

# **THE EUROPEAN UNION'S MEDITERRANEAN POLICY AND THE CYPRUS IMBROGLIO**

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## **EUROPEAN UNION'S MEDITERRANEAN POLICY**

British Foreign Secretary Jack Straw, writing in *The Economist* of 11 October 2002, called for “a simple statement of what the European Union is”, and gave his own definition as “a union of sovereign states who have decided to pool some of [their] sovereignty, [the] better to secure peace and prosperity in Europe and the wider world”.<sup>1</sup> Annex 1 of the Millennium Declaration of the European Council held at Helsinki on 10-11 December 1999 stated, “The EU is based on democracy and the rule of law”, and “The Union’s citizens are bound together by common values such as freedom, tolerance, equality, solidarity and cultural diversity”. It also declared, “The Union shares a growing global responsibility for promoting wellbeing, preventing conflicts and securing peace”. It promised to strengthen stability and prosperity in Europe by enlarging the Union, and co-operating with partner countries for a “more open and stable international economy; benefiting also people in less favoured parts of the world... and creating military and civil capabilities to manage international crises, and to provide humanitarian assistance to those in need”.<sup>2</sup>

In line with these high-sounding declarations, the EU has also embarked on a Mediterranean Policy (EMP) the objectives of which were described as “economic development, social stability, management of the environment and quality of life”. It was also stated that the focus of the EMP would be on “improving the quality of local management, increasing decentralisation and strengthening democracy” in the Mediterranean region.<sup>3</sup> In 1995, the EU presented a new policy communication entitled ‘Strengthening the Mediterranean Policy of the EU: Proposals for Implementing a Euro-Mediterranean Partnership’. The aim was to foster trade and economic co-operation between Mediterranean countries, including Turkey and the island of Cyprus.

This culminated in the Euro-Mediterranean Ministerial Conference in Barcelona in November 1995 which set out a programme for political and security partnership, economic and financial partnership and co-operation in social and human affairs. The programme was supposed to be based on the principle of decentralised co-operation, not working through political centres, i.e. national governments, but forming direct links (networks) between people, groups or organisations that shared common interest and purposes. However, conflicts in the Eastern Mediterranean, particularly the Palestinian-Israeli confrontation, which affects European security, could not be directly tackled by the EMP. The Barcelona Declaration had stressed, “This Euro-Mediterranean initiative is not intended to replace the other activities and initiatives undertaken in the interest of peace, stability and development of the region. But... it will contribute to their success,” in particular, “in the realisation of a just, comprehensive and lasting peace settlement in the Middle East.”

Unfortunately, in the words of Dr Roberto Aliboni, the EU is not a fully-fledged security actor in the Euro-Mediterranean partnership. For this reason, it cannot easily act as a guarantor or a mediator, although conflict prevention is likely to be the most important goal the EU wishes to attain.<sup>4</sup> The lack of military status in an important neighbouring area, which affects its own security, compels the EU to search for an increased role in the Mediterranean area. That is why, from the European point of view, the EMP is directed at building up the Mediterranean partners' confidence in the EU as a harbinger to the upgrading of its security, security status and role. Confidence building, according to Aliboni, is the most urgent and primary task to be implemented by the EMP. Conflict prevention is likely to be the most important goal of the EMP, which is expected to develop preventive diplomacy and its attendant intra-state and inter-state organisations to be able to do so.

However, past experience has shown that the EU has not yet developed all, if not most, of qualities such as skills of negotiation, mediation, conciliation, and, if necessary, arbitration, based on impartiality, respect for the law, and a sense of fairness in international mediation and conciliation. The main reason for this stems from the fact that the EU is a conglomeration of states, with conflicting ideological orientations and interests. It has not yet developed the expertise, or accumulated the experience, which the United Nations, another institution aspiring to a similar role, have developed over the years, through its Secretariat and conflict resolution experts.<sup>5</sup>

