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## The Issue of Cyprus in the EU Accession of Turkey

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# THE ISSUE OF CYPRUS IN THE EU ACCESSION OF TURKEY

**Melike Basturk**

## **A DIVIDED ISLAND: CYPRUS**

It has always been hard to draw the map of Europe due to incomplete depictions of its geography. The borders of Europe include the states settled in Asia such as the Russian Federation, Azerbaijan and Armenia in the Council of Europe and even Israel in the song contest of Europe, Eurovision. However, the Europeaness of states like Turkey and Ukraine are always in question when it comes to the European Union (and the EC, its pre-1993 predecessor), even if both are in the Council of Europe simultaneously. The politicization of the borders of Europe is not something new but still a debated topic in the political arena, and it affects the politics of the states. The demand for a definition of where Europe starts and where it ends is not just confined to the recent demand of the president of France Nicolas Sarkozy, but also includes Turkish Cypriots in Cyprus after the ‘Big Bang’ enlargement in 2004. Since May 1, 2004 Turkish Cypriots have been living on an island which is a member of the EU without being citizens of this union themselves. They cannot travel outside of the island unless they fly first to Turkey, which is the only place where they are recognized as citizens of the Turkish Republic of Northern Cyprus. Furthermore, they cannot trade with the other states; only with Turkey. This is because the international community recognizes the *de jure* sovereignty of the Republic of Cyprus over the whole island and the United Nations considers the declaration of independence by Northern Cyprus as legally invalid. Therefore, these people live in an enormous isolation from the rest of the world and are not sure where they belong.

The membership of the Republic of Cyprus constitutes an important obstacle for EU accession of Turkey. This is because Turkey cannot become a member of the EU without recognizing the Republic of Cyprus, which has been a member of the EU since May 1, 2004, over Turkish Republic of Northern Cyprus. Moreover, Turkey did not comply with legal obligations to be in custom unions by refusing to open its harbors and airports to the Republic of Cyprus. This created problems and resulted in the decision of the European Council in December 2006 not to open any of the negotiating chapters related with the customs union until Turkey changes its attitudes. The dilemma of the Republic of Turkey is

either to recognize the Republic of Cyprus as a legitimate state on the island and become a member of the EU more easily, or not to abandon the aims of the intervention in 1974 and the strategic significance of Cyprus for Turkey as a “stationary aircraft carrier” in the region (Eser, 2002).

### **CYPRUS IN THE HISTORY**

Cyprus has a history with both the Turks and the Greeks. Mentioned as the island of Aphrodite in the Ancient Greece remnants, Cyprus became a territory under the control of the Ottoman Empire during the reign of the son of the Great Suleiman, Selim the II. The island was located in a very strategic zone in the middle of the Mediterranean Sea and was a must-have to protect the trade routes. Because of this strategic importance, the British were quite interested in Cyprus when ‘the sick man of the Europe’, the Ottoman Empire, was more damaged after the Russo-Turkish War of 1877-1878. They claimed that the Ottoman Empire needed their help and assistance to protect the island. In sum, Cyprus was so important that its destiny could not be left to the Ottomans’ unpromising future. Therefore, the British took the responsibility of the safety of the island from the Ottomans until World War I. When the Ottoman Empire was defeated in WWI, the British declared the independence of the island. Yet, with the decolonization process in the 1950s-60s all over the world, Cyprus also gained its independence from the British rule because of both the Turkish and the Greek Cypriots’ demands. The treaties signed in 1959 and 1960 were guaranteeing the Turkish minority rights (18% of the island’s population) in relation to the Greek majority (80%) too (Ulusoy & Verney, 2009).

The peaceful environment on the island did not last long. In July 1974, the Greek coup against the government on the island was initiated by the military junta then in power in Athens. In response, Turkey was involved in the ‘operation Atilla’ in Cyprus in July 1974 to protect the rights of the Turkish Cypriots at the risk of alienating its allies, especially the most important one, the United States. The US imposed an arms embargo on Turkey following the Turkish intervention due to the pressure of the Greek lobby of the American Congress. Despite the Cold War, the embargo lasted for 3 years. Turkey, as the guarantor of rights of the Turkish Cypriots, claimed the aim of the operation was to end the aggression towards the Turkish minority on the island. However, the international community did not recognize this intervention as a peace keeping and right protecting operation, rather it was called the Turkish invasion of Cyprus. Therefore, Turkey was left alone when it proclaimed the independence of the Northern part of the island as the Turkish Republic of Northern Cyprus on November 15, 1983. Since then, Turkey has been struggling with the outcomes of the creation of an isolated Turkish Republic in the Northern Cyprus and desperately looks for recognition of it. Cyprus was mostly appropriated by Turkish people in the mainland and even called ‘yavru vatan’, which means the baby land. However, when we come to the 2000s, Turkey was left alone in its struggle for an independent Turkish Cyprus even by the young Turkish Cypriots, who were tired of being isolated and eager to have a resolution at any expense.

