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## **A COMPARATIVE ASSESSMENT OF THE UNITED NATIONS AND EUROPEAN UNION'S ROLES IN THE RESOLUTION OF CYPRUS THE CONFLICT: THE SCALE OF PARTIALITY-IMPARTIALITY**

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### **1. Introduction**

The United Nations (UN) and European Union (EU) are the two important third parties that have become influential in the actuality of Cyprus conflict. The UN has been involved in the conflict resolution process since the 1950s and the EU (formerly the European Community (EC)) has participated to the process since the 1990s. Although the UN had become to the full extent a national policy forum for the Greek Cypriot administration, particularly since 1974, there occurred a particular change in the UN's approach towards the Cyprus conflict when Kofi Annan became the Secretary-General of the UN. Kofi Annan's more even-handed role than his predecessor, Boutros Ghali, paved the way for the well known Annan plan which constituted a relatively balanced approach to the Cyprus dispute. The EU's role in the Cyprus dispute became significantly more prominent after the accession negotiations opened in 1998 with the Republic of Cyprus, in which the Greek Cypriots were considered the representatives of the whole population on the island. The patron-client relation between the Greek Cypriot and insider Greece's relations should be stressed while considering the EU's approach to the Cyprus dispute. The EU could contribute to peace on the island by using its tool of accession to

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enforce the Greek Cypriot government to compromise on the basis of Annan Plan. However, the EU did not consider that option and refrained from contributing to peace. In this article, it is assumed that the more third parties took an impartial stance in the dispute, the more likely was politically equal ground for both interlocutors. Hence, the emergence of a balanced win-win solution to the dispute would occur as an outcome.

## **2. The Role of the United Nations**

It is important to acknowledge the UN's involvement in the Cyprus dispute in order to understand the nature of the conflict. The UN got involved in the dispute between the two communities of the island, the Greek Cypriots and the Turkish Cypriots, in 1964. However, it was not the first time that the UN involved in a dispute on the Island.

### ***2.1 Zurich and London Agreements***

The UN intervened on Cyprus for the first time in the 1950s. It was a consequence of a lengthy dispute between the Greek Cypriot community and Great Britain over the future of the island. On the one hand, the Greek Cypriots were looking for a union with Greece (*Enosis*); on the other hand, Britain had no intention of giving up Cyprus because of strategic reasons.

“Being politically weak and in conflict with strong opponents, Greece and the Greek Cypriots opted for the internationalization of the conflict to overcome the deadlock reached soon after the Second World War. They choose the newly founded UN Organization as the forum and the world community as their ally to pressure Britain for concessions.”<sup>1</sup>

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<sup>1</sup> Hubert Faustman, ‘The UN and the Internationalization of the Cyprus Conflict, 1949-58’, p. 3 in Oliver P. Richmond and James Ker-Lindsay (eds.), *The Work of the UN in Cyprus: Promoting Peace and Development*, Great Britain: Palgrave Publishers, 2001.

In 1954, the Greece Cypriots appealed to the UN. However, their aim to achieve *enosis* backfired with the agreements of Zurich and London in 1959. These agreements paved the way for the island's independence from Britain and a new Cyprus Republic with a unique Constitution that prohibited Cyprus' political or economic union with any other state.

“The negotiations in Zurich and London... agreed by way of compromise between all five participants; Britain, Greece, Turkey, the Turkish Cypriots, and the Greek Cypriots; that the new state would be a bi-communal partnership Republic with a single international identity, but a unique Constitution which embodied an agreed political partnership between Greek and Turkish Cypriots, and which prohibited the political or economic union of Cyprus with any other state.”<sup>2</sup>

Independence was granted on 16 August 1960 with the signing of Treaty of Guarantees, “which gave Turkey a legal right to intervene, with troops if necessary. The parties to the Treaty were the United Kingdom, Turkey, Greece, and the Republic of Cyprus.”<sup>3</sup> However, Archbishop Makarios, on behalf of the Greek Cypriots, ignored the Constitution on 25 April 1963.

