

RESEARCH ARTICLES

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Memory and Transitional Justice: Toward a New Platform for Cultural Heritage in Post-War Cyprus

Abstract: This paper deals with two issues often dismissed when assessing cultural expressions during conflict and post-conflict situations. The first concerns the memories of victims and perpetrators as a resource for cultural heritage identification. The second involves the limitations on institutions trying to incorporate cultural issues into processes and discussions that are mainly political. This dichotomy is also reflected in the UNESCO doctrine. On the one hand, the official narratives endorsed by UNESCO and its Member States dismiss memories (some of which include recollections of conflict) that do not complement or support adopted national narratives. At the same time, UNESCO only honours and recognizes political agreements and actors which are seen as unquestionable and uncontested. Using the specific case of Cyprus, I propose an alternative lens through which to view cultural heritage in conflict and post-conflict areas and situations. In particular, I argue that Transitional Justice offers an effective platform to redress cultural heritage. At the same time I address the two limitations mentioned above.

Keywords: Transitional Justice, cultural heritage, UNESCO, Famagusta, Cyprus

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Cyprus: At a Dead End

This paper draws attention to two issues often dismissed when assessing cultural expressions during conflict and its aftermath, or during a stage of transition between conflict and a stable form of society and governance. The first pertains to the memories of victims and perpetrators as a resource for cultural heritage identification, while the second involves the limitations placed on institutions to incorporate culture in the transition process, which is considered to be mainly political. This dichotomy is also reflected in the UNESCO doctrine. On one hand, it honours political agreements where actors are unquestionable and uncontested, while at the same time it dismisses the memories arising from conflicts, which remain unrecognized unless those memories are included in national narratives.¹

Using the specific case of Cyprus, I propose an alternative lens through which to view cultural heritage in conflict and post-conflict areas, highlighting the limitations of the international cultural heritage system to address the issue. Looking at Cyprus and its unresolved political issues, I propose an alternative perspective to elucidate the role of cultural heritage in the formation of an inclusive society. This perspective is Transitional Justice. In particular, I argue that Transnational Justice offers an effective platform to redress cultural heritage. Furthermore, I address the two limitations mentioned above.

Cyprus, as one of the oldest unresolved conflicts in the world, can play an important role in understanding the factors and facets that contribute to the destruction of heritage assets. In as much as an in-depth examination of the causes and roots of the Cyprus issue is beyond the scope of this paper, it is sufficient to note here that scholars propose different perspectives and theories on how and why the division of the island emerged and why the conflict has remained unresolved. Some scholars point to the lack of a common Cypriot identity, the failure of peace talks and discussions, and the economic disparities between the sectors of the population, while others emphasize the historical divide between the Turkish and Greek Cypriots (and their mother countries) and the militarization of the issue as the crucial factors.²

¹ The general recognition of this statement, as a consequence of analysis of the cultural heritage concept over time, conventions, expert meetings, declarations and doctrinal documents, represents a step forward in acknowledgment of the political component of heritage, at the global, regional and local levels. The political component is by far the most relevant consideration to understanding the current heritage condition of Famagusta. Although this is an academic work, it is unrealistic to leave to academics the responsibility to prevent the additional decay of the site. The reality speaks for itself. International NGOs and independent practitioners can, and have, produced an important body of literature on Famagusta. However, as it stands now, cultural heritage works remain a highly political endeavor for both the discussion of this research and for the politics of Cyprus and North Cyprus. The direct linkage between UNESCO – Nation State – and policy design operates as an important obstacle on resolving the current situation of Famagusta.

² For additional information on the contemporary historiography for the Mediterranean and Cyprus, see: P. Horden, N. Purcell, *The Corrupting Sea: A Study on Mediterranean History*, Blackwell Publishers, Oxford 2000; I. Malkin (ed.), *Mediterranean Paradigms and Classical Antiquity*, Routledge, London 2005; T. Morgan,

In the 1950s, the dominant political ideology in the island was to unite with Greece (Enosis). This was championed by the National Organization of Cypriot Fighters (EOKA).³ The group staged a violent terrorist campaign against the British administration. Following a series of conferences between the British, Greeks, Turks, and representatives from the Cypriot groups, the new Republic of Cyprus was created in 1960. As a newly independent State formed out of a volatile society without a strong sense of trust or a shared identity, cracks in the system quickly emerged.⁴

Turkish Cypriots, who feared the union of Cyprus with Greece, simultaneously clamored for the division of the island. The decade following independence was characterized by sporadic intensification of inter-communal disputes. By 1963, fighting ensued following the proposed changes to the constitution. In 1974, the inter-communal conflict in the island reached its peak when the Cypriot National Guard, supported by Athens, declared a coup against the elected President Archbishop Makarios III. When the skirmishes between the two groups intensified (and when the union of Cyprus with Greece appeared imminent) Turkey sent in troops and invaded the island. In the course of the summer, Turkey's forces occupied about 30% of the island, causing a massive population flow from north to south by Greek Cypriots, and from south to north by Turkish Cypriots. The division of the island was formalized in 1983 with the creation of the Turkish Republic of Northern Cyprus, a State unrecognized by the United Nations, and this status has remained in place until the present day.

Famagusta's (a heritage town located in North Cyprus) main asset derives from its importance as a reminder and memory of the turbulent past of the Mediterranean basin and its connections between East and West. Yet it cannot be under-

Sweet and Bitter Island: A History of the British in Cyprus, I.B. Tauris, London 2011; A-M. Olteanu, "The European Union and the Local Freeze: The Cyprus Conflict", paper presented at the course Challenges of a New Europe: Chances in Crises, Utrecht School of Governance, The Netherlands, 18-24 April 2010, http://www.inclusionexclusion.nl/site/?Previous_editions:Edition_2008:Papers_Participants [accessed: 4.12.2014].

