

Documentos CIDOB

Europa; 2

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Stelios Stavridis

documentos



Serie: Europa

Número 2. Current EU Negotiations with Turkey and the Cyprus
Problem: Whose Impasse is it Anyway?

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Edita: CIDOB edicions

Elisabets, 12

08001 Barcelona

Tel. 93 302 64 95

Fax. 93 302 21 18

E-mail: publicaciones@cidob.org

URL: <http://www.cidob.org>

Depósito legal: B-10.781-2006

ISSN: 1697-7688

Imprime: Cargraphics S.A.

Distribuye: Edicions Bellaterra, S.L.

Navas de Tolosa, 289 bis, 08026 Barcelona

www.ed-bellaterra.com

Barcelona, julio de 2007

CURRENT EU NEGOTIATIONS WITH TURKEY AND THE CYPRUS PROBLEM: WHOSE IMPASSE IS IT ANYWAY?

Stelios Stavridis*

July 2007

*Head of the Euro-Mediterranean and Middle Eastern Studies Unit
of the Institute of International Economic Relations in Athens
(www.idec.gr/iier).

The views are his own and do not necessarily represent those of any institution.

Introduction

In July 1974, Turkey invaded the north of Cyprus. Since then, there have been many major developments, including in the international system (e.g. end of the Cold War), at a European level (reunification of a divided continent), and even in the Eastern Mediterranean region: the Republic of Cyprus (RoC) joined the European Union (EU) in its May 2004 mega-enlargement, and accession negotiations with Turkey began in October 2005. Currently, the situation is that the EU has now decided (December 2006) to freeze some accession negotiations chapters (see below).

However, the Island's ongoing division and military occupation of 37% of its northern part continue all the same. It was hoped at the time of the RoC's accession negotiations that their 'catalytic effect' could lead to a solution. This did not happen (see below). Now that Turkey's own accession negotiations have begun, a common approach to the Cyprus Problem is to claim that it creates an impasse in Turkey's EU accession negotiations. But, as this paper will show, instead, the real deadlock stems from Turkey itself: in part because of its own shortcomings, and in part, because it still refuses to recognise the RoC under its obligations to extend the 1996 EU-Turkey Customs Union to all new EU members following the Union's latest enlargements. As a result, one can but conclude that the EU is bending over backwards with respect to the issue of Turkish membership.

The paper will also illustrate this common pro-Turkish approach by focusing on the current debate in Spain. Indeed, Spain is in favour of Turkey's entry and at the same time it is also highly critical of the Greek-Cypriots over the Cyprus Problem. Of course, this view is not unique to Spain. There are many other countries where this is the case, especially, but not surprisingly (considering its role as a colonial power in the Island) in the UK (see Potier, 2005). But it is interesting to concentrate

on Spain, not only because of the origin of this paper¹, but also because: [i] Spanish PM Zapatero goes out of his way to promote his 'Alliance of Civilisations' project, now co-chaired with Turkey's PM Erdogan; [ii] there is currently a 'bias' in Spain over the Cyprus Problem. Behind the thinking that it represents an obstacle to Turkey's EU membership, there lies a general support among most Spaniards (irrespective of their political or regional affiliations and preferences) for Turkish accession to the Union; [iii] all of the above, within a context where Spain's civil society prides itself on being supportive of oppressed peoples worldwide, be it the Palestinians, the Saharawis, or ... the Kurds (sic). Therefore, there is a case for emphasising the stance of an EU member state that is not usually mentioned in an academic study of the Cyprus Problem.

One of the contentions of the paper will be that this particular stance, in Spain and elsewhere, is characterised by a significant number of *idées reçues* and 'blessed ignorance': *idées reçues* because there is no real debate about the vast questions that Turkey's accession raises in general, and in particular there is no real debate about the Cyprus Issue itself. And, 'blessed ignorance', because when pushed to explain their stance on Turkey and on Cyprus, the average reaction becomes a defensive one: a general lack of interest, or even plain ignorance about the real issues at stake. Of course, expert observers do not usually use the 'ignorance' excuse, which makes their pro-Turkish stance all the more difficult to comprehend. By 'pro-Turkish' I mean that they favour Turkey's accession to the EU *even if it*

1. Seminar paper *The Cyprus Impasse in the EU negotiations with Turkey - Present and future prospects* presented at the CIDOB's Mediterranean and Europe programmes Workshop Seminar on 8 May 2007 (Barcelona). The author would like to thank all its participants, and especially the Workshop organisers (Dr Jordi Vaquer and Mr Eduard Soler) and the discussant (Prof Andreas Kyriakou, University of Girona), for their useful comments. The usual proviso about responsibility also applies here.

continues to occupy the northern part of the Republic of Cyprus (RoC). Succinctly put, their ‘counter argument’ (which, as I will attempt to show below, also stems from ‘blessed ignorance’) is that the Greek-Cypriots rejected the Annan Plan in 2004 and that therefore they only have themselves to blame for the ongoing division of the Island. That is to say, they prefer not to be able to see the wood for the trees, because it gives them a convenient excuse regarding their claim that Turkey’s accession negotiations are made more difficult because of Cyprus, a claim that they argue has been confirmed by the December 2006 decision to partially freeze the ongoing accession negotiations with Turkey.

The main problem with the above is that it is a rather simplistic, inaccurate approach to the Cyprus Problem *per se* and to Turkey’s accession negotiations in general. What follows will make the case for a different reading of the whole situation. It will argue that Turkey is responsible for the current situation, and that, unless it *also* shifts its policy on Cyprus, its accession negotiations will be difficult. The real obstacles to its accession stem from its own internal shortcomings, be they in the economic, political, social, or cultural fields (see below). But *in addition* to these serious obstacles, Turkey refuses to even recognise the RoC, let alone remove its occupying forces. This is what I mean by not seeing the wood for the trees. But the trees are important enough to warrant attention. Moreover (and this is another of the paper’s contentions), the EU’s record to date has basically been one of rhetorical support for Cyprus, but of *de facto* support for Turkey’s ongoing occupation. Turkey has not paid any real EU price for its invasion in 1974 (Stavridis, 2007). On the contrary, the EU has accepted it as a fact, despite having issued declaration after declaration condemning the state of affairs. Why it has done so is an important question in itself. The question as to why there has not been more criticism about this situation also deserves more attention. In the past, Turkey’s geopolitical importance (especially during the Cold War, but also since the 1991 Gulf War and the 11 September attacks) has been the usual *realpolitik* explanation. The implications of such an approach for the EU’s credibility as an international

actor have not been given the attention they deserve. As for the implications of starting accession negotiations without fulfilling the Copenhagen criteria for the democratic nature of the European integration process, again, the issue has been pushed under the carpet.

The remainder of this paper will offer a critical analysis of the above. It will also attempt to assess whether the December 2006 decision represents more of the same, that is to say, all rhetoric and no action, or whether it represents a turning point; i.e. the emergence of an EU policy based on principles. The paper consists of five parts: Part One looks in more detail at the current debate as outlined in the introduction. It also offers data about the way it is presented and perceived in Spain, thus adding empirical evidence to the claim that there is a bias in the way the Cyprus Problem is analysed in this country. Part Two looks at a number of key facts regarding the Cyprus Problem. Part Three considers the ongoing serious political crisis in Turkey. I examine Turkey before moving on to Cyprus because the thrust of this paper is that Turkey is the main obstacle to better EU-Turkey relations, and that Turkey is responsible for not solving the Cyprus Problem. Part Four examines recent developments in Cyprus, and also the way the EU has dealt with those developments in the last couple of years. Finally, Part Five concludes with a summary of the main points developed in this paper; it also tries to answer the question of whether the EU's current policy represents a real shift or just a convenient excuse for inaction.

The Common Approach ('Cyprus is an Obstacle'): a Review

A common approach to the Cyprus Problem - now that the RoC has joined the EU - is to claim that it creates an impasse in the accession negotiations between the EU and Turkey. This is particularly true in Spain, where many observers take for granted what Turkish officials tell

them²: In the words of Turkish foreign minister Gul, the Cyprus Problem is 'poisoning' EU-Turkey relations³. For instance, a recent CIDOB publication (CIDOB, 2006) on the subject contains articles clearly sympathetic to this view (see de la Cámara, 2006 in particular). There is one (solitary) divergent voice in this volume: it is that of a European Commission official (whose job it is to deal with Turkey) who explains plainly and clearly why Turkey's refusal to recognise the RoC means that the former is violating the EU-Turkey Customs Union (Harveyn, 2006: 25). But it is revealing that all contributors prefer to simply ignore that 'inconvenient' fact. The same happens in a recent *Institut Europeu de la Mediterrània* Report on Turkey (IEMed, 2007) where, in its 2,300-word-long internet summary version, there is not *a single mention* of Cyprus.

Similarly, any straw poll among Spanish citizens on whether they know that there is an EU member state that is partly under military occupation by an applicant state would undoubtedly confirm the general ignorance about the issue at stake. In the same vein, the Spanish media consistently refers to a 'Southern Greek-Cypriot State' and a 'Northern Turkish-Cypriot State'⁴. It is important to note how newspapers articles entitled '*Turquia ofrece a Chipre un aeropuerto y un puerto para despejar su acceso a la UE*' [Turkey offers Cyprus an airport and a port to facilitate its accession to the Union]⁵ can intentionally mislead public opinion and prevent an informed debate over the issue. The same is true of articles

2. For a detailed analysis in Spanish see Stavridis (2005); (2007).
3. As reported in Tom Hellis, 'Gul: Karamanlis a "friend of Turkey"', *Kathimerini-English edition*, 30.04.07.
4. For instance, see Juan Carlos Sanz, *El País*, 29.06.06.
5. Andreu Missé and Adrián Soto, *El País*, 08.12.06: 'La mayoría de los embajadores de los Veinticinco acogieron ayer con una prudente cautela la imprevista oferta de Turquía de abrir un gran puerto y un aeropuerto a las naves y aeronaves de Chipre'.

like '*La isla camina hacia la ruptura definitiva*' [The island is heading towards a permanent division]⁶. Is that as innocent as it may appear to the un-initiated? I strongly doubt it. The real question is why there is such a general pro-Turkish stance in Spain. Mestres and Soler argue that Aznar's support stemmed from his Atlanticism, whereas Zapatero's emphasises Turkey's contribution to better relations between Europe and the Muslim world (Mestres and Soler, 2006: 123). A policy which, as noted above, is now best illustrated by one of Zapatero's foreign policy flagships, the so-called 'Alliance of Civilisations' project, co-sponsored by Turkey's PM Erdogan. As Turkey is an occupying force in Cyprus, one wonders how Spain can convincingly reconcile that fact with respect for International Law and other UN rules and principles, which represent, at least rhetorically, a keystone of current Spanish foreign policy.

