

# Cypriot Accession to the EU and the Solution to the Cyprus Problem

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THE CYPRUS PROBLEM HAS BEEN with us for several decades now. It is one of the oldest outstanding issues facing the United Nations. Despite hundreds of Security Council and General Assembly Resolutions that date as far back as the 1960's, as well as numerous statements by the European Union, the United States, the United Kingdom, and Russia, the problem remains—Cyprus continues to be divided as it was after the Turkish invasion of 1974.<sup>1</sup>

Proposals for a solution to the Cyprus problem have been offered by Secretary-Generals of the United Nations, starting with Mr. Waldheim followed by Mr. Perez De Cuellar, Mr. Boutros-Ghali, and now Mr. Annan. Unfortunately, none of their proposals succeeded because the Turkish side has insisted on the idea of complete separation and has demanded the creation of two practically independent states. This would legitimize the spoils of the 1974 invasion. Contrary to that concept, all UN Resolutions and efforts by the Secretary-Generals and their representatives have been based on the idea of creating one bizonal federation.

## THE KOFI ANNAN PLAN

The latest effort in this direction is the Annan Plan. This is by far the most detailed and elaborate proposal by the United Nations and is the result of an unprecedented concentration of efforts. For more than three years the Secretary-General's Special Advisor on Cyprus, Mr. Alvaro De Soto, was personally involved in the development of the UN sponsored plan. During the whole of 2002 he conducted face-to-face meetings in Cyprus between Greek Cypriot President Glafcos Clerides and Mr. Rauf Denktash, leader of the Turkish Cypriot community. In addition, there have been a number of

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meetings in New York with the Secretary-General. Both in New York and Cyprus, more than 20 UN officials worked on various aspects of the Plan for the creation of the bilateral, bizonal federation. To garner support for the proposal, in the last months Mr. De Soto repeatedly visited Ankara, Turkey, and directed negotiations and meetings with members of the Ministry of Foreign Affairs and with other senior Turkish officials, including former Prime Minister Abdullah Gul and the current Prime Minister Mr. Recep Tayyip Erdogan.

The main principles and proposals of the final Annan Plan submitted in February 2003 are as follows:

The Plan proposes the establishment of a new state of affairs in Cyprus with the creation of a United Cyprus Republic, which would be an independent state with a federal government and two equal federated constituent states, the Greek Cypriot State and the Turkish Cypriot State:

- a. Cyprus would be a member of the UN and have a single international legal personality and sovereignty. The United Cyprus Republic would be organized under its constitution in accordance with the basic principles of rule of law, democracy, representative republican government, political equality, bizonality and the equal status of the constituent states.
- b. The federal government would sovereignly exercise the powers specified in its constitution, which shall ensure that Cyprus can speak and act with one voice internationally, fulfil its obligations as an EU member state and protect its integrity, borders, resources, and heritage.
- c. The constituent states would be of equal status within the limits of the Constitution. They would sovereignly exercise all powers not vested by the Constitution in the federal government and organize themselves freely under their own constitutions.

The Plan calls for a single Cypriot citizenship as well as internal constituent state citizenships. The latter, however, shall complement and not replace the Cypriot citizenship.

As for territory, the Turkish Cypriot federated state would comprise 28.2 percent and the Greek Cypriot federated state the remaining 71.8 percent of the new Republic. In addition, the small area that is part of the sovereign British bases would be reduced by nearly half.

As a result of the proposed Plan, nearly 90,000 Greek Cypriot refugees could go back to their homes in the territory that would be returned to the Greek Cypriots; another 50,000 would be able to go back into the Turkish Cypriot federated state over a period of 15 years. When Turkey joins the EU, all limitations on the return of refugees to their villages and land would be lifted.

Furthermore, under this Plan approximately half of all Turkish settlers in Cyprus, numbering approximately 50,000 to 60,000, would be required to leave Cyprus while the other half would either obtain citizenship or be permitted to have permanent residence on the island.

Though Cyprus would be demilitarized, there would be both a federal police force and forces in the two component states. In addition, the Treaty of Alliance proposes that Greek and Turkish contingents of up to 6,000 persons each could remain on the island along with a UN peace-keeping operation that would monitor the implementation of the agreement.

Cyprus would be a federal state according to the Swiss principle. The main functions of the federal government would be external relations, relations with the EU, Central Bank functions, federal finances, communications, aviation, citizenship, and natural resources including water.

Tourism, protection of the environment, the use and conservation of energy, fisheries and agriculture, industry and commerce, zoning and planning, education and sports, health, and social security would be essentially competences of the two constituent states.

