

The EU, Turkey and Cyprus: What Next?

**Prof. Andreas Theophanous**

Professor of Political Economy at the University of Nicosia and Director of the Cyprus Center for European and International Affairs

theophanous.a@unic.ac.cy

Introduction

Despite years of intercommunal negotiations and repeated efforts by the international community the Cyprus problem remains unresolved. Certainly, the overwhelming presence of Turkish troops on the island since 1974 as well as Ankara's objective to retain a hold on Cyprus have been and continue to be the most important factors shaping developments. However, the accession of the Republic of Cyprus to the EU in 2004 in conjunction with Turkey's own European ambitions created new dimensions to the Cyprus question. Of course, the fundamental question remains: what model can lead to a viable solution? Since the April 2004 referendum on the UN Plan – known as the Annan plan - overwhelmingly rejected by Greek-Cypriots but strongly backed by Turkish-Cypriots (and Turkish settlers) this issue has become more complicated.

The Greek-Cypriot rejection of the Annan Plan – by 76% - stemmed from a fundamental disagreement with its philosophy. The Plan did not call for an integrated society and economy but instead embedded division. Furthermore, the strict bizonality in essence legitimized the ethnic cleansing carried out by Turkey as well as the usurpation of Greek-Cypriot properties. On top of that the plan guaranteed that Turkey would have a strategic presence on the island. Greek Cypriots considered that the strategic presence of Turkey on the island was unacceptable and detrimental. For their own interests, the US, UK and Turkey wanted the Annan Plan to succeed and since its rejection they have sought to revive it. The major issue at stake was the potential European path of Turkey. A solution to the Cyprus problem would have facilitated Turkey's accession process. But, still, if there was not going to be a solution of the Cyprus problem, it would have seemed more convenient if the Greek Cypriots were the ones to reject it, making them, and not the Turkish side, the rejectionists.

The mainstream Greek-Cypriot perception was that the whole effort of the UN constituted an attempt to take Turkey off the hook (and to erode the moral highground of the Greek Cypriots), and just one week before the Republic of Cyprus acceded to the EU, to put pressure on it to acquiesce.

Two years later, on July 8, 2006 there was an agreement between President Papadopoulos and the Turkish Cypriot leader Talat under the auspices of the Secretary General of the UN; this agreement constituted in essence a road map in relation to both the substance as well as the procedure for moving toward an agreed framework for a solution of the Cyprus problem. In December 2006 the EU reached a decision in relation to Turkey's accession process. Eight major chapters were frozen while the completion of each of the remaining chapters would have to be confirmed by all member states. The message was clear: Turkey would have to abide by its obligations that it had undertaken toward the Republic of Cyprus. Three years later in December 2009 Turkey's progress would be reassessed by the EU.

Renewed expectations with Christofias' victory in 2008

The victory of Demetris Christofias in the presidential elections of February 2008 raised expectations about the prospect of rapid developments towards the resolution of the Cyprus problem. The implicit assumption was that the major obstacle for a breakthrough had been President Papadopoulos. This assumption has proved to be simplistic and misleading at least so far. Be that as it may, Christofias adopted different approaches to those of former President Papadopoulos both strategically and tactically. President Christofias also called for what he described as "a Cypriot solution". One of his main objectives was to reduce outside pressures and to prevent arbitration as had been the case with the Annan plan. Implicitly, however, a side-effect of this approach is that it minimized the responsibility of Turkey in the decades-long stalemate on the island. It also served to water down Ankara's violations of fundamental rights of Cypriots and of international law.

However, despite a much more flexible approach by President Christofias it has not been possible to achieve much progress so far. There is great interest about developments and the imminent assessment of Turkey's progress. The Republic of Cyprus seems eager to avoid the repetition of the past; in other words, whenever Turkey is faced with a major juncture in relation to its obligations, a serious attempt is made to pressure

Nicosia to change its stance so that the accession process of Turkey remains uninterrupted, even though Ankara fails to fulfill even its minimal obligations.