³ "EOKA was organized by Col. Georgios Grivas [...] with the support of Makarios III, Orthodox archbishop of Cyprus. [...] By early 1957, however, a reinforced British army renewed attacks on the mountain hideouts of the considerably outnumbered EOKA. Violence subsided after Makarios's release from detention in exile in March 1957, though there were increased hostilities leading up to mid-1958, when EOKA clashed with Turkish Cypriot guerrillas. In 1958 Makarios announced he would accept independence for Cyprus rather than *enosis*. In February 1959 a compromise agreement was concluded between Turkish and Greek representatives at Zürich and endorsed by the Cypriot communities in London, and EOKA disbanded. [...] The Greek government reentered Cyprus secretly to form EOKA B, to 'prevent a betrayal of *enosis*'. [...] Makarios (then president of Cyprus) officially proscribed EOKA B in April 1974, three months before he was ousted and before Turkish forces invaded and divided the country in a brief civil war. In 1978, EOKA B declared its dissolution." EOKA (*Encyclopædia Britannica Online*), <http://www.britannica.com/topic/EOKA> [accessed: 8.11.2015].

⁴ See R. Bryant, *Imagining the Modern: The Cultures of nationalism in Cyprus*, I.B. Tauris, London 2011; J. Scott, *World Heritage as a Model for Citizenship: the Case of Cyprus*, "International Journal of Heritage Studies" 2002, Vol. 8, p. 100.

stood only in historic terms, but also in the value of the memories it encompasses. Famagusta is a ruined city, unable to transcend from the past to the present and serve as a witness to the societies, ethnicities, and cults arising from the Persian and British empires. Next to the old town of Famagusta lies the former tourist district of Varosha. It used to be a highly visited area until the 1970s, which boasted of its buildings from the “modern” period between 1950s and 1970s. Varosha was entangled in the design of the “Green Line” – a division established by the UN to prevent further violence between the two predominant communities in Cyprus.

The “line” also divided Nicosia, giving it the dubious title of “last divided city in Europe”. Together with the Green Line, it comprised the so-called “buffer zone”, a form of international territory ruled by UN forces with no political alliances in the island. This buffer zone serves to house the “good offices” and host talks and meetings surrounding the Cyprus issue. In other words, the buffer zone merely divided up two heritage sites: Varosha in the Municipality of Famagusta, and the city of Nicosia. These areas represent two different moments in time, suspended and hanging in the balance by international forces for the last forty years. Contrary to the original objective of the buffer zone, which was to prevent violence and escalation, the legitimization of the division has caused irreversible damage to the heritage in Cyprus. Heritage assets have been neglected. Famagusta’s suburb of Varosha was cleared of its inhabitants. Its buildings were deserted, with some being physically destroyed, and Varosha remains unoccupied to this day.

In this regard Cyprus, and the city of Famagusta in particular, provide an ideal paradigm not only to understand the connections between the East and the West throughout time, but also to our understanding of cultural heritage. Cultural heritage, being an asset that transcends generations, recognizes peoples from all periods and backgrounds, including those arising from any recent period, whether conflict-laden or not. It also speaks of fairness in relation to the past because it allows for the elaboration and interpretation of multiple narratives, without favouring one or the other. It is a reflection of the plurality of a society, rather than a unified identity constructed between communities. This is an ideal approach to the case of Cyprus.

At the same time, cultural heritage offers a scenario for memorialization of the memories that have impacted culture and society. At a deep level, cultural heritage reflects facts that are beyond identity, boundaries, and political frameworks. Since everyone is entitled to their own culture, cultural heritage is regarded as a part of Human Rights.⁵ It constitutes a legal argument for communities that lie both within and outside boundaries, such as cosmopolitan communities, diasporas, refugees, internally displaced people, and people living in contested or unrecognized areas, allowing them to claim their own cultural and heritage

⁵ Universal Declaration of Human Rights, 10 December 1948, UNGA Res 217 A(III).

expressions.⁶ In this respect cosmopolitan communities, such as those that recognize the cultural heritage present in Famagusta as their own, cannot expect acknowledgement of their primary rights (including cultural rights) to be based on the legitimacy of governments.

As is visible in Cyprus, the governments from both parts of the island have chosen coercion over the heritage assets of Famagusta as political argument. Work in cultural heritage in the north is considered subversive to both forms of sovereignty in Cyprus. This is the case unless and until cultural heritage work is seen as a sign of recognition of the accountability of the North over those assets. Alternatively, the work is triangulated through international organizations with regional mandates, such as the EU with its focus on historic structures, mainly in Nicosia. Cultural heritage has, throughout the years, been assumed to be a moral issue. When understood as such, it does not require the argument of universality. It simply exists for everyone, without need for characterization, segmentation, and classification.⁷

Cultural Heritage and its Capacity to Hold Memory(ies) and Memorialization at the Same Time

Cultural heritage offers information that is fundamental in the construction of social life. The role of politics, religion and institutions frequently move at differing paces, in different directions, and pursue different objectives than those of one's community, society and generation. This information is frequently represented by the memories that can be read in expressions of cultural heritage. Buildings and sites hold memories that are sometimes difficult to process, but should nevertheless be nourished in order to offer clues to those memories to future generations. Heritage discussions have the ability to provide a multilayered, multidimensional and multiform setting in which conversations about memories can be carried out – particularly those that are difficult to face in the present, but which others may analyse and see differently in the future.

Viewed in this light, it becomes crucial to discuss the role of both memory and forgetting. Here I contextualize memory within the framework of heritage and explain the cord linking heritage and memory. To put it plainly, the relationship between heritage and memory consists of two fundamental facets: 1) memory shapes, influences, creates, and justifies heritage; and 2) heritage organizes, frames, and in extreme cases even disregards memory.

⁶ F. Shaheed, *Access to Cultural Heritage as Human Right*, <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/Consultation10Feb2011.aspx> [accessed: 5.10.2015].

⁷ M. Barnett, M. Finnemore, *Rules for the World: International Organizations in Global Politics*, Cornell University Press, Ithaca, NY 2004.