Such a negative attitude towards the RoC and, by implication, such a pro-Turkey stance, creates several problems: it is bad for any open democratic debate, it does not help solve the Cyprus Problem, it only delays tough decisions that will have to be taken according to European Community law principles and it adds to Turkey's long list of objective obstacles that make its joining the Union all the more difficult. Another key issue remains whether negotiations should have started whilst Turkey continues to refuse to recognise the RoC, let alone to occupy its northern part. But as these negotiations have now started, the real issue has become one of what to do about them.

In other words, the real impasse is not with Cyprus, but with Turkey. We must keep in mind this important point, or we will reach the wrong conclusions. As (the late) Paul Nitze once told an eager US student at a meeting at Chatham House: 'most of the time if you start with the wrong premises, you reach the wrong conclusions'. Even if various

6. Juan Carlos Sanz, *El País*, 08.12.06.

interpretations exist, we should not forget that not *all* interpretations are equally acceptable (the so-called ‘everything goes’ relativist approach), especially when the facts point in a different direction. It may not be ‘politically correct’, but we must take particular care in ensuring that this current fashion does not simply amount to an attempt to change reality by the power of one’s own words.⁷ Thus it is important to clarify the core of the Cyprus Problem: it is Turkey’s 1974 invasion, occupation and colonisation. Until this particular issue is resolved, a major international problem will exist. This was the case prior to the RoC’s EU accession, and it remains the case after its accession. In more practical and immediate terms, since an EU-Turkey Customs Union exists, Turkey must extend it to all new EU member states, including Cyprus.

A Critique

I will begin with a critical review of a number of arguments that have been used in recent years:

A common view is that the RoC should not have been allowed to begin accession negotiations, let alone join the Union, *without* a prior solution to the Problem. Such a view is often expressed by those who prefer not to face the fact that Turkey bears the blame for the current stalling of its EU accession negotiations. Although first used during Cyprus’ own EU accession bid in the late 1990s and early 2000s, it is often repeated today with an ‘I told you so’ attitude. There are at least two different dimensions to this point, and I will duly refute both of them:

7. To paraphrase French philosopher Alain Finkielkraut: “*le sens du politiquement correct*” [can be defined as] “*le refus d’accepter les faits*”, see his “Les juifs n’ont pas d’avenir dans une société multiculturelle”: www.lemonde.fr: 29.03.07.

1. At that time, it was conveniently argued that Greece would not allow for any enlargement that would not include Cyprus. Greece's official stance on enlargement has always been one that favoured it taking place as quickly as possible, because for so long Greece was the only EU country with no geographical borders with another EU state. This situation only changed on 1 January 2007, when Bulgaria and Romania joined the Union, that is to say 26 years after Greece joined the (then) EEC. The 2007 enlargement only took place because the 2004 enlargement had already taken place. These two enlargements (which have become known as the Copenhagen and Luxembourg accession candidate states) belonged to the same package of reunifying the European continent following the collapse of the Soviet empire. Greece had an interest in this reunification and therefore would not have blocked enlargement. Not surprisingly, what has been forgotten is that other accession states enjoyed the support of other EU member states. As we know, the EU works with package deals: Germany supported Poland, as Sweden did the Baltic States, Austria backed Hungary, Italy supported Malta, etc. Therefore, a Greek veto as a threat to include Cyprus represents a rather simplistic view of how the Union works, and is also a rather optimistic and exaggerated assessment of Greece's importance among the EU15 (especially when at that time Greece also wanted to join the 'Euro' from the moment the currency was launched).

2. The second reason is much more straightforward: why should the RoC be penalised twice? Cyprus was first penalised with the 1974 Turkish invasion, and, it would have been penalised once again by not being allowed to join the Union because of continuing Turkish occupation. The RoC fulfilled all the Copenhagen Criteria conditions from the start, and it was in fact one of the 'best candidates' throughout the accession negotiations. Why should it be penalised again? Also, why should Turkey be allowed to decide who joined the Union and who did

not? Obviously, the ‘easy’ argument (and one that is very simplistic, in my humble view) is that by refusing Cyprus’ entry, the Union would avoid ‘importing’ another problem. It is simplistic because so many EU member states have problems, and if that were a criterion, then there would be no EU: e.g., a colonial France, a divided Germany, or the Italian-Yugoslav dispute over Trieste, to name but a few for the big Three of the original Six; Northern Ireland, Gibraltar and the Falklands for the 1973 Enlargement; Ceuta and Melilla and again Gibraltar, as well as Basque terrorism, for the 1986 enlargement; Finland’s border with Russia for the 1995 enlargement; the many minority issues in the Baltic states, Malta’s difficult relations with Libya, the ex-Yugoslav dimension with Slovenia, Poland’s fledging judicial system for the 2004 enlargement and, finally, Bulgaria and Romania’s corruption levels and minorities questions for the 2007 process. Although they represent various issues (territory, neighbourhood, governance), they all share the fact that their membership and accession meant ‘importing’ problems. But at the end of the day, *none* of these problems results from a recent military invasion and the occupation of part of a territory of a candidate (now member) state by another candidate country, an occupation that has also led to a “Turkey-isation” of the northern part of the Island, through a consistent and systematic removal of its Greek and Christian Orthodox past. Thus, Turkey is a different case. As a consequence, anyone who opposed Cyprus’ accession should understand what it would have meant in practice: Turkey’s occupation would have been ‘rewarded’ twice. The implications of such an attitude for international law, European principles and rules (not only EU, but also OSCE), and repeated UN Security Council/General Assembly resolutions and European Court of Human Rights decisions would have been immense. It would have also fully supported and justified Turkey’s claim that the Cyprus Problem was resolved in 1974. There is no escaping this simple fact. Therefore, the Union was quite correct in not allowing such a development to take place.

There are other, similar claims that need to be addressed at this stage: For instance, some claim that since the Greek-Cypriots rejected the Annan Plan in 2004, there is no further need to consider the Cyprus Problem as an obstacle to Turkey's accession. In addition, as the Turkish-Cypriots approved it, and as Turkey had put pressure on them to do so, Turkey and the Turkish-Cypriot community are the 'good guys' in the current situation⁸. Such an approach contains a very serious weakness: it does not bother to look at the content of the Plan⁹. Indeed, it deems it sufficient that the UN and the European Commission said it was a good plan, and that it fulfilled basic EU principles and rules. Why then, did the EU not accept the offer made by a major Cypriot party to have the Annan Referenda held *after EU accession* and therefore make it possible for the European Court of Justice to decide if this was really the case? How is it possible that, under the Annan Plan provisions, a Spanish citizen would have had more rights than a Greek-Cypriot in the Turkish-Cypriot part of the New Cyprus Republic?¹⁰ Why was there no objection to having the Turkish settlers take part in

8. For instance, see Soler (2004).
9. I do not intend to address the issue of whether a 9,000-page long Plan (www.cyprus-un-plan.org) should have been put to referendum in the first place. But the reason why it was done has to do with a key element in the debate over how 'good' it was: there was no agreement among the two communities and therefore the use of the referendum was mandatory, as agreed between the two parties. But more attention should be given to the fact that there was no agreement in the first place. No one familiar with the Cyprus Problem should be surprised by the referenda results. The mere fact that one community voted positively and the other negatively gives a clue about the content of the Plan.
10. As Professor Kyriacou so correctly pointed out in his comments to my paper during the presentation of its first draft on 8 May 2007.

the referendum, thereby effectively legitimising an illegal occupation? What about other important objections to the Plan, such as: the constitutional obligation of the new Republic to support Turkey's accession to the Union (even if it did not fulfil the Copenhagen criteria), as well as the continued 'guarantors' role given to Britain, Greece and Turkey *à-la 1960*, when history had clearly shown how unsuccessful a system it has proved to be? What about the many obstacles to a single economy in such a small territory, and in clear contradiction to the 'four freedoms' that the European integration process has codified? (see also Palley, 2005; see below).

Moreover, one is entitled to wonder why there is an ongoing discussion regarding a "Southern Greek-Cypriot Cyprus". Thus, a convenient but yet again incorrect association was made between the Plan and EU accession. As the Turkish-Cypriots had voted positively to the former, how come they were not part of the EU enlargement process? Once again, another specious argument¹¹, because the RoC as a whole joined the EU on 1 May 2004. It is clear from Protocol 10 that the *acquis communautaire* is only suspended in the occupied territories:

1. The application of the *acquis* shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control¹².

The same is true of the European Commission's website, which clearly states that 'all Cypriots have become EU citizens'. All of this is further confused by a number of misleading claims about the nature of the 2004 referendum. Thus, a well-known pro-Turkish observer has argued that:

11. For a detailed review see Stavridis (2005; 2006a; 2007).

12. The whole Declaration is reproduced in the Annex.

‘In 2004 the Turkish Cypriots voted 2:1 in favour of reunification; the Greek Cypriots 3:1 against’ (Potier, 2005: 2).

