe, *supra* 15.

64 Indicative cases: Arif Mustafa v. The Ministry of Interior, Supreme Court of Cyprus, Case No. 125/2004; ECtHR Application no. 18163/04 by Nezire Ahmet Adnan SOFI against Cyprus.

65 ECtHR Application no. 16865/10 Ali Kamil KARAMANOĞLU and others against Cyprus (2010).

66 Crisis Group Europe, *supra* n 15.

that there is not an analogous level of monitoring the degree to which these remedies are effectively working.

The overarching objectives of HLP remedies on each side are antithetical, once again creating a dialectic that supports exclusionary victimhood and exclusive social identity. This is indicative of the distrust on the one hand between the TCs and the GCs, and on the other hand by Cypriots toward the entities that are supposed to organize the remedies for HLP grievances, i.e., the authorities. A shared intergroup experience in Cyprus is that of mistrust in their own political leadership, a sense that the dynamics to solve the Cyprus problem are played out on a political stage far from everyday life and overall popular disconnection from political leadership.⁶⁷ Mistrust toward the governing authorities may affect social identity and victimhood narratives, as belonging to a group with a mistrusted state that is perceived to mishandle HLP for individual means rather than social welfare is unlikely to lead to meaningful state-run remedies for HLP grievances. Political and economic exclusion of the outgroup is characteristic of an exclusive victimhood consciousness,⁶⁸ which sets apart the ingroup, but when the ingroups' political leaders, institutions and authorities are under question, a social identity tied to the political legitimacy of the dominant exclusive victimhood narrative may also be on shaky ground.

PERCEPTIONS OF VICTIMHOOD, JUSTICE AND ATTEMPTS FOR REDRESS

Fieldwork for this article was undertaken as part of an ongoing four-year study, aimed at understanding whether, and if so how, reparations awarded through international justice procedures contribute to a sense of justice among survivors.⁶⁹ This larger project examines four judicial cases in which reparations are awarded at four different international courts, including the Cyprus v. Turkey case at the ECtHR, to juxtapose survivors' experiences of these judicial cases with their experiences of other (non-)judicial remedy mechanisms and aid activities for victims.

Fifty-eight interviewees participated in the study. The sample included 28 beneficiaries, i.e., survivors entitled to reparations according to this judgment (all of whom were GC, including 14 enclaved), and 30 non-beneficiaries, i.e., survivors who have experienced similar human rights violations but are not entitled to reparations according to this judgment (15 TCs and 15 GCs). Because only GCs are beneficiaries in this case, there are more GCs in our sample; however, in the non-beneficiary group, representation is equally split between TCs and GCs. Participants came from both urban and rural areas, with equal gender representation, and had an age range

67 M.K. Flynn and Tony King, 'Deadlock and (Mis)Trust in Cyprus', *Peace Review: A Journal of Social Justice*, 24(4) (2012): 421–429.

68 Johanna Ray Vollhardt and Rezarta BilaliRezarta Bilali, 'The Role of Inclusive and Exclusive Victim Consciousness in Predicting Intergroup Attitudes: Findings from Rwanda, Burundi, and DRC,' *Political Psychology* 36(5) (2015): 489–506.

69 The project 'A waste of time or no time to waste? Assessing the impact of international reparative justice procedures'. This research project is made possible through a Vidi grant awarded by the Netherlands Organisation for Scientific Research (NWO) to Prof. dr.Rianne Letschert. Mijke de Waardt is the co-project leader of this research project. Dora Georgiou coordinates the research in Cyprus, and Evren Celal is one of the research associates.

from 18 to 70 years. Data was gathered by means of life-line drawing,⁷⁰ life history⁷¹ and in-depth semi-structured questionnaires. The combined methodology of initial open reflection followed by open questions allowed the interview process to be guided more fully by the interviewee.

Here, we employ an SIT lens to analyze how relationships with land and place shape survivors' narrations about a) their own victimhood, and herein; b) justice, lawsuits and compensation; and c) how domestic remedy mechanisms have dealt with HLP issues.

Victimhood

To analyze if and to what degree respondents with different backgrounds of human rights violations tended to feel victimized, we invited all participants to explain to us who they would call victims of the Cyprus conflict, and whether they felt victims themselves. Here, our analysis focuses on victimhood in terms of HLP issues, in relation to features of place identity.

