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Introduction

The European Union's primary goal of the association via economic and political integration is beside the economic aspect the creation and preservation of peace, democracy and legal certainty in entire Europe and the neighbouring regions. Due to the parallel use of various instruments at its disposal the EU creates the circumstances for an effective foreign policy far beyond the possibilities of a single EU member state. The admission of a candidate country represents the highest degree of cooperation and integration between the EU and a third country since it implies the strongest changes of the inner structures, processes and institutions of an aspirant country.¹ The EU's appeal provides it with a powerful position and the conditionality allows for numerous possibilities of influencing the internal matters and structures of a candidate country. In this way the EU represents a unique anchor of stability for entire Europe and its periphery.²

Against this background the enlargement can be regarded as the leading instrument of the EU foreign policy. It implies structural changes on three levels: the legal and administrative structures of the state institutions; the domestic economic, social and security policy and finally social changes in general, the changes of attitudes, interest groups and identities. The profiling of EU as the external democratising force took place not due to military potential, given the EU's limited military capacity, but due to the differentiated incentive system. The EU as community for economy, rule of law and security and the largest entity in international commerce represents therefore a central force in terms of foreign policy.³

In the course of the fifth and at the same time largest enlargement round, on 1 May 2004 eight Central and Eastern European states and two Mediterranean islands joined the EU. The accession of Cyprus, one of the islands, was due to its division since 1974 a delicate issue. Located in the eastern Mediterranean, Cyprus' strategically important position lies about 64 km south of Turkey, 97 km west of Syria, 402 km north of the Nile Delta and 418 km east of the nearest Aegean island.⁴ The population of the island amounts to 949,000 in total of which 690,900 constitute the Greek Cypriot Community and account for 72.8 percent of the population whereas about 91,000 or 9.6 percent represent the Turkish Cypriot Community.⁵ The island is

¹ Karatas 2010, pp. 75 and 76

² Neuss 2000, p. 45

³ Karatas 2010, p. 77

⁴ Panteli 1995, p. 2

⁵ Ministry of Foreign Affairs 2015, p. 18

partitioned in two parts by a 180-km-long demarcation line with the northern third inhabited by Turkish Cypriots and the southern two-thirds by Greek Cypriots. United Nations Peacekeeping Force in Cyprus (UNFICYP) is in charge of monitoring the demilitarised buffer zone dividing the two parts, also referred to as the ‘Green Line’. The zone runs also through the centre of the capital Nicosia, separating it into southern and northern sections.⁶

Although divided in terms of territory and ethnic communities, the EU membership application of the Republic of Cyprus in 1990 on behalf of the whole island was deemed admissible by the Council of EU. Despite the identified problems with the implementation of the EU legislation in the internationally non-recognised Turkish Republic of Northern Cyprus, the EU continued to build on the Cyprus’ membership aspirations. It was expected that this would lead to the production of a catalytic effect which will have positive impact on the conflict resolution process resulting in unification of the island before the accession. The fact that in 2004 de facto only the southern part of the island entered the EU raises the question of hindrance that such an unresolved territorial conflict might have in the context of EU integration. A detailed analysis of the EU approaches towards and handling of the Cyprus question shall depict the EU’s enlargement policy towards a country with an unresolved territorial conflict. Furthermore this shall be the basis for conclusions with regard to the EU’s ability to implement a coherent foreign policy and contribute to the resolution of the conflicts in its neighbourhood.

This master thesis is structured in four chapters in order to answer the following questions: In the first chapter the question of EU’s foreign policy power is addressed – which instruments and tools does the EU have at its disposal in order to implement foreign policy? Which policy field addresses the aspirations of countries wishing to join the EU? The following chapter deals with the questions within the EU’s enlargement policy towards Cyprus focusing on the conflict – which developments did lead to the emergence of the conflict and how did these events affect the relations between Cyprus and the European Community? Which role did the unresolved territorial conflict play on Cyprus’ way to the EU accession? Which actions and steps did the EU take since the association of Cyprus in 1972 until its accession in 2004? The third chapter focuses on the questions of how did the EU handle a conflict with a complex ethnic background and which strategies did it apply throughout the pre-accession and accession process. In the course of answering these questions the official EU publications and doc-

⁶ BBC News 2016

uments as well as two central monographs were analysed, namely Karatas' 'Die Europäische Union und Zypern. Der EU-Beitritt der Mittelmeerinsel unter besonderer Berücksichtigung der Politik Griechenlands und der Türkei' and Baier-Allen's 'Exploring the Linkage between EU Accession and Conflict Resolution: The Cyprus Case'.

The content of this master thesis is presented as follows: Chapter one deals with the policy dimension that defines and regulates the relations between the EU and third countries from the beginning of cooperation until a potential membership, namely foreign policy. Due to the large scope of areas that this policy field comprises, only selected foreign policy tools like Common Foreign and Security Policy, Common Security and Defence Policy and two of the instruments categorised under EU's external action, namely association agreements and enlargement policy are presented in detail. This chapter describes the overall framework within which the actions of EU regarding Cyprus took place.

Chapter two analyses chronologically the events in Cyprus' history concentrating on the time period from 1960s onwards. In doing so, it examines all the factors that shaped the territorial situation in Cyprus, from the independence of the island and its constitutional setup to the events leading to military interventions of Turkey and the subsequent division as well as the path to the membership in the EU. In order to determine the role of the unresolved territorial conflict in the course of the accession process, the actions of EU in the context of Cyprus' membership aspirations are examined in detail. On the basis of its reactions presented in this part a picture of the EU's stance towards the Cyprus conflict can be drawn.

Chapter three focuses on approaches and strategies applied by the EU when it sought to assume a catalytic role in the resolution of the Cyprus conflict before the actual accession in 2004. Three basic strategies in EU's handling of the Cyprus question suggested by Baier-Allen are investigated thoroughly: conditionality, involving Turkey in the conflict resolution process and involving Turkish Cypriots in the accession process. Based on the findings in this chapter the EU's potential in terms of unfolding a catalytic effect leading to the conflict resolution is analysed. Finally in the fourth chapter the conclusion is drawn in consideration of the above raised questions regarding the EU accession of Cyprus and its consequences for the unresolved territorial conflict.

1 EU as a foreign policy player

Foreign policy or the activity of the government dealing with relationships with other actors in particular states within the international system, as Karen E. Smith understands it, has explicit political or security aims. Over time also the non-state bodies have assumed governmental tasks and due to its member states the European Union as such a non-state actor could also formulate and implement a common foreign policy on some issues where the member states could agree on common interests and objectives and which was the result of the national foreign policies. The common foreign policy can therefore be defined as a unified position or a plan of action aimed at external events or certain political or security objectives by using common or national instruments in order to implement it.⁷ The purpose of EU's foreign policy is to promote its values, interests and policies.⁸

In order to understand the scope of the EU's foreign policy it is important to clarify its structure which is not clear-cut but interconnected due to the various policy areas and different method approaches. The complexity of the EU's foreign policy is visible in the contractual framework which deals with the Union's external action in both treaties, the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). The TEU embraces policy areas addressed through the intergovernmental method, where the main actors are the member states supported by the institutions European Council and the Council of Ministers. The TFEU lays down the fields to be handled through the Community method based on the institutional balance between the Council, the Commission, the Parliament and the Court of Justice.⁹

In the Article 22 of the General provisions on the Union's external action the EU's foreign policy is referred to as something consisting of different areas among which is also the Common Foreign and Security Policy, namely "Decisions of the European Council on the strategic interests and objectives of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union."¹⁰ Although the Treaties do not use the term 'foreign policy' as such but 'external action' instead, the TFEU suggests different policy fields within the Union's external action from that in the TEU. Therefore Keukeleire and Delreux make a distinction between the Common Foreign and Security Policy and Common

⁷ Smith 2004², pp. 3-5

⁸ Smith 2002, p. 8

⁹ Keukeleire/Delreux 2014², pp. 15 and 16

¹⁰ Foster 2015²⁶, p. 10

Security and Defence Policy described in the TEU on the one hand and the EU's external action and external dimension of internal policies on the other, both explained within the TFEU.¹¹

Despite this clear categorisation the structure of EU foreign policy is much more complex since it was developed through the interaction of the two policy-making methods. This can be seen on some fields of the EU's external action where the decisions are made by unanimity although this area is governed by the Community method. Moreover it has to be considered that each member state has its own foreign policy and that this also affects the making of the Union's common position. Therefore beside the different policy areas established in the Treaties the coordination of national foreign policies represents another important element of the EU foreign policy.¹²

In order to examine events which took place within the EU foreign policy the different areas thereof as defined by Keukeleire/Delreux shall be described on the following pages. Firstly the historic development but also the current form of the Common Foreign and Security Policy, as the main stage for political and diplomatic decisions towards external events. Subsequently the second intergovernmental area that includes diverse civilian and military crisis management instruments, the Common Security and Defence Policy is discussed. Finally, the EU's external action with the focus on the enlargement tool and association agreements is presented.

1.1 Historical overview

Since the European integration began as an economic community, there was no intention of formulating any kind of foreign or security policy. However, the trade was the main medium for relations with third countries, in particular through the conclusion of various agreements. The external dimension of the European Economic Community also included some decisions concerning foreign policy. In this way it exerted influence on the international scene although these competences had not been originally planned and did not explicitly exist. This situation required specific approaches and led to the development of a new external instrument within the European Economic Community.¹³

¹¹ Keukeleire/Delreux 2014², p. 11

¹² Keukeleire/Delreux 2014², pp. 13, 17

¹³ Keukeleire/Delreux 2014², p. 42

The first formulation of common positions took place within an informal and intergovernmental framework, the so called European Political Cooperation. When established in 1970 the purpose of the European Political Cooperation was to harmonise and coordinate the positions of the member states in view of international problems and potentially to take action. This was needed for reasons like balancing the economic weight of the Community, providing one voice in international affairs and developing a political union.¹⁴ In order to achieve this type of cooperation an exchange of information and regular consultations had to take place. Therefore meetings and coordination of ministers of foreign affairs, establishment of working parties and correspondent positions in each member state's foreign ministry were organised. These practices were at first formalised in documents but it was not until the Single European Act in 1986 that the European Political Cooperation was codified within the framework of the treaties.¹⁵

With regard to policymaking the European Political Cooperation functioned separately from the Community institutions. The single institution responsible for diplomatic coordination was a small secretariat.¹⁶ Therefore the coordination of foreign policy areas was carried out on ministerial level with the control over the individual foreign policies remaining with the member states. Although the joint endeavour for formulation and implementation of a European foreign policy was laid down in the Single European Act, this took place only in limited forms due to the required consensus and the lack of agreement on some international questions.¹⁷

The instruments used in European Political Cooperation were for the main part diplomatic, like declarations, démarches, visits, diplomatic sanctions, political dialogues. Soon they were supplemented by the economic instruments which supported decisions made within the European Political Cooperation framework. Examples can be found among sanctions defined by the European Political Cooperation and implemented by the European Community in approaching Poland after the military coup, Argentina during the Falklands crisis or South Africa regarding the Apartheid regime. In case of aid, the extent could change in accordance with the events within the European Political Cooperation.¹⁸ Since the main instruments of the European Political Cooperation were of diplomatic and economic nature, military and security

¹⁴ Smith 2004², p. 8

¹⁵ Bindi 2010, p. 24

¹⁶ Karolewski/Wilga 2014, p. 3

¹⁷ Smith 2004², p. 10

¹⁸ Smith 2004², p. 11

aspects were not discussed. Nonetheless the European Political Cooperation was involved in the negotiations with the Eastern Bloc countries in the Conference on Security and Cooperation in Europe and in the Middle East concerning the Palestinian question. However due to insufficiently developed approaches the European Political Cooperation had a much bigger effect on structural reforms in particular in Central and Eastern Europe after the fall of the communist regimes.¹⁹

1.2 Common Foreign and Security Policy

As mentioned above, the codification of the first form of common EU foreign policy positions took place within the Single European Act. However, a more elaborate form as there is today was born with the Maastricht Treaty in 1992. Beside the establishment of new institutions the ratification of the Maastricht Treaty brought also a new quality in foreign policy relations.²⁰ This was considered to be necessary in order to strengthen the EU's position of a foreign policy actor but also the European integration in particular in times of major international changes. The Maastricht Treaty included a number of foreign policy dimensions addressed by different policy-making methods in separate parts or the so called 'pillars'. The Common Foreign and Security Policy was laid down in the intergovernmental, second pillar replacing the European Political Cooperation.²¹ However, this pillar did not include any of the foreign policy instruments since the trade policy, cooperation and association agreements, development policy and the external dimensions of internal policy fields were all defined in the first pillar governed by the Community method. Nevertheless a sort of structural foreign policy emerged in the 1990s through partnerships with various regions in the world supporting long-term changes and transferring European principles.²²

The EU foreign policy was amended and further developed during the Intergovernmental Conferences leading to the Amsterdam Treaty in 1997 as well as the Nice Treaty in 2000. One of the two major changes was the creation of the function of High Representative of the Common Foreign and Security Policy. The second one was first the access to the operational capability for humanitarian and rescue tasks and later on also the integration of the Western European Union into the treaties as well as the declaration on the European Security and De-

¹⁹ Keukeleire/Delreux 2014², p. 46

²⁰ Karolewski/Wilga 2014, p. 3

²¹ Bindi 2010, p. 26

²² Keukeleire/Delreux. 2014², pp. 48, 50

fence Policy.²³ The European Security and Defence Policy had an important impact on the Common Foreign and Security Policy since it changed the focus from diplomacy to an action-oriented foreign policy in particular with regard to the crisis management.²⁴

In 2003 an important document for the EU's foreign policy, namely the European Security Strategy, was adopted. This response to new external and internal challenges defined positions and objectives in the international environment and included the approach of threats, security in the EU's neighbourhood and multilateral cooperation.²⁵ Furthermore the acts on enlargements towards the East and South East of Europe played a significant role in the development of the EU's foreign policy. This opened the door for the creation of new frameworks for external relations, the European Neighbourhood Policy and later on also the Union for the Mediterranean and Eastern Partnership.²⁶

New changes in policymaking also concerning the external action were introduced by the Lisbon Treaty. The treaty currently in force was the result of a reflection period after the rejection of the Constitutional Treaty in French and Dutch referenda in 2005. The decision for a reform treaty came into being with the help of the German presidency which enabled a new Intergovernmental Conference in 2007 ending with a new treaty in Lisbon. The Lisbon Treaty is characterised by various institutional changes.²⁷

In contrast to the Maastricht Treaty the Lisbon Treaty does not have the pillar structure. However, it still differentiates between the policy fields dealt with by the Community method and those addressed by the intergovernmental cooperation method. Novel is the position of High Representative for Foreign and Security Policy. It combines the former positions of the High Representative for the Common Foreign and Security policy and the Commissioner for External Relations. He or she is responsible for the chair of the Foreign Affairs Council and is also the Vice-President of the Commission. The assisting institution called European External Action Service was newly established.²⁸ Nevertheless the Common Foreign and Security Policy had not been largely reformed by the Lisbon Treaty given that it remained an intergovernmental policy field depending on the consensus among the member states.