### **CYPRUS ISSUE IN THE EU AFFAIRS OF GREECE AND TURKEY**

Although at the international affairs level the Cyprus issue seems like it only concerns the Turkish and Greek Cypriots as the people who are affected by the problem, in actuality both Turkey and Greece are deeply involved in this issue. For Turkey, this issue remained as

a national cause or ‘*milli dava*’ while for Greece it was enosis, unification of Cyprus with Greece. However, the accession of Greece to the EU has rendered the option of enosis obsolete as the annexation of Cyprus by Greece would violate the sovereignty of an associated state by a member state (Suvarierol, 2003). The viability of the Cypriot state was hence reinforced by supporting its membership in the EU. To reiterate, the issue of Cyprus cannot be thought of without taking into consideration the influences of Turkey and Greece because of the historical connections.

While Turkey was not successful enough to make progress in the accession path to the EU, being a member of the EU since 1981 Greece was always able to affect EU policies on its benefits with respect to Turkey and the Cyprus issue. From that point on, the EU could no longer keep its benevolent neutrality towards its two allies, Turkey and Greece; even if in principle, the EU has always sought to maintain a balanced approach towards its two allies. Especially during the Cold War, the Community (the name of the EU before 1993) was obliged to be careful in order not to push Turkey away from Europe or the West in general, which would have undesirable consequences.

Deploying Turkish military forces on the island had always given Greece the chance to accuse Turkey of being an aggressor state, which conflicted with the ‘European’ identity based on values of peace and democracy (Ulusoy & Verney, 2009). The December 1989 opinion of the European Commission on the Turkish application stated resolutely that the evaluation of the political aspects of the application would be incomplete if it did not take into account the negative effects of the disagreements between Turkey and Greece and also the situation in Cyprus. Therefore, although Turkey desired to keep the resolution of the Cyprus issue separate from the question of its accession to the EU, the road towards the amelioration of Turkish-EU relations passed via Athens and Nicosia (Suvarierol, 2003).

The Greek policy towards Turkey’s membership was always portrayed as the sole culprit for the lack of progress in the EC-Turkish relations by the Turkish side. In the minds of many Turks, Greece was the only obstacle to the accession of their country into the Community although Turkey was not eligible yet for the membership during the 1980s and 1990s (Georgiades, 2000). Nevertheless, it is difficult to accuse Greece of blocking Turkey’s European perspective, when other European leaders, such as the German Foreign Minister Klaus Kinkel, openly stated that “the Turkish train remains on the rail line to Europe, but the path to full membership goes via the human rights situation, the Kurdish situation, relations with Greece, the Cyprus situation and naturally over several economic problems” (Hurriyet Daily News, 1997). These attitudes of the European leaders as a whole caused alienation of the Turkish citizens from the process of EU negotiations and gave them the impression that they will never be a part of the EU. Thus, there is no need for compromise in the Cyprus issue.

The Cyprus issue and accession of Turkey to the EU were discussed more than ever when the Republic of Cyprus applied for full membership to the EU in the name of the whole island. According to Helsinki summit decisions in December 1999, the resolution of the Cyprus issue was a precondition for neither Cyprus nor Turkey to access the EU. Nevertheless, Ankara was still expected to play an active role in bringing about a settlement in Cyprus as all concerned parties perceive it as having a key part in achieving the resolution of this imbroglio. Given this expectation and the noting of this issue as a short term priority of Turkey’s Accession Partnership, Cyprus has been a *sine qua non* for Turkey’s membership (Suvarierol, 2003).

