

Turkey's boycott of the Cyprus EU presidency: Context, meaning and its consequences

Loke Hoe Yeong



United Nations Secretary-General Ban Ki-moon (at podium) briefs the press following his meeting with Turkish Cypriot leader Derviş Eroğlu (right) and Dimitris Christofias (left of Mr Ban), President of Cyprus, in Geneva, Switzerland, 26 January 2011 (UN Photo by Eskinder Debebe, licensed through Fair Use policy).

ABSTRACT

In 2011 Turkish officials began indicating their intention to suspend all contact with Cyprus's presidency of the Council of the European Union (EU), slated for the second half of 2012, given the issues surrounding the unresolved Cyprus conflict. This came as the latest development in a long and arduous path of Turkey's application for EU membership that began in 1987. This paper provides the context – the Cyprus conflict, Turkey's EU accession negotiations, and the Cyprus reunification talks – in understanding the reasons and consequences of Ankara's boycott of the Cyprus presidency. The article also considers the evolving nature and the role of the rotating presidency of the Council of the EU, especially after the implementation of the Lisbon Treaty, and how this may have played into Turkey's calculations in calling for the boycott.

Keywords

Cyprus; Turkey; EU Council; rotating presidency

The EU Centre in Singapore is a partnership of

Turkey's boycott of the Cyprus EU presidency: Context, meaning and its consequences

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Introduction

In 2011 when Turkish leaders and officials began indicating their intention to suspend all contact with Cyprus's presidency of the Council of the European Union, slated for the second half of 2012, it seemed that yet another clash in the thorny history of EU-Turkey relations had brewed up. While it is widely known that the Cyprus conflict is the cause behind the decision, the intricate issues connecting Turkey, Cyprus and the EU are less well understood. Media reportage of the boycott, often bordering on the sensational, has offered little explanation of what a boycott of the rotating presidency of the Council really means.

This article explores the possible reasons and motivations behind Turkey's decision to boycott the Cyprus EU presidency and what this entails, especially in view of the institutional changes to the EU provided for by the Lisbon Treaty. It will also tease out the intertwined connections that the decision of boycott has with Turkey's EU accession negotiations and the settlement of the Cyprus conflict through reunification talks.

The article begins by tracing the series of events since July 2011, through media reports, in which Turkish officials had indicated their intention to boycott the Cyprus presidency. The historical background of the Cyprus conflict is then recounted, followed by a discussion of the effect of the Cyprus conflict on Turkey's EU accession negotiations and an outline of the Cyprus reunification talks, both issues of which are intrinsic to Turkey's decision to boycott. The evolving role of the Council of the European Union, the rotating presidency, and the enlargement agenda of the Cyprus presidency are examined to provide an understanding of what Turkey's boycott entails. An analysis of these

issues aims to account for the strategy behind Turkey's decision, and to speculate on the consequences of it.

Turkey: signalling boycott of the Cyprus Presidency of the Council of the EU

The first mention in the media of the possibility of Ankara freezing ties with the Cyprus EU presidency was made by the Turkish Minister for EU Affairs Egemen Bağış on 13 July 2011.² However, this could be seen as somewhat belated or as a consequence of current events; the decision on the order of rotation of the Council presidency for the 2007-2020 period was made back on 1 January 2007 by the Council of the European Union under the German presidency,³ but there is no record then of Turkey raising its discontentment at the prospect of Cyprus assuming the EU presidency for the July to December 2012 period.

Just days earlier, the Turkish Cypriot leader Derviş Eroğlu, generally considered a hardliner on issues surrounding the resolution of the Cyprus conflict, said he sought to hold the EU presidency as a unified Cyprus by 2012, and called for the talks to be concluded within three to five months to reach an agreement.⁴ This was also Ankara's position up to this point. When making his comments, Bağış appeared to be clarifying what Turkish Foreign Minister Ahmet Davutoğlu said earlier, that 'if the Greek Cypriot side stalls negotiations and takes over the presidency of the European Union in July 2012, this means not only a deadlock on the island, but also a blockage, a freezing point in Turkey-European Union relations'. Bağış had also clarified that the suspension of relations was limited to the EU presidency, and that relations would continue with the European Commission. Later in June 2012, Selim Yenel, Turkey's ambassador to the EU, further clarified that

During the next six months, we will continue our relations with the European Commission, European Council, European Parliament and the External Relations Service [sic] [...] But we will have no relations with the presidency. If they will invite us to a meeting, if they are going to chair this meeting, or

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² EurActiv, 'Turkey warns of freezing ties with Cyprus EU Presidency', 14 July 2011.

