

# The Accession of Cyprus to the EU and the 'Acquis' of the Intercommunal Negotiations<sup>1</sup>

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## Abstract

*The complex interrelations between Cyprus membership of the EU and processes connected with the ongoing attempts to reach a solution of the Cyprus problem are central issues in the contemporary Cyprus political scene and have become issues for the European Union. In this paper it is argued that the main parameters of these issues were set by developments between 1999, with the decisions on Cyprus and Turkey of the Helsinki European Council, and 2004, with the referenda in Cyprus on the Annan Plan. It is argued that accession to the EU was made possible by the processes which were set in train by the Conclusions of the European Council of Helsinki in December, 1999, and that despite the fears and criticisms expressed from many sides, the complex of events and processes form an instance of a degree of Europeanization of a conflict situation. Despite this, accession did not result in a solution of the Cyprus problem. The reasons for this include difficulties connected with the frequently overlooked factors that Turkey only agreed to effective negotiations after the Cyprus accession treaty was signed, and also because of the ongoing survival of the 'acquis' of the intercommunal negotiations since 1974, which seems to have been specifically exempted from Europeanization.*

**Keywords:** Cyprus, Turkey, negotiations, European Union, accession, Europeanization, conditionality, *acquis*

## Introduction

Cyprus is a member of the European Union in the unusual situation that part of its territory is occupied by Turkey, a country which is a candidate to join the European Union. This fact and the ongoing attempts to solve the problem through negotiations are a central issue in the politics of the Republic of Cyprus, but is also an important issue for the European Union as it crucially effects one of its members but also the accession negotiations of Turkey. The roots of this situation, as well as the insights for understanding the situation lie in the processes that interlinked the Cyprus problem, Turkey's interest in becoming a candidate, and the European Union.

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The strategy of utilising the accession course of Cyprus towards membership of the European Union as well as Turkey's relations with the EU, as a 'catalyst' for the solution of the Cyprus problem, was put into political and diplomatic practice by the Government of Greece, and, mainly after 1995, of Cyprus. The sub-text was that the catalyst effect involved changing Turkey's extremely hard stance on Cyprus both through a carrot offered to Turkey through the possibility of becoming a candidate for accession, but also the threat that Cyprus might become a member of the European Union on terms which could not be influenced by Turkey. A significant milestone was a revision of Greek foreign policy initiated by the socialist Government of Costas Simitis in Greece,<sup>2</sup> which initially established a linkage between setting a date for the beginning of accession negotiations for Cyprus and the lifting of Greek objections for the implementation of the Turkey-EC Customs Union.<sup>3</sup>

It was significant and relevant that during the same period of time the United States foreign policy in the area changed, it is widely thought under the impact of Richard Holbrook's analysis, with a shift of view from that which tried to marginalise the significance of the Cyprus problem for Greek-Turkish relations, to a view that this effort was unrealistic, and which recognised that the normalisation of Greek-Turkish relations presupposed a solution of the Cyprus problem. This point of view in the US also saw positive synergies between a solution of the Cyprus problem and support for the accession of Turkey to the European Union. The other positively interrelated idea was one that Europeans had not entertained so far, and nor had many Cypriots, which was that Cyprus could become a member of the European Union.<sup>4</sup> This nexus of events created a set of circumstances in the Eastern Mediterranean which included the initiation of a tendency towards the Europeanization<sup>5</sup> of an area of tension and potential conflict.

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2 The adoption of this policy is described in C. Simitis (2005) *Policy for a Creative Greece 1996-2004* [in Greek], Athens: Ekdoseis Polis.

3 For academic work expounding this analysis see among others, P.I. Tsakonas (2003) 'Socializing the Opponent. Greek Strategic Balancing of Turkey and Greek-Turkish Relations' in P.I. Tsakonas (ed.), *Contemporary Greek Foreign Policy* [in Greek], Athens: Sideris; P.K. Ioakimides (2003) 'The Participation of Greece in the European Union: Development, Contradictions, Consequences' in P.I. Tsakonas [in Greek], *op. cit.*; T.P. Dokos (2003) 'Greece in a Changing Strategic Setting' in A. Coulombis, T. Kariotis and F. Bellou, (eds.), *Greece in the Twentieth Century*, London: Frank Cass Publishers; T.A. Coulombis (2003) 'Greek Foreign Policy: Debates and Priorities' in A. Coulombis, T. Kariotis and F. Bellou (eds.), *op. cit.*; P. Savvides (2003) 'The European Union as a "Catalyst" for the Solution of the Cyprus Problem' in P.I. Tsakonas [in Greek], *op. cit.*

4 J. Reuter (n.d.) 'Reshaping Greek-Turkish Relations: Developments Before and After the EU Summit in Helsinki', *Eliamep Occasional Papers*. See also D. Hannay (2005) *Cyprus: The Search for a Solution*, London: I.B. Tauris, pp. 76-77, and C. Pericleous (2009) *The Cyprus Referendum: A Divided Island and the Challenge of the Annan Plan*, London: I.B. Tauris.