This means that, to the uninformed reader, the referendum’s results are presented as an ‘either-or’ decision on the idea or *concept* of reunification, and not on the *content* of the Plan itself. This is simply not true, in the sense that there were many other possible alternatives to the Plan that was presented to the Cypriots in April 2004, the best illustration being, of course, that that particular version was the fifth one. No wonder the Greek-Cypriots had welcomed the previous versions but not the last one. My claim in this paper is that such an approach, trying to confuse European public opinion by presenting biased statements as objective ones, is not as innocent as it might sound.

What is the wider picture of the Cyprus Problem? What follows presents a number of additional dates, facts and events that explain why the real issue is not Cyprus but Turkey. It also brings in the European context in order to bring the argument up to date with the current situation at the time of writing (mid-July 2007).

The 1974 Turkey invasion has totally conditioned the recent history of the RoC, though the roots of the problem are older: ‘failed decolonisation’ in many ways in 1960, when ‘independence’ for the Island was imposed on the Cypriots instead of their majority preference for *enosis* and the minority

13. Respectively, *union* with Greece, or double *division* and two separate unions with Turkey on the one hand and Greece on the other. Neither communities wanted independence, we were talking at the time of Greeks and Turks and not of Greek-Cypriots and Turkish-Cypriots. Something that began to become reality after 1960, in spite of an unworkable political system and the obvious limitations that such a system entailed after the first outbreaks of violence between the two communities in 1963 and the first UN intervention in Nicosia in 1964.

preference for *taksim*¹³. But the physical and geographical separation of two communities in 1974, together with the (illegal) arrival of (especially Anatolian¹⁴) Turkish settlers, means that only a change in Turkey's policy might lead to a solution to the Problem. Currently, it is calculated that there are more Turks (even without counting the Turkish occupation forces) than Turkish-Cypriots on the Island.

After endless but unsuccessful UN mediation efforts, the 'carrot' of EU membership was presented as the 'final catalyst' for a solution. Initially, it seemed to work, as negotiations between the two communities were finally re-launched in late 2001, when the Turkish-Cypriot side (and Turkey) realised that Cyprus' EU accession negotiations were going ahead without any major problems (screening phase and implementation of the *acquis communautaire*). As the EU had not actually intervened in the Problem for years (in spite of its rhetoric in favour of an end to Turkish occupation), the least it could do was, as I note above, not to penalise the RoC twice, and therefore to accept that even without a solution having been found to the Island's division, Cyprus would be accepted into the Union provided it fulfilled the Copenhagen criteria.

Thus, another key moment came in 2004, when the Annan Plan was rejected by the Greek-Cypriots, *and* when the RoC joined the EU. As I note above, what is of real importance is that the Island as a whole has joined the EU. As a *consequence* of the 2004 Enlargement, Turkey has a legal *obligation* to extend the 1995/1996 EU-Turkey Customs Union to all 10 new EU members (now including Bulgaria and Romania). In

14. The less 'Westernised' the Turkish settlers who go – illegally, one must not forget, to northern Cyprus, the more difficult it would be for them to integrate, as tensions between traditionalists and modernisers in Turkey itself have shown over its 84-year long history. This distinction is also visible geographically speaking in Turkey between Istanbul and its Aegean coast on the one hand, and the rest of the country on the other.

December 2004, the EU¹⁵ and its member states (including the RoC) agreed that negotiations with Turkey would commence ‘some time during 2005’ (eventually on 3 October 2005): negotiations are now under way; the screening phase was successfully completed in the early part of summer 2006. One chapter (‘Science and Education’) has already been opened, negotiated and closed (see also below). To a large extent, this choice was a result of an anti-Greek Cypriot feeling among EU states and institutions over their rejection of the Annan Plan, thus partly nullifying the ‘positive’ policy of not having found a solution to the Problem to the Island’s EU membership question. It is also interesting to note that the 9 October 2005 European Commission’s *Turkey Progress Report* justifies the beginning of Turkey’s accession negotiations using a *complete inaccuracy*. It says that one of the demands¹⁶ to begin those negotiations was for Turkey ‘to sign the Adaptation Protocol extending its existing Association Agreement with the EU to all new Member States, including the Republic of Cyprus. *Fulfilment of these requirements* by Turkey resulted in the opening of accession negotiations on 3 October 2005 as planned’¹⁷ (my italics).

At the end of the day, there was no Turkish recognition of the RoC (Customs Union extension). One aspect of the problem centres currently on Cypriot planes and ships and their access to Turkish ports and airports (Cyprus has the eighth-largest commercial fleet in the world). Turkey has signed an extension Protocol, but it has added a declaration saying that this does not amount to Recognition. ‘All’ that the EU has done, despite

15. On the European Parliament, see Soler (2005).

16. The other was to bring in a number of items of legislation on human rights and on the judiciary.

17. European Commission’s *Turkey Progress Report*, and also its *The Negotiations framework for Turkey*: www.europa.eu.it.

its many 'warnings' about the need for Turkey to recognise the RoC as soon as possible, or even its statements that any extension would, in fact, amount to *de facto* recognition, has been to issue its own counter-declaration saying that it does not accept the Turkish declaration¹⁸. But Turkey simply indicated that it did not accept the EU counter-declaration, and for a long time, *the Union stopped at that*.

All of this creates a serious problem of credibility for the EU as an effective international actor (see Stavridis and Fernández, 2005); more importantly, it means not only that the problem has been *postponed*, but also that the Turkey debate fuels (the already-existing) controversy over the EU Constitutional Treaty's future, even now that some 'light' seems to have been shed following the agreement over a new Reform Treaty, especially in countries where public referenda were held (following the June 2007 Brussels European Council meeting under Germany's Presidency)¹⁹.

All of which means more problems in the future, because there is a need to deal with the postponed question of the non-extension of the Customs Union treaty and Turkey's continued refusal to recognise Cyprus. How credible is the EU in this situation? Not particularly, simply because Turkey's military withdrawal from Cyprus is no longer considered the real issue. Such a development represents a clear

18. See Nicos Bellos, 'EU agrees on counterstatement to Turkey's declaration', *CYPRUS NEWS AGENCY*, 20.09.2005.

19. For a different view, see Peter Sutherland, 'The future is brighter than we think', *International Herald Tribune*, 17-18.03.07. The problem is that, firstly, Sutherland claims that 'We are growing together whatever petty squabbles may persist', when of course the real question is whether they really only amount to 'petty squabbles'. And secondly, one can be 'genetically' optimistic and still see problems for what they are, and not just conveniently push them under the carpet.

‘retrogression’ from the EU’s principled stance on the issue in the past (foreign policy and enlargement), even it only meant rhetorical support.

Recent Developments in Turkey

It is impossible to discuss the Cyprus Problem without mentioning Turkey: not only because of Turkey’s current accession negotiations, but also, as I note above, because the central cause of the continuation of the Problem itself is Turkey’s ongoing military occupation of 37% of the RoC’s territory, and the presence of so many Turkish settlers (not to mention the 30 to 40,000 troops) which have turned the Turkish-Cypriots into a minority on their own island. However, I will not be dealing with Turkey in any great detail because it is not the topic of this paper. But it is important to show how difficult the current political situation in Turkey is, because the 22 July 2007 elections will not necessarily and totally solve this crisis.

I begin with a number of problems: a deterioration has taken place in Turkey (see next paragraph), but also elsewhere in the region and worldwide –in Iraq, of course, but tensions also exist over the issue of the Iraqi Kurds and, by implication, Kurdistan. Other tensions include the war in Lebanon in summer 2006, the ongoing Palestinian in-fighting (especially during 2006-2007), North Korea’s joining the nuclear club in October 2006, and the Iranian poker game over its nuclear programme. In addition to all that, this period has also seen an increase in terrorism, whether it be of the ETA kind or of the Al-Qaeda kind (31 December 2006: Barajas airport²⁰, 11 April 2007: the Algiers bombings, and July 2007: the failed attacks on London and Glasgow airports).

20. Not to mention ETA’s May 2007 decision to call off its so-called ‘permanent cease-fire’.

In Turkey, recent events appear to support the claims of those who have always argued that the country does not possess a real democracy, but rather that it is a façade democracy²¹: for instance, with the saga over Turkey's presidential candidate nominations, where there was a long delay in declaring who would stand as candidate of the government. This issue appeared within a tenuous context as a result of renewed attacks in South-Eastern Turkey (read 'Kurdistan')²², the assassination of Turkish-Armenian journalist Hrant Dink, and the murders of a number of Turkish judges. In addition, there were reports that a possible coup had been planned in 2004²³. Within this context,

21. *The Economist Intelligence Unit's* index of democracy puts Turkey in 87th place and in its third category ('hybrid regimes'), following those of 'full democracies' (17 of the EU27) and 'flawed democracies' (the remaining 9 EU member states). A fourth category covers 'authoritarian regimes': Laza Kekic, 'The World in 2007', 22.11.06. Turkey's own Prime Minister has complained about this lack of democracy, see his comments to CNN on 07.06.05, *in-news*: www.in.gr; See also Rouleau (2000).
22. There is also the additional relation between the PKK 'activities' in Eastern Turkey/Northern Iraq and a possible Turkish military intervention in that region. This development would not be anything new considering the vast number of such interventions in the past. But it would be the first time since the 2003 Iraq war. For the current situation, see: *El País* editorial, 'Turquía amenaza', 11.06.07; Juan Carlos Sanz, 'Turquía apunta sus tanques contra los kurdos en Irak', *El País*, 15.07.07: both at www.elpais.com. The latter also reports that according to the *Diyarbakir Human Rights Association*, 205 people have been killed in northern Anatolia during the first semester of 2007.
23. As reported by Turkish weekly magazine *Nokta* in March-April 2007, and quoted by Suna Erdem, 'Turks protest amid fears of "secret plan" to overturn secular state', www.timesonline.co.uk: 16.04.07.

massive demonstrations against Erdogan partly forced him to make his subsequent decision to choose foreign minister Gul as his presidential candidate. This decision was followed by a number of declarations by the military on 11 and 12 April 2007 that could not be any less clear. Turkey's armed forces Chief of Staff General Yasar Buyukanit warned that a Turkish President had to believe in secularism and that the military would intervene if the government did not demonstrate respect for the secular state (this declaration has been dubbed a 'virtual coup d'état' or an 'e-coup' because it was posted on the internet). The government decided to go ahead with the first round of voting with Gul as the sole candidate (361 MPs were present, 367 votes out of 550 were needed; 357 MPs voted for Gul, with the Opposition abstaining in protest). What followed brought in the Constitutional Court; the body decided to accept the Opposition view that the result had to be annulled, since the required quorum had not been reached in the first round of voting (Turkey's Constitutional Court decision of 2 May 2007). Initially, the government continued to talk about a second round, but when it realised that this would have generated more problems, because the issue of the required quorum would not go away, Erdogan decided to bring forward the elections that had been scheduled for November 2007. A date has now finally been agreed for 22 July 2007. Erdogan also called for the current Parliament to engage in major constitutional reforms, in particular to ensure that the Turkish President be elected by direct universal adult suffrage.

