

**THE ROLE OF THE EUROPEAN UNION  
IN THE SOLUTION OF THE CYPRUS DISPUTE IN THE LIGHT OF THE  
UNITED NATIONS-LED SETTLEMENT EFFORTS**

**A Master's Thesis**

**by**

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Bilkent University  
Ankara  
March 2008**



*to My Mother and My Family*

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**The Institute of Economics and Social Sciences  
of  
Bilkent University**

**by**

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MASTER OF ARTS**

**in**

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INTERNATIONAL RELATIONS  
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ANKARA**

**March 2008**

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## **ABSTRACT**

### **THE ROLE OF THE EUROPEAN UNION IN THE SOLUTION OF THE CYPRUS DISPUTE IN THE LIGHT OF THE UNITED NATIONS-LED SETTLEMENT EFFORTS**

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**M.A., Department of International Relations**

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This thesis aims to explore the role of the EU in the settlement of the Cyprus dispute in the light of the UN-led settlement efforts whether it is a failure and targets to find out the basic reasons, if it is a failure. The EU membership of the Greek Cypriot-controlled “Republic of Cyprus”, on behalf of the whole island, has changed the dynamics of the dispute by deepening the island’s economic and political division in favour of the Greek side. Moreover, the settlement proposals of the UN, EU and Turkish side differ in the sense that while the two organizations support a bi-zonal and bi-communal federal state, the Turkish side insists on the recognition of the TRNC in exchange for its unification with the Greek Cypriots. Although the parties’ EU integration prospects can contribute to a compromise, illegality of the EU membership of the GCA according to the 1960 system, misperceptions of the EU related to the parties’ expectations, partiality and incredibility of the EU policies and ineffectiveness of its policy methods have led the Union’s failure. Relying on official UN and EU documents, on historical and legal facts and on literature works, this thesis reaches to the conclusion that the EU’s success in contributing to a permanent solution in the Cyprus dispute has been very limited contrary to the expectations from it.

**Keywords:** Cyprus dispute, EU, UN, Settlement Efforts, Membership Prospects

## **ÖZET**

### **BİRLEŞMİŞ MİLLETLER ÇÖZÜM GİRİŞİMLERİ IŞIĞINDA KIBRIS SORUNUNUN ÇÖZÜMÜNDE AVRUPA BİRLİĞİ'NİN ROLÜ**

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Bu tez, BM önderliğindeki çözüm girişimleri ışığında, Kıbrıs sorununun çözümünde AB'nin rolünü, bir başarısızlık örneği olup olmaması çerçevesinde incelemeyi amaçlamaktadır ve eğer başarısızlıkta bunun altında yatan temel nedenleri bulmayı hedeflemektedir. Kıbrıslı Rumların kontrolündeki “Kıbrıs Cumhuriyeti”nin tüm ada adına AB üyeliği, adanın siyasi ve ekonomik bölünmüşlüğüne Kıbrıslı Rumların lehine perçinleyerek, Kıbrıs sorununun dinamiklerini değiştirmiştir. Bu noktada, BM, AB ve Türk tarafının çözüm önerileri şu bağlamda farklılaşmaktadır: BM ve AB, iki bölgesi ve iki toplumlu federal bir devletin kurulmasını desteklerken, Türk tarafı Kıbrıslı Rumlarla birleşmeleri karşılığında KKTC'nin tanınması üzerinde ısrar etmektedir. Tarafların AB ile bütünleşme beklentileri, bir uzlaşmaya katkıda bulunabilirse de, Kıbrıs Rum Yönetimi'nin AB üyeliğinin 1960 sistemine göre yasal olmaması, AB'nin tarafların beklentilerine ilişkin yanlış algılamaları, AB politikalarının yansız ve güvenilir olmaması ve politika yöntemlerinin etkisizliği Birliğin başarısızlığına yol açmıştır. Bu tez, BM ve AB resmi belgelerine, tarihi ve hukuki gerçeklere ve literatürdeki kaynaklara dayanarak, AB'nin Kıbrıs sorununa kalıcı bir çözüme katkıda bulunma konusundaki başarısının, Birlikten beklentilerin aksine, çok sınırlı olduğu sonucuna ulaşır.

Anahtar kelimeler: Kıbrıs Sorunu, AB, BM, Çözüm Girişimleri, Üyelik Beklentileri

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## **CHAPTER I**

### **INTRODUCTION**

The Cyprus dispute has remained on the agenda of both parties of the dispute and of the international fora for nearly 40 years. Because it deserves great attention and significance due to its potential to threaten the stability in the Southeast Mediterranean and to affect negatively the relations between not only the Turkish and Greek Cypriot communities, but also Turkey, Greece, the United Nations (UN) and European Union (EU). The issue has also occupied a significant place in the evolution of the EU membership process of Turkey for 40 years. Therefore, it is a complex dispute with several parties involved and which is shaped by strict nationalistic emotions of the two communities.

The island has been divided between the two communities, the Northern part by the Turkish Cypriots and Southern part by the Greek Cypriots, following the intervention of Turkey to Cyprus in July 1974. Since the December 1963 hostilities between the two Cypriot communities and especially since Turkey's intervention, various peaceful settlement efforts and mediation attempts of a number of actors such as the UN, EU, United States, Council of Europe and some non-governmental organisations have failed to meet the two communities around a common solution. So,

the Cyprus dispute with an urgent need for a permanent solution still preserves its importance.

The direct involvement of the EU in the Cyprus dispute came into agenda following the EU membership application of the Greek Cypriot Administration (GCA) - diplomatically called as the “Republic of Cyprus (RoC)” by the international community, however, not recognized by Turkey and the Turkish Republic of Northern Cyprus (TRNC) - in the name of the whole island on July 3, 1990. The role of the EU in the dispute became more evident at the June 1994 Corfu Summit in which the European Council declared that Cyprus would be involved in the next phase of enlargement. At the December 1997 Luxembourg Summit, while a date was given to the GCA to begin accession negotiations, Turkey was not given a candidate country status. The accession negotiations with Cyprus started in March 1998.

At the December 1999 Helsinki Summit, Turkey was given a candidate country status in exchange for its commitment for a settlement in Cyprus, otherwise, the Union would decide for the accession of the GCA without waiting a solution. Indeed, in May 2004, the Greek Cypriot-controlled “Republic of Cyprus” became a full member of the EU in the name of the whole island. This has been a major turning point for the Cyprus dispute in terms of the division of the island through a *de facto* EU border running along the Green Line. Also, the parties’ EU integration interests have indicated the increasing significance and role of the EU in the Cyprus dispute. Therefore, the parameters of the dispute have changed following the involvement of the EU.

However, according to the 1960 Treaties, the legality and appropriateness of the EU membership of the GCA is skeptical whether it is legal for the Union to accept the GCA as an EU member in the name of the whole island. In addition, the EU has tended

to put more emphasis on the Turkish side in the failure of the settlement attempts and in reaching a compromise with the Greek side. So, the impartiality and credibility of the EU policies in Cyprus seem to be questionable.

Moreover, there are crucial differences between the approaches of the UN and EU and the Turkish side on how to unite the two communities, under a federal roof or under the separate sovereignties of the two communities. On the other hand, the then UN Secretary-General's "The Comprehensive Settlement of the Cyprus Problem" (Annan Plan) has a significance due to the fact that it tries to recognize the current *de facto* situation in Cyprus. In that context, the Plan seems to approach to the Turkish demands. So, this can lead the Turkish side to the belief that the UN should take an active role in the settlement of the dispute more than the EU should.

As the achievement of a permanent and just solution gets more difficult, especially due to the EU membership of the GCA, the EU's potential in contributing to a solution has been questioned in academic, political and public arena. Although the parties' EU integration prospects can play a positive role towards a lasting settlement in the island, it is still uncertain that the EU can transform these expectations to policies that will bring a permanent solution. At that point, the EU policies and perceptions will determine its limitations in contributing to a permanent settlement to the island.

So, this study aims to assess the role of the EU in the settlement of the Cyprus dispute. The research question of this thesis is as follows: What is the role of the EU in the settlement of the Cyprus dispute in the light of the UN-led settlement efforts, whether it is a failure and if it is a failure, why is it so? This thesis is based on the belief that given the maintenance of the insolvability in Cyprus and the EU's wrong assumptions and miscalculations about the parties' interests and the Cyprus dispute, the

role of the Union has been a failure although it is expected to act as a catalyst for compromise between the parties. In this regard, the basic reasons of this failure will be found out in this study.

As methodology, the thesis will rely mainly on the textual analysis. To evaluate the role of the EU in the Cyprus dispute, the UN and EU official documents and papers will be analyzed. In addition, the historical and legal facts will be provided when exploring the evolution of the Cyprus dispute and the stages of the EU involvement in the dispute. The study will also utilize comparative analysis between the UN, EU and the Turkish and Greek approaches towards the dispute. Moreover, some references to the literature will allow for exploring different interpretations about the Union policies. Some major statements of the leaders of the parties and the UN and EU officials will provide crucial evidences.

Because the settlement efforts of the other global actors have been limited to their declarations of their support for the UN decisions and these actors have preferred not to directly involve in the dispute, they will not be examined in this study. In addition, this study treats the EU as a monolithic actor in its Cyprus policies, although the attitudes towards Cyprus differ among member states in some points. However, these differences are not considerable in amount and not so strict to be taken into account. Also, the EU is perceived as an integral and global actor and formulates its policies as a single entity. So, the national differences will not be addressed in this study.

This study does not aim to analyze the details of the Cyprus dispute itself, however in order to provide a general context, Chapter I provides the origin of the dispute and the key events in its evolution before the EU involvement within the legal and historical framework of the UN Resolutions. The historical background will be

explored in six periods: the developments prior to 1960, the independence of the Republic of Cyprus and the constitutional breakdown, the involvement of the UN SC in the crisis, 1974 Turkish intervention, peace negotiations between 1974-1983 and declaration of the TRNC and resumption of inter-communal talks.

The UN has a crucial role in the evolution of the dispute, because it is the sole actor which has brought a number of settlement proposals and Resolutions and which continues its presence in the island with a peacekeeping force –UNFICYP- since the beginning of the dispute. In addition, the EU has continuously declared its support for the UN settlement initiatives. The factors that cause the EU's incapability in the dispute, thus, can be understood by exploring the UN Resolutions related to the dispute and by analyzing the EU policies and decisions and its interactions with the parties in compliance with the UN peaceful settlement efforts.

So, Chapter II investigates the historical background of the EU involvement in the Cyprus dispute in the light of the UN peaceful settlement efforts in order to examine how the Cyprus dispute has evolved as a result of the EU involvement. In this regard, because the direct involvement of the EU came into agenda following the EU membership application of the GCA and the dispute has mostly evolved in the context of Cyprus's EU membership process, the first section of the chapter lays out the accession process of the GCA to the EU. This section will be analyzed in terms of four phases which are determined according to the positioning of the EU in the dispute especially at its major summits. The first phase is the period between July 1990 and June 1994, the timeline between the application of the Greek Cypriots to the Union and the EU Summit at Corfu. The second phase is the period between the end of 1994 and the December 1999 EU Summit at Helsinki. The third phase covers the period from the December

1999 Helsinki Summit to May 2004 when Cyprus is admitted as a full member of the EU. From May 2004 to present is considered as the fourth and last phase.

The second section of Chapter II makes a brief analysis of the EU policies towards Turkey related to the Cyprus dispute. In this regard, the European Commission, European Council and European Parliament (EP) decisions and the EU Progress Reports on Cyprus will be explored. So, in Chapter II, only the key policies and decisions of the EU, rather than a comprehensive evaluation of the EU policies, will be given in a historical context, since the latter is the topic of Chapter III. That is, the aim of this chapter is not to comment on or interpret policies, but only to put forward them as a basic framework.

The main analysis of this study will take place in Chapter III. Based on the EU policies and decisions provided in Chapter II, in this chapter, the EU involvement in the dispute will be evaluated in a detailed and comprehensive context. In this regard, the first section of Chapter III will interpret the challenges to the EU membership of the GCA. The second section will make an analysis of the approaches of the UN, EU and the Turkish side towards the Cyprus dispute in order to find out to what extent their preferences intersect with each other. When analyzing the UN approach, the Annan Plan will be explored in detail due to its difference from the general UN attitude to some extent as the most comprehensive settlement proposal. As for the EU, its stand in the origin of the Cyprus dispute, impartiality and credibility in the eyes of the parties, basic misperceptions and policy methods' efficiency will be examined.

Turkey is a significant party of the dispute due to its guarantor country status since 1960, military presence in the island, economic interactions with the TRNC, non-recognition policies towards the "Republic of Cyprus" and EU membership process in

exchange for its support for a settlement. So, Turkey's preferences in Cyprus will also be incorporated. After examining Turkey's general policy in the Cyprus dispute, the Turkish outlook against the UN and EU settlement efforts will be interpreted in a comparative perspective. The recent UN approach seems to respond the Turkish demands more than the EU approach does. However, taking into account the direct and inevitable involvement of the EU to the dispute, the question of how Turkey can shift the Cyprus dispute back to the UN platform or whether it has the ability and chance to do this will be answered.

The third section of Chapter III analyzes the impetus role of the EU whether it is a prospect for settlement or a catalyst for crisis in the island. The EU has had a strong belief in its capability for acting as a catalyst for peace in Cyprus. In order to find out what makes the EU such a catalyst, the Turkish and Greek side's perceptions of the EU will be explored in this section. It will be found out that the Union can have a catalytic effect for a settlement due to the intersection of these two parties' interests at the EU platform. However, at that point, the questions of how the EU foresees and perceives the demands of the parties and the Cyprus conflict and to what extent it achieves to respond positively and accurately to their preferences will be raised. The fourth section of Chapter III will put forward some proposals for the future role of the EU in the Cyprus dispute.

In the final part, this study reaches to the conclusion that the role of the EU in the settlement of the Cyprus dispute has been a failure although the Union has a potential to be a catalyst for peace due to the EU interests of the parties. In addition to its interests in formulating Greek sided policies, the misperceptions and inefficient policies of the Union has also led to its failure in the Cyprus dispute.

## **CHAPTER-II**

### **HISTORICAL AND LEGAL BACKGROUND OF THE CYPRUS DISPUTE UNDER THE LIGHT OF EVENTS AND THE UN RESOLUTIONS**

Since the beginning of the Cyprus dispute till the EU involvement, the UN has brought a number of settlement proposals and Resolutions related to the dispute and continues its presence in the island with a peacekeeping force. In this way, the UN has been a crucial actor directly involved in the evolution of the conflict. So, this chapter provides a brief explanation of the origin of the Cyprus dispute and the key events in its evolution before the EU involvement within the legal and historical framework of the UN Resolutions. The historical background will be examined in six periods: the developments prior to 1960, the independence of the Republic of Cyprus and the constitutional breakdown, the involvement of the UN SC in the crisis, 1974 Turkish intervention, peace negotiations between 1974-1983 and declaration of the TRNC and resumption of inter-communal talks.

## **2.1 Historical Background prior to 1960**

Latin domination over the island of Cyprus ended in 1571 and, “Cyprus was a part of the Ottoman Empire from 1571 until 1878; during that period the Greek and Turkish Cypriots lived together” (Müftüler-Bac and Güney, 2005: 282). With the Convention of Defensive Alliance signed between Great Britain and the Ottoman Empire on June 4, 1878, the Ottoman Empire transferred the administration of the island to the United Kingdom (UK) in exchange for the Great Britain’s engagement in the defense of the Ottoman territory against Russia (Convention of Defensive Alliance, 1878: Art. 1). “If Russia restores to Turkey Kars and the other conquests made by her in Armenia during the last war, the island of Cyprus will be evacuated by England, and the convention of the 4th of June, 1878, will be at an end” (Annex to the Convention of Defensive Alliance, 1878: Art. 6).

On November 5, 1914, the UK annexed the island by a unilateral decision when Turkey sided with Germany against Britain (<http://www.cyprus-conflict.net/www.cyprus-conflict.net/chronology.html>, last accessed on 21 February 2007). The Treaty of Sevres of 1920 attempted to achieve the recognition of the UK annexation (Sevres Treaty, 1920: Art. 115-117), however due to the rejection of the Treaty of Sevres by the Ottomans and by her successor Turkey, it was the Lausanne Peace Treaty in 1923 when Turkey recognized the UK sovereignty on the island (Lausanne Treaty, 1923: Arts. 20-21). In this way, Cyprus became a British colony (crown territory) in 1925.

Beginning from 1931, the Greek Cypriots intensified their “*enosis*” (unification of the island with Greece) campaigns with the support of Greece. Between 1954 and 1958, the Greek government tried to internationalize the issue through their applications of the principle of equal rights and self-determination of peoples in the case of the population of Cyprus, however, they were rejected by the UN on the grounds of “not appearing appropriate to the General Assembly to adopt a resolution on the question” (UN GA Res. 814 (IX), 1954: Parag. 1). In 1957, the UN General Assembly (GA) decided to take the issue into its agenda and expressed its hope that negotiations would be resumed and continued for a peaceful, democratic and just solution (UN GA Res. 1013 (XI), 1957: Parag. 2).

1955 marked the start of the Greek Cypriot guerrilla struggle by the militant group EOKA which aimed to end British rule and unite the island with Greece... In 1958, Turkish Cypriot militants formed TMT (Turkish Resistance Organization) as a counter organization to EOKA aiming at preventing *enosis* and supporting partition (the partition of the island into a Greek and a Turkish state) (Demetriou, 2004: 4).

While Britain was claiming that the Cyprus problem was its own internal issue, beginning from the 1950s, it began to emphasize the international feature of the issue in order to get rid of the Cyprus problem which caused both economic and internal policy problems for Britain. On the other hand, the main reason of this policy change was the shifting balances in the Middle East especially as a result of the Suez crisis in October 1956. So, in December 1956, Britain offered some constitutional reforms called “Radcliffe's Proposals” (UK, Parliamentary Papers, 1956: Cmnd. 42, Parag. 4.) which

included greater autonomy and self-government for Cyprus at some indefinite time in the future and safeguards for the Turkish Cypriot community while remaining under British sovereignty. These proposals were rejected by Greece and Greek Cypriot side.

In June 1958, Britain proposed another settlement plan which was called as the “MacMillan Plan”. According to that plan, a constitution would be made. As Firat (2001a: 606) indicates:<sup>1</sup>

For seven years the international status of Cyprus would be unchanged, that is the British sovereignty on the island would continue and at the end of that period, if Turkey and Greece agree on continuing to cooperate, Britain would be ready to share sovereignty with Turkey and Greece on the condition that the sovereignty of military bases and facilities would remain on British side.

The plan was begun to be implemented by the British, however, it was rejected by the Greek and Turkish governments and Makarios, the President of Cyprus.

## **2.2 A New Era in Cyprus: Independence and Constitutional Breakdown**

The Greek and Turkish sides came to agree on the establishment of an independent state of Cyprus in order to prevent the *enosis* and partition attempts and

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<sup>1</sup> For details, see, [http://www.cyprus-conflict.net/macmillan\\_plan.htm](http://www.cyprus-conflict.net/macmillan_plan.htm)

increasing violence in the island. So, on January 5, 1959, negotiations regarding the settlement of the Cyprus dispute commenced in Zurich. On February 11, 1959 the Greek and Turkish Prime Ministers Constantin Karamanlis and Adnan Menderes, the Greek and Turkish Foreign Ministers Messrs E. Averoff and F.R. Zorlu signed the Zurich Accord (Document) on the establishment of an independent state. On February 19, 1959, a memorandum was signed by the Prime Ministers of the UK, Greece and Turkey and then by the representatives of the two communities in London.

As a result of the Zurich and London Accords (Zurich and London Accords, 1959), Cyprus became independent and the “Republic of Cyprus” was founded on August 16, 1960. The Constitution of the Republic of Cyprus (The Constitution of the Republic of Cyprus, 1960) had its roots in treaties signed by the parties: The Treaty of Establishment pointed that the Republic of Cyprus, Greece, Turkey and the UK would undertake to consult and cooperate in the common defense of Cyprus and left two sovereign bases region to the UK (Treaty of Establishment, 1960: Arts. 2 and 3)<sup>2</sup>, the Treaty of Guarantee made Turkey, Britain and Greece the guarantors of the independence, territorial integrity and security of the Republic of Cyprus and the 1960 Constitution and recognized the right to take action by each of these guaranteeing Powers with the sole aim of re-establishing the state of affairs of Cyprus when common

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<sup>2</sup> Article 2: “The Republic of Cyprus shall co-operate fully with the United Kingdom to ensure the security and effective operation of the military bases situated in the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and the full enjoyment by the United Kingdom of the rights conferred by this Treaty.”

Article 3: “The Republic of Cyprus, Greece, Turkey and the United Kingdom undertake to consult and co-operate in the common defense of Cyprus”.

or concerted action is impossible (Treaty of Guarantee, 1960: Arts. 2 and 4/2)<sup>3</sup> and the Treaty of Alliance which provided for the stationing of troops by Turkey and Greece (Treaty of Alliance, 1960: Art. 4)<sup>4</sup>.

The Accords were based on bi-national independence, political equality and administrative partnership of the two communities (Müftüler-Bac and Güney, 2005: 282). These features of the new state reflect that the Republic of Cyprus is a *sui generis* federation. The Republic of Cyprus became a member of the UN in September 1960.

One of the most significant consequences of the Zurich and London Accords was the return of the Turkish troops which left the island in 1878 to the island back (Bozkurt, 2001: 15). On the other hand, although the new Republic was called as “independent and sovereign” in the Establishment Accords, the new state did not have the right to change the basic provisions of its Constitution without the consent of the guaranteeing powers and to recognize the British sovereignty in some parts of its territory. According to my point of view, this limits the sovereignty of the new state to a certain extent.

Between 1961 and 1963, disputes over certain basic articles of the Constitution such as separate municipalities, public service and the ratio in the Cypriot army and taxation caused a constitutional dispute between the two communities

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<sup>3</sup> Article 2: “Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article 1 of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.”

“Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.”

Article 4/2: “In so far as common or concerted action may not prove possible, each of 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.”

<sup>4</sup> Article 4: “Greece and Turkey shall participate in the Tripartite Headquarters so established with the military contingents laid down in Additional Protocol No.I annexed to the present Treaty. The said contingents shall provide for the training of the army of the Republic of Cyprus.”

(<http://www.cyprus-conflict.net/www.cyprus-conflict.net/chronology.html>, last accessed on 21 February 2007). Due to those conflicts, Akritas Plan was formed. The Plan, written during the constitutional dispute by the Greek Cypriot Interior Minister, Policarpos Yorgadjis, called for the removal of undesirable elements of the constitution so as to lay the foundations for Cyprus's union with Greece (Akritas Plan, [http://www.cyprus-conflict.net/akritas\\_plan.html](http://www.cyprus-conflict.net/akritas_plan.html), last accessed on 12 March 2007).<sup>5</sup> The Akritas Plan revealed that the *enosis* efforts of the Greek Cypriots continued even after independence.<sup>6</sup>

On November 30, 1963, Makarios proposed his constitutional amendments that covered 13 points (13 Points, 1963). Those proposals included the abolishment of the right of veto of the Vice-President which was within the unamendable provisions of the Constitution. So, the proposed constitutional changes were seen as a threat by the Turkish Cypriot side, for their constitutional guarantees, and also by Turkey and that caused the outbreak of inter-communal fighting on December 21, 1963 when a number of Turkish Cypriots were killed by the Greek Cypriots. This was the collapse of the system of the Greek government established under the 1960 settlement.

This political crisis ended up with the isolation of the Turkish community into enclaves, forced evacuation of the Turkish Cypriots from the government of Cyprus at all levels and construction of the "Green Line" in 1964. The period between 1963 and 1974 was an inter-communal violence and ethnic strife (Müftüler-Bac and Güney, 2005: 282-283).

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<sup>5</sup> See, also, <http://www.trncinfo.com/tanitmadairesi/2002/ENGLISH/DOCUMENTS/2a.HTM>

<sup>6</sup> For further claims of the Greek Cypriots about achieving *enosis* with Greece, see, <http://www.trncinfo.com/tanitmadairesi/2002/ENGLISH/DOCUMENTS/4.htm>

The Green Line which passed through Nicosia divided the island into two regions: the Turkish Cypriot region in the North and the Greek Cypriot region in the South.

### **2.3 The Involvement of the UN Security Council in the Inter-communal Crisis**

On December 26, 1963, a joint (*sui generis*) peacemaking<sup>7</sup> force under British command, composed of the UK, Turkey and Greece forces was established under the Treaties of Alliance and Establishment in order to restore peace and order through the consent of the Cyprus government. A ceasefire was arranged and it was agreed to create a neutral zone along the Green Line between the areas occupied by the two communities in Nicosia in 1964 (<http://www.unficyp.org/>, last accessed on 12 January 2007).

However, due to the increase in the inter-communal fighting and difficulties that the British (*sui generis*) peacemaking force encountered, on February 15, 1964, the representatives of the UK and Cyprus requested urgent action to be taken by the UN Security Council (SC).

On March 4, 1964, the SC unanimously adopted Resolution 186 (1964), by which the Council noted that the situation in Cyprus was **likely to threaten**

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<sup>7</sup> “*Peacemaking* is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.” (*An Agenda for Peace*, 1992: Parag. 20).

**international peace and security** (UN SC Res. 186, 1964: Preamble), recommended the creation of the United Nations Peacekeeping<sup>8</sup> Force in Cyprus (UNFICYP) with the consent of the government of Cyprus (Parag. 4), called on all member states to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus or to endanger international peace (Parag. 1), asked the government of Cyprus to take all additional measures necessary to stop violence and bloodshed in Cyprus (Parag. 2) and called upon the communities in Cyprus and their leaders to act with utmost restraint (Parag. 3). By this Resolution, the UN disclosed that the dispute falls in principle under Chapter 6 of the UN Charter relating to pacific settlement of disputes (Charter of the United Nations). UNFICYP became operationally established on March 27, 1964.

UNFICYP's mandate is to use its best efforts to prevent a recurrence of fighting, to contribute to the maintenance and restoration of law and order, and to contribute to a return to normal conditions (UN SC Res. 186, 1964: Parag. 5). UNFICYP mainly aimed to prevent potential intervention of Greece and Turkey to the inter-communal conflict and a possible war between the two communities by achieving stability in the island. Like the other peacekeeping forces, UNFICYP was not created to enforce peace, instead, it was stationed in the island to help the parties to maintain peace. At that point, the success of UNFICYP and the UN efforts depended on the cooperation and strict approval of the two Cypriot communities, Turkey and Greece. If one or both of them increase the tension resulting with an armed conflict, UNFICYP will not offer a serious

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<sup>8</sup> “*Peacemaking* is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.”

“*Peace-keeping* is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.” (*An Agenda for Peace*, 1992: Parag. 20).

obstruction because of having neither the mandate nor the resources to do so. In that sense, UNFICYP is an apparent sign of the limitations of peacekeeping despite its reputation as the most effective operation throughout the UN history.

In Resolution 186 (1964), there was a reference to Article 2/4 of the UN Charter by stating that “all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations” (Preamble). In Resolution 186 (1964), by using the term “likely to threaten”, the SC determined a potential, but not a direct threat to international peace and security and for that reason, it was acting within the scope of Chapter 6 relating to pacific settlement of disputes, that is there was no reference to enforcement measures in terms of Chapter 7. This means that the provisions of the Resolution are not legally binding unless the disputing parties expressly accept them. But, nevertheless, the Resolution politically binds the states.

Also, in Article 2/7 of the UN Charter, the UN prohibits intervention in matters which are within the domestic jurisdiction of any state. However, the UN could get over the prohibition of domestic jurisdiction by taking the consent of the parties of the internal conflict. That is, in order to be applicable, recommendations of the SC under Chapter 6 would require the consent or acceptance of the parties concerned. At that point, as seen in the Resolution 186 (1964) the SC recommended the creation of the UNFICYP, “with the consent of the government of Cyprus”.

The Republic of Cyprus is quite explicit about giving its consent to UNFICYP because it is unable to match Turks militarily and is anxious about their presence. So, although the UN force gives it no protection against a determined intervention as happened in 1974, it sees UNFICYP at least as a guarantee of its physical security and a

watchdog for potential problems. Indeed, the Government of Cyprus indicated its desire that the stationing of the UN Force should continue.<sup>9</sup> Also, the Turkish Cypriots, who feel themselves more secure because of the presence of the Turkish troops, see UNFICYP as a watchdog and a source for the maintenance of calm. The UN also had always made a practice of seeking the approval of the three guarantor powers. Turkey and Greece are content of the presence of UNFICYP by which they avoid trouble.

However, there was no reference to the consent of the Turkish Cypriot Vice President Dr. Fazıl Küçük related to the creation of the UNFICYP in Resolution 186 (1964). By recognizing the Greek Cypriot Administration (GCA) as the only representative of the Republic of Cyprus in Resolution 186 (1964), the SC overlooked the consent of the Turkish community indirectly and disregarded the bi-communal nature of the state according to the 1960 Constitution (Karaosmanoğlu, 2002: 103). So, Dr. Küçük wrote to U-Thant, the then UN SG, that it was imperative that in implementing the Resolution, the consent of both the President and Vice-President were

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<sup>9</sup> This is expressed in the UN SC Res. 194 (25 September 1964); 198 (18 December 1964); 201 (19 March 1965); 206 (15 June 1965); 219 (17 December 1965); 220 (16 March 1966); 222 (16 June 1966); 231 (15 December 1966); 238 (19 June 1967); 244 (22 December 1967); 247 (18 March 1968); 254 (18 June 1968); 261 (10 December 1968); 266 (10 June 1969); 274 (11 December 1969); 281 (9 June 1970); 291 (10 December 1970); 293 (26 May 1971); 305 (13 December 1971); 315 (15 June 1972); 324 (12 December 1972); 334 (15 June 1973); 343 (14 December 1973); 349 (29 June 1974); 364 (13 December 1974); 370 (13 June 1975); 383 (13 December 1975); 391 (15 June 1976); 401 (14 December 1976); 410 (15 June 1977); 422 (15 December 1977); 430 (16 June 1978); 443 (14 December 1978); 451 (15 June 1979); 458 (14 December 1979); 472 (13 June 1980); 482 (11 December 1980); 488 (4 June 1981); 495 (14 December 1981); 510 (15 June 1982); 526 (14 December 1982); 534 (15 June 1983); 544 (15 December 1983); 553 (15 June 1984); 559 (15 December 1984); 565 (14 June 1985); 578 (12 December 1985); 585 (13 June 1986); 593 (11 December 1986); 597 (12 June 1987); 604 (14 December 1987); 614 (15 June 1988); 625 (15 December 1988); 634 (9 June 1989); 646 (14 December 1989); 657 (15 June 1990); 680 (14 December 1990); 697 (14 June 1991); 723 (12 December 1991); 759 (12 June 1992); 796 (14 December 1992); 839 (11 June 1993); 889 (15 December 1993); 927 (15 June 1994); 969 (21 December 1994); 1000 (23 June 1995); 1032 (19 December 1995); 1062 (28 June 1996); 1092 (23 December 1996); 1117 (27 June 1997); 1146 (23 December 1997); 1178 (29 June 1998); 1217 (22 December 1998); 1251 (29 June 1999); 1283 (15 December 1999); 1303 (14 June 2000); 1331 (13 December 2000); 1354 (15 June 2001); 1384 (14 December 2001); 1416 (13 June 2002); 1442 (25 November 2002); 1517 (24 November 2003); 1548 (11 June 2004); 1568 (22 October 2004); 1604 (15 June 2005) and 1642 (15 December 2005).

obtained (Dr. Küçük's dispatch to the UN SG, 1964). On the other hand, all the parties, as well as the Turkish community, have continued to cooperate with UNFICYP, in military and civilian levels, and also in financial terms. This facilitated the SC's duty to play a positive role in maintaining peace and stability.