5 The term Europeanization is used broadly within the context defined by L. Quaglia *et al.* (2007) 'Europeanization' in M. Cini (ed.), *European Union Politics*. Oxford: Oxford University Press. In that context it is recognised that '... the concept remains contested ...' (p. 406) while at the same time *one* of its broad definitions is cited as '... the development of common norms at the European level ...' (p. 407). In relation to enlargement, which is our context

Accession negotiations between Cyprus and the European Union actually started in 1998, but some within the European Union, including important governments, considered that they would never conclude successfully unless the Cyprus problem were previously solved. How complex the situation was is indicated by the counter-argument of Cypriot and Greek diplomacy that there should be no such conditionality as it would prove counter-productive. It would provide a motive for Turkey to impede a solution of the Cyprus problem and also hand that country a veto over the entry of Cyprus to the Union.

### Helsinki and its Consequences

The levers for the successful accession process of Cyprus were put in place at the European Council of Helsinki in December, 1999.<sup>6</sup> However, for different reasons the strategy and the

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here, the authors make the following analytical observations which are useful for our purposes: (1) 'There is now substantial evidence to support the view that Europeanization effects are felt beyond the current member states', (2) That candidate countries experience of Europeanization '... is derived from the asymmetrical relationship between the EU and those states that wish to join the Union'. (3) That in fact candidate states '... have a stronger incentive than existing member states to implement EU policies' (p. 416). The use of the term here is also consistent in a general sense with the use of the term by R. Landrech (1994) 'Europeanization of Domestic Policies and Institutions: The Case of France', *Journal of Common Market Studies*, Vol. 32, No. 1, pp. 69-87, who refers to Europeanization as 'an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organisational logic of national logic of national policies and policy-making' (p. 70).

6 Y. Kranidiotis, *Speech Delivered at the Deutsche Gesellschaft fur Auswartige Politik*, Bonn, 17 November 1997 and J. Reuter (n.d).

The provisions of the Conclusions of the Helsinki European Council which refer to Cyprus, Greece and Turkey are in the first chapter under the title 'the enlargement process'. The main conclusions having an impact on Cyprus and Turkey are the following:

1. In paragraph 4 and paragraph 12 it is recognised that the enlargement process is inclusive in nature and now comprises 13 candidate countries within a single framework and that Turkey will be a candidate country.
2. Paragraph 4 emphasises the obligation of all candidate states to share the values and objectives of the Union, including the peaceful settlement of disputes, and sets the end of 2004 as the time limit for settlement of outstanding disputes, (in the Aegean), after which their settlement should be promoted through the International Court of Justice.
3. Compliance with the Copenhagen political criteria is a precondition for the opening of negotiations (par. 4).
4. The European Council welcomes the launch of talks aiming at a comprehensive settlement of the Cyprus problem on 3 December in New York (par. 9(a)).
5. 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' (par. 9(b)).

decision were criticised by the 'realist' school in Greece<sup>7</sup> and Cyprus, by a number of European analysts<sup>8</sup> who feared either conflict or complications for the European Union or that it would remove incentives for a solution of the Cyprus problem, and by Turkish political leaders, who initially wished to accept only the part of the conclusions which suited them while threatening dire consequences from the part which concerned Cyprus. The worries in Greece and Cyprus included widely disparate and sometimes contradictory issues: That Turkey had been given a clear route to accession without any clear return for the Greek and Greek Cypriot side; that the decision would result in instability and conflict, or that it would lead to a bad solution of the Cyprus problem from the Greek Cypriot perspective. It is sometimes asserted by Cypriot politicians and commentators of the 'realist school' that the Helsinki European Council eliminated any connection between the Cyprus problem and European processes and at the same time secured for Turkey an unencumbered (as far as Cyprus was concerned) accession course.<sup>9</sup>

As with many other political decisions, this one is a complex one, and included some opaque points. But two issues are clear: Firstly, the conclusions of the Helsinki European Council made the accession of Cyprus to the EU possible without an antecedent solution of the Cyprus problem. Secondly, it politically connected the accession course of Turkey to the EU with the solution of

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6. Paragraph 12, which is often overlooked by Greek Cypriot and Greek critics of Helsinki provides that 'Turkey ... will benefit from a pre-accession strategy to stimulate and support its reforms. This will include enhanced political dialogue, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights, as well as on the issues referred to in paragraphs 4 and 9 (a)'.  
See Helsinki European Council 10 and 11 December 1999, *Presidency Conclusions*.