Tensions increased on 23 May when a terrorist attack killed six and injured 60 in the heart of Ankara. Rumours about a coup abounded. In the end there was no coup, but neither a leading figure (let alone the leader) of an Islamic Party was elected as Turkey's President. The Turkish Parliament voted on 10 May 2007 for a referendum for the direct election of the President, but this was vetoed by the current President Ahmed Necdet Sezer. Following another positive parliamentary vote on 31 May, the Turkish President decided that a date for a referendum on the issue had to

be set, probably in October²⁴. In short, there is a rather tense situation at present. *What happens next is unclear*. How EU-Turkey enlargement negotiations should proceed remains an open question in light of the above developments.

Recent Developments in Cyprus, and EU-Cyprus-Turkey Relations

Cyprus

In Cyprus, where are we now, three years after the Annan referenda? The first thing that should be stressed is that contrary to earlier nightmare scenario predictions²⁵, there appears to be a fresh round of negotiations that has brought some limited progress: after a long interruption following the Annan Plan rejection, the two sides have now met again, and agreed on the UN envoy Gambari's set of new

24. 'Le président turc demande un référendum sur l' élection au suffrage universel', *Le Monde*, 15.06.07: www.lemonde.fr.

25. This is not unique in European affairs, where it is often argued that something 'must' happen because it will not be possible to do something different later. See for instance the 2005 European Constitutional Treaty ratification campaign in France, when it was argued that there was no alternative to the Constitutional text. With the election of Nicolas Sarkozy in France, an informal renegotiation of the Text took place. See 'La renégotiation de la Constitution est lancée', *Le Monde*, 15.05.07: www.lemonde.fr. It led to the June 2007 Brussels European Council meeting negotiations that have produced the 'Reform Treaty', that will be further negotiated in an intergovernmental conference to be held by the end of 2007, which will lead in turn to a Treaty that will be ratified by the end of 2008-early 2009.

ideas (July 2006; see below). This is a far cry from the unrealistic claims made during the Annan Referendum campaign that there would be no alternative to the Plan; that it would be the last chance of a reunification deal. There is little doubt that the intention was to place as much pressure as possible to push for a deal prior to accession. Yet, by doing so and ignoring that the latest versions of the Plan satisfied the Turkish-Cypriots but not the majority of the Cypriots, the failure of the Plan was predictable and unavoidable.

Without labouring this aspect of the issue, one could argue that it was unfair for the Union to pile up its own pressure on top of the pressure applied by the UN, the USA and other actors. Especially when such pressure failed to consider how compatible the Plan was with basic European principles. The European Commission's role in this affair needs explaining, although it falls beyond the scope of this paper. A similar criticism can be made of the European Parliament's stance on the issue²⁶: it went from being the staunchest defender of the Cyprus Cause to choosing to play *realpolitik* games. It did not even discuss the Plan on its own merits, preferring to hide behind the Commission's rhetoric. In the words of MEP Jacques Poos:

'La Commission nous certifie aujourd'hui que, dans la version finale du plan Annan, [les] conditions fondamentales [capacité de parler d'une seule voix, personnalité juridique unique, pas de dérogation permanente au traité] sont remplies' [The Commission confirms to us today that in its final version the Annan Plan fulfils the fundamental conditions that are required (i.e. capacity to talk with a single voice, single international legal personality, no permanent derogations to the accession treaty)].²⁷

26. For more details see Stavridis (2006b); Stavridis and Tsardanidis (2007).

27. *Verbatim Debates*, EP (21.04.04).

This is simply unacceptable for a body that claims to act as the 'guardian of EU principles'; it is even more unacceptable that the body entrusted with scrutinising its policy should do so without entering into a serious analysis of what the Commission claims to be the case.

In Cyprus itself, the situation remains complex: on the *Turkish-Cypriot side*, a crisis seems to be looming, including the possibility of early elections. What has changed over recent years is that the Denktash grip on northern Cyprus has gone. This is a positive development because of the obstructionism of 'Mr No'²⁸. Moreover, his prediction that the two communities could not live together in peace has proved totally unfounded. Today, there are some 10,000 Turkish-Cypriots who work in the south everyday. Turkish-Cypriots (those who can prove they are Cypriots and not Turkish settlers) also have free access to Health Care and can claim their pension rights. Also, about half of the Greek-Cypriots have now visited the occupied north at least once. All this was made possible when Turkish-Cypriots crossed the Green Line in numbers in early 2003. This was later reciprocated by the Greek-Cypriots. Even with the collapse of the Annan Plan, the situation has not changed. This 'human factor' and the fact that the Green Line has become permeable for the first time since 1974 can be considered to be positive developments towards a future reunification.

But the real issue is still that of how much autonomy the leaders who have replaced Rauf Denktash actually have: the current Turkish-Cypriot leader Ali Mehmet Talat initially appeared to be very keen on solving the Cyprus Problem. However, the 'Turkish factor' will continue to play just as important a role in the future as it has done in the past.

28. 'Mr No' was Rauf Denktash, the leader of the Turkish-Cypriots until December 2003. His nickname resulted from his constant obstruction of and during any bi-communal talks and negotiations.

Nowadays, Talat conveniently blames everything on the Greek-Cypriots, but Turkish-Cypriot Sener Levent, the editor of the paper *Afrika* puts it more accurately:

‘El poder real está en Ankara, Talat hablaba antes de ser elegido de solución al conflicto y de reunificación, pero ahora sólo hace lo que le ordena Ankara’ [Real power lies in Ankara, before his election, Talat used to speak of a solution to the conflict and of reunification, but now he only does whatever Ankara orders him to do].²⁹

For instance, in January 2007, Talat ordered the removal, in Nicosia, of a physical obstacle on the Turkish side of the Lydra Street ‘wall’ (that forms part of the infamous Green Line). The Greek-Cypriot leadership hesitated initially but in March 2007, it decided to demolish its side of the separation. But then the Turkish army said no to Talat’s ‘openings’. As a result, parts of the concrete walls are gone but new temporary separations have been erected once more. This might be setback but it also shows how crucial Turkey’s role remains. Even the most uncritically pro-Turkish analysts have no illusions about this:

‘Turkish Nicosia’s opinion is largely irrelevant. (...) The Turkish Cypriots will do whatever Ankara tells them’ (Potier, 2005: 6 and 4, reverse order in the original).

29. Both in *El País*, 08.12.06. It is interesting to note that the paper *Afrika* is the name of the same paper previously named *Evropa*, which Denktash ‘loved’ to ban as being too pro-European. As a result, its editors decided to change its name.

On the *Greek-Cypriot side*, the wounds from the 2004 Annan Plan debate have yet to heal. On the one hand, there are those in a minority who think that history will prove them right because they argue that the ‘other side’ does not really want a solution (by this they mainly mean President Papadopoulos). On the other, the opposite majority view is that the Annan Plan amounted to a “betrayal” of the most basic principles of Cypriot independence. But there is agreement on the fact that something needs to be done about the Island’s division. See, for instance, President Papadopoulos’ recent comments³⁰: ‘A solution to the Cyprus problem is an absolute priority for us, because time passes by at the expense of reunification and the wounds get deeper’. He also expressed ‘particular worry and concern’ at the lack of progress in the implementation of the 8 July 2006 Gambari proposals (setting up committees and groups of experts to address political issues but also concerns of everyday life). As a humanitarian measure and confidence-building exercise, the UN-backed CMP (Committee of Missing Persons) has also been working since September 2006³¹ in an effort to identify the island’s approximately 2,000 missing persons from the 1974 invasion (almost 1,500 Greek-Cypriots and some 200 Turkish-Cypriots). All are believed to have been killed. It is revealing that nothing along these lines had been possible earlier.

In Cyprus, the two dominant political parties are AKEL and DISY. The other important parties are the Socialists, DIKO, EUROKO and the Greens. This plethora of parties is, in part, due to an electoral system that favours small parties, but is also the result of several splits following disagreements within parties over the Annan Plan.

30. ‘A Cyprus settlement must unite – Tassos’, *The Cyprus Weekly*, 20-26 April 2007.