The force has operated in an impartial manner. Law and order was interpreted in objective terms. "During its first years UNFICYP created an effective and impartial international force... Isolated shooting incidents had continued but UNFICYP was able to prevent them from getting out of hand..." (Boyd, 1966: 12). As the report of the then SG, U-Thant, indicated, considerable progress had been made towards the achievement of the first two major objectives: preventing a recurrence of fighting and contributing to the maintenance and restoration of law and order, but a return to normal conditions in the sense of restoring a situation which prevailed prior to December 1963 had not been achieved (Report by the UN SG, S/6228, 1965). While the attempts until 1974 were generally successful, some conflicts occurred -the most serious example in 1967- and UNFICYP's presence has not resulted in the settlement of the problem.

## **2.4 1974 Turkish Intervention and Afterwards**

On July 15, 1974, the Greek junta regime staged a *coup d'état* against the Cyprus government headed by Makarios, claiming the annexation of the island to Greece and the change of the Greek Cypriot leadership. The UN SC condemned the Greek

intervention and aggressive violations against the independence of the Republic of Cyprus by stating for the Greek *coup d'état* that:

**...It is clearly an invasion from outside, inflagrant violation of the independence and sovereignty of the Republic of Cyprus.** The so-called *coup* was the work of the Greek officers staffing and commanding the National Guard... The Greek officers serving with the National Guard....recruited many members of the terrorist organization EOKA-B... It may be said that it was the Cyprus Government which invited the Greek officers to staff the National Guard... (UN SC, 1974: 1780<sup>th</sup> Meeting).

In response to the Greek *coup d'état*, on July 20, 1974, Turkish military forces intervened to the northern part of the island (with the stationing of 40.000 troops) as co-guarantor of restoring the independence and constitutional order of Cyprus and ending the aggression by claiming its right of intervention under Article 4 of the Treaty of Guarantee<sup>10</sup> and under Article 2 of the Treaty of Alliance<sup>11</sup>.

So, on July 20, 1974, the Council adopted Resolution 353 (1974) by which it called upon all states to respect the sovereignty, independence and territorial integrity of Cyprus (UN SC Res. 353, 1974: Parag. 1), called upon all parties to cease firing (Parag.

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<sup>10</sup> Article 4: "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 measure necessary to ensure observance of those provisions.

In so far as common or concerted action may not prove possible, each of 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."

<sup>11</sup> Article 2: "The High Contracting Parties undertake to resist any attack or aggression, direct or indirect, directed against the independence or the territorial integrity of the Republic of Cyprus."

2)<sup>12</sup>, demanded an immediate end to foreign military intervention in the Republic of Cyprus (Parag. 3), requested the withdrawal of foreign military personnel present otherwise than under the authority of international agreements (Parag. 4) - it was definite that the request of the withdrawal of the military forces in the island was directed to the Turkish side -, called on Greece, Turkey and the United Kingdom to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus (Parag. 5) and called on all parties to cooperate fully with UNFICYP<sup>13</sup> to enable it to carry out its mandate (Parag. 6) - thus indicating that UNFICYP was expected to continue to function despite the radically changed circumstances.

The legal basis of Resolution 186 (1964) is still valid in Resolution 353 (1974) with small changes in wording. In Resolution 353 (1974), the Council defines the situation as “**a serious threat to international peace and security**” and “**a most explosive one in the whole Eastern Mediterranean area**” instead of using the term “likely to threaten” (Preamble). So, what can be realized by this Resolution is the severeness of the situation defined by the word used “a serious threat”. The Resolution makes reference to Article 24 of the UN Charter by noting that “conscious of this primary responsibility for the maintenance of the international peace and security” (Preamble).

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<sup>12</sup> For the call for cease fire and an end to the use of force see, also, UN SC Res. 193, 25 September 1964, 354 (23 July 1974), 355 (1 August 1974), 357 (14 August 1974) and UN GA Res. 3212 (XXIX), 1 November 1974.

<sup>13</sup> The SC also asked for cooperation with the UNFICYP in UN SC Res. 193, 201, 206, 353, 361 (30 August 1974), 364, 370 (13 June 1975), 383 (13 December 1975), 391 (15 June 1976), 401 (14 December 1976), 410 (15 June 1977), 422 (15 December 1977), 541, 544, 553, 559, 565, 578, 585, 593, 597, 604, 614, 625, 634, 646, 657, 680, 697, 723, 759, 831 (27 May 1993), 839, 889, 927, 969, 1000, 1032, 1062, 1092 and 1117.

As called for in Resolution 353 (1974), on July 30, 1974, the Foreign Ministers of Turkey, Greece and the UK agreed on the text of the Geneva Declaration concerning measures that involved action by UNFICYP. These measures included the creation of a security zone by the three powers at the limit of the areas “occupied” by the Turkish armed forces, evacuation of all Turkish enclaves “occupied” by the Greek or Greek Cypriot forces and protection of them by UNFICYP and police functions of UNFICYP in mixed villages (Geneva Declaration, 1974: Art. 3). The Ministers also agreed that there should be re-establishment of constitutional government in Cyprus and noted the existence in practice in the Republic of Cyprus of two autonomous administrations, that of the Greek Cypriot community and that of the Turkish Cypriot community.

Following the breakdown of the Geneva Conference, the second operation of Turkey began in Cyprus on August 14, 1974. The SC (UN SC Res. 360, 1974) defined the deterioration of the situation as a most serious threat to peace and security in the Eastern Mediterranean area (Preamble), recorded its formal disapproval of the unilateral military actions undertaken against the Republic of Cyprus (Parag. 1) and requested the withdrawal of foreign military personnel (Parag. 2). Also, all parties were called upon, as a demonstration of good faith, to take all steps in order to promote negotiations by the UN SC and GA (UN SC Res. 361, 1974: Parag. 2).<sup>14</sup>

As a consequence of July and August 1974 events, UNFICYP was faced with a situation that had not been foreseen in its mandate. “As laid down by the SC in Resolution 186 (1964), the functions of UNFICYP were conceived in relation to the inter-communal conflict in Cyprus, not to large-scale hostilities arising from action by

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<sup>14</sup> See, also, UN SC Res. 365, 13 December 1974, 367 (12 March 1975), 370 (13 June 1975), 383 (13 December 1975), 391 (15 June 1976), 401 (14 December 1976), 410 (15 June 1977), 422 (15 December 1977).

the armed forces of one of the guarantor powers.” (UNFICYP History at <http://www.unficy.org/>, last accessed on 12 January 2007) “Instead of having to cope with an internal problem which had immediate international ramifications, the force found itself in the middle of an international problem” (James, 1989: 484). The nature of peacekeeping inevitably changed.

So, the mandate could not respond to the new situation. However, the original words of the mandate could still be seen as relevant. So, “while the basic mandate remained unchanged and the Force continued to receive regular six-monthly extensions from the SC, UNFICYP, with the consent and cooperation of the parties, was now tasked with four main duties: maintaining the ceasefire, maintaining the military *status quo*, restoring law and order, a return to normal conditions and humanitarian functions” (Ker-Lindsay, 2006: 411). So, the SC adopted a number of resolutions expanding the mandate of UNFICYP to include supervising a *de facto* ceasefire and preserving the integrity of a buffer zone between the lines of the Cyprus National Guard and of the Turkish and Turkish Cypriot forces.<sup>15</sup>

After the 1974 events, the other major functions of UNFICYP are to provide humanitarian activities and to protect the civilian population caught up in the hostilities - including both Cypriots and foreigners. It organizes a wide range of relief assistance for the Greek and Turkish Cypriots, provides humanitarian assistance to displaced persons (UN SC Res. 361, 1974: Parags. 4 and 6) and supervises the voluntary transfer of the Turkish Cypriots to north and Greek Cypriots to south (UNFICYP Background at

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<sup>15</sup> Ceasefire lines extend approximately 180 kilometers across the island and the buffer zone covers about 3 percent of the island, including some of the most valuable agricultural land. See, UNFICYP Background at <http://www.un.org/Depts/dpko/missions/unficy.org/>, last accessed on 2 February 2007.

<http://www.un.org/Depts/dpko/missions/unficyp/>, last accessed on 2 February 2007). In that context, the SC also demanded from all parties to cooperate with the force in carrying out its tasks related to humanitarian functions in all areas of Cyprus (UN SC Res. 359, 1974: Parag. 4). The SC expected from all parties concerned to fully respect to the international status of the UN force and to refrain from any action which might endanger the lives and safety of its members, when the parties directed violence and force against UNFICYP personnel in 1974 (UN SC Res. 359, 1974: Parag. 2).<sup>16</sup> In the UN SC Resolutions, the mandate of UNFICYP has been extended for six-month periods in the light of the situation on the ground and of political developments on the grounds that the continued presence of the Force remains indispensable in the absence of a political settlement to the Cyprus problem (UNFICYP Background at <http://www.un.org/Depts/dpko/missions/unficyp/>, last accessed on 2 February 2007).

## **2.5 Peace Negotiations: 1974-1983**

A *de facto* ceasefire came into effect on August 16, 1974. On February 13, 1975, the Turkish Federated State of Cyprus (TFSC) was proclaimed by the Turkish Cypriot community. Rauf Denktash declared that the objective of the proclamation of the TFSC was to unite with the Greek Cypriot community as a part of a federal Cyprus state. The UN SC regretted the decision of the Turkish Cypriot community to declare the TFSC (UN SC Res. 367, 1975: Parag. 2), on the other hand, it affirmed that this decision does

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<sup>16</sup> See, also, UN SC Res. 1092, 23 December 1996, 1117 (27 June 1997), 1146 (23 December 1997), 1178 (29 June 1998), 1217 (22 December 1998), 1251 (29 June 1999).

not prejudice the final political settlement of the problem (UN SC Res. 367, 1975: Parag. 3).<sup>17</sup> The SC also requested all states to refrain from any action which might prejudice that sovereignty, independence, territorial integrity and non-alignment, as well as from any attempt at partition of the island or its unification with any other country (UN SC Res. 367, 1975: Parag. 1).<sup>18</sup>

As a result of the call for the start of negotiations in the SC Resolution 367 (1975), the parties came together in Vienna in March 1975. The sole concrete step taken in the period of April 1975-February 1976 was the Population Exchange Agreement which came along with the Third Vienna Agreement. Through this Agreement, the Turks in the southern part of the island were transferred to the North and the Greeks in the northern part of the island were transferred to the South, depending upon the desire of these communities (Third Vienna Agreement, 1975: Arts. 1 and 3).<sup>19</sup>

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<sup>17</sup> “2. Regrets the unilateral decision of 13 February 1975, declaring that a part of the Republic of Cyprus would become a ‘Federated Turkish State’, as, inter alia, tending to compromise the continuation of negotiations between the representatives of the two communities on an equal footing... 3. Affirms that the decision referred to in paragraph 2 above does not prejudice the final political settlement of the problem of Cyprus and takes note of the declaration that this was not its intention.”

<sup>18</sup> See, also, UN SC Res. 1179, 29 June 1998, 1217 (22 December 1998) and 1251 (29 June 1999).

<sup>19</sup> According to the UNHCR registrations, following the 1963-1964 ethnic dispute and 1974 Turkish intervention to the island, “almost one third of the population of Cyprus (around 200.000 Greek Cypriots and 65.000 Turkish Cypriots) had to displace. The separation of the two communities via the UN patrolled Green Line prohibited the return of all internally displaced people.”

Following the declaration of the Turkish Republic of Northern Cyprus in 1983, a number of the Greek Cypriots took their case to the European Court of Human Rights arguing that their homes are being occupied by migrant workers brought from Turkey with the intention of altering the demographics of the island. Through the years, a number of demonstrations have been made by the Greek Cypriots demanding to return to their properties by condemning Turkey.

In April 2003, the then Turkish Cypriot President “Rauf Denktash opened the border crossing for the first time since the island was divided, allowing both the Greek and Turkish Cypriots to view their property since the separation of the two communities. Crossing procedures have since been relaxed allowing both Cypriots to move relatively freely across the island.”

The Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem (Annan Plan) proposed a bi-communal, bi-zonal state “with territorial concessions by the Turkish Cypriot state but only a limited right of return for displaced Greek Cypriots”. Regarding the territorial adjustment issue, the Plan pointed that any amendments or special arrangements in territories will provide orderly relocation to adequate alternative places. (Art. 9) Related to the property issue, the Plan emphasized that in areas

In Resolution 391 (1976), the SC declared that the usefulness of those negotiations depends upon the willingness of all parties concerned to show the necessary flexibility to take into account not only their own interests but also the legitimate aspirations and requirements of the opposing side (Preamble).<sup>20</sup> Also, the SC emphasized the need for the parties to adhere to the Agreements reached at previous rounds of talks (Preamble)<sup>21</sup> by pointing out the increased tensions and restrictions on the freedom of movement of the UN Force and its civil police in the north part of the island (Preamble).<sup>22</sup> So, Rauf Denktash and Makarios signed the “Four Guidelines” for future inter-communal talks on February 12, 1977. According to this Agreement, Cyprus would become an independent, non-aligned, bi-communal and bi-zonal federal republic, a difference from the terms of the Constitution of 1960 (Four Guidelines, 1977: Art. 1).

As a second step towards a comprehensive settlement, the Ten-Point Agreement of May 1979 was signed between Rauf Denktash and Spyros Kyprianou, the President of the Republic after the death of Makarios, and basically reconfirmed the 1977 Makarios-Denktash Agreement (Ten-Point Agreement, 1979). The SC urged the parties to proceed with the inter-communal talks within the framework of the Ten-Point

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subject to territorial adjustment, properties will be reinstated and in areas not subject to territorial adjustment, there will be reinstatement, compensation or selling, leasing and exchange of the properties (Art. 10). However, Cyprus subsequently entered the EU as a divided island. See, Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem, 11 November 2002. See, also, [http://en.wikipedia.org/wiki/Cypriot\\_refugees](http://en.wikipedia.org/wiki/Cypriot_refugees)

<sup>20</sup> See, also, UN SC Res. 401, 14 December 1976, 410 (15 June 1977), 422 (15 December 1977).

<sup>21</sup> See, also, UN SC Res. 401, 14 December 1976, 410 (15 June 1977), 422 (15 December 1977).

<sup>22</sup> See, also, UN SC Res. 401, 14 December 1976, 410 (15 June 1977), 422 (15 December 1977), 1062 (28 June 1996), 1092 (23 December 1996), 1117 (27 June 1997), 1146 (23 December 1997), 1178 (29 June 1998), 1217 (22 December 1998), 1251 (29 June 1999).

Agreement (UN SC Res. 451, 1979: Parag. 2).<sup>23</sup> However, the Ten-Point Agreement did not provide a concrete improvement in the Cyprus dispute. The Greek side continued its efforts for internationalization of the issue which remained as the permanent and unsettled problem of the UN. On the other hand, it should be stated that these two Agreements had a great significance because, for the first time, the two communities agreed to seek a settlement on the basis of a bi-zonal and bi-communal federal republic. Also, these high-level Agreements continue to be valid till this day by providing the basic guidelines in the search for a settlement on Cyprus.

Greece became a member of the European Community, which was then called as the European Union (EU), in 1981. On May 13, 1983, the UN GA reaffirmed the principle of the inadmissibility of occupation and acquisition of territories by force, stated that part of the territory of the Republic of Cyprus is still occupied by foreign forces and demanded the withdrawal of all occupation forces from the Republic of Cyprus (UN GA Res. A/RES/37/253, 1983: Parag. 8). The GA also deplored all unilateral actions that aim to change the demographic structure of Cyprus or to promote *fait accomplis* (UN GA Res. A/RES/37/253, 1983). In this way, the term “occupation” was used by the UN for the first time. Also, the GA regretted that the resolutions of the UN on Cyprus have not yet been implemented and deplored the lack of progress in the inter-communal talks (UN GA Res. A/RES/37/253, 1983). So, since 1974, Cyprus has been *de facto* divided into two distinct political and territorial zones, Turkish Cypriot North and Greek Cypriot South.

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<sup>23</sup> See, also, UN SC Res. 458, 472, 482, 488, 495, 510, 526 and 534.

## **2.6 Declaration of the TRNC and Resumption of the Inter-communal Negotiations**

The Turkish Cypriots declared their state, the northern Cyprus, as the “Turkish Republic of Northern Cyprus” (TRNC) on November 15, 1983. This declaration carried the Cyprus dispute into a new dimension. The island has since then been divided into two different administrations, the internationally recognized GCA - diplomatically called as the “Republic of Cyprus” by the international community, however, not recognized by Turkey and the TRNC - and the TRNC that is only recognized by Turkey among the 192 members of the UN. That is, following the declaration of the TRNC, a dispute between two “states” - even if one of them is still not recognized by the international community - was the subject instead of a dispute between the two communities (Firat, 2001b: 108). On the other hand, as Turkey also puts forward, in fact, the proclamation of the TRNC can be defined as the legalization of the existing *de facto* situation in the island since 1974.

The Turkish Cypriot Parliament declared that the declaration of the TRNC would facilitate the re-establishment of the partnership between two equal communities within a federal framework and the settlement of the dispute (Declaration of Independence of

the TRNC, 1983: Art. 22/b).<sup>24</sup> In addition, the TRNC declared its determination to make every effort in this direction and not to unite with any other state (Art. 22/b). Through the declaration of the TRNC, the Turkish Cypriots also promised to pursue a policy of non-alignment and to adhere to the Treaties of Establishment, Guarantee and Alliance (Art. 23/b and 23/e). On May 7, 1984, the Constitution of the TRNC came into force.

However, both the Greek Cypriot community and Greece called the declaration of the TRNC as illegal and inadmissible claiming that the Republic -staffed exclusively by the Greek Cypriots since 1974- legally represents the whole island. The SC defined the declaration as incompatible with the Treaty of Establishment and Treaty of Guarantee. As it did in 1975 with the declaration of the TFSC, the SC again deplored the act by considering it to be a purported secession of part of the Republic of Cyprus (UN SC Res 541, 1983: Parag. 1), so the Council defined the declaration of the TRNC as legally invalid and called for its withdrawal (Parag. 2). Also, the Council called upon all states not to recognize any other Cypriot state other than the Republic of Cyprus (Parag. 7).<sup>25</sup> In other words, the call explicitly demanded for non-recognition of the TRNC.

The UN SC again emphasized its disapproval of the further secessionist acts in the “occupied” part of the Republic of Cyprus which it defined as violations of Resolution 541 (1983) (UN SC Res. 550, 1984: Preamble). It condemned all secessionist

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<sup>24</sup> Article 22/b: “Kuzey Kıbrıs Türk Cumhuriyeti’nin ilanı, iki eşit halkın ve onların kurdukları yönetimlerin, gerçek bir federasyon çatısı altında yeniden bir ortaklık kurmalarını engellemez; tam aksine bir federasyonun kurulabilmesi için gerekli ön şartları tamamlayarak bu yoldaki samimi çabaları kolaylaştırabilir. Bu yolda her yapıcı çabayı göstermeğe kararlı olan Kuzey Kıbrıs Türk Cumhuriyeti başka hiç bir devletle birleşmeyecektir.” (The declaration of the TRNC would not prevent the two equal communities and their governments to re-establish a partnership within a federal framework, on the contrary, it would facilitate sincere efforts by fulfilling the pre-conditions required for the establishment of a federation. The TRNC, which is determined to make every constructive effort in this direction, will not unite with any other state.)

<sup>25</sup> See, also, UN SC Res. 550, 11 May 1984.

acts including the purported exchange of ambassadors between Turkey and the Turkish Cypriot leadership and declared them illegal and invalid by calling for their withdrawal (Parag. 2). The Council considered any attempts to settle any part of Varosha (Maraş) by people other than its inhabitants as inadmissible and called for the transfer of that area to the administration of the UN (Parag. 5).

Also, as a result of the non-recognition of the TRNC by the SC, the Turkish Cypriot side's approval for the extension of the mandate could not be formally sought. As a response to these attitudes, Turkey and the TRNC have indicated that they are unable to accept the resolutions extending UNFICYP's mandate. So, "the extending resolutions no longer refer to the concurrence of the parties and from time to time, the TRNC makes the point that until the UN acknowledges its existence, the UN force can not be given authority to cross or operate in the TRNC" (James, 1989: 487). On the other hand, although the UN force does not formally recognize the TRNC, in operational terms no serious problem has arisen and in general, excellent cooperation is maintained on the ground between UNFICYP and the TRNC. The TRNC sees its dealings with UNFICYP as an opening to the international arena through its relations with the contributing countries. It should be noted that without the consent and cooperation of the TRNC, the UN could not operate.

Although these developments prevented the realization of negotiations between the two communities, the then UN SG, Javier Perez de Cuellar, continued to undertake efforts in order to reach a solution in Cyprus. In September 1984, the proximity talks on Draft Agreement (Draft Framework Agreement, 1986) began in New York. As a result of the mediation efforts of the then UN SG, Perez de Cuellar, the newly elected President of the Republic of Cyprus, George Vassiliou and Rauf Denktaş met in

Geneva and New York in September and November 1988. In July 1989, Perez de Cuellar offered a “Set of Ideas” for the basis of a comprehensive settlement which was called as “Cuellar Plan” to both parties. According to that plan, the Republic of Federal Cyprus which was composed of two states would have a bi-zonal and bi-communal structure in constitutional terms (Firat, 2001b: 122). However, this plan was rejected by Denktash and no solution was reached. In February 1990, the UN negotiations resumed, however the talks abandoned, because Denktash insisted on a “separate right to self-determination for these two peoples” (<http://www.cyprus-conflict.net/www.cyprus-conflict.net/chronology.html>, last accessed on 21 February 2007) and Vassiliou did not accept the self-determination right of the Turkish Cypriots.

So, the UN SC called upon the two communities to reach a solution providing for the establishment of a “federation” that will be bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects in line with the 1977 (the Four Guidelines for future inter-communal talks was signed between Rauf Denktash and Makarios on February 12, 1977) and 1979 (the Ten-Point Agreement was signed between Rauf Denktash and Spyros Kyprianou on May 19, 1979) high level Agreements (UN SC Res. 649, 1990: Parag. 3) and to exclude union in whole or in part with any other country and any form of partition or secession (Parag. 1).

Thus, despite numerous rounds of negotiations under the UN auspices, as a result of the reluctance of the two communities to modify their positions, the negotiations came to an end and that failed to reach a comprehensive settlement to the Cyprus dispute. At that point, although UNFICYP continued to enjoy generally good cooperation from both sides since its establishment, the effectiveness of its efforts continued to be limited by the political problem. As Bellamy, Williams and Griffin

(2004: 109) argue, “the enforced change to UNFICYP’s mandate after the Turkish invasion of 1974 shows the inability of UNFICYP as a traditional peacekeeping operation to be successful independently of the wishes of the belligerents.” Also, the UN GA resolutions were not completely implemented by the parties of the dispute. So, the success of the UN settlement efforts and UNFICYP is dependent on the good will of the parties towards peace. Moreover, as Boutros Boutros-Ghali, the then SG, has repeatedly stated:

The continuing quiet should not obscure the fact that there is only a cease fire in Cyprus, not peace. In the absence of progress towards a political settlement between the two sides, the overall situation remains subject to sudden tensions, generated by events outside the island as well as within (Report by the UN SG, 1994: S/1994/1407, Parag. 32).

The Cyprus dispute would get into a new phase following the involvement of the EU in the issue in July 1990, upon the application of the Greek side for its membership to the EU.

## **CHAPTER - III**

### **THE EVOLUTION OF THE CYPRUS DISPUTE AFTER THE EU INVOLVEMENT IN THE CONTEXT OF THE UN DECISIONS**

This chapter investigates the historical background of the EU involvement in the Cyprus dispute in the light of the UN decisions. Because the EU directly involved in the dispute following the EU membership application of the Greek Cypriot Administration (GCA) - diplomatically called as the “Republic of Cyprus” by the international community, however, not recognized by Turkey and the TRNC - and the dispute has mostly evolved in the context of this process, the first section of the chapter lays out the accession process of the GCA to the EU. This section will be analyzed in terms of four phases reflecting the different positioning of the EU in the dispute. The first phase is the period between July 1990 and June 1994, the timeline between the application of the Greek Cypriots to the Union and the EU Summit at Corfu. The second phase is the period between the end of 1994 and the December 1999 EU Summit at Helsinki. The third phase covers the period from the December 1999 Helsinki Summit to May 2004 when Cyprus is admitted as a full member of the EU. From May 2004 to present is considered as the fourth and last phase.

The second section of Chapter 2 makes a brief analysis of the EU policies towards Turkey related to the Cyprus dispute. In this regard, the European Commission, European Council and EP decisions and the EU Progress Reports on Cyprus will be explored.

### **3.1 Accession Process of Cyprus to the EU**

The EU preferred not to be directly involved in the December 1963 events and the developments afterwards in Cyprus. On the other hand, the Consultative Assembly of the Council of Europe “condemned the *coup d’état* carried out in Cyprus (on July 15, 1974) by officers owing allegiance to the Greek military dictatorship and regretted the failure of the attempt to reach a diplomatic settlement which led the Turkish Government to exercise its right of intervention in accordance with Article 4 of the Guarantee Treaty of 1960” (Consultative Assembly of Council of Europe, 1974: Parags. 2-3).

However, the bilateral relations of the EU and Cyprus began with the signing of an Association Agreement in December 1972 that was complemented by a Protocol concluded in 1987 (Association Agreement, 1972). This Agreement contained arrangements on trade and customs matters and constituted the legal framework for the EU-Cyprus relations until the entry into force of the Accession Treaty on May 1, 2004. Also, as a result of the July 20, 1974 Turkish intervention to Cyprus, “on July 22,

1974, the European Political Cooperation (EPC)<sup>26</sup> issued a statement supporting the independence and territorial integrity of Cyprus and their opposition to any intervention in Cyprus” (Müftüler-Bac and Güney, 2005: 284). However, the EPC failed in its first attempt due to the Turkish response in Cyprus.

Afterwards, the EP declared its support for a settlement based on “the recognition of a sovereign, independent state and on the equality of rights of the two communities” (EP Res., April 1975: Parag. 3).<sup>27</sup> The EP condemned the declaration of the independence by the TRNC on November 15, 1983 by defining it as “null and void” (EP Res., 1983: Parag. 3)<sup>28</sup> and resembling it a “*coup d’etat*” (EP. Res., 1986: Parag. C). In addition, following the referendum, the presidential elections and the parliamentary elections held in the TRNC in 1985, the EP, for the first time, called the TRNC as the “Turkish-occupied section of Northern Cyprus” (EP. Res., 1986: Parag. B)<sup>29</sup> and condemned these actions as “illegal and an obstacle” to the good offices efforts of the UN Secretary-General (SG) as similar with the UN practices (EP Res., 1985: Parag. 1).

Despite of these interactions between the European countries and Cyprus and the non-binding declarations of the EP, the direct involvement of the EU in the Cyprus dispute apparently came into agenda by the application of the Greek Cypriots for the EU

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<sup>26</sup> “The EPC was created as a non-binding quasi institution of the European Community in 1974 in an attempt to coordinate member states’ foreign policy with the expectation of eventual political integration... The EPC position was in line with the UN resolutions choosing a neutral and non-involved line in the 1970s.” (Müftüler-Bac and Güney, 2005: 292)

<sup>27</sup> See, also, EP Res., 19 September 1975.

<sup>28</sup> See, also, EP Res., 13 September 1985, 10 July 1986 and 10 March 1988.

<sup>29</sup> See, also, EP Res., 9 July 1987, 10 March 1988 and 15 December 1988.

membership in the name of the whole island on July 3, 1990.<sup>30</sup>

### **3.1.1 July 1990 - June 1994**

Since the involvement of the EU in the Cyprus dispute, the EU has declared its support for the UN settlement efforts and initiatives in Cyprus in a number of decisions.<sup>31</sup> Indeed, the Union has reaffirmed its support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with relevant UN resolutions, high-level agreements and on the basis of the mission of good offices of the UN SG and has stated the relevance between the Cyprus dispute and EC-Turkey relations (Dublin Presidency Conclusions, 1990: 34).

The involvement of the EU in the Cyprus dispute goes back to the application of the Greek Cypriots for the EU membership in the name of the whole island on July 3, 1990. The UN SC Resolution 649 (1990) by which the SC called upon the two communities in the island to exclude union in whole or in part with any other country and any form of partition or secession played a significant role in the application of the GCA to the EU (UN SC Res. 649, 1990: Parag. 1). On July 12, 1990, Rauf Denktaş,

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<sup>30</sup> UN SC Res. 649 (1990) has played a significant role in this application. A broad explanation of the Res. 649 (1990) will be given in p. 3.

<sup>31</sup> See, European Council Presidency Conclusions, Corfu 24-25 June 1994; Agenda 2000, 15 July 1997; European Council Presidency Conclusions, Vienna 11-12 December 1998; Helsinki 10-11 December 1999; Nice 7-8-9 December 2000; Seville 21-22 June 2002; Thessaloniki 19-20 June 2003; Protocol No. 10 on Cyprus, 23 September 2003; European Council Presidency Conclusions, Brussels 25-26 March 2004 and Brussels 11 December 2006. For the support of the EP see, EP Res., 15 March 1990; 12 July 1990; 14 March 1991; 21 January 1993; 12 July 1995; 19 September 1996 and EP Res. on Cyprus's membership application to the EU and the state of negotiations, COM(2000) 702-C5-0602/2000-1997/2171(COS).

the then President of the TRNC, sent a memorandum (Turkish Cypriot Memorandum, 1990) to the Council of Ministers and a Supplementary Note (1990) setting out his objections to this unilateral application of the Greek Cypriot community and advising that it would welcome the EU membership but only after a fair settlement of the dispute. The UN SC called on the parties concerned to refrain from any action or statement that could aggravate the situation by making a reference to the UN SC Resolution 649 (1990) (Statement by the President of the SC, 1990: 2930<sup>th</sup> Meeting).<sup>32</sup>

Nevertheless, in September 1990, the European Community (EC) member states unanimously agreed to refer the Cypriot application to the Commission for formal consideration. The EP, by pointing out the lack of the EC involvement in finding a solution to the Cyprus question, called on the European Council and the Council of Ministers to take the necessary steps for being a part of that process (EP Res., September 1991: Parags. 5-6) .

