



## NKÜ HUKUK FAKÜLTESİ DERGİSİ

ARAŞTIRMA MAKALESİ / RESEARCH ARTICLE

### AVRUPA BİRLİĞİ GENİŞLEMESİNDE KOŞULLULUK İLKESİ: KIBRIS ÖRNEĞİ

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#### ÖZ

Siyasi koşulluluk ilkesi, Avrupa Birliği genişleme politikasının en etkili stratejisidir ve bu ilke aday üye ülkelerle AB arasında demokratik bir köprü sağlamayı amaçlamaktadır. Avrupa Birliği, siyasi koşulluluk ilkesini kullanarak üye ülkelerin uyumuyla birlikte kendi demokrasinin ispat etmeye çalışmaktadır. Buna göre, şu soru ortaya çıkabilir "siyasi koşulluluk neden AB için ana stratejidir?" Bu konuda Madde 6.1'de özetlenmiştir: "Birlik özgürlük, demokrasi, insan haklarına saygı, temel özgürlük ve mevzuat, AB Üye Devletleri için ortak olan ilkeler üzerine kurulmuştur." Bu araştırma, AB'nin genişleme politikalarının siyasi şartlılık stratejisini nasıl izlemesi gerektiğini açıklamayı amaçlıyor. Bu makale eleştirel olarak değerlendirilecektir; 2004 yılında AB genişlemesinin sonuçları ve aday devletler üzerindeki etkinliği. Bu makale, AB'nin genişleme politikalarının siyasi koşulluluk stratejisini nasıl izlemesi gerektiğini açıklamayı amaçlıyor. Çalışma, 2004 yılında AB genişlemesinin sonuçlarını ve aday ülkeler üzerindeki etkinliğini eleştirel bir şekilde değerlendirecektir. Çalışmanın ana odak noktası, Avrupa Birliği üye ülkesi olan Kıbrıs'ta siyasi koşulluluğunun uygulanması ve doğruluğunun değerlendirilmesi olacaktır. Buna göre, makale önce AB'nin siyasi koşulluluğunun 2004 genişleme süreci boyunca nasıl uygulandığını ve daha sonra hangi siyasi koşulluluk gerekçelerinin Kıbrıs konusunda verimliliğini göstermediğini analiz etmeyi amaçlıyor.

**Anahtar Kelimeler:** Avrupa Birliği, Siyasi koşulluluk, Avrupa Birliği Genişleme Politikası, Avrupa Birliği Üye Ülkeler, Kıbrıs

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## THE POLITICAL CONDITIONALITY IN THE ENLARGEMENT OF EUROPEAN UNION: THE CYPRUS CASE

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### ABSTRACT

The political conditionality is an effective strategy of the EU enlargement policy, and it aims to provide a democratic bridge between candidate member states and the EU. Besides using the political conditionality, the EU assumes confirmation of democracy by the compliance of member states. Accordingly, the following question may arise "why the political conditionality is the major strategy for EU?" which is outlined in Article 6, 1: "The Union founded on the principles of liberty, democracy, and respect for human rights, fundamental freedom, and legislation, principles which are common to the EU Member States." An article aims to explain how enlargement policies of the EU should follow the strategy of political conditionality. This paper will critically evaluate; the consequences of EU enlargement in 2004 and its effectiveness over candidate states. The main focus will be on the application of political conditionality in Cyprus and its correctness. Accordingly, the papers seek to analyze first how the EU's political conditionality was applied through the 2004 enlargement process and then on which grounds of political conditionality couldn't illustrate its effectiveness in the case of Cyprus

**Keywords:** European Union, Political Conditionality, EU Enlargement Policy, Member States Of European Union, Cyprus

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## INTRODUCTION

In 2004, the EU witnessed a significant enlargement since its establishment because it was the first time ten new member states joined the EU. It will outline the consequences of substantial enlargement by analyzing the effectiveness of 'political conditionality. The political conditionality is an important enlargement strategy of the EU, which helps create an effective democratic negotiation process for candidate member states. At the Copenhagen Summit of 1993, it was confirmed for the first time that the member states wanted enlargement as a specific aim of the European Union. EU leaders stated that the addition takes place as soon as a candidate state can comply with the obligations of being a member by satisfying the economic and political criteria<sup>1</sup>.

