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THE EUROPEAN UNION AND THE CYPRUS IMBROGLIO

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INTRODUCTION

Until the 1990s the European Union (EU) - known as the European Community (EC) at that time - was considered to be “an economic giant, but a political pygmy,” for, although it exercised considerable influence in economic, particularly commercial matters, its voice did not count for a great deal in political matters, especially defence and security. However, with the end of the Cold War, and the collapse of communism in the Soviet bloc, the EU faced a transformed situation in international power relationships, with a shift of the focus from the global East-West dimension to regional issues and conflicts.¹ Therefore, it began to aspire to a leading role on the European continent, if not throughout the globe. That aspiration, however, turned into a nightmare during the post-1991 break-up of the Yugoslav Federation. The Bosnian crisis dealt a heavy blow to this fledgling international actor’s effort at conflict resolution. The EC’s attempts at conflict resolution in Bosnia was a catastrophe to say the least. And the world media was relentless in its condemnation of such attempts.²

According to the Treaty of Maastricht, the EU “will aim to assert its identity on the international scene, in particular, through a common foreign and security policy (CFSP), which will include the eventual framing of a common defence policy that might, in time, lead to a common defence.” The assumption that the EU may become “a capable international actor in conflict resolution” emanates from this provision of the Maastricht Treaty. However, according to Dr. Elfriede Regelsberger of the Institute of European Political Studies (Bonn), there are considerable shortcomings in the operation of the CFSP provisions; as compared to other traditional actors in international politics, the EU lacks an effective security and defence force. Moreover, the increase in the number of EU members, particularly with the participation of smaller states, and their assumption of the presidencies, after enlargement, could have negative consequences for the EU as a viable international inter-locutor.³

Moreover, in the words of Dr. Roberto Aliboni of the Institute of International Affairs (Rome), the EU is not a fully-fledged security actor in the Euro-Mediterranean partnership sphere, and for this reason, it cannot easily act as a guarantor, or a mediator, although conflict-prevention seems likely to be the most important goal the EU may attain.⁴ Even the former president of France, Valéry Giscard d’Estaing, is considerably less optimistic about the future of the EU. “Everyone knows that an enlarged Europe will not be able to function in a satisfactory manner unless there is radical reform of its institutions,” he warned in December 1997 as parliament debated the merits of enlarging the EU. In his view, the unwieldy bureaucratic EU machinery in Brussels has enough trouble balancing the conflicting demands of the existing members; with any more proposed, he fears that it could grind to a halt. “Europe is moving forward without knowing where it’s going,” he declared.⁵

According to the research by the Thinktank Demos, across Europe, the EU’s standing with its citizens has hit rock bottom: only 46 per cent support their countries’ EU membership-fewer than at any time in the past twenty years. Only 41 per cent think their country benefits from EU membership. This figure is at an all-time low. Only half of Europeans identify themselves with EU institutions or with Europe as a whole. Euro-scepticism, for so long regarded as a “British disease,” has spread

across the EU - even to the heartlands of France and Germany.

The EU is unpopular because the troubles stored up over forty years of technocratic integration by a political elite are now catching up with it. People do not know about the EU: 80 per cent admit to being 'not very well informed', or not informed at all. People do not see any practical benefits. Only 41 per cent think their country benefits from EU membership or sense of mission. The original clarion calls -peace, prosperity and democracy- have been undermined by events. National leaders use the EU as a scapegoat rather than mobilising support for it. People do not feel part of the EU. Only half of the EU citizens feel European and barely one in ten identify more with Europe than with their country.

