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Police Cooperation in Cases of Unrecognised Secessions:
The Joint Communications Room in Cyprus
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Abstract

Since 1974 the Republic of Cyprus only exercises effective control in the south, while the unrecognised ‘Turkish Republic of Northern Cyprus’ exercises effective control in the north of the island of Cyprus. An increasing realisation among the two sides that effective policing requires the collaboration of their respective law enforcement agencies, led to the creation of the Joint Communications Room (JCR). The article frames the JCR as an example of engagement without recognition and assesses its effectiveness through an analysis of the cases it has been involved in between its creation in 2009 and 2018.

Keywords

Cyprus; Frozen conflict; Engagement without recognition; Police cooperation.

1. Introduction

This article sheds lights on a little known and even less well-understood mechanism that assists cooperation between the law enforcement agencies of the internationally recognised Republic of Cyprus (RoC) and the non-internationally recognised ‘Turkish Republic of Northern Cyprus’ (‘TRNC’).¹ It conceptualises this mechanism as an example of what has been referred to in the literature as ‘engagement without recognition’ (Cooley and Mitchell 2010). Cooperation between parent and secessionist states is extremely rare due to fears that it might be perceived as evidence that the former has recognised the latter (Constantinou 2001). Yet, police cooperation between the RoC and ‘TRNC’ has the potential to yield positive results. The de facto governing entity in the ‘TRNC’ might lack international recognition, but ‘with the land come the people’ (Ker-Lindsay 2012: 61). The decisions and actions of the formalised institutions within the ‘TRNC’ have an impact on human beings and cannot, therefore, be entirely ignored. Further, due to the porous buffer zone, a lack of communication between the law enforcement agencies compromises public safety in the whole of Cyprus.

Police cooperation between the Cypriot de jure and de facto states takes place through the Joint Communications Room (JCR), a UN-facilitated mechanism for information exchange. The JCR was formed in 2009, as a sub-committee of the bi-communal Technical Committee on Crime and Criminal Matters (UN Secretary-General 25 November 2009: [24]), one of 12 bi-communal technical committees established to promote better collaboration on everyday matters between Greek Cypriots (GC) and Turkish Cypriots (TC) (UN Secretary-General 2 June 2008: [2]). This article describes and assesses the JCR’s procedures and outcomes, by using two sources of information: a series of biannual, publicly available Reports of the UN Secretary-General on Cyprus; and previously undisclosed data of all the cases the JCR was

¹ This is the first ever publication on the Joint Communications Room, following a workshop on the same topic that took place at the University of Cambridge in 2019. (‘Cyprus’ Bi-Communal Joint Contact Room from an International Perspective’, organised by the Lauterpacht Centre for International Law and the Centre for Penal Theory, 30 September – 1 October 2019).

involved in between June 2009 and December 2018. It concludes that the JCR has been instrumental in promoting police cooperation, but the lack of recognition between the RoC and the ‘TRNC’ will always result in limitations in the way the mechanism operates.

The rest of the article is structured as follows. Section 2 introduces the literature on ‘engagement without recognition’ and identifies the challenges surrounding police cooperation between de jure and de facto states. Section 3 explains why such cooperation is, nevertheless, necessary by relying on policy arguments and making detailed reference to the European Court of Human Rights (ECtHR) case of *Güzelyurtlu v Cyprus and Turkey (2019)*. Finally, Section 4 provides information about the JCR’s workings and assesses its effectiveness to date. Its analysis focuses on the number and type of cases the JCR typically becomes involved in, its processes, the time it takes to yield results and the outcomes of its involvement. Section 4 also draws conclusions about what the JCR tells us about engagement without recognition and identifies strategies for the successful establishment of similar mechanisms in other frozen conflict societies.

2. Police cooperation across a de facto border

Secessionist conflicts arise from concerted efforts by one or more groups to establish a new state by ceding part of the parent state’s territory. The reluctance of the international community to recognise new states, fuelled by a general propensity to maintain the status quo and by political pressure from the parent state to resist the secession, means that even successful secessionist movements, tend to only produce de facto states. De facto states are entities that fulfil the criteria for statehood under Art. 1 of the Montevideo Convention on the Rights and Duties of States 1933 (in other words, they have a permanent population; a defined territory; a government; and the capacity to enter into relations with other states), but lack international recognition (Toomla 2016). There are at least seven de facto states emanating from secessionist conflicts in the world today: the ‘TRNC’, Transnistria, Abkhazia, South Ossetia, Nagorno-Karabakh, Somaliland and Kosovo (Berg and Toomla 2009). These entities are essentially in limbo, as they are, domestically, mostly operating like states, but with little acknowledgment of this fact, internationally.

The main consequence of their lack of international legal personality is the refusal of parent states and the international community more broadly to interact with de facto states, either entirely or as equals. This is usually done as ‘punishment’ for their unilateral declaration of independence and/or because of concerns that such interaction could legitimise other secessionist attempts. Specifically, the fear is that interaction with de facto states will help overcome the taboo factor of directly liaising with them (Caspersen 2018: 379). Even if this does not result in recognition as such,² it can still normalise relations between de facto states and the international community, potentially leading to their eventual recognition in all but name. While, for example, the ‘TRNC’ is officially only recognised by Turkey, it enjoys greater levels of engagement (in political fora, in terms of the spread of information and flow

² Recognition of the ‘TRNC’ is unlikely because of UN Security Council Resolution 541 (18 November 1983), which ‘[c]alls upon all States not to recognize any Cypriot State other than the Republic of Cyprus’.

of its residents), compared to other de facto states that have been recognised more widely (Berg and Toomla 2009). ‘Recognition in all but name’ is, therefore, a concern that is taken seriously by officials of the RoC, who have warned about the possible ‘Taiwanisation’ of the ‘TRNC’ (Ker-Lindsay 2012: 13). Conversely, de facto states are keen to have their institutions engage with those of other states, including their parent states, as this creates dynamics that encourage their recognition (Caspersen 2018: 375). Such interaction produces more effective institutions (and therefore, lends support to the third Montevideo criterion for statehood), while also counteracting the image of a puppet state. In addition, the very collaboration between institutions normalises the de facto secession and helps build international links, all of which make the international community more willing to eventually recognise, or at the very least, stop ostracising, them.

‘Engagement without recognition’ was born out of these conflicting driving forces (Ker-Lindsay and Berg 2018). The apparent paradox reflected in its name becomes possible through three interrelated considerations: first, there is no such thing as an accidental recognition. In order for a new state to be recognised, intention is key (Ker-Lindsay 2015). An existing state can communicate this intention through conduct (such as by initiating diplomatic relations with the newly recognised state), or more commonly, by explicitly declaring its recognition. Secondly, a state that is not internationally recognised is not necessarily a total pariah. It is possible for other states to open offices (though not embassies) in the de facto state, engage in direct or indirect trade with it, or recognise documents it issues (such as passports, usually on humanitarian grounds) (Berg and Toomla 2009; *Namibia 1971* [125]). Thirdly, interaction, or engagement, with a de facto state can be quite extensive, without this implying recognition. In fact, if a state insists that it is not recognising an entity as a state, and as long as it does not engage in activities that clearly signal recognition, it can be safely assumed that it is not affording such recognition (Ker-Lindsay 2015).