The enlargement strategy that was created at the Copenhagen Summit (1993) consisted of (i) obtaining stability and (ii) providing security by creating European Institutions. This strategy aims to understand future enlargements better and deal with the more problematic regions in Europe, so the entire European continent has secured political stability. This means that the EU has focused on avoiding the failure of political transformation to contract political stability in candidate states. Initially, the EU developed its enlargement policy on two elements: (i) comprehensive and (ii) strict conditions for acceptance into the EU, and there are also compulsory elements for meeting the criteria of EU membership<sup>2</sup>.

As mentioned above, the Copenhagen Summit explained how the candidate states comply with obligatory acts to meet the rules of 'political conditionality. This can be, for example, the EU ensuring that new enlargements must comply with the democratic rules. The reason for that is, Central and Eastern Europe may be leading various threats due to the origins of political problems in their domestic systems. The CEEC was not likely to have more member states because of crisis's' and wars, the EU is more responsive now on this enlargement (2004) than previous ones<sup>3</sup>.

During an acquisition, the EU would like to transform the rules of candidate states to democratic practices by using political conditionality. Focus on the positions of the CEEC, it seems as though the CEEC is a threat against the democratic integrity of the European Union.

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<sup>1</sup> The European Councils (1992-1994) 86

<sup>2</sup> Harun Arikan, 'Good Neighbourliness condition for EU Membership: The EU Policy Towards The Cyprus Conflict and Its Security Implications' (2003) 58 (4), Ankara University Journal of the Faculty of Political Science 29

<sup>3</sup> Frank Schimmelfennig, 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union' (2001) 55 (1), International Organization 50

In which case Slovakia would be an example of using political conditionality by the EU (Mostly likely Cyprus being another one, to be outlined in another chapter).

Slovakia: The domestic problem of Slovakia is a significant example of how the EU used its political conditionality in Slovakia, the paper discusses the success or subsequent failure of it in the next chapter.

Due to the political tyranny of the majority rule of the Meciar government (1994–98), Slovakia was a major threat for the EU because of its domestic governing policy. Therefore, when the European Commission announced its 'Agenda 2000' plans at the Luxembourg Summit in 1997 -that was calling for a policy reform and its opinions about the ten candidate states- Slovakia was accepted from being selected a free country. 'Free' CEEC regulations are combined with the rules of the EU, as a political system in which political human rights and civil liberties are ensured to be an adequate condition within the EU<sup>4</sup>.

On the other hand, the Slovakian society concentrated on their political development, and they believed that being a member of the EU, would bring new solidarity and welfare to their state. And the population supported membership far more compared to the population of other central and eastern European countries. As a result, cooperating with EU conditionality on elections in 1998, the Meciar government fell. In 1998 a new government was formed by pro-democratic and pro-European coalitions. Consequently, the statistics showed that most Slovakian citizens were aware and preoccupied by the deterioration of their country's standing in Europe and its exclusion from EU enlargement<sup>5</sup>.

To sum up, Slovakia was one of the highly problematic CEEC members, which was destroying democratic rights in its society and unacceptable by EU standards. However, in Slovakia, it showed how EU political conditionality can be an effective way of changing its rules. Because of the power of political conditionality, the regime was defeated by citizen's votes through a new pro-democratic and pro-European regime.

## **I. CASE STUDY: POLITICAL CONDITIONALITY ON CYPRUS**

A whole island commonly refers to as Cyprus by the international community. But, according to the politics of the European Union, an island composed of two different states. The first authority calls the Republic of Cyprus; representing the Southern part of the island,

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<sup>4</sup> Schimmelfenning (n 3) 60

<sup>5</sup> Frank Schimmelfennig, Stefan Engert and Heiko Knobel 'Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey' (2003) 41 (3) Journal of Common Market Studies 502-506

and accepting its legal government. And secondly, Turkish Republic of Northern Cyprus represents the Northern part of the island; so called accepting its illegal government.

#### A. A BRIEF HISTORY

From its origins during the 1960s, the establishment of the Republic of Cyprus has had a lot of conflict and division, meaning Cyprus' conflict has been going on for long and complicated its historical background. When briefly explained it is because the Greek administration always desired greater domination over the Turkish administration who are seen as a minority on the island. When the 1960 ROC broke down in 1963 because of these conflicts, and were guilty genocide on Turkish Cypriots it caused military intervention by Turkey in 1974. The Turkish intervention prevented the Greek administration's plan to incorporate Cyprus as a part of Greece. As a result of this act, the division took place and the Northern part of the island were seen as unrecognized states because of Turkish intervention and assumed illegal.