As Macdonald puts it the context of the Cyprus case:

distinct affective sensibilities embedded in different socio-political situations that may co-exist – in this case, between the different populations of the island. [...] after the 1974 division of the island, “nostalgia... became a patriotic duty” for Greek Cypriots who had been displaced [...] Turkish Cypriots, however faced “an official rhetoric that the past was all negative and that the north was now their true ‘homeland’”, which meant that they were not supposed to “feel nostalgic towards the homes they left behind in 1974, as that could imply that they wished to return or that life there was not always bleak” [...] in what is perhaps an over-stated opposition, one may characterize the Greek Cypriot position as nostomania and that of Turkish Cypriots as nostophobia [...].⁸

In other words, Cyprus is immersed in a political turmoil that prevents the island from recognising memories of destruction and despair – which could help in building an inclusive society – except in the context of an agreed separation or full unification. The construction, definition, and development of the concept of memory have taken different paths and have been adapted to contemporary positions on human, and therefore social, behaviour.

Cultural Memory, when related to other human beings, is studied in the form of relationships and links which have a direct relationship with the memory aspect of cultural heritage. Jan Assman, a German Egyptologist, has reflected on this aspect of memory. He argues that Cultural Memory serves to save knowledge that directs long-term behaviour and experience, as opposed to Communicative Memory, which is subject to everyday life and usually lasts only three to four generations. Similar to Cultural Memory, the concept of Social Memory is also important as a perspective on the function of memory in societal unification. Paul Connerton explains that Social Memory “[is] control of a society’s memory [that] largely conditions the hierarchy of power. Seen in this light, social memory is inherently instrumental: individuals and groups recall the past not for its own sake, but as a tool to bolster different aims and agendas.”⁹

But the question arises: how do personal memories become a part of collective memory? Some scholars argue that aspects like rituals and traditional activities within communities condition their memory formation.¹⁰ There are forms of memory that do not necessarily come from individual experiences but from the context.¹¹

⁸ S. Macdonald, *Memorylands: Heritage and Identity in Europe Today*, Routledge, New York 2013, p. 94.

⁹ S. Hoelscher, D.H. Alderman, *Memory and place: geographies of a critical relationship*, “Social & Cultural Geography” 2004, Vol. 5, p. 349.

¹⁰ For Kasabova this argument is: “Unlike the notion of commemoration, the notion of memory (at least as regards conscious and personal memory) implies that we consider ourselves as agents: when we retrieve an event from our past experience we construct the past by positioning it and taking it as true.” A. Kasabova, *Memory, Memorials and Commemoration*, “History and Theory” 2008, Vol. 47, p. 335.

¹¹ Kansteiner expresses it as: “Elites produced sites of memory in language, monuments, and archives which had one common referent, the nation-state, and which strove to secure the future of the nation-state

These “collective” memories have grown into a strong argument for the regularization of the Cyprus political issue and unification of the island,¹² and to some extent to the shape of its identities.¹³ This issue has permeated the cultural heritage sector and its very core principles. Traditionally, the inclusion of memory within heritage requires a collective recognition and endorsement. This principle may be viewed as an assertion that governments, as publicly elected bodies, have a collective endorsement, and that what States recognize as cultural heritage is therefore in the public’s interest.¹⁴ In principle, this rationale is valid. However a closer look reveals how “collectiveness” is positioned as exclusively pertaining to what the majority recognizes, decides, and chooses to call cultural heritage. For example, those who resisted the siege of Famagusta in 1571 are seen as heroes, while the Ottoman army is portrayed as the victimizers, when, in fact, the Ottoman period positively contributed to the cultural heritage landscape of Cyprus as well as Europe. This suggests that the structure of power embedded in governments reflects the will of the elite, and often the dismissal of any threat to unity and solidarity. The same is true with respect to heritage views and recognition, where power politics is also apparent.

The constantly changing relationship between memory and society has impacted heritage formation. In this regard, two questions are pertinent: First, to what extent does the memory produced at the societal level transform, impact, and/or destroy the character of cultural heritage? Second, to what extent can cultural heritage be a game changer in the shaping of narratives that identify and define a community, in particular a community under conflict or in a post-conflict phase? These are fundamental questions that can produce more than one answer, depending on one’s approach to cultural heritage. But what is important is that this strong relationship is acknowledged. The intention of this discussion is to highlight that as part of the dynamics of change in memory and identity, cultural heritage expressions also change. Furthermore, the physical characteristics of cultural

through compelling inventions of its traditions.” W. Kansteiner, *Finding meaning in memory: A methodological critique of collective memory studies*, “History and Theory” 2002, Vol. 41, p. 183.

¹² In Golden’s perspective: “Leaders may, literally, dig up evidence of events long forgotten that may have had little significance in the social memory of the past but that are used to restructure or eliminate social memory in the present [...]” Ch. Golden, *Where Does Memory Reside, and Why Isn’t It History*, “American Anthropologist” 2005, Vol. 107, p. 271.

¹³ “[...] new political culture theory highlights the discursive dimensions of politics, seeing political language, symbolism, and claim-making as a constitutive of interest and identities.” J.K. Olick, *Collective Memory: The Two Cultures*, “Sociological Theory” 1999, Vol. 17, p. 337.

¹⁴ The following clarifies this term: “Nancy Wood has delineated such an approach in her account of collective memory, the unconscious, and intentionality: [W]hile the emanation of individual memory is primarily subject to the laws of the unconscious, public memory – whatever its unconscious vicissitudes – testifies to a will or desire on the part of some social group or disposition of power to select and organize representations of the past so that these will be embraced by individuals as their own. If particular representations of the past have permeated the public domain, it is because they embody an intentionality – social, political, institutional and so on – that promotes or authorizes their entry.” Kansteiner, op. cit., 188.

heritage reflect the multiplicity of transformations the heritage experiences over time. The division of Cyprus into two different and antagonistic regions polarized any discussion on the memory aspects of culture. However, the political division of the island does not reflect a division of its cultural heritage, because heritage is formed by communities and the memories embedded in it. In defiance of the political imposition of this division, new communities in the south and in the north have added new meanings to the heritage expressions that have been utilized in the political contestation in Cyprus.