Over the last two decades, there has been a growing literature on the concept of ‘engagement without recognition’ (Pegg 2017), which has mostly focused on the interaction of the de facto state with the international community as a whole. Yet, significantly less attention has been paid to the engagement between de facto and parent states (Caspersen 2018). This is regrettable as such engagement is shaped by different dynamics to those that are in play when the de facto state engages with the international community (Pegg 2017). In particular, while the international community as a whole is reluctant to recognise new states, the stakes are much higher within the parent state, where the counter-secession sentiment is fuelled by more than principled considerations. The seceded territory has emotional, economic, historical, or cultural significance. Permanently and definitively losing the territory claimed by the de facto state means that displaced populations will never return to their homes, can increase the sense of insecurity within the parent state and will pile on the population’s feelings of frustration and injustice (Ker-Lindsay 2012: 60). The forthcoming analysis contributes to this part of the literature by conceptualising the JCR as an example of engagement without recognition between the parent and de facto states. The delicate balance required by engagement without recognition is achieved through the informal, but structured and continuous, exchange of

information between persons acting in a personal capacity, who nevertheless, have access to the respective police agencies of the RoC and the ‘TRNC’.

What exists in territories where a unilateral secession has taken place is not a single police force, but two: one operating in the area where the parent state has retained effective control and another, that operates in the de facto state. In cases where people are not crossing from one part of the territory to the other and are, therefore, not interacting with residents or institutions in the other entity, each police force can work towards the safety of the territory it protects without engaging with its counterpart. The situation changes however, when the line that divides the two entities is porous, allowing people to live their lives, and criminals to undertake their activities, on both of its sides. In these cases, effective policing of the whole territory requires a mechanism of information exchange among the two law enforcement agencies. A *sine qua non* of such cooperation is an agreement between the parties as to the population and territory that each police force should be protecting, and a willingness between the two to communicate with each other. Yet, in cases of unilateral secession, such conditions are almost by definition, absent. As a result, a mismatch between the political and personal emerges: at the same time as political actors refuse to cooperate with each other, people continue living their lives and have legitimate expectations that state institutions, including the police, will safeguard their basic interests. Engagement without recognition seeks to address these challenges in the absence of a comprehensive peace settlement.

The challenges that impede police cooperation and the mechanisms designed to address these have been the focus of academic writings, but only in relation to sovereign states (Lemieux 2010; Hufnagel, Harfield, and Bronitt 2012). Examples of such challenges include linguistic and cultural differences, disparities in the rules on the admissibility of evidence that make the results of investigations in one jurisdiction unusable in another, or differences in policing structures and functions (Gallagher 2002; Walsh 2011). Paradoxically, these challenges are likely to be less acute between parent and de facto states, where years of coexistence before the secession result in common rules of admissibility, similar policing structures and few cultural differences.³ Yet, specific challenges in police cooperation between parent and de facto states, mainly concerned with the latter’s recognition, have received almost no attention in the literature. The only instance something similar was considered concerned the cooperation between the Garda Síochána (in the Republic of Ireland) and the Police Service of Northern Ireland (in the United Kingdom) (Walsh 2011). The tumultuous history in Northern Ireland notwithstanding, the Republic of Ireland and the UK recognise each other’s sovereignty in international law, thus distinguishing this case from police cooperation between de jure and de facto states.

3. The necessity for police cooperation in Cyprus

³ For instance, the common legal history of the RoC and the ‘TRNC’ has meant that they both base their policing practices on the Criminal Code, which they inherited from the British Empire. Colonial laws became part of the RoC’s legal system through Article 188(1) of the RoC Constitution 1960 and the same colonial laws became part of the ‘TRNC’ legal system under Transitional Article 4(1) of the ‘TRNC’ Constitution 1983.

Perhaps the most well-known example of an unrecognised secession in modern international politics is the ‘TRNC’ (Ker-Lindsay 2012: 39). Since the Turkish military invasion of Cyprus in 1974, the island has been de facto divided in two: while the RoC legally retains sovereignty over the whole of the island, it only exercises effective control over the south, which is inhabited mostly by GC (*Loizidou 1995*: [12]-[13]). TC primarily reside in the north of the island which, in 1983, unilaterally declared its independence and formed the ‘TRNC’ (UN Security Council Resolution 541 (18 November 1983)). The ‘TRNC’ remains under the military, economic and political control – and therefore legal responsibility – of Turkey, which is also the only state that has recognised its independence (*Cyprus v Turkey (2001)*: [80]). The de facto border between the two – known as the Green Line – is policed and maintained by the UN Peacekeeping Force in Cyprus (henceforth, UNFICYP) and is patrolled by GC and TC soldiers on their respective sides.⁴ The Green Line was, until 2003, almost completely impermeable: GC were residing in the south of the island and could not cross to the north; and TC were residing in the north of the island and could not cross to the south (Anastasiou 2002). In this context, an exchange of information between the respective law enforcement agencies of the two communities was (considered to be) unnecessary as there was almost no interaction between RoC and ‘TRNC’ residents. This changed in 2003, when the ‘TRNC’ opened the first of nine checkpoints on the Green Line and allowed the crossing of people from one side to the other (UN Secretary-General 26 May 2004: [9]).

The opening of the checkpoints facilitated interaction between GC and TC on the island for the first time in 40 years. In 2019 alone, there were 3.7 million crossings by people who were working, shopping or socialising across the Green Line (2.4 million crossings of GC to the north and 1.3 crossings of TC to the south) (European Commission 18 June 2020).⁵ This interaction between the two communities has been lauded by the UN and academics as an important confidence-building measure (UN Secretary-General 2 June 2008: [24]; McKeown and Psaltis 2017). However, if people are to cross the Green Line and engage in the type of meaningful contact that can reduce their prejudice towards the other, they must feel safe to do so (Yucel and Psaltis 2019). In this regard, the role of the police is instrumental in creating a sense of safety and confidence that if something goes wrong, there will be an institution to turn to for help (Allport 1954/1979; Pettigrew and Tropp 2005). However, the mistrust between the GC public and the ‘TRNC’ police on the one hand, and the TC public and the RoC police on the other, makes this sense of safety and confidence in institutions all but impossible. Cooperation between the two police forces, therefore, can have two positive consequences: firstly, if Cypriots know that any grievances they might have will also be a concern of ‘their own’ police force, it can encourage more of them to cross and interact with members of the other community. Secondly, if the two police forces are seen as cooperating, this can send the signal that effective collaboration between the two communities is more broadly possible.

⁴ Official website of United Nations Peacekeeping Force in Cyprus, available at <https://unficyp.unmissions.org/about>.

⁵ 2020 numbers of crossings were grossly affected by COVID-19 and the partial and temporary closing of the checkpoints: there were 398,000 crossings of GC to the north and 382,000 of TC to the south (European Commission 2 June 2021).