In October 1991, as a new concept, the UN SC declared its support for “one State of Cyprus comprising two politically equal communities” (UN SC Res. 716, 1991: Parag. 4).<sup>33</sup> Also, for an agreement on Cyprus, the SC requested Greece and Turkey to cooperate fully with the UN SG (UN SC Res. 716, 1991: Parag. 9).<sup>34</sup> The UN SC reaffirmed that:

A Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its

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<sup>32</sup> For the reference to Res. 649 (1990), see, also, Statement by the President of the SC, 9 November 1990; 28 March 1991; 23 December 1991; UN SC Res. 716, 11 October 1991 and 750 (10 April 1992).

<sup>33</sup> See, also, Secretary General Report S/21183, eleventh paragraph of Annex I, 8 March 1990 and UN SC Res. 1251, 29 June 1999.

<sup>34</sup> See, also, Statement by the President of the SC, 3024<sup>th</sup> meeting, 23 December 1991.

independence and territorial integrity safeguarded, and comprising two politically equal communities, in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession (UN SC Res. 750, 1992: Parag. 2; UN SG Report, 1992: S/23780).<sup>35</sup>

The UN SC stated that “the Secretary-General’s mission of good offices is with the two communities whose participation in the process is on an equal footing...” (UN SC Res. 750, 1992: Parag. 6).<sup>36</sup> However, the EU membership application of the Greek Administration is said to be an attempt which undermines this “equal footing” concept.

In June 1992, Boutros-Boutros Ghali, the then UN SG, invited the leaders of the two communities for discussions on a new UN initiative, namely the “Set of Ideas” for an overall framework agreement on Cyprus (Set of Ideas, 1992).<sup>37</sup> The “Set of Ideas” covered practically all aspects of the Cyprus problem such as the constitutional aspects of the federation, security and guarantee, territorial adjustments<sup>38</sup>, displaced persons, economic development and safeguards, transitional arrangements and included a map

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<sup>35</sup> See, also, UN SC Res. 649, 12 March 1990, 716 (11 October 1991), 774 (26 August 1992), 939 (29 July 1994), 1092 (23 December 1996), 1117 (27 June 1997), 1146 (23 December 1997), 1179 (29 June 1998), 1217 (22 December 1998) and 1251 (29 June 1999).

<sup>36</sup> See, also, UN SC Res. 774, 26 August 1992.

<sup>37</sup> See, also, UN SC Res. 774, 26 August 1992, 789 (25 November 1992) and 1062 (28 June 1996).

<sup>38</sup> Related to the territorial adjustments, the “Set of Ideas” urged the Greek and Turkish Cypriot communities to agree on the territories of the federated states administered by each, taking into account the (12 February) 1977 High Level Agreement which states that “2. The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership”. The “Set of Ideas” also specified that “69. Persons affected by the territorial adjustments will have the option of remaining in the area concerned or relocating to the federated state administered by their own community.” It also urged the placement of Varosha under the UN administration. For further information, see, *Set of Ideas*, 1992.

delineating territorial adjustments for a future federation. It suggested a bi-zonal federation of two politically equal communities, possessing one international personality and sovereignty. As for the EU membership, the “Set of Ideas” emphasized that “Matters related to the membership of the federal republic in the European Economic Community will be discussed and agreed to, and will be submitted for the approval of the two communities in separate referendums” (Parag. 92). In this way, the UN left the decision on the EU membership of Cyprus to the approval of only the two communities in the island.

However, as a result of the joint meetings between the two leaders, which lasted from 28 October to 11 November 1992, an overall framework agreement did not materialize (UN SG Report, 1992: S/24830). At that point, as the UN SC did (Letter by the President of the UN SC, 1993), the EP also, in a number of decisions, accused of the Turkish and Turkish Cypriot side for the failure of the meetings between the two communities and for its lack of willingness for a settlement (EP Res., January 1993: Parags. 1,3 and 5).<sup>39</sup> Although Denktash accepted the right of return and right to property, the Parliament adopted the position of the UN SC that the reason of the failure of the settlement talks is the fact that certain positions taken by the Turkish Cypriot side were, in a fundamental way, at variance with the “Set of ideas” - the concept of federation, displaced persons and territorial adjustments (EP Res., January 1993: Parag. 1).<sup>40</sup> With regard to the concept of federation, the UN SG said that the thrust of the position of the Turkish Cypriot side was based on the premise that there were at present

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<sup>39</sup> See, also, Resolution on the Regular Report from the Commission on Cyprus Progress towards accession, COM(98)0710-C4-0108/99.

<sup>40</sup> See, also, UN SG Report, S/24830, 19 November 1992 and UN SC Res. 789, 25 November 1992.

two sovereign states with equal rights and that they would remain effectively sovereign in a future federation, however, he recalled that the resolutions of the SC concerning Cyprus from 1964 onwards had sought to preserve the territorial integrity and unity of Cyprus (UN SG Report, 1992: S/24830).

So, the UN SG set forth a number of Confidence Building Measures (1992-1994) between the two sides.<sup>41</sup> The SC urged all concerned to commit themselves to the confidence-building measures (UN SC Res. 789, 1992: Parag. 8)<sup>42</sup> which include “a significant reduction of the number of foreign troops in the Republic of Cyprus as a first step towards the withdrawal of non-Cypriot forces envisaged in the “Set of Ideas” and a reduction of defence spending in the Republic of Cyprus” (UN SC Res. 789, 1992: Parag. 8/a)<sup>43</sup>. The EP declared its full support for the UN SC proposals by urging the Turkish side to accept the confidence-building measures and to cooperate with the other parties (EP Res., January 1993: Parag. 5). As the UN stated in its several resolutions (UN SC Res. 774, 1992: Parag. 10),<sup>44</sup> the EU has also taken the firm position that the present *status quo* in Cyprus is unacceptable and poses danger for the region (EP Res., January 1993: Parag. 2).<sup>45</sup> So, the EP declared that the European Commission and

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<sup>41</sup> For the list of the Confidence Building Measures, see, UN Secretary-General Report, S/24830, 19 November 1992; UN SC Res. 789, 25 November 1992 and 939 (29 July 1994).

<sup>42</sup> See, also, UN SC Res. 831, 27 May 1993 and 927 (15 June 1994).

<sup>43</sup> See also, UN SC Res. 831, 27 May 1993, 927 (15 June 1994), 889 (15 December 1993), 969 (21 December 1994), 1000 (23 June 1995), 1032 (19 December 1995), 1062 (28 June 1996), 1092 (23 December 1996), 1117 (27 June 1997), 1146 (23 December 1997), 1178 (29 June 1998), 1217 (22 December 1998) and 1250 (29 June 1999).

<sup>44</sup> See, also, UN SC Res. 789, 25 November 1992, 831 (27 May 1993), 889 (15 December 1993), 939 (29 July 1994), 1092 (23 December 1996), 1117 (27 June 1997), 1146 (23 December 1997), 1179 (29 June 1998), 1217 (22 December 1998) and 1251 (29 June 1999).

<sup>45</sup> See, also, EP Res., 12 July 1995 and Agenda 2000, 15 July 1997.

European Council should contribute to the admission of Cyprus to the Community which will have positive effects on resolving the Cyprus problem (EP Res., January 1993: Parag. 6).

On June 26-27, 1992, the EU stated that relations with Cyprus will be developed by building on their application for membership (Lisbon Presidency Conclusions, 1992: 5). The European Council declared its support for the Commission's approach, which proposed, without awaiting a peaceful, balanced and lasting solution to the Cyprus problem, to use all the instruments offered by the Association Agreement to help with the economic, social and political transition of Cyprus towards integration into the EU (European Council Conclusions on Commission's opinion, 1993).<sup>46</sup> On June 30, 1993, the Commission stated that Cyprus's integration with the Community implies a peaceful, balanced and lasting settlement of the Cyprus question and increased security and prosperity and it would help bring the two communities on the island closer together and there will be a greater chance of narrowing the development gap between north and south (European Commission Opinion on the Application by the Republic of Cyprus, 1993: "Conclusions", Parags. 3 and 5).<sup>47</sup>

The Commission also declared that "even though they object to the conditions under which the application for membership was made, the leaders of the Turkish Cypriot community are fully conscious of the economic and social benefits that integration with Europe would bring their community" ("Conclusions", Parag. 4). In this way, the Commission meant that the Turkish side will one day recognize its potential

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<sup>46</sup> See, also, the European Commission Opinion on the Application by the Republic of Cyprus for Membership, doc/93/5, 30 June 1993 and Protocol No. 10 on Cyprus, 23 September 2003.

<sup>47</sup> See, also, Conclusions of the EU Council of Ministers, 6 March 1995, Agenda 2000, 15 July 1997 and the European Council Presidency Conclusions, Luxembourg 12-13 December 1997.

interests in the EU integration process and will adopt the proposed settlement efforts. The Commission also addressed the TRNC as a *de facto* authority - and the situation in the island as *de facto* partition (1998 Regular Report on Cyprus's Progress towards Accession).

The European Commission also dismissed the TRNC's counter statements about the application of the Greek Cypriots to the EU by stating that: "The Community, however, following the logic of its established position, which is consistent with that of the United Nations where the legitimacy of the government of the Republic of Cyprus and non-recognition of the 'TRNC' are concerned, felt that the application was admissible" (Parag. 8). In view of all these points, the Commission declared that the Community considers Cyprus as eligible for membership and that "as soon as the prospect of a settlement is surer", the Community is ready to start the process with Cyprus that should eventually lead to its accession and the Commission is willing to begin immediately talks with the government of Cyprus ("Conclusions", Parag. 6).<sup>48</sup>

One of the basic motivations for this attitude is said to be the fact that the EU was in a construction period in the post-Cold War era and without a settlement, the membership of Cyprus with its conflictual structure would cause disadvantages for the EU. So, in the period of 1990-1994, the EU established a linkage between Cyprus's EU membership and the settlement of the dispute and Cyprus was rarely mentioned within

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<sup>48</sup> The Council welcomed this opinion regarding the eligibility and suitability of Cyprus to be a part of the EU. See, European Council Conclusions on Accession of Cyprus and Malta, Brussels 19-20 July 1993.

the EU's enlargement plans. However, cease-fire violations continued, confidence building measures did not work<sup>49</sup> and no progress was made towards a political solution.

### **3.1.2 June 1994 - December 1999**

At the Corfu Summit on June 24-25, 1994, the European Council declared that Cyprus would be involved in the next phase of enlargement (Corfu Presidency Conclusions, 1994).<sup>50</sup> This was the first time that the EU accession process of Cyprus and the condition of reaching a settlement to the Cyprus dispute were separated. That is, a settlement is not required before the accession of Cyprus to the EU. Especially two factors led to this decision. First, in that period, Greece put forward its veto as a threat to the Central and Eastern European countries enlargement if the Greek Cypriots were not accepted to the Union (Oğuzlu, 2002: 2). Second, Greece would lift its veto on Turkey's accession to Customs Union in exchange for the start of accession talks with the Greek Cypriots (Ankara Paper 10: 45). Following the year 1993, the UN and EU decisions would generally be parallel to each other.

On July 5, 1994, the European Court of Justice banned the exports of some goods without the GCA health and transport certificates from northern Cyprus to the EU

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<sup>49</sup> The UN SC expressed its concern about the lack of progress towards a significant reduction in the number of foreign troops and of defence spending in Cyprus as provisions of the confidence building measures. See, UN SC Res. 927, 15 June 1994, 969 (21 December 1994), 1000 (23 June 1995), 1032 (19 December 1995), 1062 (28 June 1996), 1092 (23 December 1996), 1117 (27 June 1997), 1146 (23 December 1997), 1178 (29 June 1998), 1217 (22 December 1998), 1250 (29 June 1999) and 1251 (29 June 1999).

<sup>50</sup> See, also, European Council Presidency Conclusions, Essen 19 December 1994 and Conclusions of the EU Council of Ministers, 6 March 1995.

states as a result of the Greek claims (Müftüler-Bac and Güney, 2005: 286-287). Afterwards, on December 19, 1994, the EU-Turkey relations were further damaged when Greece blocked the final implementation of a customs union with Turkey.

“Since 1995, the Cyprus problem has become an important EU foreign policy issue because of its implications for the EU’s relations with Turkey and the overall EU enlargement process” (Müftüler-Bac and Güney, 2005: 286-287). On March 6, 1995, “the EU Council of Ministers reaffirmed the suitability of Cyprus for accession to the EU and confirmed the Union’s will to incorporate Cyprus in the next stage of its enlargement” (Conclusions of the EU Council of Ministers, 1995). So, when the EU opened the way for the start of the accession negotiations of Cyprus without any conditions, Greece removed its opposition to the customs union with Turkey. Consequently, Turkey and the EU signed the Customs Union Agreement on March 6, 1995. The EU reaffirmed that negotiations on the accession of Cyprus to the Union will begin six months after the conclusion of the 1996 Intergovernmental Conference (Cannes Presidency Conclusions, 1995).<sup>51</sup> In this way, as Tocci (2002: 108) argues, “the French Presidency skillfully linked the removal of the December 1994 Greek veto on the final stage of the Turkish-EU customs union with the initiation of Cyprus’ accession negotiations after the 1996 Intergovernmental Conference”.

The EP declared its wish for a more decisive involvement by the EU in efforts to secure a lasting settlement of the Cyprus problem (EP Res., 1995: Preamble Parag. F). As the UN has declared, the EU, in a number of decisions, has also claimed its support for a solution related to the island’s reunification in the form of a sovereign,

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<sup>51</sup> See, also, European Council Presidency Conclusions, Madrid 15-16 December 1995 and Dublin 13-14 December 1996.

independent, bi-zonal and bi-communal federation with a view to accession to the Union and considered the island of being a single entity, with a legitimate and internationally recognized government (EP Res. 1995: Parags. 2 and 3).<sup>52</sup> The Parliament declared the GCA as the only State internationally recognized as representing the whole island (EP Res., 2001: COM(2000) 702-C5-0602/2000-1997/2171(COS), Preamble Parag. A). Also, the Union has continuously stated that the EU accession of Cyprus can help speed up a peaceful settlement in the Cyprus dispute and membership should benefit both communities (EP Res., 1995: Parag. 12)<sup>53</sup> and has pointed to the positive role which Cyprus will play by enhancing the Union's contribution to peace and security in Europe, particularly in the eastern Mediterranean (EP Res., 1995: Parag. 13).

On July 17, 1995, the European Council decided on structured dialogue to bring Cyprus closer to the EU and on November 21, 1995, the Council and the authorities in Nicosia concluded a Protocol on financial and technical cooperation. So, Turkey and the TRNC, as they stated in a number of declarations, made a joint declaration on December 28, 1995, which asserted that they only approve the accession of Cyprus to the EU after a final settlement of the Cyprus problem and once Turkey has become a member as well (Joint Declaration, 1995: Parag. 3).<sup>54</sup> Turkey and the TRNC also declared their support for **“a bi-zonal and bi-communal federal settlement based on the sovereign equality**

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<sup>52</sup> See, also, Conclusions of the EU Council of Ministers, 6 March 1995, European Council Presidency Conclusions, Luxembourg 12-13 December 1997 and Agenda 2000, 15 July 1997.

<sup>53</sup> See, also, EP Res., 24 October 1996, 17 September 1997, Agenda 2000, 15 July 1997, European Council Presidency Conclusions, Luxembourg 12-13 December 1997 and European Parliament Resolution on Cyprus's membership application to the EU and the state of negotiations, COM(2000) 702-C5-0602/2000-1997/2171(COS).

<sup>54</sup> See, also, Press Statement of Turkey and the TRNC, 4 July 1997 and Press Statement of the TRNC Government, 14 December 1997.

**of the two sides”** (Parag. 1) and stated that the relations between Turkey the TRNC would be strengthened in political and economic terms.

In a number of Resolutions, the UN SC recognized that “the decision of the EU concerning the opening of accession negotiations with Cyprus is an important new development that should facilitate an overall settlement” (UN SC Res. 1062, 1996: 3, Parag. 13).<sup>55</sup> This has been one of the views commonly shared by the UN and EU.

The UN and EU continued to put more emphasis on the Turkish side in 1996 as well. Indeed, the UN SC expressed its concern about the deteriorating situation in Cyprus (UN SC Res. 1092, 1996: Preamble)<sup>56</sup> and deplored the excessive levels of military forces and armaments in the island<sup>57</sup> and about the restrictions placed upon the freedom of movement of UNFICYP<sup>58</sup> in the northern part of island.<sup>59</sup> So, the UN urged all concerned, especially the Turkish Cypriot leadership, to lift all obstacles to diplomatic missions of the UN and stressed the importance of demilitarization of the

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<sup>55</sup> See, also, UN SC Res. 1092, 23 December 1996, 1117 (27 June 1997) and 1146 (23 December 1997).

<sup>56</sup> See, also, UN SG Report, 10 December 1996.

<sup>57</sup> UN SC Res. 1092, 23 December 1996, 1117 (27 June 1997), 1146 (23 December 1997), 1178 (29 June 1998) and 1251 (29 June 1999). See, also, UN Security Council Resolution 1000, 23 June 1995, 1032 (19 December 1995), 1062 (28 June 1996), 1217 (22 December 1998) and 1250 (29 June 1999).

<sup>58</sup> UNFICYP has not had the mandate to forcefully prevent the armaments of the two communities.

<sup>59</sup> Upon the TRNC's views about the UN's impartial attitudes, on June 30, 2000, the TRNC took some restrictive measures against UNFICYP: “UNFICYP's entry to and exit from the TRNC will take place only through the Ledra Palace border gate, the Force will be required to have all UN vehicles used on TRNC territory insured by an insurance agency operating in the TRNC, UNFICYP will be required to pay for the water and electricity used at its camps located in the TRNC.” So, the UN SC urged the Turkish Cypriot side and Turkish forces to rescind these restrictions and to restore the military *status quo* at Strovolia. See, UN SC Res. 1486, 11 June 2003. See, also, UN SC Res. 1517, 24 November 2003, 1548 (11 June 2004), 1568 (22 October 2004) and 1687 (15 June 2006).

On May 19, 2005 the Turkish Cypriot side lifted the restrictions imposed on the operations of UNFICYP as a result of the UN efforts and this would allow UNFICYP to restore its operational capabilities in and around the buffer zone. See, UN SG Report, S/2005/353, parag. 15, 27 May 2005 and UN SC Res. 1604, 15 June 2005.

“Republic of Cyprus” for a comprehensive settlement.<sup>60</sup> The EP also condemned the murderers by declaring the Turkish security forces as “occupation” powers and the Denktash regime as “unlawful” (EP Res., September 1996).

In addition, in the suit brought by a Greek Cypriot national, Titina Loizidou, against Turkey, the European Court of Human Rights (ECHR) took a crucial decision sentencing Turkey for denying the control of her property with 6 votes for and 11 votes against (Case of Loizidou v. Turkey, 18 December 1996).<sup>61</sup> The interesting part of the decision was the condemnation of Turkey instead of the TRNC because the TRNC is not recognized internationally. In the ECHR decision, it was stated that “the international community does not regard the TRNC as a State under international law and that the Republic of Cyprus has remained the sole legitimate Government of Cyprus...” (Parag. 44). In the decision, the ECHR also defined Turkey as an “occupying power” in Cyprus. In addition to being a major political embarrassment for Ankara, the case also had severe financial implications as the Court ruled that Turkey should pay Mrs. Loizidou \$825,000 in compensation for the loss of use of her property. This landmark ruling led thousands of Greek Cypriot applications to the ECHR.

The relations became worse on January 5, 1997 when the GCA announced that they intended to purchase the Russian-made S-300 anti-aircraft missile system and they were purchased from Russia in 1998 by the then Greek Cypriot President, Glafcos

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<sup>60</sup> UN SC Res. 1062, 28 June 1996, UN SG Report, 27 June 1996, UN SC Res. 1092, 23 December 1996, 1146 (23 December 1997) and Joint statement made after the Papadopoulos-Annan meeting, Paris 28 February 2006. For the UN call from the parties to refrain from the threat or use of force as a means to resolve the Cyprus dispute, see, UN SC Res. 1218, 22 December 1998, 1250 (29 June 1999) and 1251 (29 June 1999).

<sup>61</sup> See, also, European Court of Human Rights Case of Xenides-Arestis vs. Turkey, 46347/99, Strasbourg 22 December 2005.

Clerides.<sup>62</sup> Turkey's perception of these missiles as a direct threat to its security led to a regional crisis (Press Release on the EU Membership of Greek Cypriot Administration of Southern Cyprus, 1998). Also, in 1997, Greece declared its threat to veto the enlargement process unless Cyprus is included in the first round of accession in 2003-4.<sup>63</sup>

So, a Joint Declaration proposing economic and financial integration and partial foreign, defense and security policy integration was made by Turkey and the TRNC on January 20, 1997 (Joint Declaration between the TRNC and Turkey, 1997). Turkey and the TRNC believed that the GCA was trying to achieve indirect *enosis* through the EU membership. They declared that any attack against the TRNC would be considered an attack on Turkey and that "all steps taken by the Greek Cypriot Administration towards accession to the EU will accelerate the integration of the TRNC with Turkey" (Joint Declaration between the TRNC and Turkey, 1997: "Conclusions", Parag. 2).<sup>64</sup>

Also, on July 4, 1997, a joint statement was made by Turkey and the TRNC by which they declared that in Cyprus there are two separate peoples and administrations, the approach of regarding the Greek Cypriot Administration as the legitimate government does not contribute to the settlement of the Cyprus problem, the acceptance of the Turkish Cypriot side's equal political and legal status and lifting the restrictions

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<sup>62</sup> The missiles had to be moved to Greek island of Crete for safekeeping following huge pressure from Turkey and Turkish Cypriots. On December 19, 2007, defense ministers of Greece and Greek Cypriot Administration have signed an agreement to formally transfer to Greece the controversial Russian S-300 missiles. Cyprus transferred the ownership of the S-300 missiles in exchange for two other missile systems from Greece. See, *China View Xinhua*, 20 December 2007.

<sup>63</sup> The Greek Foreign Minister declared that "If Cyprus is not admitted, then there will be no enlargement of the Community", November 1996.

<sup>64</sup> See, also, Press Statement of Turkey and the TRNC, 4 July 1997 and Joint Statement by Turkey and the TRNC, 20 July 1997.

on the TRNC in the international field will facilitate the efforts towards a settlement and 1960 Treaty of Guarantee and Alliance would remain valid (Press Statement of Turkey and the TRNC, 1997). The EP “denounced the joint declaration signed by Turkey and the illegal regime in the occupied areas of the Republic of Cyprus, which threaten to annex the occupied part of the island to Turkey, as illegal, provocative...” (EP Res., September 1997: Parag. 1).

In July 1997, the EU defined the enlargement to include Cyprus as “an opportunity in terms of its security, its economy, its culture and its place in the world” (Agenda 2000, 1997: “Enlarging the Union”, Parag. 1). The EU declared its determination for playing a positive role in bringing about a just and lasting settlement in accordance with the relevant UN Resolutions (Agenda 2000, 1997: “Prospects for a Political Settlement”, Parag. 3). The Union also suggested that:

The timetable agreed for accession negotiations to start with Cyprus means that they could start before a political settlement is reached... If progress towards a settlement is not made before the negotiations are due to begin, they should be opened with the government of the Republic of Cyprus, as the only authority recognized by international law (Agenda 2000, 1997: “Relations with the European Union”).

The Turkish Cypriots responded to the Agenda 2000 by declaring that the EU decision would render useless the process of negotiations recommenced between the two leaders and by expressing their determination to deepen further the existing cooperation between Turkey and the TRNC (Joint Statement by Turkey and the TRNC, 1997: Parag.

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At December 1997 Luxembourg Summit, the March 30, 1998 was given to the GCA as the date to begin accession negotiations on the conditions for their entry into the Union and Turkey was excluded from the list of candidates for the next wave of the EU enlargement (Luxembourg Presidency Conclusions, 1997: Parag. 11). The Council stated that the accession of Cyprus should benefit all communities and help to bring about civil peace and political solution to the Cyprus dispute under the aegis of the UN which must continue with a view to creating of a bi-community, bi-zonal federation in the island (Parag. 28). In that context, the European Council requested the GCA to include representatives of the Turkish Cypriot community in the accession negotiating delegation (Parag. 28). The EP stated that the solution of the Cyprus problem will be facilitated by the accession negotiations, however the accession negotiations should be kept separate from efforts to find a solution to the Cyprus problem (EP Res., 1999: COM(98)0710-C4-0108/99).

As a result of the 1997 Luxembourg Summit decisions, the TRNC and Turkey decided to break off all contacts with the EU by claiming that the “EU membership of Cyprus can only be discussed and agreed to after an overall settlement, and upon its approval by the two sides through separate referenda, as envisaged in paragraph 92 of

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<sup>65</sup> See, also, Joint Declaration between Turkey and TRNC, 20 July 1999.

the UN ‘Set of Ideas’” (Press Statement of the TRNC Government, 1997).<sup>66</sup> In addition, on March, Denktash stated that the Turkish side would not accept any delegation called “Cyprus Delegation” which was declared by the EU and the GCA (Press Statement by Rauf Denktash, 1998: Parag. 2). He declared that the EU accession negotiations were leaded by completely the Greek delegation and there had not been any government representing the two communities in the island for 35 years, so he emphasized that the Greek administration had neither the jurisdiction nor the right to take part in the so-called conference on behalf of Cyprus and to extend a request to the Turkish side for its participation in the EU accession negotiations under the Cyprus Delegation (Parag. 2).

Indeed, as it was declared at 1997 Luxembourg Summit, the accession negotiations with Cyprus started on March 30, 1998 without the participation of the Turkish Cypriots. Symbolically, just one day after the start of the EU accession negotiations, the first meeting of the Association Council between Turkey and the TRNC held on March 31, 1998 through which they established a Joint Economic Zone (Declaration by the Association Council, 1998). At that point, the UN SC accused the Turkish leadership of the suspension of the holding of bi-communal events and urged both sides, and in particular the Turkish Cypriot side, to commit themselves to bi-communal negotiations and to cooperate actively with the UN SG (UN SC Res. 1178, 1998: Parag. 10).<sup>67</sup>

In response to the start of accession negotiations with Cyprus, on August 31, 1998, Denktash announced that he would no longer accept federation as a basis for a

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<sup>66</sup> See, also, Press Statement by the Ministry of Foreign Affairs of the Republic of Turkey, 14 December 1997.

<sup>67</sup> See, also, UN SC Res. 1179, 29 June 1998, 1251 (29 June 1999) and 1475 (14 April 2003).

settlement and proposed the Greek Cypriot side to establish together a Confederation in Cyprus. Denktash's five point-proposal included a special relationship between Turkey and the TRNC, a similar relationship between Greece and the GCA, establishment of a Cyprus Confederation between the TRNC and the GCA, the continuation of the 1960 guarantee system and a policy of accession of the Cyprus Confederation to the EU only as a result of the common will of the two sides (Call for peace from the Turkish side, 1998). He also stated that the authorities of one party would not represent the other. In other words, the settlement would be based on the recognition of the TRNC as an equal state with the GCA. Turkey also declared its full support for this proposal (Turkish Republic National Assembly decision, 1999). The EP found Denktash's proposal as a contradiction to the UN Resolutions and as a reward to "Turkish aggression and to the partial occupation of Cyprus" (EP Res., 1999: COM(98)0710-C4-0108/99).

On November 9, 1998, France, Italy, Germany and the Netherlands declared their anxiety about the start of negotiations with a divided Cyprus (Joint Statement Made by Italy, France, Germany and the Netherlands, 1998). However, given the Greek threat to veto the entire enlargement process unless Cyprus is included in the first round of accession, despite its explicitly negative impressions, any EU member state has not vetoed the entry of a divided Cyprus to the Union since then.

So, between 1994 and 1999, as the Europeans became pro-Greek Cypriot, the Greek Cypriots began to show their nationalistic attitudes more. Also, the link between Turkey-EU relations and the Cyprus dispute became apparent in that period. As the EU-Turkey relations went down, Turkey made its policies about Cyprus hard. "While the accession negotiations with the Greek administration moved forward successfully, there was no progress on the resolution of the Cyprus problem. To the contrary, the inter-

communal talks which broke down in 1997 were interrupted until December 1999” (Suvarierol, 2003: 64). The first round of proximity talks started on December 3, 1999.

### **3.1.3. December 1999 - May 2004**

December 11, 1999 Helsinki Summit was a turning point in the EU-Cyprus relations. In the Helsinki Conclusions, “the Council welcomes the launch of the talks aiming at a comprehensive settlement of the Cyprus problem on 3 December (1999) in New York and expresses its strong support for the UN Secretary General’s efforts to bring the process to a successful conclusion” (Helsinki Presidency Conclusions, 1999: Art. 9/a).

In Helsinki, conditionality on the “Republic of Cyprus” was explicitly abandoned. The European Council underlined that:

A political settlement will facilitate the accession of Cyprus to the European Union. If no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above being a precondition. In this the Council will take account of all relevant factors (Art. 9/b).

This means that if Turkey and Turkish Cypriot community do not take steps towards a settlement of the Cyprus dispute, the European Council will decide for the accession of the Greek Cypriot Community without waiting the settlement of the

problem in the way the Turkish side wants. The then President Denktash stated that the necessity to conduct this process between two equal parties has been ignored at the Helsinki Summit (Statement by Rauf Denktash, 1999).

In Helsinki, Greece lifted its opposition to the EU candidacy of Turkey, because the EU removed the necessity for a settlement in the EU membership process of Cyprus. In this way, in Helsinki, the European Council declared Turkey as a candidate State destined to join the Union (Art. 9/b). So, tensions between Turkey and the EU eased and in 2000, a new round of talks started in New York. However, tensions started to rise again over the island's EU accession.

On September 12, 2000, the then UN SG Kofi Annan emphasized the political equality of the two communities on the island and the principle that each leadership could only represent its own community and no other (Tocci, 2002: 114). The Greek Cypriot House of Representatives rejected this statement defining it outside the framework of the UN principles and claiming it included unacceptable "confederal elements" (RoC, *House of Representatives Resolution*, 2000). On the other hand, as relations between Cyprus and the EU improved, the Turkish Cypriot position hardened.