A highly sensitive aspect of the history of Cyprus and of the relationships between regions in this part of the world is the Armenian population. The year 2015 marks one century following the ethnic cleansing of the Armenian population in what is today's Turkey. Cyprus, given its location and role in the politics of the region, can trace its Armenian population back to 1570, when the siege of Nicosia took place. Armenians were not indifferent to the events that marked the political and ethnic turmoil of the region throughout the centuries. While this paper does not explore the historical events, their political and social consequences, or the current political affairs that involve the Armenian population in Cyprus, it must be highlighted that the potential of the Armenian quarter in Famagusta is a key component of heritage construction, memorialisation, and justice in transition.

Transitional Justice: A Platform

The long history of conflict and the unresolved international recognition of Cyprus is reflected in the current deplorable state of its cultural heritage. More importantly, the case of Cyprus and its vital heritage assets is evidence of the limitations of the international system governing cultural heritage. The limitations of the current doctrine in cultural heritage are evident when we scan the condition of cultural heritage in the conflicts that have emerged after the creation of UNESCO.¹⁵ For instance, the 1990s Balkan war remains sensitive to this day in heritage terms.¹⁶ In this respect, the intricacy involved in framing a cultur-

¹⁵ Additional works on this aspect are: M.R.T. Dumper, C. Larkin, *The Politics of Heritage and the Limitations of International Agency in Contested Cities: a Study of the Role of UNESCO in Jerusalem's Old City*, "Review of International Studies" 2012, Vol. 38; J. Blake, *International Cultural Heritage Law*, Oxford University Press, Oxford 2015; R. Harrison, *Heritage: Critical Approaches*, Routledge, London 2013.

¹⁶ "Cultural heritage is often seen as an important factor in explaining the post-socialist landscape of the Balkans. The destruction of socialist identity and common heritage, as well as inventing new traditions and interpretations of the past, is a part of the general process of political, economic and cultural transition together with processes of European integration of the region. As the consequence of discrepant historical contexts as well as Western symbolic geography, the image of the Balkans has remained full of dichotomies – it is a misread, forgotten and isolated region, the "other" rejected Europe, the periphery – and it is adorned as an incredible phantasm of the Orient with passion, colours and emotions." M.D. Šešić, L.R. Mijatović, *Balkan Dissonant Heritage Narratives (and Their Attractiveness) for Tourism*, "American Journal of Tourism Management" 2014, Vol. 3, p. 10.

al heritage that openly contests nations and their constituents adds to the difficulties of engaging in effective and useful initiatives aimed at the preservation of heritage.

Moreover, the principles and legal definitions of property prevent realistic actions with respect to managing heritage. The consistent reaffirmation of this vision has built a system that excludes or neglects silenced and contested voices and memories – voices and memories that by all means have a right to justice and to recognition as part of fundamental cultural expressions. What really happens to the plethora of voices and memories present in heritage in places undergoing transition? What management framework should be applied to ensure that diverse memories are not dismissed in favour of the creation of a national myth? Both parts of Cyprus have certainly expressed their own arguments for not engaging in maintenance of the heritage located in the North. That has led to its neglect. Moving a step away from the discussion of memory, I now explore Transitional Justice as a legal framework for Famagusta; as a way to support the process of its coming to terms with its past based on dealing with its memories – including what is remembered, neglected, and forgotten. In this regard, Transitional Justice is useful for a number of reasons.

Transitional Justice is an alternative lens through which to view and discuss those gaps and caveats that are present when working on cultural heritage in places that, for a variety of reasons, are undergoing a transitional process from conflict. Transitional Justice is a legal model that facilitates transition from a troubled past to improved stages of social life. This is done in reference to past events by adopting transitional judicial and civil measures in order to re-frame the legacies of human rights violations, injustice, exclusion, and dilemmas at the moral, legal and political levels caused by such events.¹⁷ This framework differentiates five major topics that need to be addressed: 1) criminal prosecutions; 2) truth commissions; 3) reparations programmes; 4) security system reforms; and 5) memorialization.¹⁸ The utilization of Transitional Justice in rebuilding communities'

¹⁷ "The field [Transitional Justice] has been described as an international web of 'individuals and institutions whose internal coherence is held together by common concepts, practical aims, and distinctive claims for legitimacy'. Indeed, the study of how societies emerging from periods of dictatorship and armed conflict that left a legacy of gross human rights violations is not only confined to academic research, but also of international NGOs." L. Viaene, *Voices from the Shadows: The Role of Cultural Contexts in Transitional Justice Processes. Maya Q'eqchi' Perspectives from Post-Conflict Guatemala* [PhD diss.], Ghent University 2010, pp. 4-5.

¹⁸ See R.N. Lebow, *The Memory of Politics*, in: R.N. Lebow, W. Kantsteiner, C. Fogu (eds.), *The Politics of Memory in Post-War Europe*, Duke University Press, Durham, NC, USA 2006; B. Davis, *Violence and memory of the Nazi Past in 1960s-70s West German Protests*, in: P. Gassert, A.E. Steinweis (eds.), *Coping with the Nazi Past: West German Debates on Nazism and Generations Conflict, 1955-1975*, Berghahn Books, New York 2006; H. Rousso, *The Vichy Syndrome: History and Memory in France since 1944*, trans. A. Goldhammer, Harvard University Press, Cambridge 1994; R.L. Braham, *The Politics of Genocide: The Holocaust in Hungary*, condensed edition, Wayne University Press in association with the United States Holocaust Memorial Museum, Detroit 2000.

trust and peace has become a laboratory for emerging communities to come to terms with their violent past.

