A CRITIQUE OF THE EU'S POLICY TOWARDS THE CYPRUS ISSUE

Yrd. Doç. Dr. Harun Arıkan

Kahramanmaraş Sütçü İmam Üniversitesi

Uluslararası İlişkiler Bölümü

Introduction

The Cyprus issue is (and will most likely be) one of the most controversial topics on the agenda of the EU. The objective of this article is to assess the EU's policy in relation to Cyprus. It argues that the EU has failed to act as an agent for conflict resolution in the Cyprus case. To support this argument, this study, firstly, examines the literature of the role of the EU as an external inducement to change the foreign policy behaviour of candidate states. Then, it moves on to provide a brief historical background of the Cyprus conflict. Finally, it investigates the extent to which the EU's post Helsinki diplomacy towards Cyprus issue has been effective.

The EU As a Foreign Policy Instrument for Policy Changes in Candidate States

The influence of the EU on policy developments in the applicant states is a highly debated issue in European integration. The EU is perhaps the most successful international organization to exercise external leverage on the behaviour of the applicant states. Indeed, the works of various scholars (*Munuera, 1994; Grabbe, Ram, 1999; Smith, 2000 and Christou, 2002*) underline the impact of the EU, as the external factor, on the process of policy changes in the applicant states. This is because the EU has built, to a large extent, its enlargement policy on comprehensive and strict conditions, including the diplomatic settlement of bilateral issues and the good neighbourhood agreements, on borders and on the treatment of ethnic minority (*Arıkan, 2003a*) . For instance, Coppieters et. al. argues that the EU can play a decisive role in conflict resolution in the European periphery throughout the Europeanisation process; a process that "can contribute to conflict resolution by triggering critical political security, economic and societal developments in a manner that can positively transform the interests of the conflict parties" (2003:1) . Similarly, Milanese suggests that "EU conditionality applied on the Central and Eastern European Countries' political system has a deep and pervasive impact on shaping new institutions and policies, because candidate countries are reaching the goal of accession, while transforming their domestic institutions and political behaviours" (*2002:10*) . Accordingly, the conditional membership has transformed increasingly into an effective policy instrument for the EU to influence policy change in the candidate countries.

Before analysing the use of conditionality by the EU as a policy tool in the context of enlargement, the concept of conditionality needs some clarification. This concept is a highly vague and debatable one. Lannon et al. states that "conditionality as a concept is difficult to circumscribe as it is still in its infancy. Proper delimitation of conditionality will therefore always require the assessment of its application in the light of the specific bilateral relationship" (2001:99) . According to Checkel, "conditionality is a mutual arrangement by which a government takes, or promises to take, certain policy actions, in support of which an international institutions will provide specified amounts of assistance" (2000:2).

In the context of the EU's enlargement policy, conditionality refers to the way in which the candidates need to resolve their political issues in

accordance with the norms of conduct presented by the EU. As Smith puts it: "conditionality brings an imposition upon the candidate countries to adopt specific development directions according to certain characteristics" (2000:33) . The EU's policy of conditionality includes the carrot and stick instruments. While the first instrument can be defined as a positive sanction, encouraging or rewarding the applicant country, the second one is defined as a negative sanction, punishing the applicant state as a means of delaying its inclusion in the enlargement policy process. As Gabriel Munuera wrote:

The appeals of membership to the European Union contribute to the prevention of conflicts in Central and Eastern Europe. It may contribute in two ways: on the one hand by imposing self-restraint on countries that want to show their good intentions and their readiness for membership; on the other hand, this appeal provides the European Union with important external leverage over the behaviour of potential candidates (*Munuera, 1994*).

President of the European Commission, Romano Prodi, explicitly acknowledges the influence of the EU on policy developments in the applicant states in his speech in December 2002 at the ECSA biennial world conference, stating that "EU enlargement to some extent be used as a tool of European union foreign affairs, the 'carrot' inducing the third countries in Europe to adopt policies which are in harmony with those of the EU" (*quoted in Neuwhal, 2004:3*).