However, perhaps realizing the gravity of the situation, as a result of Rauf Denktash's proposal to Glafcos Clerides, the decision to start face-to-face talks was taken on December 4, 2001 (UN SG Report, 2003: S/2003/398, Parag. 10). "The EU thus continued to view the Republic of Cyprus as fulfilling its conditions as far as a settlement is concerned" (Tocci, 2002: 109). Indeed, at the Laeken Summit, the European Council declared its determination for bringing the accession negotiations with the candidate countries that are ready to a successful conclusion by the end of 2002 (Laeken Presidency Conclusions, 2001: Parag. 8).

Following several informal meetings between the two Presidents in November and December 2001, an intensive and open-ended rounds of negotiations between the Greek and Turkish Cypriot leaders began under the UN auspices on January 16, 2002, however, the talks soon became deadlocked (UN SG Report, 2003: S/2003/398, Parag. 11). At the Seville Summit in June 2002, the EU, as it declared in a number of its decisions, put forward its continuing preference for the accession of a “reunited Cyprus” to the Union (Seville Presidency Conclusions, 2002: ).<sup>68</sup> In that context, the Council called upon the leaders of the two communities to intensify their talks in order to reach a comprehensive settlement, consistent with the UN SC Resolutions, before conclusion of the negotiations (Parag. 24).<sup>69</sup> The EU gave a commitment for making a substantial financial contribution in support of the development of the northern part of a “reunited island” (Parag. 24). Also, the European Council declared that “in respect of the accession of Cyprus, the Helsinki Conclusions (December 1999) are the basis of the European Union’s position” (Parag. 24).<sup>70</sup>

While the EP repeated the Helsinki decision stating that a political solution was not a precondition for Cyprus’s accession to the EU, it also stated that such a solution prior to accession is highly desirable (EP Res., 2001: COM(2000) 702-C5-0602/2000-1997/2171(COS), Parag. H). The Parliament stated that “there is no possibility of separate negotiations with the two parts of the island, and no question of either accession

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<sup>68</sup> See, also, European Council Presidency Conclusions, Copenhagen 12-13 December 2002, Brussels 12 December 2003, Brussels 25-26 March 2004, European Commission Proposal, IP/03/786, Brussels 3 June 2003, Council Regulation (EC) No 866/2004, 29 April 2004, Press Release, SC/8051, 4940<sup>th</sup> meeting, 2 April 2004, European Parliament Resolution on Copenhagen European Council, 19 December 2002, European Parliament Resolution, 21 April 2004 and General Affairs and External Relations Council, 276<sup>th</sup> Council Meeting, Luxembourg 26 April 2004.

<sup>69</sup> See, also, European Council Presidency Conclusions, Brussels 24 -25 October 2002.

<sup>70</sup> See, also, European Council Presidency Conclusions, Brussels 24-25 October 2002.

for two Cypriot states or of accession of the northern part of the island upon Turkish accession” (“Political Situation”, Parag. 2) The Parliament declared that “the Government of Cyprus is negotiating EU accession on behalf of all Cypriots, and when the accession process is successfully concluded, the entire island and all its citizens will legally be part of the EU” (Parag. C).

The most comprehensive attempt to resolve the conflict came on November 11, 2002, when the then UN SG Kofi Annan presented the “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem” (Annan Plan). The Plan proposed the establishment of the United Cyprus Republic by bringing the island's two communities into a federation of two equal constituent states (Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem, 2002: Art. 2/1/a). Also, in the Annan Plan, Cyprus is recommended to actively support the membership of Turkey in connection to accession of Cyprus to the Union (Art. 1/5). The Plan was welcomed by the EU due to its strong belief concerning the Plan's achievement in meeting the demands of the sides. However, Rauf Denktaş, who was recuperating from major heart surgery, refused to attend to the negotiations.

At the December 2002 Copenhagen Summit, the European Council stated that as the accession negotiations have been completed with Cyprus, Cyprus will be admitted as a new member state to the EU and the Union looks forward to welcoming Cyprus as a member from May 1, 2004 (Copenhagen Presidency Conclusions, 2002: Parag. 3 and 10). The European Council also declared that “in case of a settlement, the Council shall decide upon adaptations of the terms concerning the accession of Cyprus to the EU with regard to the Turkish Cypriot community”, however, “in the absence of a settlement, the application of the *acquis* to the northern part of the island to the Union shall be

suspended, until the Council decides unanimously otherwise, on the basis of a proposal by the Commission” (Parag. 11). At that point, the then UN SG stated that:

Given economic and numerical disparities, the unrestricted application of the *acquis communautaire* in the north would be problematic for the Turkish Cypriots... and special arrangements would be needed for Cyprus... The European Union, with its *acquis* would never be an obstacle to finding a solution to the Cyprus problem (UN SG Report, 2003: S/2003/398, Parag. 31).

The peace talks collapsed. The European Council urged all parties concerned, in particular, the Turkish Cypriot leadership to reconsider its position and reaffirmed its decisions taken at Copenhagen (December 2002) with regard to Cyprus’s accession to the EU (Brussels Presidency Conclusions, 2003: Parag. 85).<sup>71</sup> In this way, the Council has put more emphasis on the Turkish side in failing to reach a settlement in the island. The EP gave its assent to the EU membership application of the GCA (EP Legislative Res., 2003: P5\_TA-PROV(2003)0171). So, on April 16, 2003, Cyprus formally signed the EU Treaty of Accession which would enter into force on May 1, 2004 (Treaty of Accession, 2003).<sup>72</sup>

On June 3, 2003, as a response to the request of the European Council of Copenhagen in December 2002, the European Commission proposed a financial assistance for 2003, worth 12 million Euros, to the Turkish Cypriot Community and

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<sup>71</sup> For the emphasis put by the EU on Turkey and Turkish Cypriot side, see also, European Council Presidency Conclusions, Thessaloniki 19-20 June 2003 and Brussels 12-13 December 2003. See also, UN Security Council Resolution 1475, 14 April 2003.

<sup>72</sup> See, also, Informal European Council: Athens Declaration, 16 April 2003.

measures promoting trade between the northern part of Cyprus and the rest of the Union (Commission Proposal, 2003: IP/03/786).<sup>73</sup> However, no financial aid would be provided to the Turkish Cypriot Community by the EU till 2006.

Throughout the rest of the year there was no effort to restart talks. The Protocol No. 10 on Cyprus, attached to the Treaty of Accession signed on April 16, 2003, provides for the suspension of the application of the *acquis communautaire* in those areas of Cyprus, where the GCA does not exercise effective control (Protocol No. 10, 2003: Art. 1). The Protocol states that in the event of a political settlement, the suspension of the application of the *acquis communautaire* in the Turkish Cypriot community would be lifted (Art. 4). It also notes that nothing in the Protocol shall preclude measures for promoting the economic development of the Turkish Cypriot community and such measures shall not affect the application of the *acquis* under the conditions set out in the Accession Treaty in any other part of Cyprus (Art. 3). In this way, the EU keeps the way of establishing financial relations with the northern part of the island open.

At the European Council Summit in December 2003, it was declared that “following a settlement, the Union is ready to provide financial assistance to the northern part of Cyprus and the Commission would be called upon to prepare all necessary steps for lifting the suspension of the *acquis*, in accordance with Protocol 10” (Brussels Presidency Conclusions, December 2003: Parag. 42). In this way, the EU made the commitment of providing financial assistance to the Turkish Cypriot

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<sup>73</sup> “Four financial protocols on financial co-operation were signed between the EU and the Republic of Cyprus, covering a period of 22 years (1978 till 1999). During this time, € 210 Million were made available under the form of loans (152 M€), grants (51 M€), and risk capital (7 M€)”, see, [http://ec.europa.eu/enlargement/archives/enlargement\\_process/past\\_enlargements/eu10/cyprus\\_en.htm](http://ec.europa.eu/enlargement/archives/enlargement_process/past_enlargements/eu10/cyprus_en.htm)

community and implementing the *acquis* to the northern part of the island on the condition that the Turkish Cypriots would reach an agreement with the Greek Cypriots.

After final adjustments, a fifth and final version of the Annan Plan was presented to the two sides on March 31, 2004. The EP expressed its support for the final version of the Plan so that reunited island can join the EU on 1 May and declared that there is no alternative other than the Annan Plan in a long period of time (EP Res., 2004: Parags. 2 and 10). The Parliament assured both sides that the EU institutions will guarantee the implementation of settlement as this is a question touching upon their own credibility (Parag. 13).

On April 24, 2004, %76 of the Greek Cypriots rejected while %65 of the Turkish Cypriots approved Annan's unity plan in a referendum held in the island (Eralp and Beriker, 2005: 178). Tasos Papadopoulos explained the reason of the Greek Cypriot rejection by declaring that the plan gave the Turkish side and Turkey "nearly everything they wanted, more than they needed and more than was fair" and he believed that future negotiations would be successful if the Turkish side meets outstanding Greek Cypriot concerns (Press Release, 2005: SC/8422, 5211<sup>th</sup> meeting).

Due to the referendum results, the then SG regretted that the Turkish Cypriots would not equally enjoy the benefits of the EU membership as of 1 May and hoped that the ways would be found to compensate for this (Press Release, 2004: SC/8074, 4954<sup>th</sup> Meeting). Also, Special Adviser Alvaro De Soto expressed that "with the rejection of the settlement plan by the Greek Cypriots, the final opportunity to ensure that Cyprus acceded to the European Union as a united country rather than a divided one had been missed..." and "the Secretary-General welcomed the approval of the plan by the Turkish Cypriots who signaled their commitment to reunification and backed away from their

search for separate sovereign statehood” (Press Release, 2004: SC/8116, 4986<sup>th</sup> meeting). The then SG also called on the European Council to eliminate unnecessary restrictions and barriers that isolate the Turkish Cypriots and impede their development, but not for the purposes of affording recognition or assisting secession (Press Release, 2004: SC/8116, 4986<sup>th</sup> Meeting). Two days after the referendum, on April 26, 2004, the European Council stated that:

The Turkish Cypriot community has expressed its clear desire for a future within the European Union. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community (European Commission Proposal for a Council Regulation, 2004: COM(2004) 466 Final, 2004/0148 (ACC)).<sup>74</sup>

On July 7, 2004, the Commission proposed the Financial Aid Regulation and Direct Trade Regulation for the northern part of the island (European Commission Proposal for a Council Regulation, 2004: COM(2004) 466 Final, 2004/0148 (ACC)).<sup>75</sup> The Commission declared that the envelope amounts to 259 million Euros for the period 2004-2006 (Commission Proposal IP/04/857, 2004). The legal basis of this financial assistance lies in the Protocol No. 10 of the Treaty of Accession 2003 in which the European Council states that the application of the *acquis* has been suspended in the northern part of the island, however, measures to promote the development of this area

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<sup>74</sup> See, also, General Affairs and External Relations Council, 276<sup>th</sup> Council Meeting, Luxembourg 26 April 2004.

<sup>75</sup> See, also, General Affairs and External Relations Council, 276<sup>th</sup> Council Meeting, Luxembourg 26 April 2004.

are not precluded by the suspension of the *acquis* (Protocol No. 10, 2003: Art. 1(1) and 3(1)).<sup>76</sup>

The Greek side has opposed the Direct Trade Regulation due to the fact that it will lead to the abolishment of the embargo over the Turkish Cypriot Community and there can be no direct trade via ports and airports in Northern Cyprus as these are unrecognized. Instead, it has offered to allow the Turkish Cypriots to use the Greek Cypriot facilities, which are internationally recognized. This has been rejected by the Turkish Cypriots.

The Green Line Regulation (Council Regulation, 2004: No 866/2004) adopted on April 29, 2004 by the European Council defines the terms under which the provisions of the EU law apply to the movement of goods and persons across the line between the Turkish and Greek Cypriot territories (Communication from the Commission Annual Report, 2006: COM (2006) 551 final). The Regulation entered into force on May 1, 2004. Since then, a number of amendments have been made in order to relax the crossing of persons from the line and to facilitate the trade in certain agricultural goods (Council Resolution, 2005: No 293/2005).<sup>77</sup> While the movement of persons is encouraging<sup>78</sup> despite its illegal structure, “Green Line trade remains very limited amounting to approximately € 161.089 per month (approximately € 2 million per year)”

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<sup>76</sup> See, also, European Commission Proposal for a Council Regulation on specific conditions for trade with those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control, COM (2004) 466 Final, 2004/0148 (ACC), Brussels 7 July 2004.

<sup>77</sup> In that context, the list of crossing points has been extended by three additional crossing points, see, Commission Regulation (EC) No 1283/2005, Brussels 3 August 2005 amending Annex I of the Green Line Regulation. And citrus fruits have been allowed to cross the Green Line without being subject to customs duties or charges, see, Commission Regulation (EC) No 1624/2005, Brussels 4 October 2005.

<sup>78</sup> In April 2003, the Turkish Cypriots had opened the Green Line and allowed for the first time in 30 years freedom of movement for people from both sides. However, illegal migration through the Green Line increases.

(Communication from the Commission Annual Report, 2006: COM (2006) 551 final). On the other hand, according to the recent report provided by the Cypriot authorities, this amount rose to about € 3.3 million, however, several reported cases confirm that there are still many obstacles to the further development of Green Line trade due to the restrictions put by the Greek Cypriot authorities on the Turkish Cypriot vehicles and relatively limited amount of flow of goods (Annual Report on the Implementation of Council Regulation, 2007: COM(2007)553).<sup>79</sup>

### **3.1.4 May 2004 and afterwards**

On May 1, 2004, the Greek Cypriot-controlled “Republic of Cyprus” became a full member of the EU. This has been a major turning point for the Cyprus dispute in terms of the division of the island since 1974. “This meant that while officially the whole of Cyprus entered the EU, the *de facto* EU border runs along the green line dividing the country between its Greek and Turkish parts” (Eralp and Beriker, 2005: 187). That is, the terms of the *acquis communautaire* have been suspended in the north. Also, the Cyprus dispute has turned to be an internal problem of the EU since then. Turkey opposed the EU membership of the GCA declaring that:

The Greek Cypriots can not claim authority, jurisdiction or sovereignty over the Turkish Cypriots, who have equal status, or over the entire island of Cyprus... The accession of Southern Cyprus can not prejudice in whatsoever

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<sup>79</sup> Annual Report on the Implementation of Council Regulation (EC) 866/2004 of 29 April and the situation resulting from its Application, COM(2007)553, Brussels 20 September 2007.

manner the rights and obligations of Turkey regarding Cyprus under the 1960 Treaties (Press Release by the Ministry of Foreign Affairs of Turkey, 2004: Parags. 9 and 11).

On April 17, 2005, pro-EU and pro-unification candidate Mehmet Ali Talat was elected as the president of the TRNC by replacing Rauf Denktash. On February 27, 2006, the EU approved the Financial Aid Regulation for the Turkish Cypriot Community by separating it from the Direct Trade Regulation, despite the rejections of the Turkish side (Council Regulation, 2006: No 389/2006). In this regulation, it was stated that “nothing in this regulation is intended to imply recognition of any public authority in the areas other than the Government of the Republic of Cyprus”. On June 26, 2006, the EU took a decision to release 139 million Euros of the EU aid to the Turkish Cypriot community in order to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot Community.<sup>80</sup> In fact, the negative reactions drawn from the Turkish side against the EU, which has not implemented its commitments to the Turkish Cypriots after the Annan Plan, led to this surprising decision.

On July 8, 2006, Tasos Papadopoulos and Mehmet Ali Talat agreed on “5 Set of Principles” of which the most significant points are as follows:

1. Commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant UN SC

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<sup>80</sup> This aid had been planned as 259 million Euros two years ago, however, 120 million Euros of this aid was cancelled because the Regulation could not be approved until the end of 2005 due to the Greek opposition.

resolutions. 2. Recognition of the fact that the *status quo* is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots. 3. Commitment to the proposition that a comprehensive settlement is both desirable and possible, and should not be further delayed (Agreement between Mr Tassos Papadopoulos and Mr Mehmet Ali Talat, 2006).

Also, the two leaders agreed on meeting further to discuss of the issues that affect the day to day life of the people.

“On October 27, 2006, the EU released 38.1 million Euros as the first part (Commission Decision, 2006: C/2006/5000) and on December 15, 2006, 197.5 million Euros as the second and the last part of the anticipated aid package” (Hürriyet, October 2006 and December 2006).<sup>81</sup> On the other hand, the economic cooperation between Turkey and the TRNC continues to increase.<sup>82</sup>

In March 2007, the Turkish Cypriot side had pulled down a bridge at the Lokmacı border crossing on the Green Line dividing Nicosia to two. Dismantling the wall is a step towards reconnecting Ledra Street, which was first closed in the 1960s following the inter-communal strife. So, the demolition of the barrier, a bitter symbol of the island's 34 year division into a Greek Cypriot south and a Turkish Cypriot north, raised hopes for more progress towards reuniting Cyprus.

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<sup>81</sup> The General Affairs and External Relations Council, as regards the implementation of the Council Conclusions of April 2004, adopted that this work must resume without delay. See, General Affairs and External Relations, 2775th Council Meeting, 5462/07, Brussels 22 January 2007.

<sup>82</sup> On April 10, 2007, Turkey declared its plan to give 783.6 million in aid to northern Cyprus and on April 25, 2007, Turkey and northern Cyprus signed a protocol to boost cooperation in customs-related issues.

However, insolvability in the island continues today. Recently some problems were arisen among the parties as a result of an agreement for defense cooperation signed between France and Cyprus in March 2007 (Defence Cooperation Agreement between Cyprus and France, 2007) and also of the deals signed by the GCA with Egypt (2005) and Lebanon (2007) to delimitate the maritime exclusive economic zone between the “Republic of Cyprus”-Lebanon and the “Republic of Cyprus”-Egypt with a view to oil drilling (Agreement for the Delimitation of the Exclusive Economic Zone, 2007). Turkey protested these attempts of the GCA by claiming that these agreements were not in line with the 1960 Treaty of Guarantee and the international law on maritime boundaries (Press Release by Turkey, 2007).<sup>83</sup>

### **3.2 The EU Policies towards Turkey related to the Cyprus Dispute**

Most of the significant decisions about the EU including the enlargement process are taken in the European Council meetings, in other words at the Summits, where the heads of states and governments of all member states come together. So, the European Council meetings where important decisions about Turkey and the Cyprus dispute were taken will be analyzed in a general framework. The European Commission decisions which are influential in the formation of the European Council decisions and in the implementation of the decisions taken at the Summits have a great significance in the Cyprus dispute. Indeed, the evolution of the Cyprus dispute and the EU accession of the

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<sup>83</sup> See, also, Press Release by Turkey, 1 March 2007.

Greek administration are in general based on the opinions given by the Commission. On the other hand, it should be stated that there have not been any differences in the opinions of the European Council and European Commission. That is why the decisions of these two institutions will be analyzed under the same heading.

### **3.2.1. The European Council and European Commission Decisions**

Despite Turkey's efforts for separating the Cyprus dispute from the process of Turkey's EU membership, the EU institutions have tended to put the settlement of the Cyprus dispute as an obstacle in front of Turkey's integration with the Union.

Turkey made its application for full membership to the EU on April 14, 1987. However, the December 1989 Opinion of the European Commission on the Turkish application stated that:

Examination of the political aspects of the accession of Turkey would be incomplete if it did not consider the negative effects of the dispute between Turkey and one Member State (Greece) of the Community, and also the situation in Cyprus... At issue are the unity, independence, sovereignty and territorial integrity of Cyprus, in accordance with the relevant resolutions of the United Nations (Commission Opinion on Turkey's Request for Accession to the Community, 1989: Parag. 9).

That is, Turkey has to solve the Cyprus dispute in order to be an EU member. In a declaration on the Cyprus issue, which was adopted at the EU Dublin Summit held in June 1990, cited “Cyprus question affects Turkey-EU relations” (Dublin Presidency Conclusions, 1990: 34, Annex VIII). From 1989 until 1994, the EU documents emphasized that the Cyprus dispute would emerge as a block before Turkey’s accession to the EU, where the Turkish politicians and some institutions simply disregarded this fact.

The European Council at its Dublin meeting in December 1996 “urged Turkey to use its influence to contribute to a solution in Cyprus in accordance with UN Security Council Resolutions” (Dublin Presidency Conclusions, 1996: “Turkey”, Parag. 3) At Luxembourg Summit, in December 1997, while a date was given to the Greek Cypriots to begin accession negotiations on the conditions for their entry into the Union, Turkey was excluded from the list of candidates for the next wave of EU enlargement (Luxembourg Presidency Conclusions, 1997: Parag. 11). Although the Council declared that “Turkey will be judged on the basis of the same criteria as the other applicant states” (Parag. 31), Turkey’s support for negotiations on a political settlement in Cyprus on the basis of the relevant UN SC Resolutions was mentioned as a precondition for strengthening Turkey’s links with the EU (Parag. 35). This fact was also disregarded by the foreign policy makers of Turkey, and no positive steps were taken related to the settlement of the Cyprus problem.

However, due to the Luxembourg Summit Conclusions (December 1997), Turkey decided to break off all contacts with the EU and began to take steps towards an economic integration with the TRNC as a response to the improving relations between the EU and the GCA. “The EU, aware off the risk of alienating Turkey by excluding it

from the list of candidates, had invited it to the European Conference to show that Turkey would one day become a candidate for membership” (Suvarierol, 2003: 60). However, the EU conditioned the participation in the Conference to a commitment to respect for other countries’ sovereignty and integrity and inviolability of external borders and settlement of territorial disputes by peaceful means.<sup>84</sup> In this way, the EU imposed the settlement of the Cyprus dispute and the Greek-Turkish problems. So, Turkey refused to participate in the European Conference.

At the Vienna Summit held in December 1998, the European Council underlined the great importance it attaches to the development of relations between the EU and Turkey while demanding the implementation of the European Strategy to prepare Turkey for membership in line with its conclusions at the December 1997 Luxembourg Summit in which Turkey’s support for a political settlement in Cyprus was brought as a precondition for Turkey’s EU accession (Vienna Presidency Conclusions, 1998: Parag. 63). The EU decisions taken between December 1997 and December 1999 showed that Turkey hardened its position about the Cyprus dispute whenever the EU-Turkey relations worsened.

As the strategy of excluding Turkey from the candidate country list led to the hardening position of Turkey, the EU changed its policy towards Turkey. In December 1999 Helsinki Conclusions, the European Council declared “Turkey as a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States” (Helsinki Presidency Conclusions, 1999: Art. 9/b). With this decision, it was aimed that the EU accession process of Turkey would contribute to the settlement

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<sup>84</sup> For the text of the Presidency Conclusions of the Luxembourg Summit referring to the European Conference, see, European Council Presidency Conclusions, Luxembourg 12-13 December 1997.

of the Cyprus dispute by modifying the position of Turkey. In fact, through this decision, the EU wanted Turkey to put pressure on the Turkish Cypriots to reach a settlement with the Greek Cypriots and not to take negative reactions of Turkey about accession of the divided Cyprus to the EU. This objective of the EU became apparent with the Article 9/b of the Helsinki Conclusions which means that if Turkey does not take steps towards a settlement of the Cyprus dispute, the European Council will decide for the accession of the Greek Cypriot Community without waiting the settlement of the problem in the way Turkey wants. That is, the settlement of the Cyprus dispute is not a precondition for the accession of the GCA to the EU and Turkey is expected to play an active role in reaching a solution in Cyprus. “Given this expectation and the noting of this issue as a short-term priority of Turkey’s Accession Partnership, Cyprus is a *sine qua non* for Turkey’s membership” (Suvarierol, 2003: 55).

Also, in the Helsinki Conclusions (December 1999), it was declared that “the European Council urges candidate States to make every effort to resolve any outstanding border disputes and other related issues...” (Art. 4). So, although “the European Council recalled that compliance with all the Copenhagen criteria is a prerequisite for the opening of accession negotiations” (Art. 4), following the Helsinki Summit, the EU made clear that Turkey’s EU membership can be possible on the event that the Cyprus dispute and problems between Greece and Turkey are solved. Indeed, the Accession Partnership Document adopted by the Council of Ministers in March 2001 stated that “Turkey should support the UN Secretary General’s efforts to bring the process, aiming at a comprehensive settlement of the Cyprus problem to a successful conclusion” (Council of Ministers, 2001: 2001/235/EC).

In June 2003, the European Council declared that in accordance with the December 1999 Helsinki Conclusions, fulfillment of the priorities set out in the Accession Partnership will assist Turkey towards EU membership (Thessaloniki Presidency Conclusions, 2003: Parag. 38). The European Council also urged Turkey and the Turkish Cypriot leadership to strongly support the efforts of the UN SG. At Brussels Summit held in December 2003, the European Council underlined the importance of Turkey's expression of political will to settle the Cyprus Problem and declared that "in this respect, a settlement of the Cyprus problem would greatly facilitate Turkey's membership aspirations" (Brussels Presidency Conclusions, December 2003: Parag. 40). The EU also urged all parties to commit to the negotiating process related to the Cyprus problem with the collaboration of the governments of Greece and Turkey (Brussels Presidency Conclusions, March 2004: Parag. 49).

"In May 2004, Turkey published a Decree extending the benefits of the EC-Turkey Customs Union Agreement to all EU Member States except the Republic of Cyprus" (Regular Report on Turkey's Progress towards Accession, 2004: Ch. 25). In the Brussels Summit in June 2004, the European Council invited Turkey to conclude negotiations with the Commission on behalf of the Community and its 25 member States on the adaptation of the September 1963 Ankara Agreement to take account of the accession of the new Member States -this group includes the Greek Cypriot state (Brussels Presidency Conclusions, June 2004: Parag. 31). This is put forward as Turkey's obligation coming from Ankara Agreement (1963) and the Customs Union. Also, the Council welcomed the positive contribution of the Turkish Government to the efforts of the UN SG for a settlement in the Cyprus Problem (Parag. 32). "On 2 October, Turkey published a new Decree adding Cyprus to the list of countries to which the

Customs Union provisions apply” (Regular Report on Turkey’s Progress towards Accession, 2004: SEC(2004) 1201, Ch. 1.4 “Cyprus”, 52).

At the European Council Summit held in December 2004, October 3, 2005 was given to Turkey as the date for opening negotiations on the condition that Turkey worked towards the resolution the outstanding border disputes having repercussions on the accession process (Brussels Presidency Conclusions, December 2004: Parag. 20). The announcement stated that the accession talks between Turkey and the Union would be “open-ended” (Parag. 23/4).

The European Council pointed the legal basis of this request by making a reference to the Article 6 (2) of the Act of Accession (2003) which requires the new member states to accede to the agreements concluded by the member states and the Community, acting jointly, with third countries (Council Decision, 2005: 2005/672/EC). On July 29, 2005, Turkey signed the Additional Protocol<sup>85</sup> (Art. 1) extending its customs union to the EU-10 states issuing a declaration (Declaration by Turkey regarding the Additional Protocol to the Ankara Agreement, 2005) saying that its signature did not mean its recognition of the “Republic of Cyprus”. In this way, the Greek Cypriot Administration which is not recognized by Turkey would be a party to the Association Agreement signed between the EEC and Turkey.

In the counterstatement of the EU to the Turkish declaration on Cyprus, issued on September 21, 2005:

The European Community and its Member States made clear that this declaration by Turkey is unilateral, does not form part of the Protocol and

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<sup>85</sup> See, also,  
<http://www.mfa.gov.tr/NR/rdonlyres/CC2CB422-22E0-4037-B82F-E05C1274CF54/0/EKPROTOKOLMETNI.pdf>

has no legal effect on Turkey's obligations under the Protocol... (Parag. 2)

The European Community and its Member States stress that the opening of negotiations on the relevant chapters depends on Turkey's implementation of its contractual obligations to all Member States. Failure to implement its obligations in full will affect the overall progress in the negotiations (Parag. 3) (Counterstatement to Turkish Declaration on Cyprus, 2005).

At that point, the EU again underlined that they recognize only the "Republic of Cyprus" as a subject of international law (Parag. 4). It was also declared that "recognition of all Member States is a necessary component of the accession process. Accordingly, the EU underlines the importance it attaches to the normalization of relations between Turkey and all EU Member States, as soon as possible" (Parag. 5). In this way, the EU implied that the recognition of the "Republic of Cyprus" by Turkey is a requirement for the accession of Turkey to the Union.

Also, in Turkey's Negotiating Framework, some of the requirements declared by the European Council in order to measure Turkey's progress in preparing for accession were Turkey's continued support for efforts to achieve a comprehensive settlement of the Cyprus problem, its progress in the normalization of bilateral relations with the "Republic of Cyprus" and the fulfillment of Turkey's obligations under the Association Agreement and its Additional Protocol as declared also in the Accession Partnership Document (Negotiating Framework, 2005: Parag. 6).<sup>86</sup>

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<sup>86</sup> See, also, 2005 Regular Report on Turkey's Progress towards Accession, 9 November 2005 and European Council Presidency Conclusions, Luxembourg 15-16 June 2006.

On May 30, 2005 the then Turkish Minister of Foreign Affairs Abdullah Gül suggested the implementation of these arrangements:

a) Free movement of people, goods and services to and from the Turkish Cypriot side, as well as between the North and the South; b) Lifting of all restrictions applied to sea and airports, including direct flight; c) Elimination of restrictions regarding third-country citizens; d) Special arrangements for the direct inclusion of North Cyprus as an economic entity into the EU Customs Union and enjoyment of its full benefits by all Turkish Cypriots; e) Removal of all obstacles that prevent the Turkish Cypriot side to participate in international activities of sports, culture and etc. (Letter from Turkey to the UN SG, 2005: A/59/820-S/2005/355).

The ports of the GCA have been closed to the Turkish vessels since 1974, however, the Turkish ports have been closed to the Greek Cypriot vessels as *de facto* since 1987 and officially since 1997. Turkey's January 2006 initiative on Cyprus declared the following proposals:

1. Opening of the sea ports of Turkey to Greek Cypriot vessels serving the trade of goods in accordance with the EC-Turkey Customs Union.
2. Allowing Greek Cypriot air carriers to use the Turkish air space for over-flights and to land at the Turkish airports in accordance with relevant international rules and procedures.
3. Opening of the ports in North Cyprus, including Gazimagosa (Famagusta), Girne, and Gemikonağı to international traffic of goods, persons and services under Turkish Cypriot management.
4. Opening of Ercan Airport for direct flights under the Turkish Cypriot

management. 5. Special arrangements for the practical inclusion of North Cyprus, as an economic entity, into the European Union's customs union. Unhindered direct trade between both sides of the island as well as with the outside world. 6. Participation of the Turkish Cypriot side in international sports, cultural and other social activities (New Initiative by Turkey on Cyprus, 2006).