The Cyprus question and the record so far

Consistently since 1974, Greek-Cypriot policymakers have been faced with increasingly maximalist positions of the Turkish side, which has averted any substantive change in the status quo, despite their serious and painful concessions. Turkish demands over time amounted to the legitimization of the status quo post-1974, which marked the strategic control of Cyprus by Turkey and the gradual change of the island's demography by a policy of colonization. Turkey pursues a policy of double standards, particularly when comparing how it would like to resolve its own Kurdish question and what it insists on in relation to the Cyprus problem. Ankara would like to "offer more rights" to the 15 million Kurds within the framework of a policy of integration. But in Cyprus, for about 100.000 Turkish Cypriots (and almost 180.000 Anatolian settlers) Ankara wishes to advance, using its leverage, a completely different philosophy; a loose federation/ confederation based on ethnocommunal lines. It is also notable that recently the Turkish Foreign Minister A. Davoutoglu stated regarding the Balkans that Turkey hoped that the EU would implement policies that covered the entire region and that did not exclude any ethnic or religious

II
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The EU, Turkey and Cyprus: What Next?

groups. The Turkish message was clear: policies should not be based on ethnic and/or religious criteria. Yet in Cyprus, Turkey contradicts itself as it pursues a philosophy based on separation along ethnic and religious lines. This policy should be reversed.

It is also important to recall that since 1974, whenever Turkey confronts major decisions such as dealing with the American arms embargo in the 70's and in its EU relations recently, these are accompanied by "major initiatives" to resolve the Cyprus problem. Yet the record suggests that international pressures are then directed toward the weaker side, never toward Turkey. Not surprisingly, to the present day Turkey has not altered its policy. It has not even implemented the minimal obligations toward the EU and Cyprus undertaken in December 2004 when a positive decision was reached to begin accession negotiations with the Union. The Turkish narrative projected today is about "the Turkish-Cypriot isolation." And according to this narrative the term occupation (of the northern part of Cyprus) is a politically incorrect term!

Although the bicomunal dimension of the Cyprus question is an important one, the problem entails other aspects which in essence are far more important. The occupation of the northern part of Cyprus creates immense complications as does Ankara's insistence to retain guarantor rights over what is now a full EU member state; inevitably, there is an impact on Euro-Turkish relations not to mention that Cyprus is often used repeatedly in internal Turkish politics.

The EU dilemma: broader issues and implications

The important point is that a breakthrough may be possible if a series of different objectives are met. At this point Turkey does not seem to have a strong incentive to make serious concessions. If this is the case we may be moving into a new deadlock except if the dialogue is sustained in an effort to invest on the creation of a better climate and a better understanding by utilizing substantive confidence building measures. Toward this end the EU may assume an active role especially since Ankara's overall record will be (re)assessed in December at the European Council. The recent Progress Report by the European Commission on Turkey (14 October 2009) describes the poor record but does not make any recommendations for sanctions.

Developments within Turkey as well as in the broader region also influence the Cyprus problem. Indeed we see the US, Russia and Turkey adopting inconsistent approaches to various issues of ethnic conflict. The US supports the territorial integrity of Georgia but also an independent Kosovo. Russia stresses the importance of the territorial integrity of states but in the case of Abkhazia and S. Ossetia its position is compromised. Turkey insists on a confederal solution in Cyprus based on two states but it is strongly opposed to such a scenario in the case of Iraq. And of course talk of such a stance for its own Kurdish question is considered *casus belli*. Not surprisingly, what is constant is that the perceived geopolitical and national interests of the powers involved constitute the most important factor for action in all cases.

Irrespective of Cyprus, Euro-Turkish relations constitute a major issue in both European and international affairs. No doubt the further democratization and modernization of Turkey would contribute to the enhancement of stability, security and cooperation in the broader region. To the present day Turkey does not seem to be willing to fully comply with what it takes to become a member of the EU, and careful

analysis of Turkish policies suggest an ambivalent attitude in Ankara's commitment to fully adopt the EU's value system. Likewise, it is doubtful whether the EU can eventually absorb Turkey without changing direction, purpose and philosophy. This is the major reason behind the stance of Angela Merkel's Germany and Nicolas Sarkozy's France for a special relationship between the EU and Turkey.

There are several challenges that Turkey has to address. These include additional reforms for a modern legal framework, economic transformation, the Kurdish issue, the Aegean, religious rights, the Armenian genocide, the alleged re-Islamisation of the state under the Erdogan government, the traditional dominance of the military, women's rights and of course Cyprus. All these issues entail elements for which several countries, including France, Austria, the Netherlands, Germany, Greece and Cyprus have particular sensitivities.