EU leaders have relied on fatalism to push integration ever deeper. Public resistance was met with glib metaphors about trains leaving stations - effectively blackmailing citizens into acquiescence. (This is exactly what was done by the EU representatives in the Turkish Republic of Northern Cyprus (TRNC), where the Turkish Cypriots were advised to get onto the train that was leaving for the EU). But, as the EU accumulates more power and seems less relevant to people's everyday lives, this "permissive consensus" has worn thin.⁶

Caroline Lucas of the Green Party adds the following: "It is hardly surprising that people have so little faith in an institution where decisions which affect almost every aspect of our lives are made behind closed doors in Brussels, often without our knowledge and beyond our effective control. The aims of the EU are misguided, its policies unsustainable and its structures too remote."⁷

ENTER "CYPRUS"

The EU had long pursued a policy of non-involvement in the Cyprus imbroglio.⁸ In the words of Greek researcher Dimitri Droutsas of the Institute of European Studies (Vienna), apart from an abundance of oral and written declarations and resolutions, the Community had never played an important role in the Cyprus dispute, because the crisis in Cyprus constituted such a challenge that the Community could not respond to it. Moreover, the Community was not accepted as a mediator by either of the parties to the dispute, particularly by the Turkish Cypriots, on the grounds that Turkey was not a member of the EU whereas Greece was. The consequence of this 'lethargy' in the imbroglio during that period, according to Droutsas, was that 'Cyprus' remained outside the context of the Community's new Mediterranean policy.⁹

There is no doubt that before 1990 'Cyprus' was an unlikely candidate for the membership of the EC, whose efforts to mediate in the Cyprus dispute in 1974 had been the "first real application of its European Policy Cooperation procedure," which, according to Professor John Redmond of the University of Birmingham (UK), had ended in failure. The division of Cyprus (caused by Greek aspirations) had become an "intractable" problem, and until recently it appeared highly unlikely that the EU would wish to internalise the inter-communal impasse on the island. The situation was even more highly charged, from the EU's perspective, because the two external parties to the Cyprus conflict were a full EU member (Greece) and an associate/aspiring member (Turkey). "The EU's policy thus far-recognition of the Greek Cypriot government (of South Cyprus) only, and support for the UN and US initiatives to resolve the conflict-did not suggest that the EU had either the desire or the ability to absorb Cyprus and resolve its problems," states Redmond.¹⁰

Nevertheless, on July 3, 1990 the Greek administration of South Cyprus applied to the EC for membership, which was received positively, and procedures were set in motion for the eventual membership of "Cyprus". In this case, the EC was motivated, in part, by a belief that accelerating the membership process would help bring about a political solution of the Cyprus dispute.¹¹ But as the negotiations between the Turkish and Greek Cypriots failed to achieve a positive result, the prospects for the Greek Cypriot application looked gloomy. In 1984, however, there was a dramatic shift in the EU's position. The key development was the success of Greece to establish a linkage between the EU-Turkey Customs Union Agreement, and a commitment from the EU to begin accession negotiations with 'Cyprus' within six months after the inter-governmental conference in

1996.

This volte-face of the EU with regard to 'Cyprus' was the result of the blackmailing tactics used by Greece. At the Corfu summit on June 24-25, 1994 Greece, by using, or abusing, its presidency (which was more a coercion because Athens threatened not to ratify the Union Treaties for enlargement involving Austria and the Scandinavian States), persuaded the European Council to include "Cyprus", too, in the following phase of the enlargement of the Union. It is no secret that the EU Commission's decision was the result of the pressure of Greece, as confirmed by Dr. Nicholas Emiliou (personal adviser of the Greek president of South Cyprus, Glafcos Clerides), and as cited by Dr. Peter Zervakis of the University of Hamburg.¹²

The Greek Cypriot application for EU membership had more to do with strategic (ie. security) and political considerations than with economic ones. Greek Cypriot leader Glafcos Clerides did not mince his words when he commented about the EU membership as follows: "New and stronger guarantees would be needed for the resolution of the Cyprus problem. I believe that the only stronger guarantees would be our participation in the EU." He later added: "If Cyprus becomes an EU member within the next few years, the intervention of Turkey in an EU member country will become an imponderable action. We will thus remove the unilateral intervention right of Turkey under the Treaty of Guarantee." Similar opinions were expressed by other Greek and Greek Cypriot political leaders, too.¹³