²³ Karolewski/Wilga 2014, p. 4

²⁴ Keukeleire/Delreux. 2014², p. 53

²⁵ Bindi 2010, p. 37

²⁶ Keukeleire/Delreux 2014², pp. 54-56

²⁷ Laursen 2014, p. 18

²⁸ Art. 27 TEU

Article 2 (4) TFEU defines the Common Foreign and Security Policy as a competence without further specifying it in shared or exclusive competence.

The Union shall have competence, in accordance with the provisions of the Treaty on European Union, to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.²⁹

As laid down in the Article 24 (1) of the Treaty on European Union the Common Foreign and Security Policy is apart from a few exceptions, still subject to specific rules and procedures based on unanimity:

The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence.

The common foreign and security policy is subject to specific rules and procedures. It shall be defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. (...)³⁰

Although the first paragraph of the Article 24 indicates “all areas of foreign policy and all questions” relating to security this is to be treated with reservations since not all the areas in these fields are actually covered by the Common Foreign and Security Policy. Keukeleire/Delreux use the example of territorial defence and the fact that many member states handle their security issues within the framework of NATO.³¹

In the next Article 25 the functioning of the Common Foreign and Security Policy is determined as follows:

The Union shall conduct the common foreign and security policy by:

- (a) defining the general guidelines;
- (b) adopting decisions defining:
 - (i) actions to be undertaken by the Union;
 - (ii) positions to be taken by the Union;
 - (iii) arrangements for the implementation of the decisions referred to in points (i) and (ii);

and by

- (c) strengthening systematic cooperation between Member States in the conduct of policy.³²

²⁹ Foster 2015²⁶, p. 22

³⁰ Foster 2015²⁶, p. 11

³¹ Keukeleire/Delreux 2014², p. 157

³² Foster 2015²⁶, p. 11

The European Council defines the general guidelines which are then further executed in the Council of Ministers by adopting decisions and thereby using the provided instruments like actions, positions or arrangements. This mode of operation is complemented by the intensive cooperation of member states in relation to their foreign policies.³³

The Lisbon Treaty introduced two major innovations in the area of Common Foreign and Security Policy: the High Representative for Foreign Affairs and Security Policy, whose position should be of a central importance in Union's external action, and the establishment of the European External Action Service, which shall contribute to the development of common positions on international topics and in this way make the EU's foreign policy more efficient. Beside these innovations the changes have been relatively modest since the member states are still unwilling to delegate sovereignty.³⁴

However, the institutionalisation of the Common Foreign and Security Policy over time has led to a slight shift in policy modes. Namely the EU has been applying declaratory foreign policy to promote its general principles in international politics. Since this policy has rather a symbolic character, no substantial changes can be reached. In order to have such an effect on the international scene, the foreign policy has to be equipped with a mandate and other instruments for intervention, i.e. to be operational. Therefore the effects of Common Foreign and Security Policy have to be assessed in the context with other foreign policy factors like foreign policies of the member states, Common Security and Defence Policy and other external action of the EU.³⁵

1.3 Common Security and Defence Policy

Defence and security issues did not play any role within the framework of the European Political Cooperation, the instrument operating with economic and diplomatic means. They were not discussed openly since some members of the European Economic Community were NATO members and others were not or were neutral. However, member states' positions regarding defence and security issues influenced discussions on other topics with no obvious relation to them.³⁶ Although the Single European Act allowed for these issues to be handled they were rather discussed within the Western European Union. The Western European Union

³³ Keukeleire/Delreux. 2014², pp. 160

³⁴ Laursen 2014, p. 25

³⁵ Keukeleire/Delreux. 2014², pp. 168-170

³⁶ Nuttall 1997, p. 37

developed from a military assistance pact between France, the UK and the Benelux countries originally established against Germany and was founded in 1954 with the modification of the Brussels Treaty and included also West Germany and Italy. The Western European Union was regarded as a potential military arm since in the Maastricht Treaty it was laid down that the EU can request the Western European Union to implement decisions related to defence.³⁷

In 1998 in Saint Malo the United Kingdom and France bilaterally agreed that the EU needed “the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.”³⁸ The European Security and Defence Policy was established in 1999 adopting the goal and integrating the core of the Franco-British Saint Malo Declaration. This also affected the Common Foreign and Security Policy providing a shift of focus from a diplomatic to a more action-oriented foreign policy. Despite lots of limitations the European Security and Defence Policy still managed to increase the credibility of the EU and the success of the Common Foreign and Security Policy.³⁹

The Lisbon Treaty introduced also innovations relating to the European Security and Defence Policy. The name was changed to Common Security and Defence Policy and the structure that existed outside the Treaties was formalised. Furthermore the provisions with regard to flexibility and solidarity were introduced. The European Defence Agency established in 2004 for defence capabilities development, armaments cooperation, research and technology was also formalised.⁴⁰ However, since France returned to military command structures of NATO, the Common Security and Defence Policy lost in dynamism when it became part of the Treaties.⁴¹ The Lisbon Treaty defines the Common Security and Defence Policy in the Article 42(1) TEU as follows:

The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.⁴²

³⁷ Smith 2004², p. 11

³⁸ Bindi 2010, p. 36

³⁹ Keukeleire/Delreux 2014², p. 53

⁴⁰ Giegerich/Wallace 2010⁶, p. 443

⁴¹ Keukeleire/Delreux 2014², p. 57

⁴² Foster 2015²⁶, p. 16

On the basis of this provision it is visible that territorial defence is not the objective of the Common Security and Defence Policy but missions regarding peacekeeping and conflict prevention outside the EU's territory without common but the instruments of the individual member states. It is also divided from national security policy and from that of NATO, as shown in the second paragraph of the same Article:

The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.⁴³

The Article 43 TEU indicates types of missions and operations to be conducted within the Common Security and Defence Policy:

The tasks referred to in Article 42(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.⁴⁴

According to Article 44 (1) TEU one way of implementing a mission or operation is for the Council to “entrust the implementation of a task to a group of member states which are willing and have the necessary capability for such a task.”⁴⁵ Articles 42 (6) and 46 TEU also allow for the possibility of a permanent structured cooperation between those member states “whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions”.⁴⁶ Under certain circumstances laid down in Article 20 TEU for the areas of non-exclusive EU competences an enhanced cooperation is possible between at least nine member states. Additionally under Article 45 (2) TEU the European Defence Agency provides for the creation of specific groups consisting of Member States engaged in joint projects.⁴⁷

The institutions of the Common Security and Defence Policy comprise the EU Military Committee and EU Military Staff situated within the European External Action Service. The EU Military Committee provides advice and recommendations on military matters to the

⁴³ Foster 2015²⁶, p. 16

⁴⁴ Foster 2015²⁶, p. 17

⁴⁵ Foster 2015²⁶, p. 17

⁴⁶ Foster 2015²⁶, p. 16

⁴⁷ Keukeleire/Delreux 2014², p. 175

Council of the European Union through the Political and Security Committee. The EU Military Staff represents the permanent military expertise that can be appointed for tasks like early warning, intelligence cooperation and strategic planning.⁴⁸ Beside military capabilities the Common Security and Defence Policy administrates civilian activities in order to support the rule of law, police, civil administration and protection by deploying police officers, judges or other non-military actors. The institutions for the coordination of the civilian dimension both at political as well operational level are situated also within the European External Action Service. The Committee for Civilian Aspects of Crisis Management is responsible for political tasks, for operational tasks the Civilian Planning and Conduct Capability is in charge. The institutional structure of the civilian dimension is considerably smaller than the military one which can also make use of NATO or national premises.⁴⁹ Nevertheless there are mainly civilian missions deployed by the EU although the distinction between military operations and civilian mission is not always evident. However, the Common Security and Defence Policy missions and operations are often launched in order to support, complement or replace other international organisations such as the UN or NATO. In addition to its strategic objectives such as re-stabilisation of certain conflict areas the EU pursues also general foreign policy objectives with the help of missions and operations in particular in the field of rule of law and in conjunction with the UN missions.⁵⁰

1.4 Other external action

Keukeleire and Delreux regard the following policy fields to represent the core of the EU's foreign policy and at the same time the instruments thereof: trade, association and cooperation agreements, enlargement, development cooperation, sanctions and humanitarian aid. These policy areas are defined as external action and laid down in part five of the Treaty on the Functioning of the European Union. As the main instruments of the EU foreign policy they have given it a certain direction. By pursuing specific objectives the external action policies often represent the foreign policy itself.⁵¹

Trade-based relationships are often the foundation of EU foreign relations since they offer important measures for the implementation of certain foreign policy objectives, such as sanc-

⁴⁸ Giegerich/Wallace 2010⁶, p. 443

⁴⁹ Keukeleire/Delreux 2014², pp. 180-184

⁵⁰ Keukeleire/Delreux 2014², pp. 189 and 190

⁵¹ Keukeleire/Delreux 2014², p. 197

tions, embargoes or support.⁵² The impact that trade policy can have on third countries' economies, political systems, societies as well as the welfare influences the international system. It also gives the EU a significant political dimension and influences its relationships to third countries.⁵³ It is due to trade and the access to the internal market that the EU has realised such a strong international role. Any type of trade or cooperation agreement is a product of foreign policy objectives. Sanctions and restrictive measures as reaction to violations of human rights, the rule of law and democracy in third countries are good examples how the trade can shape foreign policy.⁵⁴

The most effective way of implementing foreign policy objectives is the field of enlargement policy. Therefore it is regarded as the EU's most powerful foreign policy instrument. In this context also the association agreements as the pre-stage on the path to the EU membership or merely a way of closer cooperation are discussed in detail below.

1.4.1 Association Agreements

Article 217 TFEU allows for the Union to conclude "with one or more third countries or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure."⁵⁵ Association agreements are external action instruments based on the access to the internal market often involving provisions on the free movement of persons, on investments, development aid, or other economic issues. Their names vary depending on the region they are concluded with, e.g. Europe Agreements with Central and Eastern European countries, Stabilisation and Association Agreements with the Western Balkan countries, Partnership and Cooperation Agreements with Eastern neighbouring countries, South Caucasus and Central Asia. Usually such agreements form part of two specific EU policies, the Stabilisation and Association Process aiming at candidates for accession and the European Neighbourhood Policy with the focus on Eastern Europe and Southern Caucasus.⁵⁶

Although they represent the necessary step on the way to membership, association agreements are not limited to countries aspiring to join the EU.⁵⁷ They also provide the structure used by

⁵² Smith 2002, pp. 20 and 21

⁵³ Griller/Weidel 2002, p. 11

⁵⁴ Keukeleire/Delreux 2014², pp. 200-202

⁵⁵ Foster 2015²⁶, p. 78

⁵⁶ Reinisch 2012², p. 254

⁵⁷ Sedelmeier 2010⁶, p. 410

the EU for financial and technical aid as well as cooperation in variety of areas of interest such as migration, justice and home affairs, science, environment and others. The intensity of cooperation is determined by geographic factors, prospect of EU membership, political relations and symmetry of the relationship. The conclusion of such an agreement can function as reward for good relationship or as incentive to stimulate certain changes within a country. If there are conditions connected to the conclusion and implementation of agreements which have to be met either in advance or afterwards, this practice is called conditionality. The fulfilment of conditions related to domestic practices can lead to the grant of benefits whereas their violation can be the reason for reduction or suspension.⁵⁸

1.4.2 Enlargement policy

Already the Treaty of Rome indicated in its Article 237 the possibility of application for Community membership for any European country. The 1999 Amsterdam Treaty added in the Articles 5 and 49 that any European state acting in accordance with the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law may apply to join the Union.⁵⁹ The Lisbon Treaty links the option of membership to the values of the Union defined in the Article 2 of the TEU:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.⁶⁰

Article 49 TEU lays down the application procedure in more detail specifying the general conditions and referring to terms for accession to be negotiated:⁶¹

Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account.