The Greek Cypriot militia's attacks on innocent men, women and children, were outside international law, brought an escalation of ethnic conflict on the island. “At Christmas 1963 the Greek Cypriot militia attacked Turkish Cypriots across the island, and many men, women, and children were killed. 270 of their mosques, shrines and other places of worship were desecrated.”<sup>4</sup> Therefore, it was understood that the 1960 settlements were unworkable on the island. Hence, UN intervention on the island was inevitable

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<sup>2</sup> [www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Cyprus\\_HistoricalOverview.htm](http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Cyprus_HistoricalOverview.htm), retrieved on 9 December 2004

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

## *2.2 The UN Interference in 1964*

In March 1964, under Security Council resolution 186 (1964), a UN Peace Keeping Force (UNFICYP) was sent to the island to help restore peace and normal conditions. It should be underlined that the initiatives and violent actions of the Greek Cypriots is one of the main motives behind the UN intervention in the conflict. The Greek Cypriots considered the internationalization of the problem through the UN channel as an escape clause from the dictates of the 1960 settlement. Therefore, Makarios sought to turn the UN into a national policy tool of the Greek Cypriots by alleging a Turkish threat.

“Political motives and objectives coupled with diplomatic expediency prompted the Greek Cypriots to request UN involvement and seek internationalization of the problem through UN involvement and seek internationalization of the problem through UN institutions...In doing so, they placed emphasis on the international aspects of problem, especially the threat to use force by Turkey against the independence, unity, and non-alignment.”<sup>5</sup>

It should also be stated that the conjecture of the 1960s led the international community to take a favorable stance to the opinions of the Greek Cypriot. Hence, the international community was open to the manipulations of the Greek Cypriots to use the UN as a political instrument in favor of their national policies.

“Since the international political environment was favorable to the notions advanced by the Greek Cypriots, the Cypriot government managed to turn the UN institutions into instruments of national policy. In this regard, the UN

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<sup>5</sup> Joseph S. Joseph, *Cyprus: Ethnic Conflict and International Politics*, Great Britain: Palgrave, 1999, p. 114.

provided a ground for diplomatic maneuvering, a platform for political debate, and means for mobilizing foreign governments and world public opinion in support of the independence, unity, and non-alignment of Cyprus.”<sup>6</sup>

Therefore, the UN principles of self-determination, equal sovereignty of states and non-intervention were presented as the problem. These principles were transformed into political support for the Greek Cypriots.

As Joseph S. Joseph, an Associate Professor at the University of Cyprus, indicated, the Cyprus case has presented the UN’s usage for the national policies by the Greek Cypriots apart from its essential missions.

“The exploration of the Cypriot case illustrates how the world organization can become involved in an ethnic conflict and be used for purposes other than and beyond peace maintenance and conflict resolution.”<sup>7</sup>

It should also be indicated that the UN’s role in terms of maintaining peace and resolving the Cyprus conflict was limited. Although the UN proposed several resolutions in order to de-escalate the violent conflict on the Island, the UN lacked the capability to enforce them. “... [T]he effectiveness of the UN as a guardian of peace, or as an instrument of national policy, is limited because of its inability to implement resolutions.”<sup>8</sup>

Therefore, the civilian massacres of 1963, 1964, 1967, and 1974<sup>9</sup> occurred and the Turkish Cypriots were forced to withdraw into enclaves in 1964. However, Turkey could not prevent these human tragedies because of

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<sup>6</sup> Ibid., p. 114.

<sup>7</sup> Joseph, p. 95.

<sup>8</sup> Ibid., p. 115.

<sup>9</sup> In an interview published in Greek Cypriot daily *Alithia*, a 67-year-old Greek Cypriot ex-EOKA-B (National Organization of Greek Cypriot Fighters-B) member named Andreas Dimitriou reveals that attacks on Turkish Cypriots during the years spanning 1963-74 were the result of a systematic Greek Cypriot campaign. The following account given by a living witness is an undeniable testament to the fact that atrocities to which Turkish Cypriots were subjected were indeed a premeditated Greek Cypriot policy.

the famous Johnson letter dated 5 June 1964 and UN Security Council resolution<sup>10</sup> 193 (1964) dated 9 August 1964.

