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THE EU ROLE IN THE RESOLUTION OF CYPRUS CONFLICT: QUEST FOR REUNIFICATION

The article addresses the impact of the Cyprus's EU membership on its reunification process and the latest developments in the negotiations between the leaders of the two communities. It highlights a limited involvement of the EU in the conflict resolution and certain inconsistency of the EU policy in the so-called «Cyprus question». It also examines the problems that have hindered the ability to reach a solution to the Cyprus issue. The Cyprus problem presents a good example of how omissions and poor judgment in politics may endanger state independence resulting in changes in the citizens' lives.

Keywords: European Union, Cyprus conflict, reunification, human rights.

Introduction. The Cyprus problem is less known to us due to the fact that Cyprus had never been within the Soviet Union direct sphere of interests, but being part of the EU now and having a frozen conflict, it represents the best example to realize the role of the EU and the United Nations in the conflict resolution, to foresee its possible outcome and to evaluate consequences for the state and its citizens. It is very interesting to study the Cyprus experience now when a considerable time has passed, and assess the current situation, especially taking into account a similar international conflict in Ukraine and the UN and OSCE mediation in it. Moreover, Ukraine expressed its wish to join the EU, but in comparison to Cyprus, it is too far from this goal and currently at the stage of completion of the Associate Membership procedure. Therefore, the study of this issue will provide a better understanding of the international entities' role in conflict resolution and a live example of problems caused by frozen conflicts. The Cyprus conflict raise many interrelated issues and considering the EU role in it, for example, it is not possible to omit more fundamental issues in relations between the states such as national interests and human rights, guarantees of state integrity and security, independence etc.

The Republic of Cyprus is the EU member since 2004 and it is an interesting question – whether it helped Cyprus at the contemporary stage of negotiations and contributed to a political agreement based on International Law and the EU principals? In the article we hypothesize that a low level of the EU interest and its contradictory approach to the Cyprus issue raises doubts in the supremacy of the EU norms and values. Moreover, we can presume the existence of stratification between the EU member states, when not all countries within the Union receive equal political support.

Main text. The long-lasting Cyprus conflict – if looked at from the scientific perspectives and as described in this work – may be outlined within the neorealism paradigm, which derives from the classic realism theory in international relations. The main conceptual elements of it include the «national interest and security», «strive for power», «rational behavior» etc. Definitely, in many instances the pace of life is hardly to be described even by multiparadigmatic approach, especially in the interstate relations. Though neorealism is a quite popular theory among contemporary political scientists in the USA, needless to mention the key actor in the Cyprus conflict that prefers to be in shade. This approach explains theoretically the causes of Cyprus conflict and complications on the way to its resolution.

Here we will describe only relevant and important historical facts about the Cyprus conflict from the perspective of its EU membership. It should be mentioned that the political, economic and social

structure of Cyprus have been heavily influenced by its former and the last colonial ruler – i.e., Britain. The role of the UK in the Cyprus conflict was paramount. Britain encouraged division of the island, when in 1956 the British Constitutional Commissioner C.J. Radcliffe proposed establishment of a bi-communal Cyprus to minimize the Greek Cypriots struggle for independence. Britain actively pursued the idea of Turkish Cypriots as an equal ethnic group and managed to bind it legally in the Cyprus Constitution and set of Treaties. The Constitution proposed by Britain and signed in 1959 by the first President of Cyprus and cleric Archbishop Makarios (but not ratified by parliament or a referendum) stipulates the bi-communal Cyprus and power sharing between the Greek and Turkish Cypriot communities. Probably the lack of political culture in society and diplomatic experience of leaders of the independence movement placed the Cyprus, from the very beginning, in the position of policy-taker, rather than initiator of its own Constitution and subsequent legislation.