In 1983, the Turkish Republic of Northern Cyprus (TRNC) was established and declared an independent state, which controls the Northern part of the island and the Republic of Cyprus which continues over the South part of the island. However, after establishing the Turkish Republic of Northern Cyprus, the UN Security Council Resolution of 550 (1984) called the TRNC an illegal republic and prevented international recognition of the TRNC.

#### B. THE POLITICAL CONDITIONALITY OF CYPRUS

Cyprus knocked on the European Union's door in 1990 and since 1997 it was accepted as an official negotiator through the membership of the EU. The 1993 European Commission's Opinion on Cyprus unequivocally stated that membership negotiations would begin as soon as the prospect of settlement is more certain. Cyprus' integration with the community implies a peaceful, balanced and lasting settlement of the Cyprus question<sup>6</sup>.

From 1997 to 1999, in 1995 the EU determined that due to the problem and the island's division, the settlement of the problems would be a precondition of the EU. However, this conditionality was removed in the 1997 Summit held for 'Agenda 2000' by the European Commission, suggested that 'accession negotiations with Cyprus could start without any resolution of Cyprus conflict, alternatively it can be defined as a solution to the Cyprus problem is not a necessary condition for its accession to the EU<sup>7</sup>.

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<sup>6</sup> Commission Opinion on the Application by the Republic of Cyprus for Membership (par. 48) (30 Haziran 1993, 23)

<https://op.europa.eu/en/publication-detail/-/publication/99cd34a4-e06a-4e6f-a957-b8f562034cdc>

<sup>7</sup> Meltem Müftüleri-Bac and Aylin Güney, 'The European Union and the Cyprus Problem 1961–2003' (2005) 41 (2) Middle Eastern Studies 282

On behalf of the Cyprus' membership, there is an opposing of statement European Commission that was not as relevant for official reports of the European Commission in the Agenda 2000. That is stated: "before accession, applicants should make every effort to resolve any outstanding border disputes among themselves or involving third parties"<sup>8</sup>. Consequently, sources can show how the political conditionality was removed for Cyprus by the European Commission despite its official announcement for all candidate states, which stated that all border disputes should be resolved by peace before becoming an official member of the European Union.

The year 2002 at the Copenhagen Summit finalized the EU's decision for Cyprus's membership and by 2004 Cyprus signed its Accession Treaty with other candidate states. Thus, the year 2004 saw a major enlargement of the EU and added nine and half member states to the EU because of the status of Cyprus.

At this point, the focus will be on how Cyprus completed its negotiation and became a member state without settlement of the Cyprus dispute, which the European Council decided at the Luxembourg Summit in 1997. A removed conditionality which cause questions to arise as to (i) why and how the European Commission removed the most obvious political conditionality on Cyprus' accession despite its official reports and (ii) why EU leaders accepted the decision that would carried big risks and problems of the EU's integrity. Regarding these questions, the answers can be found within the first and obvious reason; the Greece factor meaning Greece had been a potential influence on other member states and influenced processes of EU institutions. For instance, during the Corfu Summit (1994) the Greek President stated that "the next phase of enlargement will involve Cyprus and Malta"<sup>9</sup> (EUROPEAN COUNCIL, 1994: 14). This was the first incident during the enlargement policy that the EU changed its decision for a political conditionality on the Cyprus accession to the EU, removed the Cyprus application from a resolution of political problem'.

From another point of view, it was said by Serge Abou - who observed the progress in the inter-communal talks- that the Turkish side was responsible for the failure<sup>10</sup>. It was viewed as if they were obstructive towards the island's reunification and rejected all UN-brokered settlement proposals of the last 30 years<sup>11</sup>. After that the EU -also in response to Greek pressure-

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<sup>8</sup> European Commission (1997) 51

<sup>9</sup> The European Council (1994) 14

<sup>10</sup> c.f. Peter Zervakis, 'The Accession of Cyprus to the EU: The Greek Viewpoint' in Heinz-Jurgen Axt and Hansjorg Brey (eds), Cyprus and the. European Union. New Chances for Solving and Old Conflict (Südosteuropa-Gesellschaft, 1997) 144

<sup>11</sup> Zervakis (n 10) 199

decided that it could not let the TC or Turkey veto the ROC application by refusing a settlement and let the GC community bear the cost of non-accession<sup>12</sup>

As a last example, we have the Greek influence on the European Commission on behalf of Cyprus. It tells us that when the EU opened accession talks with Cyprus in 1998, France voted to prevent Cyprus' accession if the negotiations were finalized without a resolution for the partition of the island it was the Greek threatening to block any enlargement through central and Eastern Europe if Cyprus was not accorded membership as well<sup>13</sup>.