The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.⁶²

⁵⁸ Keukeleire/Delreux 2014², pp. 203-205

⁵⁹ Smith 2011², p. 306

⁶⁰ Foster 2015²⁶, p. 2

⁶¹ Sedelmeier 2010⁶, p. 406

⁶² Foster 2015²⁶, pp. 19-20

As its most successful external governance tool the enlargement policy allows the European Union to pursue its primary objective – the stability and peace on the continent especially in its immediate neighbourhood. The prospect of joining the EU is a powerful incentive to initiate domestic changes in economic, political as well as societal structures of a country.⁶³ Therefore the main instrument of the enlargement policy is the principle of conditionality. The eligibility conditions for acceding the EU were formulated within the European Council in Copenhagen in 1993 and include political stability i.e. democracy, rule of law, human rights and protection of minorities; functioning market economy; and the adoption of the membership obligations like EU's legislation, the so called 'acquis communautaire'. Moreover additional criteria have evolved over time, beside the general EU's integration capacity also region-specific conditions such as resolving disputes with neighbouring countries in cases of Western Balkan countries.⁶⁴

In general, the enlargement process has three stages which must be approved by all the current member states of the Union. Each stage implies separate EU decisions and certain policy instruments in which the conditionality plays the central role. The progress from one stage to the next is linked to the fulfilment of conditions determined beforehand. The first stage is an associate status including the regulation of the pre-accession relations between the EU and the potential candidate country.⁶⁵ A country is promised the prospect of joining as soon as it meets the membership conditions. Secondly a country is granted the official candidate status for the membership which does not mean that official negotiations have started. Finally the formal start of accession negotiations is assumed where the modalities and procedures for the adoption of the EU legislation are agreed upon. This process is divided in chapters covering different policy fields whereby the Council decides on opening or closing of chapters. After having closed all the chapters in the negotiation process the results and the conditions for the membership are laid down in an accession treaty. The accession treaty has to be adopted first by the European Parliament with absolute majority and then by the Council unanimously. When signed every accession treaty has to be ratified by each EU member state as well as by the acceding country. An applicant country becomes member of the Union with the entry into force of the accession treaty.⁶⁶

⁶³ Sedelmeier 2010⁶, p. 407

⁶⁴ Keukeleire/Delreux 2014², p. 208

⁶⁵ Sedelmeier 2010⁶, p. 407

⁶⁶ Borchardt 2015⁶, p. 56

1.4.2.1 Recent enlargements

The enlargement policy played an important role particularly in the post-Cold War period which resulted in the Eastern widening of the EU and shaping of the European order. This was only possible due to the EU's great power of attraction for the most post-communist countries that wanted to return to Europe allowing the impact of the EU's soft power. Already after the collapse of communism the European Community made the first step by concluding trade and cooperation agreements including technical assistance with the new governments. For the support of the economic reforms the Community introduced the Phare programme – Pologne-Hongrie aide à la reconstruction économique in 1989 and extended it later to other countries.⁶⁷ Between 1991 and 1996 the Europe association agreements were signed with the ten Central and East European countries including a revision of the one concluded with Czechoslovakia which had to be renegotiated after the country's breakup. Being relatively conditional the Europe Agreements enabled the establishment of a free trade area and political dialogue and explicitly referred to the membership in the EU.⁶⁸

After the European Council had agreed to the enlargement if Copenhagen conditions are met, the ten Central and East European countries applied for the membership between 1994 and 1996. In 1994 the membership invitation was extended to Malta and the Republic of Cyprus. In 1997 the European Commission issued the report 'Agenda 2000' regarding the membership applications using conditionality to induce further changes. The Agenda 2000 recommended the start of membership negotiations with the Czech Republic, Estonia, Hungary, Poland, Slovenia and the Republic of Cyprus. In 1997 the Luxembourg European Council accepted the recommendation and the negotiations started in 1998. Although Bulgaria and Romania did not fully meet all the conditions the Commission still recommended the launch of negotiations with all the remaining applicant countries. This was decided in order to maintain stability and prosperity in South-eastern Europe that was challenged by the war in Serbia. Only Turkey was excluded from both rounds since it did not even satisfy the political conditions for membership. Instead the EU concluded an accession partnership with Turkey. The Helsinki European Council of 1999 decided to open negotiations with Latvia, Lithuania, Slovakia, Bulgaria, Romania and Malta.⁶⁹

⁶⁷ Smith 2011², pp. 300-303

⁶⁸ Clemens/Reinfeldt/Wille 2008, p. 232

⁶⁹ Smith 2011², pp. 307-311

The European Commission announced in 2001 that all the candidate countries except for Bulgaria and Romania could conclude negotiations by 2002 and become members in the upcoming enlargement round. In the following year the negotiations were closed and the accession date of the ten new EU member states was fixed for 1 May 2004. At the same time 2007 was envisaged as the potential year for the accession of Bulgaria and Romania and the accession was eventually realised on 1 January 2007.⁷⁰

Similar as with the Central and East European countries, the EU pursued the strategy of stabilisation through enlargement also towards the South-east European region. Already in 1999 the EU made a commitment that the countries of this region would in the long run become members of the Union. Instruments like those used for the Central and Eastern Europe such as stability pact and stabilisation and association agreements were established for the countries of the Western Balkan.⁷¹ The applications of the South-east European states followed: Croatia in 2003, Former Yugoslav Republic of Macedonia in 2004, Montenegro in 2008, Serbia in 2009, Albania in 2009 and Bosnia and Herzegovina in 2016.⁷² Kosovo as defined by United Nations Security Council Resolution 1244 (1999) has not yet applied for membership but belongs to the group of countries referred to as Western Balkans and is subject to EU's enlargement policy in the South-eastern Europe.⁷³

Due to the institutional and treaty reforms and the financial crisis of 2007 including the recession and other policy issues the momentum of EU enlargement has slowed remarkably. The accession of Croatia in 2013 strengthened the credibility and legitimacy of EU's enlargement policy but the factor regarding EU's absorption capacity becomes increasingly important as it has significant impact on the EU's budget, the ability to implement common policies and effective decision-making. Therefore Sedelmeier identifies enlargement fatigue after the rounds of 2004 and 2007 due to the unfavourable circumstances for the EU to apply enlargement as a foreign-policy instrument.⁷⁴ It has to be considered, however, that without the enlargement policy, the political and economic stability as well as the security situation in Europe would be jeopardised but at the same time, further enlargements affect the EU's capacity to act. The development of attractive alternatives has become increasingly important.⁷⁵

⁷⁰ Clemens/Reinfeldt/Wille 2008, p. 233

⁷¹ Smith 2011², pp. 313-315

⁷² European Commission 2016

⁷³ Keukeleire/Delreux 2014², p. 243

⁷⁴ Sedelmeier 2010⁶, p. 426 and 427

⁷⁵ Neuss 2000, p. 62

1.4.2.2 Current state of affairs

Beside the standard elements required within the framework of conditionality such as democracy, rule of law, human rights and market economy reforms there are additional conditions in relation to the Western Balkans in order to resolve tense situations in the region. They involve good neighbourly relations and cross-border cooperation with neighbouring countries, compliance under different peace agreements and with the International Criminal Tribunal for the former Yugoslavia in The Hague, protection of minorities and return of displaced people. However, there are also further factors that make this enlargement process more difficult than the one with the Central and Eastern European countries. The EU member states alone disagree over several issues with regard to the Western Balkans including the formal status of Macedonia and Kosovo. Greece is involved in the name dispute with the Former Yugoslav Republic of Macedonia and five of EU member states do not recognise Kosovo as an independent state.⁷⁶ These complications are the reason for different status of the South-eastern European countries towards their EU membership goal. Montenegro, the Former Yugoslav Republic of Macedonia, Albania and Serbia are the official candidate countries whereas Bosnia and Herzegovina and Kosovo have the status of potential candidates. The accession negotiations with Montenegro are in progress since 2012 and with Serbia since 2014 while the opening of accession negotiations with the Former Yugoslav Republic of Macedonia has been blocked by Greece despite the Commission's recommendation from 2009.⁷⁷

Another candidate country which is subject to enlargement policy much longer than the states of the Western Balkans is Turkey. The relations between the European Economic Community and Turkey began already in 1959 concluding the Ankara Association Agreement in 1963 which led to the establishment of a Customs Union in 1995. Turkey applied for membership in 1987 and became the official candidate after the Helsinki European Council in 1999. In 2004 the accession process began and the negotiations started in 2005. However, until Turkey agrees to apply the Additional Protocol of the Ankara Association Agreement to Cyprus, eight negotiation chapters will not be opened and no chapter will be provisionally closed. Due to the slow implementation of required reforms in Turkey the support for membership has significantly decreased. Beside the unresolved problem with Cyprus there are also other reasons for the stagnation of the Turkey's accession process. The political situation in Turkey, namely the state of democracy, human and minority rights and the rule of law is one of the major

⁷⁶ Keukeleire/Delreux 2014², pp. 244-245

⁷⁷ Borchardt 2015⁶, p. 57

EU's concerns. Another one is the cultural and religious factor including the issue of identity as a European country. Additionally the geographical and demographical facts do not favour Turkey's EU membership particularly because of the effect the country's size would have on the balance of power within the EU.⁷⁸ Nevertheless developments in the accession process are currently taking place due to the exceptional situation with the refugees coming from the war-torn Syria. The Commission has engaged with Turkey to cooperate in the migration management and concluded a Joint EU-Turkey Action Plan in 2015. The Action Plan aims at bringing order in the migratory flows and stemming the influx of irregular migration. As a result of this cooperation Turkey's membership negotiations profited by the opening of two more chapters.⁷⁹ But in view of the still highly critical political situation in Turkey a long-term progress of the accession process cannot be guaranteed.

2 EU enlargement policy in case of Cyprus

Before it can be dealt with the EU accession of Republic of Cyprus, the main historic events of the island have to be presented. In the EU context the history of relations between Cyprus and the European Community which formally began with the conclusion of the Association Agreement in 1972 is relevant. However, in order to understand the division of the island and the conflict between the two communities a short overview of the history before Cyprus became an independent republic is provided hereinafter. Subsequently the events that led to the conflict and division of the island as well as the development of relations between the EU and Cyprus and the eventual accession with the focus of the role the conflict played during the pre-accession and accession process are discussed. Finally the events that took place with the aim to result in reunified Cyprus joining the EU are presented.

2.1 Insight into the history of Cyprus

The first signs of civilisation in Cyprus date back to the 9th millennium BC. Between the 13th and 11th century the Mycenaean-Achaean Greeks settled on the island introducing the Greek language and culture and marking the begin of Hellenization of Cyprus.⁸⁰ For a period of about five hundred years Cyprus represented various city-kingdoms under different rules, such as Assyrian, Egyptian and Persian. The Ptolemies established the first imperial bureaucracy which resulted in the end of city-kingdoms. In 4th century AD, Cyprus became part of

⁷⁸ Keukeleire/Delreux 2014², p. 248

⁷⁹ European Commission 2016

⁸⁰ Ministry of Foreign Affairs 2015, p.16

the Roman Empire. This was the time when the Christianity was introduced on the island and remained the predominant religion. The Greek Cypriots belong to the Eastern Orthodox Church which has enjoyed autonomy since 488 AD when it was declared autocephalous, i.e. independent.⁸¹ Being part of the Eastern Section of the Roman Empire, after the division Cyprus became part of the Byzantine Empire in the 4th century AD and lasted until the 12th century AD. This period was characterised by the strengthened role of the church and its independence indicating the beginning of the Orthodox Christian tradition. After diverse invasions a French dynasty was established by the Lusignans and lasted until the 15th century.⁸² In 1489, Cyprus was passed on to the Republic of Venice considering it primarily as a strategic outpost against the rising Ottomans but nevertheless in 1571 the island was conquered by the Ottomans.⁸³

More than three centuries of Ottoman rule were marked by the changes in demography, the revival of the Orthodox Church and the beginnings of Greek nationalism as well as development of enosis i.e. the union of Cyprus with Greece. In the time between 1572 and 1581 up to 40,000 settlers arrived from the Ottoman Empire on the island. However, the coexistence of the Muslim and Orthodox Christian popularity was possible and even the Orthodox Church was able to revitalise. Moreover the archbishop of the Orthodox Church in Cyprus became also the politico-religious leader of the Cypriot Christians and in this way gained also a political influence. The Greek war of independence from the Ottomans between 1821 and 1829, however, deteriorated the relationship between the Greeks and Turks and led to the emergence of Greek nationalism and the ideology of enosis in Cyprus. At the end of the Ottoman rule the Turkish community in Cyprus amounted for one quarter of the total population of 186,000.⁸⁴

In 1878 Cyprus was ceded to Britain by the Ottomans and in return Britain was to protect Turkey against any Russian attempts to take over Turkish territory. Although Turks had de jure sovereignty over Cyprus, Britain annexed the island during the First World War in 1914 due to the Turkey's support for Germany. In the 1923 Treaty of Lausanne, Turkey gave up all claims on the island. Two years later, Britain declared Cyprus a crown colony.⁸⁵ During the period as British colony the Greek Cypriots called for union with Greece or self-government

⁸¹ Panteli 1995, p. 119

⁸² Baier-Allen 2004, pp. 52 and 53

⁸³ Panteli 1995, p. 137

⁸⁴ Baier-Allen 2004, pp. 54-57

⁸⁵ Ministry of Foreign Affairs 2015, p. 16

by majority rule whereas the Turkish Cypriots wanted to remain under the British rule. The ideal of enosis was reinforced by the precedent of the Ionian Islands which were returned by Britain to Greece in 1864.⁸⁶ Britain was against the Greek-Cypriots wish for self-government and considered that Turkish-Cypriots deserved some form of political participation. Since the British left the education system separated according to the language and religion, the ethnic segregation deepened. The school systems in the two Cypriots communities oriented themselves on those in the respective motherlands using their materials and appointing their teachers. This hindered the development of a common Cypriot society maintaining the two distinct national identities.⁸⁷

After the Second World War the Greek Cypriot wish for enosis turned into a mass social movement. Since the British were willing to offer only a new constitution, the Greek Cypriots started to seek support first from Greece and then internationally. The Orthodox Church with the new archbishop Makarios played an important role during this time. Since the Greek appeal to the UN did not suffice to end the British rule in Cyprus, the approach of the Greek Cypriots changed to terrorist activities.⁸⁸ Although they were only aimed against the British, the Turkish Cypriots reacted with similar developments within their own community, calling for a union with Turkey or a division of the island. To the emerging violence between the two communities Britain responded with engaging Greece and Turkey and a tripartite conference to decide on the future of Cyprus.⁸⁹ Britain proposed the equal status of both communities and conceded to have only military bases and not the rule over the whole island anymore. The two motherlands started to work towards the independence as a solution but did so without involving Cypriot representatives. When the settlement was reached the two Cypriot communities only had to agree. In 1960 Cyprus became independent with archbishop Makarios as President and Fazil Küçük as Vice-President. Beside the Constitution of Republic of Cyprus also a Treaty of Guarantee and a Treaty of Alliance were concluded in Zurich and ratified in London.⁹⁰