This indicates that the Greeks and Greek Cypriots have put all their hopes in the EU to solve the Cyprus issue. According to Professor Pierre Oberling of Hunter College (New York), membership of the EU, in fact, constitutes their last opportunity to exert international pressure upon the Turks and Turkish Cypriots to bend to their will. Therefore, there is an edge of desperation to their quest for membership, which would be an enormous asset for them, they believe. It would automatically double the Greek membership in the Council of Ministers and in the European Commission, and it would increase the Greek membership in the European Parliament. Thus, Greek influence in the EU would be substantially enhanced and, because in the EU there is no counterbalancing Turkish influence (as there is at the UN and in NATO), Greece's interpretation of events in the Eastern Mediterranean would be unchallenged.¹⁴

Moreover, as Dr. Heinz Kramer, a senior researcher at the Stiftung Wissenschaft und Politik, observes, the EU seems to be driven more by Greek pressure and reactions to events than by a well-defined Cyprus policy of its own. It has thus raised Greek and Greek Cypriot expectations that they will succeed in their plans for the political future of the island, with EU membership "appearing for them to be a clever way to implement the basic freedoms of the *acquis communautaire*, with the consequence of an effective Greek Cypriot domination on the whole island."¹⁵

The EU is thus faced with the self-imposed dilemma of having to negotiate the membership of Greek South Cyprus without having its own policy to solve the Cyprus problem. However, Professor John Redmond observes: "Launching a lifeboat into the choppy waters of the Eastern Mediterranean would be prudent, anchoring the whole fleet there may well not be."¹⁶

THE CRISIS

There is no wonder, then, that the Greek Cypriot application for EU membership has created tension and increased the pressure over the Cyprus issue. As a result, militarism began to escalate on the island, particularly on the Greek side.¹⁷ This induced the major Western powers, especially the UK, USA, UN and EU to wage an intensive diplomatic campaign to solve the Cyprus problem. As a result of the mounting pressures from all sides, the first round of the long awaited direct talks between the leaders of the two Cypriot sides took place in Troutbeck, New York, and later in Glion, Switzerland. But, the news regarding the European Commission's decision, in its Agenda 2000 report¹⁸ to include 'Cyprus' among the six countries that the EU would start negotiations with early in 1998, marred the talks. As a result, the promising atmosphere created by the negotiations between the two communities was frustrated by the EU, which thus put the future of the

inter-communal talks in jeopardy.

In December 1997 things came to a head when the Luxembourg summit of the EU decided not to include Turkey as a formal candidate for future membership in the same category as the former Warsaw Pact communist countries in Central and Eastern Europe, and “gratuitous sneers” were directed against Turkey, which angered many Turcophiles, including Washington.¹⁹ For this misadventure, Greece and Germany were seen as Turkey’s main opponents, trying to prevent it from EU membership, the former for obvious reasons (Turco-Greek disputes), and the latter for fear that EU membership may result in an influx of Turks from Anatolia.²⁰ The Independent newspaper (London) of January 12, 1998 added three more disqualifications for Turkey: “the country’s relative poverty, its size and religious make-up”.²¹ Edward Mortimer of The Financial Times (London, 12.12.1997) did not find it surprising that the Turks believe the EU has no serious intentions of Turkey-ever. “And they are probably right,” he remarked, in suspecting racial or religious prejudice. “If Luxembourg is a victory for Greece and the Greek Cypriots, it is likely to be a Pyrrhic one, with permanent partition of Cyprus,” warned Mortimer.²²

TURKISH ANXIETIES

The Turkish side put forward legal, constitutional and moral arguments for their objections to the application by the Greek administration of South Cyprus for EU membership in the name of all Cyprus. According to the Turkish view, that application is invalid and does not bind the Turkish Cypriot people, as the Greek Cypriot administration has no legal authority to make its decisions on behalf of the whole island; the more so on behalf of the Turkish Cypriot people. It has no legitimacy in law with regard to all Cyprus, as this legitimacy depended on the bi-communality of the state and its government, which was no longer the case after the Greek Cypriot leadership usurped the Constitution and violated the international Cyprus Treaties in December 1963.²³