31. Michele Kambas, ‘Cyprus seeks answers about missing islanders’, *Kathimerini-English edition*, 12.12.06.

Some of the parties listed below are no longer active but they have been included to show how complex Cypriot politics are:

ΑΚΕΛ= AKEL (Progressive Workers' Party and Left New Forces) – Communist Party

ΔΗΣΥ= DISY (Democratic Rally) – Right-wing

ΔΗΚΟ= DIKO (Democratic Party) - Centre

ΕΔΕΚ= EDEK (Social-Democratic Movement)

ΕΔΗ= EDI (United Democrats)

ΕΥΡΩΚΟ= EUROKO (European Party) – Right-wing; strongly anti-Annan Plan

ΕΥΡΩΔΗ= EURODI (European Democracy) – Right-wing, anti-Annan Plan

ΟΙΚΟΛΟΓΟΙ= The Greens (Ecological-Environmental Movement) - The Cyprus Green Party

ΚΕΠ= KEP (Free citizens Movement)

ΚΙΣΟΣ= KISOS (Social-Democratic movement) – Social-Democrats

Κόμμα Φιλελευθέρων= Liberal Party

ΛΑ.ΣΟ.Κ=Λαϊκό Σοσιαλιστικό Κίνημα= Popular Socialist Movement

ΑΔΗΣΟΚ (Ανανεωτικό Δημοκρατικό Σοσιαλιστικό Κίνημα)= ADISOK (Renovated Socialist Party Movement)

ΑΔΗΚ (Αγωνιστικό Δημοκρατικό Κίνημα= ADIK (Democratic Struggle Movement)

NEOI New Horizons, nationalist.³²

32. In more detail, the current situation with the parties is as follows: AKEL, DISY, DIKO, EDEK, EUROKO and the Greens are the parties who have won at least 1 seat in the House in the 2006 elections. EDI fell just a few votes short of a seat but are still active. This is also the case with KEP. ADIK, running in coalition with EUROKO, did not win a seat for itself and is not really active, but it is still in existence. EURODI and LASOK also still exist but on paper only. They received less than 0.5% of the vote and are hardly active. KISOS was a temporary name-change for EDEK which has switched back to its original name since then. Komma Fileleftheron merged with DISY and ADISOK with EDI in the 1990's. NEOI joined forces with a former DISY MP and changed its name into EUROKO in 2005. My thanks to Harris Georgiades for his update of political parties on 14.06.07.

Following the 21 May 2006 elections, the current Parliament (2006-2011) consists of the following parties³³:

Parliamentary Election Results in the Republic of Cyprus:

	2006	2001	1996
AKEL:	31.1%-18 MPs	(34.7%-20 MPs)	(33.0%-19 MPs)
DISY:	30.3%-18	(34%-19)	(34.5%-20)
DIKO:	17.9%-11	(14.8%-9)	(16.4%-10)
EDEK:	8.9%-5	(6.5%-4)	(8.1%-5)
EUROKO:	5.8%-3	(new party in 2006)	
Greens:	1.95%-1	(2.0%-1)	(1.0%-none)
EDI:	1.56%-none	(2.4%-1)	(3.7%-2)
Free Citizens:	1.22%-none	(new party in 2006)	
EURODI:	0.44%-none	(new party in 2006)	

Interestingly, in February 2008 Presidential elections will be held as Papadopoulos' five-year term comes to an end. It is not clear if AKEL will support him again, as it has now announced that it would field its own candidate (Dimitris Christofias). Without its support, it is difficult for Papadopoulos to muster enough support among the Greek-Cypriot electorate. This groundbreaking decision (it would be the first time that AKEL presented its own candidate) is not unrelated to the Cyprus Issue, as the current President is seen by many within the AKEL leadership, rightly or wrongly, as an obstacle to a solution. The other candidate, who has all but declared himself, comes from the Right. He is the former DISY foreign minister and current MEP Ioannis Kasoulides. But he has another major obstacle to overcome: he supported the Annan Plan in 2004. Are there any clues from the May 2006 parliamentary elections? It is difficult to say because both large parties (AKEL and DISY) suffered losses. DISY was in favour of the Annan Plan, whereas AKEL decided not to do so at the last

33. www.vouleftikes2006.gov.cy.

minute, partly because it could envisage a negative result, and partly because President Papadopoulos (whom AKEL supports) had declared himself against the Plan. What remains clear is that as nearly 76% of the Greek-Cypriots have voted against the Annan Plan, it will be extremely difficult, in fact virtually impossible, to go back to any plan that resembles it.

EU-Cyprus-Turkey relations

As far as *the EU* is concerned, it is important to stress that initially all of its institutions and member states gave (at least rhetorically speaking) their support to the RoC. They all condemned the Turkish invasion, occupation and colonisation of the northern part of the Island. But they did not do anything that might upset Turkey. Over the years, even Greece began to take a more lenient view, arguing that it could not jeopardise any possible improvement in bilateral relations (especially after the 1996 Imia incident, but particularly so since the 1999 ‘earthquake diplomacy’). When the Annan Plan was presented to the two communities on the Island, the EU, its institutions and its member states gave it their full support. Once the Greek-Cypriots rejected it, many in Europe conveniently blamed them and accused them of not wanting a solution. This was particularly true of many MEPs (see above). In particular, several attempts were made to ‘reward’ the Turkish-Cypriots and to penalise the Greek-Cypriots. In addition to the more general criticism as to why some democratically-made decisions are criticised by those who disagree with them, whereas others are seen as legitimate, one could mention various ‘attempts’ made to engage in the so-called “direct trade” arrangements with the north. These efforts have yet to materialise, not only because of the Cypriot government, but also because it is not possible for the Union to use other means than those that are legal and legitimate: there is one member of the Union and it is the RoC. Any effort at by-passing Nicosia is doomed to fail, especially one that would ignore a plethora of UN, EU and Council of Europe ECHR rulings (c.f. the ‘Loizidou case’) and statements stressing that the north is under Turkish

occupation. International law and European legal rules (mainly from the ECHR of the Council of Europe) prevent relations with the self-proclaimed and internationally not recognised (except by Turkey) ‘Turkish Republic of Northern Cyprus’.

Moreover, considering the porous nature of the Green Line and the fast-improving economic situation in the north, thanks to the spending of so many Greek-Cypriot visitors (as well as the fact that there are casinos there, something that is not allowed in the south), it is difficult to talk about an isolated north. What is also fuelling its economic recovery is, of course, the illegal sale of Greek-Cypriot property, something that many EU states turn a blind eye to. Finally, there is the massive growth of tourism³⁴ in the north, though this field is not increasing significantly in the south. It is interesting to note that whereas Turkish-Cypriot tourism represented only 13.9% of total Cypriot tourism in 2000, it now represents over 20% (20.9%), at a time when overall figures show a -1.7% decrease in Greek-Cypriot figures and a +8.6% increase in Turkish-Cypriot figures³⁵.

Tourist arrivals in Cyprus 2000-2005:

Year	northern Cyprus	government controlled area	total	share (%) northern Cyprus
2000	432,953	2,686,005	3,119,158	13.9
2001	65,097	2,696,732	3,061,829	11.9
2002	425,556	2,418,238	2,843,794	13.8
2003	469,867	2,303,247	2,873,114	16.4
2004	599,012	2,349,012	2,948,024	20.3
2005	652,779	2,470,063	3,122,842	20.9

34. Tourism is always important for totalitarian regimes. See the past positive impact of tourism in opening up Franco's Spain and contributing to making its survival impossible after the dictator's death in November 1975. But it can also have a perverse effect, see for instance in Cuba, Óscar Espinosa Chepe, 'Cuba y el turismo', *El País*, 07.05.07.

35. *The Cyprus Weekly*, 20-26 April 2007.

There is, of course, an easy question that arising from the above: why do so many Europeans travel with impunity directly to an occupied territory for their holidays? Why do the governments of EU States not act in these clear cases of illegal use of stolen land and property? These questions are important because they show double standards vis-à-vis Turkey, though not in the way that is often reported by self-styled 'objective' observers: the EU is not adding new accession criteria for Turkey, it is lowering its own standards and principles (not to mention international law rules) to the point of totally ignoring them. Does this mean the Union has decided to 'buy' the US/UK argument about Turkey's geo-political and geo-strategic importance? If that is the case, it should be brought to the negotiation table. But one should be careful not to open the door to any country that displays similar importance (e.g. Israel, Japan, Canada and Australia, as well as the USA³⁶). It should also be fully incorporated into the 1993 Copenhagen Criteria and within the current debate on 'absorption capacities'. One should finally note that on these grounds, Cyprus does also have some good cards to play as the 'unsinkable aircraft carrier' of the Eastern Mediterranean. But that would also open a Pandora's Box that the UK and the USA want to keep hermetically closed: what should happen to the 'sovereign' British bases on the Island?

As no Turkish recognition of Cyprus has been forthcoming, and as real progress on democratic reforms in Turkey has been slowing down, there has been a fresh rethink over what to do about EU-Turkey relations. Starting with the EP during the final quarter of 2006, some dissent began to appear not only on the question of how right it was for Turkey to continue with the accession negotiations process, but

36. Timothy Garton Ash, "Canadá en la UE", *El País*, 02.07.06. On Israel, see Richard Rupp, "Israel in NATO?", *The National Interest*, Nov-Dec 2006.

also how right it is not to do anything about the fact that the Customs Union extension was blocked *de facto* and that the stumbling block was Turkey. So, it might be argued that the need for the EU to play by its own rules and norms has forced a rethink of sorts at various levels: within the Union, within its institutions, and within its member states. Thus, the problem has revealed its true face: Turkey, and in particular its refusal to even recognise the RoC, let alone withdraw its occupying military forces.