More practically, the opening of the checkpoints has allowed (to a greater extent) criminals on one side of the Green Line to operate or seek refuge on the other side, outside their respective police force's jurisdiction (UN Secretary-General 27 May 2005: [23]). In light of this, if the two police agencies are to effectively prevent and respond to crime, they must have the capacity to fluidly exchange information between them. Often, crimes that attract the need for police cooperation are those perpetrated by organised criminal groups with presence on both sides of the Green Line. Such crimes are usually serious and include, smuggling of goods, drug trafficking, illegal migration and human trafficking (UN Secretary-General 27 May 2005: [23]; UN Secretary-General 23 May 2006: [24]). Additionally, crimes that are perpetrated on one side of the Green Line, but are planned in, or whose perpetrators escape to, the other side, are also likely to require police cooperation. These crimes range from relatively minor offences, such as traffic violations and accidents, to more serious ones, like burglary and illegal possession of firearms (UN Secretary-General 27 May 2005: [29]). In the absence of police cooperation, offences might go undetected, or even when it is clear that a crime has been committed, it might prove impossible to locate, prosecute and punish its perpetrators.

These are precisely the facts of *Güzelyurtlu*, which took place in 2005, before any cooperation between the RoC and 'TRNC' law enforcement agencies had been established. *Güzelyurtlu* arose from the murder of a TC family, which was (rather exceptionally⁶) residing in the areas under the effective control of the RoC. After the murder, the RoC police undertook an investigation of the scene of the crime and the victims' house, which were both situated in the areas under its control, questioned numerous witnesses, settled on the names of eight individuals that were suspected of being involved in the murders and issued their arrest warrants (*Güzelyurtlu 2019*: [35]). They also sent a message from Interpol Athens to Interpol Ankara,⁷ asking for the transfer of the suspects who were based in the 'TRNC' to the areas controlled by the RoC, which nevertheless, remained unacknowledged by the Turkish authorities (*Güzelyurtlu 2019*: [59]). At the same time, the 'TRNC' police undertook their own investigations which identified the same suspects. The 'TRNC' authorities arrested these individuals but were then forced to release them due to lack of sufficient evidence against them (*Güzelyurtlu 2019*: [91]). Since the RoC authorities had the evidence and the 'TRNC' authorities held the murder suspects, the two sides attempted, for the first time and under the auspices of UNFICYP, to find some common ground. These ad hoc attempts were unsuccessful as the 'TRNC' authorities insisted that the RoC provides evidence of the suspects' involvement in the murders before handing them over, which the Republic refused to do (*Güzelyurtlu 2019*: [110]). As a result of this stalemate, the case in the 'TRNC' was closed pending future developments in 2007 and its RoC equivalent suffered a similar fate in 2008, without any of the suspects being prosecuted for the three murders (*Güzelyurtlu 2019*: [48] and [99] respectively). Ultimately, both investigations failed when a single one would have succeeded.

⁶ At approximately the same time as the murders, there were 1,089 TC in the areas under the effective control of the RoC (*Aziz 2004*: [21]).

⁷ The RoC police went through Athens because Turkey does not recognise the Republic.

Taking the case before the ECtHR, the applicants argued that the RoC was unwilling to cooperate with the ‘TRNC’ law enforcement agencies directly, or indirectly through UNFICYP, and provide them with any evidence concerning the case. This refusal to cooperate, they contended, was in violation of the procedural obligation under Article 2 of the European Convention on Human Rights, which protects the right to life (*Güzelyurtlu 2019*: [201]). Specifically, the procedural obligation demands from Member States to undertake effective investigations of suspicious deaths and, when criminal activity is believed to be involved, prosecute the alleged perpetrators (*McCann 1995*). None of these steps took place after the victims’ murders. The applicants, moreover, blamed the attitude of the RoC officials. They argued that the ‘TRNC’ authorities had not been averse to handing over the suspects for trial but their stance hardened following the RoC’s refusal to deal with them (*Güzelyurtlu 2019*: [227]). At the same time, the applicants considered that the ‘TRNC’ authorities (represented before the ECtHR by Turkey) had been wrong to claim the right to conduct a rival primary investigation, since they knew that they had no access to the evidence. Finally, the ‘TRNC’ authorities’ subsequent insistence to hold their own trial for the murder had only aggravated the situation (*Güzelyurtlu 2019*: [231]).

The ECtHR had already held in 2010 (notably in another case against Cyprus) that there was a duty among police forces of sovereign states to cooperate in investigations of suspicious deaths (*Rantsev 2010*). This was, however, the first time the Court concerned itself with the cooperation between the authorities of the RoC and the ‘TRNC’ (or between the authorities of any recognised and de facto state). Partly accepting the applicant’s submissions, the Court held that the two respondent states had an obligation to cooperate with each other in order to carry out an effective investigation into the victims’ deaths (*Güzelyurtlu 2019*: [233]). On the facts of the case, the Grand Chamber found that the RoC had not violated Article 2, as it had done everything that was reasonably expected of it, namely try to contact Turkey through INTERPOL (*Güzelyurtlu 2019*: [242]). Conversely, Turkey had violated the Convention as it had blatantly ignored all attempts at communication, and requests for the extradition of the suspects to the areas under the RoC’s control (*Güzelyurtlu 2019*: [262]-[63]).⁸ This suggests that all Turkey had to do to comply with its obligations under the Convention was respond to the extradition request. It seems that even a negative response would have been sufficient for the Court, although it would not have actually resulted in a more effective investigation of the deaths.⁹ The ECtHR’s judgment is not very forthcoming about what each side should have done to comply with its obligation to cooperate in order to achieve an effective investigation. It does, however, make clear that the actions the parties did take – most notably their lukewarm attempt to communicate through UNFICYP – were not enough.

Güzelyurtlu might have created new legal obligations for the RoC and Turkey, but the arguments on which the Court relied to reach its decision are, at least partly, familiar ones. The

⁸ The failure to respond to the extradition requests is, again, attributed to Turkey’s refusal to recognise the RoC.

⁹ Davis and Klinkner (2021) note that, under *Güzelyurtlu*, ‘[t]he duty to cooperate is of means, not results. It is a duty to take those measures which are not just necessary for an effective investigation, but are also available. [...] States are not expected to cooperate with each other in a legal vacuum.’

first time the ECtHR accepted that actions or decisions of the ‘TRNC’ could be challenged before it, without this resulting in recognition of the de facto state, was in *Loizidou (1996)*. The Court held that ‘the international community does not regard the “TRNC” as a State under international law and that the Republic of Cyprus has remained the sole legitimate Government of Cyprus’ (*Loizidou 1996*: [44]). Nevertheless, it continued, ‘international law recognises the legitimacy of certain legal arrangements and transactions’, if disregarding them would detrimentally affect those residing in the non-recognised entity (*Loizidou 1996*: [45]). In reaching this conclusion, the ECtHR relied on a doctrine that had been established by the International Court of Justice (ICJ) three decades earlier, known as the Namibia exception. In *Namibia (1971 [125])*, the ICJ found that South Africa’s actions were ‘illegal and invalid’, but that ‘this invalidity cannot be extended to those acts, such as, for instance, the registration of births, deaths and marriages, the effects of which can be ignored only to the detriment of the inhabitants of the Territory.’