These arguments are supported by a number of well-known international lawyers, especially by Dr. Christian Heinze of Germany, and Professor Maurice H. Meendelson of the UK. According to Dr. Heinze, international law, the Zurich and London Agreements, the 1960 Guarantee Agreement, as well as the EU Agreements, constitute obstacles to the one-sided Greek Cypriot application, which is in violation of all these agreements.²⁴ Professor Meendelson, in a legal opinion, declared: “On a proper construction of the relevant treaties and related instruments, the Greek Cypriot administration is not entitled in international law to apply to join, or having applied, to join the EU whilst Turkey is not a member. Furthermore, as members of the EU and parties to the agreements in question, Greece and the UK are under an obligation to seek to prevent such accession. Moreover, as a matter of the law of the European Community, there are serious legal obstacles to such accession. Consequently, the Greek Cypriot application has no legal basis in the Cyprus Treaties and in international law.”²⁵

The EU has thus come under heavy criticism²⁶ for its one-sided attitude, and “unacceptable interference,” not only challenging the hitherto agreed basis for a Cyprus settlement, but also threatening the basic rights of the Turkish Cypriots to determine their own future, even their right to exist as a politically equal community in Cyprus, the equality of which has already been recognised by the UN. This unjust attitude of the EU does not contribute to the solution of the Cyprus issue; on the contrary, it exacerbates it, as it makes the Greek side more intransigent.²⁷ Moreover, this attitude of the EU may, in the words of Dr. Heinz Kramer, “lead to the disruption of the strategic pattern in the Aegean and the Mediterranean region, with serious consequences for Europe’s future security.”²⁸

CONCLUSION

There is no doubt that the Turkish people of Cyprus fully share the EU vision of democracy, human rights, respect for the rule of law and free enterprise, and support the EU membership of an united Cyprus, after the solution of the Cyprus issue and the membership of Turkey, or jointly with Turkey. However, they question whether the EU, aspiring as it is to be an international actor in conflict resolution, is capable and competent to fulfil such a role with regard to the Cyprus issue.²⁹ In this

view, they are supported by many impartial, non-Turkish experts, eg., according to Professor Heinz-Jurgen Axt of the University of Duisburg (Germany), the EU's capabilities to act in the field of foreign politics are very limited, as was proved by the conflict in the former Yugoslav Federation.³⁰

Moreover, the EU's stance in respect of the Cyprus imbroglio disqualifies it from acting as an impartial interlocutor, as the EU itself has become a party to the dispute by pampering to the whims of Greece. Therefore, it goes without saying, that it is one of the basic principles of justice that a party to a dispute should not become a mediator, conciliator, arbitrator, judge and jury, in cases in which it has a vested interest, no matter how remote.

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2 See S. R. Sonyel: *The Muslims of Bosnia-Genocide of a People*, Leicester, UK, 1994.

3 Elfriede Regelsberger: "The European Union Still a Capable International Actor? Consequences of the Mediterranean and the Eastern Enlargement" in *Cyprus and the European Union-New Chances for Solving an Old Conflict?* (eds. Heinz-Jurgen Axt and Hans Jörg Brey), Südosteuropa-Gesellschaft, Munich, 1997, pp. 207-9 and 212.

4 Dr. Roberto Aliboni: "Confidence-building, Conflict Prevention and Arms Control in the Euro-Mediterranean Partnership" in *Perceptions-Journal of International Affairs*, Ankara, December 1997 - February 1998, pp. 73-86.

5 "Europe Splits on 26-Member Club", *The Sunday Times*, London, 7 December, 1997.

6 Mark Leonard: "Re-branding Europe", *The Guardian*, London, 10 February, 1998.

7 Caroline Lucas: "Our Agenda for Europe", *The Guardian*, London, letter, 12 February, 1998.

8 See also Constantine Stephanou and Charalambos Tsardanides: "The EC Factor in the Greece-Turkey-Cyprus Triangle" (ed. Dimitri C. Costas): *The Greek-Turkish Conflict in the 1990s*, London, 1991, pp. 207-30; Dimitri P. Droutsas: "The EU and the Mediterranean: The Cypriot Application for Full Membership in the Regional Context" in Heinz-Jürgen Axt and Hansjörg Brey: *Cyprus and the European Union*, op. cit., p.121.

9 See also Demetrios Ab Theophylactos: *Security, Identity and Nation Building*, Aldershot, 1995, p. 117; Droutsas, *Ibid.*, p.121.