Once discontent appears in the EU, it is difficult to stop it (a rather sad observation, because it means that for most of the time, the Union is just muddling through). The September 2006 EP report by Camiel Eurlings is rather clear on both Turkey and on its refusal to recognise Cyprus. To stress how many and how serious the problems within Turkey are, space constrains me to only list here to the relevant sections of the Eurlings Report that deal with torture, corruption, military, Kurds, minorities, religious tolerance, and the need for a new Turkish Constitution, as well as a recognition of the Armenian genocide. In order to show how critical the Parliament is of Turkey's refusal to recognise the RoC, I include in full the relevant points of the Report that deal with the Cyprus Problem or with Turkey's continued refusal to recognise the RoC in one way or another (Eurlings 2006):

B. whereas the advancement of the negotiations will have to depend on the accomplishment of the priorities set out in the Accession Partnership, the requirements of the Negotiation Framework and the full implementation of the provisions stemming from the Association Agreement (Ankara Agreement) and the Additional Protocol thereto, including a comprehensive settlement of border disputes and a comprehensive settlement regarding Cyprus, to be supported by both sides of the island,

(...)

R. whereas Turkey has still to implement outstanding decisions of the European Court of Human Rights (ECHR), including those concerning Cyprus, and whereas

judgments were delivered in 290 cases by the ECHR in 2005, 270 of which contained a finding of at least one violation,

(...)

Z. whereas Turkey has signed, but not ratified or implemented, the Protocol extending the Ankara Agreement and whereas this results, *inter alia*, in a continued embargo against vessels flying the Cypriot flag as well as vessels approaching from harbours in the Republic of Cyprus, denying them access to Turkish ports, and against Cypriot aircraft, denying them flying rights over Turkey and landing rights at Turkish airports,

AA. whereas, as stated in the Declaration of the European Community and its Member States of 21 September 2005 and in the conclusions of the European Council of 15-16 June 2006, the EU will closely monitor and evaluate full, non-discriminatory implementation of the Ankara Protocol by Turkey in 2006, and whereas the European Community and its Member States have declared that failure on the part of Turkey to implement its contractual obligations in full will affect the overall progress in the negotiations,

(...)

Regional issues and external relations

(...)

52. Expresses its disappointment over the fact that, in spite of its contractual obligations, Turkey continues to maintain restrictions against vessels flying the Cypriot flag and vessels approaching from harbours in the Republic of Cyprus, denying them access to Turkish ports, and against Cypriot aircraft, denying them flying rights over Turkey and landing rights at Turkish airports; reminds Turkey that this practice constitutes a breach by Turkey of the Association Agreement, the related Customs Union and the Additional Protocol, as the restrictions infringe the principle of the free movement of goods; seeks to work with the Turkish authorities to enable them to comply in full with their obligations in this respect without seeking to exacerbate domestic political tensions contrary to the interest of long-term reconciliation for Cyprus; regrets that Turkey maintains its veto against the participation of the Republic of Cyprus in international organisations and in multilateral agreements;

53. Urges Turkey to take concrete steps for the normalisation of bilateral relations between Turkey and all EU Member States, including the Republic of Cyprus, as soon as possible; in this context, recalls the Council's Declaration of 21 September 2005;
54. Notes the current difficulties in EU-NATO cooperation and calls upon Turkey to reconsider its position towards including all EU Member States;
55. Reminds Turkey that recognition of all Member States, including the Republic of Cyprus, is a necessary component of the accession process; calls upon Turkey to take concrete steps for the normalisation of bilateral relations with the Republic as soon as possible; urges Turkey to fully implement the provisions stemming from the Association Agreement and its Additional Protocol as well as the priorities stemming from the Accession Partnership; calls on the Turkish authorities to maintain a constructive attitude in finding a comprehensive settlement of the Cyprus question within the UN framework, acceptable to both Greek Cypriots and Turkish Cypriots, leading to an equitable solution based upon the principles on which the EU is founded, as well as on the *acquis*, and, pursuant to the relevant UN resolutions, to effect an early withdrawal of their forces in accordance with a specific timetable; welcomes the meeting between Mr Papadopoulos and Mr Talat on 3 July, which led to the agreement of 8 July; encourages further contacts in order to pursue dialogue which should lead to a comprehensive settlement;
56. Calls on both parties to adopt a constructive attitude in finding a comprehensive settlement of the Cyprus question within the UN framework and based upon the principles on which the EU is founded;
57. Points out that the withdrawal of Turkish soldiers could facilitate the resumption of substantive negotiations and, pursuant to the relevant UN resolutions, calls on the Turkish government to effect an early withdrawal of Turkish forces in accordance with a specific timetable;
58. Welcomes the establishment of an instrument of financial support to encourage the economic development of the Turkish Cypriot community following the General Affairs Council of 27 February 2006; supports the Commission in its efforts to implement these funds; calls on the Council to make renewed efforts to reach an agreement on trade facilitation regulation concerning the northern part of Cyprus without undue delay, including further attention to possible joint control of the

Port of Famagusta under the aegis of the EU and UN, in accordance with the unanimous General Affairs Council decision of 27 February 2006, taking into account the Council conclusions of 26 April 2004 but also the consultations held under the Luxembourg Presidency and Protocol No 10 to the Act of Accession of the Republic of Cyprus, and calls on the Governments of Cyprus and Turkey to undertake new initiatives to strengthen the ties between the two communities, thereby building mutual trust;

(...)

Negotiations

61. Reminds Turkey that the Council decision requires the Commission to report in 2006 on the full implementation by Turkey of the Ankara Protocol, and that a lack of progress in this regard will have serious implications for the negotiation process and could even bring it to a halt;
62. Regrets that Turkey continues to oppose Cyprus's membership of international organisations and mechanisms such as the OECD, MTCR, Black Sea Cooperation and the Wassenaar Arrangement; calls upon Turkey to change this policy towards the Republic of Cyprus as soon as possible;'

The European Parliament plenary session approved the Report with 429 votes in favour, 71 against and 125 abstentions, out of a total of 625 votes cast.

In its preparation of its annual progress report on Turkey, the Commission toughened its language because it knew that there was discontent among MEPs but also among the public opinions of member states. What followed among EU governments was not very nice to see: there were many divergences among EU states. In an effort to find a way out of the current stand-off, the pro-Turkey EU governments (and there are plenty of them) asked the Commission to delay the publication of its Report, and also later requested the Finnish Presidency to try again, just in case Turkey would finally respond positively. That particular tactic did not work because the issue at stake is not only one of form but one of content (this is why to a large extent, the so-called "win-win" approach is rather simplistic and results from

wishful thinking³⁷). Thus the 9 November 2006 Commission Report was very negative on several aspects. On the question of Turkey's ongoing refusal to even recognise Cyprus, it proposed a *temporary freeze of some negotiations chapters*. Even though EU Commissioners are supposed to be independent and no longer represent the national interests of their respective states, there were a number of divisions among them:³⁸ Commissioners Stavros Dimas (Greece), Markos Kyprianou (Cyprus), Jacques Barrot (France) and Benita Ferrero-Waldner (Austria) were much tougher on what should be done about Turkey³⁹. These positions reflected, to a large extent, the stances of their respective governments. These divisions greatly facilitate Turkey's obstructive policy on the matter.

In a last-ditch effort, the (second semester 2006) Finnish Presidency tried to 'coax and bully' the Turks at the same time, by calling a meeting of the Presidency with the foreign ministers of Cyprus and Turkey, and, once this had failed, by issuing a deadline (6 December 2006) for Turkey to recognise the RoC. A "deadline" that, as with so many *self-imposed* EU deadlines, has come and gone without any consequences (c.f. the 1999 Helsinki European Council meeting that had set the end of 2004 as a final date for a solution to be found on Greek-Turkish bilateral disputes, but that period has passed, and without any consequences).

37. For a devastating attack on this approach as applied to the Cyprus problem during the Annan Plan(s) negotiations, see Palley (2005).
38. Here one would need to address –something that cannot be done obviously for reasons of space– the question of Europeanisation but not from the traditional literature perspective: how Europeanised do EU institutions become? On the EP and Cyprus, see Stavridis and Tsardanidis (2007).
39. 'UE/Turquie: dissensions au sein de la Commission européenne', www.lemonde.fr: 06.11.06.

Once that had also failed, in early December 2006, a Foreign Ministers meeting decided to freeze eight of the 35 chapters, all of which were linked in one way or another to the question of the customs union. Respectively, they dealt with the free movement of goods and services, residence rights, financial services, agriculture, fisheries, transport, customs union and external relations.

To show how difficult that decision was, the 14-15 December 2006 Brussels European Council did not even discuss the issue. It just accepted the Foreign ministers' decision: 'We have an agreement. A crisis summit has been avoided', Ursula Plassnik (Austria's Foreign Minister and Council president-in-office) declared with as much triumphalism as a deep sense of relief⁴⁰.

In addition to the partial freeze, all other negotiations chapters are to remain open until the end of negotiations (which amounts to nothing more than common practice). The implications are unclear, with some arguing that it *de facto* removes Turkey's incentive to carry on with its democratic reforms process. Alternatively, it could be argued that Turkey '*debe convencer a los europeos de la sinceridad de su compromiso*' [must convince the Europeans of the sincerity of its commitment]⁴¹ to democratise. And that therefore, the EU pressure is only an additional incentive within a wider process. The link between EU pressure and internal Turkish reforms is not a straightforward one, because otherwise it would mean that only by accession will Turkey carry out its reforms in full. A different question is how credible this pressure on Turkey will be. The Union will not be perceived as a coherent and powerful actor simply by blowing hot and cold air. Immediately after the decision to freeze certain chapters, shows of

40. Katrin Bennhold, 'A sharp EU reprimand for Turkey', *International Herald Tribune*, 12.12.06.

41. Servantie (2006/2007).

support took place: Tony Blair's visit to Turkey⁴², and the Portuguese Presidency announcement that it would push for Turkey's accession⁴³.