The federal government would have a Presidential Council, consisting of six members, which would be elected by Parliament for a fixed five-year term on a single list by special majority. Four members of the Presidential Council would be Greek Cypriots and two Turkish Cypriots. All members would be equal and each member would fulfill the function of the presidency for a period of ten months.

There would be a Supreme Court which would uphold the Constitution. The Court would comprise of an equal number of judges from each constituent state and three non-Cypriot judges. The Supreme Court would inter-alia resolve disputes between the constituent states or between the states and the federal government. The Plan strives to ensure workability; no vetoes are included as in the 1960 Constitution, but a special majority would be required with only 40 percent of each side.

The overall Plan is very detailed and consists, with the appendices, of several hundred pages. It contains a Foundation Agreement, an outline of the Constitution of Cyprus, the main constitutional and federal laws, a list of international treaties binding on the U.C.R., maps with the territorial arrangements, the treatment of properties, a calendar of implementation, etc.

## **THE NEGOTIATIONS**

The original Plan was submitted in November 2002 and since then there have been intensive talks in Nicosia, Ankara, and Athens. Two revisions were prepared, the last

one on 26 February 2003. After some further intensive talks and a dramatic day and night in The Hague on Monday, 10 March, the Secretary-General acknowledged in the early hours of Tuesday, 11 March that the negotiating parties failed to achieve an agreement and submit the UN Plan to separate referenda for approval. The failure was entirely due to the refusal by Mr. Denktash to accept both the philosophy and the concept behind the Annan Plan. The U.K. Special Representative, Lord Hannay, affirmed the reason for the breakdown of negotiations: "I am very sorry for this development but Mr. Rauf Denktash has left no other option to the Secretary-General of the United Nations."

The failure of the negotiations is certainly disappointing, but under no circumstance should it be considered the end of the road. It is well known that Mr. Denktash is not interested in a solution and prefers to maintain the status quo. He has, to this extent, the full support of the Turkish military and parts of the Turkish bureaucracy. However, Turkey has repeatedly expressed its desire to join the EU, and its candidacy would be greatly improved if the Cyprus problem were solved.

The EU on its part has clearly stated that, as with all candidate countries, accession negotiations can start only when a country meets the political criteria of the Copenhagen Agreements. This, between others, implies that in any applicant country human rights are fully protected, the rule of law prevails, there is full and comprehensive separation of powers between the executive and the judiciary, and there are functioning democratic institutions.

The new Turkish application was considered in 2002, and the European Commission came to the conclusion that the prevailing conditions in Turkey did not yet justify the opening of negotiations. A new meeting was fixed for the end of 2004, and the hope expressed was that by then Turkey will be in a position to meet the political criteria of Copenhagen, in which case a date for the opening of negotiations will be fixed.

Due to the failure of the talks in The Hague, and barring new developments, Turkey's hopes of even securing a date to discuss its EU candidacy are slim. Turkey cannot both become an EU member state while simultaneously not recognizing Cyprus. This very clear position of the EU, coupled with the real strategic interests of Turkey, permits us to hope that the accession of Cyprus to the EU will indeed act as a catalyst for the solution of the Cyprus problem.

#### **ACCESSION AS A CATALYST FOR THE SOLUTION TO THE CYPRUS PROBLEM**

In the days after the decision on 13 December 2002 to accept Cyprus into the EU, Turkish Cypriots demonstrated in huge numbers, conveying the message that they did not want to be left out of this historic development. It is well known that the over-

whelming majority of Cypriots, both Greek and Turkish, are in favor of joining the EU. Opinion polls repeatedly confirm that the desire to join the Union is nearly universal among members of both communities.

Cypriots know quite well that membership in the Union would also help them to reunite their island. Joining the Union would mean that from thereon we will not be simply Greek Cypriots or Turkish Cypriots, but two small communities in the great European family, the family to which Greece belongs today and Turkey would like to belong tomorrow. Belonging to this family implies security, prosperity, and respect for the individual.

Security is an integral part of the EU mission, and beginning in 2004, the EU will encompass the overwhelming majority of European nations. This is an EU which is gradually developing a common security and foreign policy with its main objective being the maintenance and promotion of peace in Europe and in the rest of the world.

Prosperity is also an integral part of the EU mission. Many Cypriots would like to share in the benefits of the single European market, the Economic and Monetary Union, and to reach the average income of the European citizen which today exceeds 21,000. Cypriots know that the Union has a deliberate policy in assisting all member countries and regions which are lacking in prosperity to develop faster, to dramatically and radically change, and to improve their standards of living. The examples of Ireland, Portugal, and Greece to mention only these countries are the best proof of how the Union helps its weaker members to develop, and how in turn these countries contribute to the growing prosperity of Europe through their development.