Finland, the then holder of the presidency of the EU (July-December 2006), has offered a verbal proposal in 2006. It includes opening the northern Cyprus seaport of Famagusta (Gazimagosa) to international trade under the supervision of the UN and withdrawal of the Turkish troops from this city, in return of the Turkish side's handing over control of Varosha (Maraş) to the UN. In this way, by lifting the isolations on North Cyprus, the EU aims to convince Turkey to open its ports to the Greek Cypriot vessels. However, the Turkish side has demanded that any deal would also include the opening of the Northern Cypriot Airport, Ercan to international flights –currently only open to flights to and from Turkey. Also, the Greeks have claimed to veto any proposal for trade with Famagusta without return of Varosha to Greek Cypriots.

On December 11, 2006, “the Council decided in particular to suspend negotiations on 8 chapters<sup>87</sup> relevant to Turkey's restrictions as regards the Republic of Cyprus and will not close the other chapters, until it fulfills its commitments under the Additional Protocol to the EU-Turkey Association Agreement, which extended the EU-

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<sup>87</sup> These 8 chapters are: Chapter 1: Free movement of goods, Chapter 3: Right of establishment and freedom to provide service, Chapter 9: Financial Services, Chapter 11: Agriculture and rural development, Chapter 13: Fisheries, Chapter 14: Transport policy, Chapter 29: Customs union and Chapter 30: External relations.

Turkey customs union to the ten member states, including Cyprus” (General Affairs and External Relations Council, 2006: 2770th Meeting).<sup>88</sup> In March 2007, the German Presidency reiterated Turkey's responsibility to achieve progress in the normalization of bilateral relations between Turkey and all EU member states, including the “Republic of Cyprus” (The New Anatolian, 21 March 2007). The Commission also called on Turkey to stop vetoing Cyprus's participation in international organizations like the OECD and NATO, an issue also rejected by the Turkish side, which implied that Turkey will continue to follow this tactic.

However, on March 31, 2007, the EU resumed membership talks with Turkey. So far, the EU have opened negotiations with Turkey on 5 chapters<sup>89</sup> examining Turkey's general state of preparedness in these areas and provisionally closed on one (Science and Research).<sup>90</sup> In this way, despite the French attempts for keeping a reference to “accession” or “membership” in connection with Turkey out of the EU Summit statement, the series of the meetings were called as "accession conferences" on the contrary to France's support for the term of "intergovernmental conferences". However, during these accession conferences, the EU also underlined that “Turkey has to fulfill its obligation of full non-discriminatory implementation of the Additional Protocol to the Association Agreement” (Third Meeting of the Accession Conference

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<sup>88</sup> On December 15, 2006, the EU endorsed this decision in the conclusions on Turkey. See, European Council Presidency Conclusions, Brussels 14-15 December 2006.

<sup>89</sup> “Enterprise and Industrial policy, Statistics, Financial Control” (Third Meeting of the Accession Conference at ministerial level with Turkey, 11233/07 (Presse 154), Brussels 26 June 2007), “Trans-European Networks, Consumer and Health Protection” (Fourth Meeting of the Accession Conference at ministerial level with Turkey, 16734/07 (Presse 302), Brussels 19 December 2007).

<sup>90</sup> For details on the current situation of negotiations, see, <http://www.abgs.gov.tr/index.php?p=65&l=2> See, also, 2007 Regular Report on Turkey's Progress towards Accession, COM (2007) 663, 6 November 2007.

with Turkey, 2007: 11233/07 (Presse 154) and Fourth Meeting of the Accession Conference with Turkey, 2007: 16734/07 (Presse 302)).

### **3.2.2 The European Parliament Decisions**

The European Parliament which represents various political formations in Europe has a potential to be an efficient pressure tool on the other EU institutions. Indeed, the efforts for strengthening the place of the Parliament in the decision-making process of the EU have shown the increasing importance of the Parliament declarations. The Parliament has taken decisions in the direction of the European Council and European Commission decisions, on the other hand, it is apparent that the approach of the Parliament towards the Turkish Cypriot community and Turkey are said to be more negative than the ones of the Council and the Commission.

The EP, in its several resolutions, has declared Turkey as the “occupying” power in the northern part of Cyprus since 1974.<sup>91</sup> The Parliament called upon Turkey to withdraw its “occupation” troops from Cyprus in accordance with the relevant UN Resolutions and called for the Turkish troops to be replaced by the UN peacekeeping forces.<sup>92</sup> Because the Parliament considered that gradual demilitarization of the island would facilitate mutual understanding between the two communities (EP Res., April

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<sup>91</sup> See, EP Res., 13 September 1985, 10 July 1986, 9 July 1987, 10 March 1988, 15 December 1988, 12 July 1990, 14 March 1991, 21 January 1993, 19 September 1996, 24 October 1996 and EP Res. on Cyprus’s membership application to the EU and the state of negotiations, COM(2000) 702-C5-0602/2000-1997/2171(COS).

<sup>92</sup> See, EP Res., 9 July 1987, 21 January 1993, 19 September 1996, 24 October 1996 and EP Res. on the Regular Report from the Commission on Cyprus Progress towards accession, COM(98)0710-C4-0108/99.

2004: Parag. 9), further ease tension and prepare for a lasting solution. However, “the Turkish army commander General Yaşar Büyükanıt said that Turkey would not withdraw even a single soldier from Cyprus without a permanent solution” (Eralp and Beriker, 2005: 187). The EP also accused Turkey of bringing the members of the Turkish extremist organization “Grey Wolves” to Cyprus so that they could enter into conflict with unarmed demonstrators and of causing the murders of a number of the Greek Cypriots without reason and called on Turkey to cooperate to put an end to these violent incidents (EP Res., September 1996: Parag. C).<sup>93</sup>

The Parliament also deplored the impassiveness of Turkey about not responding to the ruling of the European Court of Human Rights stating that Turkey was guilty of human rights violations in the northern part of Cyprus on May 10, 2001 (EP Res., 2001: COM(2000) 702-C5-0602/2000-1997/2171(COS)). So, it called on Turkey to respect the human rights and the fundamental freedoms of the Greek Cypriots and Marotines and to implement the provisions of the Third Vienna Agreement of 1975, particularly with regard to prisoners who are imprisoned in the “occupied part of Cyprus” (EP. Res., October 1996: Parag. E). The Parliament called upon the Member States to respond with firm pressure on Turkey with the aim of freeing the island of the presence of all Turkish troops, guaranteeing freedom of movement for all citizens and working for a just and peaceful solution to the Cyprus problem (EP. Res., October 1996: Parag. 6).<sup>94</sup>

The EP declared that “the accession of Cyprus is an autonomous process and that Cyprus should not be a hostage of relations between the Union and Turkey” (EP Res.,

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<sup>93</sup> See, also, EP Res. 24 October 1996.

<sup>94</sup> See, also, EP Res. 17 September 1997.

July 1995: Parag. 10). On the other hand, the Parliament reminded the Turkish Government that “relations between Turkey and the EU depend partly on the Turkish Government’s policy on Cyprus” (EP Res., October 1996: Parag. 4 and EP Res., September 1997: Parag. 7).<sup>95</sup> and reiterated its decision to freeze financial cooperation with Turkey as well as the MEDA (“MEsures D’Accompagnement”-“Accompanying Measures” in French) programme (The Euro-Mediterranean Partnership) with regard to Turkey, with the exception of the promotion of democracy, human rights and civil society (EP Res., October 1996: Parag. 4). The Parliament also called on the Commission and Council to put pressure on Turkey, by indicating that the quality of the EU-Turkey relations depends on the Turkish attitude towards the solution of the Cyprus problem (EP Res., 1999: COM(98)0710-C4-0108/99). So, it called on the Turkish authorities to maintain their constructive attitude in finding a settlement to the Cyprus question on the basis of the Annan Plan and the principles upon which the EU is founded (EP Res., September 2005: Parag. 7).

The Parliament also stressed that “if Turkey were to carry out its threat of annexing the north of Cyprus in response to Cypriot accession to the EU, it would put an end to its own ambitions of the European Union membership” (EP Res., 2001: COM(2000) 702-C5-0602/2000-1997/2171(COS), Parag. 3). The Parliament invited Turkey to regard the membership of Cyprus as an important contribution to the security and development of both of the communities, peace and stability in the region and strengthened partnership between Turkey and the EU (EP Res., 2001: COM(2000) 702-C5-0602/2000-1997/2171(COS), Parag. 4). It also called on the Turkish authorities to

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<sup>95</sup> See, also, EP Res., 15 March 1990.

recognize the “Republic of Cyprus” as soon as possible by noting that the opening of negotiations obviously implies the recognition of Cyprus by Turkey and stresses that failure to do so will have serious implications for the negotiations and could lead to a halting of this process (EP Res., September 2005: Parag. 8).

On the other hand, the Parliament called on the Greek government to lift its opposition to the EU financial assistance being provided to Turkey in the framework of the EU-Turkey customs union (EP Res., 1999: COM(98)0710-C4-0108/99). It also called on the Council to put an end to the isolation of the Turkish Cypriot community and to reach an agreement on the financial aid package and on trade facilitation regulations concerning the Turkish Cypriot community in order that the EU honour its own commitments with respect to the Turkish Cypriot community (EP Res., September 2005: Parag. 9).

The Parliament deplored that Turkey has not implemented all provisions of the Protocol extending the Ankara Agreement to the ten new Member States and stressed that the unilateral declaration by Turkey, which states that signing of this Protocol does not mean the recognition of the “Republic of Cyprus”, does not form part of the Protocol and has no legal effect on Turkey’s obligations under the Protocol and should not be sent to the Grand National Assembly for its approval (EP Res., September 2005: Parags. 2 and 3). It reminded Turkey that by maintaining restrictions against vessels flying the Cypriot flag and vessels approaching from harbours in the “Republic of Cyprus”, in the form of denial of access to Turkish ports and against Cypriot aircraft, by denying them overflight rights and landing rights at Turkish airports, Turkey is in breach of the Ankara Agreement as this practice undermines the principle of the free movement of goods (Parag. 4). So, it calls on the Turkish authorities to abolish all existing restrictions

applying to ships flying the Cypriot flag and involved in trade relating to a Member State of the EU and to fully implement all the provisions of the Protocol (Parag. 3).<sup>96</sup> The Parliament stresses that failure in the implementation of this Agreement will have serious implications for the continuation of the negotiation process and could lead to a halting of this process.

However, Turkey refuses to open its ports and airports to the Cypriot vessels until the EU brings an end to the economic isolation of the Turkish Cypriot community. In his recent statement Turkish Foreign Minister Ali Babacan told that Turkey will continue to refuse trade privileges to Cyprus unless the EU eases the economic isolation of the breakaway Turkish Cypriots (EU Business, 4 October 2007).

### **3.2.3 The EU's Progress Reports on Cyprus**

In the EU's progress reports on Cyprus, the European Commission has declared that it has not been yet possible to reach a settlement in Cyprus. Also, the Commission stated that "progress towards accession and towards a just and viable solution to the Cyprus problem will neutrally reinforce each other" (Regular Report on Cyprus, 1998: 14; 1999: 15). So, the Progress Reports have continuously recalled that Turkey as a guarantor country should show strong commitment to bring the two sides together by supporting the UN settlement efforts and Turkey could have an active and constructive

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<sup>96</sup> The head of the delegation, German MEP of the European People's Party Georg Jarzembowski stated that "It is clear that Turkey has to obey the treaties they have signed to open their ports and airports for the use by Cyprus and Cyprus-run companies" See, <http://www.cyprusembassy.net/home/index.php?module=articles&id=4117>.

role in this framework in order to reach a comprehensive solution that addresses the legitimate concerns of all parties and that is based on the establishment of a bi-zonal and bi-community federation (Regular Report on Turkey, 1998 and Regular Report on Cyprus, 1999: 14).<sup>97</sup>

In addition, the EU stated that “...the occupation by part of the territory of the Republic of Cyprus by the Turkish army was the *de facto* partition of the island...” and “despite numerous UN resolutions calling for the withdrawal of foreign troops from the Republic of Cyprus, Turkey has maintained its forces on the island” (Regular Report on Cyprus, 1998: 11-12). The Commission also emphasized that “Turkey has occupied northern Cyprus since 1974, maintaining an army nearly 35.000 strong there” (Regular Report on Turkey, 1998: 20). In the report, the Commission stated its opposition to the measures taken by Turkey such as the signing of the Association Agreement between Turkey and the TRNC declaring it as being incompatible with international law as expressed in the UN resolutions (1998:21). In addition, it was also indicated that “Since December 1997, the Turkish Cypriot authorities have banned most bi-communal contacts between Turkish Cypriots and Greek Cypriots (many sponsored by the EU)” (Regular Report on Cyprus, 1999: 12).

In the progress reports, it was also stated that Turkey was continuing to violate the rights of the Greek Cypriot Mrs. Loizidou by preventing her from going to her property located in the north (Regular Report on Cyprus, 2000: 19)<sup>98</sup> and that the

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<sup>97</sup> See, also, 1999 Regular Report on Turkey's Progress towards Accession, 13 October 1999, 2000 Regular Report on Turkey's Progress towards Accession, 8 November 2000 and 2001 Regular Report on Cyprus's Progress towards Accession.

<sup>98</sup> See, also, 2000 Regular Report on Turkey's Progress towards Accession, 8 November 2000 and 2001 Regular Report on Cyprus's Progress towards Accession.

Turkish Cypriot leadership was increasing the amount of the restrictions imposed on the presence of UNFICYP in the north (Regular Report on Turkey, 2000: 20).

In the reports, the EU emphasized its support for a re-united Cyprus within the EU (Regular Report on Cyprus, 2001)<sup>99</sup>, however the Commission also stated that “it is the preference of the EU that a settlement under UN auspices be reached before Cyprus’s accession, although, in line with the Helsinki European Council Conclusions (December 1999), this is not a pre-condition for Cyprus’s accession” (Regular Report on Cyprus, 2001: 23). In this way, the Commission has opened the way for the EU accession of the GCA in the name of the two communities. Also, in the reports, it was declared that:

EU membership, in the framework of a settlement, will provide the most effective means for the northern part of the island to catch up in terms of economic modernization, growth and development. The economic reforms associated with EU accession will reduce disparities in incomes and in living standards on the island (Regular Report on Cyprus, 2001: 23).<sup>100</sup>

The Commission indicated its disappointment that the expressions of support (coming from the Turkish authorities) have not been followed by concrete actions to facilitate a settlement of the Cyprus problem (Regular Report on Turkey, 2001: 30)<sup>101</sup> In the reports, the EU representatives repeatedly urged Turkey to encourage the Turkish Cypriot leadership for reaching a settlement before the conclusion of the accession

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<sup>99</sup> See, also, 2002 Regular Report on Cyprus’s Progress towards Accession.

<sup>100</sup> See, also, 2002 Regular Report on Cyprus’s Progress towards Accession.

<sup>101</sup> See, also, 2004 Regular Report on Turkey’s Progress towards Accession, 6 October 2004.

negotiations with Cyprus and this would allow the Turkish Cypriots to participate in the EU accession negotiations (Regular Report on Turkey, 2001: 31).<sup>102</sup> So, the EU invited Turkey to give practical support to the resumption of the UN process without additional preconditions. This is an apparent evidence of the link between Turkey's relations with the EU and Turkey's interests in Cyprus.

On August 8, 2003, Turkey signed a framework agreement aiming to establish a customs union with the northern part of Cyprus. However, the Commission in its report declared that "Such an agreement which has no validity under international law, would be in breach of Turkey's commitments in its customs union with the EC" (Regular Report on Turkey, 2003: 41). So, Turkey indicated that the agreement would not be ratified or come into effect.

In its 2004 report, on the one hand, the Commission again deplored the unclear position of Turkey in contributing to the settlement of the Cyprus dispute until 2003, and on the other hand, it mentioned about the active role Turkey played in 2004 especially in the referendum process of the Annan Plan (Regular Report on Turkey, 2004: 19). However, in the reports, it was also stated that Turkey has continued to impose its veto on Cyprus's membership of certain international organizations, to block its participation in the EU-NATO strategic cooperation and to oppose its accession to the Wassenaar Arrangement<sup>103</sup> on the Code of Conduct on Arms Exports and Dual-Use Goods (Regular

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<sup>102</sup> See, also, 2002 Regular Report on Turkey's Progress towards Accession, 9 October 2002.

<sup>103</sup> "The Wassenaar Arrangement has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. Participating States seek, through their national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities, and are not diverted to support such capabilities." For further details, see, <http://www.wassenaar.org/>

Report on Turkey, 2005: 131).<sup>104</sup>

Turkey was expected to ensure continued support for efforts to find a comprehensive settlement of the Cyprus problem within the UN framework, to implement fully the Protocol adapting the Ankara Agreement to Cyprus and to take concrete steps for the normalization of bilateral relations with all Member States including the “Republic of Cyprus” as soon as possible (Regular Report on Turkey, 2006: 24). Also, the EU expected the removal of all obstacles to the free movement of goods, including restrictions on means of transport (Regular Report on Turkey, 2007: 50). In the report, it was stated that Turkey has continued to deny access to its ports to vessels flying the Republic of Cyprus flag and to its air ports. The Commission reminded the Turkish government that implementing the Protocol is a legal obligation which must not be linked to the situation of the Turkish Cypriot Community.

The European Commission stated that since the Council’s decision of December 2006, Turkey has made no progress towards implementing fully the provisions of the Additional Protocol and on normalizing bilateral relations with the “Republic of Cyprus” (Regular Report on Turkey, 2007: 24). It was emphasized that as long as restrictions remain in place on the free movement of goods carried by vessels and airplanes registered in Cyprus or where the last port of call was Cyprus, Turkey will not be in a position to fully implement the *acquis* relating to the eight chapters delayed by the EU in December 2006. The 2007 Report also indicated the existence of the restrictions on the property rights of the Greek Cypriots in the Northern part of Cyprus and the issue of missing persons.

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<sup>104</sup> See, also, 2006 Regular Report on Turkey’s Progress towards Accession, SEC(2006) 1390, Brussels 8 November 2006 and 2007 Regular Report on Turkey’s Progress towards Accession, 6 November 2007.

Thus, the progress reports issued by the Commission put forward the negative opinion of the Union about Turkey's role in the settlement attempts of the Cyprus dispute. However, it should be mentioned that while the accession process of the GCA to the EU was completed successfully, the conflict settlement efforts of the Union have not moved forward. The Turkish Cypriots are still suffering from economic isolation from the international community and the TRNC is still not internationally recognized while it is represented under the Greek Cypriots at the EU level. On the other hand, the EP continuously urges Turkey to recognize the "Republic of Cyprus" and to open its ports to traffic from there. Also, the EP wants Turkey to pull back its forces in northern Cyprus on the grounds that these forces occupy the territories of an EU member country. So, the current picture of Cyprus indicates that insolvability still exists in the island today, and a settlement in the near future is also far away.

## **CHAPTER - IV**

### **EVALUATION OF THE EU INVOLVEMENT IN THE CYPRUS DISPUTE**

In the 1990s, the structure and dynamics of the Cyprus dispute fundamentally changed following the involvement of the EU as a party to the conflict due to the EU membership application of the Greek Cypriot Administration (GCA) - diplomatically called as the “Republic of Cyprus” by the international community, however, not recognized by Turkey and the TRNC. Since then, the evolution of the Cyprus dispute has been shaped by the EU integration prospects and the EU perceptions of the parties of the dispute. On the other hand, these interests were also shaped by the Union policies and approach related to the Cyprus dispute. In that context, the evaluation of the EU involvement in the dispute gains significance in understanding how it has been come to the current point in the Cyprus dispute.

Therefore, in this chapter, the major reasons of the Union`s failure in the settlement efforts of the dispute will be found out. The first section of this chapter questions the legality of the EU membership of the GCA. The question of whether the GCA has a jurisdiction or right to make an application to the EU in the name of the whole island will be answered in this section. In the second section of the chapter, the

EU position in the Cyprus Dispute will be analyzed within a comparative analysis of the attitudes of the UN and Turkish side. The EU has continuously declared its support for the UN-led settlement efforts. So, in order to understand to what extent the UN and EU attitudes in the dispute are parallel to each other, these two organizations' approaches towards the dispute will be examined. Afterwards, the Turkish outlook against the UN and EU policies will be analyzed. In that context, at which points the Turkish preferences and the settlement proposals of the UN and EU intersect and which of these two organizations is the most appropriate platform where the dispute should be held from the Turkish perspective will be analyzed.

In the third section of this chapter, the potential of the EU in playing an impetus role in the Cyprus dispute will be evaluated. The EU can act as a catalyst for a comprehensive settlement in the island by attracting the EU integration interests of the parties. However, the success of the Union in this regard depends on its capability to respond accurately to these expectations. In the final section of the chapter some proposals about the future role of the Union in the dispute will be given.

## **4.1 Challenges to the Legality of the EU Membership of the Greek**

### **Administration of Southern Cyprus**

The enlargement process of the EU has played a significant role in effecting the settlement of the Cyprus dispute. The accession of the GCA to the EU has two reflections in both communities: as a catalyst for the settlement of the Cyprus dispute

and as an illegal act which violates the 1960 Cypriot Constitution. While the Turkish Cypriots have perceived the EU membership of the Greek Cypriots as a threat to the possibility of the settlement of the dispute, the Greek Cypriots have underlined the benefits of the EU membership in the way of a solution. In the light of the Turkish and Turkish Cypriot persistent views, the EU membership of the GCA should be analyzed in terms of its legality and appropriateness.<sup>105</sup>

First, it should be mentioned that as the Turkish side argues, the EU's adoption of the Greek Cypriots' application to the Union cannot be legitimate in the fact that *de facto* Greek government cannot represent the whole island under the name of the "Republic of Cyprus". Because, as Sonyel (1997: 152) argues, as a result of the division of the RoC, "...the fact remained that there were still two separate communities (the TRNC and the GCA) in Cyprus, with a legal background which recognised their separateness and political equality". So, none of these two states neither has the right or jurisdiction to represent the other nor can claim to be called as the "Republic of Cyprus" or the successor of the "Republic of Cyprus" (Atun, 2002: 43). Also, it is said to be unlawful for the international community to perceive the Greek Cypriots as the "Republic of Cyprus" and to behave them as the only legitimate state of Cyprus. Indeed, Turkey and the TRNC objected the unilateral application of the Greek Cypriots on the grounds that this application was made and processed in the absence of a joint authority competent to act on behalf of the whole island (<http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/TermsofNegotiatedSettl>

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<sup>105</sup> For more interpretations in favour of the Turkish Cypriot claims related to the EU membership of the GCA, see, Çiler Eminer and Gülten İlkman (eds.), *Avrupa Birliği ve Kıbrıs*, (Lefkoşa: Foreign Affairs and Defence Ministry Public Information Office).

ement.htm). Moreover, through its application for the EU membership, the GCA showed that it has not taken into account the Turkish Cypriot administration in political terms and has seen the Turkish Cypriots as an ethnic minority (Tamçelik: 167).

Second, the Treaty of Guarantee (1960: Art. 1/2) indicated that “It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the island”. Also, the principle of no union or no separation and indivisibility of the Republic are emphasized in the Constitution of the Republic of Cyprus (1960: Art. 185). At that point, the question was whether this statement aimed to prevent the membership of Cyprus to international organizations, however, Zorlu and Averoff made it clear that with this statement, it was intended to prohibit *enosis* and partition and there would be no objection to the membership of Cyprus to the international organizations of which “both” Greece and Turkey were members (Mendelson, 2001: 35).

As Mendelson (2001: 76) argues, “membership of the EU would constitute participation in whole or in part in an economic union and at least in part in a political union. The conclusion must be, therefore, that this would be contrary to the Treaty of Guarantee”. Also, in the so-called article, the Republic promised to refrain from “*any activity* aimed at promoting, directly or indirectly union of Cyprus with any other state”. When the legal basis established by the 1960 system and its provisions are taken into account, it is understood that the term “state” was used to refer to “*de facto* integration” which Cyprus is prohibited to achieve (Topur, 2002: 375). However, EU membership would mean “likely to promote, directly or indirectly, union with” Greece politically, economically and militarily, because the EU means a union between its members.

In addition, it should be mentioned that this was not the undertaking of only Cyprus, but also of the guarantor states. In the Treaty of Guarantee (1960: Art. 2/1), Greece, Turkey and the UK recognize and guarantee the independence, territorial integrity and security of the Republic of Cyprus and also the state of affairs established by the Basic Articles of its Constitution. Moreover, the Treaty of Guarantee (1960: Art. 2/2) indicated that “Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the island”. That is, Greece and the UK are under international obligations to seek to prevent such accession by the exercise of their veto. If accession will be achieved, this will create serious legal and practical obstacles and difficulties for both the GCA and the EU.

Third, the Constitution of the Republic of Cyprus (1960: Art. 50) declared that “The President and the Vice President of the Republic, separately or conjointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof concerning foreign affairs, except the participation of the Republic in international organizations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate or concerning defence and security”. That is, the veto power is also valid if only one of the two states is a member to an international organization, which includes the EU. So, Cyprus cannot join an international organization of which Greece and Turkey are not members. In other words, as long as Turkey is not a member of the EU, Cyprus cannot join either.

Fourth, the Constitution (1960: Art. 170) guarantees “most-favoured nation” treatment to each of the Guarantors -Greece, Turkey and the United Kingdom- for all agreements whatever their nature might be. However, the entry of the GCA to the EU

would cause Greece and the UK to receive considerably more favourable treatment in the EU than Turkey, which is not a member (Mendelson, 2001: 71).

Also, treaties may be terminated either by the consent of the parties, or by virtue of a rule of law authorizing their termination (Cf. Vienna Convention on the Law of Treaties, 1969: Arts. 54-72). Here, there has been no suspension of the treaties and no agreement of all the parties to the termination of the 1960 Agreements. In addition, the articles mentioned above were amongst the select group of unamendable basic articles of the Republic of Cyprus's Constitution. If an amendment was intended to make in the Constitution, it would be legally invalid without the consent of the Guarantor States. Also, in order to amend the Constitution, first, the founding treaties have to be changed. So, "...enabling Cyprus to join the EU would only be possible if any amendment to the Constitution were preceded by parallel alterations to be made in the founding Treaties - naturally with the approval of the States Parties thereto" (Turkey-EU Joint Parliamentary Committee, 2001: 17). However, there has not been any amendment approved by all Guarantor States and the two communities in order to open the EU membership road to Cyprus.

On the other hand, the Turkish Cypriot administration emphasized that after a political settlement under equal standing of all parties was reached, the Turkish Cypriots would be in favour of the EU membership of the "whole Cyprus" only if both communities would be affected on an equal footing by the consequences of this integration. (Turkish Cypriot Memorandum, July 1990: Parag. 19).

So, the Turkish government and its Parliament have declared its objection to the Greek application in a number of decisions (Resolution by the Turkish Grand National

Assembly, 1997).<sup>106</sup> The Turkish Grand National Assembly pointed that “The unilateral application of the GCA for membership in the EU is contrary to the 1960 Treaties. The realization of such membership will only pave the way to the division of Cyprus and the responsibility will be belong to the EU” (Resolution by the Turkish Grand National Assembly, 1997). In addition, the negotiations related to the settlement of the Cyprus dispute and the UN SC Resolutions do not support the integration of the Greek Cypriots with any other entity and their unilateral application towards any kind of such integration (Topur, 2002: 376; Sonyel, 1997: 156).<sup>107</sup> In that context, I am at the belief that the EU and the GCA seem to violate the Treaty obligations, as Turkey officially argues, due to the EU membership.

## **4.2 The EU Position in the Cyprus Dispute: A Comparative Analysis with the Attitudes of the UN and Turkish Side**

While the UN is a global organization which has considerable contributions in a number of international disputes all around the world, the EU emerges as a significant regional power which plays an important role in the political and economic integration of Europe. The EU tries to develop efficient policies and reforms in order to take place

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<sup>106</sup> See, also, Circular Note Sent to the Embassies of the EU Member States Concerning the Greek Cypriot Application to the EU, 30 June 1997 and Resolution of the Turkish Grand National Assembly, 15 July 1999.

<sup>107</sup> The UN declared that “...settlement (in Cyprus) must exclude union in whole or in part with any other country or any form of partition or secession.” See, UN SC Res. 649, 12 March 1990, 716 (11 October 1991), 750 (10 April 1992), UN SG Report on his mission of good offices in Cyprus, S/23780, 3 April 1992, UN SC Res. 774, 26 August 1992, 939 (29 July 1994), 1092 (23 December 1996), 1117 (27 June 1997), 1146 (23 December 1997), 1179 (29 June 1998), 1217 (22 December 1998) and 1251 (29 June 1999).

in the international fora as a global power. In that context, both the UN being aware of its global security responsibilities and the EU aiming to prove itself as a global power have involved in the Cyprus dispute through settlement efforts. There occurred some differences as well as similarities between their images in the eyes of the parties of the dispute, approaches towards the dispute and decision making capabilities.

#### **4.2.1 The Analysis of the UN Approach**

##### **4.2.1.1. A General Evaluation**

When the UN decisions taken in 1964 and 1974 are analyzed, it is seen that the UN has adopted the GCA as the only legitimate representative of the Cypriot people under the name of “Republic of Cyprus” without defining it exactly. That is, “*de facto* Greek Cypriot partner continued to be viewed as the ‘Government of Cyprus’ with no acknowledgement of the Turkish Cypriot partner in it, nor the latter’s status within the Cyprus problem” (Mehmet, 2002: 195-196). On the other hand, the UN declared that it did not approve the change of the *status quo* established by the 1960 Treaties by a military intervention or of any kind of use of force. In the UN SC decisions, the Turkish military troops in the island, contrary to the official Turkish views, are called as “foreign troops” and “non-Cypriot forces” and are urged to withdraw from the island immediately. Also, the UN SC supports a new Cypriot state which does not include military units under the spirit of the 1960 agreements. It is clear that these interpretations

of the UN SC are incompatible with Denktash's views related to the missions that Turkey would implement in the island. Also, these UN SC decisions inevitably increase the security concerns of the Turkish Cypriots in the island.