From the outset, the ECtHR used the Namibia exception for inspiration, but interpreted it much more expansively than the ICJ had done. While, for example, the ICJ referred to the recognition of very specific administrative acts – those relating to the registration of births, deaths and marriages – the ECtHR was open to recognising all decisions and actions of the de facto state’s authorities that had potentially detrimental effects on human rights (*Cyprus v Turkey 2001*: [96]-[99]; *Mozer 2016*: [136]). Further, although the ICJ expressly referred to administrative decisions that affected the everyday lives of ‘the inhabitants of the Territory’ (i.e. those residing within the de facto state), the ECtHR has used the Namibia exception to recognise decisions of judicial and quasi-judicial bodies that affect those living outside this territory (and, in particular, those residing in the parent state) (*Xenides-Arestis 2005*). Existing case law notwithstanding, *Güzelyurtlu* breaks new legal ground in two ways. It is the first time the ECtHR has created an obligation, rather than a right or a power, to engage with the authorities of a de facto state. In *Demopoulos v Turkey (2010)* the Court held that applicants had to exhaust domestic remedies in the ‘TRNC’, if they wanted to resort to the ECtHR for the protection of their right to property. It stressed however, that this was just one option that was open to the applicants. If they did not want to engage with ‘TRNC’ institutions, they could wait and receive their remedy after a comprehensive peace settlement had been reached. Additionally, all previous ECtHR cases concerned situations in which individual applicants engaged with the de facto state’s authorities; in *Güzelyurtlu*, it was a state, rather than an individual citizen, that was expected to interact with these authorities. Thus, while this was not the first time the ECtHR recognised the actions of the ‘TRNC’ police as having legal effect (*Foka 2008*: [83]-[83]; *Protopapa 2009*: [59]-[60]), it was the first time it created a legal obligation on a third State to agree with its assessment. This is significant because an individual citizen in their personal capacity can never signal recognition of a new state; conversely, interactions between the organs of a de jure and a de facto state can be interpreted as rendering recognition.

The RoC has been adamant in its statements over the years that it will not engage with the ‘TRNC’ in any way, shape or form. This is reflected in its submissions to the ECtHR in *Cyprus v Turkey (2001)* and *Demopoulos (2010)*, in the concurring judgment of the (Greek) Cypriot ECtHR judge in *Güzelyurtlu* (Concurring Opinion of Judge Serghides, [21]) and in statements

the RoC has consistently been making in political fora since the ‘TRNC’s’ unilateral declaration of independence (Ker-Lindsay 2012: 78-79). Putting rhetoric aside, however, engagement without recognition is not an entirely unheard of practice in Cyprus. Although this is done inconsistently, there have been situations in which the RoC recognised birth, marriage and death certificates issued by the ‘TRNC’ (in accordance with *Namibia*) and, even extended the ICJ’s reasoning, to cover divorce and adoption certificates as well. Further, the RoC delivers, through UNFICYP, international mail that is addressed to recipients in the ‘TRNC’ and reaches Cyprus through Larnaca or Pafos International Airports. Similarly, COVID-19 vaccines were sent to the ‘TRNC’ from the EU through the RoC, which delivered them across the Green Line with the help of the bicomunal Technical Committee on Health (Havva 18 January 2021). In this respect, the JCR is a development of already existing decisions of the ECtHR and practices of the RoC itself. It is, nevertheless, worth examining more fully because it is, by far, the most established and impactful example of engagement without recognition between the RoC and the ‘TRNC’ (and to the authors’ knowledge, between parent and de facto states more generally) (UN Secretary-General 25 November 2009: [24]).

4. The Joint Communications Room: A Model for Police Cooperation?

a. Describing the Joint Communications Room

Recognising the need ‘to seek immediate solutions to everyday problems arising from the division of the island’ in the absence of, and while preparing for, a comprehensive peace settlement, in April 2008, (GC) RoC President Demetris Christofias and the leader of the TC community Mehmet Ali Talat, agreed to establish six bi-communal technical committees dealing with a range of practical issues (UN Secretary-General 2 June 2008: [4]); since then five more committees have been created (UN Secretary-General 13 June 2020). The Committees deal with issues like crime and criminal matters, economic and commercial matters, humanitarian affairs, culture, gender equality, the environment, education, broadcasting, health, crisis management, and the preservation of Cyprus’ cultural heritage (UN Secretary-General 2 June 2008: [4]).¹⁰ The Technical Committee on Crime and Criminal Matters (TCCCM) is responsible for promoting co-operation in the prevention of crime; working on anti-money laundering and road safety; tackling of illegal immigration, trafficking in people, drugs and weapons; and fighting terrorism.¹¹ The TCCCM consists of seven GC and seven TC members, all of whom serve in a personal capacity, even when they hold official positions (for example, some are serving law-enforcement personnel).¹² Both leaders of the TCCCM, a GC and a TC, are unpaid volunteers who, like the other members, have been appointed by their respective community leaders. The TCCCM has facilitated a number of bicomunal activities relating to the prevention of crime, such as a joint seminar on the use of

¹⁰ For a summary of the work done by the Technical Committees, see UN Secretary-General (13 July 2020: [17]-[33]).

¹¹ Information provided by the two leaders of the JCR. (Interview with Greek Cypriot and Turkish Cypriot leader of the JCR, December 2021.)

¹² Typically, the GC appointees to the JCR were/are retired police officers, while TC are serving police officers. These decisions were shaped by recognition considerations, as the RoC did not want civil servants directly associated with a mechanism that was cooperating with the ‘TRNC’, while the ‘TRNC’ wanted as much official involvement in this mechanism as possible. In 2015, the UN Secretary-General (9 January 2015: [10]) reported the appointment in the JCR, for the first time, of GC serving police officers.

illegal drugs (UN Secretary-General 31 May 2011: [24]), a bicomunal festival sensitising youth to the dangers of drugs and alcohol (UN Secretary-General 29 June 2012: [22]) and a seminar on domestic violence (UN Secretary-General 5 July 2013: [26]). Notably, however, the last example of such bicomunal initiatives was reported in 2013, despite the TCCCM technically remaining operational until today and holding its occasional meetings either online or in person.

In May 2009, the members of the TCCCM established a sub-committee, the JCR, which would act as a liaison point for the exchange of information in relation to criminal matters between the two communities.¹³ Although the UN Secretary-General (25 November 2009: [24]) has described the JCR as ‘the first formal arrangement of this type between the two sides’, the two law enforcement agencies have no direct or official communication with each other. Rather, the mechanism allows the RoC and ‘TRNC’ police to share information and make requests for assistance through UNFICYP. Although this (albeit indirect) police cooperation is a step in the right direction, significant limitations remain. The JCR has no statutory authority and no legal standing, its workings and proceedings are entirely untransparent and they cannot be subject to judicial review. Further, since the bi-communal staff that comprise it are appointed in a personal capacity, the JCR also does not possess investigative or arresting powers. Finally, since its terms of reference and very origin are only contained in documents detailing political commitments, it is not inconceivable that a serious political crisis within the framework of the Cyprus issue could result in the withdrawal of support or resources from this institution. These are natural consequences of the lack of recognition of the ‘TRNC’. Engagement with the ‘TRNC’ police force in a more formal sense (for example, by making reference to the JCR in a statute) would have been unacceptable to the RoC. The JCR, therefore, is a *sui generis* structure, responding to a relatively unique situation, and it should be assessed as such.