But even this partial freeze only occurred when the screening phase had already been successfully completed (by the beginning of summer 2006), when other chapters were still being negotiated (on industrial policy and business), and when more will be opened in the summer of 2007: it has now been agreed that two new chapters will be negotiated. It is interesting that the German Presidency⁴⁴, which ended on 30 June 2007, had suggested a third. It is only because France (under 'new management', see below) has decided to take a more critical approach to Turkey, that only two chapters (statistics; and financial control) were opened, on the grounds that the third one on economic and monetary union dealt with core EU integration. Such an approach avoided a deep discussion of the issue at stake and also probably avoided a Cypriot veto, something Nicosia had promised in the event that the new French President also used his own veto⁴⁵.

42. Dan Bilesfky, 'Blair tries to reassure Turkey over EU', *International Herald Tribune*, 16/17.12.06.

43. 'Lisbonne juge que l'Europe doit être loyale envers Ankara', 08.06.07, *Le Monde*: www.lemonde.fr.

44. Andreu Missé, 'Bruselas confía en ampliar las negociaciones con Turquía', *El País*, 09.05.07.

45. Respectively, Anne Rodier with Philippe Ricard, 'Chypre menace de bloquer les négociations sur l'adhésion de la Turquie', *Le Monde*, 14.06.07: www.lemonde.fr; Philippe Ricard, 'La France refuse que l'UE ouvre des négociations sur la monnaie avec Ankara', *Ibid.* See also even more recent reports confirming that the current priority for Sarkozy is a solution on the Constitutional Treaty: 'Paris ne bloquera pas les négociations sur la Turquie' [Paris will not block Turkey's negotiations], in 'Le président turc demande un référendum sur l'élection au suffrage universel', *Le Monde*, 15.06.07: www.lemonde.fr.

Conclusions

The real issue, therefore, is that there is an impasse on EU relations with Turkey, partly due to the latter's lack of democratisation and partly due to the latter's refusal to recognise an EU member state. Though it is equally important to note that the EU no longer demands the withdrawal of its troops from the northern part of the Island; only the EP regularly mentions such a development as a possible goodwill gesture. Thus, the Union (that is to say many of its institutions and many of its member states) finds it convenient to blame the Greek-Cypriots, with the (equally convenient) excuse of their 2004 negative vote to the Annan Plan. But there is no escaping the fact that now the Union is no longer demanding a Turkish withdrawal from Cyprus and is quite 'happily' continuing with its enlargement negotiations. It would be interesting to see what happens if eventually, Turkey only opens up a restricted number of its ports and/or airports to Cypriot planes and ships.

The December 2006 partial negotiations freeze shows the limitations of the EU's credibility as an international actor. It did not manage to act as a real catalyst for a just and viable solution to the Island's division prior to the RoC's accession⁴⁶, in spite of the oft-repeated claim that enlargement is the best catalyst for solving problems. One could, however, argue then that the catalytic effect could not fully work because Turkey was not negotiating its EU accession. And yet now that it is, there is very little change in Turkey's attitude.

46. This is also why the argument made during the 2004 Annan Plan debate that claimed that once Cyprus was given EU membership, it had no incentive to try and find a solution to the Island's division is fundamentally flawed: what happened instead because of the EU's position on the Plan was that it appears that it has facilitated the possibility of what was labelled as a threat in those years, namely, 'Euro-partition'. That is to say: EU membership and a permanent division.

In other words, the real question is whether the EU stance on Turkey over the Cyprus Issue after the December 2006 decision to freeze some negotiations ‘chapters’ represents *a turning point* or just more of the same, possibly even *a fuite en avant*? At the end of the day, one must ask if the EU (its institutions and its member states) really wants “reunification”, or whether, despite its rhetoric to the contrary, it would contemplate a “velvet divorce” (assuming it is of the velvet kind). The wider implications for such a failure to solve a European problem would be huge for the Union’s credibility as a civilian power in Europe based on principles, values, rules and legal obligations (see Mr CFSP Solana’s acceptance speech of the Charlemagne Prize in May 2007⁴⁷ and contrast it with the Cyprus situation).

In the same vein, in mid-June 2007, the EU was engaged in *a bras de fer* with Russia over Estonia’s decision to remove a Soviet statue (which for the Russians represents Russian sacrifice during World War II, and for the Estonians a symbol of Soviet occupation for 70 years). Significant words such as the need for EU ‘solidarity’ have been mentioned in this case. For instance, during the May 2007 EU-Russia summit meeting that was held in Samara, EU leaders (Commission President Barroso in particular) emphasised how important EU solidarity was with its member states in their various and varied problems with Russia (Poland on beef issues, and Estonia and Lithuania on minorities issues and questions of past symbols such as the removal of a Soviet soldier statue in Tallin). Barroso was quite clear: ‘*Las dificultades de un miembro lo son para toda la Unión*’⁴⁸ [One member’s difficulties are difficulties for the whole Union]. It is interesting to note that such a vocabulary is absent from the EU discourse on Cyprus. *Un poids deux mesures*, or rather,

47. Javier Solana, ‘Mi Europa’, *El País*, 18.05.07.

48. Pilar Bonet, ‘La UE cierre filas frente a Rusia en apoyo de Polonia, Estonia y Lituania’, *El País*, 19.05.07.

double (multiple) standards in international relations. But this is definitely not the way to develop a principled common foreign policy. If geopolitics justifies anything, then the EU should openly say so and stop fooling everyone.

It would be 'nice' to hear something with respect to the Cyprus case along the same lines as the abovementioned calls for solidarity with Estonia. In this sense, Liberal MEP Graham Watson argued on behalf of his political group: 'We must stand together with Estonia. We must stand together with Poland. Democratic solidarity is more important than bilateral oil and gas deals'⁴⁹. Coming from one of the EP group that is so critical of the Greek-Cypriots, it can only lead to criticisms of double standards.

As for those who argue rather worriedly that there is 'no problem, Turkey is just another candidate country'⁵⁰, or that time alone would cure all the ills of the world⁵¹, considering all the above facts and

49. (verbatim) *EP Debates*, 09.05.07, Brussels:

<http://www.futureofeuropa.parliament.gv.at/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20070509+ITEMS+DOC+XML+V0//EN#creitem12>.

50. Let alone the unrealistic claim made by Turkish politicians (Abdullah Gul) that Turkey is 'irresistible' to the EU (*Kathimerini-English edition*, 09.12.07): 'I believe that the EU will realize the strategic importance of Turkey soon enough and reverse its negative approach'.

51. 'It should not be overlooked that when the time comes for full membership, Turkey will be a country far different than it is today. In this respect, what we expect from the EU is not to discourage Turkey on its path to full alignment with EU requirements and democratic standards (...). In the age of transparency, this is not the time to hide behind pretexts to derail Turkey's accession process. As a partner of the EU in peace and stability, we hope that the upcoming EU meetings will not lose sight of the big picture', Abdullah Gul, 'Bringing in Turkey', *International Herald Tribune*, 11.12.06.

developments, no wonder it sounds like they are searching for words with which to change the reality. As experts, we should not try and play down problems, but instead highlight them, and of course attempt to find ways to resolve them. But it is not a solution to pretend that this problem simply does not exist, or that it will just go away. Not surprisingly, the Eurlings Report (in its Point no.73) concurs with the special nature of the Turkish application. Revealingly, it

– ‘Emphasises that, unlike in previous negotiations, in the case of Turkey it would be necessary to inform the European public continuously and intensively about the negotiations themselves and Turkey’s progress in this regard’.

Instead of actual membership, one should perhaps consider more seriously alternatives for Turkey that do not place the EU’s current and future cohesion in danger. For instance, more serious attention should be given to the concept of a ‘Privileged Partnership’. If Turkey does not want to democratise and/or to remove its occupying forces from Cyprus, why should it be granted membership of a Union that claims to be based on democratic rules, principles and norms? Even with the Union’s well-known allergy to talking about ‘Plan Bs’, it sounds quite unrealistic not to have an exit policy in case of failure in EU negotiations with Turkey. It is mind-boggling to hear all the time about the open-ended nature of those negotiations, and then to be criticised for even mentioning possible alternatives to them. By creating ‘all or nothing’ situations, the Union is preparing the ground for future larger crises.

A more cautious approach is needed not only because of strong public opinion opposition to Turkey’s accession among EU citizens. It also stems from a growing opposition to EU accession within Turkey itself. In 2004, over 75% of Turks favoured accession; last year, this figure had dropped to about 45% (in addition, 60% believe that as a ‘Christian

club', the Union will *never* accept Turkey as one of its members⁵²). If the Union were to do its job properly, it would inform the Turks about the many EU membership implications, for instance, on decentralisation. The negative public opinion in Turkey over membership would probably increase even further, except perhaps among its Kurdish population (20% of the total population). To a Catalan audience, it sounds normal to use Catalan in Catalonia. To most Spaniards, it sounds equally rather routine, after so many decades of decentralisation. This is a right that is not available to the Kurds in Turkey, and this at a time when the Turkish language continues to be one of the two official Cypriot languages. These are objective facts that do not sit well with the fact that current EU-Turkey accession negotiations continue, when the 1993 Copenhagen criteria should be fully respected in their letter and spirit.

