THE NEXT ENLARGEMENT OF THE EU A Different View from Cyprus

JOSEPH S. JOSEPH Department of Social and Political Sciences University of Cyprus P.O. Box 537, 1678 Nicosia **CYPRUS**

EMAIL: jjoseph@spidernet.com.cy

FAX:

+357-2-371911

PHONE:

+357-2-370634

This is a draft. Please do not cite.

THE NEXT ENLARGEMENT OF THE EU A Different View from Cyprus

ABSTRACT

Cyprus is at the threshold of the EU, preparing to become a full member and part of "the process of creating an ever closer union among the peoples of Europe." The European Council has repeatedly stated that Cyprus will be included in the next enlargement and accession negotiations will start six months after the completion of the Intergovernmental Conference. The Mediterranean island, however, is still de facto divided and the Cyprus problem unresolved despite the many efforts made by the UN to reach a settlement. This paper argues that the EU, which has repeatedly expressed its concern over the lack of a solution on the island, is now in a unique position to play a role in bringing about permanent peace and stability on Cyprus and in the region.

Purpose

The Cyprus problem has dominated public debates and politics on the Mediterranean island since Cyprus became an independent state in 1960. Until 1974, the parameters of the problem were defined by the failure of the 1960 London-Zurich settlement of the colonial issue and the subsequent intercommunal conflict. Following the 1974 Turkish invasion, the Cyprus problem entered a new phase, the dominant elements of which have been the continuing de facto division of the island and the occupation of its northern part by Turkey.

Although the Cyprus problem is still the major source of concern and interest in Cypriot politics, the island's European orientation and efforts to become a member of the European Union (EU) are now getting considerable attention. Not surprisingly, Cyprus's prospects of joining the EU have been mired in the continuing impasse in efforts to resolve the political problem.

The purpose of this paper is to explore the Cyprus problem, and examine the prospects of Cyprus joining the EU and becoming part of "the process of creating an ever closer union among the peoples of Europe." The presentation and discussion of issues revolve around three principal questions: First, what is the Cyprus problem and what are the issues to be resolved. Second, why so many efforts, carried out by the United Nations (UN) or in the name of the UN, have failed to solve the problem? And third, can the EU and Cyprus's prospects of joining the Union help in the search for a settlement on Cyprus?

¹ This paper is part of a larger project on the Cyprus problem and Cyprus-EU relations.

² Treaty of the European Union (also known as the Maastricht Treaty), article A.

2

The paper examines the search for a settlement on Cyprus in the light of the forthcoming accession of the island to the EU. It appears that the prospect of Cyprus joining the EU presents an opportunity for breaking the impasse and finding a solution. Accession has the potential of acting as a catalyst in finding a long overdue settlement.

The Two Phases of the Post-Colonial Cyprus Problem

Let us first draw, very briefly, a big picture of the Cyprus problem and of the efforts and failures to solve it so far.³ In broad terms, the post-colonial problem of Cyprus can be divided into two phases. The first one covers the period from 1960 to 1974, and the second one the period from 1974 to the present.

During the first phase, from the establishment of the Republic of Cyprus in 1960 (especially after 1963) until 1974, the problem was basically an internal dispute between the Greek Cypriots and the Turkish Cypriots in which external powers eventually became involved. Difficulties which could lead to a domestic dispute were, to a good extent, inherent in the state-building process and the bicommunal character of the Cypriot society. These difficulties turned into insurmountable problems because of the different ethnopolitical orientations the two communities had at the time and the awkward provisions of the 1960 constitution which was drafted under the London and Zurich settlement.⁴

Without going into details, it is worth mentioning that some of the provisions of the constitution were not only awkward and unworkable, but also rigid and unalterable.⁵ The constitution prohibited amendment of its basic provisions, thus

There is an extensive bibliography on the Cyprus problem. Some of the classic works providing background information and analysis are: Michael Attalides, *Cyprus: Nationalism and International Politics* (New York: St. Martin's, 1979); Kyriacos Markides, *The Rise and Fall of the Cyprus Republic of Cyprus* (New Haven: Yale University Press, 1977); Thomas Ehrlich, *Cyprus, 1958-1967: International Crises and the Role of Law* (New York: Oxford University Press, 1974); Stanley Kyriakides, *Cyprus: Constitutionalism and Crisis Government* (Philadelphia: University of Pennsylvania Press, 1968); Robert Stephens *Cyprus, A Place of Arms: Power Politics and Ethnic Conflict in the Eastern Mediterranean* (London: Pall Mall, 1966); Stephen Xydis, *Cyprus: Conflict and Conciliation, 1954-58* (Columbus: Ohio State University Press, 1967).