Since our research sample consisted of survivors with different types of victimizing experiences, some of them did not refer to HLP issues in relation to victimhood. Others referred more to victimhood in general (e.g., 'those who are oppressed by others', 'the ordinary people').

The fragments below illustrate how respondents, without an explicit reference in the question to HLP issues, did directly mention place attachment as a foundation of their own victimhood.

The victim is one who is deprived of their property, their loved ones, whether they are the people they grew up with or are friends, or are . . . and you are not given the capacity to solve the deprivation problem yourself. As it happened to me with becoming a refugee. It's not like you want an ice cream and buy it. It was not only dependent on me. But it was dependent on some events that deprived me of what I really wanted to live, or as fate led me to live and grow up in a village, to be born in a village and, at some point in my life, to not continue growing up with my parents in the environment I was familiar with . . . And to be forced to live in a foreign environment with many problems, for both me and my parents.⁷²

We see above a strong place attachment, as place is tied to self through time, specifically a self in relation to others and the 'village' and the threat of unfamiliarity in a foreign environment. The place is also tied to a sense of inefficacy that comes from being dependent on external forces.

The respondent below also clearly relates her victimhood to the absence of property, but moreover shows that this was already the situation before 1974, because of ethnic violence. As a result of a competitive, exclusionary sense of victimhood,

70 Ingrid A. Nelson, 'From Quantitative to Qualitative: Adapting the Life History Calendar Method,' *Field Methods* 22(4) (2010): 413–428.

71 Dan P. McAdams, *The Life Story Interview* (Evanston, IL: Northwestern University, 2008).

72 Personal interview, GC, Nicosia, 23 July 2019.

recognition of the narrative about HLP grievances before 1974 is largely absent at the GC side; this respondent feels that her victimhood is not recognized:

We as Turkish Cypriots became victims. For example, my husband was displaced in 1955 for many times. But Greek Cypriots only tell the events after 1974. But the majority of our people are victims from [before] those times.⁷³

In the fragment below, we see that the enclaved GC people occupy a specific position in the victim hierarchy, exactly because they have *not* left their land and houses behind:

So, the enclaved today are trying to come through this situation of people thinking that, since the checkpoints have opened [i.e., in 2003] and you are not enclaved anymore, you lose your identity. [...] How can someone come and deprive me of my memories and erase them all and tell me: you know, it never happened. So, the Enclaved have to erroneously enter the category with the rest [of the displaced].⁷⁴

The enclaved stayed behind to protect their land against Turkish occupation. In terms of CPO, they embodied the struggle of GCs for their HLP, and were portrayed as champions who refused to relinquish GC land, and suffered abuse and isolation under Turkish occupation because of it. However, after the checkpoints opened they weren't under total enforced isolation anymore. Their victimhood is not part of the standardized repertoire any longer; they are not enclaved but are also not seen as IDPs.

Place identity was also expressed in the life histories; people narrated about visiting their former homes immediately after the checkpoints opened, even when their former dwellings did not exist anymore: 'In 2003, the gates were opened and on the third day, I went to Limassol with my son. [...] We went to see my houses, all of which had been demolished.'⁷⁵ Place identity is associated with ideas about where important rituals should take place, like funerals: 'My grandmother ended up living in a house that wasn't her own. And when she died, she was buried in a stranger's village.'⁷⁶

Additionally, there were also people who had developed insights in relation to inclusive place identity, because of the passage of time and because of their relationships with the outgroup. An emotional bond with a place that is mutually experienced can be inclusive of victims from the outgroup. A GC noticed that when she visited Kerynia, a city in the north, for the first time after the borders opened:

I realized that it is very selfish to say that Kerynia is my home. Kerynia is not my home, it is something that is inside you.

