

# Foreign Policy Issues of a Part-Occupied EU State

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## Introduction

This essay sets out to identify, analyse and evaluate the Republic of Cyprus' foreign policy issues, and then to suggest ways of handling them. Before doing that, it is necessary to point out that the government of the republic does not have the usual attributes and institutional trappings of a typical European state, such as France, Spain or Britain, which have developed their sovereignty over hundreds of years. In contrast, the modern state of Cyprus was constrained to sign externally imposed treaties with third parties to come into existence, treaties that determined the foreign policy of the new state. Thus the foreign policy objectives of the Republic of Cyprus are very different to those of older European states, whose foreign policy objectives have developed in tandem with their independence, rather than as a result of a treaty package resulting from an international conference in which the Cypriots played only a residual part. For example, the United Netherlands was able to pursue an independent foreign policy, and even build up an empire, from 1587. Once the Royal Houses of Aragon and Seville had united, Spain had complete independence to crush the last of the Moslem invaders and build up an empire. More recently, Italy was able to develop its own foreign policy after 1861, while Germany did the same from 1871. Where there have been external constraints to total independence, then these have been shaken off later. For example, Malta, which gained independence from Britain in 1964, was able to prise the last British fingers from the island in 1979, when the British armed forces had to leave. This last case can perhaps be juxtaposed poignantly with that of Cyprus which, although it gained apparent independence from Britain four years before Malta, has never been able to exercise unconstrained sovereignty, mainly because of the restraints imposed on it by Anglo-Saxon strategic objectives, in the shape of the Sovereign Base Territories, and the tip of the allegedly strategic iceberg that they represent. Indeed, Cyprus' version of independence is inextricably bound up with British and American objectives, which sit oddly with Cyprus' membership of the EU. Particularly poignantly, and pertinent to the concept of sovereignty, is the fact that part of Cyprus is illegally occupied.

One can, then, see that precise comparison of the foreign policy objectives of different states is difficult. Better, therefore, to seek some very basic tenets. For example, one foreign policy factor which should be common to all states, whether these states have developed over the centuries or been fashioned out of more recent strategic circumstances, is that of security, insofar as every state claiming to be sovereign should be responsible for its own security, at least in the final analysis. Responsibility for one's own safety is the most basic ingredient of sovereignty. Even when a state becomes a member of an alliance, it is of its own sovereign volition. In this essay, we shall look at

the Republic of Cyprus' putative foreign policy objectives, putative, because we have not tried to base our evaluation simply on official papers and announcements to the media, to determine those objectives, but have, rather, used common sense and history. We shall deal with defence, the 1960 treaties and constitution, the EU, and bilateral relations. Finally, we shall look at specific foreign policy issues, short- and long-term.

## **Defence**

Although it might sound childish and churlish to suggest that Britain gave up Cyprus reluctantly, the whole process was without doubt extremely procrastinatory. When Britain finally relinquished her tutelage, she kept some fingers, even a hand, in the pie (unlike in the case of most other former British colonies), through the Sovereign Base Areas, comprising almost 3% of the island's territory. The three treaties that were inextricably intertwined with the creation of the Republic, all of which have been considered a package by the legal advisers of the Foreign and Commonwealth Office, determined, and still do, the nature of Cyprus' defence. Clearly, Cyprus was not completely sovereign in its defence, since the Treaty of Guarantee gave Greece, Britain and Turkey crucial responsibilities, responsibilities which, it has to be said, have not been met. Cyprus' defence policy is, then, essentially constrained by the interests and involvement of third parties. This creates a curious dichotomy between the responsibilities of the guarantor powers, on the one hand, and those of the government of Cyprus, on the other. For well-known reasons which we do not need to deal with here, a smooth-running defence system for Cyprus never got off the ground: there was almost immediate disagreement about the formation of a unified Cypriot army, which never took place, and which was then overtaken by the 1963-1964 troubles. The result was the breakdown of the constitution and the creation of the essentially Greek-speaking National Guard, which later itself became embroiled in external politics, to the extent that President Makarios tended to rely on the police to a considerable extent. Perhaps paradoxically for a guarantor power, Turkey was seen as the main threat to Cyprus' integrity from at least 1963. Events were to prove this correct. The upshot is that, since Cyprus is now partly occupied, its defence policy, as a natural part of its foreign policy, can only be considered an ideal of a unified state, without external interference. As this has not yet proven possible, the reality is that the legal government is forced to ensure some kind of security through combating the threat posed by Turkey. This it has done through its joint defence doctrine with Greece, an obvious riposte to the thousands of Turkish troops on the island. Thus, Cyprus' defence policy is shaped by outside factors to a far greater extent than, for example, France, where no foreign country has a legal (however discredited) role in its affairs. In short, Cyprus' defence and, by extension, foreign policy is not independent. When Cyprus has tried to pursue a particularly independent line, as in the case of the purchase of Russian S-300 missiles, the results have proven dangerous, and the government has had to back down.