However, the effectiveness of the EU's conditionality depends heavily on two main factors: first, "conditionality will only be effective if it is applied consistently - otherwise, it loses force because third states will question the conditionality; second, the use of conditionality will be effective only to the extent that the third country in question desires the carrot on offer or fears the sticks" (Smith, 2000: 39) . By implication, the targeted countries need to be convinced that they have been treated fairly and equally. There is another factor affecting the degree of conditionality: domestic political challenges and political sensibility of the issue. Moreover, the success of conditionality also requires well-functioned policy dialogue mechanism between the international organization and the targeted state (s), as policy dialogues would provide a forum for exchanging views and for transferring new knowledge among national elites in the targeted states (*Checkel, 2000*).

The EU as an Agent for Conflict Resolution

As the analysis above shows, the EU provides guidance for conflict resolution. The European Council at the Essen Summit added a new accession criterion by setting up the good neighbourliness conditionality for the EU membership. This underlined "the importance of the promotions of good neighbourly relations and intra-regional co-operation between the associated countries themselves and their immediate neighbours" (*Lannon et al., 2001:99*) . This new condition is based upon a mutual respect for existing borders and a settlement of all outstanding political issues among the candidate states, indicating that all candidate countries can join the EU once they have resolved their bilateral issues (*Arıkan, 2003a*) . The EU Council at the Helsinki Summit has reaffirmed this conditionality, and thus urged all the candidate countries to recognize the International Court of Justice's (ICJ) jurisdiction for the resolution of disputes. This implies that the principle of peaceful settlement of disputes is one of the main conditions for the EU membership.

Conditionality has also played an important role in the settlement of bilateral issues between the candidate countries. For instance, there have been links between the efforts by Romania and Hungary to resolve their minority issues and their membership expectation vis-à-vis the EU. As Ram writes: "the common incentive of European integration made it possible for entrenched disputes to be resolved peacefully and relatively quickly considering the depth and duration of animosity between the two countries" (*2001: 6*) . Furthermore, EU diplomacy had a constructive role in settling the dispute over the dam on the Danube between Hungary and Slovakia: membership expectation played an important role in brokering the London Accord on this issue. As a result, the parties agreed to submit the case to the International Court of Justice and thus the dispute was referred to the Court on 9 July 1993 (*Munuera, 1994*) . Serbia and Montenegro (not to mention Estonia over the border dispute with Russia) are other cases: the conflict over the structure of the federal state between the parties has been solved by establishing the State Union of Serbia and Montenegro in February 2003. Accession prospect in the future was obviously one of the main reasons behind the establishment of the state of the Union (*Coppieters et al., 2003:5*) . In the case of Slovakia, EU's accession commitment encouraged policy makers to take a positive stance on mi-

nority issue. Moreover, the EU's conditionality has been effective in encouraging moderation in Estonia's treatment of ethnic Russian minorities through discreet diplomatic demarches (*Christou, 2002:4*).

All these cases provide clear evidence that the EU can influence the applicant countries to contribute to the diplomatic settlement of their bilateral issues through a consistent application of conditionality instrument. The rest of the study will evaluate whether the EU has been entirely consistent in applying conditionality of good neighbourliness for the Cyprus case. Before analyzing the EU's policy towards the Cyprus issue, a brief assessment of the historical background of the Cyprus conflict would be necessary to better understand the state of the Cyprus conflict.

A Brief Historical Background of the Cyprus Conflict

The island of Cyprus was under the rule of the Ottoman Empire during the period between 1571 and 1878[1]. Then, Great Britain took the control over the island after the defeat of Ottoman Empire in the World War I (*Müftüler-Bac, 1999:561*). As a result, Cyprus became a British colony (*McDonald, 2001:117*). The Greek Cypriots began to challenge British authorities. They launched anti colonial revolt led by the Orthodox Church under the leadership of Archbishop Makarios and the National Organization of Cypriot Fighters, EOKA, (Ethnike Organosis Kyprion Agoniston) under the leadership of General George Grivas during the 1950s (*Joseph, 1997:19*). The revolt aimed at annexing Cyprus to the Greece (Enosis). The EOKA not only frequently resorted to guerrilla activities against British administration, but also carried out ethnic violence against Turkish Cypriots with the support of Greece. This generated severe tension between Greece and Turkey.