Until the early 1990s, the EU (then the European Community) was considered an 'an economic giant, but a political pygmy', for, although it exercised considerable influence in economic, particularly commercial, matters, its voice did not count for a great deal in political, and particularly defence and security matters. However, with the end of the Cold War, and the collapse of communism in the Soviet Bloc, the EU faced a transformed situation in international power relationships, with a shift of focus away from the global East-West dimension to regional issues and conflicts. The EU was no longer squeezed between the two superpowers, the United States and the Soviet Union, and did not feel the need to ally itself to one of them, the US, in subservience.<sup>6</sup> Therefore, it began to aspire to a leading role on the European continent, if not over the globe. That aspiration, however, turned into a nightmare during the post-1991 break-up of the Yugoslav Federation. The Bosnian crisis dealt a heavy blow to this fledgling international actor in conflict resolution. The EU's attempts at conflict resolution in Bosnia were a catastrophe, to say the least, and the world media was relentless in its condemnation of such attempts.<sup>7</sup> The EU did not fare any better in its efforts to stop the genocide Serbia unleashed on the Kosovo Muslims.

## **RELATIONS BETWEEN THE EU AND 'CYPRUS'**

The EU is now faced with the Cyprus imbroglio, which Stefan Wagstyl of the Financial Times newspaper described as "a thorn in the side of the EU for decades".<sup>8</sup> The issue facing the EU is one of its own making and completely contradicts the high objectives and principles it enunciated when drawing up its EMP declarations.

An increasing number of researchers and analysts believe that the European Union has been induced by one of its members, Greece, who wielded the power of veto, to consider the unilateral application for EU membership of Greek South Cyprus, which claims to be the government of the Republic of Cyprus, even though it has been defunct since 1964. Apparently the EU did not examine thoroughly the implications of its decision; which was at best a calculated risk based on the hope that the membership of 'Cyprus' would act as a

catalyst to the solution of the Cyprus issue, which has long bedevilled the international community, and at worst, a grave error of judgement.

The EU had long pursued a policy of non-involvement in the Cyprus issue.<sup>9</sup> It merely encouraged the good offices of the United Nations Secretary-General in search of a lasting solution to the conflict.<sup>10</sup> Before 1990, 'Cyprus' was an unlikely candidate for EU membership. The divided island had become an intractable problem and the situation was highly charged from the EU's perspective because one external party to the conflict was a full EU member, Greece, and the other an associate member and aspiring full member, Turkey.<sup>11</sup> Nevertheless, in July 1990, Greek South Cyprus applied, on behalf of all of 'Cyprus', for accession to the EU. In June 1993, the European Commission issued its avis, which considered South Cyprus eligible for membership and, in expectation of progress in the Cyprus issue, confirmed that the Community would begin the process that should lead to 'Cyprus's' eventual accession.<sup>12</sup>

Apparently the Commission believed that accelerating this process would help bring about a solution to the Cyprus dispute.<sup>13</sup> As the negotiations between the Turkish and Greek Cypriots failed to achieve a positive result, the avis appeared to have made the accession impossible for the foreseeable future. However, in 1994, the EU dramatically changed its position and committed itself to begin accession negotiations with South Cyprus as a result of pressure by Greece, which threatened not to ratify the EU-Turkey Customs Union and the treaties for enlargement involving Austria and the Scandinavian states,<sup>14</sup> unless the application of South Cyprus was also considered.<sup>15</sup>

The Greek Cypriot leaders are eager for EU membership mainly for security and political considerations rather than for economic ones.<sup>16</sup> Glafcos Clerides, president of Greek South Cyprus, commented about EU membership as follows: "If Cyprus becomes an EU member, the intervention of Turkey in an EU country will become an imponderable action. We will thus remove the unilateral intervention right of Turkey under the Treaty of Guarantee, and in constitutional matters, and in many issues raised by the Turks, we will have the trump cards."<sup>17</sup> The chairman of the Greek Cypriot former ruling party, DISY, Nicos Anastassiades, declared during an event organised by the party's university student group in Athens, on 22 March 2001, "By attaining the union of Cyprus with the EU we are, at the same time, attaining its union with Greece". Other Greek Cypriot political party leaders, too, expressed similar opinions.<sup>18</sup>