73 Personal interview, TC, Nicosia, 22 July 2019.

74 Personal interview, GC enclaved, Nicosia, 21 June 2019.

75 Personal interview, TC, Morphou, 15 April 2019.

76 Personal interview, GC, Larnaca, 20 June 2019.

[...] it is your memories; it is the experiences you have lived through. it is not a piece of land where you have built a wall, where your grandfather built a wall [...]. I have an honest relationship with the Turkish Cypriots [in Kerynia].⁷⁷

Another GC told us:

I used to listen to those who were given the houses of Turkish Cypriots to live in, and they would say: 'I made it how I liked.' As to say: 'We have deleted all of its marks' ... and I would say: 'but is that what you would want for your house [the one you had abandoned in the north]?'⁷⁸

The last fragment demonstrates inclusive victimhood, a recognition that the suffering that results from not being able to live in their own house is also sensed by members of the outgroup. This recognition of the suffering of the outgroup for some people created feelings of unease with living in the houses of outgroup members:

I remember that we were looking for a house [in 1974]. Everybody grabbed everything. They showed us a house but it was ruined, without windows, furniture, even the taps were stolen. We organized it. On our first night there I was thinking that people left their houses. I felt weird. It was a different feeling. They didn't leave their houses because they wanted to. We started to live there and we still do.⁷⁹

From the above findings we can see how identities of victimhood are closely tied to the places the respondents left behind or, in case of the enclaved, have *not* left behind. This has impacted the current situation of many, who continue to feel deprived of daily and ritualistic behaviors, and of the security offered by the familiar place. Losing access to the place meant that people were abruptly put in surroundings that were strange and reminded them of the suffering of the in- and outgroup. Some also expressed an inclusive victimhood identity, characterized by empathy and perspective taking, without a feeling of exclusive ingroup ownership (CPO), while at the same time all three elements of place identity – emotional attachment, threat and behaviors – are expressed. The dissonance of living in someone else's home, particularly that of an outgroup member, could be countered by CPO, i.e., the idea that this 'belongs to us' anyway; however, we don't see this in our respondents' narratives.

Justice and Reparations

To scrutinize survivors' perceptions of justice in terms of HLP issues, we have analyzed what kind of claims they make for justice, and if and how people narrate about reparations. Next, we will discuss if and how respondents narrate about these issues in relation to legal responses.

77 Personal interview, GC, Larnaca, 1 February 2019.

78 Personal interview, GC, Nicosia, 6 June 2019.

79 Personal interview, TC, Nicosia, 15 February 2019.

After questioning our respondents on how they define justice, we found that HLP issues occupy the fifth position on a list of 17 different meanings of justice.⁸⁰ This sense of justice in terms of HLP issues perceptibly concerns having access to HLP:

To have the opportunity, the right, to go home. I don't care if the mayor is named Andreas, Kostas, Pantelis or Hussein, Ahmet, Mohammed. I don't have power problems. Justice for me is to be free to go home.⁸¹

The above fragment shows an intense place attachment, an inclusive victimhood consciousness and inclusive social identity, a lack of CPO and a distancing from the hegemony of power grabbing. However, especially for some GCs, justice is also related to the possibilities to obtain ownership from the State of their 'new' homes (formerly TC) to make full use of them. Title deeds of TC HLP were not given to GCs, with the idea that all refugees would return to their own HLP relatively quickly. As this did not pan out, the benefits of individual ownership of HLP were not afforded, as GCs did not own the homes they were living in. Again, the tension between feelings of individual ownership and CPO becomes apparent, in the context of widespread governmental distrust, as we see below:

The state has to look into the refugees, because they cannot exploit their own estates over there [in the occupied north]. I used to pay rent [for the new building] before, when I had the company, and I still pay rent to the state, the Town Planning specifically, for a house at the Refugee Settlement [formerly TC], to which I am entitled, and I paid a small rent, I maintained the house all these years, and I don't have the right to exploit it, businesswise I mean, while someone next door, a non-refugee, because he has the title deeds, he is allowed.⁸²

Importantly, in the above fragment the claim is made toward the ingroup's authorities, rather than the outgroup, and a comparison is made with the beneficial situation of non-victims in the ingroup. Moreover, various interviewees at both sides made these claims about the absence of structural attempts by the government to facilitate justice in terms of HLP, and that they feel used by the government:

The related states should change their attitudes toward victims, as the state expects the support of victims and asks for their votes [...] If the victims are known as A, B, C, the state should think what it should provide for them. Such things should be arranged for the community, so that they are not associated with politics.⁸³