⁴ The London and Zurich agreements consisted of a series of treaties which laid the foundations of the political structure of the Republic of Cyprus. These treaties were the treaty of establishment, the treaty of alliance, the treaty of guarantee, and the agreement on the basic structure of the Republic of Cyprus which contained the key provisions of the constitution. The treaties went into effect on 16 August 1960 when Cyprus became independent.

⁵ The issue of the workability of the London and Zurich settlement and the constitution has attracted considerable attention among scholars and political analysts. See, for example, the following works with indicative titles: Stephen Xydis, *Cyprus:*

excluding any adaptation or evolutionary political process through which the two communities could negotiate, adjust their positions, and seek common ground to bridge their differences. For this reason, it has been characterized "a constitutional oddity" and "a constitutional straitjacket precluding that adaptation essential to the growth and survival of any body poitic." Lack of experience in self-government, conflicting ethnopolitical goals, mistrust, and a shared sense of insecurity were additional sources of ethnic misunderstanding and friction that led to open confrontation.

In essence, and in somewhat simplistic terms, the problem and the challenge for Cyprus right after the declaration of independence was the building of an operational state. The two communities by failing to build a working state -- which as stated above was next to impossible under the 1960 settlement of the colonial problem -- fell into the trap of confrontational tactics and mutual blame-casting. All the rest, including fighting, gradual segregation, further complications and external involvement followed almost naturally. The London and Zurich provisions were there to complete the vicious circle. The sequence of events was neither pleasant nor justified. It was as vicious as it was unjustified.

External Involvement in the 1960s

In the 1960s, confrontation between Greece and Turkey over Cyprus, as well as the wider Greek-Turkish antagonism, became an additional dimension and, in a way, an additional factor in the Cyprus problem which could only complicate more the situation. Britain, the former colonial power, became also involved in an effort to protect its interests. Also, it cannot go unnoticed that the two superpowers -- the United States and the Soviet Union at the time -- became involved at the political level. Superpower involvement was another source of complication. It put the island on the list of peripheral points of superpower friction.⁸

Reluctant Republic (The Hague: Mouton, 1973), and Thomas W. Adams "The First Republic of Cyprus: A Review of an Unworkable Constitution," *The Western Political Quarterly*, vol.19 (1966), pp. 475-90.

⁶ This characterization belongs to the UN Mediator Galo Plaza. See his *Report* of the United Nations Mediator on Cyprus to the Secretary General (paragraph 163) which was issued on 26 March 1965.

⁷ Glen D. Camp, "Greek-Turkish Conflict over Cyprus," *Political Science Quarterly*, vol. 95 (Spring 1985), p. 49.

The following works provide information and analysis regarding the American and Soviet role in Cyprus: Monteagle Stearns, *Entangled Allies: U.S. Policy Toward Greece, Turkey, and Cyprus* (New York: Council of Foreign Relations Press, 1992); Parker Hart, *Two NATO Allies at the Threshold of War, Cyprus: A Firsthand Account of Crisis Management, 1965-1968* (Durham: Duke University Press, 1990); Theodore Couloumbis, *The United States, Greece, and Turkey: The Troubled Triangle* (New York:

As it turned out, the local ethnic conflict over state-building, became entangled in the web of regional, ideological, political and military considerations of external powers. Things could not be worse for the newborn Republic of Cyprus. By 1974, the problem was in a state a of stagnation, basically consisting of the clashing claims and concerns of the two local communities, the two motherlands (Greece and Turkey), Britain and the two superpowers.