Greeks and Greek Cypriots believe that the EU membership of 'Cyprus' is the last opportunity for them to coerce the Turks and Turkish Cypriots, through the EU, to bend to their will and make concessions. They are aware that a whole range of rights would be available to them as citizens of the EU. Of particular importance to them are the freedoms of movement and settlement and the right to purchase property in Turkish Northern Cyprus, which would be underwritten by the EU, and the Turkish peace-keeping troops would be regarded as occupying the territory of a member state. Moreover, at least in theory, the frontier between 'Cyprus' and the EU would disappear, while the frontier between the island and Turkey would remain, as the Customs Union with Turkey does not provide for the free movement of labour, so the Greeks would be free to settle in Northern Cyprus, while Turks would be barred from the island. The EU would then more actively and favourably support the Greek stance over the Cyprus issue.<sup>19</sup>

The Turks are alarmed by these developments because any special arrangements they may agree to in the final settlement between them and the Greek Cypriots concerning bi-communality, bi-zonality and security would be meaningless within the EU context and nullified by the European Court of Justice as contrary to European law. Under EU laws, the Turkish Cypriots would lose any protection they might negotiate against being swamped in Northern Cyprus by the Greeks. Most critically of all, they would lose the protection of Turkey.<sup>20</sup>

According to Heinz Kramer, the EU seems to be driven more by Greek pressure and reactions to events than by a well-defined Cyprus policy of its own. It has thus raised Greek and Greek Cypriot expectations that they will succeed in their plans for the political future of the island, with EU membership “appearing for them to be a clever way to implement the basic freedoms of the *acquis communautaire*, with the consequence of an effective Greek Cypriot domination on the whole of the island”.<sup>21</sup> The EU is thus faced with the dilemma of having to negotiate with Greek South Cyprus the membership of a divided island, ignoring completely Turkish Northern Cyprus, and without having its own policy to solve the Cyprus problem.<sup>22</sup>

### **ATTEMPTS TO SOLVE THE CYPRUS ISSUE**

Meanwhile many attempts have been made to solve the Cyprus imbroglio. However, these were frustrated by the news regarding the European Commission’s decision in its Agenda 2000 report to include ‘Cyprus’ among the candidates for membership.<sup>23</sup> As a result, the promising atmosphere created by the first direct negotiations since October 1994 between the leaders of the two communities, at Troutbeck, New York, in July 1997, were frustrated by the EU, which has thus put the future of the inter-communal dialogue in jeopardy.

Despite the advice and warnings given to the EU by numerous experts, it commenced negotiations with South Cyprus on 31 March 1998. The final declaration of the meeting of the, so called, EU-Cyprus Joint Parliamentary Committee, held on 27 March 2001 in Limassol, Southern Cyprus, declared: “Whereas the Republic of Cyprus, the only State entitled to represent the island as a whole... fully satisfies the Copenhagen political and economic criteria, and has made significant progress in adopting the *acquis communautaire*, which had been reflected in the rapid progress of the accession negotiations... Cyprus may, therefore, expect to accede to the European Union rapidly.”<sup>24</sup>

While the negotiations were going on, the Turkish Cypriot side, which the EU had not previously consulted, was asked to send representatives to join the Greek Cypriot delegation. It refused to do so as this would have been tantamount to recognising the Greek administration of South Cyprus as the government of the whole island. Meanwhile, a UN-led attempt to reach a negotiated settlement on the Cyprus issue, which began in December 1999, resulted in failure. Turkish Cypriot leader Rauf Denktaş, supported by Turkey, suggested a new partnership in Cyprus under a confederal system, based on equal sovereignty and on the realities of the existing situation on the island, which is anathema to the Greek side. The most recent dialogue between the Turkish and Greek Cypriot leaders, which began in January 2002, on the initiative of Rauf Denktaş, ended with no breakthrough at New York, in October 2002, under the aegis of the UN Secretary-General.<sup>25</sup> On 9 October 2002, the European Commission announced its progress reports on the prospective new candidates for membership, including Greek South Cyprus.