7 V. Greco (2002) 'Schools of Thought and Greek Foreign Policy' [in Greek], *Eliamep Occasional Papers*.

8 See for example, K. Featherstone (2001) 'Cyprus and the Onset of Europeanization: Strategic Usage, Structural Transformation and Institutional Adaptation' in K. Featherstone and G. Kazamias (eds), *Europeanization and the Southern Periphery*, London: Frank Cass Publishers. Featherstone observes that '... the major European governments view it (*author's note: Cyprus*) as abusing the EU framework and that they believe that the Cyprus problem is too "hot" to touch', and that 'In short the security dimensions of the Cyprus application creates major anxieties among EU governments'. Specifically he lists among others the following worries: Risks for the CFSP, the liability for the EU to be drawn into a conflict on Cyprus, the fact that Cyprus is not a member of NATO, and the argument that the *status quo* is 'less threatening than the risks involved in a bold new intervention' (pp. 145-146). See also T. Diez (2002) 'Last Exit to Paradise? The European Union, the Cyprus Conflict and the Problematic "Catalyst Effect"' in T. Diez (ed.), *Cyprus and the European Union: Modern Conflict - Postmodern Union*, Manchester: Manchester University Press.

9 For an indicative example see the comment 'Crisis and Partition', [in Greek] *I Simerini*, 23 June 2002. 'Finally Helsinki did not limit Turkish aggressiveness. And neither did it open up for us a road to Europe without hindrances. All these were "words in the wind", the alibi for Greek retreat, through which and by our signature the door of Europe was opened to Turkey'. For more measured later comment see C. Iacovou (2009) 'The Failure of the Helsinki Strategy' [in Greek], *Politis*, 8 November 2009 and C. Iacovou (2009) 'The Chronicle of a Pre-announced Failure' [in Greek], *Politis*, 13 December 2009, p. 12. In both texts the author argues that the Helsinki Strategy 'led to the Annan plan with all the negative consequences for the Greek side'.

Greek-Turkish differences in the Aegean and with the solution of the Cyprus Problem.<sup>10</sup>

One significant source of criticism of Helsinki, particularly in Cyprus, derived from the fact that it did not have an immediately pacifying influence on Turkey's behaviour. To the contrary, in the immediate aftermath, there was an increase of provocative Turkish actions in the Aegean and in Cyprus.<sup>11</sup> But the written evidence of one of the protagonists of the processes surrounding the Cyprus problem at this time, David Hannay,<sup>12</sup> bears witness to a significant change in Ankara's attitude to the Cyprus issue.

During his first visit to Ankara, in June 1996, after his appointment as UK special representative for Cyprus, according to his own account, David Hannay had met Bulent Ecevit (who was the prime minister of Turkey during the invasion of Cyprus in 1974, and was to return to the prime-ministership in 1999), who repeated during their meeting what he had often publicly stated, which was that the 'the Cyprus problem had been solved by him in 1974 and that nothing remained to be done except for the rest of us to come to terms with that'. He was to maintain that view when he became prime minister again.<sup>13</sup>

This was implicitly and explicitly the Turkish position during the time of the Ecevit-Denktaş cooperation from 1999 until the election of the AKP government in Turkey, at the end of 2002.<sup>14</sup> They would refuse even proposals which had been designed to take into account almost all their demands.<sup>15</sup>

The winter of 2002, brought two significant developments additionally to the electoral victory of the AKP of Tayyip Erdogan. The first was that the Copenhagen European Council decided that Cyprus, even with the Cyprus problem unresolved, would sign the EU accession Treaty with the other nine candidate countries in April 2003 and would become a member of the

10 Helsinki European Council 10 and 11 December 1999, *Presidency Conclusions*. The reference to Turkey which is sometimes overlooked is in para. 12 and links the 'political criteria for accession' with 'the issues referred to in paragraphs 4 and 9(a)'. Para. 9(a) are the provisions on Cyprus, referring to 'The European Council welcomes the launch of talks aiming at a comprehensive settlement of the Cyprus problem in New York and expresses its strong support for the UN Secretary-General's efforts to bring the process to a successful conclusion'. Para. 9(b) states that '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 the 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'.

11 It was in July 2000 that the 'Strovilia' violation of the cease-fire line by Turkish troops occurred.

12 Hannay (2005), *op. cit.*

13 *Ibid.*, p. 63.

14 'Neither Denktaş nor Ecevit had ever really been committed to a negotiation in good faith for a settlement ...', *ibid.*, p. 143.

15 '... the Turks had no excuse if they did not understand that the structure of a strengthened and open-ended Treaty of Guarantee, a continued Turkish troop presence on the island and a removal of all the existing Greek Cypriot troops and their weapons was potentially on offer', *ibid.*, p. 139.