³ Official Journal of the European Union, Council Decision of 1 January 2007 determining the order in which the office of President of the Council shall be held (2007/5/EC, Euratom)

⁴ Hürriyet Daily News, 'Turkish Cypriots seek EU presidency in 2012', 5 July 2011.

they invite us to a meeting in their part of the Cyprus, we will not participate at these meetings.⁵

The remarks from the Turkish side in 2011 were followed by a similar pronouncement from Turkish Prime Minister Recep Tayyip Erdoğan while on a visit to northern Cyprus to mark the anniversary of the Turkish invasion of the island on 20 July 1974. Erdoğan told the Turkish daily *Milliyet* that 'we will not have any discussions with the Cypriot president. Reports with the EU will be frozen'.⁶ His remarks drew condemnation from Cypriot President Demetris Christofias, as well as a strong reaction from certain quarters of the EU such as Andrew Duff, European Parliament member and member of the Parliament's EU-Turkey Joint Parliamentary Committee, who expressed that he was appalled at the 'twist' to Turkey's policy towards Cyprus.⁷

The issue was triggered again in September 2011 when Cyprus, with the help of the US-based energy company Noble Energy which is 30 per cent owned by Israeli interests, started offshore drilling south of the island at Block 12 of the Aphrodite gas field, and discovered significant gas reserves. Turkish Prime Minister Erdoğan quickly denounced Cyprus and Israel for 'oil [sic] exploration madness'.⁸ Linking it with the stalemate surrounding the Cyprus settlement talks, Turkish Deputy Prime Minister Beşir Atalay was quoted in the media as saying that

If the peace negotiations there [Cyprus] are not conclusive, and the EU gives its rotating presidency to southern Cyprus, the real crisis will be between Turkey and the EU [...] Because we will then freeze our relations with the EU. We have made this announcement, as a government we have made this decision. Our relations with the EU will come to a sudden halt.⁹

Meanwhile a spokesperson for the EU High Representative for Foreign Affairs and Security Policy Catherine Ashton affirmed that there were no plans to

change the rotational schedule of the presidency of the Council.¹⁰ Subsequently, the responses from the EU on the issue were couched in the language of imploring Turkey to 'fully respect the role of the rotating presidency of the council' as a 'fundamental institutional feature of the Union provided for in the Treaty'.¹¹

Further controversy erupted in March 2012 when Egemen Bağış told a Turkish Cypriot newspaper that Turkey would consider annexing northern Cyprus as 'one of several outcomes', should the reunification talks fail.¹² Such threats of annexation have been made in the past, but Greek Cypriot officials have tended not to attach too much significance to them,¹³ probably interpreting such threats as mere posturing. Besides drawing condemnation from the Greek Cypriots, the leader of the main opposition Republican Turks Party (CTP) in northern Cyprus said the idea was unacceptable.

In the weeks leading up to the start of the Cyprus presidency, Turkey reaffirmed its plan to cease contact with the EU presidency while maintaining ties with the other EU institutions. Again, Foreign Minister Ahmet Davutoğlu linked the decision to the lack of progress on Cyprus conflict talks.¹⁴

Background to the Cyprus conflict

Cyprus attained its independence from the United Kingdom in 1960, after negotiations between the UK, Greece, Turkey and the representatives of the Greek Cypriot and Turkish Cypriot communities. The negotiations resulted in the London-Zurich Agreements that formed the basis for the Constitution of the Republic of Cyprus. Accompanying them were the Treaty of Guarantee, which required the UK, Greece and Turkey to guarantee the independence and

⁵Deutsche Welle, 'Turkey talks tough on Cyprus EU presidency', 1 July 2012.

⁶EUbusiness, 'Erdogan threatens freeze with EU during Cypriot presidency', 19 July 2011.

⁷ Andrew Duff MEP, website of, 'Andrew Duff deplores set back on Cyprus', 21 July 2011; Cyprus Mail, 'Erdogan comments irk EU officials', 22 July 2011.

⁸ Reuters, 'Turkish PM calls Cyprus, Israel drilling "madness"', 21 September 2011.

⁹ Burch, Jonathon, 'Turkey to freeze EU ties if Cyprus gets EU presidency', Reuters, 18 September 2011.

¹⁰ Reuters, 'EU Commission wants Turkey, Cyprus to show restraint', 19 September 2011.

¹¹European Council, European Council Conclusions, 9 December 2011, EUCO 139/1/11, REV 1, CO EUR 24, Conclusion 6.

¹² EurActiv, 'Turkey says it could annex northern Cyprus', 5 March 2012.

¹³ See for instance, Tocci, Nathalie (2004) *EU accession dynamics and conflict resolution: catalysing peace or consolidating partition in Cyprus?* (Ashgate: Aldershot), p. 103.

¹⁴ Reuters, 'Turkey sticks to boycott of Cyprus EU presidency', 7 June 2012.

territorial integrity of Cyprus, including the right of these external countries to the use of force;¹⁵ the Treaty of Alliance, signed between Greece, Turkey and Cyprus to control the number of Greek and Turkish troops that could remain on the island; and the Treaty of Establishment, which provided for the UK to retain two sovereign base areas on the island.

The Greek Cypriots, constituting 77 per cent of the island's population, had largely been campaigning for *enosis*, or a union of the island with Greece. Armed struggle led by EOKA (Greek abbreviation for 'National Organisation of Cypriot Fighters') since 1955 had caused deadly violence, mostly fought against the British colonial authorities, and later with Turkish Cypriot armed groups that were formed as a counterweight to EOKA. The Turkish Cypriots, constituting 18 per cent of the population,¹⁶ were less unified in their stance on status of Cyprus. Some advocated *taksim* or partition of the island into the two ethnic communities upon independence, while others advocated some form of power-sharing arrangements between the two communities. Yet others advocated a 'double *enosis*', in which the Greek Cypriot and Turkish Cypriot parts of the island would be enjoined with their respective kin-states Greece and Turkey.