Due to pressures from international community, including the UN and the USA, Britain reluctantly accepted to seek a solution to the Cyprus problem through diplomacy (*Joseph, 1997:20*). Negotiation talks were launched between Turkey, Greece and the UK, and thus the parties finally agreed on the establishment of independent Cyprus State in London on February 1959. The involved parties signed the London and Zurich Agreements, which laid the principles and basic structure of the new state. On

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1. For a detailed analysis about the Ottoman rule in Cyprus, see Luke, Harry (1989), Cyprus Under the Turks, C. Hurst & Company, London.

the basis of these Agreements, the Constitution of Cyprus was drawn in 1960. The Constitution provided bicommunal and bizonal presidential state, with a Greek Cypriot president and a Turkish Cypriot vice- president, elected separately by the two communities. The Constitution also provided 'communal dualism' in all aspects of Government activity (*Joseph, 1997:22*) . The Constitution was accompanied by the Treaty of Guarantee that did not allow Cyprus to "participate, in whole or in part, in any political or economic union with any state whatsoever" (Republic of Cyprus, Treaty of Guarantee, Article 1 (2)) . Hence, the Constitution provided the balance between the two communities.

Nevertheless, the new Republic never functioned as envisaged. The disputes between the communities over distribution of post in public administration and allocations of forces in the army led to internal conflicts (*McDonald, 2001 118*) . As one scholar puts it: "The Greek Cypriots were not enthusiastic about the implementation of some of the constitutional provisions which they regarded as injustice and unrealistic" (*Joseph, 1997:25*) . In November 1963, the Greek Cypriots, under the president of Archbishop Makarios, proposed amendments to the Constitution, aiming to change the balance of power between the two communities in favour of majority rule of Greek Cypriots (*Gürel, 1993:177; Joseph, 1997:28; Yeşilada and Sözen, 2002:265*) . During the inter-communal negotiations, the Greek Cypriots insisted on changing the 1960 Constitution with a unitary state that would provide minority rights for the Turkish Cypriots. As an alternative, the Turkish Cypriots proposed a federal state, based on political equality, yet it was rejected by the Greek Cypriots (*Yeşilada and Sözen, 2002:265*) . The strong disagreement and ethnic fragmentation led to inter-communal conflicts, and resulted in the withdrawal of the Turkish Cypriots from the Government. Consequently, the Turkish Cypriots established their own administration.

Since then, there have been a number of diplomatic efforts for settlement under the auspices of UN, but the parties failed to reach an agreement due to mistrust between the two communities. While diplomatic efforts were in process, Greek Government, under the Junta leader Ionnidis, increased its activities against Makarius regime, with the aim of annexing the island to Greece. Finally on July 15th 1974, the Cypriot National Guard led by Greek sponsored Nicos Sampson overthrew Makarious with a Coup d'etat. (*MacDonalds, 2001:120*) . As a result, the conflict between

the two communities increased substantially. Turkey appealed to the United Kingdom, as one of the guarantor powers, to co-operate with Turkey and take military action on Cyprus. However, the British Government was unwilling to intervene militarily. In July 1974, Turkey intervened alone militarily on the base of Article IV of Treaty of Guarantee in order to protect Cyprus from the enosis to Greece (*Bahceli, 1992:24; Yeşilda and Sözen, 2002:265*) . Turkish military intervention on Cyprus led to the collapse of both the Junta regime in Greece and the Sampson regime in Cyprus. As a result of an intense diplomatic campaign by the international community to prevent further conflict and to find solution for the issue, a number of inter-communal dialogues between the Greek and Turkish Cypriots under the auspices of the United Nations took place[2]. Nevertheless, no agreement was reached. After the failure of the negotiation process, the Turkish Cypriot leadership declared itself the "Turkish Federated State of Cyprus", stating that they were ready to negotiate with the Greek Cypriots to establish federal system (*Yeşilda and Sözen, 2002:265*) . During the 1970s, many inter-communal talks were held, but no acceptable compromised solution was reached.

During the 1980s, Greece made effort to Europeanize the Cyprus issue. Due to the fact that Greece was a part of the EU, it was impossible for the EU not to be involved in the Cyprus issue. In particular, political developments in Cyprus made the EU vulnerable to the increased pressure from Greece in this respect. In response to Greek efforts, the Turkish Cypriot leadership declared itself the Turkish Republic of Northern Cyprus (TRNC) as an independent state in November 1983. Nevertheless, the UN Security Council strongly condemned this declaration and urged all states not to recognize it (*Dodd, 2003:5*) . Political developments in Cyprus and Turkey's full support to the Turkish Cypriot leadership were favourable factors for Greece in facilitating its efforts to gain the agreement of the EU over its stance on the Cyprus issue. Indeed, the EU expressed its concern over the developments in Cyprus. For instance, at the Luxembourg Council Summit in 1984, the EU issued a statement asking Turkey to withdraw her recognition of the TRNC and called on her to exercise influence on the Turkish Community so that they should rescind their decision (European Council, 1984).