Union on the 1<sup>st</sup> May 2004. This must have had a significant impact on the new AKP Turkish government.<sup>16</sup>

It can be hypothesised that the threatening stance of Turkey between 1999, the time of Helsinki, and 2002 was probably due to the feeling of the army that it was in danger of losing control of developments around the Cyprus problem and that it resorted to threatening behaviour in an effort to deter the undesired eventuality of Cyprus joining the EU before a solution.<sup>17</sup> This was succeeded by a period of indecisiveness between December 2002 and April 2004, due to lack of certainty that Turkey would actually get a date for the initiation of accession negotiations, and perhaps while the new Islamic and European oriented government in Turkey was grappling with policy formation in an internal political environment of coups threatened by the army against itself.<sup>18</sup> The issue that clearly finally emerged however was that by not agreeing to a solution of the Cyprus problem, Turkey could no longer impede the accession of Cyprus to the EU, but would merely damage its own European perspective. This was clearly a product of the Helsinki conditionalities.<sup>19</sup> What lent added force was that the AKP government perceived the perspective of joining the EU as assuring it increased security from coups threatened by the army.

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16 David Hannay described 'turmoil in our meeting' when, in June 1996 he pointed out to the Turkish Foreign Minister Imre Gonensay that if the Turkish side continued to be negative it was pretty well certain that in due course a divided Cyprus would be admitted to the Union. Hannay considers that 'No one else in Europe had told them that', *ibid.*, p. 61. The AKP government in 2002 was faced not just with the estimate of a British envoy that a divided Cyprus would join the EU, but with the finality of European Council decisions about the entry of a divided Cyprus.

17 It was during this time that the Ecevit government in effect threatened war saying that if Cyprus joined the European Union Turkey's reaction would have no limit. *Anatolia News Agency*, 2 November 2001, reported by Republic of Cyprus, *Turkish Press and other Media*, No. 211/01, 3-4-5 November 2001, reported Turkish Foreign Minister Ismail Cem as stating that 'The problem between the EU and ourselves arises from the EU's preparing to take as a member the Greek Administration of Southern Cyprus, as if it were the representative of the entire island ... then Turkey will be obliged to take a very serious and very fundamental action against this. We have said this very clearly. And in fact, on one occasion, when the question was asked "what will be done?" I replied that "There is no limit on this"'. The Turkish Government also threatened at this time to annex the occupied part of Cyprus, *ibid.*, reporting on an article by F. Bila (2001) 'Tough Message from the Prime Minister regarding the Future of Cyprus', *Milliyet*, 4 November 2001.

18 Various such coups were later reported to have been considered between March 2003 and May 2004. For the interlinked conspiracies see for example accounts of the 'Ergenekon' case in D. Bilefsky 'The Black Past of Turkey may be Revealed', reprinted in Greek in *Politis tis Kyriakis*, 3 January 2010, p. 17 and about reports of coup plots by the army against the Turkish Government see M. Drousiotis (2010) 'Three Planned Coups for the Annan Plan' [in Greek], *Politis tis Kyriakis*, 24 January 2010, p. 8, and 'The Turkish Army: Coups Away' (2010) *The Economist*, 13 February 2010, pp. 32-33.

19 The term conditionality is used in the sense of '... a powerful strategy of ... transformation aiming at policy change and convergence ... with the norms and practices of the European Union'. O. Anastasakis (2008) 'The EU's Political Conditionality in the Western Balkans: Towards a More Pragmatic Approach', *Southeast European and Black Sea Studies*, Vol. 8, No. 4 (December), pp. 365-377. Anastasakis also makes the useful distinction between

One other significant series of events of the winter of 2002-2003 were the impressive mass demonstrations of the Turkish Cypriots against their long-time virtually undisputed leader Rauf Denktaş. The timing and the slogans used during the demonstrations indicated that the content and motivation of the demonstrations involved a protest against the fact that the Denktaş policies would leave them outside the European Union. So indirectly they were also related to the Helsinki process and to the impact of enlargement and the Europeanization process. The opposition of the Turkish Cypriots and no doubt also the disapproval of the AKP government in Turkey, led to Denktaş's electoral defeat in December 2003.

A few months after the signature of the Accession Treaty in April 2003, the Turkish army reacted to the pressure of the reactions of the Turkish Cypriots and to the certainty of Cypriot accession to the Union by engaging in the 'European' gesture of allowing, for the first time since its army seized northern Cyprus in 1974, the movement of Cypriots through the 'Attila line'. Up till that time Turkish Cypriots were prevented from moving south and Greek Cypriots from moving north. Of course the division of the island was not reversed by this limited and controlled change. However, together with the departure of Denktaş from the leadership of the Turkish Cypriot community, one of his founding myths, that is that the members of the two communities were dangerous for each other, also lapsed in the process of Europeanization.

