

CYPRUS AND THE EU: SEARCHING FOR A SETTLEMENT IN THE LIGHT OF ACCESSION

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Abstract

*This article explores the search for a settlement of the Cyprus problem and the prospects of Cyprus joining the EU and becoming part of "the process of creating an ever closer union among the peoples of Europe." The presentation and analysis of issues revolves around two principal questions: first, why so many efforts, carried out by the UN or in the name of the UN have failed to solve the problem? And second, can the EU and Cyprus's prospects of joining the Union help in the search for a settlement on Cyprus? It is argued that the EU, which has repeatedly expressed its concern over the lack of a settlement on the island, is now in a unique position to play a role in bringing about permanent peace and stability on Cyprus and in the region. With Cyprus's accession, the institutions, legal order, principles and policies of the EU - the *acquis communautaire* - can provide a conducive framework in the search for a long overdue political settlement on Cyprus. In other words, the European integration process can be used as an instrument for conflict resolution. An underlying assumption is that a political settlement of the Cyprus problem has the potential of producing only winners. If a solution is combined with accession of Cyprus to the EU, the benefits will increase considerably for all parties involved in Cyprus or concerned over peace and security in the Eastern Mediterranean.*

Introduction

In recent decades, many efforts have been made to resolve the Cyprus problem, but all of them have failed. The island continues to be a microstate in a state of no peace no war. Since 1974, following the Turkish invasion, Cyprus has also been a de facto divided island. So far, the efforts to reach a settlement were carried out mainly by the UN or in the name of the UN. But recently, the prospects of Cyprus joining the European Union (EU) have created a new momentum and conditions favourable for a more substantive and constructive European involvement.

While accession negotiations are underway and Cyprus is preparing to become a full member of the EU, efforts to reach a political settlement on the island are intensifying, with the UN, the EU and the United States making a concerted effort to break the impasse. This article argues that the prospect of Cyprus joining the EU presents a golden opportunity for finding a political settlement on the island. The EU, which has repeatedly expressed its concern over the lack of a settlement is now in a unique position to play a role in bringing about permanent peace and stability on the Mediterranean island. Accession has the potential of acting as a catalyst in finding a long overdue settlement that will reunite the de facto divided island and enable its entire population to participate in the European integration process.

This paper explores both the nature of the Cyprus problem and the prospects of Cyprus joining the EU and becoming part of "the process of creating an ever closer union among the peoples of Europe."¹ The presentation and analysis of issues revolve around three principal questions: first, what is the Cyprus problem and what are the issues to be resolved. Second, why so many efforts, carried out by the UN or in the name of the UN, have failed to solve the problem? And third, can the EU and Cyprus's prospects of joining the Union help in the search for a settlement on Cyprus?

Early Signs of Trouble in the 1960s

In broad terms, the post-colonial problem of Cyprus can be divided into two phases. The first one covers the period from 1960 to 1974, and the second one the period from 1974 to the present.

During the first phase, from the establishment of the Republic of Cyprus in 1960 (especially after 1963) until 1974, the problem was basically an internal dispute between the Greek Cypriots and the Turkish Cypriots in which external powers became involved. Difficulties which could lead to a domestic dispute were, to a good extent, inherent in the state-building process and the bicomunal character of the Cypriot society. These difficulties turned into insurmountable problems because of external intervention, the different ethnopolitical orientations the two communities had at the time and the awkward provisions of the 1960 settlement of the colonial problem under the London and Zurich settlement.²

Without going into details, it is worth mentioning that some of the provisions of the 1960 constitution were not only awkward and unworkable, but also rigid and unalterable.³ The constitution prohibited amendment of its basic provisions, thus excluding any adaptation or evolutionary political process through which the two communities could negotiate, adjust their positions, and seek common ground to bridge their differences. For this reason, it has been characterized "a constitution-

al oddity"⁴ and "a constitutional straitjacket precluding that adaptation essential to the growth and survival of any body politic."⁵ Lack of experience in self-government, conflicting ethnopolitical goals, mistrust, and a shared sense of insecurity were additional sources of ethnic misunderstanding and friction that led to open confrontation.

In essence, and in somewhat simplistic terms, the problem and the challenge for Cyprus right after the declaration of independence was the building of an operational state. The two communities by failing to build a working state - a task next to impossible under the 1960 settlement of the colonial problem - fell into the trap of confrontational tactics and mutual blame-casting. All the rest, including fighting, gradual segregation, further complications and external involvement followed almost naturally. The London and Zurich provisions were there to complete the vicious circle. The sequence of events was neither pleasant nor justified. It was as vicious as it was unjustified.

External Involvement in the 1960s

In the 1960s, confrontation between Greece and Turkey over Cyprus, as well as the wider Greek-Turkish antagonism, became an additional dimension and, in a way, an additional factor in the Cyprus problem which could only complicate more the situation. Britain, the former colonial power, became also involved in an effort to protect its interests. Also, it cannot go unnoticed that the two superpowers - the United States and the Soviet Union at the time - became involved at the political level. Superpower involvement was another source of complication. It put the island on the list of peripheral points of superpower friction.⁶

As it turned out, the local ethnic conflict *over* state-building, became entangled in the web of regional, ideological, political and military considerations of external powers. Things could not be worse for the newborn Republic of Cyprus. By 1974, the problem was in a state of stagnation, basically consisting of the clashing claims and concerns of the two local communities, the two "motherlands" (Greece and Turkey), Britain and the two superpowers.