10 For a full discussion of the EU's response to the Cyprus crisis in 1974 and thereafter, see John Redmond: *The Next Mediterranean Enlargement of the European Community*, Aldershot, 1993, pp. 64-73.

11 Nicholas Emiliou: "Knocking on the door of the European Union: Cyprus' Strategy for Accession" in *Cyprus and the European Union*, op. cit., pp. 128 ff; Gilles Anouil and Nicholas Karides (eds.): *The European Union and Cyprus*, published by the Delegation of the European Commission to "Cyprus", April 1996, pp. 24 ff; *European Union and Cyprus: An Expert View*, opinion of Professor M.H. Mendelson Q.C. on the application of Greek South Cyprus to the EU, Lefko_a, August 1997, p.22.

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13 *The Greek Cypriot Press: Alithia*, 30 September, 1992; *Phileleftheros*, 25 April, 1994; *Agon*, 18 and 25 July, 1995; *Simerini*, 5-6 November, 1994; *Eleftherotipia*, 24 March, 1995.

14 Pierre Oberling: *The Double Representation Conspiracy: How the Greek and Greek Cypriot Governments are Precipitating a New Crisis in Cyprus by Using the European Union*, Hunter College, City University of New York, no date, pp.17-18.

15 Heinz Kramer: "The Cyprus Problem and European Security" in *Survival*, vol. 39, no. 3, Autumn 1997, pp. 25-6.

16 John Redmond: "From Association Towards the Application for Full Membership: Cyprus' Relations with the European Union" in *Cyprus and the European Union*, op. cit., p.99.

17 See Briefing, 5 February, 1996; International Institute of Strategic Studies: "Cyprus: Prospects for a Settlement", *Strategic Comments*, vol. 2, no. 8, October 1996, quoted by Kramer, op. cit., p. 31, note 3.

18. *Agenda 2000*, European Commission Bulletin of the EU, Supplement 5, 1997.

19 "Turkish-EU Crisis May Harm NATO", *The Guardian*, London, 16 December, 1997; John Barnham: "Turks Threaten to Break Links With EU", *The Financial Times*, London, 18 December, 1997.

20 "Snubbed Turks to Withdraw from EU Application", *The Daily Telegraph*, London, 18 December, 1997.

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22 Edward Mortimer: "Pyrrhic Victory", *Times*, London, 17 December, 1997.

23 *Cyprus and the European Union: The Turkish Cypriot Point of View and Some Selected Articles*, United Nations Association of Northern Cyprus, May 1996, pp. 1-14; see also Salahi Sonyel: "Reactions in the Turkish Republic of Northern Cyprus to the Application by the Greek administration of South Cyprus for Membership of the European Union" in *Cyprus and the European Union*, op. cit., pp. 151-8.

24 *Kıbrıs*, Northern Cyprus monthly, Lefkoşa, 1-3 October, 1997.

25 *European Union and Cyprus: An Expert View*, op. cit., p.1; see also statement by the Turkish Foreign Minister on 14 December, 1997 concerning the presidency conclusions of the European Council held on 12-13 December 1997 in Luxemburg, in *Perceptions*, op. cit., pp. 157-60; Ahmet C. Gazioğlu: *Two Equal and Sovereign Peoples*, Lefkoşa, 1997, pp. 141-4.

26 Salahi R. Sonyel: "The EU Meddling in Cyprus", *Impact International*, London, June 1996, pp. 16-7.

27 Hasan Ali Bıçak: "Recent Developments in Cyprus-EU Relations" in *Proceedings of the First International Congress on Cypriot Studies*, Eastern Mediterranean University Press, Gazimagosa, TRNC, 1997, pp. 248-9

28 Kramer, op.cit., p.19.

29 Rauf Denktaş to Lord Finsberg, Vice-Chairman of the Political Affairs Committee, Parliamentary Assembly of the Council of Europe, letter dated 9 April, 1996, see Rauf Denktaş: *Letters of Cyprus*, Lefkoşa, 1996, pp. 31-45.

30 Heinz-Jürgen Axt: "Cyprus on the Threshold to the EU: Preconditions, Implications and Scenarios" in *Cyprus and the European Union*, op. cit., p.183.