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2. For a detailed analysis of Greek and Turkish Cypriots position during the 1965-1980, see Sönmezoglu, Faruk (1999), Turkiye-Yunanistan İlişkileri ve Büyük Güçler, (Turkish- Greek- Relations and Big Powers), Der Yayınları, Istanbul.

After the establishment of the TRNC, there have been several meetings between the leaders of the two communities under the auspices of the UN Secretary General[3], but they failed to reach an agreement. This was largely due to the fact that two sides had different approaches to the negotiation of a settlement *(Müftüler-Bac, 1999:564)* . While the Turkish side supported the idea of a confederation with the political equality of the two Cypriot peoples, the Greek side advocated a bizonal and bicommunal federal state with a single sovereignty, with a full respect for freedoms of settlement, property and movement.

In July 1990, Greek Cypriots applied for EU membership. Supported by Greece, the Greek Cypriot Government believed that the prospect of EU membership would serve as a catalyst to reach a political settlement in the Cyprus issue *(Bahceli, 1999:109)* . Nevertheless the Greek Cypriots' application for EU membership has made the issue even more complicated[4].

Post Helsinki: To What Extent Has the EU Diplomacy Been Effective?

The EU's post Helsinki policy towards Turkey has provided new grounds for a rapprochement process in the relations between Turkey and Greece. The EU's acceptance of Turkey's EU candidacy has induced both parties to be more forthcoming in the settlement of their bilateral disputes including the Cyprus issue *(Arıkan, 2004:276)* . Since the Helsinki Summit, there have been a number of inter-communal talks between the leaders of two Cypriot communities under the auspices of the UN: proximity talks were held between Denktas and Clerides in December 1999 in Geneva and in November 2000 in New York, with the aim of establishing a ground for constructive negotiations. Despite the new optimism of the Helsinki Summit, these talks did not produce a framework for a lasting re-

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3. For a detailed analysis of the UN efforts, see Bolukbasi, Süha (1998), The Cyprus Issue and the United Nations: Peaceful non-settlement between 1945-1996, 'International Journal of Middle Eastern Studies' Vol.30, No.3, Cambridge University Press.

4. For a detailed analysis of the EU's approach to the Greek application, see Harun Arıkan, (2003a), "Good Neighbourliness Conditionality for EU Membership: The EU Policy Towards the Cyprus Conflict and Its Security Implications", A.Ü. Siyasal Bilgiler Fakültesi Dergisi, Cilt 58, Sayı 4.

solution, due to policy differences over the basic principle of the negotiation between the parties. As one scholar describes it: "what appeared to be a brief 'honeymoon' effectively ended with the breakdown of the talks. Greece promptly reconfirmed its threat of a veto, while Turkey hardened its own stance by proposing a two-state formula for Cyprus" (*Yiangou, 2002:5*).

With intense diplomatic efforts by the UN and the EU, the involved parties agreed to resume the talks in December 2001. This is partly because the Greek and Turkish Cypriots did not want to take the blame for the failure of the diplomatic effort. Consequently, a number of direct talks were held in January 2002 and in February 2003 and in March 2003 under the auspices of the UN with direct involvement from the UN Secretary General Kofi Annan. Nevertheless, the parties were not able to reach an agreement. As Leseer and Larrabee noted: "these talks have made little progress. There have been some minor changes in approach on both sides, but neither side has substantially altered its fundamental position" (*2003:81*) . They showed some reluctance to the UN Plan, known as the Annan Plan[5], for Cyprus settlement in November 2002. While Denktaş openly criticized the Annan Plan and rejected it on the grounds that it could not yet provide an appropriate framework for a comprehensive settlement in many aspects, newly elected Papadolus was careful not to oppose it, despite his personal disapproval of the plan on many subjects. As Axt and Neuwahl stated: "the Annan Plan also encountered strong reservation from the Greek Cypriot side. By contrast to the Turkish Cypriots, they have chosen not to voice them all openly. However Greek Cypriots equally criticized the concessions to 'the other side' as going too far" (*2004:16*) . More recently, Kofi Annan has initiated an intensive shuttle diplomacy by inviting Denktaş and Papadopoulos to New York on 10 February 2004 to resume Cyprus negotiations. Ne-