The Greek *Coup D' Etat* and the Turkish Invasion of 1974

Since 1974, the problem has entered a new phase with the nature of the problem changing drastically. Following the *coup d' etat* which was staged against President Makarios by the Greek military regime, and the subsequent Turkish invasion of the island, new elements were added to the problem without removing old ones. The forced movement and exchange of population, which led to ethnic segregation, have been widening the gap between the two communities and under-

mining efforts and prospects for reunification. The de facto division of the island and the military occupation of its northern part by Turkey have been the new dominant elements and parameters of the problem since 1974. But, as it was mentioned earlier, besides the problem of foreign occupation, we still have the initial problem and challenge of the 1960s, i.e., the building of a working Cypriot state.

The problem of establishing a viable state for all Cypriots has been further complicated by the unilateral declaration of independence by the Turkish Cypriot leadership in 1983.⁷ Although the unilateral declaration has been deplored as legally invalid by the UN and other international organizations, and no other country besides Turkey has recognized the self-proclaimed "Turkish Republic of Northern Cyprus", the fact remains that one side has been putting more priority on secession and the creation of a second state on the island rather than on the efforts to settle the problem on the basis of a single state with a bizonal and bicomunal federal political system.⁸ This has been a serious setback in the efforts to reach a settlement because it raises questions as to whether there is political will on the Turkish side to seek and accept a settlement based on a unified federal Cyprus. Obviously, it is not easy to resolve a dispute in which the parties involved have diametrically different positions and their goals are mutually exclusive. Looking at the efforts of the Turkish side to secure recognition for a separate state in the northern part of the island, one can easily get the impression that there is no minimum goal shared by the two sides. Despite the rhetoric and the lip service paid to a settlement that would reunite the island as a federal state, secessionist forces on the Turkish side have been working to keep the island divided and the people segregated along ethnic lines.

The UN "Failure on Cyprus"

Under these circumstances, it is not surprising that no progress has been made so far in the search for a settlement. Most of these efforts were made by the UN, or in the name of the UN, but all of them have failed.

With regard to the "UN failure" on Cyprus, some clarifications are needed. Although all UN efforts have failed, blaming the UN for failure on Cyprus is an unfair oversimplification. The UN is nothing else than a microcosm and a reflection of the real world which has many problems and few solutions, or no solutions at all in some cases. As an institutional arrangement through which countries interact, the UN has no power of its own and cannot do anything that countries are not willing or determined to do. The UN can be efficient only if the parties involved or those who can play a constructive role, especially the powerful ones, have the political will and commitment to do so and find solutions. In the case of Cyprus, this has not been the case. As it has been aptly and repeatedly stated, Cyprus is not Kuwait.⁹

The UN Secretary-General was right in pointing out in one of his reports to the Security Council, that no solution can be found and the status quo is unlikely "to change on an agreed basis as long as there is, both on the island and in the region, a lack of political will for such change."¹⁰ In the same report, he went on to point the finger in the direction where he thinks more has to be done in order to bridge the gap and reach a settlement. He became as specific as he could by talking about "an already familiar scenario: the absence of agreement due essentially to the lack of political will on the Turkish Cypriot side."¹¹ It is, however, fair to assume that the Secretary-General knows, like everybody else, that the policies and positions of the Turkish Cypriot leadership are shaped in Ankara.

The 1977 High Level Agreements

Although all UN efforts have failed and no settlement has been reached so far, the continuing de facto division of the island, which was brought about by force, has not gained legitimacy and nobody considers it a solution. Therefore, there is still hope for a negotiated settlement of a unified bizonal federal republic on the basis of the high level agreements of 1977 and 1979. It should be noted that these agreements are of particular importance because, for the first time, the two communities agreed to seek a settlement on the basis of a bizonal bicomunal federal republic. The first agreement was reached between Makarios and Denktash on 12 February 1977 and its main points were the following:

- 1. Establishment of a bicomunal Federal Republic.*
- 2. The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership.*
- 3. Questions of principle, like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion, taking into consideration the fundamental basis of a bicomunal federal system and certain practical difficulties which may arise for the Turkish Cypriot community.*
- 4. The powers and functions of the central federal government will be such as to safeguard the unity of the country, having regard to the bicomunal character of the State.*

The second high level agreement was reached between Kyprianou and Denktash on 19 May 1979 and basically reconfirmed the 1977 Makarios-Denktash agreement.¹²

The high level agreements continue to this day to provide the basic guidelines in the search for a settlement on Cyprus.