The Turkish Invasion and Its Aftermath

Since 1974, the problem has entered a new phase with the nature of the problem changing drastically. Following the *coup d'état* which was staged against President Makarios by the Greek military regime, and the subsequent Turkish invasion of the island, new elements were added to the problem without removing old ones. The forced movement and exchange of population, which led to ethnic segregation, have been widening the gap between the two communities and undermining efforts and prospects for reunification. The de facto division of the island and the military occupation of its northern part by Turkey have been the new dominant elements and parameters of the problem during the last twenty-three years. But, as it was mentioned earlier, besides the problem of foreign occupation, we still have the initial problem and challenge of the 1960s, i.e., the building of a working Cypriot state.

The problem of establishing a viable state for all Cypriots has been further complicated by the unilateral declaration of independence by the Turkish Cypriot leadership in 1983. Although the unilateral declaration has been deplored as legally invalid by the UN and other international organizations, and no other country besides Turkey has recognized the self-proclaimed "Turkish Republic of Northern Cyprus," the fact remains that one side has been putting more priority on secession and the creation of a second state on the island rather than on the efforts to settle the problem on the basis of a single state with a bizonal and bicommunal federal political system. This has been a serious setback in the efforts to reach a

Praeger, 1983); Theodore Couloumbis and Sallie Hicks, *U.S. Foreign Policy toward Greece and Cyprus: The Clash of Principle and Pragmatism* (Washington, D.C.: The Center for Mediterranean Studies, 1975); Thomas Adams and Alvin Cottrell, *Cyprus Between East and West* (Baltimore: Johns Hopkins Press, 1968).

⁹ The unilateral declaration of independence of the "Turkish Republic of Northern Cyprus" was made on 16 November 1983. It is interesting to note also, that less than a year after the Turkish invasion, on 13 February 1975 the Turkish Cypriots had unilaterally proclaimed the "Turkish Federated State of Cyprus."

¹⁰ The Security Council passed Resolution 541 (18 November 1983) which condemned the unilateral declaration. It stated, *inter alia*, the following:

⁻ Deplores the declaration of the Turkish Cypriot authorities of the purported secession of part of Cyprus;

⁻ It considers the declaration referred to above as legally invalid and calls for its withdrawal;

settlement because it raises questions as to whether there is political will on the Turkish side to seek and accept a settlement based on a unified federal Cyprus. Obviously, it is not easy to resolve a dispute in which the parties involved have diametrically different positions and their goals are mutually exclusive. Looking at the efforts of the Turkish side to secure recognition for a separate state in the northern part of the island, one can easily get the impression that there is no minimum goal shared by the two sides. Despite the rhetoric and the lip service paid to a settlement that would reunite the island as a federal state, secessionist forces on the Turkish side have been working to keep the island divided and the people segregated along ethnic lines.

The United Nations "Failure on Cyprus"

Under these circumstances, it is not surprising than no progress has been made so far in the search for a settlement. Most of these efforts were made by the United Nations (UN), or in the name of the UN, but all of them have failed. We are now waiting for new initiatives and, perhaps, new ideas.

With regard to the "UN failure" in Cyprus, some clarifications are needed. Although all UN efforts have failed, blaming the UN for failure in Cyprus is an unfair oversimplification. The UN is nothing else than a microcosm and a reflection of the real world which has many problems and few solutions, or no solutions at all in some cases. As an institutional arrangement through which countries interact, the UN has no power of its own and cannot do anything that countries are not willing or determined to do. The UN can be efficient only if the parties involved or those who want to play a constructive role, at least the powerful ones, have the political will and commitment to overcome difficulties and find solutions. In the case of Cyprus, this has not been the case. As it has been aptly and repeatedly stated, Cyprus is not Kuwait.¹¹

The UN Secretary General was right in pointing out in one of his reports to the Security Council, that no solution can be found and the status quo is unlikely "to change on an agreed basis as long as there is, both on the island and in the region, a lack of political will for such change." In the same report, he went on to point the finger in the direction where he thinks more has to be done in order to bridge

⁻ Calls upon all States to respect the sovereignty, independence, territorial integrity and non-alignment of Cyprus;

⁻ Calls upon all States not to recognize any Cypriot State other than the Republic of Cyprus.

lmplying that in the case of the Iraqi invasion of the oil producing Kuwait, the converging interests of the powerful countries led to joint action under the UN umbrella for the expulsion of the Iraqi occupation forces from Kuwait.