### ***2.3 First Turkish Military Intervention***

EOKA-B,<sup>11</sup> led by Nicos Sampson,<sup>12</sup> launched a coup against Makarios on 15 July 1974 with the sponsorship of the Greek Junta and in order to reach *Enosis*. “This coup not only transgressed Cyprus’s *de jure* status-quo but also put an end to *de facto* independence.”<sup>13</sup> Moreover, Makarios’ speech in the UN Security Council on 19 July 1974<sup>14</sup> demonstrated the necessity of a military intervention. Therefore, Turkey did what it had not achieved in 1964 and militarily intervened in Cyprus on 20 July 1974 in accordance with its rights under the Treaty of Guarantee. The same day, UN Security Council resolution 353 was adopted. It dictated the withdrawal of foreign forces or non-Cypriot forces, thereby indirectly implying Turkish forces.

According to Assistant Professor Nejat Doğan, “By relying on Security Council resolutions 193 and 353 it could be argued that the UN perceived the Greek Cypriot administration, which had been under the control of the Republic of Cyprus, as the sole legitimate representative and rejected any

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<sup>10</sup> It should be recalled that Security Council resolutions had a binding effect in contrast to General Assembly resolutions.

<sup>11</sup> The Greek Cypriots who choose military action for *Enosis* enlivened EOKA (*Ethniki Organosis Kypriou Agoniston* - National Organization of Cypriot Fighters) and founded a secret junta-assisted organization named EOKA-B under Greece’s control.

<sup>12</sup> The Greek newspaper *Eleftherotipia* published an interview with Nicos Sampson on 26 February 1981 in which he said, “Had Turkey not intervened I would not only have proclaimed *Enosis* - I would have annihilated the Turks in Cyprus.”

<sup>13</sup> Erdal Güven, *Helsinki’den Kopenhag’a Kıbrıs*, İstanbul: Om Yayınevi, 2003, p. 83.

<sup>14</sup> On 19 July 1974, before the Turkish army landed, Archbishop Makarios told the UN Security Council: “I do not yet know the details of the Cyprus crisis caused by the Greek military regime. I am afraid that the number of losses is great... I considered the danger from Turkey less than the danger from Greek army officers.”

assault to change the 1960 settlement.”<sup>15</sup> Therefore, it could be asserted that the UN with resolutions 193 and 353 more or less took a bias stance in favor of the Greek Cypriots.

During the first round of the Geneva talks, it was thought that the Greek and the Greek Cypriot forces would no longer assault the Turkish Cypriots.

“It was agreed that Greek and Greek Cypriot forces would leave all the Turkish Cypriot enclaves, but showing their customary disregard for international agreements they proceeded instead to murder almost the entire civilian population of six Turkish Cypriot enclaves in both the north and south of the island, and despite the presence in Cyprus of UN troops.”<sup>16</sup>

Moreover, the Turkish administration felt that they would not get a satisfactory result from the second round of the Geneva talks, held 8-14 August 1974. This led to Turkey’s second military intervention.

#### ***2.4 Political Victory of the Greek Cypriots***

The second military intervention of Turkish forces marked the Greek Cypriot’s most impressive political victory in terms of mobilizing collective concern with the unanimous acceptance of resolution 361. The Security Council adopted the resolution on 30 August 1974. As Joseph asserted, “...[I]t was not until after the 1974 Turkish invasion that the Greek Cypriots won their most impressive political victory in the General Assembly by extracting a resolution with a truly universal support directed against Turkey”<sup>17</sup> From then on, the General Assembly became totally a forum for the Greek Cypriot

<sup>15</sup> Nejat Doğan , ‘Birleşmiş Milletler ve Avrupa Birliği Kararlarında Kıbrıs’, *Akdeniz İ.İ.B.F.Dergisi*, Vol. 4, 2002, p. 89.