The JCR enhances communication between the RoC and ‘TRNC’ police through the Special Police Adviser at UNFICYP, who chairs and facilitates the TCCCM’s meetings.¹⁴ In most cases, referrals to the JCR are made by the law enforcement agency of one community, requesting assistance from the law enforcement agency of the other community. For example, if a car is stolen outside a victim’s home in the south of the island, then driven to and abandoned in the north, the RoC police might request that the JCR make contact with ‘TRNC’ law enforcement personnel in order to assist the car owner by locating their vehicle and arranging for them to collect it. Since the creation of the JCR, there have been over 1000 requests for assistance from the RoC to the ‘TRNC’ or vice-versa. These requests are processed by the JCR office in the buffer zone in Nicosia, which is normally manned during office hours by two GC members and two TC members (UN Secretary-General 28 November 2017: [47]). The JCR staff members are also on call outside office hours and have direct access to the highest ranks of their respective law enforcement agencies in order to facilitate and speed up the exchange

¹³ Increased police cooperation was encouraged by the UN for years before the establishment of the JCR, without success. (See, e.g., UN Secretary-General 27 May 2005: [29]; UN Secretary-General 4 June 2007: [38])

¹⁴ Information provided by the two leaders of the JCR. (Interview with Greek Cypriot and Turkish Cypriot leader of the JCR, December 2021.)

of information.¹⁵ All requests for assistance from either law enforcement agency, are recorded by the respective JCR members in the JCR's computerised incident logbook, in English.

b. Methodology

The article reaches conclusions about the workings and effectiveness of the JCR by relying on previously undisclosed data collected from the JCR's computerised incident logbook for the period between June 2009, when it was first set up, and 31 December 2018. The logbook, which lists all requests for assistance that were made from one of the two law enforcement agencies to the other has, until now, been entirely confidential and has not been the subject of any academic analysis. We obtained access to the logbook by sending a written request to the GC and TC leaders of the TCCCM. When both agreed to share the information, the request was also approved by the UN Special Representative of the Secretary-General in Cyprus. Access to the TCCCM was aided by the fact that one of the authors had cooperated in her professional capacity with the JCR in the past, as she had been employed, prior to commencing this research, as a local police liaison officer for UNFICYP. In order to alleviate any concerns of the TCCCM that the primary data would become readily visible and thus be politicised by either side, we specifically stated in our request that we planned to use the information for academic research, which would be published in an international journal. We made it clear from the outset that one of our objectives, and a possible benefit of providing the data to us, would be the sharing of good practices and lessons with policy makers interested in promoting information exchange along disputed de facto borders. Finally, when undertaking the research, we were very conscious of the sensitive political context in Cyprus and the JCR's request that its work remains low key locally.

During the period concerned, there were 633 requests for assistance from the RoC police and 388 requests for assistance from the 'TRNC' police (a total of 1021 requests). This data was coded for statistical analysis using SPSS to yield frequency counts and explore possible relationships between different variables. The variables included (a) the date of request for information; (b) whether the request was passed to the other side; (c) the request type (i.e. whether it concerned the sharing of information, locating a person or property, or confirming existing information); (d) the outcome of the request; (e) the amount of time until a response to the request was provided; and (f) the number of persons involved in the enquiry.

There were two main limitations with the logbook data. The first was that, in the early years of the JCR's operation, there were inconsistencies in the format of the dates inserted in the logbook. Specifically, for the 'Date Submitted' and 'Date of Response' fields, there was evidently no standardised way of entering the information by the JCR staff. 06/09/2009, for example, was inserted to refer to both 6 September 2009 and 9 June 2009. This gave rise to problems with reaching conclusions about how long it took for the request to be processed in each instance. In the requests passed on from TC to GC, there were 83 such data format entry discrepancies between 2009 and 2013. In the requests passed on from GC to TC there were 98 for the same time period. When analysing the data, these discrepancies were accounted for and

¹⁵ Ibid.

a uniform format was inserted for data cohesion. The second limitation concerned missing information with regards to the demographics of the persons involved in the request. No information was provided on the persons' ethnicity or whether they were RoC or 'TRNC' identity holders. This meant that we had no information on how many GC and TC were involved in the requests. Further, the gap in the data prevented us from reaching conclusions on whether one or both law enforcement agencies processed requests about individuals from the other community in the same way and with the same expediency as requests concerning individuals from their own community. As a result of this, we were also unable to explore whether requests were treated differently when these involved Turkish nationals, European nationals, or nationals of third states.

The quantitative analysis was supplemented by a close reading of the Reports of the Secretary-General on the UN Operations in Cyprus, published on a biannual basis.¹⁶ We focused on all reports published between 2005 and 2021, which described UN concerns on policing across the Green Line, the establishment and development of the TCCCM and the JCR, their limitations and achievements in each six-month period. This information was used to confirm findings from the JCR data and paint a more complete picture of how the JCR operates through concrete examples of the work it has facilitated. Finally, the GC and TC leaders of the JCR provided written answers to a series of questions we submitted to them after we had finished processing the data.

c. Assessing the Joint Communications Room

Requests to the JCR started with low numbers in 2009 (29 requests by the RoC police and 11 by the 'TRNC' police) and steadily increased by a factor of 4 or 5 by 2018. This reflects an increase in trust and appreciation of the effectiveness of the JCR mechanism on both sides. Also indicative of trust building is the fact that approximately 60% of requests are made by GC and almost 40% by TC, thus indicating a willingness from both sides to utilise the JCR and ensure it functions effectively. This was also the conclusion reached in a Strategic Review of UNFICYP, including of the JCR, with the Secretary-General (28 November 2017: [47]) reporting that 'bicomunal structures have the potential to work effectively and to flourish, with support from UNFICYP and the good will of both sides'. The detailed numbers of requests by each police force are found in Table 1 below, while Table 2 provides further information about the subject matter of these requests.

Over the years, the JCR has facilitated information exchange in a range of serious, and less serious, crimes. These include smuggling of illegal arms and drugs (UN Secretary-General 31 May 2011: [23]); burglaries, car thefts, sexual assaults (UN Secretary-General 30 December 2013: [18]); child abductions (UN Secretary-General 10 July 2017: [14]) and murder investigations (UN Secretary-General 6 July 2018: [23]). It has helped locate and return missing persons who crossed the Green Line, has become involved in domestic violence cases

¹⁶ All UN Secretary-General Reports on Cyprus can be accessed here: https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Cyprus&cbtype=cyprus.

and family and child custody disputes (UN Secretary-General 10 July 2019: [23]). It has also facilitated in the prosecution of organised crime taking place through the Green Line (UN Secretary-General 5 July 2013: [26]), although much more work remains to be done in this respect (UN Secretary-General 10 July 2017: [15]). Further, it has helped in the transfer of a Turkish national who had been incarcerated for double murder in Turkey, fled to the north of Cyprus and was apprehended in the areas under the effective control of the Republic (UN Secretary-General 6 July 2018: [23]).