### The 1960 Treaties

Obviously connected to the above is the influence of the 1960 treaty package. Although those treaties are largely discredited, the Treaty of Establishment, battered though it is, is the central *raison d'être* of the constitution, imposing *ab initio* restrictions on sovereignty. For example, Article 8 states:

- (1) All international obligations and responsibilities of the Government of the United Kingdom shall henceforth insofar as they may be held to have application to the Republic of Cyprus, be assumed by the Government of the Republic of Cyprus.
- (2) The international rights and benefits therefore enjoyed by the Government of the United Kingdom in virtue of their application to the territory of the Republic of Cyprus, shall henceforth be enjoyed by the Government of the Republic of Cyprus.

The constitution was born with a nervous breakdown, and then seriously damaged in 1963, suffering a particularly heavy wound with the Turkish invasion of 1974. It now only operates, albeit in a truncated form, in the free part of Cyprus. Paradoxically, the Treaties of Guarantee and of Alliance, which have been proven to have failed, are accorded constitutional status by Article 181 of the 1960 constitution. Clearly, although the simple resourcefulness of the Greek Cypriot authorities has kept the rule of law intact, the whole area of the treaties and their inextricable connexion with the constitution is legally convoluted at best, and dangerously incoherent at worst. Various documents show that the British government has itself been confused about the viability of the treaties, admitting, for example, that the Treaty of Guarantee is incompatible with the UN Charter, and stating that the treaties are interdependent. Thus Britain is constrained to treat the treaties of Guarantee and Alliance as still valid, even though they have been shown to be but paper tigers. In addition, the UK has been unable to divest itself of its responsibilities *vis-à-vis* the Treaty of Guarantee, which it has considered doing, since this would affect the whole package. The fact that the UK was unable to guarantee Cyprus' integrity in 1974 is an embarrassment. As with defence, and the connexion of the British territories to the Treaty of Establishment and to the constitution, Cyprus' foreign policy is not independent.

### The European Union

All the above has been thrown into strong relief by Cyprus' accession to the European Union. The timing of the abortive Annan Plan speaks volumes in this connexion: one of its main aims was to ensure that Cyprus would not be able to go its own European way with membership, since it was clear that the *acquis communautaire* was incompatible with the 1960 treaties. The plan's resounding rejection has rendered the incompatibility of the treaties with international legal norms even more obvious than before. The fact that the EU was itself prepared to countenance a huge swathe of derogations in order to support the plan betrays considerable weakness on the part

of the EU. The longer it takes to establish a just and viable settlement for Cyprus, the more obvious and outdated certain aspects of the treaties become, and the more obvious it becomes that in certain respects, Cyprus is a second class EU member, at least in terms of its sovereignty in foreign policy. Yet this also reflects the weakness of the EU, particularly the fact that there is still, despite Maastricht, no common foreign or defence policy. In this sense, Cyprus is a gauge of the EU's own sovereignty. Cyprus' position within the EU also reflects disagreements within the EU itself, particularly over common defence and foreign policy: Britain strongly resists the latter, while the traditional Franco-German axis, battered though it may be, still tends towards real integration. The EU now represents the best hope for a solution to a dispute that has been with us for well nigh on sixty years. Here we have a clash between legality and reality, and the realisation that only the inhabitants of the island, minus the illegal ones, should forge their own destiny. Yet, despite the lip-service to self-determination, the constraints are plain for all to see: only a solution that reflects outside interests will be allowed. Thus, again, only the EU can break the mould. Currently, EU-sanctioned law exists only in unoccupied Cyprus, and then only in most internal matters. In defence, there are constraints. It has to be said at this point that the constitution has only proven to be an abject failure for the occupied part of Cyprus. The free part, it must be said, has actually done rather well. It is at this point that a solution based on a mixture of the 1960 constitution, the Treaty of Rome and the *acquis communautaire* becomes more attractive. More of that later.

### **Bilateral Relations**

These can be cleverly exploited to achieve something more concrete than the dangerous *modus vivendi* which seems to be the recent expedient norm. In the case of Greece, Cyprus is a particularly sensitive area, since there has always been a trend in some quarters in Greece to detach Athens from Cyprus' problems. This trend is perhaps faintly hypocritical, since Greece has been a co-guarantor of Cyprus' integrity since the birth of the republic. It is also now an established fact that Cyprus is used by Turkey, and, more subtly, by Britain (on the US' behalf), as a poker chip for Turkish claims in the Aegean. Although Britain, on legal grounds, does not support these claims, she keeps quiet about her views. Because of Greece's legal and historical involvement in Cyprus, and the dormant but nevertheless extant, joint defence doctrine, the Cyprus government has to be extremely careful in involving Greece in its problems, since Turkey appears to up the ante in the Aegean whenever Greece wishes to distract attention from its own internal problems. Turkey's objective is to use Cyprus to involve Greece in bilateral discussions on the Aegean, while the Greek government wishes to separate the two issues. Currently, Cyprus needs to be particularly understanding of Greek sensitivities, given that Greece currently has its back against the wall economically, and therefore socially and politically. In addition, there is the possibility that external forces are exploiting the situation in Greece to gain advantage, for example over oil exploration rights.