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5   According to some, the Annan Plan is a carefully written document, designed to satisfy Turkish and Greek Cypriots. Tocci argues that ""The UN plan satisfies the first basic need of the Turkish Cypriot community: political equality with their Greek Cypriot compatriots through the formation of a common stat composed of politically equal component states enjoying legal equality with the central level and exercising sovereign powers in their areas of competence. The trade-off in this win-win settlement is that the Greek Cypriots will witness the reunification of the island (although in a very loose form) and regain control over a large portion of territory. The territorial readjustment will respect more closely the demographic balance on the island, and allow the return of a large number of Greek Cypriot refugees under Greek Cypriot administration" (2002: 1).

vertheless, preconditions attached to his invitation letter seem to have already undermined his diplomatic efforts, since both the Turkish Cypriots and the Greek Cypriots were critical of Annan's preconditions.

For its part, the EU appears to have used the UN framework for the solution of the issue. In a number of official documents, including the Helsinki text of 1999, the EU has consistently ask Turkey to act in line with the UN efforts in achieving a comprehensive settlement of the Cyprus question. From this perspective, the EU considered the Plan as a suitable framework for the settlement. The European Council at the Copenhagen in 2002 declared that "the UN proposals offer a unique opportunity to reach a settlement" (*European Council, 2002:3*). Similarly, EU Commissioner of Gunter Verheugen, responsible for enlargement policy, asked the Greek and Turkish communities to take advantage of the opportunity for peace presented by the Annan plan to reunite the island[6]. In this vein, the EU has been putting enormous pressure on Turkey to accept the Anan Plan.

Greece has played an important role in shaping the EU's policy stance in relation to Cyprus. That is, EU membership has increased Greece' bargaining power to get more political concessions and assurances from the EU with regard to Cyprus issue. Given that Greece takes part in the decision-making of the EU as a veto-wielding member, the EU cannot in any case qualify as a neutral participant (*Arıkan, 2003b:177*). As expected, Greece has continued to exert pressure on the member states and the European Parliament to Europeanize the Cyprus issue. The leadership of Greek Cypriots and Greece hoped that a political settlement in Cyprus would have a better chance under the auspices of the European Union. As Turkey had been eager to join the EU, Greece and Greek Cypriots assumed that Turkey would eventually need to compromise over Cyprus, in return for prospective EU membership. They were well aware not only of Turkey's desire but also of the EU's determination to develop the EU-Turkey relations (*Arıkan, 2003b*). This has made the EU more vulnerable to Greek influence.

It appears that the EU has supported Greece on the issue. A number of official documents of the EU have not only suggested that Cyprus' accession to the EU would facilitate political settlement in the island, but also have made an explicit linkage between the resolution of the Cyprus question and the prospect of Turkish accession (*Preston, 1997:220*). More

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6. See the BBC News (http: //news. Bbc. Co.uk/1/hi/world/europe/2449071.stm)

interestingly, the EU explicitly warned Turkey that it would be difficult to start accession negations if Cyprus remains an issue between Greece and Turkey. For example, President of the European Commission, Romano Prodi, paid an official visit to Ankara in February 2004 to convey a message to Turkish officials that resolving the Cyprus issue would help Turkey's accession to the EU.

The EU appears to have sought to blame the Turkish side for the failure; it has, to a large extent, condemned Turkey for its policy stance towards the issue. The EU perceives that Turkey has failed to comply with the obligation to contribute to the search for a political solution. Within this line, the EU came to the conclusion that it would be unfair to delay Cyprus accession on the political grounds. Besides, the Union asserted that Turkey should not be allowed to veto the accession of a European country, which fulfils all other accession criteria (*Bischop, 2002:27; Nugent, 2000:134*).