⁸⁶ Panteli 1995, p. 53

⁸⁷ Baier-Allen 2004, pp. 58 and 59

⁸⁸ Panteli 1995, p. 54

⁸⁹ Michael 2009, p. 21

⁹⁰ Baier-Allen 2004, pp. 60-65

2.2 Conflict and division of Cyprus

In the Zurich and London Agreements the three guarantor powers United Kingdom, Greece and Turkey laid down the conditions for the independence of the Republic of Cyprus. Beside the Draft Constitution, three more treaties were concluded on 1 July 1960, namely Treaty of Establishment, Treaty of Guarantee and the Treaty of Alliance. They reflected the interests and the causes of the entire conflict between the participating forces. The Constitution divided the population of Cyprus in two founding communities according to the religion or ethnic origin, either Greek or Turkish community. This bi-communal character which did not provide for the existence of a Cypriot nation was the basis of almost every article of the Constitution. Every community was precisely defined and granted equal status with regard to their rights. Other main provisions of the Constitution included the President of the Republic to be Greek and the Vice-President to be Turkish elected by each community separately. The separate representatives of the two communities were also to be found in the executive and legislative branch as well as the civil service which guaranteed a 30 percent share to the Turkish Cypriots while in the army this ratio amounted to 40 percent.⁹¹ According to the Constitution also separate municipalities for the five largest towns, Nikosia, Limassol, Famagusta, Larnaka and Paphos were to be maintained at least temporarily due to the inter-communal violence. In order to secure the participation of both communities and the equilibrium between the two ethnic groups in the long run, the sovereignty of the government was limited with regard to the basic articles which could not be amended or repealed in any way. The basic articles made up 48 of a total of 199 articles of the Constitution. Any amendment of the Constitution would require beside the approval of both Cypriot communities also the consent of the guarantor powers.⁹²

The Treaty of Establishment regulated the sovereignty of the Republic of Cyprus over the whole island except for two base areas Akrotiri and Dhekelia and several other facilities for military purposes that remained under the sovereignty of the UK.⁹³ The Treaty of Guarantee concluded between all four parties provided that they “recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the provisions of the basic articles of its Constitution.”⁹⁴ Furthermore the Republic of Cyprus obliged itself “not to participate, in whole or in part, in any political or economic union with any State whatsoever.

⁹¹ Michael 2009, p. 25

⁹² Karatas 2010, pp. 114-116

⁹³ Hannay 2005, p. 4

⁹⁴ Documents on International Affairs 1959

With this intent it prohibits all activity tending to promote directly or indirectly either union or partition of the Island.”⁹⁵ The guarantor powers were also “to prohibit, as far as lies within their power, all activity having the object of promoting directly or indirectly either the union of the Republic of Cyprus with any other State, or the partition of the Island.”⁹⁶ Finally the Treaty of Alliance laid down the joint defence of the independence and territorial integrity of the Republic of Cyprus. In order to coordinate these tasks a Tripartite Headquarters was to be established and according to the Additional Protocol Greece could station 950 and Turkey 650 officers on the island. Therefore in consideration of the aforementioned interstate provisions of the Zurich and London Agreements the independence of the Republic of Cyprus can be regarded as partial and formal since the national autonomy was limited due to the right of intervention by the three states - the UK, Greece and Turkey.⁹⁷

Although the independence of the Republic of Cyprus was a long-awaited moment, not all of the population was equally satisfied with the conditions under which this took place. Especially Greek Cypriots were discontent about the power-sharing arrangements and regarded it unfair and disproportional whereas the Turkish Cypriots were given the privileged position legally enshrined in the Constitution.⁹⁸ Only three years after the conclusion of the London and Zurich Agreements the dysfunctionality of the Constitution manifested itself in the decision of the president Makarios to revise it and remove provisions that Greek Cypriots regarded as obstacles.⁹⁹ He proposed amendments to the Constitution that demonstrated the Greek-Cypriot conviction of Cyprus being a unitary state with majority rule and constitutional guarantees for minorities. The Turkish Cypriots as well as Turkey disagreed with the proposal that meant the change of their status from a founding community to a minority. Additionally, some revisions concerned basic articles of the Constitution which were not amendable, like the removal of Vice-President’s veto, separate municipalities and thirty percent representation in the public service and forty in the army.¹⁰⁰

As already mentioned above, one of the reasons for the failure of the Constitution was the perception as unjust by the Greek Cypriots. Another one was the constitutional incompleteness since power-sharing in some of the municipalities was not regulated when it was drawn

⁹⁵ Documents on International Affairs 1959

⁹⁶ Documents on International Affairs 1959

⁹⁷ Karatas 2010, pp. 118, 120

⁹⁸ Baier-Allen 2004, p. 72

⁹⁹ Michael 2009, p. 26

¹⁰⁰ Baier-Allen 2004, p. 73

up and was left open. Furthermore the Greek Cypriots were unwilling to make the bi-communal Constitution work since they regarded the Turkish Cypriots as minority. Finally the lack of national consciousness due to the missing nation-building hindered the national integration. Given these tensions between the two communities already small incidents had the potential to escalate as it happened in 1963.¹⁰¹ This was the beginning of a deterioration of the security situation accompanied by violations on both sides. Turkish Cypriots who had fled their homes began to form enclaves and sought rescue in groups in order to be able to defend themselves. As they withdrew themselves from the House of Representatives the government consisting solely of the Greek-Cypriot administration was recognised as legitimate by the international community.¹⁰² This led to the Turkish Cypriots distrusting the international organisations including the United Nations Peacekeeping Force in Cyprus and provided the Greek Cypriots with a dominant position which they used against Turkish Cypriots and their secession on the international stage.¹⁰³ It was at this time, when the two communities started to develop separately. The vast majority of the Turkish Cypriots was not controlled by the government of the Republic but by a separate administration established in the enclaves. By imposing economic embargo the Greek Cypriots had hoped that the Turkish Cypriots would accommodate them but it only strengthened their separatism and made the living together impossible.¹⁰⁴

From 1968 to 1974 efforts were made through inter-communal talks between the Greek and Turkish Cypriots under the auspices of the UN Secretary-General to find a solution for the dysfunctional state where even readiness for some concessions was shown. The inter-communal talks were, however, undermined by the developments within the Greek-Cypriot community supported by the Greek junta encouraging political violence against Makarios in order to take over the control of his government. Finally in July 1974 the president Makarios was overthrown by the Greek-instigated coup and replaced by a former guerrilla fighter Nikos Sampson. Subsequently the fighting took place between the Greek Cypriot communist party and the supporters of Sampson following attacks on Turkish Cypriot enclaves. In order to stop the violence and prevent enosis Turkey consulted Britain as a guarantor power regarding a military action. As Britain refused Turkey intervened unilaterally invoking the article of the

¹⁰¹ *ibid.* p. 75

¹⁰² Panteli 1995, p. 59

¹⁰³ Hannay 2005, p. 5

¹⁰⁴ Baier-Allen 2004, p. 77

Treaty of Guarantee¹⁰⁵ which allows for the “action with the sole aim of re-establishing the state of affairs created by the present Treaty”¹⁰⁶

The two-stage military operation that aimed at protection of the Turkish Cypriots resulted in about one-third of the island’s territory being under Turkish control. After the collapse of the military regimes in Cyprus and in Athens, the president Makarios was again in office. By 1975 the remaining Greek and Turkish Cypriots fled from the north to the south and vice versa leaving the island divided in two mono-ethnic areas and a buffer zone with UN peacekeeping troops in between.¹⁰⁷ In July and August 1974 two conferences were held in Geneva to discuss the situation on the island. During the second conference Rauf Denktash, the leader of the Turkish Cypriots, proposed a federal solution with two zones in which the Turkish-Cypriot one constitutes 34 percent of the overall territory. However, on 14 August Turkey carried out a second military action occupying 36.2 percent of Cyprus’ territory. From that time on the Turkish army remained present in the north of the island. Since a parallel administrative system had already existed, the Turkish Cypriots made a further step by proclaiming the Turkish Federated State of Cyprus in 1975 with its own constitution which included a possibility of a federal republic with the southern part of the island.¹⁰⁸

This new state of affairs was perceived differently by each of the community. The presence of Turkish troops posed a threat for Greek Cypriots who also felt abandoned by Greece and the international community. The only way to find a solution was to use the framework of United Nations. This was also a means to reach another aim of Greek Cypriots, namely to internationalise the conflict in order to apply pressure on Turkey.¹⁰⁹ On the other hand Turkish Cypriots felt physically secure since they did not have to live in enclaves any longer and regarded the intervention of Turkey as legal under the Treaty of Guarantee.¹¹⁰ Nevertheless new inter-communal talks could still take place between 1975 and 1979 and even High-Level Agreements were reached by establishing guidelines for an independent, non-aligned, bi-communal federal republic. However, despite the agreement on the principle, the two communities had different interpretations of the implementation in practice. The Greek Cypriots demanded for a reduction of Turkish-Cypriot territory and regarding the structure of the state they excluded

¹⁰⁵ Baier-Allen 2004, pp. 83 and 84

¹⁰⁶ Documents on International Affairs 1959

¹⁰⁷ Hannay 2005, p. 6

¹⁰⁸ Karatas 2010, p. 157

¹⁰⁹ Baier-Allen 2004, pp. 91

¹¹⁰ Michael 2009, p. 43

confederation and still preferred a unitary federation. The Turkish Cypriots insisted on a bi-zonal structure and equal status of communities with only minor territorial concessions. Therefore by the 1980s there was not much room for negotiation and the persistent internationalisation of the conflict by the Greek Cypriots was overshadowing the talks. The reaction of the Turkish Cypriots to this strategy was the unilateral declaration of independence and the proclamation of the Turkish Republic of Northern Cyprus in 1983.¹¹¹

The declaration of statehood by the Turkish Cypriots was condemned by the United Nations leading to the international non-recognition including even the Islamic states. To the present day only Turkey formally recognises the Turkish Republic of Northern Cyprus. This step meant further complications in the crisis management and economic isolation from international markets and foreign investments. The result was a high dependence on Turkey regarding exports and financial aid and the growing prosperity gap between the north and the south of the island. After this time the UN put forward new initiatives concentrating on confidence-building measures. However, these negotiations also ended in failure due to disagreements and procedural matters. The Turkish Republic of Northern Cyprus continued to develop its constitution and economic integration with Turkey. Although the Turkish Cypriots contested the legality, the Greek Cypriots as the legitimate representatives of the whole island applied for membership in the European Economic Community in 1990.¹¹²

2.3 EU-Cyprus relations

The relations between the European Community and Cyprus date back to the early 1960s and the first application for membership in the European Economic Community that took place in 1962. This step was primarily made as a reaction to the application of the United Kingdom in 1961 since the Cyprus' external trade and export structures were strongly adjusted to the British market. Therefore with the freezing of the UK application due to the French veto and the policy of the empty chair the interest of Cyprus to join the EEC was also very low. Cyprus resumed its aspirations for a closer relationship with the Community in 1970 at the same time when the UK applied for the membership again. This time, however, an association rather than the full membership was preferred due to the Cyprus' policy of neutrality and nonalignment.¹¹³ The Association Agreement was signed in 1972 and came into force in the same year when the UK joined the European Economic Community, namely in 1973. Its main purpose

¹¹¹ Baier-Allen 2004, pp. 91-93

¹¹² Hannay 2005, pp. 8-9

¹¹³ Baier-Allen 2004, pp. 97 and 98

was to strengthen and expand trade and economic relations and eventually to result in a Customs Union.¹¹⁴

Since the European Community did not have a coherent Mediterranean policy in the 1960s, it concluded a number of association and bilateral trade agreements with countries which were important for the member states due to former colonial history or strategic reasons.¹¹⁵ The Association Agreement with Greece was concluded in 1961 and with Turkey in 1963 and included beside the economic aspects also future prospects in relation to their eventual membership in the Community.¹¹⁶ The Association Agreement with Cyprus consisted of two stages and encompassed economic, financial and technological cooperation. The first stage envisaged a gradual reduction of tariffs on industrial and agricultural products and was to be completed in 1977. The second stage aimed at the establishment of a Customs Union after a ten-year transitional period and should be the solution for the main problem of small countries, namely the low market potential. Unlike those with Greece and Turkey a full membership in the European Economic Community was not referred to.¹¹⁷

However, the timetable set within the Association Agreement with Cyprus was not complied with due to the events that followed in July and August 1974 and caused the division of the island. Although the Association Agreement was meant to benefit the whole island and not to discriminate between the populations, the dominant position in terms of negotiation and implementation remained with the Greek Cypriots. The island was represented by a government consisting solely of Greek Cypriots who negotiated and concluded the Association Agreement with the European Economic Community. In July 1974, after the instability created by the coup against Makarios, the progress of the Association Agreement came to a halt since the European Community decided to wait for a settlement of the conflict in order to proceed with the second stage. This led to repeated extensions of the first stage and additional financial aid as compensation for the postponement. Although the Greek Cypriots considered the delay of the second stage unfair, the European Community did not deviate from its stand of granting support to Cyprus as a whole through the Association Agreement.¹¹⁸

¹¹⁴ Panteli 1995, pp. 55 and 56

¹¹⁵ Baier-Allen 2004, p. 100

¹¹⁶ Sedelmeier 2010⁶, p. 410

¹¹⁷ Karatas 2010, p. 179

¹¹⁸ Baier-Allen 2004, p. 102

When the first stage of the Association Agreement was extended until 1979 a Financial Protocol indicating grants and loans envisaged to support the whole island of Cyprus was concluded. However, the financial means had to be transmitted through the Republic of Cyprus and not directly to the Turkish-Cypriot community, since a separate Turkish-Cypriot administration was not recognised by the European Community. The European financial support of the first Financial Protocol was distributed in correspondence with the proportion of both communities that make up the entire Cyprus' population. However this was not the case with the Second and Third Financial Protocols which were signed in 1983 and 1989 and granted a smaller percentage of the money to the Turkish-Cypriots. The main factors influencing this course of action that contradicted the even-handed policy of the European Community towards Cyprus was Greece joining the Community in 1981 and the unilateral declaration of independence of the Turkish-Cypriots in 1983. Greece used its membership to lobby for Greek Cypriots and to influence the common policy towards Turkey by condemning it for its occupation of the northern part of Cyprus. The Turkish involvement in a settlement in Cyprus shall be conditional for the progress in its relation with the European Community and its own membership aspirations.¹¹⁹ The negotiations regarding the second stage of the Association Agreement finally began in 1985 and ended in 1987 with an agreement between the European Economic Community and the Republic of Cyprus to complete the Customs Union by 2002. The Customs Union Agreement incorporated the adoption of the Common Customs Tariff by Cyprus and the removal of customs duties by the European Community on Cyprus' industrial goods and gradually also on agricultural exports.¹²⁰