Till the mid-fifties of the last century, there were no ethnic clashes between the two communities on the island. Turkish Cypriots constituted about 18% of the population and were scattered around the island, they didn't form the majority in any single part of it. According to the Constitution, the power sharing in the Cyprus governance was established but appeared to be inefficient during the first years of independence (since 1960). Political stalemate and ethnic violence (in 1963) led to the resettling of Turkish Cypriots in the more compact communities (enclaves), initiating the actual beginning of island's division through the establishment of Turkish and Greek municipalities (areas) and establishment of the UN mission in 1964. Leaders of the Turk Cypriot liberation movement (most charismatic and prominent – Rauf Dentkas, the first «president of Turkish Republic of Northern Cyprus (TRNC)») were supported by Turkey and Britain «divide and rule» policy, and cherished the idea of partition. The situation worsened, when the military coup in July 1974 overthrew the president Makarios and formally justified the military invasion of Turkey as one of the guarantor powers, according to the Treaty of Guarantee (that included obligations of Greece and Turkey to preserve peace, constitution and territorial integrity of Cyprus), signed along with the Constitution in 1959. Severe ethnic fights between two communities broke out again, intensifying the ethnic polarization. In August 1974 the junta collapsed and democratic governance was restored in Cyprus, although Turkish troops seized 37% of island and stayed there, refusing to leave till the reconciliation between two communities, unification of island as a solution to «Cyprus problem» to be accommodated [1, p. 17–21].

Although the UK supported Cyprus EU membership application, calling on Turkey to reunite island, and offered practical support to Cyprus in meeting the EU requirements, the main grievances of Greek Cypriots toward the UK are that it «failed» to act in 1974 during the invasion [2, p. 103–105]; the UK is one of the supporters of Turkey membership in the EU; UK is trying to minimize the Nicosia role in the EU-Turkey prospective and to lift the economic isolation of Turkish Cypriots through its formal recognition after the referendum in 2004 [3]. Such UK policy towards Cyprus required clarifications and the Memorandum of Understanding was signed in 2008 between two countries pursuant to the UK commitments to the UN Security Council Resolution 541 (adopted in 1983) which condemns the support of island partition or any separate political entity establishment.

As an outcome of Cyprus conflict the once ethnic minority (Turkish Cypriots) was forcibly brought to the level of majority. The Turkey and UK satisfied their national interests and geopolitical ambitions at the expense of «independent» Cyprus, namely Turkey obtained control over the Northern part of the island and the UK Sovereign Base Areas, which is unprecedented in the world history.

Cyprus reasons for the EU membership. As associate member from 1972, the economy of the island enjoyed the preferential trade and customs agreements with the European Economic Community (EEC), but the Turkish invasion delayed its full implementation a couple of times till 1987, when the second stage was upheld. The impact of the Turkey invasion was devastating for Cyprus, when all

main ports were captured, Nicosia airport was not functioning, 37% of land and about 50% of agricultural land seized, about one third of population (120 thousand Greek Cypriots and 40 thousands Turkish Cypriots) were displaced, about 6 thousand Greek Cypriots were killed during the 1974 conflict. Even under such circumstances in the 1970s and 80s the country showed steady growth in economy, GDP, foreign trade and agriculture, primarily because of Cyprus Government initiatives towards entrepreneurship and small business development undertaken in the post-conflict period [4; 5]. Such growth allowed Cyprus Government to proceed with the EU membership negotiations and start structural reforms in politics, economy and finance to meet the EU standards. Cyprus was the wealthiest country among ten others, which joined the EU in 2004, or even wealthier than some EU members like Greece (EU membership since 1981). The EU membership changed the Cyprus' GDP structure and significant shift occurred in the provision of services (tourism, off-shores), rising from 37% in 1972 to 73% in 1998 [6]. In general the Cyprus entry to the EU was beneficial from the economic perspective, even considering cuts in some lucrative businesses and trade (off-shore companies, fleet registering etc.), and the budget deficit, which led to financial crisis in 2012. But the entire goal of Cyprus accession into EU was rather political, an attempt to solve the frozen conflict.

From the political perspectives the membership theoretically allowed Cyprus to shift from the Non-Alliance obligations, imposed by the Treaties, which was signed by Cyprus in exchange for independence from the UK [7]. Cyprus legal framework was synchronized with the EU legislation and entailed changes in the society. The foreign policy of the EU member states requires to progressively align with the European Common Security and Defense Policy, but Cyprus is not fully part of it due to Turkey objections [8, p. 160]. Cyprus left its policy of Non-Alliance Movement, of which Cyprus was one of the founders [8, p. 13], as such tactic didn't help to avoid invasion, but couldn't join any other alliances. Cyprus could not rely too much on NATO either, because Turkey is a NATO member (since 1952) and the US ally in the Middle East since the «cold war» era and has some influence on the NATO policy for its own interests, so Turkey objected to the participation of Cyprus in the alliance.