<sup>16</sup> [http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Cyprus\\_HistoricalOverview.htm](http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Cyprus_HistoricalOverview.htm), retrieved on 10 December 2004

<sup>17</sup> Joseph , p. 111.

national policies. "Since 1974, Turkey has been in commanding control of the situation in Cyprus and in a position to dictate forceful demographic and administrative changes. But it failed to gain any international ratification for the *faits accomplis* created by force."<sup>18</sup>

The Turkish Cypriots announced the establishment of the Turkish Federated State of Cyprus (TFSC) on 13 February 1975. Rauf Denktaş became the president of TFSC until the unilateral declaration of independence of the Turkish Republic of Northern Cyprus (TRNC) in 1983. "Both stigmatized and universally condemned as illegal and invalid."<sup>19</sup> Moreover, the convictions of the UN led Turkey and the Turkish Cyprus to loneliness in the international arena.

"The lack of international support for the Turkish attempts at the legalization of the partition of Cyprus is largely due to the successive condemnations of the General Assembly and the Security Council. Apparently, no country has been willing to take political and moral risks involved in the recognition..."<sup>20</sup>

Therefore, it could be argued that, particularly after Turkey's military intervention, the General Assembly of the UN was dominated by the spirit of national policies of the Greek Cypriot administration. The UN became a very powerful and effective weapon for the Greek Cypriot administration in their dispute with the Turkish Cypriots.

"In this regard, the Greek Cypriots have managed to turn the UN into a powerful and effective political weapon and use it against the Turks. As a result, the Greek Cypriot government – which is internationally recognized as

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<sup>18</sup> Ibid., p. 113.

<sup>19</sup> Joseph, p. 113.

<sup>20</sup> Ibid., p. 113.



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the only legitimate authority on Cyprus – succeeded in gaining a dominant supremacy in the international political and diplomatic scene.”<sup>21</sup>

It looks like Turkey and the Turkish Cypriots were stranded in their dispute with the Greek Cypriots, who made the General Assembly into a forum of their national policies. As Rauf Denктаş complained, “We have never heard anywhere what the Greeks have done to us. This is what the Greeks have done to us...they are trying to squeeze us dry.”

“Denктаş is probably right in one sense, but clarification is needed. The Greek Cypriots would have been able to ‘squeeze them dry’ without the skilful use of the UN as an instrument of national policy. The key to their success lies in the effective utilization of the UN, especially the General Assembly, as a means for the mobilization of world public opinion and as a lever for the exercise of global political pressure.”<sup>22</sup>

The UN supported talks resumed in 1980 whereas, Denктаş, who realized these talks also are going nowhere, suspended the talks and proclaimed the TRNC in 1983. After the declaration of the TRNC, there occurred indirect negotiations in New York in 1984 with the initiative of UN Secretary-General Javier Perez de Cuellar. There emerged no agreement at talks between Denктаş and Kyprianou in 1985. Georgios Vassiliou was elected Greek Cypriot president in 1988 and talks between Denктаş and Vassiliou began in September 1988. However, these talks were abandoned in 1989.

The Security Council endorsed Secretary-General de Cuellar’s intentions to resume discussions to complete a set of ideas formed from 100 paragraphs, which foresaw an overall framework agreement on Cyprus.

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<sup>21</sup> Joseph, p. 113.

<sup>22</sup> Ibid., p. 113-114.

“[The] Turkish side declared their acceptance of the 91 out of 100 paragraphs. On the Greek side however, although all the paragraphs were accepted by the Greek Leader Yorgo Vasiliu, later came to control Glafkos Klerides rejected this program.”<sup>23</sup>

### ***2.5 Boutros Ghali Period***

Boutros Ghali became the Secretary-General of the UN in 1992. It coincided with the renaissance of the UN. In other words, it is the time for the UN to get rid of superpower polarization of the ongoing disputes.