In conclusion it can be said that quite clearly the Helsinki strategy and the processes that it set into motion introduced elements of thaw, mobility and some small degree of flexibility, in a situation which had remained frozen since 1974. The thaw had induced, among other mobilities, the entry of Cyprus into the European Union, as after the signature of the accession Treaty in April 2003, Cyprus joined with the other nine countries on the 1<sup>st</sup> May 2004. The realist threat of the Greek parliament that it would never ratify an enlargement which did not include Cyprus was of course an additional safeguard. But basically it was the conditions created by the Helsinki Conclusions which allowed Cyprus to join the Union, despite its circumstances. The circumstances were that the Burgenstock negotiations had followed the tardy Turkish decision to try to forestall the entry of a divided Cyprus through a negotiated solution, and of course the rejections through the referendum in April 2004 of the 5<sup>th</sup> version of the Annan plan by the vast majority of Greek Cypriots. It could be added that in addition to the internal political conjuncture,

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*acquis* related and political conditionality, with the latter referring to '... commonly accepted political standards, norms and practices ...' More specifically we use the term conditionality as '... the core strategy of the EU that begins to take effect even before candidate countries enter the EU, as they have to take on the obligations of EU membership', as defined by L. Quaglia *et al.* (2007), *op. cit.* Very useful for our purposes here is also, the observation of B. Steunenberg and A. Dimitrova (2007) 'Compliance in the EU Enlargement Process: The Limits of Conditionality', *European Integration Online Papers*, Vol. 11, 22 June 2007, to the effect that conditionality is particularly effective at the initial stages of accession negotiations and that its effectiveness decreases sharply when the accession date is set.

one of the bases which made the rejection of the Annan plan possible was the certain prospect of EU accession.

If something had failed, it was not the Helsinki strategy followed by Greece and Cyprus, but Turkish policy which until the signature of the Accession Treaty, wrongly wagered that it could prevent the accession of Cyprus without an antecedent solution of the Cyprus Problem.<sup>20</sup>

### The 'Acquis' of the Intercommunal Negotiations 1974-2004

The signature of the Accession Treaty of Cyprus had taken place according to the conclusions of the European Council of Helsinki which stated that 'If no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above (*author's note: that is a solution of the Cyprus problem*) being a precondition'.<sup>21</sup> The signature had been a natural consequence of the reasonable and flexible attitude which had been exhibited by President Clerides, in the negotiations which had started a few days before the Helsinki European Council, in New York on the 3<sup>rd</sup> December, and the absolutely negative attitude of Ecevit and Denktash in the talks. As early as during 2001, informed opinion in the European Union was coming to the conclusion that accession of a divided island was 'virtually a foregone conclusion'.<sup>22</sup> For the Cyprus Government the reference of the Conclusions to 'all relevant factors' was known as 'the tail' of the Helsinki decision which demanded that the Cyprus Government have a clean certificate as far as willingness to reach a solution was concerned. And this willingness was clearly and actively made manifest. Many in Cyprus however viewed this process with a heavy heart, since the contents of the 'Annan Plan' as it evolved through five successive versions was laden with a great deal of the 'acquis' of the successive negotiations for the solution of the Cyprus problem as they had rolled on since 1968, and particularly in the highly unequal negotiating conditions that followed the Turkish invasion in 1974.

This 'acquis' had been moulded by the overwhelmingly powerful position of Turkey, the conditions enforced on the ground in Cyprus after the invasion, and the uncompromisingly separatist positions of the Turkish Government and the Turkish Cypriot leader Rauf Denktash in the negotiations. As mentioned above, in essence the Turkish view, which was carried over into the negotiations, was that the Cyprus Problem had been solved in 1974, and that the negotiations were about formalising the fact.

A parenthesis should be added here to note that as is normal in negotiations, they were conducted over the years with the method of diplomatic secrecy, a method which was encouraged

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20 Interestingly the assertion of the Turkish Cypriot leader Mehmet Ali Talat 'that the Turkish side committed mistakes which permitted the Republic of Cyprus to join the European Union' became the object of disputation with the Turkish Cypriot leader at the time, Rauf Denktash. *Kibris newspaper*, 13 November 2009, reported in Republic of Cyprus, Press and Information Office, *Turkish Press and Other Media*.

21 Helsinki European Council 10 and 11 December 1999, *Presidency Conclusions*, para. 9(b).

22 Hannay (2005), *op. cit.*, p. 147.



by the United Nations Secretariat, under whose good offices they were conducted. While secrecy is a known and accepted diplomatic technique for aiding flexibility in negotiations, there is always the issue of the 'moment of truth' when the contents of negotiations are offered to the public.<sup>23</sup> The problem is a particularly significant one when the issues being negotiated are not just issues on which national prestige is attributed, but that they are actually understood as life and death issues. For many years, even before 1999 'the moment of truth' was continually postponed due to the impossibility of coming to any agreement. Generally not only public opinion, but also the political elites, considered a solution unlikely. Under these conditions it was possible for political elites to follow a safe policy based to some extent on patriotic slogans, which implied that it was possible through peaceful means, or through merely 'avoiding a bad solution', to achieve withdrawal of the Turkish occupying army, the return of all refugees to their homes, and the removal of the mainland settlers.<sup>24</sup>