They [the government] should have helped in another way. I had a nice home, I had a shop at the market, we had fields by the sea, 30 acres, we had a water

80 The majority of respondents interpreted justice as a phenomenon related to equality in society.

81 Personal interview, GC, Nicosia, 18 June 2019.

82 Personal interview, GC, Larnaca, 10 April 2019.

83 Personal interview, TC, Nicosia, 3 July 2017.

well and sold water. They could have helped us in another way. But, instead, they had us all. I don't think this is justice.⁸⁴

Beyond the diffuse mistrust both sides feel for their own authorities, respondents also talk about a lack of trust in specific procedures and measures. In further analyzing how people make sense of reparative measures across victimizing experiences, the majority of the respondents said that financial compensation would never be enough, because their victimization could not be repaired. Nonetheless, if they had a choice, generally, compensation for HLP was the third most frequently mentioned form of reparations.⁸⁵

Additionally, we have also looked at if, and how, interviewees talk about the impact of legal responses to injustices in the context of HLP issues. Just two interviewees referred to a court case in relation to HLP issues in their life histories.⁸⁶ One of these did so because the case illustrated how judges, according to him, were impartial in that lawsuit.⁸⁷ The other respondent describes how this process was necessary to set a precedent against the illegitimate acquisition of land by leisure residents from third countries.

After explicit questions about legal proceedings at the ECtHR, we see that a quarter of the respondents who are aware of the ECtHR and its proceedings draw an association between courts and HLP issues. This is done in the context of *Cyprus v. Turkey* and *Just Satisfaction*; *Loizidou v. Turkey*; and again, *Apostolides v. Orams*.⁸⁸ Regarding the first lawsuit, we see that people do not believe that it will help them with their HLP matters, because there is no power to implement the verdict and Turkey will not comply. Other respondents have said that it should not be the case that only one party is held responsible for disbursing reparations, and that the judicial cases exclude the HLP issues that took place before the partition of the country in 1974. Below, we see a recognition of and a reaction against an exclusive victimhood narrative that gets played out at the level of the ECtHR:

Turkey is not the only guilty side, Greece was guilty too as well as the Greek Cypriots that were supported, and Turkish Cypriots [...] I believe that more people should be tried before the court. There are even politicians that we can name.⁸⁹

Both GC and TC respondents questioned the inclusiveness of the ECtHR:

84 Personal interview, GC, Paphos, 8 April 2019.

85 Next to exhumations and truth finding.

86 *Meletis Apostolides v David Charles Orams and Linda Elizabeth Orams* (2009), at the European Court of Justice. Mr Apostolides had brought a civil case against a British couple who had constructed a holiday home on his property in the north. As a result of this case, the Orams needed to give back the land, demolish the buildings erected on the property and pay damages. See <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A62007CJ0420> (accessed 30 June 2020).

87 Personal interview, GC, Larnaca, 5 June 2019.

88 See the description of land and administrative responses in this article.

89 Personal interview, TC, Nicosia, 16 April 2019.

And [it started] with Titina Loizidou who went to [court]. I am not saying that she shouldn't have, because they are being deprived of their property, but the Turkish Cypriots from Limassol, Paphos, are they not also deprived or we would rather just not speak about that?⁹⁰

But there is also the other side of coin. Who will compensate the Turkish Cypriots? What is the reason behind the fact there is no case of Turkish Cypriots at the Court of Human Rights against the Republic of Cyprus and any associated judgment? [...] During the events of 1960, many [TC] people were displaced because of the war and terror that the Republic of Cyprus waged against its own citizens.⁹¹

Additionally, we also observed in the context of HLP issues that some respondents consider the cases to be a substitution for state responsibilities, which will not lead to a concrete result:

'Some individuals [can find justice] ... but the state is responsible for that [not the individuals] ... The law, the law, unfortunately the Cypriot state undermines it'.⁹²

Individual justice does not alleviate social injustice – the injustice felt by the whole victim group – and does not automatically open the potential for group justice:

The only thing that can come out of these results [Loizidou v. Turkey and Just Satisfaction] is to ease people a little with the money. That is, a refugee who has lost his fortune and now they are asking him to sell it. When the government does not give him anything to live on, a decent man is forced and goes and sells his fortune. These are injustices.⁹³

Reparations may actually be perceived as unjust when they are inadequate and/or received under duress, such as financial need. Rather than actual belief in or desire for reparations as a form of justice, they are seen as a practical necessity when in dire straits.