The European Orientation of Cyprus

Today Cyprus is at the threshold of the European Union and preparing to become a full member. Following a decision by the European Council meeting in Luxembourg (12-13 December 1997) accession negotiations began on 30 March 1998. The commencement of accession negotiations was the culmination of a long and healthy relationship which goes back to 1972 when an Association Agreement was signed between Cyprus and the EEC.¹³

It is, however, worth noting that for the first time in 1962 Cyprus expressed an interest in becoming an associate member of what was then the European Economic Community (EEC). This early expression of interest was largely the result of Britain's first application for membership of the EEC. The heavy dependence of the Cyprus economy on exports to Britain and the prospect of losing the preferential Commonwealth tariff rate prompted the Cyprus Government to seek an institutionalized arrangement with the EEC. Following the withdrawal of the British application in 1963, Cyprus's interest remained dormant until 1971 when it was reactivated almost simultaneously with the renewed efforts of Britain to join the EEC.

The Association Agreement between Cyprus and the EEC provided for the gradual elimination of trade obstacles for industrial and agricultural products between Cyprus and the EEC. The elimination of customs and other restrictions on trade would lead to a customs union after a ten-year transitional period that was divided into two successive stages. The first stage would be completed by June 1977 and the second stage five years later.

The Turkish invasion of Cyprus in 1974, however, and its disastrous consequences for the economy of the island led to a delay in implementation of the Association Agreement. After successive extensions of the first stage, a Protocol for the implementation of the second stage of the Association Agreement was signed in 1987.¹⁴ It laid down the terms for the gradual establishment of a customs union.

Under the Protocol, the customs union will be implemented by the year 2001 or 2002 at the latest. Both Cyprus and the EU are required to eliminate all tariff and quantitative restrictions on all manufactured goods and a number of agricultural products (mainly potatoes, citrus and other fruit, vegetables and wine). By 1997 Cyprus had adopted the common customs tariff of the EU.

Application for Membership

The close relationship established between Cyprus and the EC with the signing of the 1987 customs union agreement, coupled with other developments in Europe and the EC, encouraged the Government of Cyprus to apply for full membership in the Community in 1990.¹⁵ This was, of course, facilitated by the impressive bouncing back of the Cypriot economy from the setback caused by the Turkish invasion and occupation.

Three years later, on 30 June 1993, the European Commission issued its *Opinion* on Cyprus's application, confirming the island's European character and vocation and concluding that it was eligible to be part of the Community. The *Opinion*, however, pointed out that there were some problems resulting from the de facto division of the island which needed to be addressed. It noted in particular that

*the fundamental freedoms laid down by the [EEC] Treaty, and in particular freedom of movement of goods, people, services and capital, right of establishment and the universally recognized political, economic, social and cultural rights could not today be exercised over the entirety of the island's territory. These freedoms and rights would have to be guaranteed as part of a comprehensive settlement restoring constitutional arrangements covering the whole of the Republic of Cyprus.*¹⁶

On 4 October 1993, the Council endorsed the *Opinion* and welcomed its positive message, reconfirming that Cyprus is eligible to become a member. The Council also supported the Commission's proposal for close cooperation with the Cypriot Government in order to facilitate the economic, social, and political transition aiming at eventual integration of the island into the EU. To this end, the Council invited the Commission to "open substantive discussions forthwith with the Government of Cyprus to help it to prepare for the accession negotiations to follow later on under the best possible conditions."¹⁷

On 26 November 1993, substantive talks between the Commission and the Government of Cyprus started and continued until 1995 when they were successfully completed.¹⁸ The substantive talks, which were conducted primarily at the technocratic level, covered a broad range of issues and their primary objective was to help the Cypriot authorities familiarize themselves with all the elements of the *acquis communautaire* and help Cyprus harmonize its legislation and policies with those of the Union.¹⁹

In June 1994, the European Council at Corfu, where Cyprus-EU relations were examined, concluded that an essential stage in Cyprus's preparations for accession

could be regarded as completed and that the next phase of enlargement of the EU would include Cyprus. This was confirmed by the European Council at its meetings at Essen (December 1994), Cannes (June 1995), Madrid (December 1995) and Florence (June 1996). At Cannes, it was also reaffirmed "that negotiations on the accession of Malta and Cyprus to the Union will begin on the basis of Commission proposals, six months after the conclusion of the 1996 Intergovernmental Conference and taking the outcome of that Conference into account."²⁰ It is also interesting to note that at the European Council meeting at Madrid, it was decided that Cyprus, together with the associated countries of Central and Eastern Europe, "will be briefed regularly on the progress of discussions [at the Intergovernmental Conference] and will be able to put their points of view at meetings with the Presidency of the European Union."²¹ The Intergovernmental Conference which started in March 1996 was completed with the signing of the Amsterdam Treaty on 2 October 1997.

In the meantime, at the meeting of the Council of General Affairs on 6 March 1995, and at the 19th meeting of the Cyprus-EU Association Council on 12 June 1995, it was decided that a pre-accession structured dialogue at various levels would be established between Cyprus and the EU. Parenthetically, it should be mentioned that at the March meeting, Greece lifted its veto and agreed on a customs union established between the EU and Turkey beginning 1 January 1996. At the same meeting, Greece also lifted its veto and allowed for the implementation of the Fourth EU-Turkey Financial Protocol which provided for considerable financial aid to Turkey.