In 1963 when intercommunal violence broke out for the first time since independence, the power-sharing arrangements of the constitution of the Republic of Cyprus were effectively suspended as the two communities retreated into segregated enclaves throughout the island. A year later, the United Nations established a peacekeeping force – the United Nations Peacekeeping Force in Cyprus (UNFICYP) – to prevent any reoccurrence of violence.

¹⁵ Article IV of the Treaty of Guarantee states that: 'In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions. / In so far as common or concerted action may not prove possible, each the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.' While the right to the use of force is not explicitly stated, there is some consensus in legal opinion that it is justifiable subject to other conditions in the Treaty (see Hoffmeister, Frank [2009] *Cyprus*, Max Planck Encyclopaedia of Public International Law, section 22 and 23).

¹⁶ The remaining 5 per cent of the island's population consists of Armenians and Maronites; these figures are from the last census taken of the entire island, in 1960.

When the military junta in Greece covertly supported the coup d'état to overthrow the Cypriot president in 1974, Turkey cited its obligations under the Treaty of Guarantee to defend the Turkish Cypriot community and invaded Cyprus from the north. After the end of hostilities, the Turkish armed forces held on to the northern one-third of the island, which was then separated from the southern part by the UN-policed Green Line. Population transfers were carried out as northern Cyprus became the enclave for Turkish Cypriots, and Greek Cypriots residing in the northern part of the island moved south. The UNFICYP was redeployed to patrol the buffer zone between the two parts of the island, which it continues to do to the present day.

In 1983, the Turkish Republic of Northern Cyprus was unilaterally declared by the Turkish Cypriot leader Rauf Denктаş, recognised only by Turkey.

The Cyprus conflict and Turkey's EU accession negotiations

The Cyprus conflict has been intrinsic to the impasse in Turkey's EU accession negotiations. At the heart of the matter lies the mutual non-recognition between Turkey and Cyprus.

Greek Cypriots consider northern Cyprus to be under Turkish military occupation; Ankara refers to the internationally recognised Republic of Cyprus as the 'Greek Cypriot Administration of Southern Cyprus', and is the only country to recognise the unilaterally declared Turkish Republic of Northern Cyprus. More recently, Turkey's stance on the recognition issue has been more nuanced. When signing the Additional Protocol to the Ankara Agreement in 2005, Turkey made a declaration,¹⁷ consisting of six articles, that it does not recognise the Republic of Cyprus in its current form, controlled by the Greek Cypriots to the exclusion of the Turkish Cypriots, although it accepts that the Greek Cypriots exercise effective control over the southern part of the island. What Turkey does not recognise is the Greek Cypriot's claim to sovereignty over the Turkish Cypriots and over the territory of the entire island. This point was earlier disputed in the legal opinion commissioned in 1997 by the Turkish Cypriots

¹⁷ Republic of Turkey Ministry of Foreign Affairs, No. 123 – 29 July 2005, Press Statement Regarding the Additional Protocol to Extend the Ankara Agreement to All EU Members (Unofficial Translation)

to contest the legality of the Greek Cypriots' EU membership application on behalf of the entire island as the Republic of Cyprus.¹⁸

It was acknowledged in various quarters that Cyprus's membership of the EU as a divided island with an unresolved ethno-political conflict was not only undesirable, but would also have a complicating effect on other issues such as Turkey's EU membership application. Nonetheless the EU has no legal provision that prevents the accession of states with unresolved territorial conflicts. In practice, the United Nation's Annan Plan for reunifying the island was intended to resolve the territorial conflict, and driven partly by the urgency in preparing for Cyprus's EU accession as a united island. The Plan, however, was rejected by the Greek Cypriots in a referendum, to the surprise of external observers. Because the government of the Republic of Cyprus applied for EU membership on behalf of the whole island, but it joined the EU as a divided island, the application of the EU *acquis* in northern Cyprus is said to be suspended for the time being.

One other precipitating factor that allowed Cyprus's EU membership to proceed despite the unresolved conflict was Greece's threat to veto the entire 2004 enlargement round. In 1996, then Greek Foreign Minister Theodoros Pangalos conveyed this in stark terms when he said that 'if Cyprus is not admitted, then there will be no enlargement of the Community, and if there is no enlargement there will be no end to the negotiations now going on for the revision of the Treaties, and the Community will thus enter into an unprecedented crisis'.¹⁹

The dynamics surrounding Turkey's quest for EU membership shifted when Cyprus was admitted as an EU member state in the 2004 round of enlargement, even though both countries submitted their applications in the same year, in 1987. Some observers allege that the driving force behind Cyprus's quest for EU membership, aside from the usual reasons proffered for small states that stand to benefit from its inclusion in the Single Market, was to gain an upper hand over the Turkish Cypriots and Turkey in any negotiation for

conflict resolution.²⁰ Nonetheless Turkey was finally granted the official status of a EU candidate state in 2005, though not without resistance from some EU member states like Germany and France which proposed giving Turkey a 'privileged partnership' rather than full membership.