2.3.1 EU reactions to the conflict

Within the framework of the European Political Cooperation the European Community reacted to the coup against Makarios in July 1975 with a statement supporting the independence and territorial integrity of Republic of Cyprus.¹²¹ There was no preparedness for any involvement or intervention mainly because the Community was not an international crisis actor with military structures at its disposal. Therefore a policy of non-interference in the internal issues in Cyprus and even-handedness towards the two associated mother countries Greece and Turkey was pursued.¹²² However, as one of the guarantor powers, Britain was an important actor when formulating the policy of the European Community in the first weeks after the coup. It

¹¹⁹ Baier-Allen 2004, pp. 104-106

¹²⁰ Panteli 1995, p. 56

¹²¹ Nuttall 1997, p. 28

¹²² Karatas 2010, p. 180

decided not to recognise the military regime of Samson and regarded Makarios as the legitimate president of Cyprus. To the Turkish demand for a joint military action Britain responded with diplomacy and a tripartite conference arranging negotiations between Athens and Ankara. This approach was supported by the other members of the European Community because they did not want to interfere either. Since the Turkish intervention could not be averted, the Community focused on countervailing the escalation of the crisis. This became increasingly difficult after the second military intervention of Turkey which meant the failure of the diplomatic approach. In addition to that the Greek application for membership in the European Community led to the disproportionality in the policy towards Greece and Turkey which was originally meant to be even-handed. Therefore the role of the European Community in the Cyprus conflict was continuously weakening and concentrating on the Association Agreement. Since the European Community had no intention of mediating itself between the two communities it supported and encouraged the UN initiatives. The European Community became once again active when the Turkish Cypriots declared their independence in 1983. It issued statements in which it supported the sovereignty and territorial integrity of the Republic of Cyprus and appealed to other states not to recognise the Turkish Republic of Northern Cyprus. Beside another stronger reaction to this event, by which the European Community regretted that Turkey had recognised the new state and asked it to use its influence on Turkish Cypriots to withdraw this action, there were no considerable activities in resolving the Cyprus question. The main reason was the membership of Greece because since that moment the European Community was not a neutral actor anymore.¹²³

2.3.2 The role of the conflict in the pre-accession phase

When the government of the Republic of Cyprus applied for membership in the European Community on 3 July 1990 the security, political, strategic as well as economic issues played an important role. The potential membership was regarded as a way of giving new impetus to the stagnant situation in the internal conflict and a chance of finding a solution. Since the member states had not been willing to become involved into the Cyprus conflict, no active engagement of Brussels but merely the creation of general conditions for achieving adequate results within the UN negotiations was expected. In September 1990 the General Affairs Council considered the application of Cyprus admissible and referred it to the Commission for an opinion. The Turkish-Cypriot and Turkish objections regarding legality of the application on the basis of the 1960 Constitution, according to which a community had the right of veto

¹²³ Baier-Allen 2004, pp. 108-111

on the conclusion of international treaties with organisations of which both Greece and Turkey are not members, were examined by experts in international law before being also formally rejected in 1997. Nevertheless as it was repeatedly stressed in the Association Agreement, the relations between the Community and Cyprus should still benefit the whole island. Until the issuance of the opinion the basis for the relations remained within the framework of the Association Agreement with the aim of establishing the Customs Union.¹²⁴

Greece played an important role in the Cyprus' membership bid. It exerted influence on Cyprus to apply for membership already during its Council Presidency in the second half of 1988. This contributed to the Greek strategy of internationalisation of conflict and extension to the European dimension hoping to create a linkage between Turkey's membership aspirations and a settlement in Cyprus.¹²⁵ The modification of Turkey's Cyprus policy should be one of the conditions within the accession process which Greece had hoped to shape since it was a part of the Community's decision-making procedures. Moreover, the attractiveness of the membership with all the political and economic benefits shall bring dynamics into the stalemated position of the Turkish Cypriots. This shall lead to more concessions in order to reach a settlement which would further strengthen the Greek Cypriot position in the negotiations. The security aspect was also a part of the Greek Cypriot motivation to apply for membership in the Community since this would guarantee protection from an anew military action by Turkey. Finally the acceptance and processing of the membership bid would lead to a further consolidation of the Greek Cypriot status as the sole legitimate representatives of the whole island and further discrediting of the northern part.¹²⁶

In 1992, after the conclusion of the Maastricht Treaty the European Community began to deal with the enlargement and published the report 'Europe and the Challenge of Enlargement' which was submitted to the Lisbon European Council in June 1992. In this report the European Commission lists the conditions for accession to the European Union which applicant countries must satisfy and warns about conditions which must be fulfilled to safeguard the effectiveness of an enlarged Union. With regard to Cyprus it states that:

there is inevitably a link between the question of accession and the problem which results from the de facto separation of the island into two entities, between which there is no movement of goods, persons or services. The Community must continue to encourage all efforts to find a solution, in

¹²⁴ Baier-Allen 2004 pp. 148 and 150

¹²⁵ Michael 2009, p. 151

¹²⁶ Karatas 2010, pp. 184-190

particular through support for the resolutions of the United Nations and the initiatives of its Secretary General. In the meantime, the association agreement should be exploited so that Cyprus is enabled to pursue its economic integration.¹²⁷

This reflected the view of the Commission that the division of the island was a problem of technical nature but that it did not hinder further integration of Cyprus. This was confirmed by the European Council at the Lisbon summit with the statement that the application of Cyprus, as well as those of Turkey and Malta, has to be considered on its own merits.¹²⁸

The Commission issued its opinion on the application by the Republic of Cyprus for membership in June 1993 presenting its views on the conflict and the overall situation in Cyprus. With regard to the membership prospects the Commission reaffirmed its statement of 1992 and underlined that the implementation of freedoms would have to be provided by a comprehensive settlement. Nevertheless the Commission concluded that it “considers Cyprus as eligible for membership and that as soon as the prospect of a settlement is surer, the Community is ready to start the process with Cyprus that should eventually lead to its accession.”¹²⁹ Finally the Commission sets a date for a reassessment in case the settlement of the conflict could not be reached by stating:

Lastly, the Commission must envisage the possibility of the failure of the intercommunal talks to produce a political settlement of the Cyprus question in the foreseeable future, in spite of the endeavours of the United Nations Secretary-General. Should this eventuality arise, the Commission feels that the situation should be reassessed in view of the positions adopted by each party in the talks and that the question of Cyprus's accession to the Community should be reconsidered in January 1995.¹³⁰

With this opinion the Commission linked the prospect of a membership with the progress in the search of a settlement signalling that the conflict does play a certain role in the Cyprus' integration. However by setting a deadline for reconsidering the application it indicates that the conflict resolution is not the determining factor for the accession of Cyprus.¹³¹ Additionally, by assessing the positions of each party it tried to exert pressure on both parties to cooperate. By removing the possibility of a veto to the Cyprus' accession it was made clear to the Turkish Cypriots that a membership of the southern part of the island would be possible also without their cooperation.¹³² As Hannay noted, if the Turkish Cypriots were to be responsible

¹²⁷ Commission of the European Communities 1992, p. 58

¹²⁸ Lisbon European Council, Presidency Conclusions 1992, p. 4

¹²⁹ Commission Opinion on the Application by the Republic of Cyprus for Membership 1993

¹³⁰ Commission Opinion on the Application by the Republic of Cyprus for Membership 1993

¹³¹ Michael 2009, p. 152

¹³² Baier-Allen 2004, p. 153

for the failure of negotiations for a settlement a divided Cyprus would also be accepted since most of the member states considered the enlargement more important.¹³³

In 1994 within the Greek Council Presidency the EU dealt again with the membership bid of Cyprus and the Greek support to its accession even if the territorial conflict was not to be resolved. According to the Presidency Conclusions, this support was successful and led to the following decision:

The European Council welcomes the significant progress made regarding the application by Cyprus and Malta for accession to the European Union and considers that an essential stage in the preparation process could be regarded as completed.

The European Council asks the Council and the Commission to do their utmost to ensure that the negotiations with Malta and Cyprus with a view to the conclusion of the fourth financial protocols, intended in particular to support the efforts of Malta and Cyprus towards integration into the European Union, are brought to a rapid conclusion.

The European Council notes that in these conditions the next phase of enlargement of the Union will involve Cyprus and Malta.¹³⁴

This decision lifted the conditionality for the Cyprus' accession that was introduced in the opinion of the Commission one year earlier. The reason for this step was the Greek threat to block the accession of Austria, Finland and Sweden. Therefore the other member states agreed to exclude the condition of a settlement for the start of the accession negotiations. Finally in 1995 the date for the start of accession negotiations with Cyprus was determined. This was achieved by securing Greek approval for the initiation of the Customs Union with Turkey. The accession process was to start six months after the Intergovernmental Conference of 1996.¹³⁵ This package deal was hoped to have catalytic effect by giving new impetus to the intercommunal talks with Turkey exercising more influence on Turkish Cypriots to find a settlement. Moreover the EU decided to engage the Turkish-Cypriot community more in the Cyprus integration by informing it better about the advantages of the accession. The conditionality related to the progress in conflict resolution was not an issue in the official EU documents anymore.¹³⁶

The EU's wish to include the Turkish Cypriots in the accession negotiations was strongly supported by some member states such as Britain, France, Germany and Italy but opposed by Greece that regarded the Turkish-Cypriot participation as a way of recognising the separate

¹³³ Hannay 2005, p. 61

¹³⁴ Corfu European Council, Presidency Conclusions 1994, p. 10

¹³⁵ Karatas 2010, pp. 221-223

¹³⁶ Baier-Allen 2004, pp. 154-157

regime. Since the Turkish-Cypriot participation was not a precondition for the start of accession negotiations in 1997 the Commission stated in its 'Agenda 2000' that the accession should be negotiated with the government of the Republic of Cyprus, as the only authority recognised by international law, if no solution is found before the negotiations begin.¹³⁷ In 1998 the European Council decided in Luxembourg to start the accession process with Cyprus and five other candidate countries including the Czech Republic, Estonia, Hungary, Poland and Slovenia. Since Turkey was not among these applicant countries, it could not be counted on its influence on the Turkish Cypriots for their participation in the accession process any longer and therefore the possibility of a catalytic effect in the search for a settlement diminished.¹³⁸

2.3.3 The role of the conflict in the accession process

The accession negotiations with the government of the Republic of Cyprus were opened on 31 March 1998. Although the participation of the Turkish Cypriots was not secured, most of the EU member states considered it unfair to deprive the majority of the Cyprus' population of the accession preparations due to the ongoing territorial problem. Despite reservations of some member states like France, Germany, Italy and The Netherlands the negotiations started due to repeated Greek threat of blocking the Eastern enlargement. Since the Commission saw the possibility of the integration of the northern part in the Republic of Cyprus after a solution was found, it continued its negotiations with the delegation consisting only of Greek Cypriots.¹³⁹

The European Council of December 1999 in Helsinki was marked by another compromise among the member states and resulted in granting the official candidate status to Turkey. The consent of all the member states, in particular the one of Greece, to this action was possible only due to the EU's promise to meet certain demands related to the question of Cyprus. One of them was a definite abandoning of conditionality by which the settlement of territorial conflict would have to precede the Cyprus's EU accession. Another one was to oblige Turkey to support the search of a settlement in Cyprus by making it one of the preconditions for its accession to the EU. The EU included these requirements in the decisions in Helsinki indicating that the conflict settlement was not a prerequisite but that all relevant factors would be considered when deciding on Cyprus' accession since a resolution of the conflict was still a more

¹³⁷ Karatas 2010, pp. 231-233

¹³⁸ *ibid.*, p. 259

¹³⁹ Baier-Allen 2004, pp. 162-163

desirable scenario.¹⁴⁰ The second demand was included in the Council decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey by stating that “the European Union encourages Turkey, together with all parties, to continue to support the UN Secretary General's efforts to bring the process, aiming at a comprehensive settlement of the Cyprus problem, to a successful conclusion.”¹⁴¹ These decisions were also meant to have catalytic effect and lead to a conflict resolution. However, the EU was not relying on the Turkey’s voluntary cooperation anymore but made its support for a solution necessary for the further progress in its own pre-accession process. Referring to all relevant factors the Greek Cypriots should also be pressured to engage themselves in the search for a solution.¹⁴² This approach was also shown in the Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Cyprus by defining maximisation of “efforts to support a settlement under the auspices of the UN” as a short-term political criterion.¹⁴³

However, in spite of the identified efforts to support a settlement, a standstill in inter-communal talks took place, which the European Commission took note of in its reports on Cyprus’ progress towards accession. But this development did not have any impact on the accession negotiations with the Greek Cypriots since they were not considered responsible for such state of affairs. From 2000 onwards the conclusion of the negotiations was becoming more and more certain. The European Council in Laeken concluded as follows:

The European Union is determined to bring the accession negotiations with the candidate countries that are ready to a successful conclusion by the end of 2002, so that those countries can take part in the European Parliament elections in 2004 as members. Candidacies will continue to be assessed on their own merits, in accordance with the principle of differentiation. The European Council agrees with the report of the Commission, which considers that, if the present rate of progress of the negotiations and reforms in the candidate States is maintained, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, the Czech Republic and Slovenia could be ready.¹⁴⁴

In its progress report of October 2002 the Commission recommended the conclusion of the accession negotiations with the Republic of Cyprus by the end of 2002. Although the conflict resolution was becoming less likely to take place before the negotiations are concluded, the

¹⁴⁰ Helsinki European Council, Presidency Conclusions 1999, para. 9b.