Considering that Cyprus is not a member of any military agreement, the EU membership provides some guarantees to Cyprus from a potential Turkish invasion and brings the new international entity (EU) to the complex conflict resolution process, which strengthens Cyprus international position. It is important to emphasize Greece role in the Cyprus history, which was more than an ally, but rather the mother state, as Turkey for Turkish Cypriots. Greece intensively supported Cyprus in the EU membership aspirations and even threatened to block further EU enlargement and Customs Union agreement with Turkey without Cyprus successful accession to the EU, regardless of conflict settlement [9; 10]. It is primarily thanks to Greece assistance that Cyprus succeeded with the EU membership.

The North refused to apply along with the Greek Cypriot government for EU associated membership and refused from any cooperation, although the Turkey submitted its application for full membership back in 1987. The Turkish and North Cyprus intransigence in numerous attempts for conflict solution supported the EU decision to proceed with negotiations regardless of its policy of unsolved conflicts on the territory of candidate states. The way of Cyprus accession to the EU was thorny and tedious. The Greek Cypriot government submitted application for full membership in 1990, during the Greece EU-presidency, but the negotiations began only in 1998, making it clear that the North refusal to negotiate will not hinder accession of Cyprus to the EU.

Obviously the EU member states did not want to be involved in the long term Cyprus conflict, but the cherished hope for the «catalytic effect», which could change the Turkey stance (resistance) and facilitate the conflict resolution and make Turkish Cypriots to compromise, contributed to Cyprus accession. The «catalytic effect» was expected to foster the reunification process on the island, if Turkey Cypriots considered the necessity of EU membership. The economic benefits of EU membership

were supposed to be a good motivation for the poorer North to compromise. Brussels was placed in a hard position and is still balancing and trying to support the decisions of both sides: Greece and Greek Cypriots on the one hand and Turkey with TRNC on the other. The consideration process was long and objected primarily by Turkey and TRNC, which is recognized and heavily subsidized only by Turkey. The objections were based on the security considerations, that the EU membership would diminish TRNC independence, hinder the Turkish future EU accession process, de facto nullify the previous Treaties and will raise the question of the EU territory occupation by foreign troops. Moreover, TRNC elite considered the island division as a solution to the Cyprus problem and expressed a desire to keep the status quo.

Cyprus joined the EU in 2004 and accession proved to be successful in changing TRNC position towards the EU membership. The referendum in 2004, regarding Annan Plan for island unification, proved this with approximately 65% votes in its favor. At the same time, the result from the South was surprising with about 78% votes against it. While declaring a constant desire to settle the conflict, the outcome of the 2004 referendum in the South part was unexpected. The Annan Plan was bulky and complicated. Just a few major facts from it made the South to refuse it. In general, the Annan Plan was not fair to Greek Cypriots, limiting the return of refugees to their property in the North and even in some areas banned it totally to prevent possibility for Greek Cypriots to become the majority in Turkish Cypriot villages (municipalities) and in this way, actually, was violating basic human rights. Annan Plan stipulated for gradual withdrawal of Turkish military over 14 years and required Turkish consent on Cyprus participation in any military operations including EU Security and Defense Policy. Therefore, the decision of settlement after the EU membership, which might be more beneficial for Greek Cypriots than Annan Plan, prevailed.

In Cyprus, the suspension of EU regulations is territorial and applies to the areas where the Government of Republic of Cyprus doesn't have effective control, i.e. North Cyprus (till now the Turkish Cypriots doesn't have their representatives in the EU parliament). It means that Cypriots residing in the North can enjoy EU citizens' rights and benefits to the best possible extent. The big complication is that the Act of Accession signed in 2003 does not explain what residents of the North Cyprus are entitled to the EU citizenship rights and how particularly and to what extent such rights can be exercised. Practically, the Cyprus Government recognizes the right of Turkish Cypriots for its nationality and through it to the EU citizenship consequently. Republic of Cyprus regularly issue passport and ID cards to Turkish Cypriots, recognizing their Cyprus citizenship [11, p. 160].