### C. CYPRUS VS. SLOVAKIA

Finally, as we selected the case of Cyprus and an example of Slovakia, it has shown us to be great examples of analyzing cases of political conditionality regarding the CEEC enlargement (2004). The difference in criteria is an open accession process to Cyprus by removing its conditionality, which Slovakia did not have and thus could not start the negotiation talks. Because the domestic issues were not resolved. Critics might say that despite Cyprus's problematic origin, the reasons founded by the European Council (1997), e.g. why didn't the EU pay much more attention to the settlement of problems, like in Slovakia before its membership? Similar to the Slovakian society, EU policies also affected Turkish Cypriots.

As a result, they selected a new government that was pro-European, unlike the previous ones that were blaming the EU for the negatives votes on the settlement. The new government however didn't get a chance to do this because the European Council already removed the conditionality of Cyprus. For instance, despite referenda results- yes votes by TCs and no votes by GCs, the EU didn't allow much for peace and security between two communities in Cyprus. After concentrating on these two cases, we can observe that political conditionality can effectively solve the state's problems and transform rules with democratic criteria in Slovakia. What would happen if the EU's strict political conditionality on a candidate state.

### Conclusion

It is concluded that Greece had a great influence on an implication and decision making process of the European Commission such as approving or changing its decisions. In Cyprus' case, Greece utilized its major importance to affect the European Commission's decisions that

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<sup>12</sup> Neophytos G. Loizides, 'Greek-Turkish Dilemmas and the Cyprus EU Accession Process' (2002) 33 (4), Security Dialogue 432; John Redmond, 'From Association Towards the Application for Full Membership: Cyprus' Relations with the European Union' in Heinz-Jurgen Axt and Hansjorg Brey (eds), Cyprus and the European Union. New Chances for Solving and Old Conflict (Südosteuropa-Gesellschaft, 1997) 97

<sup>13</sup> John Van Oudenaren, Uniting Europe: An Introduction to the European Union (2nd edn, Rowman & Littlefield, 2005) 353

Cyprus' accession to the EU would be beneficial for both communities to find the optimal solution for the island.

This shows us that having a strong member state can affect the European Commission's implementation process. Dealing with all of these sources, Cyprus becoming a membership wouldn't change the situation between the two communities as the conflict has reached levels worse than before. Because, it is mainly accepted that the division of Cyprus and threat to the integrity of the EU has been overseen the by the European Commission's decision making policy of enlargement.

Finally, the success of the implementation surrounding the case of Slovakia and Cyprus, are mentioned in separate parts of this article. After observation, it becomes clear that in these two cases (i) Slovakia was a successful example and (ii) Cyprus was a failed example. The main reason for this is that political conditionality was applied strongly on the Slovakian government when the 1997 Summit announced Slovakia as an exception case and must first solve its domestic problems. Afterwards the political conditionality enforced strongly into its society and its proceedings solved the problems.

In the case of Cyprus, the 1997 European Commission announced that Cyprus would become a membership of the EU without a settlement of problems. That means the Commission removed conditionality, which led to a divided country into the European Union. For instance, the European Commission announced that Cyprus is ready for accession talks. Still, it was rejected by Vladimir Meciar, the Prime Minister of Slovakia, for political reasons as a lack of democracy and respect for human rights. Still, there was no response by the Commission<sup>14</sup>.

It doesn't matter could have caused the removal of the political conditionality on Cyprus, as of today there is a divided country in the EU. That is problematic for the EU which is affected its reputation of protecting a long-lasting integrity. In general the status quo in Cyprus- the island's division- violates EU principles of established standards of legitimate statehoods in Europe, the integrity and invulnerability of external borders, and the settlement of territorial disputes through peaceful means<sup>15</sup>.

From another perspective, Cyprus is a major failure of 2004 on enlargement against other CEEC states because of the political approach and the sociological term of not achieving a universal regulation. The reason is to still have two communities in the same member state of

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<sup>14</sup> Oudenaren (n 13) 327

<sup>15</sup> Cristopher Brewin, 'Turkey, Greece and the European Union' in Clement H. Dodd (eds.), *Cyprus. The Need for New Perspectives* (The Eothen Press, 1999) 145



European Union. In short, Cypriots living in the southern part under EU rules and receiving opportunities unlike Cypriots living in the northern part under isolation and embargos, despite referenda results in 2004.

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