In the case of Britain, the situation is particularly complex. British involvement in Cyprus has become increasingly embarrassing to the Foreign and Commonwealth Office, ever since 1963. The situation is complicated not only by the fact that Britain considers the Treaty of Guarantee to be an embarrassing burden, but that she has had to toe the American line: when she wished to give up her bases in the wake of the Turkish invasion, she succumbed to US pressure not to. In addition, she considers that any tampering with the Treaty of Guarantee would affect the whole convoluted 1960 package. The Turkish government is of course aware of this, and could threaten military action if it saw the possibility of Britain giving its bases to the republic. It is worth remembering that if Britain were to give up the bases, she is legally bound to give them to the republic. Cypriot diplomacy therefore needs to focus on co-operation with Britain to try and get the EU to involve itself in Cyprus' security in an arrangement that would somehow not frighten the US. Current Turkish policy on Palestine, Israel, Iran and Iraq, if it is genuine, could be exploited, in the form of convincing the US that a stable and united Cyprus, together with Greece, represent greater security for the US than does the current potential tinderbox. It goes without saying that whatever policy options it decided on, the US would need to be involved, even though it has no legal *locus standi vis-à-vis* Cyprus. Given the need for some form of institutional continuity, the essential objective would be (see conclusions) to use the 1960 treaties as a starting point, then amending them to conform to EU and UN law.

Russia, often considered as the joker in the pack, is increasingly important, even though, like the US, she has no formal role in Cyprus. It can be argued that fear of the Soviet Union lay behind the whole 1960 legal house of cards that established the republic. Russia has been slowly but surely increasing its influence in the Eastern Mediterranean, and it is quite possible that she will, in the not too distant future, be able to exercise as much, if not more, influence on Turkish policy on Cyprus than the US. If Greece shows more reliability on Russia's strategic oil pipeline concerns, and is supported by Cyprus, then Russia could turn out to be more active in its policy on Cyprus, particularly if it were to believe that its own security concerns were to be met. This would of course mean an agreement that Cyprus would never join NATO.

## Conclusions

What then are the essential foreign policy issues for Cyprus? Simply put, they are security and integrity. At present, neither is satisfactory. Reunification is required, since the more separation, the more the potential for future conflict. Present safeguards have proven to be unsatisfactory. The two main developments that could contribute to Cyprus' integrity and security are Cyprus' EU membership and increasing Russian influence. To complicate this, we have Turkey's use of Cyprus' problems to improve its chances of EU membership. One of the main obstacles to this is of course Turkey's refusal to allow Cyprus commercial access to its sea- and airports, let alone the question of recognition. The idea has been mooted that in return for Cypriot access to Turkey, the 'TRNC' must be granted some form of international trade recognition. This, however, goes against the grain

of a united Cyprus. Moreover, it is difficult to see the UN ever agreeing that the 'TRNC' could have 'third country' status, since this would be contrary to UN resolutions and to the EU arrangement that only when the *acquis communautaire* is operating in the currently unrecognised part of the island, will the 'TRNC' join the fold. Logically, this means that the 'TRNC' would cease to exist, the occupation troops would have to leave, the illegal immigrants would have to return to Turkey, and refugees' property would have to be returned, just as a start. Going back to square one is however probably impossible, bar some bizarre transmogrification in Turkey's stance. Perhaps a chink in the armour of festering macho-political pride could be Britain's membership of the EU. But this would be contingent on the EU having the gumption to become more active in supporting one of its own members, instead of putting its head in the sand. The EU could even offer to replace Britain, Greece and Turkey, as the sole guarantor of Cyprus' security.

The only viable path to pursue is the long one of emphasising Cypriot foreign policy in an EU context, but at the same time making allowances for the fact that in some respects, the 1960 arrangement was not all bad, and that only the divisive aspects of the constitution need to be removed, so that the constitution can be aligned with EU law. It should be remembered that, however ingeniously ingenuous or otherwise Britain's encouragement in drawing up the 1963 (abortive) amendments to the constitution may have been, a similar initiative could be undertaken by the EU, with British help. The EU could itself organise a constitutional conference, to which not only Cyprus, but the UN Security Council members, as well as Greece and Turkey, would participate, on the strict understanding that the people of Cyprus would have the last word. In the background horse-trading that would undoubtedly precede the putative conference, France could perhaps be accorded the primary role within the EU, given President Sarkozy's much vaunted Mediterranean initiative. Clearly, a formula for the 'TRNC' representatives would have to be found, such as a written undertaking that the *acquis communautaire* would be respected. At the moment, the lack of a viable solution exposes the EU's weakness in ensuring that the *acquis* is respected. This is the message that Cyprus' diplomacy needs to drive home. Crudely put, the EU should be put on the spot.