As far as the technical difficulties and stalemate in Turkey's EU accession negotiations are concerned, the problem has centred on Turkey's failure to open its ports to Cyprus – an EU member state – as part of its obligations arising from its Customs Union agreement with the EU. In 1987, Turkey closed its seaports to vessels bearing the flag of the Republic of Cyprus, while civil aviation has never been initiated between the two countries. In response to EU pressure, Turkey has occasionally cited arbitrarily imposed quotas on Turkey's trucking into the EU as the EU's violation of the Customs Union agreement.²¹

Turkey's defence has been that the services sector, which it considers the closure of its ports to Cyprus-flagged vessels to fall under, is not included in the Customs Union agreement, whereas goods produced in Cyprus are permitted and have already entered the Turkish market.²² Furthermore, the legal argument is that even if a European Court of Justice or Arbitration decision requires it to open its ports, Cyprus-flagged vessels would only be able to carry goods produced within the Customs Union area in their ports. With regard to aviation, the 1944 Chicago Convention which regulates international civil aviation provides that scheduled flights may only be carried out between any two countries if an agreement is signed between them. Since Turkey does not even recognise the government of Cyprus, such an aviation agreement cannot be signed.

In relation to this issue relating to the Customs Union, Cyprus has been instrumental in blocking the opening of eight negotiation chapters for Turkish accession, as it did in December 2006 – the Free Movement of Goods, Right of Establishment and Freedom to Provide Services,

²⁰ See for instance, Tocci, *EU accession dynamics and conflict resolution*.

²¹ Mahir and Toygür, *EU-Turkey Accession Negotiations*, note 2 at VI.

²² Akgün, Mensur (2012) *Possible scenarios in Cyprus: Assuming there is no solution*, TESEV Publications; Ilgaz, Mahir and İlke Toygür (2010) *EU-Turkey Accession Negotiations: the State of Play*, IKV (Economic Development Foundation) Working Paper.

¹⁸ Republic of Turkey Ministry of Foreign Affairs, EU and Cyprus: An Expert View Opinion of Professor M.H. Mendelson Q.C on the Application of "the Republic of Cyprus" to Join the European Union.

¹⁹ Cyprus News, October 1996, No. 87: 3.

Financial Services, Agriculture and Rural Development, Fisheries, Transport Policy, Customs Union and External Relations – with the support of other EU member states. Consequently, the Council decided that no chapter will be provisionally closed until Turkey has fulfilled its commitment in the Additional Protocol. To date, only the Science and Research chapter – the first chapter to be opened for negotiations – has been concluded, while 12 more chapters had been opened and are pending conclusion.

Turkey cites the continued economic isolation of the Turkish Cypriots as the reason for its intransigence on the ports issue. Turkey's EU ambassador Selim Yenel called it 'a matter of principle'.²³ In 2004, the EU Council of Ministers first suggested the Direct Trade Regulation (DTR) in acknowledgement of the Turkish Cypriots' support of the Annan Plan despite the rejection of the referendum on the part of the Greek Cypriots. The proposal for the DTR, as prepared by the European Commission, entailed a preferential regime for Turkish Cypriot goods entering the EU customs territory, and included the acceptance of the Turkish Cypriot Chamber of Commerce's authority to certify origin. However this was vetoed by the Republic of Cyprus which had just become an EU member. The Lisbon Treaty, implemented in late 2009, gave a brief moment of hope to proponents of the DTR as it gave the European Parliament a role in approving trade agreements for the EU. However the Parliament's Legal Committee ruled that the Commission could not bypass the government of Cyprus in implementing the DTR with northern Cyprus.

In June 2011, Turkey established a Ministry for EU Affairs to take over the coordination of Turkey's EU accession process, with Egeman Bağış, Turkey's chief EU accession negotiator, as the Minister taking up that portfolio. However, this has not had the effect of catalysing the accession negotiations.

Cyprus reunification talks

Since the 1980s, talks on the settlement of the Cyprus conflict through reunification have proceeded on the concept of a bizonal and bicomunal federal state. This implies various formulas for a confederation of the Greek Cypriot- and Turkish Cypriot-held territories, premised on the separate territorial and constitutional

²³ EUobserver, 'Turkish Cypriots fear implications of Cyprus EU presidency', 21 June 2012.

aspects of the two communities that would both be politically equal. This crystallised most notably in the United Nation's Annan Plan, drawn up by the then UN Secretary-General Kofi Annan.