“In the immediate post-Cold War environment there was a focus in the Security Council upon addressing ongoing disputes in a concerted fashion, free from the superpower politicization of the past. The atmosphere was of the renaissance of the UN in peace and security, following the organization’s involvement in facilitating the settlement of a number of Cold War conflicts... and end to the Iran-Iraq war.”<sup>24</sup>

The UN’s role, clearly secondary to the role of the US, in the 1990-91 Gulf Conflict is related to the new stand of the organization after years of stagnation. “In response to this stagnation, Boutros-Ghali embarked upon a new approach; according to one commentator, “a bold experiment”.<sup>25</sup>

This bold initiative of Ghali’s was also reflected in the process resolving the Cyprus dispute resolution. Although his predecessor’s set of ideas was still on the table, Ghali stressed incremental confidence building measures (CBMs), “Based on the logic that an absence of confidence in the past had precluded a comprehensive settlement”.<sup>26</sup> Therefore, Ghali’s negotiators sought

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<sup>23</sup> [http://www.trncgov.com/timeline\\_1990\\_2001.htm](http://www.trncgov.com/timeline_1990_2001.htm), retrieved on 11 December 2004

<sup>24</sup> Oliver P. Richmond and James Ker-Lindsay (eds.), *The Work of the UN in Cyprus: Promoting Peace and Development*, Great Britain: Palgrave Publishers, 2001, p. 140.

<sup>25</sup> Ibid., p. 141.

<sup>26</sup> Ibid., p. 141.

to negotiate on the basis of mutual advantage. It should also be underlined that Ghali's endeavors to put pressure on the Turkish Cypriots during negotiations overshadowed his position's impartiality as the Secretary-General of the UN.

“By identifying himself with international efforts to put pressure upon the Turkish north Boutros-Ghali jeopardized the status of his Office as an impartial facilitator for either party to compromise when the time is right. Although this may appear to be a natural projection of the organization taking a more active and partisan – and sometimes coercive – stance toward certain issues, it does not improve the Secretary-General's position toward the Cypriot parities.”<sup>27</sup>

Although both interlocutors confirmed their acceptance of CBMs, during the proximity talks to negotiate implementation disagreement over terms occurred. The EU, with the European Court of Justice (ECJ) ruling that all direct trade between northern Cyprus and the European Union was illegal, emerged as a negative factor in 1994.

“...The third party intervention in Cyprus took a turn for the worse with the emergence of the EU factor. Just when the UN and the US were formulating various initiatives to bring the two sides back to the bargaining table within the framework of the Confidence-Building Measures, the decision of the ECJ on TRNC exports to the UK and the decision of the European Council to include Cyprus among the first group of countries for the next membership expansion (in complete disregard of the Cyprus Treaties of 1960 and the Constitution of the island republic) worked against.”<sup>28</sup>

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<sup>27</sup> Richmond, p. 148.

<sup>28</sup> Birol A.Yesilada & Ahmet Sozen, ‘Negotiating a Resolution to the Cyprus Problem: is Potential European Union Membership a Blessing or a Curse?’, *International Negotiation*, 2002, Vol. 7, No. 2, p. 273.

## ***2.6 Kofi Annan Period***

Kofi Annan became the Secretary-General in January 1997. “After the rather high-handed approach of Boutros-Ghali...Kofi Annan reflected a more down to earth and quiet approach.”<sup>29</sup> Kofi Annan proposed a set of suggestions as a framework for future endeavors.

“This involved a process of negotiations, leading to the incremental construction of the juridical framework within which the Greek Cypriot and the Turkish Cypriot communities will forge a new partnership promote an increasingly fruitful convergence of views and positions, in a process which will acquire its own momentum – and thus produce the kind of consensual trade-offs that a negotiation necessarily involves”.<sup>30</sup>

Apart from independent diplomatic missions that complicated the Secretary-General’s efforts, the sale of Russian missiles to Greek Cypriot and the shadow of the issue of Cyprus accession to the EU entangled the peace talks. On the one hand, S-300 surface air missiles caused a serious problem for Turkey, both in terms of its threat to its military force in Cyprus and also for the mainland. On the other hand, the accession of Cyprus to the EU was fervently opposed because Turkey asserted that the Greek Cypriots were the ones who had been negotiating with the EU and they did not represent the Turkish Cypriot community.