When the Republic of Cyprus applied for the EU membership on July 4, 1990, Turkey was alarmed. The Greek membership was already a handicap for Turkey in the negotiations and a new obstacle would make things worse. Therefore, Turkey tried to convince the international community that the application was against the international law principles on the basis of Article 185 and 8 of the constitution of the Republic of Cyprus. Article 185 was to prevent any possibility of giving Turkey or Greece a more favorable economic position on the island, which would amount to an economic *enosis* and Article 8, was to underline that the Republic of Cyprus cannot be a member of an international organization unless both Turkey and Greece are a member of it too. International law expert Maurice H. Mendelson concluded that Greek Cypriot administration had no right to apply for a membership to the EU nor could it become a member as long as Turkey remained outside of the EU (Turkish Minister of Foreign Affairs, 1997). However, it did not persuade the EU officials and they argued that the issue of Cyprus' accession was a political debate and the law can adapt itself to any political solution as in the case of the Austrian accession. As Professor Vandersanden reported in his interview on May 16, 2000, the treaty establishing Austria was assigned a status of neutrality in order to prevent its union with Germany but it did not constitute an obstacle to Austria's accession to the EU in 1995 (Suvarierol, 2003). Therefore, the efforts of the Turkish government came to nothing. It was also obvious that Turkey was not obeying the rules of the European Court of Human Rights either by not respecting the property rights of the Greek Cypriots in the Northern part.

Prior to the Helsinki summit, the EU strategy was to pressure Turkey by highlighting that Turkish-EU relations could be improved if, among other conditions, Turkey contributed to a resolution of the Cyprus question that would reunite the island and lead to the accession of the Republic of Cyprus to the EU. However, this policy made Turkey feel alienated by the EU, therefore complicating matters further in Cyprus. With the Helsinki summit in December 1999, the EU changed its policy towards Turkey by announcing its official candidacy for membership but still with the hope that Turkey's accession process would make it easier to resolve the Cyprus problem. However, Turkish politicians were wary about including the Cyprus issue in their EU accession process due to the domestic political concerns. Whenever Turkey took further steps to become a member of the EU by ignoring its consequences for the Cyprus issue, like giving property rights to the foreigners, the politicians were always at the risk of being criticized as "selling Cyprus" by the nationalists and the opposition parties in the country.

Nonetheless, the policy of the EU towards the Cyprus issue did not change much even after the Helsinki summit. Although Turkey was opposed to the membership of the Republic of Cyprus without any settlement solution, in 2001 the President of the European Commission, Romano Prodi, made it clear in his visit to the Republic of Cyprus that they would be among the first wave of EU members irrespective of a political settlement. According to Turkish Minister of Foreign Affairs (1997) this was a realization that 'the Cyprus issue was not going well for Turkey'. As a result of all these decisions, the EU increasingly became an actor in the Cyprus dispute. It became an actor which was characterized as potentially being able to catalyze a peaceful solution on the island but not for benefits of Turkey.

The EU still bases its position in Cyprus' accession on the Helsinki decisions, which means regardless of a settlement agreement a promised membership to the Republic of Cyprus and Turkey. The conclusions of the June 21-22, 2002 Seville European Council confirmed that the EU's preference continues to be for the accession of a reunited island.

However, the Helsinki period had brought an imbalanced structure of conditionality to Turkey and to the Turkish Cypriots while none of the strong elements of conditionality existed for the Greek side, since the resolution of the conflict was no longer a precondition for the Republic of Cyprus' accession in 2004 (Eralp, 2009).

It was predicted that whether or not it was unified, the Republic of Cyprus eventually would become a member of the EU because any other option would endanger the entire enlargement project. Greece repeated its threat of vetoing the accession of Central and Eastern European states in the event that Cyprus was excluded from the first wave of enlargement (Suvarierol, 2003). Greece also always referred to the EU as a community of values, which means a candidate country could become a member only if it fulfills these value requirements. The exclusion of the Republic of Cyprus, therefore, could not be accepted just because of the settling issue on the island. The Republic of Cyprus had fulfilled the values that the EU required and anything else should not have mattered. However, the EU asked the Central and Eastern European countries to settle their minority and border disputes through the Balladur Stability Pact before accession while settling the Cyprus problem was not a condition that the Republic of Cyprus had to fulfill. By accepting a state that claims to be occupied and therefore unable to apply accession criteria to those occupied territories, the EU, then was obviously selective in what set of principles to apply for a given case, making the moral argument advanced in European circles questionable (Suvarierol, 2003).