¹⁴¹ Council Decision 2001/235/EC, Annex, para. 3(6)

¹⁴² Baier-Allen 2004, pp. 165-166

¹⁴³ Council Decision 2000/248/EC, para. 3.1

¹⁴⁴ Laeken European Council, Presidency Conclusions 2001, para. 8.

European Council referred to the possibility of a settlement and the course of actions in this case in its conclusions of 2002 in Seville:

The European Union would accommodate the terms of such a comprehensive settlement in the Treaty of Accession in line with the principles on which the European Union is founded: as a Member State, Cyprus will have to speak with a single voice and ensure proper application of European Union law. The European Union would make a substantial financial contribution in support of the development of the northern part of a reunited island.¹⁴⁵

Although still showing its strong preference for accession of a united Cyprus and confirming its willingness to accommodate the terms of a settlement in the Treaty of Accession, in December 2002 in Copenhagen the European Council decided that the accession negotiations had been completed. However, it was also noted that “in the absence of a settlement, the application of the *acquis* to the northern part of the island shall be suspended, until the Council decides unanimously otherwise, on the basis of a proposal by the Commission.”¹⁴⁶ The status of the candidate country Turkey was also dealt with by the European Council in Copenhagen stating that “If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.”¹⁴⁷ This time no linkage to the question Cyprus was made in the context of Turkey’s accession to the EU.

2.4 Referenda and accession

The final UN initiative that was to decide whether Cyprus was to enter the EU as a unified island or only the Republic of Cyprus was to become one of the new EU member states was launched in 2002 by Secretary-General Kofi Annan as a “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem”. The initiative proceeded in parallel to the EU enlargement process and should lead to simultaneous but separate referenda of both communities. The so called Annan Plan was presented to the both sides for the first time in November 2002 (Annan I), then revised in December 2002 (Annan II), subsequently in February 2003 (Annan III) and March 2003 (Annan IV). The final draft or Annan V was submitted in March 2004.¹⁴⁸

¹⁴⁵ Seville European Council, Presidency Conclusions 2002, para. 24.

¹⁴⁶ Copenhagen European Council, Presidency Conclusions 2002, para. 12.

¹⁴⁷ Copenhagen European Council, Presidency Conclusions 2002, para. 19.

¹⁴⁸ Michael 2009, pp. 169 and 170

As main parameters the Annan's settlement plan included the establishment of a partnership state consisting of two politically equal component states and the ongoing validity of the Treaty of Guarantee and the Treaty of Alliance and as such constituted a basis for negotiation.¹⁴⁹ The proposals amounted to 130 pages including the constitution for the new common state of Cyprus but those of the individual component states were left to the respective communities. Furthermore the matters of security, property, territorial adjustment and EU issues were incorporated. The common state would exercise the powers allocated to it in the constitution and the component states all the other powers without hierarchy. The secession and domination of any state were to be unconstitutional since the common state was proclaimed indissoluble.¹⁵⁰

Despite the failure to get agreement on Annan III the negotiations were resumed in January 2004 in New York where the leaders of both communities agreed, along with the three guarantor powers, to a three-stage process. First, the final version of the text for referenda should be negotiated in Cyprus on the basis of Annan III plan. In case of a failure, Greece and Turkey should be involved in order to reach an agreement. If this was still not achieved, the UN Secretary-General would be authorised to finalise the plan.¹⁵¹ Since the parties failed to agree to a final version of the text in both stages, Annan finalised the plan to be presented in referenda. Beside the foundation agreement the Annan V Plan comprised five appendices including state constitutions, treaty matters, a draft act of EU accession, matters for UN Security Council decision and measures for April 2004.¹⁵²

The proposed partnership state or the so called United Cyprus Republic was designed as a federation based on the Swiss model and comprising two equal constituent states, the Greek Cypriot State and the Turkish Cypriot State with a single international personality. The federal government would consist of two houses of parliament, both of which would have to approve any legislation, a Senate with equal representation and a Chamber of Deputies with proportional representation. Proportionality was also applied in the formation of Presidential Council, the federal administration and the federal police.¹⁵³ For security and military matters a Monitoring Committee would be established and would include the guarantor powers, federal and state governments chaired by the UN. The Treaty of Guarantee would be supple-

¹⁴⁹ Baier-Allen 2004, p. 198

¹⁵⁰ Hannay 2005, p. 182

¹⁵¹ Hoffmeister 2006, pp.163 and 164

¹⁵² Michael 2009, pp. 172 and 173

¹⁵³ Faustmann/Varnava 2009, p. 27

mented by the clause referring to the territorial integrity of the constituent states and the Treaty of Alliance would foresee a gradual reduction of the Greek and Turkish contingents. By integrating EU specific provisions into the settlement, this plan ensured the functioning of a united Cyprus within the Union's framework.¹⁵⁴

After the Annan V Plan was finalised on 31 March 2004, in both communities the referendum campaigns began, revealing a relatively negative attitude towards it. The date for the separate simultaneous referenda was set on 24 April 2004. The outcome of the referendum in the northern part of the island, the so called Turkish Republic of Northern Cyprus, indicated 64.9% of the votes in favour of the plan. However, the southern part, or the areas controlled by the Republic of Cyprus voted with 75.8% against it. Therefore the Annan plan could not be implemented and the Republic of Cyprus joined the European Union without a political settlement to the division of the island on 1 May 2004.¹⁵⁵

Due to the Turkish-Cypriot majority support for the reunification, the EU adopted new policy towards northern Cyprus and established special rules regarding the transition of goods, services and persons across the green line.¹⁵⁶ Since the green line did not represent an external border, the EU regulated preferential entry conditions for Turkish Cypriot goods to the south from where there was a possibility of export to other EU Member States. Also according to the Protocol 10 of the Accession Treaty with Cyprus measures for promotion of the economic development of the north and financial aid were in line with the valid European law and could be granted.¹⁵⁷ In 2006, the EU allocated €259 million over 5 years to end the isolation of the Turkish Cypriot community and to help prepare for reunification. From 2011 on, financial aid has continued by allocating annually €30 million in order to build on the accomplished results.¹⁵⁸

3 EU approaches towards the Cyprus question

The submission of Cyprus' EU membership application in 1990 was treated with reserve by the European Community. The deepening of the European integration had priority over the enlargement. Although some member states had concerns about conflict and division in Cy-

¹⁵⁴ Michael 2009, p. 174

¹⁵⁵ Hoffmeister 2006, pp.180-182

¹⁵⁶ Michael 2009, p. 157

¹⁵⁷ Hoffmeister 2006, p. 220

¹⁵⁸ European Commission 2015

prus and did not want to become involved, the General Affairs Council deemed the application admissible and referred it to the Commission for an opinion. For this occasion the EU had to take a stand with regard to the unresolved territorial conflict and decide which strategy it will apply in the course of the forthcoming accession process. However, due to various factors, the EU had to assume different approaches and change its strategies towards the Cyprus question. The three EU strategies identified in the context of Cyprus' accession are analysed in detail below.

3.1 Conditionality

The Commission could not deal with Cyprus' membership bid before 1993 when the institutional reform and the realisation of internal market were concluded. In the opinion the Commission expressed its positive stance toward Cyprus' membership aspirations and chose to approach the complex situation regarding the conflict by applying the strategy of conditionality and start the accession process as soon as the prospect of a settlement is surer.¹⁵⁹ Beside the rationale that the admission of a divided Cyprus would impede the internal working procedures, the Community had also hoped that the conditionality would induce a catalytic effect and help to resolve the conflict because it considered that both, the Greek and the Turkish Cypriots regarded the EU membership as a more attractive alternative than maintaining the status quo and division of the island.¹⁶⁰

However, the EU approach of conditionality was not sustainable. Making Cyprus' accession conditional on the conflict resolution gave the Turkish Cypriots a power of veto by refusing to find a settlement. This possible outcome was also the reason why Greek Cypriots were less willing to cooperate towards a solution.¹⁶¹ Greece used this scenario to stress the unfairness of the conditionality which would punish 80 percent of the population a second time after the military invasion of Turkey by depriving them of the EU membership. Therefore Greece used its insider position to cause dropping of conditionality by the EU and uncouple finding of a settlement from the start of accession negotiations with Cyprus. Moreover Greece endeavoured to persuade other member states that the accession process would unfold a catalytic effect on the conflict resolution and would lead to a settlement in Cyprus. Greek efforts culminated in the decisions taken at the Corfu European Council in 1994 when the progress towards Cyprus' EU accession was announced without referring to the surer prospects of a set-

¹⁵⁹ Baier-Allen 2004, pp. 147-152

¹⁶⁰ Karatas 2010, p. 468

¹⁶¹ Baier-Allen 2004, p. 170

tlement required in the Commission's opinion. The abolition of the reference was primarily the result of the Greek threat to block the enlargement round with Austria, Finland and Sweden. Another package deal was elicited by Greece in 1995 when it agreed to the Customs Union with Turkey and in return secured the date for the start of accession negotiations with Cyprus.¹⁶²

The EU reintroduced the conditionality with the Helsinki Presidency Conclusions of 1999, though not in the same form as it was originally presented in the Commission's opinion:

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 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.¹⁶³

With this decision the EU wanted to avoid providing the Turkish Cypriots with a possibility to block Cyprus' EU accession and at the same time to secure the Greek Cypriot cooperation in the search for a settlement by not giving an unconditional promise of accession. The accession was therefore conditional on attitudes of the parties within the settlement negotiations. By considering the Greek Cypriots as conciliatory party in the conflict resolution process, the EU completely gave up the strategy of conditionality and led the accession negotiations to the conclusion sealing Cyprus' entry for 2004 despite of continuing reservations of some member states.¹⁶⁴ However, due to Greek threats of using its veto rights the member states accepted the accession of a divided Cyprus for the sake of enabling strategically more important enlargements. The exploitation of its EU membership allowed Greece to drive Cyprus' accession process against the failures of UN-led settlement talks and the ongoing division of the island. The EU's strategy of conditionality had never realistic prospects of producing a catalytic effect since the membership of Greece made the EU a non-neutral actor towards the situation in Cyprus.¹⁶⁵

3.2 Involving Turkey in the conflict resolution

The European Union had three distinct reasons to believe that Turkey had intrinsic motives to be open for coordination regarding the Cyprus question. All of them were related to Turkey's aspirations to join the EU. The first and main one being that a negative attitude of Turkey

¹⁶² Karatas 2010, pp. 469 and 470

¹⁶³ Helsinki European Council, Presidency Conclusions 1999, para. 9b.

¹⁶⁴ Baier-Allen 2004, pp. 169 and 170

¹⁶⁵ Karatas 2010, pp. 471 and 472

towards the settlement finding process and reunification efforts in Cyprus would directly oppose EU's positions and policies and have negative consequences on the EU-Turkey relations and the chances for membership. EU regarded Turkey as the main factor in the conflict on the island having stationed its troops and being one of the guarantor powers and mother countries as well as being the only country to recognize the Turkish Republic of Northern Cyprus. The second reason was the positive effect that the membership of a unified Cyprus in the EU would have for Turkey's accession process. The presence of Turkish Cypriots in the EU institutions would not only enable lobbying for Turkey but would also decrease the psychological resistance of other member states to its accession. Otherwise the accession of a divided Cyprus would negatively affect Turkey's EU membership aspirations. Cyprus would be represented only by Greek Cypriots and equipped by extensive veto possibilities making Turkey the illegal occupier of EU territory. Finally the third reason for Turkey to engage in the conflict resolution in Cyprus was the improvement of its relations with Greece which would result from a unification of the island. This would also mean the reduction of another main obstacle to Turkey's EU membership.¹⁶⁶

The conclusion of the Customs Union with Turkey in 1995 was hoped to be a catalyst for the Turkey's involvement in the conflict resolution in Cyprus. The heads of state and government expressed this demand at the European Council in Dublin by stating: "The European Council urges Turkey to use its influence to contribute to a solution in Cyprus in accordance with UN Security Council resolutions."¹⁶⁷ However, this step of EU was not regarded as a package deal by Turkey, since it considered the search for a settlement as an issue to be resolved by the two Cypriot communities. For Turkey the conclusion of the Customs Union was not linked to the fulfilment of any demands in relation to Cyprus since it had been negotiated for decades and was not a concession granted by the EU. Therefore Turkey did not renounce its Cyprus policy and remained firm regarding its non-acceptance of Cyprus' EU membership application.¹⁶⁸

The chances of successfully involving Turkey in finding a settlement in Cyprus became even lesser after the Agenda 2000 had been published in 1997, one and a half year after the implementation of the Customs Union. With regard to Turkey's membership prospects the Commission listed a number of arguments in terms of economic and political qualifications as well as the democratization process against the accession in the near future. By indicating that

¹⁶⁶ Karatas 2010, pp. 242-244

¹⁶⁷ Dublin European Council, Presidency Conclusions 1996, section VII.