This framework encompasses the idea that fairness that leads to justice, and that justice is impartial to all, being therefore universal. The framework also emphasizes the need to enforce memories of troubled times as a way to prevent similar events from emerging again in the future. I have chosen three characteristics that can contribute to the elucidation of a future for Famagusta's cultural heritage. First, Transitional Justice is a framework within which to discuss the memories of destruction, human rights violations, history, and the past (all of which are substantial components of heritage construction). Second, Transitional Justice offers the establishment of a legal framework with international endorsement for communities to come to terms with events that impede the reconstruction of societies linked to troubled past, contested memories, and war. As such, it opens a path to attend to the management and potential development of the heritage that has long been neglected in Famagusta. Third, Transitional Justice provides a platform for opening up the dialogue necessary to set the conditions for "a future". Those aspects that embody the difficulties of a transition are also reflected in cultural heritage, and are particularly salient in Famagusta: a site with no international recognition, at the heart of divided communities, with severe management difficulties, a recipient of memories that speak of hybridity, disconnection, fragmentation and evolution and above all a site with a history that transcends the boundaries of Cyprus, the Mediterranean, and Europe.

As a legal concept, Transitional Justice is still a work in progress. Harvey M. Weinstein is among the leading scholars engaged in defining the principles behind Transitional Justice: its applicability, the conditions it requires to work, and how the concept is related to broader fields such as history, human rights, political transformation, truths, and even heritage legitimization and management.¹⁹ According to the International Center of Transitional Justice:

Transitional justice refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms.²⁰

¹⁹ For additional information on the work of Harvey Weinstein, see J. Halpern, H.M. Weinstein, *Empathy and Rehumanization After Mass Violence*, in: E. Stover, H.M. Weinstein (eds.), *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, Cambridge University Press, Cambridge 2004; M. Biro et al., *Attitudes Toward Justice and Social Reconstruction in Bosnia and Herzegovina and Croatia*, in: E. Stover, H.M. Weinstein (eds.), op. cit.; P. Vinck, P.N. Pham, E. Stover, H.M. Weinstein, *Exposure to War Crimes and its Implications for Peace Building in Northern Uganda*, "Journal of the American Medical Association" 2007, Vol. 298; H. Liebling Kalifani, et al., *Violence against Women in Northern Uganda: the Neglected Health Consequences of War*, "Journal of International Women's Studies" 2008, Vol. 9.

²⁰ See the full text: *What is Transitional Justice?*, <http://ictj.org/about/transitional-justice> [accessed: 18.09.2015].

In short, Transitional Justice is a malleable and flexible concept, capable of adapting to specific conditions (political, religious, ethnic, ethical and geographical, among others) and providing the conditions to overcome the difficulties of the present, while cultural heritage as a system has and provides fixed principles, with the capacity to add features and classifications,²¹ thus preventing the inclusion of unaligned forms of thinking.

Application of the perspective of Transitional Justice would liberate the cultural heritage in Famagusta from the need to be included on a “world list” or be part of a “world classification”. Instead, it would allow it to be seen as a moral endeavour that does not need further assessment or comparison. Furthermore, when heritage is framed as a Human Right, it becomes a legal issue, which thus gives it a different weight and relevance, above local legislation. This is precisely one of the core difficulties Famagusta faces – the accountability of local governments over the future of its heritage assets. The legal aspects of cultural heritage detached from value, and beyond national boundaries and local legitimacy, begin to reveal the fluidity of its conceptualization. As I have stated, this conceptualization speaks of the need for preservation of such assets without an additional set of values and categorizations attached to their conservation.²² Cultural heritage simply exists, and needs no further argument.

All conflictive societies face the need for a closure process and the design of a “next stage”, which vacillates between what is true, what is historically accepted or proposed, how communities maintain a sense of identity over troubled times, and how “others” identify them and their role during conflict. Here I present

²¹ An interesting example is provided in the analysis of what is, in UNESCO's classification, “Cultural Landscapes”: “The term ‘cultural landscape’ embraces a diversity of manifestations of the interaction between humankind and its natural environment. [...] Protection of cultural landscapes can contribute to modern techniques of sustainable land-use and can maintain or enhance natural values in the landscape. The continued existence of traditional forms of land-use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity” (*Cultural Landscapes*, UNESCO, 1992, <http://whc.unesco.org/en/culturallandscape/#1> [accessed: 18.09.2015]). This classification should be compared with also FAO's Globally Important Agricultural Heritage Systems: “Worldwide, specific agricultural systems and landscapes have been created, shaped and maintained by generations of farmers and herders based on diverse natural resources, using locally adapted management practices. Building on local knowledge and experience, these ingenious agricultural systems reflect the evolution of humankind, the diversity of its knowledge, and its profound relationship with nature [...]” (*Biodiversity and Agricultural Heritage*, FAO, 2002, <http://www.fao.org/biodiversity/cross-sectoral-issues/agricultural-heritage/en/> [accessed: 18.09.2015]).

The fact that there is no apparent difference between these two terms highlights one of UNESCO's most troublesome limitations: the recognition of nation-states as the main and accountable stakeholder of cultural heritage. For UNESCO, in Cyprus the only accountable stakeholder is the Republic of Cyprus.

²² In this regard, it is important to ask if the traditional view on cultural heritage conservation, which – until now – has focused its actions only on the physicality of the asset, can shift its meaning to an alternative perspective, in which conservation refers to the connections heritage is capable of establishing between diverse communities, at different moments in time and under various forms of governance.

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some examples that help – by contrast – illuminate the case of Famagusta. The first is van Riebeeck’s Hedge in South Africa, which is a colonial garden from Dutch occupation times, with Victorian forms and foreign species. It was adorned with a plaque that read:

This hedge of wild almonds was planted in the year 1660 A.D. by order of Commander Jan van Riebeeck as to mark the southern frontier of Cape Town Colony, from Kirstenbosh along Wynberg Hill, to a point below the Hen and Chickens Rocks. Thence the hedge continued by a fence of poles across the camp ground to the mouth of the Salt River.²³

This plaque was subsequently removed and replaced by a more subtle one, thus establishing two versions of the same site. The new plaque says:

This wild almond hedge was planted in 1660 by order of Commander Jan van Riebeeck as a barrier protecting the expanding European population against the indigenous Koisian inhabitants of the Cape. The hedge stretched from Kirstenbosch along Wynberg Hill to a point below the Hen and Chickens Rocks. Beyond this the barrier continued as a pole fence to the mouth of the Salt River. The hedge has come to be a symbol of exclusion.²⁴

On the other hand, Singapore’s only World Heritage Site listed in 2015 is the Botanic Gardens. A city-state with three main ethnicities (Malay, Chinese and Indian) and three belief systems (Hindu, Muslim and Buddhism) decided to nominate a garden that honours colonial times, seemingly walking away from heritage and embracing nation-building. Once the site was listed as a World Heritage Site, Singapore’s Minister of Culture Lawrence Wong emphasized that in the total land area of the world, (48.94 million km²), there are only 1000 World Heritage Sites, and one of those sites is the Botanic Gardens, located in Singapore, a tiny island of approximately 700 km². In other words, he asserted that Singapore is of world importance.