When the second round of talks halted, Turkish Foreign Minister İsmail Cem, claimed, “The second round of talks under Kofi Annan’s auspices had been undermined by the EU issue.”<sup>31</sup>

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<sup>29</sup>Richmond , p. 144.

<sup>30</sup> Ibid., p. 144.

<sup>31</sup> United Press International Wire Service, 31 March 1998.

“Thus in both the missile and the EU issues, the relationship between Turkey and Greece is overshadowing the Cypriot conflict and complicating the peace process. The Secretary-General’s mediation is a hostage to these geo-political twists and turns.”<sup>32</sup>

Kofi Annan refrained from making the same mistakes as Ghali and played a more even-handed role in the peace process rather than identifying himself with international pressures. He took care to treat both parties on the basis of political equality. However, his good offices had been dominated by geo-political dynamics that he had no control over.

“Indeed, Kofi Annan urged Rauf Denktaş to resume the peace process in March 1998, observing that the talks were the only framework within which the Cypriots and Turkish Cypriots parties are treated on the basis of political equality.”<sup>33</sup>

It should also be remembered that the Secretary-General’s effort to provide political equality was relevant to a certain extent to the actuality. The rest of the world was also an important actor in terms of affording the environment of political equality.

Although minds were concentrated on EU membership of Cyprus in January 2002, UN-sponsored negotiations began between Clerides and Denktaş. When it was acknowledged that the negotiations were going nowhere again, the UN put its weight on the process. The critical turning point came with the declaration of the UN Plan for the solution of the Cyprus dispute, the Annan Plan, in November 2002. It proposed a much more balanced approach than the EU had put forward to the Cyprus settlement in the past.

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<sup>32</sup> Richmond, p. 147.

<sup>33</sup> Ibid., p. 148.

“The Annan Plan constituted a critical turning point in the sense that it appeared to satisfy the basic aspirations of all the principal actors involved. Hence, it offered a more balanced set of incentives for the resolution of the Cyprus dispute than what the EU itself had offered in the past. The proposed settlement clearly satisfies the basic demands of the Turkish and Greek communities on the island as well as the major states involved. It clearly satisfies the aspirations of the Turkish Community by offering them political equality with the Greek Cypriots.”<sup>34</sup>

The plan had the quality of considering both sides' demands on the basis of political equality and foresaw almost a win-win situation<sup>35</sup> to a prospective solution on the island.

### 3. The Role of the European Union

It should be acknowledged that the EU's influence on the process of conflict resolution in the Cyprus conflict has more than one dimension. Therefore, the EU's role is not restricted to its third-party role in the process. The EU's relations with Greece and Turkey should also be acknowledged in order to grasp the big picture. For instance, Greece played a viable role as an insider in terms of manipulating the EU's relations with the outsider Turkey and the limbo community of the Turkish Cypriots.

Cyprus has always retained close relations with Europe economically, socially and politically. “Cyprus first expressed interest in becoming an associate member of the European Economic Community (EEC), after Great Britain's

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<sup>34</sup> Ziya Öniş , ‘Greek-Turkish Relations and the Role of the European Union: Perpetuator of Conflict or Contributor to Peace?’, <http://home.ku.edu.tr/~zonis/fall02/grek.PDF>, p. 15, retrieved 11 October 2004.

<sup>35</sup> The research done by Birol A. Yeşilada and Ahmet Sözen on a win-win situation in the Cyprus dispute is a significant one. See, Birol A. Yeşilada & Ahmet Sozen, ‘Negotiating a Resolution to the Cyprus Problem: Is Potential European Union Membership a Blessing or a Curse?’, *International Negotiation*, 2002, Vol. 7, No. 2, p. 261-285.