In addition to information exchange, the JCR has organised a number of bicomunal activities that are not reflected in the statistics discussed below. It has organised bicomunal seminars, inter alia, on children at risk and domestic violence, and released road safety leaflets (UN Secretary-General 28 May 2010: [24]). It has also transferred from the 'TRNC' to the RoC three persons who were wanted on European Arrest warrants (UN Secretary-General 7 January 2013: [22]) and defused tension following the vandalism of a mosque in the areas under the effective control of the RoC that was being renovated by the United Nations Development Programme (UN Secretary-General 5 July 2013: [26]). In 2012, it was reported that the JCR had started discussing the establishment of a joint database on crime, but this has not materialised to date (UN Secretary-General 29 June 2012: [21]).

27% of the requests made to the JCR by both sides concerned cases in which one police force was investigating a crime and requested the supply of information, such as the location of a suspect, that would assist in its investigations. 19% of cases related to obtaining information about stolen property, often followed-up by requests to locate and return the stolen property to its rightful owner. 16% involved passing information to the other side only for their reference (without this information feeding in existing, or opening new, investigations). Such information concerned the movement across checkpoints of persons of interest to either law enforcement agency, the use of credit cards or the sighting of suspects through CCTV on the other side of the Green Line. Another 16% of requests dealt with information about whether a specific person had legally crossed a checkpoint, while in 9% of cases the request involved the location and return of a missing person. Humanitarian requests, when cooperation was sought in order to assist someone who was temporarily on the 'other' side of the Green Line and facing a car accident or health problem, were recorded in 3.5% of cases. Finally, cases dealing with illegal immigration, requests of information as to whether a person had been arrested or convicted and requests for an arrested suspect to be delivered to the authorities were recorded in less than 3% of cases.

Table 3 below lists the different outcomes of the JCR's interventions over the years. In the early years of the JCR's establishment, all or almost all requests were understood, or at least recorded, as 'Information passed to the other side only'. This outcome, recorded in 49.6% of all cases, referred to instances in which one side asked for information, such as whether a person of interest had crossed the Green Line, or whether someone had a clean criminal record. The following two outcomes (Outcomes 2 and 3 in Table 3 below) relate to similar scenarios but reflect a change in the JCR's recording practices. They are instances in which information was provided, but the JCR opted to make clear that this was passed on due to a formal request

from the other side (rather than unilaterally).¹⁷ Finally, the category entitled ‘Persons were tried and sentenced/fined by the “TRNC” authorities’ relates to situations in which individuals crossed from the areas under the effective control of the RoC and into the ‘TRNC’, committed a crime, received a trial and were either sentenced or fined. The cases are recorded by the JCR because the RoC police requested information about the outcome of these trials. No category of ‘Persons tried and sentenced/fined by the RoC authorities’ exists because no similar requests have been made by the ‘TRNC’ police to date.¹⁸

Two different outcomes are also recorded in relation to stolen property: in 3.4% of cases, the stolen property was returned to the owner and in 3.2% of cases, the owner was informed of the whereabouts of their property. Combined, the two categories suggest that 6.6% of all cases processed by the JCR involve information exchange about stolen property (which is, most commonly, a stolen vehicle). An analysis of the data suggests that each side was equally willing to inform the other that stolen property had been identified and to allow the owner to reclaim it. Nevertheless, a higher percentage of requests for stolen property to be picked up originated from the TC side, explained by the fact that more stolen vehicles are taken from the south to the north of the island, rather than the other way round. Also noteworthy is what each category signifies in terms of levels of trust among citizens. While both involve information-sharing for the location of stolen property, they diverge in terms of their final outcome. The difference between ‘Stolen property returned to owner’ (3.4% of cases) and ‘Owner of stolen property informed as to the whereabouts of their property’ (3.2% of cases), lies in the fact that owners in the first category went to a police station on the other side of the Green Line and picked up their stolen property, while owners in the second category chose not to. This indicates that there is reluctance among civilians of either side to cross the Green Line and claim their stolen property so that it can be returned. While the flow of information exchange can be viewed as effective in locating stolen property, only about half of the civilians affected appear to be willing to make use of this information in a way that would be materially beneficial to them.

‘Pending’ cases in Table 3 are those in which information from the other side has still not been provided. In the majority of cases, this is resolved fairly quickly, with 34% of enquiries moving from ‘pending’ to ‘resolved’ within a fortnight and 50% doing so within a month. Only a very small percentage of requests (1.5%) was resolved within 3-6 months from the time the request was made, although the data is somewhat incomplete since no information about the duration and outcome of the case was recorded in 5.5% of all cases. Cases in which ‘Enquiries Continue’ on the other hand, are those instances in which the sharing of information is still ongoing. An illustrative example is the following: the ‘TRNC’ police requests information about a fugitive. The RoC police starts its own investigations and realises that this person is indeed in the areas under the effective control of the Republic and there is an INTERPOL warrant pending against them. As this information materialises, the RoC informs the ‘TRNC’ through the JCR of the

¹⁷ This suggests that there are instances in which information was provided unilaterally, even though these have not been officially recorded by the JCR, which shows high levels of trust and cooperation between its members.

¹⁸ This is not to say that TC have never been put on trial and sentenced in the RoC. (e.g. UN Secretary-General (29 June 2012: [18]) refers to the imprisonment of seven TC in the RoC and UN Secretary-General (29 November 2005: [25]) to 24 TC serving sentences in the RoC.)

developments, but also starts its own actions to implement the pending warrant. In terms of numbers, 4% of all cases are ‘pending’, while in 0.6% of cases ‘enquires continue’.

The analysis suggests that the JCR has been very successful in encouraging police cooperation. In the majority of cases (91.9% of the total) the request was processed quickly and had a positive outcome. Such requests most frequently involved the sharing of information, which was utilised either to respond to, or prevent, criminal activities. It was encouraging that the RoC police refused to cooperate in only 1% of the total cases over the nine years analysed and the ‘TRNC’ police in only 1.7% of cases. When interviewed, the two leaders of the TCCCM were asked to explain this very low number of rejections for information exchange from either side. The leaders responded that this is due to ‘the close relationship established since 2009 between the JCR staff and the fact they can access their respective chief of police and officials’, thus involving in the process, decision makers at the highest levels.¹⁹ Evidence that the two law enforcement agencies themselves consider the JCR’s work important – which is likely to discourage rejections of requests – is also provided by the steady increase in cases processed by the JCR year on year (see Table 1 above).

At least three more reasons could explain the low number of rejected requests over the years. First, most requests are easy to process, especially when the individual they are concerned with is a known person of interest (in that the information being requested is already available to the other law enforcement agency). Second, meaningful collaboration between the two law enforcement agencies is of mutual use, either due to criminals operating on both sides of the Green Line, or because JCR staff are acutely aware of the fact that information exchange happens on a *quit pro quo* basis. Finally, not all criminal investigations with a cross-Green Line element are reported to the JCR. It is likely that police officers investigating such cases are either unaware of the JCR’s existence, or they are aware it exists, but nevertheless decide not to make a request to the JCR at all. One can only speculate about the reasons of this decision, but three likely scenarios are that (at least some) police officers (a) are mistrustful of the JCR due to personal biases; (b) are able to secure the information they are after through informal channels or personal contacts that operate outside of the JCR; or (c) self-filter their requests to the JCR and only submit those that are likely to result in a quick and positive outcome.