This affirmation was later reinforced by Minister Wong at the Daniel S. Sanders Memorial Lecture for the 19th International Symposium of the International Consortium for Social Development (ICSD 2015), where on 9 July 2015 he stated the following:

You see it in the way we unite together around our heritage, around our well-loved places, like the Singapore Botanic Gardens, which was recently inscribed as our first ever UNESCO World Heritage Site. [...] The domains of arts, heritage, sports, and

²³ L. Lixinski, *Cultural Heritage Law and Transitional Justice: Lessons from South Africa*, “International Journal of Transitional Justice” 2015, Vol. 9, pp. 278-287.

²⁴ Ibidem.

community also help to fortify our sense of nationhood. In a world of ever-increasing automation and efficiency, I believe that these softer aspects of our humanity become even more important. These are the things that shape our national identity. And a national identity is what makes a society resilient amid turbulence and destructive change. A national identity is what enables the whole to be greater than the sum of its parts.²⁵

Europe's experience in dealing with the difficult memories in its recent history has indubitably been strenuous. The Second World War left open wounds throughout much of the continent, wounds which continue to raise discussions on how to address the past, its complexity, and the consequences for the present. The defeat of the Nazi regime left unresolved a number of questions, at the heart of which was how to deal with a Nazi past which many European societies possessed in one form or another. Germany, France, Belgium, the Netherlands and Hungary have explicitly addressed issues of accountability and justice, therefore of memory (outside the national narrative), collective remembering (not the same as collective memory), and embarked upon the search for answers to heal the wounds of war. At different times and for a variety of reasons, Spain, Portugal, Greece and Poland have also ventured on several processes of memory telling, truth discovery, and justice.²⁶

This cornucopia of complexities and unresolved questions remaining in Europe are also visible and linger on in Famagusta. Greek Cypriots and Turkish Cypriots have nurtured their differences throughout the years, and new communities that are not engaged in that dilemma have arrived in the island (immigrants from Africa, Turkey, the Philippines, Russia and the Middle East, among others), communities which also require space in society to build their own memories in a historically multicultural island. If North Cyprus is seen as a transitional stage rather than a place that has reached a status quo, it is possible to come to terms with a past that still presents serious difficulties for the future of the island. While cultural heritage has served numerous ideologies throughout time, the Cyprus case

²⁵ See the full text: *Speech By Mr Lawrence Wong, Minister For Culture, Community And Youth & Second Minister For Communications And Information, At The Daniel S. Sanders Memorial Lecture For The 19th International Symposium Of The International Consortium For Social Development (ICSD 2015) On 9 July 2015*, <http://www.unisim.edu.sg/Happenings/speeches/Pages/S2015-7.aspx> [accessed: 5.10.2015].

²⁶ For more on Transitional Justice, see Ch.J. Colvin, *Purity and Planning: Shared Logics of Transitional Justice and Development*, "The International Journal of Transitional Justice" 2008, Vol. 2, pp. 412-425; J. Elster, *Coming to Terms with the Past: A Framework for the Study of Justice in Transition to Democracy*, "European Journal of Sociology" 1998, Vol. 39; C. Hesse, R. Post (eds.), *Human Rights in Political Transitions: Gettysburg to Bosnia*, Zone Books, New York 1999; N.J. Kritz, *The Dilemmas of Transitional Justice*, in: N.J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Recon with Former Regimes*, United States Institute of Peace Press, Washington DC, 1995, pp. xix-xxx; A. Margalit, *The Ethics of Memory*, Harvard University Press, Cambridge (MA) 2002; H. Rousso, *History of Memory, Politics of the Past: What For?*, in: K. Jarausch, T. Lindenberger (eds.), *Conflicted Memories: Europeanizing Contemporary History*, Berghahn, Oxford 2007; R.G. Teitel, *Transitional Justice Genealogy*, "Harvard Human Rights Journal" 2003, Vol. 16, pp. 69-94.

offers the possibility to design a narrative with connections to a future where there is no fear for the past, because truth is reachable for all. In the following section, the linkages between cultural heritage, memory, and memorialization will be discussed, followed by an assessment of the application of Transitional Justice in managing the cultural heritage in Cyprus.

Applying a Transitional Justice Framework to the Cultural Heritage of Cyprus

Transitional Justice tackles the need to remember, as well as remind, by proposing memories and actions to encourage remembrance. I suggest that at the very core of this process, cultural heritage assets provide a malleable means to remember, remind and establish clear connections to memory and the past. The connections between history, memory, and Transitional Justice will here be explored in the case of cultural heritage in Famagusta.

Memory is a distinct field of study and an evolving concept, which can be defined from various vantage points. I consider the concept of memory as basis for valuing cultural heritage in a dynamic and evolving manner. This is in part because cultural heritage has been used to erase, transform, and manipulate those memories that contained inherent conflict for governmental structures, countries and dictatorships around the world. However, memory helps in post-conflict recovery. Cultural heritage can be used to substantiate and demonstrate that some memories, even when difficult to deal with, are necessary for the reconstruction of societal structures and healing.