According to the resolution which was adopted at the Association Council meeting in June 1995,

the purpose of the [structured] dialogue will be to help to achieve the objective of Cyprus's accession, which both parties consider will benefit both of the island's communities and contribute to civil peace and reconciliation. In this connection the Council hereby renews the invitation made to the Commission to establish the necessary contacts with the Turkish Cypriot Community, in consultation with the Government of Cyprus, which will remain the European Union's sole interlocutor in the structured dialogue.

It is also worth mentioning that, in *Agenda 2000*, the Commission Communication which was issued on 15 July 1997, and "outlines in a single framework the broad perspectives for the development of the Union and its policies beyond the turn of the century,"²² it was reconfirmed that accession negotiations with Cyprus would start six months after the conclusion of the Intergovernmental Conference. *Agenda 2000* also stated that "the timetable agreed for accession

negotiations to start with Cyprus means that they could also start before a political settlement is reached."²³ It was also stated that "if progress towards a settlement is not made before the negotiations are due to begin, they should be opened with the Government of the Republic of Cyprus, as the only authority recognized by international law."²⁴ Indeed, following the decision of the European Council in Luxembourg in December 1997, accession negotiations began on 30 March 1998, without the participation of the Turkish Cypriots.²⁵ It should be noted, however, that the Government of Cyprus and the EU made intensive efforts to include a Turkish Cypriot delegation on the negotiating team but the Turkish Cypriots refused to participate.

Following the initial launching of accession negotiations in March 1998, bilateral intergovernmental conferences were convened "to begin negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia."²⁶

The European Council meeting in Luxembourg also discussed the Cyprus problem and stated its position on the issue as follows:

The accession of Cyprus should benefit all communities and help to bring about civil peace and reconciliation. The accession negotiations will contribute positively to the search for a political solution to the Cyprus problem through the talks under the aegis of the United Nations which must continue with a view to creating a bi-communal, bi-zonal federation. In this context, the European Council requests that the willingness of the Government of Cyprus to include representatives of the Turkish Cypriot community in the accession negotiating delegation be acted upon. In order for the request to be acted upon, the necessary contacts will be undertaken by the Presidency and the Commission.²⁷

Accession negotiations are now underway and the European Council meeting in Vienna in December 1998 "noted with satisfaction that the accession conferences with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia have entered into substantive negotiations and reached the first concrete results."²⁸

Facing the Challenge of Accession

The above presentation of major developments in Cyprus-EU relations shows that Cyprus is on its way to becoming a member of the EU and facing one of the biggest challenges it has been presented with since independence. Joining the fifteen-member European Club is a challenge entailing both privileges and burdens which the eastern Mediterranean island seems ready and able to face successfully.

Any country that seeks membership to the EU must meet several conditions and

criteria.²⁹ Among these are the European identity, democratic institutions, respect for human rights, protection of minorities, open market economy, satisfactory level of economic development, and the ability to adopt the *acquis communautaire*, including the Maastricht Treaty (and eventually the Amsterdam Treaty when it comes into effect).

The Republic of Cyprus has no problem in meeting any and all of these conditions. This has been confirmed by the *Opinion* of the Commission which clearly stated that the Community considers Cyprus eligible for membership although reference is made to the need for a settlement of the political problem. The *Opinion* was clear in stating that "the Commission feels that a positive signal should be sent to the authorities and the people of Cyprus confirming that the Community considers Cyprus as eligible for membership."³⁰ It was also stated in the Opinion "that Cyprus's integration with the Community implies a peaceful, balanced and lasting settlement of the Cyprus question."³¹ This, however, seems no longer to be exactly the position of the EU in the light of repeated decisions of the European Council which confirm that Cyprus will be included in the next phase of enlargement and accession negotiations are already underway. In these summit decisions, no reference is made and no link is implied between accession and settlement, although as stated in *Agenda 2000*, "agreement on a political settlement would permit a faster conclusion of the [accession] negotiations."³²

As far as European identity and vocation is concerned, there is no doubt that historically and culturally Cyprus is an inalienable part of Europe. All aspects of life on the island - political, economic, social, and cultural - are based on and reflect its European heritage, values and orientation. This is nowhere else stated as clearly as in the *Opinion* of the Commission which points out the following:

*Cyprus's geographical position, the deep-lying bonds which, for two thousand years, have located the island at the very fount of European culture and civilization, the intensity of the European influence apparent in the values shared by the people of Cyprus and in the conduct of the cultural, political, economic and social life of its citizens, the wealth of its contacts of every kind with the Community, all these confer on Cyprus, beyond all doubt, its European identity and character and confirm its vocation to belong to the Community.*³³

When it comes to democracy and human rights, Cyprus subscribes to the same fundamental principles and values as the EU and its member states. This is evidenced by the stable democratic multi-party system of government which guarantees an open and fair political process to individuals and organized groups. The political parties on the island represent and reflect a broad range of views and positions covering the entire ideological spectrum. It can also be stated that one of the

main characteristics of the political culture of the island is the overarching loyalty and commitment to democracy shared by all political forces. This commitment reflects a firm popular belief that only democratic societies based on pluralism, respect for human rights, and the rule of law can protect and promote freedom, justice, and social progress.