The referendum on that Plan, held days before the Republic of Cyprus's accession to the EU in 2004, was rejected on the Greek Cypriot side, with 75.83 per cent voting 'no' and only 24.17 per cent voting 'yes'. This meant that the Plan was deemed to have been rejected on the whole, even though there was considerable support for it on the Turkish Cypriot side, with 64.91 per cent voting 'yes' and 35.09 per cent voting 'no'. The turn-out was high in both communities, at nearly 90 per cent. Because Cyprus's EU membership was already secured when it signed the EU Treaty of Accession in April 2003, then Cypriot President Tassos Papadopoulos was said to have felt unconstrained in outrightly campaigning for the rejection of the Annan Plan at the April 2004 referendum.²⁴

Reunification talks restarted in 2008 with the election of Demetris Christofias as President of Cyprus, who campaigned on a platform of resolving the conflict through a less uncompromising stance than his predecessor's. The Turkish Cypriot leader at that time, Mehmet Ali Talat, was similarly pro-solution, and the talks were met with the support of Turkish Prime Minister Erdoğan. However these UN-mediated talks soon ran into difficulties when it became apparent that the negotiating positions of the leaders of the two communities were hamstrung by hardliners back in their respective constituencies, who were not willing to cede on core issues of property rights, territory, settlers from Turkey, and citizenship.²⁵ As impatience and frustration grew on both sides, the political impasse was confirmed when Talat lost in his reelection bid in April 2010 to the hardline candidate Derviş Eroğlu. While Eroğlu did resume talks with Christofias after taking office, which continued into 2012 the first meeting between the leaders was described as 'low-key, and business-like',²⁶ while the negotiations impasse continued.

In interviews conducted by the International Crisis Group in February 2012 with senior Greek Cypriot and Turkish Cypriot officials involved in the reunification

²⁴ Tocci, *EU accession dynamics and conflict resolution*, p.104.

²⁵ In view of the population transfers in 1974 in the aftermath of the Turkish invasion of Cyprus.

²⁶ Morelli, Vincent (2012) *Cyprus: Reunification Proving Elusive*, Congressional Research Service, p. 7.

talks, both parties spoke of failure and mutual mistrust, and revealed that a two-state solution was increasingly being discussed, breaking with the spirit of a bizonal, bicomunal solution of the past decades.²⁷ However, neither side wants to be seen as being responsible for a breakdown in the talks, and would rather wait for the UN to declare an end to them.²⁸

The idea of an international conference on security issues surrounding Cyprus which would involve Turkey as one of the guarantor powers was floated in early 2012. This was met with objection by the Greek Cypriots. In any case, the UN Secretary-General decided in April against the international conference as insufficient progress was being made in the domestic talks to warrant it. When the UN-mediated talks were downgraded from leaders' meetings to technical level discussions in early May 2012, there was tellingly little objection from either side. At around the same time, Christofias acted on an earlier promise and announced that he was not seeking re-election in 2013, stating that 'there is no reasonable hope for a solution to the Cyprus problem or for substantial further progress in the remaining months of our presidency'.²⁹

Back in October 2011, suggestions were forwarded that EU should step in to revive the talks if the UN-mediated negotiations were to indeed fail, but Turkey has typically objected to giving such a role to the EU in the negotiations.³⁰ This is ostensibly due to Turkish perceptions that the EU cannot be an honest broker in such negotiations, since Cyprus is a member state of the Union.

The rotating presidency and the Council, pre- and post-Lisbon Treaty

The evolution of the rotating presidency

The rotating presidency has been a feature of the European Economic Community (EEC)/EU since the establishment of the Council, and is provided for by Article 16(9) of the Treaty on European Union. In December 2004, 'team presidencies' were introduced

²⁷ International Crisis Group, *Aphrodite's Gift: Can Cypriot Gas Power a New Dialogue?* Europe Report no. 216, p. 1, 16.

²⁸ Akgün, *Possible scenarios in Cyprus*; International Crisis Group, *Aphrodite's Gift: Can Cypriot Gas Power a New Dialogue?*

²⁹ Cyprus Mail, 'Christofias bows out', May 15, 2012.

³⁰ Hurriyet Daily News, "Europeanize talks in Cyprus, if U.N. plan fails," October 11, 2011.

for the 2007-2020 period, in a move to improve the consistency of policy making that would otherwise be disrupted by changes of the presidency every six months. Under this new system, teams of three member states share the responsibilities of the presidency for 18 months, each chairing Council meetings for six months.

The rationale for introducing the rotating presidency in the early days of the EEC/EU is perhaps worth revisiting to understand its continued use to this day. The original EU members were broadly of the view that a permanent presidency of the Council would create rivalry with the then nascent European Commission; a system of equal rotation among the governments of the member states to chair the different formations of the Council of Ministers, regardless of the state's size or merit, was thus implemented.³¹ This allowed all member states equal access to the Council, which thereby evolved from a 'fairly passive [manager]'³² and mere administrative function into a crucial agenda setter, a promoter of political initiatives, and a compromise shaper.³³ In enabling member states to make diplomatic contributions independent of their political and economic weight, rotating Council presidency

gives us [the EU] a chance to hold an influential role and that you manage to get totally different people to look at the same issue which you move into the spotlight.³⁴

³¹ Wallace, Helen (1985) 'The Presidency: Tasks and Evolution', in C. O'Nuallain and J.-M. Hoscheidt, *The Presidency of the European Council of Ministers; Impacts and Implications for National Governments* (Croom Helm: London) p. 2.

³² Wallace, Helen and Geoffrey Edwards (1976) 'The evolving Role of the Presidency of the Council', 52 *International Affairs* (1976) p. 536.

³³ Kirchner, Emil J. (1992) *Decision-making in the European Community – The Council Presidency and European Integration* (Manchester University Press: Manchester); Hayes-Renshaw, Fiona and Helen Wallace (1995) 'Executive Power in the European Union: The Functions and Limits of the Council Ministers', 2 *Journal of European Public Policy*, pp. 559-582; Sherrington, Philippa (2002) *The Council of Ministers – Political Authority in the European Union* (Pinter: London).