Cyprus and the Cyprus question constitute an important aspect of the relations between EU and Turkey. Turkey does not recognize the Republic of Cyprus and continues to occupy almost 40 per cent of its territory. Yet the EU started accession negotiations with Turkey with the reserved consent of Cyprus, a full member state. Cyprus' reluctant agreement was aimed at generating pressure on Turkey with the backing and solidarity of the EU member states. But Ankara in complete disregard to the EU's conditions has failed to implement even the minimal obligations that it had undertaken in relation to Cyprus (and by extension the EU) which derive from the Ankara Protocol (of the EU-Turkey Negotiating Framework of October 2005).

Turkey seems to be annoyed when it is reminded about the issue of Cyprus. And it ignores the implications of decisions and recommendations reached by EU institutions and/or including rulings by the European Court of Justice and the European Court of Human Rights, regarding property rights of Greek Cypriots and the violation of these rights by Turkey and its proxy, the "Turkish Republic of Northern Cyprus." For example, the European Court of Justice ruling in the *Orams vs. Apostolides* case, has further bolstered the essential fact that the *acquis communautaire*, though suspended in the areas not controlled by the Republic of Cyprus, remains the law over the entire island.

What can be expected from the current round of the bicomunal negotiations?

As already noted when D. Christofias was elected President of the Republic of Cyprus in February 2008 there were high expectations that at last there would be a breakthrough. Indeed, Christofias' political and ideological commitment to reunification even with painful Greek-Cypriot concessions is unquestionable. Nevertheless, despite his flexibility and his bold openings which created dissent even within the government coalition there is still "no light at the end of the tunnel".

Indeed, on several occasions Christofias did not conceal his disappointment as he had greater expectations for reciprocal moves by the Turkish-Cypriot leader, his one time comrade, M. A. Talat. On the other hand, to be fair to M. A. Talat it is indeed questionable whether he can negotiate freely in the presence of 40.000 Turkish occupation troops and 180.000 Turkish settlers who more than outnumber the Turkish-Cypriots estimated at best to be around 100.000. Turkey has an overwhelming control in the northern part of Cyprus and there is no doubt that the Turkish-Cypriot positions are influenced, if not defined, by Ankara.

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The EU, Turkey and Cyprus: What Next?

Following over 50 meetings between President Christofias and the Turkish-Cypriot leader M.A. Talat since September last year the thorny issues remain:

- (a) Constitutional Issues - Serious disagreements between the two sides are recorded. The Greek-Cypriot position is that the bizonal bicomunal federation and the new partnership will evolve as an outcome of the transformation of the Republic of Cyprus, the existing state, which is recognised by all countries except Turkey. The Turkish-Cypriot position is that the new partnership will involve a new state entity. Furthermore, while the Turkish-Cypriot positions are nearer to a confederation or at best a very loose federation the Greek Cypriots have in mind a bizonal, bicomunal federal arrangement with a strong central government.
- (b) Governance – Greek Cypriots stress the importance of an integrated state, society, economy and of common institutions. On the other hand, Turkish-Cypriot positions revolve around entrenching a new state of affairs based on ethno-communal lines. It will be difficult to cover the gap given that the positions of the two sides reflect two opposing philosophies. President Christofias has been very flexible to the extent that he accepted in principle rotating presidency. This has created heated debates among the Greek-Cypriot political parties, even within the President's coalition.
- (c) Property Issues – Greek Cypriots stress the primacy of the legal owner of properties while the Turkish Cypriots insist on the primacy of the current user. Indeed, the Turkish-Cypriot positions entail the legitimization of the usurpation of Greek Cypriot properties. Despite the huge gap this creates, the two sides have proceeded to begin 'the categorization' of the types of properties under discussion.
- (d) The Three Fundamental Freedoms – Freedom to own property, freedom of settlement and freedom of movement (throughout the island). The two sides agree on the freedom of movement but not on the other two. The Turkish Cypriots insist on strict bizonality clauses which imply that the freedom to own property and to settle throughout the island are compromised. The Greek-Cypriot positions are in line with the European *acquis communautaire*. The Turkish-Cypriot side requests serious derogations on these issues.
- (e) Security – The Turkish-Cypriot side insists on having Turkey as a guarantor power in accordance with the arrangements of the 1960 constitution. The Greek-Cypriots believe that the system of guarantees has been part of the problem and, in the 21st century, within the EU they also see it as an anachronistic arrangement. In essence the system of guarantor powers as well as the presence of foreign troops will lead to a protectorate rather than an equitable member state of the EU.
- (f) Settlers – The Greek Cypriots consider the issue to be political although they recognize that it may also entail a humanitarian dimension. They insist however on the principle of repatriation of settlers. In addition, Greek-Cypriots see the Turkish policy of colonization as an attempt of Turkey to change the demographic character of the island and consequently consider it a major security issue. Indeed Greek-Cypriots would like to avoid becoming a minority community in their own country. The Turkish-Cypriots side insist that most settlers are citizens of the "TRNC" and will not be repatriated.
- (g) Territorial Issue – The Greek-Cypriots side envisions the return of territory in a way that most Greek-