But as a recent study argues '*Créer de l'espoir au dehors, du désespoir au-dedans, voilà un paradoxe qui, à terme, n'est pas tenable*' [To build hope outside the Union and despair within the Union is a paradox that is untenable in the long term] (Altomonte *et al.*, 2006: 96). As I note above, an alternative is available: a Special Relationship, or even better, a Special Mediterranean Relationship⁵³. This is not the place to discuss such alternatives but it is worth mentioning that they represent a solid basis for further debate. Moreover, with Nicolas Sarkozy's arrival at the Elysée Palace, there will be a new debate over Turkey in Europe. During his TV debate with Socialist presidential candidate Segolène Royal on 2 May 2007, only a few days before the decisive second round vote for the Presidential post, he reiterated his position on Turkey very clearly:

52. Juan Carlos Sanz, 'Turquía empieza a dar la espalda a Europa', *El País*, 03.05.07.

53. See Altomonte *et al.* (2006).

“Je m’opposerai à l’entrée de la Turquie dans l’Union européenne”⁵⁴. “Quand bien même c’est un pays laïc, il est en Asie mineure”. (...) “Je n’expliquerai pas aux écoliers français que les frontières de l’Europe sont avec l’Irak et la Syrie. Quand on aura fait du Kurdistan un problème européen, on n’aura pas fait avancer les choses” [I will oppose Turkey’s EU accession. Even if it were a secular country, it is in Asia Minor (...) I will not try to explain to French school children that Europe borders Iraq and Syria. Making Kurdistan a European issue would not help anyone].⁵⁵

Since then, the French President has repeated his objection to Turkey’s accession to the Union. He has also further expanded on the need to develop a Mediterranean Union⁵⁶, in which Turkey would fully participate.

The bottom line is that Turkey’s lack of democracy is and will remain its main obstacle to EU membership⁵⁷. As Altomonte and others have argued recently (2006: 57):

‘Culpabiliser les Européens en leur reprochant de faire attendre la Turquie depuis 40 ans est une manière trop facile, pour les élites turques, de se dédouaner de certaines de leurs responsabilités. Ni les coups d’Etat, ni la

54. ‘Bruxelles attend les choix de M. Sarkozy sur la Turquie’, *Le Monde*: www.lemonde.fr, 23.05.07.

55. ‘Turquie: Royal et Sarkozy campent sur leurs positions’, 03/05/2007, *Reuters*; http://www.lepoint.fr/content/a_la_une/article?id=181361.

56. See also J.M. Martí Font, ‘Un Méditerranée al margen de Europa’, *El País*, 31.05.07; Andrea Canino, ‘La Unión del Mediterráneo – Un ambicioso proyecto’, *El País*, 31.05.07.

57. See also, Alain Bockel and Ariane Bonzon, ‘Turquie, le retour des vieux démons’, *Le Monde*: www.lemonde.fr, 23.05.07.

violation des droits de l'Homme qui ont retardé le processus ne sont imputables aux Européens' [It is far too easy for the Turkish elites to escape from their own responsibilities by blaming the Europeans for Turkey's 40-year-long wait. The Europeans are neither responsible for the military coups nor for the human rights violations that have delayed this process].

Cyprus is only conveniently used as an excuse in order to avoid a real and open debate about one of the fundamental causes of Turkey's lack of democracy –there is no full civilian control over the military, something that even the more liberal Turkish academics fail to address (Güney, 2007). It is revealing that instead of focusing on the role of the military, the “deep state”, we hear talk of a paradox: *'La paradoja es que los militares turcos defienden la laicidad del Estado, lo mismo que la UE, pero lo hacen sin respetar en apariencia las leyes democráticas'* [The paradox is that the Turkish military defend the State's secularism, which is the same as what the EU wants, but they do it apparently without respecting democratic laws]⁵⁸. More surprisingly, this is also the stance taken by former Dutch MP Ayaan Hirsi Ali, who claims that the Turkish army has the "exceptional" task of safeguarding secularism in Turkey⁵⁹. Considering the military's direct or indirect interventions in politics in 1960, 1971, 1980, 1997, (possibly) 2004 and, to a large extent, in 2007 (see above), it leads one to wonder how, exactly, they define the concept of ‘democracy’ in Turkey. *De deux choses l'une*: either it is an exceptional role and therefore Turkey is not a liberal democratic state; or it is not, and then the army should

58. Andreu Missé, 'La Unión Europea exige al Ejército turco respeto al poder civil', *El País*, 01.05.07. See also Ali Bayramoglu, 'Turquía: la crisis de una forma de gobernar el Estado', *El País*, 10.05.07.

59. 'La UE debe apoyar a los liberales turcos', *El País*, 18.05.07.

relinquish its power if Turkey ever wants to join the Union. *In short, this is one of the real impasses* in EU-Turkey relations –the level and degree of democracy in Turkey that are found wanting. What is more surprising is that the EU is bending over backwards to accommodate this state of affairs instead of taking a much more critical line on the issue.

But the Cyprus Problem will not simply go away, and Turkey's policy remains the main obstacle to its solution. Not surprisingly, a UN Security Council has reiterated the need for a solution to the Cyprus Conflict, stressing that the status quo is untenable. Its Security Council unanimously

'4. *Reaffirms* that the status quo is unacceptable, that time is not on the side of a settlement, and that negotiations on a final political solution to the Cyprus problem have been at an impasse for too long'⁶⁰

In June 2007, the UN also called for new negotiations between the two communities on the Island, based on previous UN resolutions and on the 8 July 2006 Gambari proposals. The RoC, via its UN ambassador, Andreas Mavroyannis, welcomed the UN proposal. Yet, the Turkish-Cypriots rejected the decision on the grounds that 'it refers to a Cypriot government that does not represent us'⁶¹. Something that even 'Mr No' (Denktash) would fully agree with. It is difficult to see how Turkey will change its policy on Cyprus. Turkey continues to refuse the recognition of an EU member state, a 'club' it wants to join. Which EU

60. *Security Council extends mandate on Cyprus force until 15 December, Unanimously adopting resolution 1758 (2007)*, Security Council 5696th Meeting, New York: <http://www.un.org/News/Press/docs/2007/sc9047.doc.htm>.

61. [in Greek] [The UN calls for new negotiations between the two parties in order to find a solution to the Cyprus Problem], *In-News*, 15.06.07: www.in.gr.

state would find it 'normal' to continue negotiations under these circumstances? Turkey also continues its illegal occupation of northern Cyprus. This should come as no surprise, as this negative attitude in Ankara is nothing new. As has been noted elsewhere:

'La Turquie officielle s'est défini de grandes Causes nationales qui demeurent foncièrement étrangères à toute rationalité démocratique: la négation du génocide arménien de 1915, la négation de la question kurde, le refus de reconnaître Chypre' [Official Turkey has defined itself through a number of great national causes which are fundamentally opposed to any democratic rationale : the negation of the 1915 Armenian genocide, the negation of the Kurdish question, the refusal to recognise Cyprus]⁶².

But what remains more surprising is why the EU does not take a stance that is consistent with its declared principles and norms: if an accession negotiation country does not recognise one of its member states, on top of occupying part of its territory, then negotiations cannot go on as if nothing happened. It is time for the Union to stop 'hiding' behind the convenient but unconvincing 'excuse' that the Greek-Cypriots rejected the 2004 Annan Plan. In short, it is time for the EU to finally act, though on past record, one can hardly see how such a development would occur. By focusing on Cyprus instead of dealing with those pressing concerns about Turkey's shortcomings (both internal and external), all that it means is that the real problem is ignored. For the Turks to do so has its own relative advantage. But for observers, to avoid criticising such a policy at all remains rather perplexing, and can but only lead to a serious questioning of their 'independence'. For any serious

62. Philippe Videlier, 'Le génocide des Arméniens et l'honneur des intellectuels turcs', *Le Monde*, 23.04.05.

debate, one needs at least to have an open and well-informed exchange of opinions. The current situation in Spain, but also elsewhere, does not fulfil this minimum of requirements. As a result, the Cypriots (and I include the majority of Turkish-Cypriots as well) are paying the price of the absence of a principled and consistent EU foreign policy.

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Annex: Cyprus' EU Accession Treaty Protocol 10

* The Treaty of Accession 2003

PROTOCOL No 10 ON CYPRUS

THE HIGH CONTRACTING PARTIES,
REAFFIRMING their commitment to a comprehensive settlement of the Cyprus problem, consistent with relevant United Nations Security Council Resolutions, and their strong support for the efforts of the United Nations Secretary General to that end,
CONSIDERING that such a comprehensive settlement to the Cyprus problem has not yet been reached,
CONSIDERING that it is, therefore, necessary to provide for the suspension of the application of the *acquis* in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,
CONSIDERING that, in the event of a solution to the Cyprus problem this suspension shall be lifted,
CONSIDERING that the European Union is ready to accommodate the terms of such a settlement in line with the principles on which the EU is founded,
CONSIDERING that it is necessary to provide for the terms under which the relevant provisions of EU law will apply to the line between the abovementioned areas and both those areas in which the Government of the Republic of Cyprus exercises effective control and the Eastern Sovereign Base Area of the United Kingdom of Great Britain and Northern Ireland,
DESIRING that the accession of Cyprus to the European Union shall benefit all Cypriot citizens and promote civil peace and reconciliation,
CONSIDERING, therefore, that nothing in this Protocol shall preclude measures with this end in view,
CONSIDERING that such measures shall not affect the application of the *acquis* under the conditions set out in the Accession Treaty in any other part of the Republic of Cyprus,

HAVE AGREED UPON THE FOLLOWING PROVISIONS:

ARTICLE 1

1. The application of the *acquis* shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
2. The Council, acting unanimously on the basis of a proposal from the Commission, shall decide on the withdrawal of the suspension referred to in paragraph 1.

ARTICLE 2

1. The Council, acting unanimously on the basis of a proposal from the Commission, shall define the terms under which the provisions of EU law shall apply to the line between those areas referred to in Article 1 and the areas in which the Government of the Republic of Cyprus exercises effective control.
2. The boundary between the Eastern Sovereign Base Area and those areas referred to in Article 1 shall be treated as part of the external borders of the Sovereign Base Areas for the purpose of Part IV of the Annex to the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus for the duration of the suspension of the application of the *acquis* according to Article 1.

ARTICLE 3

1. Nothing in this Protocol shall preclude measures with a view to promoting the economic development of the areas referred to in Article 1.
2. Such measures shall not affect the application of the *acquis* under the conditions set out in the Accession Treaty in any other part of the Republic of Cyprus.