³⁴ Greek official, European Parliament (26 April 2004), cited in Simone Bunse, Paul Magnette and Kalypso Nicolaidis (2005) "Shared Leadership in the EU: Theory and Reality", in D. Curtin, A. E. Kellermann, and S. Blockmans(eds) (2005) *The EU Constitution: The Best Way Forward?* (T.M.C. Asser Press: The Hague), at note 21.

Nonetheless the Lisbon Treaty introduced a hybrid system combining a rotating presidency with the establishment of a permanent President for the European Council, when it was felt that this would help provide more continuity in EU policymaking. While some believe that the political dimension of the rotating presidency has been ‘seriously limited, if not eradicated’,³⁵ others believe it is ‘in fact here to stay, albeit in a different form’.³⁶ Whereas the head of government of the member state holding the rotating presidency in the pre-Lisbon Treaty era used to be the ‘face’ of the Council and perhaps even the entire EU,³⁷ then Spanish Prime Minister José Luis Rodríguez Zapatero exuded a sense of detachment from his country’s rotating presidency, held after the implementation of the Lisbon Treaty.³⁸ The President of the European Council, together with the new position of the High Representative for Foreign Affairs and Security Policy currently held by Catherine Ashton, have been said to render the prime minister (or president) and foreign minister of the rotating presidency member state ‘virtually jobless’.³⁹

This is not entirely accurate, since the Lisbon Treaty is ambiguous on how the rotating member state presidency of the Council is to function in tandem with the President of the European Council and other actors under this new hybrid system. The Spanish and the Belgian presidencies, the first two presidencies to take place after the implementation of the Lisbon Treaty, saw two very different models of working, which obviated the establishment of a blueprint for cooperation between the rotating presidency and the permanent President.⁴⁰ Some expect that it will take

³⁵ Kaczyński, Piotr Maciej (2011) ‘What is left for the rotating presidency after the Lisbon rules?’ in The 2011 Think Global Act European (TGAE) Report, Notre Europe.

³⁶ Missiroli, Antonio and Janis Emmanouilidis (2009) *Implementing Lisbon: the EU Presidency's other (rotating) half*, European Policy Centre (EPC) Policy Brief, p. 1.

³⁷ Most notably in recent years, then French President Nicholas Sarkozy’s brokering of the ceasefire between Russia and Georgia during the August 2008 hostilities between those two countries, in his capacity as head of government/state of the rotating EU presidency.

³⁸ Although some of the subsequent heads of government of the rotating presidency were very much in the limelight such as the Hungarian Prime Minister Viktor Orbán (in the January to June 2011 period), albeit for reasons pertaining more to the spotlighting of Hungary’s media laws.

³⁹ Missiroli and Emmanouilidis, *Implementing Lisbon*, p. 2.

⁴⁰ Kaczyński, Piotr Maciej (2011) *How to assess a rotating presidency of the Council under the Lisbon rules – the case of*

the period of Herman Van Rompuy’s first term as President of the European Council, which expired in mid-2012, for practices in the post-Lisbon institutional system to be consolidated.⁴¹ Van Rompuy has since been chosen for a second term to last until the end of 2014.

The Council of the European Union

The Council is constituted by the ministers of each EU member state, and is the legislature of the EU along with the European Parliament. It is a single institution but meets in different configurations, each attended by the member state minister/s and the European Commissioner/s responsible for the policy areas as delineated. Nonetheless any Council decision is adopted as a whole body, rather than by its separate configurations. The number of configurations within the Council has fluctuated over the years – there are currently ten since the implementation of the Lisbon Treaty.

The General Affairs Council, which deals with issues that cut across more than one policy area such as that of EU enlargement, and the other configurations are chaired by the rotating presidency. The exception to this is the Foreign Affairs Council, which is chaired by the High Representative for Foreign Affairs and Security Policy, as provided for by the Lisbon Treaty in a move to ensure coherence in the EU’s external action.

Four key roles are commonly ascribed to the rotating president of the Council – that of a manager that coordinates and chairs Council meetings; a mediator or broker that seeks to build consensus in agreements; a leader that promotes political initiatives and priorities; and that of an internal and external representative of the Council.⁴² While the bulk of the literature on the roles of the rotating presidency comes from the pre-Lisbon Treaty era, the categorisation of these roles still applies in the post-Lisbon Treaty era, albeit in modified intensities.

Hungary, Centre for European Policy Studies (CEPS) Policy Brief, p. 4.

⁴¹ Missiroli and Emmanouilidis, p. 2.

⁴² Quaglia, Lucia and Moxon-Browne, Edward (2006) ‘What makes a good EU Presidency? Italy and Ireland compared’, *Journal of Common Market Studies*, 44, 2: 377-95, p. 351; Tallberg, Jonas (2003) ‘The agenda-shaping powers of the. EU Council Presidency’, *Journal of European Public Policy* 10:1 February 2003: 1–19, p. 2.