Respect for the individual is a key element of EU principles as well. The EU has achieved unsurpassed levels of social security and equality between genders and races. One of the most pleasant tasks in this effort of accession to the EU and adaptation of the *acquis*, was the introduction in Cyprus of the very high standards of social security prevailing in Europe. The need to secure absolute equality between genders, care of the elderly and handicapped, education for all without discrimination, high standards of safety at work, and protection of the environment are all manifestations of respect for the individual.

## **VIABILITY OF THE SOLUTION**

Cypriots have lived in fear of one another for years. Greek Cypriots are afraid that though they form the majority within Cyprus, they are a small minority compared to Turkey. Turkish Cypriots are fully aware that despite Turkey's size and importance, they are still a minority on the island. Once Cyprus joins the EU, the relative size of these communities will be of lesser importance, because they will all comprise one nation

under the EU. It is not good for Cyprus to isolate itself, particularly at this stage of globalization when economic forces are breaking down national borders. Becoming a part of Europe will allow Cypriots the opportunity to achieve the very best.

The other most important advantage of Cyprus' accession to the EU is that it provides the best possible guarantee for adherence to any agreement between Turkish and Greek Cypriots. Hence, the worries, particularly of the Turkish Cypriots, expressed on several occasions, that the Greek Cypriots will violate any agreement whenever the opportunity arises, have no basis. At the same time, the fear of the Greek Cypriots, that at some opportune moment Turkey and Mr. Denktash will take advantage of them, is also baseless. In the EU, only one sovereign Cyprus can accede. This is one of the main reasons why it was not possible to even consider Mr. Denktash's demand for two separate states, each with its own constitution and sovereignty.

Protection of human rights, solidarity, and real convergence are major principles of the EU. In the Union, all individuals and all communities, small or large, not only feel but are equal. Their rights are guaranteed by the various EU institutions and by the European Court of Justice, which ensure that whoever tries to contravene them is quickly called to order. Discrimination against individuals and particularly against a group of individuals or a community is unimaginable within the frame of the Union.

The *acquis*, as it is well known, regulates a wide range of activities which previously were the responsibility of national governments. Monetary and customs policies, for example, are in the exclusive power of the Union. Most others are shared between the Union and the member states. These include the "four freedoms" (free movement of people, goods, services, and capital) as well as policies complementing or flanking the single area such as those relating to agriculture, fisheries, transport, trans-European networks, environment, research and technological development, development cooperation, and energy. Nobody can claim that the relevant policies decided in Brussels are taken to the benefit of any one country and moreso to the benefit of one community or another. Decisions are made democratically by all involved countries.

An important advantage of accession is that Cyprus will shortly become an active member of the European Monetary Union. The Cyprus pound has been unilaterally pegged to the euro since 1992 and hopefully will be accepted as a member of the EMU soon after accession. The Cyprus pound will be replaced by the euro and the fears expressed by Mr. Denktash and other Turkish Cypriots, that Greek Cypriots can use their economic power to the detriment of the Turkish Cypriot community, will be without substance. Monetary policy is decided in Frankfurt where the interest of the Union as a whole and certainly not of one country, particularly of a small country like Cyprus, determines the policies.

The principles of economic and social cohesion, balanced regional development,

and solidarity and support for those that are weak are major EU values. Turkish Cypriots will benefit greatly from these principles, as it is well known that currently the standard of living of Turkish Cypriots is hardly one-third of that of the Greek Cypriots. This is why the European Commission has proposed and the European Parliament has agreed to provide special assistance of •206 million between 2004 and 2006 and possibly •70 million for 2003 in the event that an agreement is reached. All indications are that in a very short period of time after the reunification of the island, the differences that now exist in the standards and conditions of living between the two communities will be wiped out.

One of the characteristics of the Union that is of particular importance to Cypriots, and especially Turkish Cypriots, is the principle of subsidiarity. This is the principle that the Union should not regulate issues that can be regulated best at local level. It is well known that this principle of subsidiarity is being strengthened and it is foreseen that after the Inter-Governmental Conference that is currently being prepared, the competencies of national governments and local authorities will be enhanced. The distinction between issues that will be dealt with by the Union at a national or sub-national level will be clarified. Under any circumstances, Greek Cypriots agree that supplementary powers, which are currently in the exclusive jurisdiction of the member states, like education, culture, sport, tourism, etc., will be allocated to the federated states.