¹² Report of the Secretary-General on his Mission of Good Offices in Cyprus, UN doc. S/1994/629, 30 May 1994, paragraph 52.

the gap and reach a settlement. He became as specific as he could by talking about "an already familiar scenario: the absence of agreement due essentially to the lack of political will on the Turkish Cypriot side." It is, however, fair to assume that the Secretary General knows, like everybody else, that the policies and positions of the Turkish Cypriot leadership are shaped in Ankara.

Although all UN efforts have failed and no settlement has been reached so far, the continuing de facto division of the island, which was brought about by force, has not gained legitimacy and nobody considers it a solution. Therefore, there is still hope for a negotiated settlement on the basis of a unified bizonal federal republic on the basis of the high level agreements of 1977 and 1979. It should be noted that these agreements are of particular importance because, for the first time, the two communities agreed to seek a settlement on the basis of a bizonal bicommunal federal republic. The first agreement was reached between Makarios and Denktash on 12 February 1977 and its main points were the following:

- 1. Establishment of a bicommunal Federal Republic.
- 2. The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership.
- 3. Questions of principle, like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion, taking into consideration the fundamental basis of a bicommunal federal system and certain practical difficulties which may arise for the Turkish Cypriot community.
- 4. The powers and functions of the central federal government will be such as to safeguard the unity of the country, having regard to the bicommunal character of the State.

The second high level agreement was reached between Kyprianou and Denktash on 19 May 1979 and basically reconfirmed the 1977 Makarios-Denktash agreement.¹⁴

The high level agreements continue to this day to provide the basic guidelines in the search for a settlement on Cyprus.

Cyprus's European Orientation

¹³ Ibid., paragraph 53.

¹⁴ UN doc. S/13369, 31 May 1979. The Kyprianou-Denktash agreement provided also that priority would be given on the resettlement of Varoshia and that the demilitarization of the Republic of Cyprus would be discussed. (Varoshia is part of the city of Famagusta. Until 1974 it was inhabited by Greek Cypriots. Today it is an uninhabited ghost town, fenced off by the Turkish occupation army.)

Since 1993, when the European Commission issued its *Opinion (Avis)* on Cyprus's application for membership to the EC, a new prospect has been created for a fresh look at the Cyprus problem and the need for a settlement.¹⁵ The *Opinion* confirmed that Cyprus is eligible for accession, although it pointed out that there were some difficulties resulting from the de facto division of the island which needed to be addressed. It noted in particular that

the fundamental freedoms laid down by the [EEC] Treaty, and in particular freedom of movement of goods, people, services and capital, right of establishment and the universally recognized political, economic, social and cultural rights could not today be exercised over the entirety of the island's territory. These freedoms and rights would have to be guaranteed as part of a comprehensive settlement restoring constitutional arrangements covering the whole of the Republic of Cyprus.¹⁶

Since 1994, however, the European Council and other EU organs have repeatedly stated that Cyprus will be included in the next phase of enlargement of the EU.¹⁷ These statements make no reference to the need for a solution as a requirement for accession, although no one is hiding his concern over the continuing impasse on the Cyprus issue. Following the significant decision of the Council of General Affairs of March 6, 1995, it has also been repeatedly confirmed by the European Council that accession negotiations will start six months after the completion of the Inter-Governmental Conference (IGC) taking into account the outcome of that Conference. The IGC, which started in March 1996 will be completed before the end of 1997.

It cannot go unnoticed that at the March meeting, Greece lifted its veto and agreed on the establishment of a customs union between the EU and Turkey and the implementation of the Fourth EU-Turkey Financial Protocol which had been frozen for several years.

There is no question that the relations of Turkey with the EU are greatly affected by the situation on Cyprus. This is not a new finding. Already in 1990, the European Council at its meeting in Dublin (26.6.90) "discussed the Cyprus question

¹⁵ Cyprus applied for membership to the EC on 4 July 1990. The Commission's Opinion was issued on 30 June 1993.

¹⁶ Commission Opinion on the Application by the Republic of Cyprus for Membership, paragraph 10.