Cypriot refugees would be resettled under Greek-Cypriot administration. It remains to be seen what the Turkish-Cypriot side would be prepared to agree on this aspect as well. Over time it was assumed that the return of territory would convince Greek Cypriots to make concessions on other vital domains.

- (h) Economy – Although when the new round of negotiations began in 2008 there was much progress in the technical committees, it has been reported that at the political level the Turkish-Cypriot side reversed most of their positions. In sum, the Turkish-Cypriot side does not seem ready to accept the concept of an integrated economy. In turn this creates further complications including serious difficulties in the ability of Cyprus to abide by its EMU commitments.

It remains to be seen whether despite the huge gap in the positions of the two sides it would be possible to arrive at an agreed framework which will be submitted for approval to the Greek Cypriots and the Turkish Cypriots in separate referenda.

In their majority, Greek Cypriots though acknowledging the importance of the bicomunal negotiations they still feel that as long as Turkey has the upper hand the expected outcome from the negotiations is more or less predetermined. An emerging school of thought points to an alternative approach which should aim at greater integration in line with the value system of the EU and the West in general. For the implementation of this new approach though, the solidarity of the EU is required as well as the adoption of a new strategy by the Republic of Cyprus breaking away from pre-EU membership constraints that no longer apply.

Toward a new approach

As the on going intercommunal process enters its second phase, it is important to stress that the Cyprus problem does not concern only the Cypriots; it is also a European and an international problem. Whether and how it will be resolved will inevitably have repercussions beyond the territorial boundaries of this island-state. Indeed, Cyprus will constitute a litmus test for both the EU and Turkey; the EU will be tested on whether it can live up to its own declarations as well as on to whether it will be able to project itself as a global political power, while Turkey, if it is serious about its own European orientation and democratization, will have to relinquish its expansionist designs against Cyprus.

Cyprus has also attracted US interest and involvement because of issues of vital concern for the US such as stability and security in the Eastern Mediterranean and the advancement of Turkey's European ambitions. Furthermore, developments in Cyprus may be, directly or indirectly, related with broader US objectives in the Middle East and beyond. It should be stressed though that over time US policy over Cyprus had and continues to have a clear pro-Turkish tilt. In this regard it should be noted that Greek Cypriots feel that the US record in relation to Cyprus contradicts the projected American value system and the alleged American moral high ground.

Accession to the EU still appears to be a strategic objective of Turkey in spite of some recent concerns and reservations. Yet it does not seem that Ankara fully understands what is required to become a member of the EU. Turkey seems to be pursuing an a la carte policy in relation to the multidimensional challenges it has to address. In addition to Cyprus, Ankara has to revisit its approach also on the Kurdish issue, women's rights, religious and minority rights, and the role of the state and the military, if it really wishes to pursue the path toward accession.

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The EU, Turkey and Cyprus: What Next?

For its part, the EU finds itself in a very difficult situation. On the one hand, there are principles and norms that cannot be violated, and on the other hand, there are serious stakes with Turkey that have to be addressed effectively. The question is how to move forward: in relation to Cyprus, Ankara has to accept and address the Republic of Cyprus as a member of the UN and moreover of the EU itself – the Union that Turkey wishes to join.

Philosophically, the objective from this point on would be to promote a plan which takes into consideration the fundamental concerns of all parties involved. It is also essential to advance a solution framework based on the 1960 constitution and a series of amendments so as to reflect developments since its establishment as well as incorporate the value system of the European political culture. The objective will be to balance communal and individual rights. The Republic of Cyprus should take the initiative in this direction. Such a solution could revolve around a system of functional federation which will encourage the forces of integration. (For an elaboration of these issues see A. Theophanous, *The Political Economy of a Cyprus Settlement: The Examination of Four Scenarios*, PRIO 1/2008, Nicosia, especially pp. 75-86). Indeed, it would not be wise to promote a strict bizonal bicomunal federal solution at a time when such models do not seem to be promising. In this regard it should be noted that the Bosnian model is on the verge of collapse (e.g. see Patrice C. McMahon and Jon Western, "The Death of Dayton: How to Stop Bosnia From Falling Apart", *Foreign Affairs*, September/October 2009, vol. 88, No 5, pp. 69-83).