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initial EEC application in 1962.”<sup>36</sup> Cyprus’s dependence on exports to Britain and its concern about not losing the rates with its main trade partner was the main motive. Cyprus applied for EEC membership in 1962. The decision to apply was taken according to the dictates of the constitution of Cyprus and the consent of both the Greek Cypriot and the Turkish Cypriot communities were needed to sign the association agreement. In spite of the political division of the Cyprus, Cyprus and the EC signed an Association Agreement in 1973<sup>37</sup>.

The Greek Cypriot government applied for EU membership on behalf of the entire population of the island on 4 July 1990. This added new momentum to the Cyprus dispute. The Turkish Cypriot leadership opposed to the application of the Greek Cypriots on behalf of both communities on the island.

“The Turkish Cypriots argued that under the 1960 treaties and the constitution, they had the right to veto decisions on foreign policy issues, and Cyprus could not join an international organization in which Greece and Turkey are not members.”<sup>38</sup>

However, the EC rejected the argument of the Turkish Cypriot administration. The EC based its opinion on the United Nations decisions.

“The logic of its established position, which is consistent with that of the United Nations where the legitimacy of the Government of Cyprus and non-recognition of the Turkish Republic of Northern Cyprus are concerned, felt

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<sup>36</sup> Joseph, p. 116.

<sup>37</sup> Even though the Turkish Cypriots did not participate in this decision, the EC indicated that “rules governing trade between the Contracting Parties may not give rise to any discrimination between the Member States, or between nationals or companies of these states, nor nationals or companies of Cyprus” in Commission of the European Communities (1972), *Agreement Establishing an Association Between the Republic of Cyprus and the European Community*, SEC (72) 4552 (Brussels), p. 3

<sup>38</sup> Joseph, p. 118.

that the application was admissible and initiated the procedures laid down by the Treaties in order to examine it.”<sup>39</sup>

The European Commission issued its *Opinion* on Cyprus’ application on 30 June 1993. Apart from considering Cyprus as eligible for membership, “The *Opinion*, however, stated also that there were problems resulting from the *de facto* division of the island that needed to be addressed.”<sup>40</sup> However, at the summits<sup>41</sup> in which Cyprus would be included into the next phase of enlargement, “No reference is made and no link is implied between accession to the EU and settlement of the Cyprus problem.”<sup>42</sup>

As an insider of the EU, Greece played a key role during the accession process of Cyprus, in which the Greek Cypriots were the sole representative of the whole population on the island, to the EU. Its threat to veto Turkey’s Customs Union entry and its promise to block eastern enlargement should be noted in that respect.

“Firstly, Greek approval of the Customs Union in March 1995 became conditional upon the acceptance of South Cyprus or the Republic of Cyprus as a candidate country for the European Union. Secondly, the Greek veto prevented Turkey from capitalizing on financial aid promised as part of the entry to the Customs Union, which effectively stated at the beginning of 1996. Furthermore, Greece effectively exploited its bargaining position within the Union by promising to block the eastern enlargement process, in the case the Republic of Cyprus, claiming to represent the whole of the island, failed to be incorporated into the Union.”<sup>43</sup>

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<sup>39</sup> Ibid., p. 118.

<sup>40</sup> Ibid., p. 118.

<sup>41</sup> Corfu, Essen, Cannes, Madrid and Florence European Summits.

<sup>42</sup> Joseph, p. 121.

<sup>43</sup> Öniş, p. 10.



The decision of the EU council at Luxembourg in December 1997 confirmed that accession negotiations with Cyprus (the Greek Cypriots as the sole representatives of the whole population on the island) would begin in 1998. Moreover, Turkey was excluded from candidate country status. This led Turkey to deep disappointment. The accession negotiations started with the Greek Cypriot side on 30 March 1998. Therefore, it would be plausible to assert that the EU sabotaged the UN sponsored negotiations. The UN negotiations, which were based on the principle of impartiality, were intended to resolve the Cyprus dispute on the basis of political equality.