This is not a convincing argument to explain the EU's different and inconsistent policy towards Turkey and Greek Cypriots. Indeed, it is difficult to explain the EU's unconditional policy towards Cyprus. This has not been the case for Turkey. The EU's policy of conditionality towards Turkey, which links the membership prospect of Turkey with the resolution of Cyprus issue, seems to have made the settlement of the issue even more complicated and difficult. To explain further, there has been considerable inconsistency between the EU's policy towards Greek Cypriots and its policy approach to Turkey: conditionally has not been visible in EU's policy towards Cyprus, while it has been too rigid and firmly effective over the issue of Turkish membership. As Jolanda Van Westering argues:

The EU, on numerous occasions, has stated that its relations with Turkey cannot be seen separately from the Cyprus question, though it justifies separating its relations with Turkey when dealing with Cyprus. Yet the two countries and their problems are intrinsically linked and can only be approached as a unity. The Union's rather inconsistent attitude towards Turkey can indeed be better understood while assessing its relationship with Cyprus (*2000:114*).

By implication, the EU has undermined its own effort to solve the issue through its differentiated policy towards Turkey and Greek Cypriots. After securing EU accession, Greek Cypriots have become less willing to make compromise over Cyprus (*Yeşilda and Sözen, 2002:277*). In this ve-

in, the Greek Cypriots assume that the EU membership will provide a substantial leverage for them to settle the issue in accordance with their own interests. They seem to take the view that after joining the EU, Turkey and the Turkish Cypriots would adopt a more flexible approach towards a settlement of the Cyprus issue (Theophanous, 2000 and 2003).

There is of course one other factor that has been undermining the EU's influence in settling Cyprus problem: this is lack of incentives and credibility in the EU's policy towards prospects of Turkey's membership. This is perhaps the main paradox of the EU's policy: while the EU has provided a clear accession commitment for Cyprus, its policy towards Turkey has not involved similar accession carrot in the direction of Turkish membership in the foreseeable future. "Even after the Helsinki Summit, the EU has failed to provide a balanced set of incentives for Greece, Turkey and the two respective communities in Cyprus to resolve their long-standing dispute" (Öniş 2002:17).

However, it cannot be denied that the post- Helsinki process has opened a new dialogue between the two parties to resolve Cyprus issue. More recently, the new Turkish Government under the Justice and Development Party (AKP) appears to advocate a flexible stance on the Cyprus issue. The AKP leadership is putting pressure on President Rauf Denktash to take a more constructive approach towards settling the issue. This is in conformity with the foreign policy objectives of the new Turkish Government, which has declared accession negotiations with the EU as the main foreign policy objective in the near future. However, the new Turkish government policy stance in relations to Cyprus issue has met considerable resistance from a number of circles in Turkey, including the opposition parties, military, Turkish foreign service and a number of civil society, on the grounds of reductions of Turkish military presence in the island, generous territorial concessions to the Greek Cypriots and losing military-strategic asset in the island (Axt and Neuwahal: 2004:14) . Needless to say, this quick move of the AKP does not represent a change in Turkish state policy with regard to the Cyprus issue. With time the policy stand of the AKP leadership may change.

It can be argued that, the EU has a capacity and opportunity to generate sufficient incentives for Turkey and the TRNC to take a more conciliatory approach towards the settlement of the Cyprus issue. The EU might have a catalyzing effect on the political settlement on the island

through a more effective and balanced policy approach to Turkey and Cyprus. Considering that "the two countries and their problems are intrinsically linked and can only be approached as a unity" (*Van Westering, 200:114*), Cyprus and Turkey could be placed in the same accession process with strong accession commitment that would generate similar incentives for both Turkey and Cyprus in finding a lasting solution in Cyprus. Such membership incentives might attract the parties to compromise.

Conclusions

The primary conclusion of this paper is that the viability and rationality of the effective policy of the EU towards Cyprus issue needs to be more thoroughly considered than was hitherto the case. The EU still has an opportunity to play major role in resolving the issue through a balanced policy which should provide a rational framework serving mutual interests of the involved parties. A more effective and balanced policy would push the Greek Cypriots and Greece to make an effort to reach agreement. This should also link the Cyprus accession to the conditionality of political settlement, at the same time, it should provide considerable leverage for the EU over Turkey to reconsider its policy stance over Cyprus. On this account, a clear and firm accession commitment to Turkish accession might help the prospects for the solution of the issue.

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