In this respect, what is more important is that European citizens learn to be loyal both to their local and pan-European institutions. A Belgian citizen, for example, knows that he has to obey the rules and be proud of belonging to the Walloon, Flammand, or German community, but also proud to be a Belgian and a citizen of the EU. This multiple level of belonging and allegiance is extremely important for Cypriots; both Turkish Cypriots and Greek Cypriots are proud of their origins and want to protect their national identities. At the same time, however, members of both communities will benefit from citizenship in a reunited Cyprus, which will be a full and active member of the EU.

#### **REPERCUSSIONS FROM THE NON-SOLUTION: HOPE FOR THE FUTURE**

Despite the long-lasting and concentrated efforts of the UN, the EU, and the governments of the United States and United Kingdom, a solution to the Cyprus problem has proved impossible to reach of late, though a solution is the ardent desire of both Greek and Turkish Cypriots and also of the Greek and Turkish people. Obviously, the most important task ahead is to constrain the situation, proceed without incident, and prepare the ground for a future solution.

The Greek Cypriot side is expected to continue its constructive policy and readi-

ness to find a solution on the basis of the Annan Plan. Despite the failure, it is imperative for us to keep repeating to everybody concerned that we are ready to restart negotiations on the basis of the Plan as soon as the other side indicates the same. At the same time, the fact that Cyprus will be an EU member state, it is hoped, will discourage both Turkey and Mr. Denktash from creating incidents or building up confrontation and tension on the island. Furthermore, within our possibilities we should try our best to promote relations with the Turkish Cypriots, and in cooperation with the European Union we should examine ways by which Turkish Cypriot products, particularly those produced locally, can be marketed within the whole island. This is badly needed, as without reunification and accession to the EU, the TRNC will continue to be a pariah in the international community, and in practice a non-recognized extension of Turkey.

It is of great importance to succeed in convincing the Turkish Cypriots that they should not lose hope but look forward to a future settlement. Alternatively, if Turkish Cypriots were to lose hope, then there would likely be mass emigration, as they would wish to take advantage of the fact that, being Cypriots, they are also citizens of the EU. This, of course, assumes that Cyprus and Turkey are both approved for EU membership. A clear message should be sent at the same time to Ankara that under no circumstances should Turkey encourage or permit new waves of settlers as such a policy would certainly hinder the prospects of Turkey one day starting negotiations with the EU.

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The lack of a settlement will mean that the positive effects of a solution for our region as a whole would have to wait for some time. There is no doubt that to start with a settlement of the Cyprus problem would open a new chapter in the relations between Greece and Turkey, would contribute to a substantial decrease in the defense expenditures of both countries, and would lead to the rapid development of the whole Aegean area and the west coast of Turkey. Furthermore, with the solution of the Cyprus problem and the opening of a new era in the relations between Turkey and Cyprus, the opportunities would be present for joint ventures between the two countries and the creation of a new climate of peace, cooperation, and prosperity in the whole Eastern Mediterranean area.

Today there is frustration that once more the efforts to solve the Cyprus problem have failed. Once more Mr. Denktash was able to stymie the efforts of the international community to solve the Cyprus problem. The lesson to be drawn from this experience is obvious—a solution will be reached only when the Turkish establishment realizes that it is against the interests of Turkey to continue with the occupation of North Cyprus and that the real cost is much higher than any perceived benefits.

It is in the best interest of all concerned parties to see the Cyprus problem solved and to see the two communities take advantage of the huge opportunities that belonging to the EU entails. The new Turkish government, despite failing to act at The Hague,

will shortly recognize that resolution of the Cyprus problem is the basic pre-condition for Turkey to overcome its present economic crisis and for the Eastern Mediterranean region as a whole to enter into a new era of peace and prosperity.

There is hope that, despite the disappointments, a solution is around the corner. In the form of the Annan Plan, there is the blue print for such a solution. 

## NOTES

1. Cyprus became independent in 1960 but shortly afterwards inter-communal conflict erupted as a result of which the Turkish Cypriot community withdrew from the government in 1963. After a few years, the situation improved considerably but when a final agreement was expected in the early 1970's, the Greek junta instigated a nationalist movement which led to a coup d'etat against President Makarios. This gave Turkey the opportunity to invade the island in the summer of 1974. Despite several UN General Assembly and Security Council Resolutions, Turkey insisted on occupying the whole of the north of the island (38.4 percent). The U.S. government and the U.S. Congress have repeatedly tried to solve the problem. Mr. Clifford Clark and later Mr. Richard Holbrook were appointed by the U.S. government as special envoys and currently Ambassador Thomas Weston is the Special State Department envoy. All these efforts, however, have failed until now as a result of Turkish intransigence.