The UN involvement in this issue became viable with the UN Secretary General Annan's plan for a unified island. The Northern part was eager to unify the island under this plan especially with the support of the AKP government in Turkey, which was a reformist government in its politics to become an EU member. However, the island could not unify because of the veto of the plan by the Southern part. On April 24, 2004, just a week from Cyprus' entry into the EU, the Turkish Cypriots, long seen as a major obstacle to a solution, voted in favor of the plan by 64.9% majority while the Greek Cypriots rejected it with a majority of 75.8% (Ulosoy, 2008). On May 1, 2004 eventually, the Southern and universally recognized part of the island became a member of the EU as if it was an "award of rejecting" a unified island. The entry into the EU was not a vehicle for a solution of the deeply rooted problems between the two nations of Aphrodite's island despite all of the efforts by the EU. On May 1, 2004 the EU inherited an unresolved question and the Cyprus problem became not only the problem of two dwarf entities but a problem of the EU itself (Sajdik & Schwarzinger, 2008).

The attitude of the Turkish government in the referendum was actually a dramatic change in Turkey's Cyprus policy, indicating a more pacific international stance and a relaxing of military control over foreign policy. Indeed, Turkey supported a unified island despite the then president of the Turkish Cypriots, Rauf Denktas' refusal. For Denktas, Cyprus should not have become a new Crete, a lost island to the Greeks in the Aegean Sea with a Turkish minority, as he argued in his book (Denktas, 2004). In the end, the primary Turkish gain was the discarded label of main opponent to the Cyprus reunification. Furthermore, the result of the referendum showed that Turkey was acquiring a more European identity, which helped to open the way for the accession negotiations for Turkey by the European Council in December 2004.

The status quo policy that Turkey adapted towards the Cyprus issue obviously did not block the accession of the Republic of Cyprus but it still created an obstacle for Turkey's accession. Therefore, this policy was only to the benefit of the Greek Cypriots because they

joined the EU even if the problem was not settled. Furthermore, they are now able to insist on more EU pressure on Turkey, especially regarding the issue. The Greek Cypriots became the only voice for the whole island within the EU institutions and was not likely to be favorable towards Turkey's membership of the EU. However, it is important to keep in mind that the unification alone will not guarantee Turkish membership in the EU; there are many chapters to go before Turkey can become a member.

### THE FUTURE OF CYPRUS

Turkey did not give up its policies towards Cyprus even during the US embargo, thus some scholars argue that it should not give up now either. Jean-Francois Drevet argues that Turks have an interest in keeping their "booty", selling it for the best price when the time comes (Drevet, 1991). According to him, if the Europeans do not want Turkey's accession, the island could indefinitely remain hostage and paradoxically its candidature could lead Turkey to stick more vehemently to its conquest.

The EU is convinced that Turkey has an enormous effect on Turkish Cypriots and the best possible contributor to the agreement process. The Greek Cypriots already firmly believe that the key to a solution in Cyprus is in Ankara (Suvarierol, 2003). Turkish Cypriots, on the other hand, believe that the prospect of EU membership will eventually oblige Turkey to work for a solution in Cyprus. They have thus welcomed the Helsinki decisions believing that Turkey will preserve Cyprus as a bargaining chip until its own accession (Suvarierol, 2003).

2004 was a great opportunity for a unified island but it could not be used efficiently. It was a hope for the Turkish Cypriots to be integrated with the rest of the world and become a citizen of a 'real' state, which is recognized universally. For the Greek part, on the other hand, Turkey had invaded the island and could not legitimize its existence with this referendum. Cyprus as it is right now satisfies neither the Greeks nor the Turks. Lacking industrial infrastructure, the Northern part is totally dependent on Turkey for its economic survival. Expensive living standards, a market with low quality products, and corrupt officials are main problems that the Turkish Cypriots have to live with. The Greeks also feel insecure because of Turkish military existence on the island.

Cyprus is a deeply controversial issue and needs international or regional institutions to resolve it. It seems also that none of the sides are willing to come to an agreement by themselves. Like in 2004 with the UN, Cyprus needs to come together again and decide its peaceful and prospering future. In this respect, the EU has a fundamental role to play. As both sides have interests in the EU, it is the best mediator with its carrots and sticks. From the EU point of view, having a member state which has been allegedly invaded is not reasonable either. Not being a supporter of military interventions, the EU has to end this 'occupation' with peaceful manners by satisfying both sides.

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