Apart from the above issues, it appears that the Greek Cypriot political leaders were not in a position to fully comprehend the implications and changes that would be brought about by the combination of the conditionalities of the Helsinki strategy, and the new perceptions of the Islamic oriented Erdogan government in Turkey. And from its point of view, if its aim was to avoid the Annan plan,<sup>25</sup> which seems very likely, the Papadopoulos government appears to have committed a number of diplomatic errors, commencing with addressing a request to the UN Secretary-General to reopen negotiations for a solution to the problem in December 2003, eight months after accession had been assured, with the signature of the relevant Treaty, and six months before the moment of accession. A second error was committed in New York, in January 2004, with the failure to understand that not only was there a new government in Turkey, but that it had a very different agenda to the delaying tactics of the Ecevit government and Denktash. In New York, President Papadopoulos agreed to the United Nations Secretariat arbitrating all differences between the Greek Cypriot and Turkish Cypriot positions, and to holding a referendum before the accession of Cyprus to the European Union.<sup>26</sup> In this way, and for reasons which are difficult to understand, he placed himself securely in a trap which had been laid not for him, but to catch the elusive and rejectionist Rauf Denktash at the time of Clerides proven good will on the Greek Cypriot side.

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23 G.R. Berridge (2007) *Diplomacy: Theory and Practice*, Houndmills: Palgrave Macmillan, pp. 25-87.

24 See T. Hadjidemetriou (2006) *The Referendum of the 24 April 2004 and the Solution of the Cyprus Problem* [in Greek], Athens: Ekdoseis Papazisis. For a collected reference to the positions expressed by the different members of the political elite see *The Cyprus Problem Today: Addresses at the University of Patras* [in Greek] (1999) Patras: Ekdoseis Panepistimiou Patron.

25 The reference is to the government of President Papadopoulos who was elected in February 2003 and not to the outgoing Clerides government.

26 For a detailed account of the negotiations from the point of view of the Cyprus Government see C. Palley (2005) *An International Relations Debacle: The UN Secretary-General's Mission of Good Offices in Cyprus 1999-2004*, Oxford: Hart Publishing.

With the signature of the EU-Cyprus Accession Treaty in April 2003, the Turkish government would have been compelled to incorporate into its calculations that it was now inevitable that Cyprus would join the European Union, and that failing drastic action, it would do so without the participation of Turkish Cypriots in its government, an eventuality that was likely to have negative consequences for its own ambition to join. For, firstly on the record to that stage, Turkey would be considered responsible by the Europeans for the accession of Cyprus without a solution, a situation that was not considered a positive one in European capitals. Secondly, Cyprus with only Greek Cypriots participating in its government would be one of the EU member states and would be participating in making decisions about the Turkish candidature. So, by the time of the New York Cyprus negotiations meeting, in January 2004, the government of Turkey had 'resolved its own internal contradictions'<sup>27</sup> and concluded that an early settlement on the basis of the Annan Plan offered a potentially acceptable outcome and the only sure way of furthering its major policy objective of getting a green light for the opening of its own accession negotiations with the EU at the end of 2004'.<sup>28</sup> Hence the surprising to the Cyprus Government, acceptance of the Secretary general's arbitration in New York.<sup>29</sup> But this may be seen as another result of the Europeanization process.

Once these decisions were taken the main worry of Turkey and the Turkish Cypriot leaders was the possibility that no matter what was agreed in the negotiations, the EU *acquis* would overturn parts of the agreement after the accession of Cyprus to the EU. But some in the EU had already been working on safeguarding the 'Cyprus *acquis*' against Europeanization for some time. At the General Affairs Council meeting on 10<sup>th</sup> December 2001, and at the Seville European Council, the European Union referred to its readiness to accept any solution of the Cyprus problem which was agreed by the two sides, formalising the statements that had been made in the past by European Commissioners such as Van Den Broek to the Cypriots,<sup>30</sup> since the late 1990s, that the EU would find ways of making anything agreed in the intercommunal talks compatible with the Community *acquis*.

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27 Though it was initially believed that the armed forces had acquiesced to the solution of the Cyprus problem on the basis of the Annan Plan, (see S. Aydin and E. Fuat Keyman, 'European Integration and the Transformation of Turkish Democracy', Brussels, Centre for European Policy Studies, *EU-Turkey Working Papers, No. 2 August 2004*), there is now evidence that military coups had been considered at the time to stop the negotiations (see 'The Turkish Army: Coups Away', *The Economist*, 13 February 2010, pp. 32-33), which were prevented by the chief of staff, General Hilmi Ozgok, because it would end Turkey's prospect to join the EU. (See N. Kadritzke 'Cyprus – Kypros or Kibris or Both? Border Crossing is a Hope not a Promise', *Le Monde Diplomatique*, English edition, 4 August 2008).

28 Hannay (2005), *op. cit.*, p. 242.

29 There were probably other reasons as well. In the previous months Prime Minister Erdogan had met with the UN Secretary General in Davos and with President Bush in Washington, and probably indicated serious intentions to proceed to a solution, and may have demanded and received assurances in return.