Old and New Domestic HLP Remedies

The last frequently discussed topic was domestic housing remedies. More than half of our respondents referred to these procedures in their life histories or after specific questions about forms of support they have (not) received.

As we saw, the TRNC allocated houses of GCs to TCs after their flight from the south. Nonetheless, for some, the value of the old and new house is not comparable. Additionally, besides the earlier described feelings of unease, a few of them also

90 Personal interview, GC, Nicosia, 16 April 2019.

91 Personal interview, TC, Nicosia, 28 January 2019.

92 Personal interview, GC, Larnaca, 5 May 2019.

93 Personal interview, GC, Larnaca, 2 July 2019.

explained that the situation was unpleasant because of how the housing procedures were organized:

The Greek Cypriot owner of the land where my house is came and told me that he would sue me, as I built a house on his property without his consent. I told him to sue the government. He told me to sue the government, as he would sue me. He came three times [...] I came from the south in total shock and I had to buy this place. The seller gave my property in the south to the government. My government gave me this place [...] I told him to pray for a settlement so that then I would leave the house or compensate him [...] He continued to talk about suing me and left.⁹⁴

The above quote shows that the court is used as a tactical tool to maintain exclusive victimhood and other exclusive social identity markers between Cypriots enacted on a level of interpersonal antagonism that is clearly not interpersonal (as the two actors did not know each other before this exchange). Another type of procedure that some of these respondents have direct experience with is the IPC. The descriptions by GCs demonstrate that it took a while before they decided to make this arrangement, and that economic reasons (e.g., to finance medical treatments) have been decisive for them:

Interviewer: How was the decision for you, to do this [sell the property]? [...]

Respondent: Very, very difficult, because on the one hand, I still think about it, that if they [other IDPs] find out, they might black list me [...] Eventually, it was all very good, because I managed to get that money, paid off all my loans [...] Better than nothing, something that is 'lost', it was a 'lost' property. I went and saw it, they [the new inhabitants] have built in it, they did ... who is going to give all this back to me?⁹⁵

Above, we see that threat of rejection by one's own ingroup is a factor that influences the dynamics of using the IPC. Individual financial need is the driving force for compensation to be sought, but this cannot be visible to their fellow ingroup members for fear of losing legitimacy of their victimhood identity status. Additionally, both TCs and GCs mentioned that the IPC procedures result in degrading arrangements: 'I don't think that [the IPC] is effective. Because, from the other side [in the north] they give them peanuts [nothing], I know from a case of our own.'⁹⁶ 'And they went and sold off their properties [...] Not even an inch [of what it's worth].'⁹⁷ The IPC is not considered to be 'a confidence-building measure' between people in the north and south.⁹⁸

94 Personal interview, TC, Morphou, 4 July 2019.

95 Personal interview, GC, Limassol, 1 February 2019.

96 Personal interview, GC, Paphos, 8 April 2019.

97 Personal interview, GC, Nicosia, 13 November 2018.

98 Personal interview, TC, Nicosia, 19 June 2019.

From the above, we see that financial reasons are the instigator for seeking compensation at the IPC for GCs, but that the mechanism creates intergroup mistrust. In addition, those who resorted to the use of such a mechanism deal with the fear of members of their ingroup finding out, as this would erode the legitimacy of their social identity as 'refugees.' Being expelled from the ingroup threatens people's social identity (the legitimacy of their group membership), including their place identity and their victimhood identity. Besides it having been impossible to organize one inclusive remedy program that involves HLP issues in both the north and the south, the structure paradoxically also creates a risk for beneficiaries to be expelled from the ingroup. It activates threats to identity on many levels, including the implication that their devotion to the ingroup is not up to par.

CONCLUDING REMARKS

Evidence suggests that construing one's groups' suffering through exclusive and competitive victim beliefs bolsters ingroup identification, which in turn likely suppresses generosity in the group and the potential for forgiveness.⁹⁹ As regards the issue of HLP attempts for redress in Cyprus, this has become a highly adversarial process connected to the political agendas and political elites of both sides.