¹⁷ The European Council meeting at Corfu (24-25 June 1994) noted "the next phase of enlargement of the Union will involve Cyprus and Malta." This position has been repeatedly confirmed by the European Council and other EU organs since then.

in the light of the impasse in the intercommunal dialogue" and expressed its deep concern over the lack of any progress. It also issued a declaration "reiterating that the Cyprus problem affects EC-Turkish relations, and bearing in mind the importance of these relations," it stressed the need for the prompt elimination of the obstacles that are preventing the pursuit of effective intercommunal talks aimed at finding a just and viable solution to the question of Cyprus on the basis of the mission of good offices of the [UN] Secretary-General." ¹⁹

The European Union and the Cyprus Problem

The EU has always been a staunch supporter of UN efforts and initiatives on Cyprus. It has also taken the clear and firm position that the present status quo is unacceptable. This position was clearly stated on numerous occasions including statements issued by the European Political Cooperation and resolutions adopted by the European Council, the European Parliament and other organs of the Union.²⁰

Cyprus is on its way to becoming a member of the EU and facing one of the biggest challenges it has been presented with since independence. In the light of the position taken by the European Council at Corfu (6/1994), Essen (12/1994), Cannes (6/1995), Madrid (12/1995), Florence (6/1996) and Dublin (12/1996), a settlement of the Cyprus problem cannot be regarded a precondition for Cyprus's accession to the EU. It is, however, imperative -- and the best policy, individually as well as collectively -- for all parties involved to do their best to reach a settlement before accession.

The EU favors a settlement based on the UN resolutions and the high-level agreements. Such a settlement will respect the sovereignty, independence, territorial integrity and unity of a bizonal federal republic. It will also guarantee the civil, political, economic and cultural rights of all Cypriots without any restriction or

¹⁸ Declaration on Cyprus, issued by the European Council in Dublin, 26 June 1990.

¹⁹ Ibid.

For example, the European Parliament, in a resolution adopted on 21 January 1993, "[r]eaffirms its conviction that the continuation of the status quo in Cyprus is unacceptable and poses wider dangers for the region." It also "[c]alls upon the Government of Turkey to withdraw its occupation forces from the Republic of Cyprus in accordance with the relevant UN resolutions and calls for the Turkish troops to be replaced by United Nations peacekeeping forces." In a similar resolution adopted on 12 July 1995, the European Parliament "[p]oints out that the Union considers the island to be a single entity, with a legitimate and internationally recognized government, and that the status quo is unacceptable, as was reaffirmed in the UN Security Council Resolution 939/94 (paragraphs 1 and 2." More recently, the European Council in Dublin at Dublin (12/1996) urged "Turkey to use its influence to contribute to a solution in Cyprus in accordance with UN Security Council resolutions."

discrimination. The security of all Cypriots in each and every respect -- and not only in military terms -- must also be guaranteed through institutionalized arrangements that go beyond Cyprus and beyond Greece and Turkey. The European context appears to be a promising one in that respect.

During the last three years, the European interest in promoting a settlement became more manifest with the appointment of EU representatives to monitor developments on Cyprus. In February 1994, Serge Abou, a high ranking official of the Commission, was appointed as observer by the Council to follow developments and report on any progress toward a settlement.²¹ He submitted three reports which confirmed the lack of any progress. In his last report, which was submitted in January 1995, he suggested that the EU has a role to play in Cyprus. In his words, "the [intercommunal] talks have also shown that the issue of Cyprus's membership of the EU is now fixed in the minds of all those concerned, something which obviously gives the EU a particular responsibility, namely to flesh out the position adopted by the Corfu European Council on the accession process and to play an active part in efforts to find a solution to the Cyprus problem."22 This was basically the conclusion of the European observer who also noted that the increasing militarization of the island is a "dangerous development." 23 In his words, "the main indicator of the heightened tension in Cyprus is the military build-up on both sides of the buffer zone -- and at a time when the strength of UN forces is being cut back."24 He also noted that the feeling of discouragement among the population at large on both sides of the buffer engendered by the gloomy outlook for a settlement is being expressed in a mounting tide of nationalist rhetoric on both sides."25 The European observer completed his mandate without reporting any progress and without generating a new momentum.

A subsequent expression of EU interest in the Cyprus problem came with the appointment by the Council, on 29 January 1996, of a representative of the Italian presidency to monitor developments concerning the Cyprus peace process. Five months later, at the end of the Italian presidency, the Italian diplomat Federico Di Roberto, had nothing new, substantive or promising to report.