¹⁶⁸ Karatas 2010, pp. 246 and 247

“Turkey should contribute actively to a just and lasting settlement of the Cyprus question in accordance with the relevant United Nations resolutions”¹⁶⁹ the Commission repeated its wish for a greater support of Turkey in the conflict resolution. However, while projecting the accession of other Central and Eastern European states and confirming the timetable agreed for the start of the accession negotiations with Cyprus even without a political settlement, the Commission refers to the future of its relations with Turkey as follows:

The EU should continue to support Turkey’s efforts to resolve its problems and to forge closer links with the EU. The Association Agreement and the customs union provide the foundations for building an increasingly close political and economic relationship which should evolve in parallel with the democratization process inside Turkey, progress towards lasting good-neighbourly relations towards Greece and the achievement of a just and lasting settlement in Cyprus.¹⁷⁰

Without expressing serious prospects of EU membership or at least considering the granting of a candidate status to Turkey, the desired effects of the EU conditional policies and therefore the influence on the Turkish Cypriots were unlikely to happen. Quite the contrary, the developments presented in the Agenda 2000 led to the further hardening of attitudes. Turkey and the Turkish Cypriots reacted to every step of the Greek Cypriots towards the EU membership with a deeper integration in terms of economics, security and defence which lessened the probability of a political settlement in Cyprus.¹⁷¹

In spite of negative reactions of Turkish parties caused by the Agenda 2000, the EU was not prepared to take another course as it was shown at the European Council in Luxembourg. Since the EU had committed itself to open accession negotiations with Cyprus six months after the intergovernmental conference on institutional changes in 1996, the question at the Luxembourg Council in 1997 was not whether to open accession negotiations with Cyprus but how to take this step without hindering the participation of Turkish Cypriots and presuming the accession of a divided Cyprus rather than a united one. Another issue to be handled at Luxembourg was the Turkish EU membership bid. With regard to Cyprus the EU set the date for the start of accession negotiations reiterating that the accession should benefit all communities and therefore requested the government of Cyprus to include Turkish Cypriots in negotiation delegation. In case of Turkey’s membership aspirations the EU adopted text recognising its eligibility for accession but not promoting its candidature.¹⁷² In the Presidency Conclu-

¹⁶⁹ European Commission 1997, Agenda 2000, p. 56

¹⁷⁰ *ibid.*

¹⁷¹ Karatas 2010, pp. 248 and 249

¹⁷² Hannay 2005, pp. 80-82

sions the EU again refers to Turkey's obligations required in order to meet accession conditions which among other include also Cyprus:

The European Council recalls that strengthening Turkey's links with the European Union also depends on that country's pursuit of the political and economic reforms on which it has embarked, including the alignment of human rights standards and practices on those in force in the European Union; respect for and protection of minorities; the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council Resolutions.¹⁷³

The Turkish reaction to the decision of the European Council to exclude it from the group of other candidate countries that applied for EU membership after Turkey and were less economically ready was accordingly negative. Turkey regarded it as a rejection by a biased EU which led to a considerable cooling of their relations. Making the circumstances related to Turkey's foreign policy conditional for the relations with the EU was considered to exceed the conditionality used with other candidate countries. Therefore the production of a catalytic effect in Cyprus with the help of Turkey's influence on Turkish Cypriots, for which the still EU hoped at the Luxembourg Council although it denied Turkey the candidate status, was not to be expected anymore. The consequence was again a further integration of northern Cyprus in Turkey.¹⁷⁴

The Helsinki European Council meeting in 1999 was meant to fulfil several purposes. Since the expected catalytic effect in the search for a political settlement in Cyprus did not take place, the EU had to revise earlier decisions in particular with regard to Turkey due to its key role and main influence on the Turkish Cypriots. By sending a clear and credible signal confirming Turkey's membership prospects, the EU hoped that the necessary pressure on the Turkish Cypriots and the support for a conflict resolution would unfold. On the other hand, the pace of the Cyprus' accession process was not supposed to decelerate in view of the Greece's threat to block the eastern enlargement if Cyprus was not included in the first wave of enlargement.¹⁷⁵ Therefore a compromise was to be found by the EU in order to accommodate both Turkey as well as Greece and at the same time to insist on finding a political settlement in Cyprus.

¹⁷³ Luxembourg European Council, Presidency Conclusions 1997, para. 35

¹⁷⁴ Karatas 2010, pp. 253-255 and 258

¹⁷⁵ Yiangou 2002, p. 4

The decision at European Council in Helsinki to grant Turkey the official candidate status had to be approved of by all the member states. Greece as the main opponent of Turkey's candidacy had linked its approval with certain demands related to Cyprus. The package deal included the EU's explicit declaration that the resolution of the conflict was not a prerequisite for the accession of Cyprus which removed the possibility of blocking it by Turkey and the Turkish Cypriots. Linking Turkey's support for a political settlement in Cyprus to the progress of its accession was another part of the package deal¹⁷⁶ and was indirectly mentioned in the Helsinki Presidency Conclusions by referring to another point of the conclusions: "...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)."¹⁷⁷ Paragraph 9(a) reads as follows:

The European Council welcomes the launch of the talks aiming at a comprehensive settlement of the Cyprus problem on 3 December in New York and expresses its strong support for the UN Secretary-General's efforts to bring the process to a successful conclusion.¹⁷⁸

This formulation caused a hesitant and unpleasant reaction in Turkey. It was considered contradictory by the EU to claim that "Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States"¹⁷⁹ but at the same time impose conditions that go beyond the Copenhagen criteria. In order to reduce the force of the Council conclusions an explanatory letter from the Finnish prime minister as president of the European Council was handed over in Ankara to ensure that Turkey was a candidate just as any other applicant state and that "there was no new criteria added to those of Copenhagen and that the reference to the §4 and 9a was not in relation to the criteria for accession but only to the political dialogue."¹⁸⁰ Since no explicit reference to the Cyprus problem was made at the Copenhagen European Council in 2002 in the context of Turkey's accession process either, the support for a settlement in Cyprus can be seen as part of the political Copenhagen criteria but not as a separate condition.

EU's strategy of involving Turkey in the search for a settlement in Cyprus had positive effects on the conflict resolution process. Due to the objections to the Cyprus' EU membership application the Turkish Cypriots reacted to every progress in Cyprus accession process with paral-

¹⁷⁶ Karatas 2010, pp. 334-337

¹⁷⁷ Helsinki European Council, Presidency Conclusions 1999, para. 12

¹⁷⁸ *ibid.*, para. 9.(a)

¹⁷⁹ *ibid.*, para. 12

¹⁸⁰ Hannay 2005, p. 115

lel integration with Turkey. However, this integration was lessened every time when Turkey's candidature made progress, like after the Helsinki and Copenhagen European Councils. But when this was not the case and at the same time the membership bid of Cyprus had advanced, like after Agenda 2000 and the Luxembourg European Council, the Turkish Cypriots intensified their cooperation and integration with Turkey. Despite the positive developments this strategy could never deliver the expected results because Turkey's EU membership prospects were never as certain as those of the Republic of Cyprus. Moreover, Turkey would never use its influence on Turkish Cypriots against its own strategic interests for the sake of uncertain EU membership prospects.¹⁸¹

3.3 Involving Turkish Cypriots in the accession process

The EU strategy of attempting to include the Turkish Cypriots in the delegation negotiating the accession was not pursued persistently from the beginning of Cyprus' EU integration. In 1995 the General Affairs Council recognised the need to intensify the contacts with the Turkish-Cypriot community in order to familiarise them with the advantages of EU membership and in this way motivate them to become involved in the accession process. The Commission was responsible to establish the necessary contacts with the Turkish-Cypriot leadership and community through its delegation in Nicosia.¹⁸² The visits of the EU officials were meant to send signals to both communities – to the Greek Cypriots to make efforts to include the Turkish Cypriots in Cyprus' negotiating team but also to the Turkish Cypriots regarding the fact that their non-participation would not hinder the start of accession negotiations since it was not a precondition for that.¹⁸³

Another attempt to involve the Turkish Cypriots was made in 1997 at the European Council in Luxembourg when the date for launching the accession process with Cyprus and five other candidate countries was announced. In order to exert stronger pressure on the Greek Cypriots and to accommodate the member states with reservations toward the start of accession negotiations with divided Cyprus, the European Council concluded:

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-community, bi-zonal federation. In this context, the European Council requests that the willingness of the Government of Cyprus to include representatives of

¹⁸¹ Baier-Allen 2004, p. 211

¹⁸² Michael 2009, p. 153

¹⁸³ Baier-Allen 2004, pp. 157 and 158

the Turkish Cypriot community in the accession negotiating delegation be acted upon. In order for this request to be acted upon, the necessary contacts will be undertaken by the Presidency and the Commission.¹⁸⁴

The efforts of the Greek Cypriot government to include the Turkish-Cypriot community in the accession negotiation were considered to be too minor by some EU member states. However, the Greek Cypriots and Greece were not very opposed to the intransigent attitude of the Turkish Cypriots since this state of affairs allowed them to act freely and autonomously when negotiating the EU accession. Moreover, in this way the Turkish-Cypriot side would appear to be responsible for blocking any solution. Since the interest of the two Greek parties to motivate the Turkish Cypriots to cooperate in accession negotiations was not high, the EU insisted on a substantial invitation for participation by the Greek Cypriots. For this purpose the leaders of the Cypriot communities were invited to London within the British EU Council Presidency. But since the European Council had decided in Luxembourg to exclude Turkey from the list of candidate countries, the Turkish Republic of Northern Cyprus just as Turkey froze its relations with the EU and did not accept the invitation to London.¹⁸⁵ The offer of the Greek Cypriots made in coordination with the British Presidency included many improvement opportunities for the Turkish-Cypriot community. The Greek Cypriots also offered to negotiate the resumption of a direct preferential trade with the EU and to facilitate the disbursement of the EU funds in the northern part of Cyprus.¹⁸⁶ However, the leader of the Turkish Cypriots, Rauf Denktash, rejected the offer for participation reiterating his position of opposing accession to the EU. His main concerns were the consequences of the EU membership for the Turkey's presence on the island and the downgrading of the Turkish Cypriots to a minority status.¹⁸⁷

Both Cypriot sides had interest in maintaining the status quo on the island. The Turkish-Cypriot leader Rauf Denktash was able to secure the domination of his Cyprus policy due to the missing progress of the Turkey's EU candidature. Moreover he insisted on the illegality of the Greek-Cypriot application for membership and rejected to participate in accession negotiations unless the Turkish Republic of Northern Cyprus was recognised as an independent state with the ability to negotiate its own accession.¹⁸⁸ On the other side, the Greek Cypriots were relieved about the Turkish-Cypriot rejection to participate in negotiations. If the Turkish Cypriots had accepted the offer, this would have led to many complications in the accession

¹⁸⁴ Luxembourg European Council, Presidency Conclusions 1997, para. 28

¹⁸⁵ Karatas 2010, pp. 262 and 263

¹⁸⁶ Hannay 2005, p. 90

¹⁸⁷ Yiangou 2002, p. 3

¹⁸⁸ Hannay 2005, p. 83

process. The EU would have insisted on clarification of all the details in order to comfort the Turkish Cypriot side. This would also have had consequences for the settlement negotiations in which the EU would have exerted pressure on both sides equally and the Greek Cypriots would have lost their dominant position.¹⁸⁹

The accession negotiations started on 31 March 1998 only with the Greek Cypriots who represented the whole island and therefore both communities. The EU regretted the absence of Turkish Cypriots in the negotiating teams and the fact that no political solution could be found for the ongoing division of the island. However, the EU had been already aware of the difficulty to change the hard-lined position of Turkish Cypriots maintained by Rauf Denktash for decades. The pressure on the Greek Cypriots to make a substantial offer for participation had merely the purpose of soothing the sceptic member states that the EU had done everything it could to include the Turkish Cypriots in the accession process. The reaction of the Turkish parties to the start of accession negotiations was a further economic integration of the Turkish Republic of Northern Cyprus in Turkey. Additionally the UN led inter-communal talks were suspended by Rauf Denktash who blamed the EU accession process of the island for being the main obstacle on the way to a peaceful settlement. In doing so, the Turkish Cypriots were supported by Turkey, describing its foreign policy as reactive and dependent on EU's actions concerning the conflict in Cyprus as well as Turkey's candidature.¹⁹⁰

The EU's strategy of trying to involve Turkish Cypriots in the accession process and contribute to the conflict resolution by informing them about the benefits of EU membership for their community and giving them the possibility to express their concerns and demands about it was not effective. The main obstacle for the EU in reaching out for the Turkish Cypriots was the non-recognition of the Turkish Republic of Northern Cyprus and having to rely on Greek Cypriots to make greater efforts to involve their fellow community in accession negotiations.¹⁹¹ However, Rauf Denktash's firm policy of maintaining the status quo on the island by contesting the legitimacy of Cyprus' membership application and insisting on recognition of the Turkish Republic of Northern Cyprus as a separate state did not allow any room for negotiation and resulted in non-participation of Turkish Cypriots in Cyprus' accession process.

¹⁸⁹ Hannay 2005, p. 90

¹⁹⁰ Karatas 2010, pp. 266-268

¹⁹¹ Baier-Allen 2004, p. 212

4 Conclusion

Although the EU had often expressed its preference in relation to the admission of Cyprus, namely as a unified federation, as the accession process progressed, a coherent approach to the divided island entering the Union had to be adopted. The strategy of postponing the Cyprus' accession until after a settlement had been reached was abandoned with the decision at the European Council in Corfu in 1994. The conditionality for the beginning of the accession process was lifted and in 1995 it was decided to set the date for the start of accession negotiations with Cyprus. Therefore the EU had to embrace an approach allowing for the accession of Cyprus in conjunction with a political settlement. The rationale was that the accession process would be the force driving the search for a political settlement and not the other way round. However, this approach changed due to the difficulties arising from the parallel course of different events, such as the UN-lead intercommunal talks, EU-Turkey pre-accession strategy and Greek-Turkish bilateral discussions. After having decided that a political settlement was not a precondition to the accession of Cyprus in 1999, the EU approached the problem of division by focusing on the admission of only the Republic of Cyprus and preparing economic and trade measures to avoid the non-recognised authorities in the north of the island until a settlement is found.¹⁹² The option of this post-accession settlement was also integrated into the Cyprus-EU Accession Treaty of 16 April 2003 with a special protocol laying down the suspension of the *acquis communautaire* in the areas not under the control of Republic of Cyprus with a possibility of removal if a political settlement was to be found. On 1 May 2004 Cyprus joined the EU *de jure* as a whole but *de facto* the *acquis communautaire* was not implemented in the northern part of the island.¹⁹³

The changing approaches with regard to the Cyprus' conflict since its application in 1990 show that there was no coherence in EU's foreign policy strategy. There were several reasons why the EU was not able to develop a coherent strategy in its overall approach towards the Cyprus conflict during the pre-accession and accession process. First, the nature of the foreign policy and the tools used within this framework, like the enlargement policy, based on the principle of unanimity had allowed Greece to use its veto threat and in this way drive Cyprus membership bid. Second, the usage of Turkey's EU membership aspirations could not put enough pressure on the Turkish Cypriots to work towards a settlement since the prospects of Turkey joining the EU were never certain which could be seen in the inconsistent han-

¹⁹² Michael 2009, pp. 155-157

¹⁹³ Hoffmeister 2006, p. 198

dling of the Turkey's membership application. Finally and maybe the crucial factor standing in the way of a long-term strategy for the conflict resolution was the antinomy of interests between Greece and Turkey as well as between the two Cypriot communities. The interdependencies of the accession of Cyprus, the conflict resolution and the Turkey's membership aspirations were as preconditions too adverse for the EU to develop a coherent long-term strategy.¹⁹⁴ Therefore it can be said that assuming an active role in the search for a political settlement in Cyprus was not EU's primary foreign policy goal within the Eastern enlargement round. A coherent policy can rather be seen in a wider context of stabilising Central and Eastern Europe after the collapse of the Soviet Union and preventing the emergence of new conflicts.