## REACTIONS TO THE EU'S ATTITUDE

The EU has come under heavy criticism<sup>26</sup> from both the Turkish and Turkish Cypriot sides, and others. The official view in the Turkish Republic of Northern Cyprus (TRNC) is that the Greek South Cyprus administration's application for EU membership is invalid and does not bind the Turkish Cypriot people as that administration has no legal authority to make an application on behalf of the whole of Cyprus –the more so, on behalf of the Turkish Cypriot people. The Greek administration has no legitimacy in law with regard to the whole island, as this legitimacy depended on the bi-communality of the state and its government. The bi-communality ceased to exist after the Greek Cypriot leadership usurped the constitution and violated the international Cyprus treaties in December 1963.<sup>27</sup> This argument is supported by a number of eminent international jurists.<sup>28</sup>

According to this school of thought, the Cyprus treaties of 1959-60, including the fundamental constitutional requirement that the government of the island be shared between the two communities, is still valid because the original signatories of those agreements –the two communities in Cyprus together with Greece, Turkey and the UK– have not agreed to amend them. It should be noted here that, in answer to a question in the House of Lords on 30 July 1997, the British government affirmed that it considers both the 1960 Treaties of Guarantee and Establishment to be in force.<sup>29</sup> The Greek argument that the Cyprus Treaties are invalid is therefore unacceptable.<sup>30</sup> Consequently, the Greek Cypriot application has no legal basis in the Cyprus Treaties and in international law. In fact, the lack of constitutional foundation for the Greek Cypriot administration was acknowledged by the foreign ministers of Turkey, Greece and the UK, in a declaration of 30 July 1974, following the Greek coup d'état and Turkey's intervention in the island, when they recorded, "Among the constitutional questions to be discussed should be that of an immediate return to constitutional legitimacy."<sup>31</sup>

Nevertheless the TRNC authorities and the great majority of the Turkish Cypriot people have expressed the opinion that they are not against EU membership, the many benefits of which, under normal circumstances, they acknowledge. But the circumstances are far from being normal. The Turkish leaders believe that EU membership should come about after the establishment of a state of Cyprus, restored to legality and stability by a settlement negotiated between the two parties, based on the will of the two communities and on the realities of the existing situation in Cyprus.<sup>32</sup> As laid down in paragraph 92 of the UN Secretary-General's 1992 Set of Ideas, Cyprus' EU membership as an undivided island, is a matter which must be discussed and agreed between the authorised representatives of the two constituent peoples before being submitted for the approval of the two communities in separate referendums.

The EU has been widely criticised on a number of grounds: its action over 'Cyprus', which is believed to have "completely wrecked" the inter-communal dialogue for the solution of the Cyprus imbroglio, was a blunder that "many EU members are now privately regretting." When Greece induced the EU to place Greek South Cyprus on the enlargement agenda, it believed that this might act as a catalyst to the solution of the Cyprus issue. However, so far this has resulted in an impasse, completely opposite to EU expectations. The hope that the economic benefits of EU membership would buy the consent of the Turkish Cypriots did not materialise. The Turkish Cypriots are more interested in their security than in financial benefits, as confirmed by Professors Heinz Kramer, Heinz-Jürgen Axt and others.<sup>33</sup>

It was also hoped by interested parties that, not only the Turkish Cypriots, but also the Greek Cypriots would soften their position in the Cyprus dispute by being more flexible in the negotiations. However, both sides, in particular the Greek Cypriots, have hardened their stance and currently hold the view that there is no need to establish a new partnership state while the international community recognises them as the sole sovereign power and the EU pampers them with the promise of membership even if the Cyprus problem is not settled. One may ask why would the Greek Cypriots agree to share their internationally recognised sovereignty over the whole island with the Turkish Cypriots under a new constitutional framework in which both peoples would be considered as politically equal.<sup>34</sup>

A number of other assumptions put forward by Tarık Oğuzlu<sup>35</sup> also did not materialise. For example, it was assumed that Turkey would value her interests in EU membership more than her interests in 'Cyprus' and the fate of the Turkish Cypriots. This proved fallacious. Turkey supports the arguments of Rauf Denktaş for a confederation. Turkey's interests on the island are well established and not connected with her relations with the EU. Any trade off between Turkey's interests in the EU and in Cyprus would be inconceivable and no Turkish government would be viable if it were to follow a different policy.<sup>36</sup>

The assumption that negotiations induced by the EU would encourage the two peoples on the island to pursue a settlement along the well-established UN parameters did not materialise either. While the Turkish and Greek Cypriots have been treated as politically equal peoples during the UN-sponsored inter-communal dialogue, the EU's accession process has changed this by according to the Greek Cypriots the right to represent the whole island and to speak on behalf of the two peoples. While the UN framework envisaged separate public referendums for the approval of the final settlement, the EU expressed readiness to admit into membership Greek South Cyprus on behalf of the whole island, even before a mutually acceptable settlement had been reached.