Turkey, as a non-member state, does not sit on Council meetings. As an EU candidate country, Turkey's relations with the EU fall mainly under enlargement, which is not a single-issue policy but a 'composite policy'.⁴³ There is no 'enlargement Council' in the way there is a Justice and Home Affairs Council, because enlargement policy is in fact about facilitating the implementation of the whole range of EU policies – through the adoption of the *acquis communautaire* – in the candidate state. As far as accession negotiations are concerned, this means that the respective Council configurations deal with Turkey on the basis of the negotiation chapter of the *acquis* in question. The nitty-gritty procedures of accession negotiations are conducted by European Commission officials, which the Turkish officials have emphasized that they will continue to keep contact with during the Cyprus presidency. Nonetheless the general direction of enlargement policy is expressly under the purview of the General Affairs Council, the Council configuration that is still chaired by the rotating presidency. With the curtailment of the political dimension of the rotating presidency given the changes brought about by the Lisbon Treaty, the Council has been described to be now left to managing ongoing legislation with the European Parliament.⁴⁴ This implies a reduction, though not the complete cessation, of the external representative role of the Council.

The need for the Cyprus presidency as an external representative of the EU to be in close contact with Turkey as a third country has thus correspondingly diminished. Therefore when Turkey says that it will not attend meetings chaired by the Cyprus presidency, in enacting the boycott, this in fact refers to very few meetings. Moreover in the post-Lisbon Treaty era, the higher level external meetings of the Council would be taken over by the President of the European Council and, where external relations are concerned, by the High Representative for Foreign Affairs and Security Policy.

EU enlargement agenda of the Cyprus presidency

The agenda set by the rotating presidencies depend on the level of ambition of the member state in question,

⁴³ Sedelmeier, Ulrich (2005) 'Eastern enlargement – towards a European EU?' in Helen Wallace, William Wallace and Mark A. Pollack (eds) *Policy-making in the European Union* (OUP: Oxford) p. 402

⁴⁴ Kaczyński, *How to assess a rotating presidency of the Council under the Lisbon rules*, p. 1.

although they are now made to coordinate this with their 'team presidency' counterparts for the 18 month period. The agenda of the presidencies regarding EU enlargement, at least the post-Lisbon ones, have been fairly standard if unimaginative. This generally means carrying on the accession negotiations from the point left behind by the preceding presidency. With regard to the Cyprus presidency, this means that pushing on with the accession negotiations with Turkey is officially on its agenda, which states that

[...] the reinforcement of Turkey's accession prospect is of critical importance and the Presidency will focus on advancing this prospect, in line with Turkey's Negotiating Framework and relevant Council conclusions.⁴⁵

In practice however, the Cypriot Foreign Minister Erato Kozakou-Marcoullis, in her capacity as chair of the General Affairs Council, has spoken of using Turkey's EU accession 'not only as a carrot but also as a stick' for breaking Turkey's 'intransigence' on issues in the reunification talks. Meanwhile Marcoullis has been actively pushing for Serbia's and Albania's respective paths towards EU membership during a tour of South East Europe.⁴⁶ But it would be difficult to restart the accession negotiations with Turkey anyway, whichever EU member state was holding the rotating presidency at this time. The reasons for some EU member states in resisting Turkey's EU membership are, however, beyond the scope of this article.

Over the years, Greek Cypriot officials tend to indicate tacit support for Turkey's EU membership, though a plan for overcoming Cyprus-Turkey differences has not been forthcoming.

Analysis of the Turkish boycott of the Cyprus presidency

On the one hand, the 'suspension of a practically non-existent relationship'⁴⁷ between Turkey and the Republic of Cyprus does not seem to be a cause for alarm. The Turkish EU affairs minister Egemen Bağış

⁴⁵ Cyprus EU Presidency Secretariat, Programme of the Cyprus Presidency of the Council of the European Union, 1 July - 31 December 2012, p. 10.

⁴⁶ Evripidou, Stefanos, 'Cyprus hopes for Serbia accession talks to begin', Cyprus Mail, 8 August 2012; Cyprus Mail, 'Marcoullis encourages Albania on EU membership', 2 August 2012.

⁴⁷ Akgün, *Possible scenarios in Cyprus*, p. 4.

himself had unambiguously pointed out that ‘we don’t have any relations with the Greek Cypriot side anyway, we don’t recognise them, so we have no ties’.⁴⁸ On the other hand, the fact that such a state of mutual non-recognition between an EU member state and a candidate state is now presented as a boycott of an integral EU institution only cements the deadlock in two major intertwined issues – Turkey’s EU accession and the settlement of the Cyprus conflict – that have dragged on for decades. It is worrying that such freezing of ties at this late stage of EU-Turkey relations and of the settlement efforts in the Cyprus conflict would ‘deepen the gap between the two parties’,⁴⁹ thereby dampening the will of all parties to work towards any solution again.