The UN SC has responded negatively to the Turkish initiatives such as the declaration of the TFSC on February 13, 1975 and the TRNC on November 15, 1983 by the Turkish Cypriots. The SC deplored these two acts by considering them to be a purported secession of part of the Republic of Cyprus, so the Council called the decision of the declaration of the state of TRNC as legally invalid (UN SC Res. 541, 1983; UN SC Res. 550, 1984). Also, the Council called upon all states not to recognize any other Cypriot state other than the "Republic of Cyprus" (UN SC Res. 541, 1983; UN SC Res. 550, 1984). While the UN SC regretted the unilateral decision of the Turkish Cypriots about the TFSC (UN SC Res. 367, 1975: Parag. 2), no such "regret" was registered in March 1964 concerning the Greek Cypriot attack towards the 1960 Constitution (UN SC Res. 186, 1964; UN SC Res. 367, 1975).<sup>108</sup>

So, the UN, in a number of Resolutions, declared that the present *status quo* in Cyprus is unacceptable.<sup>109</sup> In that context, according to the UN SC decisions, the proposal offered by the UN for the settlement of the Cyprus dispute can be summarized as follows: i) The settlement must be based on single sovereignty, single international identity, single citizenship and one Cypriot state whose independence and territorial integrity is safeguarded, ii) the two communities which form this state are politically equal, iii) this state is a federation which is bi-communal constitutionally and bi-zonal

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<sup>108</sup> See, also, Mehmet, 2002: 196.

<sup>109</sup> See, UN SC Res. 774, 26 August 1992, 789 (25 November 1992), 831 (27 May 1993), 889 (15 December 1993), 939 (29 July 1994), 1092 (23 December 1996), 1117 (27 June 1997), 1146 (23 December 1997), 1179 (29 June 1998), 1217 (22 December 1998) and 1251 (29 June 1999).

territorially, iv) such a settlement excludes union in whole or in part with any other country and any form of partition or secession. Briefly, the UN demands from the two communities to form a new state based on a federation by coming together due to the 1960 Agreements and the Republic of Cyprus Constitution that founded a *sui generis* federal state.

On the other hand, as the then UN SG, Kofi Annan, pointed in his report, Denktash favoured a solution proposing a Confederation of Cyprus founded by two pre-existing sovereign states. Annan also stated that Denktash's "Confederation would have a single international legal personality but would be sovereign only to the extent that sovereignty was given to it by the founding states" (UN SG Report, 2003: S/2003/398, Parag. 18).<sup>110</sup> That is, the Turkish side has demanded the full implementation of the equal status of the two communities and maintenance of its separate and sovereign status. As the then UN Secretary-General stated in his report, "the dispute (between the Greek and Turkish Cypriots) was clear –would a solution be one pre-existing state which would continue in existence and federalize itself under a new Constitution or two pre-existing states which would found a new confederal or partnership structure?" (UN SG Report, 2003: S/2003/398, Parag. 18).

However, the initiatives of Turkey and the Turkish Cypriots' demand for the recognition of the TRNC have faced with criticisms from the UN and have failed. In addition, the other states have been put under moral pressure for not recognizing the TRNC due to the UN SC Res. 541 and 550. As far as this Turkish proposal is not

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<sup>110</sup> According to legal practices, a federation has a single international personality and sovereignty, whereas in a confederation each partner has its own international personality and sovereignty. So, it can be said that Denktash's confederation is *sui generis* due to its single international personality despite of the two constituent states composing the confederation.

supported by the UN and is not approved by the GCA and Greece, it seems very difficult to be accepted by the international community.

Although the decisions of the UN GA are not binding legally, they have become international norms that are respected by the international community and are used in questioning the legality of state practices. So, Turkey, which has not found adequate support about Cyprus in the SC, has to seek this support in the GA despite the SC Resolutions (Doğan, 2002: 91). This is a crucial step in the way of reaching a settlement of the dispute. However, we can not see the support of the GA for Turkey and the TRNC. The GA decisions generally confirm the SC decisions and practices. As the SC does, the GA also sees the GCA as the only representative of the Cypriot people under the name of the “Republic of Cyprus”, states that the territorial integrity and independence of Cyprus should be safeguarded and approaches negatively to Turkey’s military and political support for the TRNC. In addition, since 1983, the GA has left the settlement attempts of the dispute to the SC by removing the Cyprus dispute out of its agenda and giving importance to the financing of the UNFICYP in the island (Doğan, 2002: 91).

Unfortunately, these UN decisions are apparently contrary with the Turkish side’s proposal based on the establishment of two equal states (in a federation), however they are said to be similar with the EU attitude in the Cyprus dispute. On the other hand, November 11, 2002 settlement plan of the then UN SG, Kofi Annan, is said to be a new opening among all the UN settlement efforts and Resolutions in terms of reestablishing the equal status of the two communities.

#### **4.2.1.2 The Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem (The Annan Plan)**

The “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem” (Annan Plan), which was proposed by Kofi Annan, the then UN SG on November 11, 2002, was a significant and almost sole concrete and comprehensive attempt for solving the Cyprus dispute. The Plan was ten thousand pages in length with its annexes making reference to various multilateral agreements and was very complex for the Cypriots to understand in a very short period of time and less than two hundred were circulated. However, “the Cypriot people were asked to vote after only three weeks of public debate on a plan whose official text was released to the parties one day before the referenda” (Evriviades, 2005: 6) while the Plan was composed of several uncertainties in some important issues.

Despite the short period of time for learning about what the plan proposes for the Cypriots, the Greek Cypriots opposed the Plan with a majority claiming that it did not meet their fundamental needs and interests. According to my point of view, this argument of the GCA was far from being sincere. As it is well known, the Annexes of the Plan included some multilateral agreements and the GCA was a party to these agreements. In addition, most of the multilateral agreements that were named in the Annex had an *erga omnes* effect and they used to bind GCA due to their nature and customary rules of international law just like the GCA claims if it is, in legal and political terms, a state.

The Annan Plan proposed the establishment of the “United Cyprus Republic” which is an independent state with a federal government and two equal “constituent states”, the Greek Cypriot State and the Turkish Cypriot state. The intended Republic would have a single international legal personality and single sovereignty. Denktash opposed the proposed single sovereignty concept of the Republic by suggesting that the constituent states should have separate sovereignties while ceding certain sovereign powers to the centralized government. At that point, the Plan proposed that the United Cyprus Republic would be based on political equality, bi-zonality and, as a factor for pleasing Denktash, the equal status of the “constituent states” (Art. 2/1/a). The Plan emphasized that “Within the limits of the Constitution they (the two ‘constituent states’) sovereignly exercise all powers not vested in the federal government, organizing themselves freely under their own Constitutions.” as well as providing for no hierarchy between federal and constituent state laws (Arts. 2/1/c and 2/3). In this regard, the United Republic of Cyprus was modelled on the status and relationship of Switzerland that is the only country which is called Confederal but its constitution is Federal (UN SG Report, 2003: S/2003/398, Parag. 76).

At that point, Melakopides (2006: 80) argues that the UN was contradicting directly with its resolutions 541 and 550 by “elevating the illicit secessionist regime to a constituent state” in the Annan Plan. However, by defining the Turkish Cypriot administration as a “constituent state”, the UN now aims to recognize the *de jure* formation of the already existing *de facto* situation in the island as this is the way it has to be. That is, this view in somewhat terms now targets to reflect a reality of a *de facto* situation and has been a significant improvement for the UN settlement proposals.

According to the Plan, each part would have its own parliament. There would also be a bi-cameral parliament on the federal level. “The Chamber of Deputies shall be composed in proportion to persons holding internal ‘constituent state’ citizenship status of each ‘constituent state’, provided that each ‘constituent state’ shall be attributed no less than one quarter of seats” (Art. 5/a). That is, in the Chamber of Deputies, the Turkish Cypriots would have 25% of the seats. While no accurate figures are currently available, the split between the two communities at independence in 1960 was approximately 80:20 in favour of the Greek Cypriots. The Senate would have composed of an equal number of Greek Cypriots and Turkish Cypriots (Art. 5/a). Each community would also have the right to veto all legislation. Also, the Supreme Court should have equal number of judges from each constituent state (Art. 6).

According to the Plan, the Treaty of Guarantee which gave Britain, Greece and Turkey a right to take action with the sole aim of reestablishing the state of affairs in the island, would remain in force. While, many Turkish Cypriots conceived the continuation of the presence of the Turkish troops in the island as a guarantee of their security, most of the Greek Cypriots perceived it as a threat for allowing Turkey to have a greater role in the island’s affairs. In the Plan, the Greek and Turkish contingents were permitted to be stationed under the Treaty of Alliance (“Additional Protocol”, Art. 1) in “the Greek Cypriot State and the Turkish Cypriot State”, however, proposing the gradual reduction in the number of Greek and Turkish troops on the island at the same time (Art. 8).<sup>111</sup> So,

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<sup>111</sup> “Greek and Turkish contingents shall be permitted to be stationed under the Treaty of Alliance in the Greek Cypriot State and the Turkish Cypriot State respectively as follows: i. each contingent not to exceed 6,000 all ranks, until 2011, ii. each contingent not to exceed 3,000 all ranks, thereafter until 2018 or the European Union accession of Turkey, iii. The Greek contingent not to exceed 950 all ranks and the Turkish contingent not to exceed 650 ranks thereafter, subject to three-yearly review with the objective of total withdrawal” (Comprehensive Settlement Plan for Cyprus, 2004: Art. 8).

the Plan aimed full demilitarization of the island. Also, the Plan declared the prohibition of some weapons and the necessity of Cyprus to take the consent of both constituent states and until the accession of Turkey to the EU, the consent of Greece and Turkey while putting its territory at a disposal of international military operations (Art. 8).

The Annan Plan also allowed many Turkish citizens who had been brought to the island after 1974 to remain. However, it would be meaningless to remove these settlers who were born and raised in the island. The Plan adopted ‘a single Cypriot citizenship’ and at the same time, maintenance of ‘internal constituent state citizenship status’ emphasizing that “this status shall complement and not replace Cypriot citizenship” (Art. 3). In this way, the UN put the common Cypriot citizenship at the top of both communities’ separate citizenship aspects.

As for the EU integration process of Cyprus, the Annan Plan declared that Treaty of Accession to the EU would be signed and ratified by Cyprus unless this is opposed by the federal Parliament and both constituent state legislatures (Art. 19/7) and Cyprus was recommended to actively support the membership of Turkey (Art. 1/5). The Republic should ensure that Cyprus could speak and act in one voice internationally and in the EU. In this way, the UN emphasized the single international personality of the proposed “United Cyprus Republic”. The Plan pointed that while fulfilling the obligations of being an EU member, Cyprus would protect its integrity, borders and resources. It was also highlighted that the consent of the guarantors was required until the accession of Turkey to the EU.

Although the UN proposals, especially the ones in the Annan Plan, can be seen as an improvement when compared with the Republic of Cyprus model created by the 1960 Treaties, they are still far from meeting the Turkish demands for the recognition of

the TRNC and the continuation of the military presence of the Turkish troops in the northern part of the island. Former Chief Prosecutor (and member of the Greek Cypriot negotiation delegation) Mr. Markides stated that in the fifth (and final) version of the Annan Plan 8 amendments in favor of, and 3 against the Greek Cypriot side were made (Fileleftheros, 4 April 2004).<sup>112</sup> That is why some of the UN decisions have not been implemented by the Turkish side (Turkey and the TRNC and Denktash) such as the withdrawal of the Turkish troops from the island. So, probably, the Turkish side at first seemed to oppose a settlement and that is why Kofi Annan had to release a report in March 2003 (UN SG Report, 2003: S/2003/398). However, the referenda held on April 24, 2004 proved the contrary as a result of the Greeks' rejection of the Annan Plan.

On the other hand, putting the blame on only the UN in the failure of the settlement efforts regarding the Cyprus dispute would be unfair. It should be taken into account that the UN has not adequate political or economic power for persuading the countries that are not willing to do something. That is, as long as all parties of the dispute are determined to show their political will for reaching a settlement, the UN can be successful, however, this has not mostly been the case in Cyprus (Joseph, 1997: 78).

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<sup>112</sup> "The favorable changes were in the areas of human rights; Greek Cypriot residency rights in the Turkish Cypriot State; freedom of movement; ratification of the settlement agreement by the Turkish Parliament prior to its entry into force; better transitional periods; strengthened role of the UN in the territories subject to adjustment; better provisions for the Central Bank and economic viability; and increase of property claims" (Fileleftheros, 4 April 2004).

#### **4.2.2 The Analysis of the EU Approach**

When the EU decisions and policies in the Cyprus dispute are analyzed in general, it will be seen that the EU, in a number of its decisions, has been a significant pressure tool for the implementation of the UN SC Resolutions, which were adopted as recommendations under Chapter VI, by urging the sides to fully comply with these decisions and Resolutions for the settlement of the dispute. In that context, since the involvement of the EU in the Cyprus dispute, the European countries have always claimed their support for a solution related to the foundation of a federal structure with the two communities and two zones in Cyprus. The Union has also emphasized its support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with relevant UN resolutions and high-level agreements on the basis of the mission of good offices of the Secretary-General and has stated the relevance between the Cyprus dispute and EU-Turkey relations. In addition, the EU has declared its strong preference for the accession of a “reunited Cyprus” to the Union for several times. The EU has also taken the firm position that the present *status quo* in Cyprus is unacceptable and poses danger for the region.

The EU institutions have seen the EU accession process as a catalyst for reaching a political solution to the Cyprus dispute and increased security for the region. The EU believes that economic cooperation can solve political and military problems. In fact, this view is similar with the settlement proposals of the EU in the disputes occurred in Europe and in other parts of the world, especially, in the former Yugoslavia countries, however, this strategy has failed in the settlement of the problems regarding the former

Yugoslavia and NATO under the leadership of the UN had to use force in that region (Doğan, 2002: 96). Today, the EU has been implementing the same strategy in Cyprus without foreseeing its negative consequences on the evolution of the Cyprus dispute. In this regard, main policies and perceptions of the EU should be analyzed in detail in order to understand the basic reasons underlying its failure in Cyprus.

#### **4.2.2.1 The EU Stand in the Origin of the Cyprus Dispute**

Most of the European authorities have perceived the July 1974 events started by the Greek *coup d'état* as the origin of the Cyprus dispute and have based their attempts and claims on this argument by ignoring the collapse of the 1960 Constitution by the Greek Cypriots. In this way, the EU has not questioned the legitimacy of the Greek Cypriot part by overlooking the legal structure established by the 1960 system (Topur, 2002: 369). However, as Müftüler-Bac and Güney (2005: 284) state, “the Cyprus problem had not started in 1974 with the Greek *coup d'état*. It had started in 1963 when the 1960 federal constitution that has a *sui generis* federal nature was overthrown by the Greek Cypriots...” This has been an apparent evidence of the unfounded perceptions of the European authorities.

In addition, as Topur (2002: 369) argues, the EU preferred not to be involved in the December 1963 events and the developments afterwards in Cyprus and the Union as a whole looked at these developments solely within the framework of the UN SC decisions. The Community perceived and evaluated the Cyprus dispute as an issue of the

UN, Britain or the US, not as its own issue. Also, the EEC, for the 1974 Turkish intervention, did not use phrases such as “the use of force or occupation of one associate country in another associate country” as Turkey and the GCA were associate countries of the Community in those years (Topur, 2002: 369). The Community merely pointed to the significance of the stability in the Eastern Mediterranean and independence and territorial integrity of Cyprus. The EU was not a direct party to the dispute till the application of the Greek Cypriots for the EU membership in July 1990.

#### **4.2.2.2 Impartiality and Credibility of the EU Approach**

It cannot be said that the EU completely applied to impartiality in its settlement efforts in the Cyprus dispute. The EU declared, in a number of decisions, that the settlement of the dispute would facilitate the EU membership of Cyprus, on the other hand, even if a settlement was not reached before the negotiations were due to begin, the accession negotiations would be started with the GCA (Agenda 2000, 1997; Helsinki Presidency Conclusions, 1999). In other words, although the EU had continuously declared its preference for the accession of a united Cyprus to the Union, only the Greek Cypriots, who rejected the Annan Plan about which the EU declared its full support, entered into the EU before solving the Cyprus problem, while the settlement has been a precondition for the Turkish side. This was the most significant factor that put a huge obstacle in front of a permanent solution and undermined the trust of the Turkish Cypriots to the EU.

Although the EU has seen enlargement as an impetus for peace in the island, following the accession of the Greek Cypriots to the EU, the Greek Cypriots have gained the opportunity to direct the problem according to their interests by playing the veto card against Turkey's EU membership. They have also caught the chance of influencing the EU authorities for the non-recognition of the TRNC. In this way, the EU approach regarding the accession process has inevitably changed the equal status of the two communities in favor of the Greek Cypriots by letting them speak on behalf of the whole island and making their positions harder instead of motivating them towards a compromise.

As Sonyel (1997: 156) also states, "the Greek Cypriot action (unilateral application to the EU membership)... exacerbates the already crucial situation, as it contravenes paragraph 5 of the Security Council Resolution 649 (1990), and imposes a dilemma on the EU... The application of the GCA should be rejected."<sup>113</sup> "On November 9, 1998, France, Italy and Germany reiterated their position stating that the accession of Cyprus to the EU should benefit both communities and pointing out the problems involved in negotiations with a divided island" (Joint Statement made by Italy, France, Germany and the Netherlands, 1998).<sup>114</sup> However, "given the historic importance of the fifth enlargement –the inclusion of the Central and Eastern European countries-, it is highly unlikely that any EU government would veto a divided Cyprus's EU membership, despite the potentially negative consequences this could have" (Tocci, 2002: 109).

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<sup>113</sup> See, also, UN SC Res. 649, 12 March 1990, Parag. 5: "5. Calls on the parties concerned to refrain from any action that could aggravate the situation."

<sup>114</sup> See, also, Tocci, 2002: 137.

In general, the EU decisions support the Greek policy based on putting the Turkish side into a minority status under a single Cyprus Republic. The EU, as similar with the UN, accepted the GCA as the only legitimate state internationally recognized as representing the island under the name of the “Republic of Cyprus”.<sup>115</sup> At that point, as Tocci (2005: 117) argues, during the accession negotiations with Cyprus, the EU served the strengthening of the political claims of the Greek Cypriot leadership and reinforced the unjust hierarchy between the parties by only mentioning the Turkish Cypriot participation to the accession negotiations without veto rights under the Greek Cypriot negotiation team and extending this invitation through the GCA. However, being aware of that point, the Turkish Cypriots rejected this proposal.

Moreover, since 1963, all the official meetings were held between the GCA and the EU while the Turkish Cypriots could only express their views occasionally in unofficial meetings. The Association Agreement (1972) and the Customs Union Agreement (1987) were signed between the GCA on one hand and the EU on the other. So, the Turkish Cypriots were behaved as a community while the Greek Cypriots were perceived as a state (Atun, 2002: 44).

Also, there has been a general tendency in the EU towards putting greater emphasis on the role Turkey has to play for the settlement of the dispute by overlooking the role of Greece in the emergence and evolution of the dispute. Within that framework, the EU both directly in its own decisions and indirectly by making references to the relevant UN decisions has put the blame on the Turkish side for the failure of the

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<sup>115</sup> See, UN SC Res. 541, 18 November 1983 and 550 (11 May 1984) and EP Res. on Cyprus's membership application to the EU and the state of negotiations, COM(2000) 702-C5-0602/2000-1997/2171(COS).

settlement efforts<sup>116</sup> and has called the presence of the Turkish troops on the island as an occupation of the northern part of the island by defining this as a violation of international law.<sup>117</sup> Following the accession of the GCA to the EU, Turkey has begun to be viewed as an illegal occupier of the EU territory as well.

In this regard, the Union has legitimized the claims of the Greek Cypriots about the so-called “negative” Turkish attitude in the dispute. The following statements of Evriviades (2005: 4) reflect the Greek views which are parallel with the EU opinions<sup>118</sup>:

It is common knowledge that attempts for a solution failed because of Ankara’s negativism and the obduracy of the Turkish Cypriot leadership, since its objective had always been to legitimize the results of the invasion (1974). Turkey’s anachronistic dreams to place Cyprus under its strategic control, even perhaps its complete military control, and its disregard of the wishes and well-being of the Greek Cypriot community repeatedly frustrated efforts for any solution.

Evriviades (2005: 5) also stated that “the colonization of the occupied part of Cyprus by Turkey” is in clear violation with the UN GA resolutions, the decisions of the Council of Europe and international law.

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<sup>116</sup> See, EP Res., 21 January 1993, Resolution on the Regular Report from the Commission on Cyprus Progress towards accession, COM(98)0710-C4-0108/99, European Council Presidency Conclusions, Brussels 20-21 March 2003, Thessaloniki 19-20 June 2003 and Brussels 12-13 December 2003.

<sup>117</sup> See, EP Res., 13 September 1985, 10 July 1986, 9 July 1987, 10 March 1988, 15 December 1988, 12 July 1990, 14 March 1991, 21 January 1993, 19 September 1996, 24 October 1996, 1998 Regular Report on Cyprus’s Progress towards Accession and EP Res. on the Regular Report from the Commission on Cyprus Progress towards accession, COM(98)0710-C4-0108/99.

<sup>118</sup> See, also, the recent statements of the Foreign Minister of the GCA Erato Kozakou-Marcoullis in Al-Ahram Weekly Online, 20-26 December 2007.

Also, the economic isolation of the Northern Cyprus from the international community and the cultural and social division between the two communities have widened due to the partial involvement of the EU in the Cyprus dispute. The economic differences between the two communities have become apparent as a result of the 1973 Association Agreement signed between the European Community and Cyprus. The Agreement declares that “The rules governing trade between the contracting parties may not give rise to any discrimination between the member states or between nationals or companies of these states or nationals and companies of Cyprus” (Association Agreement between the European Economic Community and the Republic of Cyprus, 1972: Art.5).<sup>119</sup> However, as Müftüler-Bac and Güney (2005: 289) state, “in the Cyprus case, this was difficult to implement due to the non-recognition of Turkish Cypriots’ political equality. As would be expected, problems arose in its implementation, because there were no two sovereign, independent and diplomatically recognized states on the island...” So, especially following the EU membership of the GCA, the negative consequences of the Association Agreement on the economic and political situation in the island have increased.

“By accommodating only the Greek Cypriot aspirations for Europe, and altogether ignoring those of the Turks, Brussels has already sharpened this division” (Ahmad, 2002: 52). That is, the EU has not responded positively to the recognition demands of the Turkish Cypriots and has been too late in providing economic assistance to the Turkish Cypriot Community despite the Turkish Cypriots’ approval of the Annan Plan and apparent flexibility in their confederal approach. Instead of removing the trade

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<sup>119</sup> See, also, Brewin, 2000: 22-23.

embargo on the TRNC, the EU has recently preferred providing only a small amount of financial aid in return for a compromise which is compatible with the EU settlement proposals. Late economic relations between the EU and Turkish Cypriot community have delayed their release from economic isolation and backwardness. This has led to the widening of the economic gap between the two communities in favour of the Greek Cypriots<sup>120</sup> and increasing the dependence of the Turkish Cypriots on Turkey. Also, the dependence of the Turkish Cypriots on Turkish unstable economy emerges as an obstacle in the release of the TRNC from its economic problems. In addition, because of the accession of only the Greek Cypriots to the EU, freedom of political, economic, social and cultural rights which are counted among the goals of the EU can hardly be exercised over the entirety of the island's territory.

Also, the EU drew a pro-Greek picture in order to prevent a potential Greek veto against the EU accession process of Central and Eastern European Countries. For instance, “in 1994, the Court of Justice overruled Article 5 of the Cyprus Association Agreement that basically aimed the protection of the Turkish Cypriot economy, but had never been implemented due to the political problems” (Müftüler-Bac and Güney, 2005: 285). Again, in that context, the ban which was put by the EU on the Turkish Cypriots' exports in 1994 was a result of the Greek claims that these exports were drawn from the “invaded” properties of the Greek Cypriots (Müftüler-Bac and Güney, 2005: 285). This partial decision played a role in affecting almost 60% of the sum of the Northern

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<sup>120</sup> The Southern Cyprus economy has been growing much faster than expected over the past two years. The main economic indicators of the South Cyprus are better than several EU countries while the Northern Cyprus economy remains the same. For detailed economic data, see, <http://europa.eu/scadplus/leg/en/lvb/125093.htm>  
See, also, EU Business, 21 December 2007.

Cyprus's exports and legitimizing the property claims of the Greeks on the island which is still an obstacle in front of the settlement.

In addition, despite the rejections of the Turkish side<sup>121</sup>, the EU separated the Financial Aid Regulation from the Direct Trade Regulation for the Turkish Cypriots as a result of the Greek Cypriots' demands. The Greek side opposes the Direct Trade Regulation due to the fact that it will lead to the abolishment of the embargo over the Turkish Cypriot community.<sup>122</sup> The GCA proposes instead that all trade between the north and the rest of the EU goes through Greek Cypriot ports in the Greek Cypriot controlled areas under the EU supervision. This proposal has not been accepted by the Turkish Cypriots and the Direct Trade Regulation has never been approved by the EU.

It is a fact that the EU membership of Greece has played a significant role in making the EU closer to the Greek position. As Tocci (2005: 115-116) argues:

The decision to include Cyprus in the next wave of enlargement was taken at the June 1994 Corfu Summit under the Greek Presidency. The March 1995 decision allowing for the initiation of accession negotiations with the 'RoC' was linked (although not explicitly) to Greece's removal of its veto on the Turkey-EU customs union... The decision to explicitly remove conditionality on the 'RoC' was linked to Greece's acceptance of Turkey as an EU candidate.

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<sup>121</sup> For the rejections of the Turkish Cypriot side, see, the statements of the Turkish Cypriot Prime Minister Ferdi Sabit Soyer in Turkish Mass Media Bulletin, 28 March 2006.

<sup>122</sup> See, also, the declarations of the Turkish Cypriot Prime Minister Ferdi Sabit Soyer in Turkish Daily News, 13 March 2007.

In addition, although some of the EU countries like Germany, Netherlands, France and Italy pointed to some potential problems that might emerge as a result of the EU membership of the Greek Cypriots before a settlement was reached despite the Greek pressure (Press Release on the EU Membership of Greek Cypriot Administration of Southern Cyprus, 1998),<sup>123</sup> Greece having a veto power has influenced most of the member states towards the accession of Cyprus to the Union. That is, Greece has had a significant role in the formation of the EU policies related to Cyprus.

The mentioned partial attitudes of the Union have prevented the potential positive impacts of the enlargement process on the parties' demands for the settlement of the dispute and have undermined the Union's potential role as an objective party in the dispute. As a result of the EU approach in favour of the Greek Cypriots, the Greek Cypriots do not need to establish a bi-zonal and bi-communal federation with the Turkish Cypriots and the Union suffers from credibility crisis in the eyes of the Turkish Cypriots. This is one of the most significant reasons for the continuation of the insolvability in Cyprus for 44 years (Evrans: 20).

#### **4.2.2.3 Basic Misperceptions of the EU**

Some basic assumptions of the EU have caused its failure in transforming the expectations of the parties to the EU to policies that will bring a permanent solution. At that point, first, the EU has a wrong assumption that "not only the Turkish Cypriots but

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<sup>123</sup> See, also, Joint Statement made by Italy, France, Germany and the Netherlands, 9 November 1998.

also the Greek Cypriots will soften their negotiating positions” (Oğuzlu, 2002: 10). However, the most important reason of the Greek Cypriots’ application to the EU was to legitimize their political claims over the island and to realize their interests under the EU umbrella. In that context, the EU membership makes Greeks secure in both economic and political terms. So, the Greeks do not feel themselves forced to give concessions to or even negotiate with the Turkish Cypriots and do not accept sharing their internationally recognized territories with the Turkish Cypriots. The inter-communal talks in the second half of 1997, the negotiations between December 1999 and November 2000 and the Greek position in the referendum regarding the Annan Plan have put forward the hardening of the Greek Cypriots’ negotiation positions (UN SG Report, 2003: S/2003/398, Parags. 138 and 139).

Also, the EU’s wrong conviction that Turkey would give support to all EU efforts in the Cyprus dispute in order to guarantee its EU membership road becomes significant (Oğuzlu, 2002: 11). However, Turkey’s freezing relations with the EU in order to protest the Union’s decision against Turkey in the December 1997 Luxembourg Summit and definitely rejecting to pull its forces in the northern Cyprus back and to open its ports to the Greek Cypriots are the facts that undermine this assumption of the EU. The Turkish governments believe that their troops stay in the island because of international treaties. Also, Turkey and the Turkish Cypriots accelerated their intention to integrate with each other as a response to the EU’s 1997 Luxembourg Summit decisions and replaced the federal solution by a confederal approach. That is, as the EU integrated more with the Greek Cypriots and excluded the Turkish side from the EU integration process, the Turkish side has felt obliged to integrate in itself.

#### **4.2.2.4 Efficiency of the Policy Methods of the EU**

The EU has not resorted to effective policy methods in contributing to the settlement of the Cyprus dispute. The EU has seen the prospect of EU integration process as a conflict resolution project. Eralp and Beriker (2005: 176) define the structural prevention and conflict transformation as the main tools of the conflict resolution. They define the aim of the structural prevention as “to change the incentive structure of the disputing parties, with an expectation that this will lead the parties to change their conflict behaviour”. They define conflict transformation as “the effort to reach accommodation between parties in conflict through interactive processes that lead to reconciling tensions, redefining interests or finding a common ground” (Eralp and Beriker, 2005: 177).

As Eralp and Beriker (2005: 188) argue, the EU’s policy methods have mostly remained at the stage of conflict prevention mechanism which consists of holding and withdrawing rewards like membership prospects or financial assistance and of resorting to threats and punishments like embargoes in order to change the attitudes of the conflicting parties. However, the EU has overlooked the conflict transformation mechanism which is composed of applying methods of compromise between the sides through mediation/facilitation and indeed, its mediation potential has been very limited (Eralp and Beriker, 2005: 177). Even in the conflict prevention mechanism, the Union did not make credible policies especially about Turkey’s EU membership. However, complexity and multi-polarity of the Cyprus dispute require more comprehensive approach to the issue.

On the other hand, the Cyprus dispute has several dimensions like the EU's enlargement policies, Turkish-Greek relations, Turkey's EU membership negotiations, the ethnic, social and economic differences between the two communities, the EU accession process of the GCA, the US-EU rivalries in global conflicts. So, it can be thought that the failure of the EU in contributing to a permanent settlement might partly be due to the complexity and multi-polarity of the dispute.

### **4.2.3 The Preferences of Turkey in the Cyprus Dispute**

A solution in Cyprus has to be compatible with the interests of Turkey as one of the guarantors of the island and a historical party of the Cyprus dispute. So, the success of the UN and the EU in the Cyprus dispute depends on to what extent these two organizations' settlement efforts meet the expectations and interests of Turkey as well.