The fact that Famagusta has witnessed, throughout its existence, such a variety of cultures means that a variety of tools are needed to assess events in terms of both heritage formation and destruction. The link between remembering and forgetting has been brought into focus by the 1974 conflict. The changes of street and village names, for example, gives an idea of how much the current community wants to drive away a past that is full of turbulent times by erasing those things that could remind them of it: the village called Tatlisu changed to Akantou; Kazafani to Ozanköy, etc. When analysing this situation, it can be seen that the use of new names signified the recognition of changes which had been resisted for more than four decades by the previous communities, which were displaced.

Cultural heritage – as it stands now – is entrenched in the idea of conservation, and conservation has been developed as part of the idea of territoriality, nationality and identity. However, the value of Famagusta involves its representation of the legacy of conflicts that transformed the place throughout time. The series of wars and conflicts in Famagusta, involving commerce, religion etc., has had profound effects on buildings, decorations, craftsmanship, etc. All this gives Cyprus a singularity, and Famagusta a unique status as a witness of various times, eras, styles,

and also conflicts. For example, Saint Nicholas's Cathedral in Famagusta held the coronation of the King of Jerusalem throughout the Lusignan era (from 1186); subsequently the building was modified and converted into the Lala Mustafa Pasha Mosque during Ottoman times.

The pain that conflict brings into the memories of communities has become a form of denial, or has resulted in forms of nationalism that also represent denial. What would be left in Famagusta if its memories of conflict were erased? Probably very little. A walk throughout Famagusta is generally an opportunity to think about the past, destruction, epochs, empires, technology and war. Opportunities arise on every corner to reflect on society's values. How does one complete a city that seems to be in a permanent state of incompleteness, and endow it with opportunities to live a dignified life in the near future? This is a question I have asked myself at many different moments during my work in Cyprus. How does one organize the puzzle of time in fair way, so that we do not incubate more destruction, more conflict and more segregation? Certainly the "flag" of cultural heritage has shown its distinct limitations in this regard over the past fifty years.

The neglect of Famagusta's cultural heritage is reflected in two phenomena. First, a great number of the current community living in the centre of town have been "resettled", coming originally from mainland Turkey, and so have limited connections with the heritage site. Secondly, the question of a practical settlement creates uncertainty for the future and the risk of a loss of "autonomy". This fact demonstrates the futility and irrelevance of addressing heritage in terms of identity or national pride, when the reality is such that the cultural heritage in Famagusta is profoundly disconnected from the communities living in it, and requires new meanings to re-construct its significance for and between the citizens and their physical context. The re-framing of cultural heritage to include a Transitional Justice framework could help build up a real civil society and create a sense of belonging and ownership of those buildings and structures that currently communicate so very little to their inhabitants. The dynamism and evolution of the cultural heritage model proposed here can remedy the loss of identity which has emerged from four decades in limbo, making it accessible to residents as well as visitors. A response to unconventional forms of conflict might be unconventional forms of societies, with cultural heritage and its memory component playing a key role.

Cyprus is a transnational place. The North makes little sense without the South, and vice versa. The way the island shaped its connections to the world over the centuries, the way it structured its cities and ports, its agriculture and customs, are distorted by the latest division into boundaries, and even if there is a settlement, the roots of Cypriots lie in every corner of the island. In this case, a forceful transition can unfold into new ethnic disturbances, religious unrest, and a new cycle of conflict. A transitional stage is designed to address the issues that are unresolved and prevent them from being exacerbated in the future. As Craig Calhoun

puts it, “a strong public sphere where the past can be addressed depends upon a favourable organization of civil society”.²⁷ This approach is not focused only on the past, but also on aspects such as the economy, inequity, and unemployment which the emergence of a new (post-conflict) system might bring with it.

Hence, Transitional Justice is a process necessary for healing. Victims and perpetrators require forms of expressions and institutions to recognize their role in the conflict. Although many would wish to forget, healing or coming to terms with the past creates a long lasting “wellness” for the whole of society. Other aspects that are relevant during transitional processes deal with unresolved issues concerning property (although some would like to believe Famagusta does not have such issues), the tenure of nationalized buildings, access to official documents on missing persons, truth, religious property, oral history and memorialization. But these are aspects of the Cyprus issue that probably no governmental organization (either in North Cyprus or in the Republic of Cyprus) is willing to confront.

The stage of transition that I use to frame Famagusta’s cultural heritage is one that is generally employed after a conflict, internal conflict, or a process of transformational change in political terms, for example from a totalitarian military dictatorship to democracy, or from communism to a different form of government. Changes are frequently ushered in with violence, and violence impinges on human rights. Transition itself is a historical process in which many facts, events and truths are unclear and therefore misleading. History is as much necessary in a transitional process to understand the events that led to violence or conflict as it is necessary to document the violence itself. It gives clarity to past events, their causes, and their consequences. More than factual, history in relation to transitional stages and justice has a role in the prevention of forgetting.²⁸

Transitional Justice is a tool to assist in coming to terms with the past in conditions where law, human rights, violence and truth are permeated by mixed emotions and subjectivities. Cultural heritage here becomes a main component in truth telling and remembrance, which facilitates the coexistence of multiple narratives and versions of the past: historical, sociological, psychological, and “official”. It also welcomes a dynamic re-assessment of events that can be interpreted in multiple ways. The relevance of cultural heritage is fundamental to the Transitional Justice process to help us understand that history is incomplete when memories are missing from its narratives. Memory, as Pierre Nora describes it, is what history dismisses:

²⁷ O. Simić, Z. Volčič, *Transitional Justice and Civil Society in the Balkans*, Springer, New York 2013, p. 4.

²⁸ N. Wouters, *The Use of History in the Field of Transitional Justice: A Critical Introduction*, in: N. Wouters (ed.), *Transitional Justice and Memory in Europe (1945-2013)*, Intersentia, Cambridge 2014, p. 18.