The terms of reference of the European observer were as follows: "prior to the review scheduled for January 1995 of the question of Cyprus's accession to the European Union, to report periodically to the Council on the implications of political developments in Cyprus for the Union's *acquis communautaire*, including the progress of the UN Secretary-Generals's good offices mission for Cyprus."

²² European Observer's Report on Cyprus, par. II, 2(ii). The Report was issued on 23 January 1995.

²³ Ibid., paragraph 6.

²⁴ Ibid., paragraph 6.

²⁵ Ibid. paragraph 7.

The Irish representative, Ambassador Kester Heaslip, who succeeded Di Roberto, and served as the representative of the Irish and the Dusch presidency, might be luckier. He continues to monitor developments during as some interesting initiatives and developments are expected to take place.

It appears that 1997 and 1998 could be a critical years for Cyprus and Greek-Turkish relations, at least to the extent they are affected by the continuing impasse on Cyprus.

As Cyprus is preparing to join the EU, more and more views are converging that the time has come for a long overdue settlement. The challenge and the opportunity is knocking at the door of all those involved and concerned. The EU, in cooperation with other actors, is in a unique position to play a role in Cyprus and in the region.

The parties involved or concerned are either part of, or have special relations with the EU and can, therefore, appreciate and support a European contribution or initiative on Cyprus. Greece is a member of the EU while Turkey is as close to the EU as a non-member state can be with the establishment of a customs union. Britain, a major partner in the EU and a guarantor power of the independence and unity of Cyprus under the 1960 settlement of the colonial issue, is in a privileged position to play a constructive role within and outside the EU context. The Greek Cypriots and the Turkish Cypriots are faced with a unique challenge and an opportunity to resolve their differences, reunite their island, and become part of the European integration process that will offer them the security and stability they have been longing for.

The institutions, legal order, principles and policies of the EU -- the acquis communautaire -- can provide a conducive framework (and more) in the search for a long overdue political settlement on Cyprus. In fact, settlement and accession can go hand in hand and reinforce and supplement each other. In sum, the prospect of Cyprus's accession to the EU provides a unique opportunity for all parties concerned to rise to the occasion and show their commitment to the principles and values that are as vital to individual countries and their peoples as they are to the EU and the European family of nations.

A solution to the Cyprus problem, however, cannot be an abstract construction. Any settlement should meet the basic needs of the whole population and the requirements of a just, viable, functional and lasting solution. Such a solution, by definition, will have no room for occupation forces or the permanent stationing of foreign armies.

Under the circumstances, a settlement based on a bizonal and bicommunal form of federation seems to be reasonable, feasible and viable -- assuming of course that all citizens will enjoy universally accepted rights and opportunities all over the island. Given the realities of Cyprus -- geography, economy, size, distribution of natural resources, demography, and the political failures of the past -- a federal solution seems to be the only pragmatic way out of the stalemate.

Such a solution will be more appealing if it meets the requirements of the acquis communautaire, and its implementation precedes or coincides with Cyprus's accession to the EU. This scenario by itself, however, cannot be a magic formula unless it has substantive and substantial support from all parties involved and concerned. The Cypriots themselves, especially the Turkish Cypriot leadership, should realize that a remedy to their problems can be sought through pacific means, evolutionary peaceful change, political and administrative adjustments, renovation of political thinking and the cultivation of conciliatory attitudes. Certainly, the entire population will be better off if the island ceases to be a place of arms and confrontation, and the present status quo is replaced by a meaningful political order that will allow the two communities to co-exist in peace under conditions of stability and security.

The forthcoming accession of Cyprus to the EU can be an excellent opportunity for all parties involved to work out their differences and benefit from the constructive support that third parties can offer. The acquis communautaire can provide a useful framework and guidelines for solving the Cyprus problem, reuniting the island and enabling its people to join the European integration process.

In conclusion, it can be argued that a settlement of the Cyprus problem has the potential of producing only winners. If a solution is combined with accession, the benefits will increase considerably for all those who genuinely want peace and stability on the island. In this regard, the next enlargement of the EU can provide an opportunity for the parties involved in or concerned over Cyprus for a fresh look at the problems plaguing the island and the region.