The analysed case of Cyprus demonstrates that enlargement as a powerful foreign policy instrument can also fail to have leverage effect when the conflict parties do not show enough goodwill. The Turkish Cypriots considered benefits of EU membership less valuable than the security of their own state and the presence of the Turkish troops on the island.¹⁹⁵ Furthermore the political elite on both sides had interest in maintaining the status quo because they regarded the given situation more favourable than having to find a compromise. The Greek Cypriots had a strong position due to international recognition as the sole representatives of the Republic of Cyprus, prosperity and realistic prospects of joining the EU. Turkish Cypriots were not urged to find a settlement since they were militarily superior and were provided with security of Turkish troops stationed on the island as well as with subsidies and economic aid by Turkey.¹⁹⁶ Additionally a potential settlement was connected to a certain degree of uncertainty and a gradual sharing of power which supported the lack of political will.

It has to be noted, however, that the conditionality as the main instrument of the enlargement policy could not be applied to the full extent due to the veto threat of Greece. Greece as an EU insider contributed to a large extent to the minimisation of the role of the conflict, in particular by eroding the EU's conditionality strategy and leading to its full abolishment by making use of its veto power and package deals. Due to its intergovernmental structures the EU could not hinder Greece from threatening to block certain decisions if its demands were not met. Therefore this was countered with compromises by securing approval to other decisions less supported by Greece. One example is the Council decisions of 1995 to initiate the Customs Un-

¹⁹⁴ Karatas 2010, p. 485

¹⁹⁵ Baier-Allen 2004, p. 209

¹⁹⁶ Hannay 2005, p. 54

ion with Turkey and in return for the Greek vote the date for the start of accession negotiations with Cyprus was set. Another example is the Helsinki European Council of 1999 when EU's agreement to Turkey's candidate status was linked to the fulfilment of Greek demands in relation to Cyprus.¹⁹⁷ This leads to the conclusion that the only way for the EU to balance the veto threats of its member states is the linkage of approvals to concessions and fulfilment of certain demands. Classical compromise that characterises certain EU decision making procedures will remain indispensable as long as there are intergovernmental structures within the EU bodies.

By creating positive incentives or imposing sanctions in the context of fulfilling the EU requirements the conditionality can bring new impetus in a conflict resolution process. Thereby it is not necessary that the EU itself acts as mediator, the conditional pressure suffices for the conflict parties to open up to mediations from third parties. In relation to the EU potential to influence conflicts without being directly involved the term of catalytic effect has been introduced in politics and science. In general, catalysis describes the process of affecting events without a direct participation or involvement. Within the framework of the enlargement process the catalytic effect refers to the assumed positive connection between the prospect of EU membership and the resolution of possible territorial ethnic conflicts of a candidate country. In case the settlement of a conflict is defined as a condition for the accession, the conflict parties would be motivated to negotiate and work towards a settlement using the positive framework conditions and incentives provided by the EU.¹⁹⁸

Since the conditionality was not applied throughout the accession process of Cyprus, other approaches and strategies of the EU that could contribute to the conflict resolution have to be considered. A settlement was not one of the Copenhagen membership criteria established in 1993 and therefore it could be presumed that the Republic of Cyprus as the internationally recognised government would accede to the EU also without having to resolve the conflict. The Greek Cypriots had little stimulus to work towards a settlement and concentrated on the fulfilment of the conditions required for EU membership. By trying to involve Turkey on the basis of its membership bid and the Turkish Cypriots into the accession negotiations, the EU tried to trigger a positive catalytic effect on the conflict resolution process. However, the prospect of EU membership as such did not have positive effect on the conflict behaviour of the parties. New conflict behaviour became visible on both sides, the Greek Cypriots had a new

¹⁹⁷ Baier-Allen 2004, pp. 156 and 165

¹⁹⁸ Karatas 2010, p. 72

argument when internationalising the conflict claiming that with the accession EU territory would be occupied and Turkish Cypriots reacted with deepening the integration with Turkey. This behaviour had to be countered with approaches that would catalyse and not further undermine the conflict resolution process.¹⁹⁹

But not every approach was equally successful in catalysing the conflict resolution process. The strategy of conditionality towards the Cyprus conflict within the EU's enlargement policy had positive effects on the conflict resolution process. The Greek Cypriots were pressured to negotiate in order not to be the responsible party for hindering the settlement finding process which was said to be a relevant factor in the European Council's decision making on the accession of Cyprus.²⁰⁰ This approach also enabled Turkish Cypriots' position to be more integrated into the settlement talks. However, the Turkish Cypriots were supposed to be more influenced by Turkey whose EU membership bid was used as an instrument to affect Turkish-Cypriot conflict resolution behaviour. This approach was successful every time when the Turkish membership bid experienced progress, which was not pursued consistently. In situations where no steps forward were made with the Turkish application but instead in the accession process of Cyprus, this had negative effects on the Turkish-Cypriot conflict behaviour leading to further integration with Turkey. Also the EU's strategy of involving the Turkish Cypriots in the accession negotiations could not catalyse the conflict resolution due to the problems of non-recognition of the Turkish Republic of Northern Cyprus and the legitimacy of the Cyprus' membership application contested by the Turkish Cypriots. Although it applied different strategies, the EU could unfold a catalytic effect on the conflict resolution only by combining them, i.e. from 1999 onwards when the European Council made use of conditionality again referring to all relevant factors to be taken into account when deciding about Cyprus' accession and Turkey was granted the status of an official candidate.²⁰¹

The example of Cyprus demonstrates that the EU's most effective instrument for conflict resolution in its neighbourhood is conditionality. This principle affects the conflict parties by pressuring them to negotiate. Although the EU cannot deny membership credentials of a candidate country, particularly if the specific conditions to be fulfilled are determined beforehand, as it was the case with Copenhagen criteria, it can leave some scope and consider factors that are relevant in a certain enlargement policy. In case of an unresolved territorial con-

¹⁹⁹ Baier-Allen 2004, pp. 209 and 210

²⁰⁰ Helsinki European Council, Presidency Conclusions 1999, para. 9b.

²⁰¹ Baier-Allen 2004, pp. 210-212

flict these factors are the willingness to negotiate and therefore the preparedness for a settlement. Greek Cypriots were aware that a negative attitude towards settlement talks could have consequences for the accession process of Cyprus. However, in order to be successful in a conflict resolution process the instrument of conditionality has to be applied consequently and on both conflict sides. Otherwise there is a possibility for one conflict party to block the settlement finding. The Cyprus case has shown that the progress in the conflict resolution was conditioned by the incentive of EU membership on both sides. For the Greek Cypriots it was the membership of the Republic of Cyprus, for the Turkish Cypriots this was the prospect of the EU membership for Turkey. However, since the EU treated Turkey's membership bid with inconsistency and uncertainty the conditionality could not produce the desired effect and lead to a settlement of conflict.

Although the conflict in Cyprus was not resolved it could be said that the EU accession of Cyprus did stabilise the region. There is a great probability that the tensions between the conflict parties would have been intensified if the Republic of Cyprus had not joined the EU. The EU dimension brought new dynamics in problematic neighbourly relations and led to the continuation of the talks irrespective and even after the accession to the EU. Due to its resources and the coordination of member states' activities with those of other international organisations the EU is well suited to manage the post-conflict reconstruction through peace building as well as economic and political recovery.²⁰² The Cyprus case and in particular recent developments regarding the search for a comprehensive settlement²⁰³ show that the stability achieved through EU membership leads to a closer cooperation of the conflict parties which in the long run may result also in the resolution of territorial conflicts.

²⁰² Smith 2002, p. 7

²⁰³ A Joint Declaration setting the framework and the basic principles for a settlement of the Cyprus problem on the basis of a bi-communal, bi-zonal federation with political equality was adopted in 2014. Intensive negotiations since 2015 are ongoing on all aspects of the Cyprus problem. See Ministry of Foreign Affairs 2015, pp. 25-26 and Ministry of Interior, Press and Information Office 2016:

“In New York, during the meeting with the UN Secretary-General, it was agreed to intensify even more the ongoing talks. Without unnecessary timeframes, we conveyed once again our intention to work intensively in order to conclude our effort the soonest possible, and within 2016 if possible.”

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Abstract

This master thesis analyses the accession of Cyprus to the European Union. It focuses on the actions and steps taken by the European Union with regard to the unresolved territorial conflict. It draws upon analysis and examination of European Union publications and documents as well as other related sources. The analysis is conducted in three steps. First, the framework within which the European Union applies enlargement policy, namely the foreign policy dimension including the tools and instruments for its implementation, are examined. Second, the extent to which the unresolved territorial conflict played a role in the accession process is explored. Finally, the strategies and approaches that the European Union adopted in the case of Cyprus' accession are analysed. Besides, the insights gained from the accession of Cyprus into the potential of the EU to resolve a conflict in a neighbouring country are presented.

Despite European Union's expectations of delivering a catalytic effect on the Cyprus conflict through its enlargement policy and incentive system based on conditionality, its actions did not result in a settlement and reunification of the island. The conditionality applied by the European Union with other countries in order to implement a particular foreign policy could not yield the same results for Cyprus. The number of factors and actors involved in the territorial conflict required a more comprehensive enlargement policy. On the one hand, Greece as the mother country of Greek Cypriots and a European Union member since 1981 played an important role in hindering the success of the conditionality policy. On the other hand, Turkey as the mother country of Turkish Cypriots and an European Union applicant country was not given enough concessions in order to engage itself more in the conflict resolution process. At the same time, the European Union did not want to deny membership to Cyprus and thus deprive it from the benefits of the European Union accession. Under these circumstances, the European Union could not develop a coherent foreign policy strategy with regard to the conflict that would eventually lead to a resolution of the territorial question before the accession. Using the example of Cyprus, this master thesis concludes with reflections on the European Union's ability to formulate and implement a coherent foreign policy and the implications for conflict resolution in neighbouring countries.

Abstract (German)

Die vorliegende Master Thesis befasst sich mit dem EU-Beitritt Zyperns wobei der Schwerpunkt auf Handlungen und Maßnahmen, die vonseiten der EU ergriffen wurden, liegt. Methodisch stützt sich die Forschungsarbeit dabei auf die Analyse und Auswertung von EU-Dokumenten und weiteren Quellen die das Forschungsthema unterstützen. Die Vorgehensweise gliedert sich in drei Schritte. Erstens wird der Rahmen in welchem die EU-Erweiterungspolitik Anwendung findet, nämlich die außenpolitische Dimension einschließlich der für die Implementierung erforderlichen Mittel und Instrumente, untersucht. Anschließend wird die Erweiterungspolitik im Fall Zyperns unter Berücksichtigung der zentralen Frage, welche Rolle ein ungelöster innerstaatlicher Konflikt im Laufe des Beitrittsprozesses eingenommen hat, analysiert. Schließlich wird das Augenmerk auf die Strategien und Ansätze der EU in Bezug auf die Zypernfrage im Zuge der EU-Integration der Insel gelegt indem Erkenntnisse über das Potential der EU, Konflikte in ihrer Nachbarschaft zu lösen, dargestellt werden.

Trotz Erwartungen der EU, einen katalytischen Effekt durch ihre Erweiterungspolitik und das auf dem Prinzip der Konditionalität gegründete Anreizsystem zu erzeugen, resultierten ihre Handlungen nicht in eine Lösung des Konflikts und Wiedervereinigung der Insel. Die Konditionalität, die gegenüber anderen Beitrittsanwärtern angewandt wird, um bestimmte außenpolitische Ziele zu verfolgen, konnte im Fall Zyperns nicht dieselben Ergebnisse liefern. Die Anzahl der Faktoren und Akteure, die für den innerstaatlichen Konflikt von Bedeutung waren, erforderten eine umfassendere Erweiterungspolitik. Einerseits spielte Griechenland als Mutterland der griechischen Zyprioten und EU-Mitgliedstaat seit 1981 beim erfolglosen Ausgang der Konditionalitätspolitik eine wesentliche Rolle. Andererseits, hat die Türkei als Mutterland der türkischen Zyprioten und selbst ein EU-Beitrittsaspirant wenige Zugeständnisse vonseiten der EU erhalten, um sich mehr für eine Konfliktlösung einzusetzen. Gleichzeitig sollten Zyperns Qualifikationen für die EU Mitgliedschaft anerkannt und die Vorteile des EU-Beitritts nicht verweigert werden. Unter diesen Umständen konnte die EU keine kohärente außenpolitische Strategie in Bezug auf den Zypernkonflikt entwickeln und schließlich zu keiner Konfliktlösung vor dem Beitritt beitragen. Am Beispiel Zyperns schließt diese Master Thesis mit Reflektionen über die Fähigkeit der EU, eine kohärente Außenpolitik zu formulieren und zu implementieren, sowie mit Implikationen in Bezug auf ihr Konfliktlösungspotential in den Nachbarstaaten, ab.