What we are now in the habit of calling 'memory' is in reality the history of those who have been forgotten by History, those who have been excluded from official history because they live in the margins of society; hence the founding connection between memory and minority groupings.²⁹

A transitional scenario yields the opportunity to incorporate heritage as a main component of life in Cyprus, and as such it opens the possibility to re-frame it, re-define it and re-develop it, in ways that recognize the transnationality of its nature, its role in the memory of Europe, and its key role in the rebuilding of a society that has endured so much for so long. It is clear that places and territories that have endured a conflict require, in the process of overcoming events from the past, forms of remembrance, mechanisms to make peace with the past, and the assurance that the places of memory will remain as part of a narrative that is closer to society, and more distant from nationalism and politics. In addition to memories, remembrance, and historic events and their relationship with identity, cultural heritage sites remain as assets that can permanently become sources of new interpretations, new discoveries, and new discourses. These also include difficult memories.

Applying a transitional scenario also gives heritage assets a more permanent presence in the locus of a community. The separation of cultural heritage from memory, as established in the international cultural heritage system, has permitted the manipulation of the past, framed as history. At the end of the day, I assume that the tenets of a holistic Transitional Justice process in Famagusta would unlock a whole process of confronting the prevailing issues in Famagusta. In this process, cultural heritage would not only serve as a means to overcome the political barriers and instigate efforts to deal with the history of wars, conflicts, and displacements that have plagued Cyprus. It would also be subjected to a proper management model with the help of the international civil society (NGOs), the private sector, and the general public.

The recent works in one of the remaining buildings in the Armenian quarter (known as the Armenian Church) and the meticulous job in securing a wall painting called the "Forty Martyrs" make an important contribution to the reading of the past – the far past in the form of physical materials, and the recent one, in the form of memories. The participation of neutral actors, additional stakeholders and non-political organizations such as international NGOs places Famagusta at a level where an open discussion is possible on the shape of society Cyprus is projecting for the future. By applying the framework of Transitional Justice within Cyprus, the potential the Armenian Church and the Armenian quarter include the following: 1) Memorialization of the events of 1915 (Armenian ethnic

²⁹ H.K. Anheier, Y.R. Isar, *The Cultures and Globalization Series 4: Heritage, Memory & Identity*, Sage Publications, London 2011, p. x.

cleansing) and 1974 (Turkish military occupation of the quarter); 2) Participation of neutral international stakeholders (Nanyang Technological University and the World Monument Fund); 3) Remediation, by providing a neutral location for the Armenian community to hold memories; 4) Reinterpretation and the inclusion of narratives that are openly painful but necessary to deal with; and 5) Re-conceptualization of a heritage site and the re-formulation of values to allow the Armenian quarter (Church included) to develop and establish contemporary links and connections in order to secure its future.

Farida Shaheed, a special rapporteur in the field of cultural rights, points out that since the establishment of her mandate on Transitional Justice in 2009, she has received numerous testimonies stressing the importance of historical and memorial narratives as shapers of collective identities and cultural heritage. She added that "I also noted that, all too often, a cultural rights-based approach to transitional justice and reconciliation strategies is not rendered the attention it deserves."³⁰ In the case of Cyprus, the application of Transitional Justice would open up a platform for the emergence of various historical and memorial narratives from the side of both the Greek Cypriots and the Turkish Cypriots, as well as those in between. There is a need, and also an opportunity for cultural expressions to recover their role in building communities under the aegis of contemporary and realistic values, identities, and a sense of time, place, and space.

However, there are a number of features of the participation of governmental institutions which threaten the Transitional Justice process, which include: 1) The way in which transition is recognized – For North Cyprus the aim is international recognition, while for the Republic of Cyprus it is submission to, or absorption within, the current institutions. These contradictory goals make almost any scenario unfeasible, and the transitional stage is likely to devolve into conflict; 2) Division – Forty years of division have permeated all levels of government: education, economy, religion and family, and these divisions are not likely to change easily or soon; 3) Involvement of a sovereign nation – Turkey and its presence in North Cyprus turns the Cyprus issue into an international affair that the region has allowed. Should Turkey also become involved in the Transitional Justice process, the matter could easily devolve.

In the aftermath of conflicts, including the one in Cyprus, international organizations under the umbrella of the UN are not capable of either avoiding or driving out the politics of conflict. How could they when they are, in principle, the product of political agreements and exist to honour them? Contrary to popular perceptions,

³⁰ Full text: *Integrating cultural rights in transitional justice strategies in post-conflict societies*, UNHR, 24 March 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/Integratingculturalrightsinpost-conflict-societies.aspx> [accessed: 18.09.2015].

the United Nations Peacekeeping Mission in Cyprus has been limited in terms effectively protecting or improving the cultural heritage in Cyprus, being subject to the political environment in the island for the past forty years. Its presence has been and still is a political component of the island's landscape, and that, I would argue, has prevented more global action in aspects such as cultural heritage and its broad conceptualization. It is unlikely that the memories that took place in Cyprus in the recent past can be accommodated in the rhetoric of cultural heritage as understood by UNESCO, while its real tenets are fundamental to prevent segregation and exclusion.

Conclusions

Within the Transitional Justice framework, I have described the connections between memory, transition, human rights and justice, and suggested how cultural heritage could help in bridging the existing fissures and offering new perspectives and links, for example to remembrance and memorialization. However, the role of governments in initiatives such as Transitional Justice is not clear. Is it necessary to recognize whether the political will exists and ask how the institutions in Cyprus would react to the proposed scenario? What is clear is that Transitional Justice is a process that involves the civil society at large – beyond political and religious actors, beyond generations and beyond the historic narratives of the past – and will eventually be addressed in Cyprus. It is a process that needs to be carried out *for* Cyprus, *in* Cyprus, and *with the participation of* Cypriots. Civil society must be present. It is important to ask how Transitional Justice will be implemented in Cyprus. What are the necessary settings or institutions that must be present in order for it to work? I imagine a Transitional Justice process in Cyprus motivated by civil society at both the local and global levels. Transitional Justice is a growing movement around the world, with many experiences in different regions, and enough scholarship exists to build a network of endorsements from academics, legal practitioners, non-governmental institutions and the international community and, potentially, offer an alternative to cultural heritage that would finally relate to societies in the making.

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