The overall success of the JCR can arguably be attributed to the conscious decision of its leadership and members to facilitate cooperation between the agencies without excessively advertising its work to either of the two communities.²⁰ This, in turn, has helped avoid extremist and emotive reactions towards the JCR and empowered front line individuals to engage with each other, while allowing the two sides to formally insist on non-recognition. Yet, the invisibility of the JCR’s work is not entirely without problems. The lack of transparency and accountability of its decisions might be understandable in light of the thorny recognition dynamics at play in Cyprus, but are far from ideal characteristics of any law enforcement agency. As Walsh (2011: 325) put it when discussing police cooperation along the Irish border,

¹⁹ Interview with Greek Cypriot and Turkish Cypriot leaders of the JCR, December 2021.

²⁰ Information provided by the two leaders of the JCR. (Ibid.)

‘[p]olice officers on the ground cannot be left to decide for themselves what laws will be enforced and how they will be enforced, and whose interests will be served and whose will be overlooked’. Further, the relatively little public attention that has been paid to the JCR, might have allowed the two law enforcement agencies to get on with the task of crime prevention and response, but it has also meant that Cypriots are generally unaware of the good working relationship on which this is based. Thus, if objectives of the JCR include making the public feel safer to cross the Green Line, or sending the message that GC and TC can cooperate with each other, its decision to keep its activities on the low, has not helped.

The JCR’s general success should also not cloud the fact that there are still instances when the two agencies continue to refuse to cooperate with each other. While the number of refusals to cooperate is very low, the alleged crimes these refusals relate to tend to be fairly serious ones. For instance, the UN Secretary-General (7 January 2020: [9]) has reported that the need for dialogue and coordinated efforts between the two sides is increasingly evident in the context of irregular migrants and asylum seekers who are usually smuggled on boats to the north of the island and cross the Green Line into the south. Some individuals end up being victims of human trafficking and/or exploited in illegal casinos that operate in Pyla, the only bicomunal village within the Green Line. The persistent inability of the RoC and the ‘TRNC’ law enforcement agencies to keep the casinos closed and stop the illegal activities that take place within them has been highlighted as an ongoing problem by the Secretary-General (10 July 2017: [15]; 7 January 2020: [9]). The inability of the JCR to tackle the sophisticated human trafficking operations that take place across the Green Line in any meaningful way due to the lack of recognition, is even more worrying in light of the fact that human trafficking was identified as an area of concern for UNFICYP back in 2005 (UN Secretary-General 27 May 2005: [23]) and continues to be a major concern today. Further, despite the good working relationship between the individuals staffing the JCR, this has generally been unable to prevent larger frictions among the two law enforcement agencies. For instance, in 2013, three RoC officers, in hot pursuit of a TC vehicle that was involved in alleged traffic offences, crossed the Green Line and were arrested by the ‘TRNC’ police (UN Secretary-General 7 January 2013: [9]). The three officers were only charged with minor offences and released back to the RoC, but the incident almost immediately acquired a political dimension. The JCR was incapable of resolving the issue and de-escalating the tension and even faced difficulties convincing the ‘TRNC’ police to return the police vehicles back to the RoC.

The most common example of a failure to cooperate involves situations where one side issues a warrant for a national of the other side and requests that this person is located and returned. In such cases, both sides refuse to comply because of domestic legal provisions that prevent them from extraditing their own nationals.²¹ In practice, the RoC police refuse to hand over RoC ID card holders, whether they are GC or TC, and the ‘TRNC’ police refuses to return TC or Turkish nationals. Both sides are more accommodating when they are asked to hand over

²¹ Article 11(f)(ii) of the RoC Constitution prohibits extraditions for citizens of the Republic, subject to the provisions of EU Law (Kombos and Laulhé Shaelou 2019). The ‘TRNC’ Criminal Code (Law no. 5237) provides that ‘A citizen cannot be extradited on account of a criminal offence except under the obligations arising out of [Turkey] being a party to the International Criminal Court.’

third country nationals, something that has happened a total of five times in the JCR's history.²² This suggests that despite the overall very positive developments in terms of police cooperation since 2009, alleged criminals who are Cypriots enjoy a practical immunity, as long as they remain on the 'wrong' side of the Green Line. The number of these cases might be very low, but they relate to instances where an investigation has already taken place and the suspects have been identified, yet are still evading arrest. Although the *Güzelyurtlu* case is not included in the cited statistics, since its facts took place before the JCR's establishment, had the mechanism been operational when the murders were being investigated, it is unlikely that this would have resulted in a different outcome of the case; the eight murder suspects (seven TC and one Turkish national, all of them based in the 'TRNC') would not have been handed over to the RoC. The JCR's assessment is, therefore, a mixed one: its establishment has increased police cooperation, but the improvement has not been uniform in all types of cases. The authorities' reluctance to cooperate in 'hard cases' shows that, capable as it may be to resolve everyday problems, engagement without recognition can never be as effective as the cooperative arrangements that will be put in place if and when a comprehensive settlement to the Cyprus problem is reached.

d. Lessons to be learned from the Joint Communications Room

An understanding of the JCR's workings and operations produces more general insights about engagement without recognition. In addition to the point made above – that engagement without recognition cannot replace or compete with the cooperation that a comprehensive peace settlement would give rise to – two more conclusions arise. The first is that establishing institutions that rely on this concept is possible even in contexts of extreme recognition-phobia. While all parent states are keen to keep the respective de facto state in their territory isolated from the international community, some have adopted a much more consistent and uncompromising stance in relation to this than others. Over the years, the RoC has shown unwavering commitment towards fighting the recognition battle and has even developed expertise on how best to do this, which has been shared with less experienced parent states (Ker-Lindsay 2012: 87-88). For instance, when Serbia entered into discussions with Kosovo, RoC officials were consulted and were able to highlight issues of concern relating to recognition that, as the Serbian diplomats admitted, they would have missed (Interview with senior Serbian diplomat, cited in Ker-Lindsay 2012: 92). If the establishment of the JCR proved possible in such a recognition-hostile context, mechanisms that rely on engagement without recognition can be set up elsewhere as well. Frozen conflict societies, such as Serbia/Kosovo, Georgia/Abkhazia and South Ossetia, or Moldova/Transnistria offer fertile ground in which such efforts can be made (de Waal, 2018). Additionally, the successful running of the JCR in Cyprus encourages establishing on the island similar mechanisms for responding to other types of everyday challenges, such as a common blood bank for patients in need of blood transfusions.

²² Information obtained from a close reading of the UN Secretary-General's Reports on Cyprus, published on a biannual basis.