“The EU recognizes the Greek Cypriot administration as the legal and legitimate government of Republic of Cyprus. The EU opened accession negotiations with the Greek Cypriot administration on behalf of the whole Cyprus. However, the EU is dealing with impotent authority, which derived its sole authority from the usurpation of the constitutional powers of the Turkish Cypriot community – the co-founder of the Republic of Cyprus. This destroyed the efforts and the agreed upon resolutions of the UN, violated the so far accepted agreements by the two sides and also unethically tilted the balance of power between the two communities on the negotiation table. In that regard, the EU destroyed the principle of impartiality in the UN sponsored negotiations. That is to say, the EU regards one of the negotiators (the Greek Cypriot side) as the legitimate authority of the whole island while leaving the other party (the Turkish side) to look like an illegal entity with separatist or secessionist aspirations. In reality, the two sides were supposed to negotiate with good faith and on equal footing under the auspices of the UN.”<sup>44</sup>

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<sup>44</sup> Ahmet Sözen , ‘The Role of the European Union as a Third Party in Resolution of External Conflict: the Case of the Cyprus Problem’, 2002, p. 26 in [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=314822](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=314822), retrieved on 11 December 2004.

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At the 2002 December Copenhagen Summit, the EU invited Cyprus to join in 2004. The date of this invitation clearly coincided with the timing of the UN's Annan Plan. The EU never considered the option of using the tool of confirming Cyprus's accession. The EU could force the Greek Cypriot side to seek compromise with the Turkish Cypriot on the basis of Annan plan. Moreover, the EU proposed that the Turkish Cypriots have only a minority status and did not provide the necessary motives for them to take steps.

“On the other hand, by offering Turkish Cypriots a mere minority status on a re-united island and failing to specify an equitable settlement to the Cyprus settlement as a precondition for the accession of Southern Cyprus, the EU has clearly failed to generate the kind of incentives needed to propel Turkey or the Turkish Republic of Northern Cyprus (TRNC) to take steps towards a mutually acceptable compromise solution”<sup>45</sup>

Moreover it should also be underlined that the EU refrained from motivating the Greek Cypriots by offering a condition for membership. For instance, the EU could use its accession tool to enforce the Greek Cypriot side to compromise on the basis of the Annan Peace Plan. However, the EU missed this opportunity to contribute to peace on the island.

Although British Professor of International Law, Professor H. Mendelson Q.C.<sup>46</sup> warned of serious legal and political consequences and negative implications for the region, Cyprus was one of the ten members to join to the EU on 1 May 2004, but as a divided island.

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<sup>45</sup> Öniş, p. 13-14.

<sup>46</sup> The full text of his opinion can be accessed at <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/HMendelsonopinion.htm>, retrieved on 12 December 2004.

#### 4. Conclusion

In conclusion, there were several differences between the two prominent third parties, the EU and the UN, in their stance on Cyprus settlement. On the one hand, the UN under Kofi Annan took a relatively impartial stance toward the dispute and this approach bore fruit with the emergence of the Annan Plan. This plan foresaw a balanced win-win solution on the basis of the political equality of both sides of the conflict. The basic principles of each side were observed in the Plan. On the other hand, the EU, which became the prominent third party with the opening of accession negotiations with the Republic of Cyprus, took a partial stance in favor of the Greek Cypriots. The EU could use its accession tool to enforce a balanced solution and contribute to peace on the island. For instance, the EU could punish the Greek Cypriots for hindering the Annan Peace Plan by suspending their accession. The EU did not consider any of these options and refrained from contributing to the peace process. Therefore, it could be argued that the EU assumed that integration of Cyprus with the EU would lead to a solution of the Cypriot dispute, by relying on neo-functionalist theories. However, the EU was wrong. This approach of the EU led to the perpetuation of conflict on the island rather than putting an end to it on the basis of a win-win solution.

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