Cyprus is also known for its open and efficient economic system which is based on a commitment to the concept and principles of market economy with free competition. The island enjoys a stable and high rate of economic growth which compares favourably with that of EU member states. It cannot go unnoticed that Cyprus meets almost all the economic criteria which EU countries must meet before they can join the Economic and Monetary Union (EMU). Unemployment is negligible and foreign labour is imported to cover shortages in some sectors, like tourism and construction. The inflation rate is low (about 3% in 1998) and within acceptable range. The budget deficit is about 3% of the GDP and under control. Public debt is about 60% of the GDP and under control too.³⁴ The Government of Cyprus is also in the process of liberalising interest rates and bringing relevant legislation and policies in line with EU laws and practices. It should also be noted that Cyprus for a few years now has unilaterally tied its currency to the European Currency Unit (ECU) while more than half of its foreign trade, both imports and exports, is conducted with the EU.

With regard to adopting the *acquis communautaire*, including the Maastricht Treaty (and eventually the Amsterdam Treaty when it comes into force), Cyprus is in a position to do that without any major difficulties.³⁵ A problem-free accession to the EU is also guaranteed by the fact that the Eurocentric foreign policy followed by Cyprus since the collapse of the former Soviet Union and the subsequent end of the Cold War and the weakening of the Non-Aligned Movement (NAM) enjoys an overwhelming support at home.³⁶ Pro-European feelings are very strong among an extremely high percentage of the population who have a strong sense of belonging to Europe and believe that the future of a united, secure and prosperous Cyprus lies in its accession to the EU. This is also a view shared by all political parties.

Cyprus can make a Contribution

Accession to the EU is a two-way relationship. Cyprus has a lot to gain from it, but it can also make a contribution in the creation of a united Europe that will enjoy prosperity and security. The geographic location of the island is of considerable symbolic as well as substantive significance as it constitutes Europe's last outpost in the eastern Mediterranean. Because of its strategic position, Cyprus can make a contribution in the creation of a European security system that will safeguard the defense and security interests of the EU in the region.

It should also be pointed out that Cyprus has excellent relations with all the countries of the Middle East, except Turkey. In this regard, it can become an economic, political, and cultural link between the EU and that important geopolitical region. As a member of the EU, Cyprus could serve as a bridge for peaceful cooperation among the peoples of Europe, the Mediterranean basin, and the Middle East.

Along the same lines, it can be added that Cyprus has already been chosen by many multinational firms as a location for their regional headquarters. The same is true for several thousand off-shore companies which have established offices on the island to promote their business activities in the region. For many of these firms, Cyprus was an obvious choice because of its location, the availability of highly educated managerial and technical staff, the excellent transportation and communication networks, and other infrastructure including a legal system based on internationally accepted principles of jurisprudence. These assets will be in the direct service of the common and shared interests of the EU and its member states upon Cyprus's accession.

The European Union and the Cyprus Problem

In the light of repeated decisions of the European Council and other organs of the EU, it can be argued that a final and comprehensive settlement of the Cyprus problem is not a precondition for Cyprus's accession to the EU. It is, however, imperative for all parties involved to do their best to reach a settlement that will facilitate accession. Apparently, Turkey can play a crucial role and make a difference in the search for a settlement. This was aptly put by the European Council at its Dublin meeting in December 1996 when it "urged Turkey to use its influence to contribute to a solution in Cyprus in accordance with UN Security Council Resolutions."³⁷ More recently, in September 1997, the European Parliament adopted a resolution on Cyprus "calling on the Union and on all member states to maintain firm pressure on Turkey to contribute positively to a just solution of the Cyprus problem and to ensure that they facilitate the commencement of accession negotiations with Cyprus by the beginning of 1998."³⁸

The EU has always been a staunch supporter of UN efforts and initiatives on Cyprus. It has also taken the clear and firm position that the present status quo is unacceptable. This position was clearly stated on numerous occasions including statements issued by the European Political Cooperation and resolutions adopted by the European Council, the European Parliament and other organs of the Union.

The EU favours a settlement based on the UN resolutions and the 1977 and 1979 high-level agreements. Such a settlement will respect the sovereignty, independence, territorial integrity and unity of a bizonal, bicomunal, federal republic.

It will also guarantee the civil, political, economic and cultural rights of all Cypriots without any restriction or discrimination. The security of all Cypriots in each and every respect - and not only in military terms - must also be guaranteed through institutionalized arrangements that go beyond Cyprus and beyond Greece and Turkey. The European context appears to be a promising one in that respect.