As Greece has been an EU member since 1981 and she has lost no opportunity to exploit the EU mechanism in pursuing her own interests vis-à-vis Turkey, the EU cannot pretend to be impartial on the Cyprus issue. Therefore, in the words of Christian Heinze, the EU has become a party to the Cyprus conflict against the Turkish stance, which disqualifies it as an impartial arbiter or mediator.<sup>37</sup>

## **THE RISKS OF EU MEMBERSHIP OF A DIVIDED ISLAND**

Now let us cursorily examine the possible risks of the EU membership of a divided island. It is most likely that, if the EU membership of Greek South Cyprus, with the pretence that it represents the whole island, becomes final, a crisis will inevitably arise in the region. Such a crisis is bound to affect all the parties directly concerned with the Cyprus conflict.

The EU, however, will be the greatest loser. It may have to face an escalation of risk to security and stability in the region. In Cyprus the EU would be faced with a member state whose borders are patrolled by UN forces and with a Turkish North more integrated with Turkey. On the Island, the Greek Cypriots may create incidents against the TRNC, sparking a crisis with Turkey and then invite the EU's Rapid Reaction Force to go to their help. The EU would face a Turkey alienated from it. Turkey might adopt anti-EU policies in the Eastern Mediterranean, the Aegean, Balkans, Middle East and Turkic Central Asia. The EU might lose the huge Turkish market of 68 million people in exchange for the small Greek Cypriot market of about 700,000. Moreover, the EU might have to face a Turkish-Greek military

confrontation. Hence, the EU may be importing an explosive dispute into its ranks –one that could seriously paralyse its internal decision-making process. Its whole Mediterranean Policy, embodying ambitious promises of peace, prosperity, democracy and the rule of law, would be threatened. In short, of all the parties concerned no one would be immune to the consequences of such a venture.

## **SOME SUGGESTIONS FOR A SOLUTION**

Is there a solution? There is a consensus among numerous scholars and analysts that the best possible outcome for all the interested parties to the Cyprus conflict would be the accession of the whole island at the same time. However, to attain this, Greek and Turkish Cypriots need to reach an agreement over the details of a constitutional arrangement that would later be included in the island's accession treaty, and with the blessings of their motherlands, Greece and Turkey. As the two peoples have entrenched positions, it would take a miracle to obtain a final breakthrough by their own efforts. Therefore, interested parties to the problem should do their utmost to encourage the two peoples in their efforts. The greatest responsibility in this respect falls on the EU since it is the only organisation that can seriously induce both peoples, not by bribery or favouritism, but by logical, fair and practical incentives and by inculcating in them the necessity and legitimacy of finding a solution to the Cyprus impasse before the accession of the island to the EU.

In these circumstances, and given that both sides have been confronting each other since Britain's occupation of Ottoman Cyprus in 1878, the optimum solution could only be a loose federation. Unless the EU fully supports this, neither side will seriously engage in a negotiation process aimed at a lasting settlement. In such a loose federal (or confederal) system, it is also imperative that Turkey's legal rights, emanating from the 1960 Cyprus Treaties, should be preserved, at least until Turkey becomes a full EU member. There is no need for me to enumerate the benefits that would accrue to all the parties concerned if the Cyprus issue is solved on these lines. Any other solution, I believe, would be merely soporific and temporary.

In the final analysis, the EU needs to realise that granting Greece and Greek South Cyprus favours and the marginalising Turkey, which has been a staunch ally and defender of Europe for almost half century, will not only fail to solve the Cyprus issue, but also, in the words of Heinz Kramer, "will lead to disruption of the strategic pattern in the Aegean and the Mediterranean region, with serious consequences for Europe's future security"<sup>38</sup> and, I may add, EU's profitability, for, Turkey, isolated and abandoned by the West, may turn elsewhere for solace. Hence, the EU's venture into the Cyprus imbroglio may not be catalytic but catastrophic.

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