It is clear that responsibility for a comprehensive political solution cannot be abdicated to the ECtHR. Such a task can be seen as going beyond the mandate of the ECtHR to address state responsibilities in terms of changing existing legal, economic and social structures. Nonetheless, the use of international courts in the Cyprus HLP context may even prescribe the formula of exclusive and competitive victim beliefs, in that one side is legitimated over the other, with no room for compromise, and thus one-sided grievances of victim categories are projected on the international stage, and become entrenched and impermeable. In such a context of intractability, justice seeking and the use of the courts have become part of tit-for-tat politics, rather than actual avenues available to the people.

Our findings suggest, however, that despite the fact that people relate their notions of victimhood and justice in terms of HLP to the suffering of the ingroup, there are also instances in which people recognize the suffering of the outgroup and share place attachment with them, constructing a more inclusive social identity wherein 'ownership' of HLP is not strongly tied to the ingroup. For example, in our interviews we saw that place attachment has been expressed regardless of whether the village is run by a TC or GC, and that emotional bonds with a place can be mutually recognized. We also see that sometimes individual need (e.g., a sudden illness) overrides exclusive group norm expectations, but this may cause tremendous anxiety for the individual for fear of being rejected by the ingroup.

As such, it may appear that the above findings indicate personal preferences, but they show that it is the interplay between group- and individual-level parameters that is important. For example, tensions between individual ownership and CPO impact

99 Masi Noor, Rupert Brown and Garry Prentice, 'Prospects for Intergroup Reconciliation: Social-Psychological Predictors of Intergroup Forgiveness and Reparation in Northern Ireland and Chile,' in *The Social Psychology of Intergroup Reconciliation*, ed. Arie Nadler, Thomas E. Molly and Jeffrey D. Fisher (New York: Oxford University Press, 2008), 97–114.

people's decisions around and interpretations of HLP. Group boundaries can be redrawn through HLP processes that recognize both sides, so that the ingroup encompasses all members attached to a village rather than those who share an exclusive social identity.

Additionally, top-down unilateral application of HLP remedies by each side toward its exclusive ingroup, in isolation of the other side's activities, continues to cement intergroup mistrust. In terms of a bottom-up approach, the bureaucratic and administrative system on both sides prevents collective behavior, and in the very least discourages it, sustaining isolation rather than promoting contact between the two sides.

A shared aspect of the victimhood narratives is political distrust. Respondents interpret the HLP remedy programs in the north and south on the basis of earlier experiences with the state as being unwilling to meet victims' needs. Moreover, the state is perceived as a faction working to its own agenda, rather than seeking agreement with the participants. Seeing that there is a clear lack of trust on the part of victims in the state's willingness to address their needs, an integral approach of reparations that includes oversight and accountability of the state becomes even more necessary.

SIT, which in our formulation includes place identity, tells us that the permeability of group distinctions is dynamic and therefore can change. This means that the potential for the construction of a common victimhood narrative exists, as indicated by some of our respondents who express empathy and understanding for their out-group counterpart. A common victimhood narrative may shift the categories available for the creation of an inclusive social identity for Cypriots, making it more likely for compromise toward a real comprehensive solution to the HLP issue. HLP remedies themselves overlook possibilities to reinforce a common victimhood narrative about place identity, when applied individually and hierarchically. But, when applied on a social level, HLP reparations processes may induce intergroup contact, and henceforth perspective taking, empathy and reduction of fear/threat, etc. For example, bicomunal efforts to restore cultural heritage sights (including both churches and mosques) have occurred in Cyprus,¹⁰⁰ providing common ground for TCs and GCs to physically come together and celebrate a landmark that had social importance at some point in time. Such efforts are an example of how Cypriots are breaking out of exclusive social identity shackles in order to finally conceptualize reparations, as a bilateral task that addresses the plural needs of social and victim groups involved on both sides and is coherently integrated with wider remedy mechanisms.

100 The Technical Committee on Cultural Heritage, <https://www.cy.undp.org/content/cyprus/en/home/library/partnershipforthefuture/the-technical-committee-on-cultural-heritage--2015-.html> (accessed 5 November 2020).