A solution based on a functional federation may prompt a dynamic toward integration. Furthermore, while

it addresses the fundamental concerns of the two communities and of all citizens it can consolidate the Republic of Cyprus as a viable state without guarantor powers, reflecting its status as a full member of the EU. Cyprus should also become a member of a western collective security organization.

This framework provides for a sustainable solution to the interests of all Cypriots while at the same time it has the potential to serve broader interests. It would remove a thorny issue from the Greco-Turkish agenda as well as an intractable problem from the international agenda. The peaceful and creative coexistence between Greek-Cypriot Christians and Turkish-Cypriot Muslims may also serve as a model beyond Cyprus. In an era of growing tensions in various sensitive areas like the Balkans and the Middle East such a development should be strongly encouraged. Besides, Cyprus can in various ways make a contribution toward the implementation of some of the EU and US objectives in the broader Middle East, such as the creation of open societies and interlinkages with the EU and the international community.

To the present day and despite its European ambitions, Turkey, despite its more recent push to establish a peacemaking role in the region, remains a very difficult neighbour to say the least. The Cyprus problem can only be resolved if Turkey recognizes the right of the Republic of Cyprus to exist, if it withdraws its occupation troops and puts an end to its colonization policy. Such a shift would definitely strengthen the European credentials of Turkey and would serve the cause of long-term peace, security and cooperation in the Eastern Mediterranean and beyond.

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Selected Bibliography:

1. Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union (OJ L 254, 30.9.2005), 58–68.
2. Avineri, S., 'A Deeply Flawed Peace Plan for Cyprus', *Jerusalem Post*, 29 February 2004.
3. Bahcheli, T., 'Searching for a Cyprus Settlement: Considering Options for Creating a Federation, a Confederation, or Two Independent States', *Publius: The Journal of Federalism*, 30:1-2 (Winter/Spring 2000): 203-16.
4. Council of Europe, European Court of Human Rights, Case of Loizidou v. Turkey (Judgment 40/1193/435/514, Strasbourg, 28 July 1998).
5. Council of Europe, European Court of Human Rights, Case of Cyprus v. Turkey (Application no. 25781/94, Judgment, Strasbourg, 10 May 2001).
6. Council of Europe, Parliamentary Assembly, Colonization by Turkish Settlers of the Occupied Part of Cyprus, Memorandum, Committee on Migration, Refugees and Democracy, Rapporteur, Jaako Laakso, AS/mig (2002), 20 September 2002.
7. Ioannides, Ch.P., *In Turkey's Image: The Transformation of Occupied Cyprus into a Turkish Province* (New Rochelle, NY: Aristide D. Caratzas, 1991).
8. Kyle, K., *Cyprus: In Search of Peace* (London: Minority Rights Group, 1997).
9. McMahon C. P. and Western, J., "The Death of Dayton: How to Stop Bosnia From Falling Apart", *Foreign Affairs*, September/October 2009, vol. 88, No 5, pp. 69-83).
10. O'Malley, B. and Craig, I., *The Cyprus Conspiracy: America, Espionage and the Turkish Invasion* (London/New York: I.B. Tauris, 1999).
11. Palley, C., *An International Relations Debacle: The UN Secretary-General's Mission of Good Offices in Cyprus 1999-2004* (Oxford and Portland, OR: Hart Publishing, 2005).
12. Theophanous, A., 'Prospects for Solving the Cyprus Problem and the Role of the European Union', *Publius, The Journal of Federalism*, 30:1-2 (Winter-Spring 2000): 217-41.
13. Theophanous, A., *The Political Economy of a Cyprus Settlement: The Examination of Four Scenarios*, PRIO 1/2008, Nicosia.

Editor

Dr. Thanos Dokos
Director General
ELIAMEP
49 Vas. Sofias Ave.
10676 Athens Greece
T +30 210 7257 110
F +30 210 7257 114
thanosdokos@eliamep.gr

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