The Cyprus EU presidency could have acted as a spur for the reunification of Cyprus under the UN-mediated talks, and was indeed presented as an opportunity for a united Cyprus to hold that role. The 1 July 2012 date was seen by outsiders of the conflict as a ‘natural deadline’⁵⁰ for the talks. Turkey and the Turkish Cypriots expressed interest in this possibility, though not the Greek Cypriots. As the date drew nearer and it became more apparent that the reunification talks were stalling, Turkey’s encouragement of a presidency to be held by a united Cyprus morphed into a threat of boycotting the Cyprus presidency. Ostensibly it was just another option for Ankara to inject a sense of urgency into the negotiations by applying pressure to the Greek Cypriots and the EU. This suggests that the option of Ankara boycotting the Cypriot presidency had been added to its repertoire of signalling with regard to pushing for a resolution of the Cyprus conflict, albeit with no results.

On the whole, the indication is that Ankara’s decision to boycott the Cyprus EU presidency is in fact a measured diplomatic act, contrary to the occasionally sensationalist media reportage. As cited above, Turkish diplomats have shown they understood that the changes which the Lisbon Treaty brought to the functioning of the European Council and Council of the European Union meant that the rotating presidency now had a reduced role and, arguably, a reduced political status. Additionally, Turkish officials had taken great care to emphasize that relations with all other EU

bodies like the European Commission and the European Parliament would continue as normal, and that Turkey’s EU accession negotiations should be a separate matter from Cyprus-related issues. While Turkey’s boycott of a key EU institution – that is the rotating Council presidency – might come across a controversial act, Turkey could always retort that there had been more controversial incidents in EU-Cyprus matters, such as the Cyprus’s accession to the EU as a divided island when the Greek Cypriots rejected the Annan Plan.

But it should be noted too that Turkish opinion on northern Cyprus is hardly a unified one, and neither is the Turkish Cypriot opinion always aligned with Ankara. Some quarters in the Turkish leadership are believed to be keen to extricate themselves from Turkey’s commitments in making transfer payments to northern Cyprus, which was especially a burden during the Turkish financial recession of 2001.⁵¹ It also belies a simplistic reading – predominantly from the Greek Cypriot side – that northern Cyprus is merely a ‘puppet state’ of Turkey, if one considers the spectrum of political opinion found in Turkish Cypriot politics.

The external role of the rotating Council presidency has been marginalised by the provisions of the Lisbon Treaty which had restructured the external action functions of the EU, so it might be argued that any contact between Cyprus and Turkey as a third country would have been minimal even if no boycott took place.

The real issue that should be of concern is how the triangle of EU-Turkey-Cyprus relations will pan out in the long term. Turkey’s boycott of the Cyprus presidency is only one of many ‘diplomatic incidents’ in the chequered history of the Cyprus conflict. Of particular concern at the present time is the erosion of Demetris Christofias’s standing in Greek Cypriot politics. He has been the most pro-reunification president Cyprus has had, but his failure at the UN-mediated talks and his recent decision not to seek reelection are likely to pave the way at the polls for a successor who would be less compromising in any reunification attempt. The next milestone in the Cyprus talks would be the 2013 presidential election in Cyprus, before which no new development on reunification talks is expected.

Meanwhile those with the most to lose are perhaps the Turkish Cypriots. If the two-state solution that is increasingly being promoted becomes the accepted

⁴⁸ EurActiv, ‘Turkey warns of freezing ties with Cyprus EU Presidency’, 14 July 2011.

⁴⁹ Akgün, *Possible scenarios in Cyprus*, p. 4.

⁵⁰ See for instance, International Crisis Group, *Aphrodite’s Gift: Can Cypriot Gas Power a New Dialogue?*

⁵¹ Tocci, *EU accession dynamics and conflict resolution*, p. 98.

outcome, the Turkish Cypriots will likely remain in their current state of economic and diplomatic isolation. Osman Ertuğ, the Turkish Cypriot chief negotiator in the UN talks, has suggested that while the Cyprus EU presidency only last six months, the recent developments would only 'cement the status quo' and 'boost the self-confidence of the other [i.e. Greek Cypriot] side'.⁵²

Conclusion

While Turkish officials have strongly asserted their decision to boycott the Cyprus Council presidency on several occasions, this stems more from a bind whereby it does not want to accord recognition to what it calls the Greek Cypriot administration of the Republic of Cyprus, which the act of Turkish officials attending meetings chaired by the Greek Cypriots would ostensibly entail. This was itself a spin-off from the tit-for-tat retaliatory action between Cyprus and Turkey on issues relating to the blocking of negotiations for Turkish EU accession and the Cyprus reunification talks. Tellingly too, Turkey had changed its tone from encouraging the reunification of Cyprus by the time of the Cyprus presidency to a threat of boycott of the presidency at the point when the UN-mediated talks were clearly stalling. This suggests that the boycott threat was calculated to inject urgency into the talks. The suspension of a non-existent diplomatic relationship between Turkey and the Republic of Cyprus might be a non-issue, but the fact that such difficulties have dragged on so late in the timescale of EU-Turkey-Cyprus relations suggests that the status quo is likely to be cemented.

⁵² EUobserver, 'Turkish Cypriots fear implications of Cyprus EU presidency', 21 June 2012.

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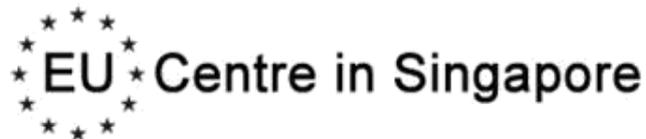
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