In recent years, the European interest in promoting a settlement became more manifest with the appointment of EU representatives to monitor developments on Cyprus. In February 1994, Serge Abou, a high ranking official of the Commission, was appointed as observer by the Council to follow developments and report on any progress toward a settlement.³⁹ He submitted three reports which confirmed the lack of any progress. In his last report, which was submitted in January 1995, he suggested that the EU has a role to play in Cyprus. In his words, "the [intercommunal] talks have also shown that the issue of Cyprus's membership of the EU is now fixed in the minds of all those concerned, something which obviously gives the EU a particular responsibility, namely to flesh out the position adopted by the Corfu European Council on the accession process and to play an active part in efforts to find a solution to the Cyprus problem."⁴⁰ This was basically the conclusion of the European observer who also noted that the increasing militarization of the island is a "dangerous development."⁴¹ In his words, "the main indicator of the heightened tension in Cyprus is the military build-up on both sides of the buffer zone - and at a time when the strength of UN forces is being cut back."⁴² He also noted that the feeling-of discouragement among the population at large on both sides of the buffer zone engendered by the gloomy outlook for a settlement is being expressed in a mounting tide of nationalist rhetoric on both sides."⁴³ The European observer completed his mandate in 1995 without reporting any progress and without generating a new momentum.

A subsequent expression of EU interest in the Cyprus problem came with the appointment by the Council, on 29 January 1996, of a representative of the Italian presidency to monitor developments concerning the Cyprus peace process. Six months later, at the end of the Italian presidency, the Italian diplomat Federico Di Roberto, had nothing new, substantive or promising to report.

The Irish representative, Ambassador Kester Heaslip, who succeeded Di Roberto, was not luckier. He monitored developments under the EU presidencies of Ireland, The Netherlands and Luxembourg (July 1996 - December 1997), but no progress was made.

Under the British and Austrian presidencies (first and second half of 1998) it was the turn of the British veteran diplomat Sir David Hannay to try his hand on Cyprus as representative of the EU. He could not and did not accomplish anything besides

reconfirming the impasse. The same happened with Detlev Graf zu Rantzau, the German *envoy* of the EU presidency (first half of 1999). After completing several rounds of contacts on the island in March 1999, Rantzau could only say that he is "not optimistic at all" and that he has "not been able to detect on either side a new flexibility or readiness to enter into a compromise."⁴⁴

Today (Fall 1999) the Finnish presidency of the EU is having hard time trying to find common ground and generate a new momentum for a negotiated settlement on the island.

Time for a Political Settlement

As accession negotiations are continuing and Cyprus is preparing to join the EU, more and more views are converging that the time has come for a long overdue settlement. The challenge and the opportunity is knocking at the door of all those involved and concerned. The EU, in cooperation with other actors, is in a unique position to play a role in Cyprus and in the region.

The parties involved or concerned are either part of, or have special relations with the EU and can, therefore, appreciate and support a European contribution or initiative on Cyprus. Greece is a member of the EU while Turkey is as close to the EU as a non-member state can be with the establishment of a customs union. Britain, a major partner in the EU and a guarantor power of the independence and unity of Cyprus under the 1960 settlement of the colonial issue, is in a privileged position to play a constructive role within and outside the EU context. The Greek Cypriots and the Turkish Cypriots are faced with a unique challenge and opportunity to resolve their differences, reunite their island, and become part of the European integration process that will offer them the security and stability they have been longing for.

The institutions, legal order, principles and policies of the EU - *the acquis communautaire* - can provide a conducive framework (and more) in the search for a long overdue political settlement on Cyprus. In fact, settlement and accession can go hand in hand and reinforce and supplement each other. In sum, the prospect of Cyprus's accession to the EU provides a unique opportunity for all parties concerned to rise to the occasion and show their commitment to the principles and values that are as vital to individual countries and their peoples as they are to the EU and the European family of nations.

A solution to the Cyprus problem, however, cannot be an abstract construction. Any settlement should meet the basic needs of the whole population and the requirements of a just, viable, functional and lasting solution. Such a solution, by

definition, will have no room for occupation forces or the permanent stationing of foreign armies.

Under the circumstances, a settlement based on a bizonal and bicomunal form of federation seems to be reasonable, feasible and viable - assuming of course that all citizens will enjoy universally accepted rights and opportunities all over the island. Given the realities of Cyprus - geography, economy, size, distribution of natural resources, demography, and the political failures of the past - a federal solution seems to be the only pragmatic way out of the stalemate.

Such a solution will be more appealing if it meets the requirements of the *acquis communautaire*, and its implementation precedes or coincides with Cyprus's accession to the EU. This scenario by itself, however, cannot be a magic formula unless it has substantive and substantial support from all parties involved and concerned. The Cypriots themselves, especially the Turkish Cypriot leadership, should realize that a remedy to their problems can be sought through pacific means, evolutionary peaceful change, political and administrative adjustments, renovation of political thinking and the cultivation of conciliatory attitudes. Certainly, the entire population will be better off if the island ceases to be a place of arms and confrontation, and the present status quo is replaced by a meaningful political order that will allow the two communities to co-exist in peace under conditions of stability and security.

The forthcoming accession of Cyprus to the EU can be an excellent opportunity for all parties involved to work out their differences and benefit from the constructive support that third parties can offer. The *acquis communautaire* can provide a useful framework and guidelines for solving the Cyprus problem, reuniting the island and enabling its people to join the European integration process.