30 At at least one European Parliament – Cyprus House of Representatives Joint Parliamentary Committee meeting at which the author was present.

The political decisions by the EU governments made it possible for members of the European Commission to intensify their contacts with the members of the United Nations negotiating team, with the aim of making sure that the terms of any settlement could be accommodated by the EU through the 'necessary transitional arrangements and derogations'.<sup>31</sup> The general aim according to David Hannay was for the EU to accept provisions of the Annan Plan which violated its *acquis* so that the *acquis* could not later be used to reverse provisions of the plan<sup>32</sup> as many Greek Cypriots hoped and some in Athens assured would be the case. For these and also for other reasons, the plan that was on offer for the solution of the Cyprus problem at the time of the accession of Cyprus to the EU, on the 1<sup>st</sup> May 2004, or rather a week before, on 24<sup>th</sup> April 2004, was clearly a bearer of the '*acquis* of the intercommunal negotiations'.

This '*acquis*' was formed in the period between 1974 and 1999 through a series of 'Plans', 'Ideas' and 'Indicators' of the United Nations. All were products of mediation efforts of the representatives of the United Nations Secretary General, who doing the thing which mediation does most easily, often proposed the mid-point between Greek Cypriot and Turkish Cypriot positions.

In the course of the many years of negotiations there had been slippage towards the Turkish positions, due to the vast power disequilibrium between the two sides. One example, described by Glafcos Clerides,<sup>33</sup> is the development of the concept of 'equality' in the negotiations. In European political discourse the normal meaning of equality within states is that of the basic democratic notion of the equality of citizens. However in discussions in the UN General Assembly in 1974, and specifically in resolution 3212, it was used as 'equal footing' of the two communities in the negotiations, to be transformed later on, in Security Council Resolutions to 'politically equal communities', though with the clarification in the Galli Report<sup>34</sup> and in UN Security Council Resolution 750 of April 1992, that this does not imply numerical equality of representation. In the negotiations, Clerides notes, his efforts to show that component equality in federal systems is expressed by equality of representation in the upper house and not in the federal executive, was not successful.

David Hannay himself refers to the 'dog days' and to the unequal conditions in which negotiations were conducted and their '*acquis*' was cemented. He is also in a position to give an account of the positions of the two sides when the last series of negotiations started and led to the Annan Plan. President Clerides presented as his positions according to David Hannay the 'High Level Agreements' of 1977 and 1979. These agreements themselves represented early compromises between the two communities. Rauf Denktaş, according to Hannay, presented even harder

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31 Hannay, *op. cit.*, p. 171.

32 *Ibid.*, pp. 168-177.

33 G. Clerides (2007) *Documents of an Epoch* [in Greek], Lefkosia: Ekdoseis Politieia, pp. 275-279.

34 U.N. S/23780.

positions than the very hard positions he had presented in negotiations with President Vassiliou in 1992. According to Hannay, '... his thinking ... basically amounted to two separate states linked by a little more than a permanent diplomatic conference in which each side had a veto on any decision of substance or procedure. He insisted that all property claims must be settled by compensation and that no Greek Cypriots (or Turkish Cypriots for that matter) should have a right of return'.<sup>35</sup>

In June 2002, Hannay pointed out to the Turkish journalist Mehmet Ali Birand the great degree to which the emerging solution had moved in the direction of Turkish and Turkish Cypriot pursuits. Cyprus, he pointed out, would have a new flag, a new national anthem and a new name, and would in effect be the new partnership which they had been seeking.<sup>36</sup> At the end of 2002 before the Copenhagen European Council where Denktash and Turkey would once more reject everything, Hannay impatiently notes that '... the Turks had no excuse if they did not understand that the structure of a strengthened and open-ended Treaty of Guarantee, a continued Turkish troop presence on the island and a removal of all the existing Greek Cypriot troops and their weapons was potentially on offer'.<sup>37</sup>

One cannot but conclude that it was not merely the refusal of President Papadopoulos to accept the 'Annan 5' plan, but also the exemption of the content of what was offered to each side from the process of Europeanization, which had an impact on the outcome of the referendums of 2004 and energised the provision of the Helsinki conclusions, which allowed Cyprus to enter the European Union without a solution to the Cyprus problem. Perry Anderson notes that 'When the votes were counted the results said everything: 65% of Turkish Cypriots accepted it, 76% of Greek Cypriots rejected it. What political scientist, without needing to know anything about the plan, could for an instant doubt whom it favoured?'<sup>38</sup>

## Conclusions

The consequences of these events condition important factors in the current political situation in Cyprus. The part of the Helsinki strategy which was related to the accession of Cyprus succeeded and that is why Cyprus is today a member of the European Union, having passed from the world of insecurity to a condition which provides a modicum of security. Further, the Republic and its citizens enjoy all the benefits of membership of the EU.

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35 Hannay, *op. cit.*, pp. 122-123.