#### **4.2.3.1. Turkey's General Policy in the Cyprus Dispute**

"Turkey has traditionally held the view that Turkish-Greek conflict of interests should be solved through bilateral negotiations rather than through resort to international mediation and arbitration" (Müftüler-Bac and Güney, 2005: 289). Turkey and the Northern Cyprus have followed a "wait and see" policy since the declaration of the TRNC in 1983, that is only if a counter act occurred, the Turkish side has felt itself to

respond to these acts and has not made comprehensive policies for a long-term period. However, the situation today shows the inefficiency of the “wait and see” policy. In addition, the Turkish side has always come up with the argument defending the illegality of the Greek Cypriot membership to the EU, but without any success to convince any EU member state.

However, since the election of Tayyip Erdoğan’s Justice and Development Party (JDP) at the November 2002 general elections, Turkey has been implementing a less conservative policy in Cyprus. The JDP has been the first political party, albeit the military opposition, that has recognized the link between the EU membership of Turkey and the settlement of the Cyprus dispute (Manisalı, 2003: 118). In this regard, “an interesting impact of the EU’s accession process is that when Turkey’s accession process became credible, the Turkish government began to take the European Court of Human Rights decisions on Cyprus seriously” (Müftüler-Bac and Güney, 2005: 290; Tocci, 2002), such as the *Loizidou* case. This shows the new expansion in Turkey’s Cyprus policy as a result of the increasing EU involvement.

However, as a historical stand, Turkey’s unamendable and basic policies in Cyprus consist of guaranteeing security and well-being of the Turkish Cypriots and preserving the strategic balance between the Turkish and Greek Cypriots. So, the Turkish side which has supported a settlement based on the establishment of a confederation since August 1998, demands the recognition of “two sovereign units”. Indeed, the Turkish Grand National Assembly declared that “...Unless this reality (the existence of two separate states in Cyprus) is acknowledged and equal treatment is accorded to the two states, a settlement cannot be achieved” (Resolution of the Turkish Grand National Assembly, 1999).

However, the Turkish side has recently tended to replace the confederation approach by a federal solution to some extent, but not in the meaning of a federal state within the terms of the declaration of the TRNC and Turkey's official policies since 1974. That is, the recognition of the TRNC and the guarantee of the equal rights of the two communities remain the main conditions of the Turkish side for the change of the *status quo*. On September 20, 2007, the Turkish President Abdullah Gül told reporters in a press conference that "the basic parameter of the Cyprus issue is political equality and balance. Today, it will be a false hope to think that the Turkish Cypriots will relinquish their own rule, equal status and equal partnership and accept living as a minority" (Today's Zaman, 20 September 2007).<sup>124</sup>

When the minority status of the Turkish side in the island is remembered, the Turkish side's proposal based on two sovereign and equal units beyond the creation of bi-zonal and bi-communal formation seems very reasonable and natural. Also, Turkey calls upon all relevant parties –the Greek Cypriot government and the international community- to simultaneously lift all restrictions related to border crossings on the island and economic embargo (Letter from Turkey to the UN SG, 2005: A/59/820-S/2005/355). On the other hand, the most important point is to what extent these settlement proposals of Turkey will be adopted and accepted by the Greek leadership and also by the international community.

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<sup>124</sup> "The solution of the Cyprus dispute depended on the acceptance of the realities that existed on the island, as well as the recognition of two separate peoples, democracies and states", Gül said. See, Ntvmsnbc, 4 January 2008.

#### **4.2.3.2 The Turkish Outlook against the UN and EU Settlement Efforts**

The overall approaches of the UN and EU to the Cyprus dispute seem to be parallel with each other. In this regard, there have been some crucial differences between the opinions of these two international organizations and the Turkish side related to the structure of the new state in Cyprus. Today, in international politics, the settlement of the Cyprus dispute means the change of the divided status of the island. The Greeks, the UN and EU have stated that a change has to be made in the direction of bi-zonal and bi-communal federation while preserving the general structure of the Republic of Cyprus established by the 1960 Treaties (Al-Ahram Weekly Online, 20-26 December 2007).

The recognition demands of the Turkish side are excluded by the international community and the Greek side, because, the recognition of the TRNC will lead to the participation of the Turkish side to the administration on an equal footing and the recognition of the rights of the Turkish side in the problematic issues. However, the Greek side sees the Turks as minority, so it does not stand close to a settlement which would give equal status and rights to the two sides. Indeed, President Tassos Papadopoulos said that the various problems, which are constantly arising, will only be resolved once the Cyprus issue is settled and the country, divided since the 1974 Turkish “invasion”, is reunited (Financial Mirror, 17 December 2007). The Greek Cypriots proposed a free-standing federal government with representation based primarily on population ratios, however, the Turkish Cypriots emphasized the need to prevent

domination and to maintain their separate status and identity (UN SG Report, 2003: S/2003/398, Parag. 19).

In a federation model as proposed by the UN and EU, the units compromising the federal state transfer their international jurisdictions to the federal organ by losing their international personalities. Also, the units under the federal state share their sovereignties with the federal state such as signing treaties while the units fully preserve their sovereignties in a confederation. Although the units can have their own constitutions apart from the federal constitution, in case of a disagreement between them, the constitution of the federal state is taken as superior to the other ones. In that context, under the federation proposal of the UN and EU, the Turkish side does not want to transfer its sovereignty to a federal state which will be called as the “Republic of Cyprus” and where the GCA forms the majority.

In addition, Turkey and the TRNC have been facing with a threat of being excluded from the EU integration process while remaining under a political and legal pressure regarding the Cyprus dispute from the international community. Although the settlement of the Cyprus dispute is not part of the 1993 Copenhagen criteria for the enlargement of the EU, a direct relation has been established between the EU membership process of Turkey and the Cyprus dispute due to the membership of Greece and inevitably Cyprus since both states have a right to “veto” any resolution or decision related to Turkey in the EU. At that point, the reunification of the island has been put forward as a catalyst for Turkey’s accession to the Union. So, the EU holds the advantage in its hands for not admitting Turkey to the EU membership by claiming that Turkey has not worked enough to convince the Turkish Cypriots to reach an agreement, which was in somewhat terms true till the referenda, due to the Cyprus policies of the

former Turkish governments. Therefore, the evolution of the Cyprus dispute plays a significant role in Turkey's journey towards the EU. So, the Turkish side has to deal not only with the UN in a global dimension and also with the EU in a regional dimension about the Cyprus dispute.

Also, as the EU has done, the UN has also put the Turkish Cypriots in a different position through its non-recognition policies, as seen especially in the UN SC Resolutions 541 (1983) and 550 (1984).<sup>125</sup> The UN SC has taken nearly all of its decisions unanimously and in the UN GA, the decisions related to Cyprus have been adopted with a huge majority. For instance, the 3212 GA decision (UN GA Res. 3212 (XXIX), 1 November 1974) has been adopted with a 117 positive and 0 negative votes and the 3395 GA decision (UN GA Res. 3395 (XXX), 20 November 1975) has been adopted with 117 positive votes and 1 negative vote of Turkey (Doğan, 2002: 100).<sup>126</sup> That is, Turkey has not found adequate economic and political power to decrease the pressure of the UN and EU on the Turkish side, to change the manner of the European countries and the UN institutions related to the dispute and to emerge as an alternative economic source for the TRNC against the international community.

On the other hand, in the academic and political arena, it is said that there are some differences between the roles of these two organizations in the Cyprus dispute. Some argue that “while the Turkish and Greek Cypriots have been treated as politically

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<sup>125</sup> In these two Resolutions, the SC defined the declaration of the state of the TRNC as “legally invalid” and called for its withdrawal. Also, the Council called upon all states not to recognize any other Cypriot state other than the Republic of Cyprus.

<sup>126</sup> These Resolutions are related to the 20 July 1974 Turkish military intervention to Cyprus. The General Assembly calls upon all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and to refrain from all acts and interventions directed against it and urges the speedy withdrawal of all foreign armed forces and foreign military presence and personnel from the Republic of Cyprus and the cessation of all foreign interference in its affairs.

equal communities during the UN-designed inter-communal talks, the EU's accession process has changed this status by according the Greek Cypriots legitimacy to speak on behalf of the two communities" (Oğuzlu, 2002: 12). The EU has not referred to the term "political equality" of the two communities in its decisions and instead, the Union preferred only declaring that the Cyprus dispute should be solved within the framework of the UN settlement efforts.

Also, "the UNSG and Security Council have underlined that the SCGA (Southern Cyprus Greek Administration) cannot become a member of the EU on its own terms, and that this is an issue to be negotiated by the parties within the framework of the efforts for a settlement" (Turkey-EU Joint Parliamentary Committee, 2001: 15).<sup>127</sup> However, the EU took decisions to admit the GCA for the EU membership before a settlement by overlooking the decisions of the UN institution and the UN Secretary Generals' statements. In that sense, there is also a possibility that following the EU membership of the GCA, the international community, specifically the EU countries, begin to question the status of the UNFICYP whether or not it has any jurisdiction to protect the borders of an EU member state.<sup>128</sup>

In addition, to some extent, the Annan Plan of the then UN SG can be perceived as a significant improvement of all the international settlement efforts in the sense that the Plan proposes that the Constitution of the United Cyprus Republic would be based on political equality and equal status of the "two constituent states" in the island. On the other hand, while the EP, only in one of its Resolutions, declared its support for the Plan (EP Res., April 2004), the EU has referred to the terms of neither the "two constituent

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<sup>127</sup> See, also, Set of Ideas on an Overall Framework Agreement on Cyprus, 1992: Parag. 92.

<sup>128</sup> See, also, Oğuzlu, 2002: 13.

states” by implying the Northern Cypriot and the Southern Cypriot administration, nor the “United Cyprus Republic” preferring instead to call the proposed Cypriot state as the “Republic of Cyprus” which is controlled by the GCA.

On the contrary to the expectations from the EU involvement in the dispute, the parties of the dispute have become more distant from each other. Indeed, in an interview, Andrew Duff, member of the liberal group in the EP, indicated that:

The accession of the Cyprus to the EU was a great mistake. On the contrary, the EU membership of Cyprus made the solution more difficult. Papadopoulos should be forced to contribute to the integrity of the island. He should also show the generosity and effort that Talat has shown for the solution of the dispute. The Greek Cypriots are not eager about reaching a solution (Forum Gazetesi, 25 July 2006).<sup>129</sup>

Also, Graham Watson, the chair of the liberal group in the EP, declared that the Greek Cypriots do not represent the whole island (Forum Gazetesi, 25 July 2006) and members of the EP told that linking the Cyprus issue and Turkey’s accession was not the answer, as it could slow down efforts for a solution (Financial Mirror, 8 February 2008). In addition, while being represented under the GCA at the EU level and isolated from the international community in economic and political terms, the TRNC established liaison offices in 15 European countries, including the EU countries.<sup>130</sup> These realities

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<sup>129</sup> For recent statements of Andrew Duff, see also, *Arca Haber Ajansı*, 29 July 2007.

<sup>130</sup> The TRNC is permitted to keep non-diplomatic representative offices in some cities such as Brussels, London, Washington, New York, Islamabad and Abu Dhabi.

and statements have been some of the confessions that undermine the EU's own policies.

Being aware of these facts, the Turkish side has determined its stand against the two organizations. As a result of the February 2005 elections, the center-left party of Mehmet Ali Talat, the Republican Party (Cumhuriyet Türk Partisi-CTP) established the new government which supports the EU integration process of the TRNC. However, especially the new opening of the UN in the Annan Plan has played a significant role in the increasing support of the Turkish side for the UN. "Noting that the TRNC wants to start negotiations in line with the UN parameters and UN good-faith initiatives, the TRNC Prime Minister Ferdi Sabit Soyer said their principle is a bi-zonal and bi-communal solution which will be based on political equity under Turkey's guarantee" (Turkish Press, 10 October 2007).

Also, Abdullah Gül, the present President of Turkey, told reporters in a press conference that the Cyprus issue should be solved through mediation by the UN and the Greek side has refused to resort to this solution, undermining existing processes (Today's Zaman, 20 September 2007).<sup>131</sup> Also, Gül (Financial Mirror, 11 January 2008) and Erdoğan, the present Turkish Prime Minister, (Turkish Press, 9 February 2008) encouraged the UN SC and UN SG to take action on Cyprus problem. In an interview, Germany's ambassador to Turkey Eckart Cuntz said that like Turkey, Germany -the then term president of the EU- believes that the UN, not the EU, is the correct address for reaching a solution to the decades-old Cyprus issue. He said, advising: "We should not relate the Cyprus issue to [Turkey's] negotiation process. Otherwise we will block negotiations." However, this is not the case when we look at the EU policies in practice.

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<sup>131</sup> See, also, Ntvmsnbc, 4 January 2008.

“The survey of 1,000 Greek Cypriots, 1,000 Turkish Cypriots and 300 people living within the UN Buffer Zone (100 Turkish Cypriots and 250 Greek Cypriots), conducted in February 2007 found that both communities consider the UN has an important role to play and welcomed its continuing presence across the island. But a majority of the Greek Cypriots and Turkish Cypriots believed that the UN was biased in favour of the other community” (UN News Center, 29 April 2007). In a recent poll commissioned by the University of Nicosia, the Greek Cypriots were asked to choose from a list the best way to undertake initiatives on Cyprus. “More than 81 percent said the EU should become more actively involved; 75.92 per cent thought more pressure should be brought to bear on Turkey; 71.25 per cent said Turkey should be democratised...” (Cyprus Mail, 20 September 2007). In this way, on contrary to the Turkish side, the Greek Cypriots have shown their support for the EU involvement in the dispute and their belief that the settlement efforts have failed due to Turkey’s unwillingness for a compromise and so-called “undemocratic system”.

Thus, the Turkish side has been dealing with not only Greece and the GCA, but also with the international community in the Cyprus dispute. Although the Annan Plan has tried to take a new step close to the Turkish view, it can mainly be said that there are still many differences between the “Cypriot state” which the Northern Cyprus and Turkey want to establish and the new Cypriot state that has been proposed by the UN and the EU. Both the UN and the EU propose the establishment of a Cypriot state similar to the Cypriot state structure created in 1960 by ignoring the present *de facto* situation in the island. As Turkish side claims, this attitude contradicts with the impartiality and good will concept of the international organizations.

In other words, the TRNC has not been recognized and Turkey has not found adequate political power in order to change the attitudes of the international organizations in the Cyprus dispute. However, the problematic issues of how the legislative, executive and judicial powers will be arranged, how many troops the sides will be able to keep in the island, on which issues the sides will sign treaties or cooperate with third countries, how the common state will be represented abroad will be answered depending on the recognition of the TRNC as a state (Doğan, 2002: 98).

#### **4.3 Impetus Role of the EU in the Cyprus Dispute: A Prospect for Settlement or a Catalyst for Crisis?**

Since the European Commission's 1993 favorable opinion on Cyprus, the EU has consistently emphasized that the prospect of accession to the EU would be a catalyst for the settlement of the dispute in the island (European Commission Opinion on the Application by the Republic of Cyprus for Membership, 1993: doc/93/5).<sup>132</sup> At that point, the views of the EU and the Greek Cypriots have been parallel to each other. Indeed, Euripides L. Evriviades, ambassador of Cyprus to the United States, stated that "...Membership means economic improvement and enhanced world stature... EU membership ensures democratic institutions and the rule of law and, hence security and stability not only for Cyprus but in the broader region of the eastern Mediterranean" (Evriviades, 2005: 2). Also, the Enlargement Commissioner Gunter Verheugen states

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<sup>132</sup> See, also, Tocci, 2002: 104.

that the EU accession presents the “best tool” to ensure the peaceful coexistence of the two communities (Cyprus Weekly, 2 July 2001). In almost every EU decisions and statements this opinion was declared.

Some claim that the EU plays a significant role in achieving a permanent solution in the island by transforming the mentalities or behaviours of the parties (Joseph, 1997: 85; Diez, 2002: 1; Savvides: 2). Within this framework, as Tocci (2002: 106) argues, the EU offered “appetizing carrots” to the parties of the dispute in the form of future integration with the Union some of which are conditional upon progress in the settlement of the dispute. At that point, Savvides argues about the Turkish Cypriots that due to these promises “for the first time one observes a strong wave of resistance against traditional Turkish policies with Turkish-Cypriot non-governmental organizations and political parties demanding a change of policy and accession into the EU” (Savvides: 2). Therefore, the questions of why the EU is thought to have such an impetus role for peace and to what extent the EU has achieved this role by meeting the parties’ expectations from the Union should be answered.

#### **4.3.1 The Turkish Perspective**

The Turkish Cypriots view the EU as a source of release from their economic and political isolation from the international community, especially as an award in expense for their “yes” votes to the Annan Plan. The EU membership would mean economic aid packages and transfer of structural funds from the Union to this region. So, the EU being

aware of the dependency of the TRNC on international economic sources has offered some promises which are in fact economic and political conditional carrots in order to convince the TRNC for a compromise in the island. That is, the Union has tried to play the economic aid card against the Turkish Cypriots in order to gain their support for the settlement efforts and the EU membership of the GCA in the name of the whole island.

On the other hand, economic considerations alone cannot persuade the Turkish Cypriots to show more flexibility in the Cyprus issue, but also the preservance of their security, status questions and balanced attitude of the EU towards the two communities matter for the Turkish Cypriots (Eichinger, 1997: 199).<sup>133</sup> In this regard, because of the non-recognition of the TRNC by the EU, the carrot of the EU membership of the TRNC was also made conditional upon the settlement of the dispute by the Union (Tocci, 2002: 106). However, the EU embargo on the Northern Cyprus since 1994 served the hardening of the positions of the Turkish Cypriots.

In addition, as Ahmad (2002: 51) states, “with the EU enlargement bid for Cyprus, there has indeed emerged a possibility of bridging the diverging perceptions of the two ethnically and religiously different communities by involving them equally in the EU accession and integration process”. So, if the Turkish Cypriots were made a part of the EU accession process with an equal footing with the Greek Cypriots, they might have developed an equal stake in entering the EU fold and would have probably been more compromising (Ahmad, 2002: 51; Tocci, 2002: 131). In fact, the EU’s expected catalytic effect has been based on the interests of the Turkish Cypriots in accession to the Union. Without these interests, the conditionality of the EU cannot work.

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<sup>133</sup> See, also, Oğuzlu, 2002: 10.

As for Turkey, integration with Europe has been a historical objective for Turkey and it has been put to the first ranks of the Turkish foreign policy especially since Turkey's EU membership application in 1987. In Turkey, the Cyprus issue has settled to the core of the discussions about the advantages and disadvantages of the EU membership. As Tocci (2002: 106-107) argues, "the EU believed that Turkey's own inclusion in the EU accession process, and the threat of Cyprus's EU membership without a settlement, would encourage Turkey to pursue a compromise more actively."<sup>134</sup> At that point, the EU put a great emphasis on the change of Turkey's position for a settlement in Cyprus. The Union's December 1999 Helsinki Summit decision that gave Turkey a candidate country status has to be thought in that context.

In fact, the settlement of the Cyprus dispute was not an explicit condition for Turkey's EU membership. However, it has been declared by the EU officials and in most of the EU documents –e.g. the December 1999 Helsinki Conclusions- that Turkey's contribution to the settlement of the Cyprus dispute and its support for the UN settlement efforts would facilitate its path to the Union. Melakopides argues that "Ankara's application for the EC accession was rejected in December 1989 in part because of its Cyprus guilt" (Melakopides, 2006: 79). Therefore, as Tocci also states, "the EU is likely to continue to impose some form of conditionality on Turkey regarding Cyprus unless a settlement is found" (Tocci, 2002: 108).

So, also being aware of the negative consequences the entry of the divided island to the EU, the EU expected Turkey to play a greater role in the search for a settlement before Cyprus' accession to the Union. According to the EU, especially the European

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<sup>134</sup> See, also, Gazioğlu, 2002: 87.

Commission, although the Turkish side now objects to the EU membership of Cyprus, it will one day recognize its potential interests in the EU integration process and adopt the proposed settlement efforts (European Commission Opinion on the Application by the Republic of Cyprus for Membership, 1993: doc/93/5).<sup>135</sup> However, the uncertainty and lack of credibility of the EU promises about Turkey's potential membership and the TRNC cause a great deal of unwillingness of Turkish side to take positive steps in the Cyprus dispute.

So, especially since the mid-1990s, the Turkish Cypriots preferred to harden their positions following the 1994 Corfu Summit decision which included the GCA in the next round of enlargement. Before the TRNC government's confederation demands which were declared on August 31, 1998, the Turkish Cypriots were supporting the constitution of a two mutually recognized states that would transfer their sovereignties into one internationally recognized state voluntarily.

On the other hand, it should be mentioned that the domestic political environment in the TRNC has also served to the deepening of the failure of the EU. Since the partition of the island, the nationalist camp –especially Derviş Eroğlu's National Unity Party (Ulusal Birlik Partisi-UBP) and Serdar Denktash's Democrat Party (Demokrat Parti-DP)- was in power in the TRNC and also Rauf Denktash who is known with his strong nationalistic views was the President of the TRNC from 1983 to 2005.

However, following the increasing role of the moderate center-left parties which support the EU membership, the attitude of the TRNC government towards the EU has changed to some extent. For instance, the Turkish Cypriots have put forward their

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<sup>135</sup> See, also, 1998 Regular Report on Cyprus's Progress towards Accession.

compromising positions by casting “yes” votes to the Annan Plan in a referendum held on April 24, 2004 and Turkey has declared its full support to the Plan. However, Turkey has also sometimes hardened its position through potential integration policies<sup>136</sup> with the TRNC, however the basic reason for that was to prevent the EU membership of a divided island. On the other hand, this policy and political threat of Turkey failed before the EU and among the majority of the TRNC citizens who had acquired the EU nationality via the GCA citizenship.

### **4.3.2 The Greek Perspective**

The Greek Cypriots see the EU membership as a guarantee of their security against 40.000 Turkish troops settled in the Northern part of the island and as a source of democratic acquisition and economic development. “Sophisticated exit polls –for example, by Nicosia’s TV Channel MEGA- demonstrated that 75 percent of the “no voters” had placed insecurity as their primary objection to the (Annan) Plan, whereas the issues of properties and the ‘illegal’ settlers followed the first” (Melakopides, 2006: 86). These insecurity concerns have derived from the continuing presence of the Turkish troops, the permission to allow 650 Turkish troops to remain in Cyprus and the plan’s

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<sup>136</sup> See, Joint Declaration Between Turkey and the TRNC, 28 December 1995, Joint Declaration Between the TRNC and Turkey, 20 January 1997, Press Statement of Turkey and the TRNC, 4 July 1997, Joint Statement by Turkey and the TRNC, 20 July 1997, Agreement between the Government of the Republic of Turkey and the Turkish Republic of Northern Cyprus on the Establishment of an Association Council, 6 August 1997, Declaration by the Association Council Between Turkey and the TRNC, 31 March 1998, Joint Declaration, 23 April 1998, Joint Statement, 14 November 1998 and Turkey-TRNC Joint Declaration, 20 July 1999. See also, the Turkish Republic National Assembly decision, 15 July 1999.

granting Turkey a right of intervention militarily in island's affairs (Melakopides, 2006: 86).<sup>137</sup> As Tocci (2002: 118-119) states:

While EU membership could allow a continuation of the Turkish role and presence in Cyprus' security, the Greek Cypriots feel this role would be restricted and monitored by the EU following Cyprus' membership... According to the RoC, it is highly unlikely that guarantor Turkey, as a candidate EU member, would intervene militarily in EU member Cyprus following a breach of a future settlement.

In addition, the EU membership of the GCA would lead to the liberalization of the four freedoms which are movement of capital and services, settlement, owning of property and trading and provide some advantages related to these issues against the Turkish side.

In fact, following the EU membership of Greece in 1981, the desire of the Greek Cypriots for being a part of the Union was strengthened due to the fact that their EU membership would mean in some terms an *enosis* with Greece within the EU borders (Müftüler-Bac and Güney, 2005: 285). In April 2003 when Cyprus signed its Accession Treaty with the EU, Costas Simitis, the then Prime Minister of Greece, declared that “*enosis* had been achieved” (Turks.US Daily News, April 2003) and “this was the result of years of common effort, with common aim of *enosis*. We will continue in this way in the future” (Turks.US Daily News, 20 April 2003). These statements can be seen as some of the foundations of illegal Greek demands related to their EU integration.

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<sup>137</sup> See, also, The Comprehensive Settlement Plan for Cyprus” (Final Version), 31 March 2004.

As for Greece, while Greece seemed as an obstacle for Turkey's EU road during the 1980s and early 1990s, Greece has begun to seem as a supporter of the improvement of Turkey-EU relations as a result of its EU interests since 1995, but especially since 1999 and during the December 1999 European Council at Helsinki. Under that policy, Greece aims to prevent Turkey from applying military options or threats in vulnerable issues among them by supporting Turkey's democratization process (Savvides: 2). Also, according to the Greek view, the EU membership of the Greek Cypriots would force the Turkish army to withdraw from Cyprus and would strengthen their political position in dealing with key issues such as restrictions on settlement and property ownership in the northern Cyprus (Zervakis, 1997: 148).

In addition, since the EU membership of Greece in 1981, the role of Greece in the EU-Cyprus-Turkey triangle has increased significantly. Greece has encouraged the relations between Cyprus and the EU. "Particularly since the 1993 Commission Opinion on Cyprus, member state Greece lobbied intensively for the acceleration of Cyprus-EU ties and the removal of conditionality on the RoC concerning conflict settlement" (Tocci, 2002: 115). According to the rules of the EU Treaty, accession to the EU has to be approved by the EP and ratified by all national parliaments. So, Greece also still continues to handle the trump of playing the veto card against Turkey's EU membership in order to get concessions from Turkey in problematic issues like Cyprus. At that point, the EU's involvement in the Cyprus dispute emerges as a significant opportunity for Greece as well as for the Greek Cypriots.

Because of these advantages from the EU integration process, the Greek governments have not agreed to take positive steps and to make some concessions for the settlement of the dispute before the accession to the EU. That is, the hardening

positions of the Greek Cypriots have strengthened following the removal of conditionality on them related to the settlement efforts. Also, the negative Greek approach towards the Turkish side has showed an increase as a result of the catalytic role of the EU. The Greek Cypriot government has put a great pressure on the international community and the EU countries for the condemnation of the Turkish Cypriot government and Ankara for their “illegal” policies and statements in the Cyprus dispute as the driving forces of the conflict.

In addition, as Tocci (2002: 114) argues “increased Greek Cypriot aggressiveness was evident in security and defense policies. Since November 1993, the Greek Cypriots underwent significant military upgrading through the “Common Defense Doctrine” with Greece”.<sup>138</sup> The Doctrine envisages the planning of joint military strategies and operations between the two parties. The Greek Cypriot leadership’s policies to deploy Russian S-300 missiles in Cyprus were also significant in that sense.<sup>139</sup> Probably due to these realities the UN SC, in several Resolutions, has made references to disarmament and arms race in the island.<sup>140</sup>

On September 12, 2000, Kofi Annan referred to the political equality of the two communities and each leadership could only represent its own community and no other. However, this statement was refused by the Greek Cypriot government and the then

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<sup>138</sup> See, also, Turkey-EU Joint Parliamentary Committee, 2001: 28.

<sup>139</sup> The missiles were purchased from Russia in 1998 by then Cypriot President Glafcos Clerides but had to be moved to Greek island of Crete for safekeeping following huge pressure from Turkey and Turkish Cypriots. On 19 December 2007, defense ministers of Greece and Greek Cypriot Administration have signed an agreement to formally transfer to Greece the controversial Russian S300 missiles. Cyprus transferred the ownership of the S300 missiles in exchange for two other missile systems from Greece. See, *China View Xinhua*, 20 December 2007.

<sup>140</sup> See, UN SC Res. 1092, 23 December 1996, 1117 (27 June 1997), 1146 (23 December 1997), 1178 (29 June 1998) and 1251 (29 June 1999). See also, UN Security Council Resolution 1000, 23 June 1995, 1032 (19 December 1995), 1062 (28 June 1996), 1217 (22 December 1998) and 1250 (29 June 1999).

President Glafcos Clerides had postponed the proximity talks demanding the change of this statement. The rejection of the Annan Plan by the Greek Cypriots on the April 24, 2004 referendum has been the most significant indicator of the Greek position in the settlement efforts and of the impacts of the EU involvement in the Cyprus dispute.

In my point of view, one of the most significant reasons for the Greek rejection was the Greek Cypriots' demand for the continuation of the 43-year old *status quo* in Cyprus.<sup>141</sup> That is, although the GCA has continuously emphasized its support for the UN and EU settlement proposals declaring that a bi-communal and bi-zonal federation including single sovereignty, one international personality and single citizenship should be established in the island (Statement addressed by the then President of GCA, 2000: 1)<sup>142</sup>, in fact, it wants the continuation of being recognized as the sole legitimate government of Cyprus and the non-recognition of the constituent Turkish Cypriot state by the international community.<sup>143</sup> As Oğuzlu (2002: 10-11) states:<sup>144</sup>

Rather than writing a new constitution that would take its legitimacy from the consent of the two communities, the Greek Cypriots claim that it would be enough to make some amendments to the existing constitution. However, the legitimacy of the 1960 constitution was lost in the eyes of the Turkish Cypriots.

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<sup>141</sup> See, also, Efegil and Görgünler, 2002: 126.

<sup>142</sup> See, also, the recent statement of Cyprus' Foreign Minister Erato Kozakou-Marcoullis published in Al-Ahram Weekly Online, Issue No. 876, 20-26 December 2007.

<sup>143</sup> For claims against the reasons put forward by the Greek Cypriots for their rejection of the Annan Plan, see, [http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/AnnanPlan\\_GreekCypriot\\_NoFalseReasonsandClaims.htm](http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/AnnanPlan_GreekCypriot_NoFalseReasonsandClaims.htm)

<sup>144</sup> See, also, Efegil and Görgünler, 2002: 127; Tocci, 2002: 126.

So, especially through the Annan Plan, the actual Greek position has revealed. On the other hand, the EU has tended to perceive the Greek Cypriots as supporters of the search for a settlement in the island. Despite some obstacles put by the then Greek Cypriot leader in the proximity talk process, the Commission, in several reports and progress reports, has repeatedly concluded that the “Republic of Cyprus” has fulfilled its EU priorities such as the Copenhagen political criteria and economic requirements of the EU accession.<sup>145</sup>

Thus, as Oğuzlu argues, “for the EU to contribute to peace and security in and around Cyprus, the first precondition is that all the interested parties share the belief that the EU’s involvement in the dispute is something positive for them to seize upon” (Oğuzlu, 2002: 9). Indeed, the EU membership has been one of the historical targets of the parties of the Cyprus dispute as close cultural and economic links has been established with Europe for decades. That is, the perceptions of the parties about the EU in the dispute reveal that their interests intersect at the prospect of integration with the Union and their attitudes towards the dispute are mostly shaped by these interests. So, in its efforts for solving the dispute, the EU has tried to change the parties’ attitudes by utilizing from these weak points of the parties and attracting the sides’ interests. Only through the desire and interests at integrating with the EU, the parties’ attitudes and perceptions towards the Cyprus issue have tended to show some changes to some extent.