In conclusion, it can be argued that a settlement of the Cyprus problem will benefit all parties involved. Especially Greece and Turkey, will benefit greatly from a settlement on Cyprus that will enable them to focus on their domestic and bilateral problems. Turkey, in particular, with the withdrawal of its occupation forces from the island will get rid of the stigma of the occupying power, improve its credibility and be in a better position to talk with and be understood by the Europeans. In this regard, the next enlargement of the EU can provide an opportunity for the parties involved in or concerned over Cyprus to have a fresh look at the problems plaguing the island and the region.

Notes

1 Treaty on the European Union, article A.

2 The London and Zurich agreements consisted of a series of treaties which laid the foundations of the political structure of the Republic of Cyprus. These treaties were the treaty of establishment, the treaty of alliance, the treaty of guarantee, and the agreement on the basic structure of the Republic of Cyprus which contained the key provisions of the constitution. The treaties went into effect on 16 August 1960 when Cyprus became independent.

3 The issue of the workability of the London and Zurich settlement and the constitution has attracted considerable attention among scholars and political analysts. See, for example, the following works with indicative titles: Xydis, Stephen (1973) *Cyprus: Reluctant Republic* The Hague: Mouton, and Adams, Thomas W. (1966) "The First Republic of Cyprus: A Review of an Unworkable Constitution," *The Western Political Quarterly*, vol.19, pp. 475-90.

4 This characterization belongs to the UN Mediator Galo Plaza. See his *Report of the United Nations Mediator on Cyprus to the Secretary General* (paragraph 163) which was issued on 26 March 1965.

5 Camp, Glen D. (1985), "Greek-Turkish Conflict over Cyprus," *Political Science Quarterly*, vol. 95 Spring, p.49.

6 The following works provide information and analysis regarding the American and Soviet role in Cyprus: Monteagle Stearns (1992), *Entangled Allies: U.S. Policy Toward Greece, Turkey, and Cyprus*, New York: Council of Foreign Relations Press); Hart, Parker (1990), *Two NATO Allies at the Threshold of War, Cyprus: A Firsthand Account of Crisis Management, 1965-1968* Durham: Duke University Press, 1990); Couloumbis, Theodore (1983), *The United States, Greece, and Turkey: The Troubled Triangle*, New York: Praeger; Couloumbis, Theodore and Hicks, Sallie (1975), *U.S. Foreign Policy toward Greece and Cyprus: The Clash of Principle and Pragmatism* Washington, D.C.: The Center for Mediterranean Studies; Adams and Cottrell, *Cyprus Between East and West*.

7 The unilateral declaration of independence of the "Turkish Republic of Northern Cyprus" was made on 16 November 1983. It is interesting to note also, that less than a year after the Turkish invasion, on 13 February 1975 the Turkish Cypriots had unilaterally proclaimed the "Turkish Federated State of Cyprus."

8 The Security Council passed Resolution 541 (18 November 1983) which condemned the unilateral declaration. It stated, *inter alia*, the following:

- *Deplores the declaration of the Turkish Cypriot authorities of the purported*

secession of part of Cyprus;

- It considers the declaration referred to above as legally invalid and calls for its withdrawal;

- Calls upon all States to respect the sovereignty, independence, territorial integrity and non-alignment of Cyprus;

- Calls upon all States not to recognize any Cypriot State other than the Republic of Cyprus.

9 Implying that in the case of the Iraqi invasion of the oil producing Kuwait in 1990, the converging interests of the powerful countries led to joint action under the UN umbrella for the expulsion of the Iraqi occupation forces from Kuwait.

10 Report of the Secretary-General on his Mission of Good Offices in Cyprus, UN doc. S/1994/629, 30 May 1994, paragraph 52.

11 Ibid., par. 53.

12 UN doc. S/13369, 31 May 1979. The Kyprianou-Denktaş agreement provided also that priority would be given on the resettlement of Varoshia and that the demilitarization of the Republic of Cyprus would be discussed. (Varoshia is part of the city of Famagusta. Until 1974 it was inhabited by Greek Cypriots. Today it is an uninhabited ghost town, fenced off by the Turkish occupation army.)

13 The Association Agreement was signed on 19 December 1972 and went into effect on 1 June 1973. It should be noted that the Association Agreement was signed between Cyprus and the European Economic Community (EEC) while the application for membership was for the European Communities (EC), that is the European Coal and Steel Community (ECSC), the European Economic Community (EEC), and the European Atomic Energy Community (EAEC).

14 The Protocol was signed on 19 October 1987 and went into effect on 1 January 1988.

15 The application was submitted by the Government of Cyprus representing the population of the entire island. This was reconfirmed in the *Opinion on the Application by the Republic of Cyprus for Membership* (hereafter *Opinion*) which was issued by the Commission and noted that "when presenting its application for accession, the government of the Republic of Cyprus, recognized by the European Community as the only legitimate government representing the Cypriot people, addressed the Community on behalf of the whole of the island." Paragraph 10 of the *Opinion*.

16 *Opinion*, par. 10.

17 *Conclusions* of the Council of General Affairs, 4 October 1993.