36 *Ibid.*, p. 167.

37 *Ibid.*, p. 159.

38 P. Anderson (2008) 'The Divisions of Cyprus', *London Review of Books*, 24 April 2008. Anderson's conclusion is cited as a pithy expression and support of what was argued in the preceding paragraphs and not as a claim that the results of referenda always correspond with 'objective interests' of the participants.

The part of the strategy which linked the accession process of Turkey with the solution of the Cyprus problem, failed before the accession for two reasons. One was that Turkey in effect refused to cooperate until after the signature of the accession treaty of Cyprus, and the other was that the content of the Annan Plan included a great deal of the 'acquis' of the intercommunal negotiations, which, particularly in view of certain accession, was judged unacceptable by the Government of Cyprus and the great majority of Greek Cypriots.

It was possible that after accession, a strengthened Republic of Cyprus could have been in a position to re-negotiate a solution to the Cyprus problem which would be less unequal. The degree to which that opportunity still exists is however unclear, despite the undoubted fact that the Republic is a member of the European Union, while Turkey is a candidate. The conditionality involved in Cyprus and Greece supporting the accession process of Turkey only under the condition that this course would lead to the substantial Europeanization of Turkey, including the solution of the Cyprus problem and Greek-Turkish differences in the Aegean, could still have been utilised after accession. However, the clever and effective complex of conditionalities which composed the Helsinki Strategy were abandoned after the accession of Cyprus to the European Union. The European Commission retroactively (to the signature of the accession treaty) concluded that it had been tricked by the Cyprus Government and the Greek Cypriots<sup>39</sup> and perhaps as a consequence seemed to concentrate on 'bringing the Turkish Cypriots out of isolation', an issue which was not connected with the solution of the Cyprus problem as normally understood. For fear of the return of the Annan Plan, and perhaps misunderstanding the relation between the Helsinki conditionalities and the *acquis* of the intercommunal negotiations, the Cyprus government actively sought the delinking of Turkish accession to the Cyprus problem.<sup>40</sup> Some European analysts perceived that their fears that the Helsinki strategy would result in the accession of Cyprus to the EU without a solution were validated.<sup>41</sup>

For these reasons all the Cypriot and European actors allowed the opportunities at various stages for linking the accession course of Turkey to the solution of the Cyprus problem to pass by

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39 See speech by the Commissioner for Enlargement, Gunter Verheugen at the European Parliament on 21 April 2004. Available at: [<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20040421+ITEM-001+DOC+XML+V0//EN&language=EN>], accessed on 1 December 2010.

40 See statement by President Tassos Papadopoulos. Press and Information Office, University Information Bulletin Ar. 89/05, 23-29 September 2006, *President Papadopoulos has returned to Cyprus* [in Greek], 'As we have repeatedly stated, we do not seek to achieve a crisis between Turkey and the European Union, but we insist equally emphatically and decisively that the obligations of Turkey towards the European Union cannot be combined with the developments in the Cyprus Problem' (author's translation). See also the statement of the government spokesman Christodoulos Pasiardis with the title 'The Cyprus Problem is not connected with the European Obligations of Turkey' [in Greek] in the London Cypriot newspaper *Eleftheria*, 6 July 2006.

41 For example, International Crisis Group, 'The Cyprus Stalemate: What Next?', *Europe Report* No. 171, 8 March 2006, p. 10.

without their utilisation. The first of the important stages, all with Cyprus Government participation, was at the Council of Ministers meeting on 26 April 2004, where the Council certified that the positive contribution of Turkey to the solution of the Cyprus problem had already taken place. The other two stages were the European Council of December 2004, which decided the initiation of the accession negotiations with Turkey, and the Intergovernmental Conference of October 2005, which adopted the Turkey Negotiation Framework.<sup>42</sup>

The acceptance of the Annan plan by Turkey in 2004, in combination with the lack of an EU conditionality relating to its accession negotiations (and other factors not related to the current analysis), have allowed this country, and others, to attempt to limit its liability in relation to the Cyprus problem, even in relation to its accession negotiations with the European Union. So the only lever which proved capable of moving Turkish policy in relation to the Cyprus problem since 1974, may now have been substantially weakened. On the other hand, the *acquis* of the Cyprus negotiations and 'efforts to bring the Turkish Cypriots out of isolation' remain as factors in the current situation.

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42 Gunter Verheugen in an interview in 2009 implied that the Cyprus Government had acquiesced to Turkey negotiating to join the Union without a condition relating to the situation in Cyprus. Asked 'Do you consider it rational that a candidate country is occupying the territory of a member country ...', he replied 'The Situation was very well known when the decisions to start negotiations were taken. All the member governments knew the issue, and if I am not mistaken, the decision to start accession negotiations with Turkey was taken after the accession of Cyprus, and with the support of the Cyprus Government' (author's translation). *Politis tis Kyriakis*, 21 June 2009.

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