However, the EU cannot transform the expectations of the parties from the Union and their attitudes in the dispute to policies that will bring a permanent solution.

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<sup>145</sup> See, Agenda 2000, 15 July 1997, 1999 Regular Report on Cyprus’s Progress Towards Accession, 6 October 1999, 2000 Regular Report on Cyprus’s Progress Towards Accession, 8 November 2000, 2001 Regular Report on Cyprus’s Progress Towards Accession, SEC(2001) 1745, Brussels 13 November 2001 and 2002 Regular Report on Cyprus’s Progress Towards Accession, COM(2002), Brussels 9 October 2002.

Additionally, the Cyprus dispute has deteriorated following the EU involvement since the 1990s. The pressures of the enlargement process have failed to persuade the parties for a comprehensive agreement. In fact, they caused the hardening of the negotiating positions of all parties of the dispute except some compromising steps recently taken by the Turkish side such as their support for the Annan Plan. So, although the EU had an opportunity for contributing to the establishment of the settlement in the island through its catalytic role, this potential effect of the EU integration process has been inefficient.

#### **4.4 Proposals for the Future Role of the EU in the Cyprus Dispute**

In Cyprus, “a solution would be expected to address the following issues: Constitutional framework, territorial adjustments, return of property to pre-1974 owners and/or compensation payments, return of displaced persons, demilitarization of Cyprus, residency rights/repatriation of Turkish settlers, future peacekeeping arrangements” ([http://en.wikipedia.org/wiki/Cyprus\\_dispute](http://en.wikipedia.org/wiki/Cyprus_dispute)). All of these problematic issues still remain unsolved despite the EU involvement in the dispute as a potential contributor. The apparent linkage between the EU membership of the sides and settlement of the Cyprus dispute increases the potential positive impacts of the EU decisions on shaping the Cyprus dispute. In that context, although a great role falls on the EU in changing the positions of the parties through its catalytic structure, the EU has failed as a result of its miscalculated conditionality policies and misunderstanding of the parties’ interests.

As the international community, specifically the EU, continues to perceive the GCA as the only legitimate state of Cyprus, the insolvability of the Cyprus dispute gradually deepens (Atun, 2002: 44). Also, the adoption of the GCA to the Euro by the EU on January 1, 2008 has made the situation in Cyprus more complicated by leading the deepening of the division between the two communities.<sup>146</sup> However, the two communities in the island should be behaved on an equal footing within the framework of the legal facts. The EU should develop efficient policies for protecting the political rights of the Turkish Cypriots who are not allowed to be involved in the EU *acquis communautaire*.

In addition, the EU should be the non-military guarantor for the protection of the constitutional order and the EU principles in Cyprus and by this way the Union should compensate for the security concerns of the Turkish Cypriots (Tocci, 2002: 129). On the other hand, Turkey's legitimate rights drawn from the 1960 Treaty should be protected in order to provide the safety of the Turkish Cypriots. The EU should support the guarantorship rights of Turkey and let the special relationship between the Turkish Cypriots and Turkey continue. The settlement of the Cyprus dispute will also contribute to the stability in the Eastern Mediterranean and will lead to a decrease in the defence expenditures of Turkey and Greece.

The EU should develop policies to lift the trade restrictions on the TRNC in order to reestablish its credibility in the eyes of the Turkish Cypriots and the international community and to decrease and to eliminate the economic imbalance between the two communities. Also, derogations to the freedoms of property and settlement between the

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<sup>146</sup> This means that the northern part of the island will continue to use Turkish Lira while the southern part of the island will use Euro in its financial affairs by January 1, 2008.

two parties are significant issues for the Turkish Cypriots when the economic and political advantages of the Greek Cypriots are taken into account.

On the other hand, some argue that easing of the Turkish Cypriot isolation is essential, but must not lead to any kind of legal recognition of the TRNC (Eichinger, 1997: 202). Because, there are some doubts about the issue of “whether the almost total international isolation of the Turkish Cypriots is necessary in order to avoid legal recognition, and whether Northern Cyprus would not be an easier partner to deal with if the isolation were eased” (Eichinger, 1997: 202-203). However, on the contrary to these views, as seen in the referendum for the Annan Plan, the Turkish Cypriots have tended to soften their positions about the UN and EU settlement proposals as the EU has taken some decisions to release economic aid to the TRNC.

There are some views in the press and academic arena pointing out that the settlement of the Cyprus dispute in fact depends on the closeness of Turkey and Greece. Manisalı (2002: 78-79) argues that:

The solution of the Aegean problem (between Turkey and Greece) would directly affect Cyprus. The matter of balance in Cyprus and the Aegean cannot be separated from each other... since the dispute in Cyprus is not only between the Turkish and Greek Cypriots but also between Turkey and Greece.

However, it should not be expected from the Turkish side to make a compromise with the Greek side in every issue in order to create a common Cypriot state. The Turkish side, according to Turkey’s point of view, should preserve its potential acquisitions in Cyprus. At that point, the EU should offer credible and positive carrots in

order to encourage Ankara to take some positive steps in the Cyprus dispute. Because, the creation of a democratic state where the two communities can live together in Cyprus would be compatible with the interests of not only the two communities of the island, but also with Turkey and Greece.

On the other hand, given a long history of mistrust and conflict between the two communities, the attempts of the UN and EU to create a single sovereignty and single international identity in Cyprus are convicted to fail. So, the international community should recognize the existence of two separate and sovereign nations in Cyprus. Only if the two nations hold an equal status in the island, a true federation can be formed (Ahmad, 2002: 53). So, as Oğuzlu (2002: 17) argues, a loosely centralized federal arrangement can be a good solution for the island. In order to meet at this common point, both sides should accept giving some concessions. The Turkish Cypriots should completely give up their insistence on the recognition of two independent states under a strict confederal roof and the Greek Cypriots should leave their interest in a unitary federal establishment in the island by accepting the politically equal status of the Turkish Cypriots. Indeed, a unitary arrangement cannot work efficiently due to the huge numbers of economic, social and political divergences between the two communities since 1963.

At that point, the Presidential elections which was held on February 17, 2008 in the southern part of the island has a significance due to the prospects it created for the reunification of the island. Tassos Papadopoulos, who had led the Greek Cypriots in rejecting the UN reunification plan for the divided island,<sup>147</sup> was eliminated from Cyprus's presidential election race against his challengers who are mostly supporters of

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<sup>147</sup> Cypriot President Tassos Papadopoulos said, on 8 February 2008, that he would oppose any effort to revive a U.N. plan to reunite the island if he is re-elected (Hürriyet, 10 February 2008).

reunification and are backed by the Turkish Cypriots.<sup>148</sup> Communist party leader Demetris Christofias won in Cyprus's presidential election on February 24, 2008 and immediately declared to launch a new attempt to reunite the island stating that “I offer a hand of friendship and cooperation to the Turkish Cypriots and their leadership” (Hürriyet, 24 February 2008).<sup>149</sup>

The main point in the Cyprus dispute is the creation of an environment where the two communities would live peacefully without being imposed to achieve their unification. Any settlement in the island should meet the interests of the whole population and should be respected by the international community. Whatever the kind of the settlement be in, the Turkish and Greek Cypriots as the primary owners of the right of the say in Cyprus` s sovereignty have to be the only actors who will decide on the island`s destiny (Set of Ideas on an Overall Framework Agreement on Cyprus, 1992: Parag. 92).<sup>150</sup>

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<sup>148</sup> Final results taken on February 17, 2008 showed an EP member and former Foreign Minister of the conservative DISY party Ioannis Kasoulides with a very slight lead, with 33.51 percent compared to 33.29 percent for the Cyprus Communist party leader Demetris Christofias. Papadopoulos was close behind with 31.79 percent (Financial Mirror, 18 February 2008).

<sup>149</sup> In the run-off vote on February 24, 2008, Christofias secured 53.36 percent of the vote against 46.64 percent for Kasoulides.

<sup>150</sup> See, also, Gazioğlu, 2002: 82.

## **CHAPTER V**

### **CONCLUSION**

This thesis aimed to examine the role of the EU in the settlement of the Cyprus dispute. More specifically, it tried to find out whether the settlement efforts of the EU reflect a failure and if it is a failure, what the reasons of this failure are. In the light of the analysis of the EU policies, decisions and perceptions in the dispute within the framework of the UN Resolutions, this thesis reached to five main conclusions.

First, following the EU membership application of the GCA in July 1990 and especially its EU membership in May 2004, the dynamics of the Cyprus dispute have changed. This has deepened the division of the island by drawing a *de facto* EU border between the two communities. The economic and political isolation of the Northern Cyprus from the international community and the cultural and social division between the two communities have widened and the political claims of the Greek Cypriot leadership related to its status in the island have strengthened. Also, the Cyprus dispute, which had been held at the UN platform before, has been an internal issue of the EU through the exceptional and politically problematic position of the divided island. Also, the linkage between the EU integration prospects of the parties and settlement of the dispute has become more apparent. That is, the parties' EU integration interests have shaped the evolution of the Cyprus dispute.

At that point, second, the Union has been in the belief that the EU integration process can act as a catalyst for reaching a solution by softening the positions of the parties and can bring an increased security and prosperity to the region. So, the Union has tried to utilize from these prospects of the parties by giving rewards or applying sanctions related to their EU integration processes. However, due to the EU's misperceptions of the parties' interests and incredibility of its carrots, the impetus role of the EU has been a catalyst for crisis in the island instead of a prospect for peace.

Third, the EU has not completely applied to impartial policies in the Cyprus dispute. In this regard, the EU has adopted the GCA as a full member in the name of the whole island before a settlement while declaring its support for the accession of a reunited Cyprus and putting the settlement of the dispute as a precondition for the Turkish side. In this way, the Greek Cypriots have gained the opportunity to lead the dispute and Turkey's EU membership process in the direction of their interests. So, the Greek Cypriots do not need to fulfill the settlement efforts proposed by the international community. However, as Turkey officially argues, according to the system established by the 1960 Treaties, neither the GCA have a jurisdiction or right to make an application to the EU on behalf of the whole island, nor it is legal for the Union to accept the GCA as an EU member while excluding the northern part of the island.

Also, the EU has put more emphasis on the Turkish side in the failure of the settlement attempts and, at the same time, has responded negatively to the Turkish Cypriots' demands for the abolishment of the economic and political isolation of the TRNC despite the Turkish Cypriots' approval of the Annan Plan on the contrary to the Greek Cypriots' rejection. The EU has tended to put Turkey's support for the settlement of the Cyprus dispute as a precondition in front of its EU membership although this is

not part of the 1993 Copenhagen criteria for the enlargement of the EU. Also, the EU has continuously urged Turkey to recognize the Greek-Cypriot controlled “Republic of Cyprus” and to open its sea and air ports to the Greek Cypriot vessels. The EP has wanted Turkey to pull back its forces in northern Cyprus by calling the presence of the Turkish troops as an occupation of the northern part of the island. Due to these impartial attitudes, the EU has lost its credibility in the eyes of the Turkish side.

Fourth, the overall approaches of the UN and EU seem to be parallel. In this regard, their proposals about the intended structure of the Cypriot state are far from responding the Turkish demands. While the UN and EU propose the establishment of a bi-zonal and bi-communal federal state with a single sovereignty and single international personality, the Turkish side wants the recognition of the two separate sovereignties and political equality of the two communities. The two organisations have also recognized the GCA as the only legitimate government under the name of the “Republic of Cyprus” while rejecting the recognition demands of the TRNC.

On the other hand, fifth, the then UN SG’s Annan Plan reflects a differentiation from the EU decisions in the sense that it puts forward that the proposed Constitution of the intended “United Cyprus Republic” would be based on political equality and equal status of the “two constituent states” in the island. However, the EU has preferred not to refer to the recognition of the “two constituent states”. In that context, the Plan approaches to the Turkish demands.

So, on the contrary to the Greek side, Turkish support for the UN as the most appropriate platform for the settlement of the dispute, rather than the EU, has increased. However, even Turkey as a significant direct party in the dispute has neither the political nor the economic power to decrease the pressure of the UN and EU and to change the

manner of the UN and European countries in the direction of its preferences. Since the dispute became a significant internal issue of the EU as a result of the EU membership of the GCA and Greece, it will even be difficult for Turkey to shift the issue from the EU back to the UN platform, without the support of major global powers and through the decisions of the UN SC since the SC is still seized with this dispute.

On the other hand, although the recent UN initiatives, particularly the Annan Plan, have tried to take a new step close to the Turkish position, it can mainly be said that the overall approaches of the two organizations, of especially the EU, contradicts with the Turkish approach by ignoring the present *de facto* situation in the island.

These differences create fundamental obstacles in front of a permanent solution in Cyprus. Moreover, there are still uncertainties about the future status and structure of the Cypriot state. The Turkish Cypriots are still suffering from economic isolation from the international community. Also, the TRNC is still not internationally recognized while it is represented under the GCA at the EU level, however, despite this reality, the TRNC established liaison offices in 15 European countries, including the EU countries. Also, the military presence of the parties in the island continues to be a problematic issue among the parties.

In conclusion, although the EU has a potential to act as a catalyst for peace in the island due to the parties' interests in the Union, its miscalculations about the dispute, partiality, incredibility and ineffectiveness of its policies and policy methods have led to the EU's failure in the dispute. Thus, given the maintenance of the insolvability in Cyprus and the EU approach, the success of the EU in contributing to a permanent solution in the Cyprus dispute has been very limited on the contrary to the expectations from it.

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## **APPENDICES**

### **APPENDIX A**

#### **SELECTED ARTICLES OF THE CONSTITUTION OF THE REPUBLIC OF CYPRUS, 1960**

##### **APPENDIX D: PART 3**

##### **ARTICLE 50**

1. The President and the VicePresident of the Republic, separately or conjointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof concerning-

(a) foreign affairs, except the participation of the Republic in international organisations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate.

For the purposes of this subparagraph "foreign affairs " includes

(i) the recognition of States, the establishment of diplomatic an. consular relations with other countries and the interruption of such relations. The grant of acceptance to diplomat). representatives and of exequatur to consular representatives The assignment of diplomatic representatives and of consular representatives, already in the diplomatic service, to posts abroad and the entrusting of functions abroad to special envoys already in the diplomatic service. The appointment and the assignment of persons, who are not already in the diplomatic service, to an, posts abroad as diplomatic or consular representatives and the entrusting of functions abroad to persons, who are not already in the diplomatic service, as special envoys;

(ii) the conclusion of international treaties, conventions and agreements;

(iii) the declaration of war and the conclusion of peace;

(iv) the protection abroad of the citizens of the Republic and of their interests;

(v) the establishment, the status and the interests of aliens in the Republic;

(vi) the acquisition of foreign nationality by citizens of the Republic and their acceptance of employment by, or their entering the service of, a foreign Government;

(b) the following questions of defence:

(i) composition and size of the armed forces and credits for them,

(ii) (nominations des cadres-diorismoi stelexwv kadrolara

tayinler) and their promotions (kai n proagwgn autwv ve bunlardaki terfiler);

(iii) importation of war materials and also explosives of all kinds;

(iv) cession of bases and other facilities to allied countries;

(c) the following questions of security:

(i) (nominations des cadres diorismoi stelexwvkadrolara tayinler)) and their promotions (kai n proagwgn autwv ve bunlardaki terfiler);

(ii) distribution and stationing of forces;

(iii) emergency measures and martial law;

(iv) police laws.

It is specified that the right of veto under subparagraph (c) above shall cover all emergency measures or decisions, but not those which concern the normal functioning of the police and the gendarmerie.

2. The above right of veto may be exercised either against the whole of a law or decision or against any part thereof, and in the latter case such law or decision shall be returned to the House of Representatives for a decision whether the remaining part thereof will be submitted, under the relevant provisions of this Constitution, for promulgation.

3. The right of veto under this Article shall be exercised within the period for the promulgation of laws or decisions of the House of Representatives as in Article 52

provided.

## **APPENDIX D: PART 12 - MISCELLANEOUS PROVISIONS**

### **ARTICLE 170**

1. The Republic shall, by agreement on appropriate terms' accord most-favoured-nation treatment to the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland for all agreements whatever their nature might be.

2. The provisions of paragraph 1 of this Article shall not apply to the Treaty concerning the Establishment of the Republic of Cyprus between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland concerning the bases and military facilities accorded to the United Kingdom.

## **APPENDIX D: PART 13 - FINAL PROVISIONS**

### **ARTICLE 185**

1. The territory of the Republic is one and indivisible.

2. The integral or partial union of Cyprus with any other State or the separatist independence is excluded.

### **Source:**

<http://www.cyprus.gov.cy/portal/portal.nsf/All/C44572D7363776ACC2256EBD004F3BB3?OpenDocument>

## **APPENDIX B**

### **SELECTED ARTICLES OF THE TREATY CONCERNING THE ESTABLISHMENT OF THE REPUBLIC OF CYPRUS**

*Signed in London, 1960.*

#### **(1) TREATY OF ESTABLISHMENT**

The United Kingdom of Great Britain and Northern Ireland, the Kingdom of Greece and the Republic of Turkey of the one part and the Republic of Cyprus of the other part have agreed as follows;

#### **ARTICLE 2**

The Republic of Cyprus shall co-operate fully with the United Kingdom to ensure the security and effective operation of the military bases situated in the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and the full enjoyment by the United Kingdom of the rights conferred by this Treaty.

#### **ARTICLE 3**

The Republic of Cyprus, Greece, Turkey and the United Kingdom undertake to consult and co-operate in the common defense of Cyprus.

#### **(2) TREATY OF GUARANTEE**

The Republic of Cyprus of the one part, and Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland of the other part have agreed as follows.

#### **ARTICLE I**

The Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution.

It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island.

## **ARTICLE II**

Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.

Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.

## **ARTICLE IV**

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 measure necessary to ensure observance of those provisions.

In so far as common or concerted action may not prove possible, each of 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.

## **(3) TREATY OF ALLIANCE**

The Republic of Cyprus, Greece and Turkey have agreed as follows:

## **ARTICLE II**

The High Contracting Parties undertake to resist any attack or aggression, direct or indirect, directed against the independence or the territorial integrity of the Republic of Cyprus.

## **ARTICLE IV**

Greece and Turkey shall participate in the Tripartite Headquarters so established with the military contingents laid down in Additional Protocol No.I annexed to the present Treaty.

### **Source:**

<http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Treaty+Concerning+The+Establishment+of+The+Republic+of+Cyprus.htm>

## APPENDIX C

### SECURITY COUNCIL RESOLUTION 186 (1964)

**186 (1964). Resolution of 4 March 1964**

[S/5575]

*The Security Council,*

*Noting* that the present situation with regard to Cyprus is likely to threaten international peace and security and may further deteriorate unless additional measures are promptly taken to maintain peace and to seek out a durable solution,

*Considering* the positions taken by the parties in relation to the treaties signed at Nicosia on 16 August 1960,<sup>5</sup>

*Having in mind* the relevant provisions of the Charter of the United Nations and, in particular, its Article 2, paragraph 4, which reads:

“ All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations ”,

1. *Calls upon* all Member States, in conformity with their obligations under the Charter of the United Nations, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace;

2. *Asks* the Government of Cyprus, which has the responsibility for the maintenance and restoration of law and order, to take all additional measures necessary to stop violence and bloodshed in Cyprus;

3. *Calls upon* the communities in Cyprus and their leaders to act with the utmost restraint;

4. *Recommends* the creation, with the consent of the Government of Cyprus, of a United Nations Peace-keeping Force in Cyprus. The composition and size of the Force shall be established by the Secretary-General, in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom of Great Britain and

Northern Ireland. The Commander of the Force shall be appointed by the Secretary-General and report to him. The Secretary-General, who shall keep the Governments providing the Force fully informed, shall report periodically to the Security Council on its operation;

5. *Recommends* that the function of the Force should be, in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions:

6. *Recommends* that the stationing of the Force shall be for a period of three months, all costs pertaining to it being met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for that purpose;

7. *Recommends further* that the Secretary-General designate, in agreement with the Government of Cyprus and the Governments of Greece, Turkey and the United Kingdom, a mediator, who shall use his best endeavours with the representatives of the communities and also with the aforesaid four Governments, for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security. The mediator shall report periodically to the Secretary-General on his efforts;

8. *Requests* the Secretary-General to provide, from funds of the United Nations, as appropriate, for the remuneration and expenses of the mediator and his staff.

*Adopted unanimously at the 1102nd meeting.*

#### Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/211/44/IMG/NR021144.pdf?OpenElement>

## APPENDIX D

### SECURITY COUNCIL RESOLUTION 353 (1974)

#### Resolution 353 (1974)

of 20 July 1974

*The Security Council,*

*Having considered* the report of the Secretary-General, at its 1779th meeting, about the recent developments in Cyprus,

*Having heard* the statement of the President of the Republic of Cyprus and the statements of the representatives of Cyprus, Turkey, Greece and other Member States,<sup>22</sup>

*Having considered* at its present meeting further developments in the island,

*Deeply deploring* the outbreak of violence and the continuing bloodshed,

*Gravely concerned* about the situation which has led to a serious threat to international peace and security, and which has created a most explosive situation in the whole Eastern Mediterranean area,

*Equally concerned* about the necessity to restore the constitutional structure of the Republic of Cyprus, established and guaranteed by international agreements,

*Recalling* its resolution 186 (1964) of 4 March 1964 and its subsequent resolutions on this matter,

*Conscious* of its primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter of the United Nations,

1. *Calls upon* all States to respect the sovereignty, independence and territorial integrity of Cyprus;

2. *Calls upon* all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;

3. *Demands* an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;

4. *Requests* the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios, in his letter of 2 July 1974;<sup>23</sup>

5. *Calls upon* Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus and to keep the Secretary-General informed;

6. *Calls upon* all parties to co-operate fully with the United Nations Peace-keeping Force in Cyprus to enable it to carry out its mandate;

7. *Decides* to keep the situation under constant review and asks the Secretary-General to report as appropriate with a view to adopting further measures in order to ensure that peaceful conditions are restored as soon as possible.

*Adopted unanimously at the 1781st meeting.*

#### Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/289/72/IMG/NR028972.pdf?OpenElement>

## APPENDIX E

### SECURITY COUNCIL RESOLUTION 649 (1990)

#### Resolution 649 (1990)

of 12 March 1990

*The Security Council,*

*Having considered* the report of the Secretary-General of 8 March 1990<sup>52</sup> on the recent meeting between the leaders of the two communities in Cyprus and on his assessment of the current situation,

*Recalling* its relevant resolutions on Cyprus,

*Recalling also* the statement made by the President of the Security Council on 22 February 1990<sup>49</sup> calling upon the leaders of the two communities to demonstrate the necessary goodwill and flexibility and to cooperate with the Secretary-General so that the talks will result in a major step forward toward the resolution of the Cyprus problem,

*Expressing its regret* that, in the more than twenty-five years since the establishment of the United Nations Peace-keeping Force in Cyprus, it has not been possible to achieve a negotiated settlement of all aspects of the Cyprus problem,

*Concerned* that, at the recent meeting in New York, it was not possible to achieve results in arriving at an agreed outline of an overall agreement,

1. *Reaffirms* in particular its resolution 367 (1975) of 12 March 1975 as well as its support for the 1977<sup>53</sup> and 1979<sup>54</sup> high-level agreements between the leaders of the two communities in which they pledged to establish a bi-communal Federal Republic of Cyprus that will safeguard its independence, sovereignty, territorial integrity and non-alignment, and exclude union in whole or in part with any other country and any form of partition or secession;

2. *Expresses its full support* for the current effort of the Secretary-General in carrying out his mission of good offices concerning Cyprus;

3. *Calls upon* the leaders of the two communities to pursue their efforts to reach freely a mutually acceptable solution providing for the establishment of a federation that will be bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects, in line with the present resolution and their 1977 and 1979 high-level agreements, and to co-operate, on an equal footing, with the Secretary-General in completing, in the first instance and on an urgent basis, an outline of an overall agreement, as agreed in June 1989;

4. *Requests* the Secretary-General to pursue his mission of good offices in order to achieve the earliest possible progress and, toward this end, to assist the two communities by making suggestions to facilitate the discussions;

5. *Calls upon* the parties concerned to refrain from any action that could aggravate the situation;

6. *Decides* to remain actively seized of the situation and the current effort;

7. *Requests* the Secretary-General to inform the Security Council, in his report due by 31 May 1990, of the progress made in resuming the intensive talks and in developing an agreed outline of an overall agreement in line with the present resolution.

*Adopted unanimously at the 2909th meeting.*

#### Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/574/99/IMG/NR057499.pdf?OpenElement>

## **APPENDIX F**

### **SELECTED ARTICLES OF THE PRESIDENCY CONCLUSIONS HELSINKI EUROPEAN COUNCIL 10-11 DECEMBER 1999**

#### **I. PREPARING FOR ENLARGEMENT**

##### ***The enlargement process***

4. The European Council reaffirms the inclusive nature of the accession process, which now comprises 13 candidate States within a single framework. The candidate States are participating in the accession process on an equal footing. They must share the values and objectives of the European Union as set out in the Treaties. In this respect the European Council stresses the principle of peaceful settlement of disputes in accordance with the United Nations Charter and urges candidate States to make every effort to resolve any outstanding border disputes and other related issues. Failing this they should within a reasonable time bring the dispute to the International Court of Justice. The European Council will review the situation relating to any outstanding disputes, in particular concerning the repercussions on the accession process and in order to promote their settlement through the International Court of Justice, at the latest by the end of 2004. Moreover, the European Council recalls that compliance with the political criteria laid down at the Copenhagen European Council is a prerequisite for the opening of accession negotiations and that compliance with all the Copenhagen criteria is the basis for accession to the Union.

9. (a) The European Council welcomes the launch of the talks aiming at a comprehensive settlement of the Cyprus problem on 3 December in New York and expresses its strong support for the UN Secretary-General's efforts to bring the process to a successful conclusion.

(b) The European Council underlines that a political settlement will facilitate the accession of Cyprus to the European Union. If no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above being a precondition. In this the Council will take account of all relevant factors.

##### **Source:**

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/ACFA4C.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/ACFA4C.htm)

## **APPENDIX G**

### **SELECTED ARTICLES OF THE AGENDA 2000-FOR A STRONGER AND WIDER UNION, 15 JULY 1997**

#### **The Challenge of Enlargement**

##### **Enlarging the Union**

Enlargement to include the countries of Central and Eastern Europe and Cyprus is a historic challenge for the Union. But it is also an opportunity - in terms of its security, its economy, its culture and its place in the world. The continent-wide application of the model of peaceful and voluntary integration among free nations is a guarantee of stability. The Union, with more than 100 million new citizens, will see enhanced trade and economic activity, and a new impetus for the development and integration of the European economy as a whole. Europe's cultural diversity will be a source of creativity and wealth. The accession of new Member States will enhance the Union's weight and influence internationally.

#### **2. PROSPECTS FOR A POLITICAL SETTLEMENT**

The Union is determined to play a positive role in bringing about a just and lasting settlement in accordance with the relevant United Nations Resolutions. The status quo which is at odds with international law, threatens the stability of the island, the region and has implications for the security of Europe as a whole. The Union cannot, and does not wish to, interfere in the institutional arrangements to be agreed between the parties. But it is available to advise on the compatibility of such arrangements with the acquis of the Union. The prospect of accession, whose political and economic advantages are now becoming clear to Turkish Cypriots as well as Greek Cypriots, can in itself provide such an incentive.

#### **3. RELATIONS WITH THE EUROPEAN UNION**

The timetable agreed for accession negotiations to start with Cyprus means that they could start before a political settlement is reached. The Union shares the view expressed by the UN Secretary General, that the decision to open negotiations should be seen as a positive development which could promote the search for a political settlement.

Negotiations on accession would be facilitated if sufficient progress is made between the parties in contacts this year under the auspices of the United Nations to allow

representatives of the Turkish Cypriot community to be involved in the accession process. Agreement on a political settlement would permit a faster conclusion to the negotiations. If progress towards a settlement is not made before the negotiations are due to begin, they should be opened with the government of the Republic of Cyprus, as the only authority recognised by international law.

**Source:**

[http://www.cyprus.gov.cy/MOI/pio/pio.nsf/All/09F6BA003CA0F919C2256DC5002ED13D/\\$file/Agenda%202000.doc?OpenElement](http://www.cyprus.gov.cy/MOI/pio/pio.nsf/All/09F6BA003CA0F919C2256DC5002ED13D/$file/Agenda%202000.doc?OpenElement), last accessed on 19 June 2007.

## **APPENDIX H**

### **SELECTED ARTICLES OF THE PRESIDENCY CONCLUSIONS COPENHAGEN EUROPEAN COUNCIL 12-13 DECEMBER 2002**

#### **I. Enlargement**

3. The European Council in Copenhagen in 1993 launched an ambitious process to overcome the legacy of conflict and division in Europe. Today marks an unprecedented and historic milestone in completing this process with the conclusion of accession negotiations with Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia. The Union now looks forward to welcoming these States as members from 1 May 2004. This achievement testifies to the common determination of the peoples of Europe to come together in a Union that has become the driving force for peace, democracy, stability and prosperity on our continent. As fully fledged members of a Union based on solidarity, these States will play a full role in shaping the further development of the European project.

#### **Cyprus**

10. In accordance with paragraph 3 above, as the accession negotiations have been completed with Cyprus, Cyprus will be admitted as a new Member State to the European Union.

Nevertheless, the European Council confirms its strong preference for accession to the European Union by a united Cyprus. In this context it welcomes the commitment of the Greek Cypriots and the Turkish Cypriots to continue to negotiate with the objective of concluding a comprehensive settlement of the Cyprus problem by 28 February 2003 on the basis of the UNSG's proposals. The European Council believes that those proposals offer a unique opportunity to reach a settlement in the coming weeks and urges the leaders of the Greek Cypriot and Turkish Cypriot communities to seize this opportunity.

11. The Union recalls its willingness to accommodate the terms of a settlement in the Treaty of Accession in line with the principles on which the EU is founded. In case of a settlement, the Council, acting by unanimity on the basis of proposals by the Commission, shall decide upon adaptations of the terms concerning the accession of Cyprus to the EU with regard to the Turkish Cypriot community.

12. The European Council has decided that, in the absence of a settlement, the application of the *acquis* to the northern part of the island shall be suspended, until the Council decides unanimously otherwise, on the basis of a proposal by the Commission. Meanwhile, the Council invites the Commission, in consultation with the government of Cyprus, to consider ways of promoting economic development of the northern part of Cyprus and bringing it closer to the Union.

**Source:**

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/73842.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/73842.pdf)