18 For the purposes of the substantive talks, twenty-three working groups and dozens of sub-groups were formed on the Cypriot side. These groups were composed of public servants and delegates of semi-government agencies and the private sector. The talks covered almost all chapters of the *acquis communautaire* under the following headings: 1. External trade policy and relations 2. Free movement of goods, customs union 3. Free movement of services, right of establishment 4. Free movement of capital 5. Free movement of persons, employment and social policy, education 6. Common agricultural policy, fisheries 7. Industrial policy, energy 8. Common transport policy 9. Economic and monetary union 10. Common foreign and security policy 11. Cooperation in home and justice affairs 12. Environment 13. Competition policy, consumer protection 14. Regional policy, structural funds, cohesion fund 15. Company law 16. Statistics 17. Taxation 18. Telecommunications 19. Enterprise policy, distributive trade, tourism, cooperatives 20. Research and technology policy 21. State aids 22. Budgetary and financial matters 23. Health matters.

19 The *acquis communautaire* has been defined in a report of the Commission entitled *Europe and the Challenge of Enlargement*, which was presented to, and endorsed by the Lisbon European Council (June 1992), as containing the following:

- *the contents, principles and political objectives of the Treaties,*
- *the legislation adopted in implementation of the Treaties, and the jurisprudence of the Court;*
- *the declarations and resolutions adopted in the Community framework;*
- *the international agreements, and the agreements between Member States connected with the Community's activities.*

20 *Conclusions of the Presidency*, Cannes European Council, 26-27 June 1995.

21 *Conclusions of the Presidency*, Madrid European Council, 15-16 December 1995.

22 *Agenda 2000*, Commission Communication, Doc. 97/6, 15 July 1997, vol.1, *For a Stronger and Wider Union*, p. 3

23 *Ibid.*, par. 66.

24 *Ibid.*, par. 66.

25 The decision reads as follows: "The accession process will be launched on 30 March 1998 by a meeting of the Ministers for Foreign Affairs of the fifteen Member States of the European Union, the ten Central and Eastern European applicant States and Cyprus," Luxembourg European Council, Presidency Conclusions, 12-13 December 1997, par. 11. (The ten Central and Eastern European applicant States are: Hungary, Poland, Estonia, the Czech Republic, Slovenia, Romania, Slovakia, Latvia, Lithuania and Bulgaria).

26 Ibid. par. 27.

27 Ibid., par. 28.

28 Vienna European Council (11 and 12 December 1998) *Conclusions of the Presidency*, par. 59.

29 These conditions and criteria were spelled out in the *Conclusions of the Presidency*, Copenhagen European Council, 21-22 June 1993, as follows:

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for the protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of the political, economic and monetary union.

30 *Opinion*, par. 48.

31 *Opinion*, par. 47.

32 *Agenda 2000*, Commission Communication, Doc. 97/6, 15 July 1997, vol. 1, *For a Stronger and Wider Union*, p. 66.

33 *Opinion*, par. 44. This is the first paragraph in the "Conclusions" of the *Opinion*.

34 Facts, figures, and information on the economy refer to the Government controlled area of the Republic of Cyprus.

35 This has been confirmed by the *Opinion* (paragraph 46) which states that "the adoption of the *acquis communautaire* by Cyprus will pose no insurmountable problems."

36 In the *Opinion* (paragraph 22) it was stated that "Cyprus must also give up its membership of the Non Aligned Movement of which it was a founder-member and in which it continues to participate actively." It seems that Cyprus has no problem abandoning the Non Aligned Movement before or upon accession to the EU.

37 *Conclusions of the Presidency*, Dublin European Council, 12-13 December 1996.

38 Resolution on Cyprus, adopted by the European Parliament on 18 September 1997.

The European Parliament has adopted several similar resolutions during the past few years. Here are two more examples: In a resolution adopted on 21 January 1993, the European Parliament "[r]eaffirms its conviction that the continuation of the status quo in Cyprus is unacceptable and poses wider dangers for the region." It also "[c]alls upon the Government of Turkey to withdraw its occupation forces from the Republic of Cyprus in accordance with the relevant UN resolutions and calls for the Turkish troops to be replaced by United Nations peacekeeping forces." In a resolution adopted on 12 July 1995, the European Parliament "[p]oints out that the Union considers the island to be a single entity, with a legitimate and internationally recognized government, and that the status quo is unacceptable, as was reaffirmed in the UN Security Council Resolution 939/94 (paragraphs 1 and 2)."

39 The terms of reference of the European observer were as follows: "prior to the review scheduled for January 1995 of the question of Cyprus's accession to the European Union, to report periodically to the Council on the implications of political developments in Cyprus for the Union's *acquis communautaire*, including the progress of the UN Secretary-Generals's good offices mission for Cyprus."

40 *European Observer's Report on Cyprus*, paragraph II, 2(ii). The Report was issued on 23 January 1995.

41 *Ibid.*, par. 6.

42 *Ibid.*, par. 6.

43 *Ibid.*, par. 7.

44 *The Cyprus Weekly*, March 12, 1999.

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