The second insight from the preceding analysis is that whether engagement without recognition is a successful strategy depends on the goals and objectives one associates with it. Two objectives are likely to be proposed for mechanisms like the JCR: resolving everyday problems on the one hand, and building goodwill that can fuel the reaching of a comprehensive peace settlement on the other (UN Cyprus Talks website). If one assesses the JCR, and potentially other similar mechanisms, under the first objective, engagement without recognition is likely to be considered a mostly successful strategy (even though the strategy is not without its limitations; see last three paragraphs of Section 4.c for a discussion of this). This is because such mechanisms encourage continuous interaction and cooperation, which, coupled with the urgency of responding to each individual case, push their members to get on with the task without being bogged down by recognition considerations. Conversely, if one assesses the success of engagement without recognition mechanisms under the second objective – encouraging a comprehensive peace settlement – they are likely to be disappointed. Precisely because mechanisms like the JCR operate by ignoring, to the extent they can, the recognition problem, and focus instead on the practical issue they have been established to resolve, it is unlikely that they will have an impact beyond their very specific mandate.

Since engagement without recognition mechanisms are transplantable and generally work well in resolving everyday problems, we conclude by identifying five conditions that we consider necessary for their successful adoption elsewhere. The first is that such mechanisms should be staffed by practitioners rather than politicians.²³ Practitioners – in the JCR’s case, members and ex-members of the police force or academics with related experience – are more likely to constructively work together and focus on achieving the objective at hand, rather than being side-tracked by recognition concerns. The second condition is that the mechanism should be established to address a very specific and practical problem. The handling of this problem should ideally be framed as a humanitarian concern, which must be addressed urgently, even in the absence of a comprehensive peace settlement. This is a strategy that has also been used in other bicomunal initiatives in Cyprus, such as the Missing Persons Committee, with positive results (Hadjigeorgiou, 2022).

The third condition is that such mechanisms are most likely to work successfully in relative obscurity and without much public engagement or criticism.²⁴ The public sentiment in frozen conflict societies is likely to be one of mistrust towards members of the other community (Bartal, 2013), even if collaboration with them would have been beneficial for all parties. This is illustrated by the fact that, according to JCR records, almost half of the Cypriots who came into contact with it and stood to gain financially from accepting its assistance (through the return of stolen property), chose to turn it down, suggesting that they were not positive about the establishment of such a mechanism in the first place. Advising policy makers and practitioners to keep a mechanism like the JCR in relative obscurity is a counterintuitive strategy, especially at a time when there is a growing consensus that peace initiatives should

²³ This condition was also highlighted by the two leaders of the JCR. (Interview with Greek Cypriot and Turkish Cypriot leader of the JCR, December 2021.)

²⁴ This is one of the factors that have encouraged the success of the JCR, according to its two leaders. (Ibid.)

involve the public to a greater extent.²⁵ Its biggest limitation is that restricting the number of people who are aware of the JCR's existence also reduces its potential impact – individuals might not report a complaint to the police if they believe that they have no way of helping them with something that happened on the other side of the Green Line, or police officers might not investigate a complaint properly if they are unaware of the cooperation mechanism. Nevertheless, shedding too much light on such innovative initiatives might kill them before they even take off, if they are crushed by often uninformed and simplistic, yet very popular, fears that their existence provides 'indirect recognition' to the de facto state.

The fourth condition for the successful operation of engagement without recognition mechanisms is to involve third party mediators, like the UN. On the one hand, mediators can provide practical solutions in cases of disagreements between the parties. Even more fundamentally, their presence in the room means that parties can talk to the mediators rather than directly to each other, thus providing them with the necessary cover that their actions are not, in fact, inadvertently, signalling recognition.

Finally, the fifth condition is that a mechanism like the JCR can only work well if both sides are genuinely committed to making it a success. Illustrative of this is the fact that while the JCR has been successful in responding to a wide range of offences, it has made no inroads in relation to the very serious crime of human trafficking (UN Secretary-General 10 July 2017: [15]; UN Secretary-General 7 January 2020: [9]). This is an especially pressing issue for Cyprus, where, in 2017-18, there were 168 presumed and identified human trafficking victims per 100,000 inhabitants (European Commission 2020: 11). This is the highest number of victims in the EU with the second highest member state at the time (the UK) recording 91 presumed or identified victims per 100,000 inhabitants. The RoC claims that this phenomenon is the result of a deliberate strategy by Turkey (Nouris 2021). Specifically, it alleges that Turkey utilises, with the help of the TC authorities who turn a blind eye to this, criminal gangs to bring high numbers of victims of human trafficking in Cyprus in order to destabilise the RoC. It is unclear whether this is in fact happening. What is undoubtedly true however, is that human trafficking activities play a significant role in the economy of the island (Hadjigeorgiou et al 2022) and are partly made possible by the corruption and close links to the mafia of some TC officials (US State Department 2020: 181-182). Whatever the reasons therefore, political willingness to effectively fight human trafficking, especially from the TC side, is lacking. Like with all enforcement mechanisms, if political will to see them succeed is absent, they are unlikely to have a positive impact.

5. Conclusion

This article has shed light on the workings and effectiveness of the JCR, a first of its kind mechanism designed to facilitate information exchange between the law enforcement agencies of a parent and a de facto state. This is necessary because the permeability of the Green Line

²⁵ See, for example, UN Security Council Resolution 2587 (29 July 2021), which, in its preamble, urges 'the sides to step up their efforts to promote intercommunal contacts, reconciliation and the active engagement of civil society'.

means that effective policing of the island cannot take place in the absence of meaningful collaboration between the two sides. At the same time, the establishment of the JCR is a step towards the better implementation of *Güzelyurtlu v Cyprus and Turkey*, in which the ECtHR held that the two respondent states had an obligation to cooperate with each other in order to undertake effective investigations of suspicious deaths. An assessment of all the cases the JCR has been involved in from its inception in 2009 until the end of 2018 suggests that this innovative mechanism has indeed contributed to better collaboration between the two law enforcement agencies and better outcomes in the investigations of cases it became involved in. Yet, the interaction between the RoC and ‘TRNC’ has not always been smooth. Both refuse to extradite their nationals for crimes allegedly committed on the other side of the Green Line, while remaining unable (due to lack of evidence) to bring criminal proceedings against them in their own jurisdiction, thus essentially granting them a de facto immunity.

This limitation of the JCR is not a glitch in the overall mechanism, but rather, one of its central features, connected to the idea that ‘engagement’ between the RoC and ‘TRNC’ can only take place so long as it is ‘without recognition’. Thus, the key lesson to be learned from the Cypriot experience by other frozen conflict societies is that engagement without recognition might address many of the practical problems that hinder effective policing and human rights protection across a contested boundary, but it is nevertheless, not a panacea.²⁶ Rather, in the words of the UN Secretary-General (6 July 2018: [23]), the JCR is ‘a unique arrangement built on delicate but constructive working relationships among the four Cypriot individuals manning it’. It has been designed out of necessity and not with sustainability considerations in mind. Only the signing of a comprehensive peace agreement and the thawing of the frozen conflict that sustains the existence of the de facto state can result in proper policing and the avoidance of human rights violations like the ones identified in *Güzelyurtlu*.

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²⁶ The ECtHR was faced with a similar question in *Saribekyan and Balyan 2020* ([73]), a case involving an Armenian citizen who strayed over the Nagorno-Karabakh line and was detained, held incommunicado and killed in Azerbaijan. Citing *Güzelyurtlu*, the Court stated that ‘[t]he lack of diplomatic relations does not absolve a Contracting State from the obligation under Article 2 to cooperate in criminal investigations.’

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