

*The Cyprus Issue:  
The Four Freedoms in a Member State under Siege*

NIKOS SKOUTARIS

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Skoutaris' book on application of the EU 'Internal Market *acquis*' within the territory of Cyprus has made a timely appearance on the stage of the ongoing debate on impact of the EU external policy on application of the EU *acquis* beyond the EU borders. The book must be lauded for its comprehensive legal assessment and well-structured and sound arguments. Any scholar interested in the 'Cyprus issue' will benefit from the highly interesting set of legal analysis and data presented here.

The book is well structured and logically construed. The study is divided into five chapters. Chapter 1 describes the main challenges to the 'Cyprus issue' within legal and political dimensions. Chapter 1 also explains the research methodology applied in this book. In terms of the research approach, the author used methodology relevant to legal, political and historical research. The author followed a 'law in context' approach which means that the book starts with a positivist analysis of the relevant legal provisions of international and EU law as well as the Cypriot legal system. Further the book embarks upon a critique of the EU policy towards the 'Cyprus issue'. In particular the book assesses the EU's pragmatic approach towards functioning of freedoms of the EU Internal Market within territory of one island but two territories with different legal regimes. Furthermore, the book provides a rich historic overview of the 'Cyprus issue' from the birth of the Republic till its accession into the EU in 2004. In conclusion the author criticises the 'overly technical approach' of the EU towards crossing of EU goods at the Cyprus borders and emphasises that 'although the application of the *acquis* is suspended in the areas not under effective control of the Republic ... [partial application of the EU *acquis* within the territory of Cyprus] .... allowed a limited integration of northern Cyprus within the EU'.

Chapter 2 offers comprehensive analysis within historical, political and legal contexts of the suspension of the EU *acquis* in Northern Cyprus. The first part deals with the historical overview of the creation of the Republic of Cyprus from its birth in the early twentieth century until the Turkish military intervention in 1974 and accession of the Republic of Cyprus to the EU in May 2004. The chapter is accompanied with highly

interesting analysis of ‘important political and legal debates from the birth of the Republic to its EU accession’. For example, the chapter deals with objectives and structure of the basic parameters of the UN Comprehensive Settlement Plan and the reasoning for rejection of this plan by Greek Cypriots. The second part of chapter 2 studies legal issues related to the Republic of Cyprus’ membership in the EU including the unique case of suspension of the EU *acquis* north of the Green Line in Cyprus in 2004.

Chapter 3 concerns the application of the EU *acquis* in Cyprus after 2004. In particular the author offers a comprehensive legal analysis of the EU citizenship, fundamental rights and free movement of persons. The author argues that derogations from EU law envisaged in the Green Line Regulation allowed the citizens of the Cyprus Republic, who permanently reside in the northern part of the island, to enjoy as far as possible the rights attached to the EU citizenship that are not linked to the EU territory as such. Chapter 4 expands to the domain of free movement of EU goods in Cyprus. It focuses on a legal overview of the relevant EU *acquis* and case law of the Court of Justice of the EU. The author argues that the Green Line Regulation has managed ‘to partially but effectively lift the isolation of an area where the ports of entry have been declared closed for over 30 years’. Chapter 5 makes the book work as a whole by drawing together all of the threads identified in the earlier analysis; they elaborate on a general framework of the Cyprus’ EU membership for the future settlement plan on Cyprus. Undoubtedly, the study will be referred to for some years to come as a flexible theoretical framework that can take into account any future developments in this field.

Major findings bring the author to some interesting conclusions. For instance, on the one hand, he claims that the EU cannot replace the UN as the principal actor in finding the solution to the ‘Cyprus issue’. It happens because of the specific institutional framework of the EU and reluctance of the Turkish Cypriots to accept any solution offered by the EU, Greece and the Republic of Cyprus. On the other hand, in the opinion of the author, the EU has managed to offer pragmatic solutions to the ‘Cyprus issue’. For instance, the Green Line Regulation has provided the rules for the crossing line by EU citizens and third country nationals and allowed bilateral trade between the Turkish Cypriot community and the EU. In another finding the author argues that the issue of settlement of the conflict in Cyprus will be based on the agreed principles of bi-zonality, bi-communality and political equality in line with the European common values enshrined in Article 2 of the Treaty on European Union (TEU).

The issues and problems raised by Nikos Skoutaris seem particularly relevant and provoking in time of the ongoing Ukrainian crisis. In his book the author touched on the delicate issue of application of the EU *acquis* in a third country with divided territory, one of which is not recognised by the international community. Analysis by Dr Skoutaris is extremely relevant to Ukraine. In particular, it concerns the application of the EU-

Ukraine Association Agreement which was signed on 27 June 2014 in the aftermath of the popular *Maidan* revolution in Ukraine that led to the annexation of Crimea by Russia and to bloody civil conflict in the East of Ukraine. Therefore, Dr Skoutaris' study of the issue on how does the EU legal order deal with the *de facto* division of Cyprus can be projected to the Ukrainian case of application of the association agreement with the EU in Crimea and the Eastern territories occupied by separatist militant troops. In particular the work by Dr Skoutaris raises the question of whether the principles of bi-zonality, bi-communality and political equality in line with the European common values can and must be applied with regard to the effective application of the EU-Ukraine Association Agreement on the whole territory of Ukraine.

In conclusion, it therefore can be said that the book by Nikos Skoutaris, *The Cyprus Issue: The Four Freedoms in a Member State under Siege* is an invaluable source of information on the law of EU external and international relations which should be a starting point for any closer investigation in the field.

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