Thus, according to statistics, till April 2008 the Cyprus Government provided 50,974 EU passports and 81,805 Cyprus ID cards for the approximately quarter of million population of the North [8, p. 59]. The census for the North territory is not available, but from these figures we can infer other significant problems spawned by the occupation, such as settlers from the mainland, who were allowed by Turkey to come over and reside in the North of Cyprus. With a population of the island which is less than one million people (together Greeks and Turkish Cypriots) the approximately 160 thousands «settlers», who are considered by the Cyprus Government as illegal immigrants, is a significant amount [12]. They cannot come to the Republic of Cyprus without valid documents or visa. But real complications with the recognition of citizenship occur, when Turkish Cypriots and «settlers» create a family. Do a spouse and children have the right to Cyprus (EU) citizenship? The practice is that they can lawfully cross the «Green Line» (administrative border between the North and South), but can't claim the Cyprus citizenship.

The problem with «settlers» hinders the island unification negotiations. Even the Annan Plan stipulated for the provision of residence status to some categories of settlers immediately and for others conditionally during seven years. The majority of «settlers» have Turkish citizenship and occupy houses abandoned by Greek Cypriots, and such situation is supported by Turkey as a «military

supervisor» of the North. Such situation is one part of a generally adverse Turkish policy towards Cyprus. Turkey doesn't recognize Cyprus as a state with subsequent consequences for both parties. But the EU, after the rejection of the Annan Plan by Greek Cypriots, amended «Green Line Regulations» and lifted economic isolation of the North, allowing the flow of goods through the North ports of entry, which are not controlled by the Cyprus Government and legal bilateral trade between the North and EU member states [13]. Until now Cyprus is managing to deal with it pursuant to the EU implementation of direct trade between the North and EU members.

The EU doesn't have an official external border in Cyprus and as such the situation contributes to the illegal migration to the South, although, the «Green Line» was arranged as a border by the North (Turkey) and is heavily guarded by the Turkish military (approx 30–32 thousand deployed). The «Green Line» is not considered officially as an external EU Border, but de facto it is and the Cypriot Government exercises control over the «Green Line» crossings. The «Green Line» represents a balance of transparency and control from the EU side over the illegal migration and public safety.

In order to proceed with the EU membership negotiations, Turkey have to recognize all member states (that is not a case for Cyprus) and implement a free market regulations which is not completely done toward the Cyprus, when Turkish seaports and airports are still closed for Greek Cypriots. But instead of getting support from Brussels, Cyprus received a rebuke for economic restrictions to the North. The EU refrained from any sanctions or to halt the Turkish accession process for non-compliance. Formally, the Cyprus EU membership gives hope that the only solution based on the application of the EU principles is the right one and must be acceptable by all sides in the unification process. Cheering such hope, in 2005 the Cyprus government prepared the list of demands to Turkey in order to get Cyprus consent to the EU-Turkey membership negotiations. These terms included recognition of the Republic of Cyprus; ratification of Customs Union Agreement and open Turkey seaports and airports; lifting veto on Cyprus participation in the international organizations including NATO and Common Security and Defense Policy of the EU; discontinuation of immigration from Turkey mainland and return of the settlers back; withdrawal of Turkish troops and end of unlawful exploitation of Greek Cypriots property in the North [14].

The EU decisions are based on consensus among member states and the member states did not support Cyprus demands. Even recognition of Cyprus was rejected by Brussels, only the Customs Union was approved to start negotiations with Turkey in October 2005. But even this agreement was not fully implemented and Turkish ports are still closed for Cyprus and again no sanctions were taken by the EU, even on the contrary, the EU-Turkey negotiations have been continued. Greek Cypriots found themselves isolated in pursuing their presumably rightful demands, but just causing irritation from the EU member states and Brussels for attempts to block Turkey-EU negotiations [15]. In culmination, the UK stated that the bilateral problem (referring to Cyprus) should not hold up the EU accession process for the overall interests of the block [16]. Additionally as a revelation for Greek Cypriots, in the case *Demopoulos vs. Turkey*, where a number of Greek Cypriot refugees were seeking restitution for their ownership rights in the North, the European Court of Human Rights (not an EU body) made a decision stating that the case was beyond the Court authority and it is a political matter.

North and South governance patterns. After 40 years of Cyprus division and establishment of two governmental structures, we have a good opportunity to compare it. The study of civil societies lead us to conclusions that while the South represents a stable democratic society, within the European definition, with the guarantees of basic rights and freedoms, the North can be defined as a limited or nominal democracy. The civil society is not involved in policy making process. For example, in a survey conducted in 2005, interviewees were prominent North politicians, scholars, former «TRNC» ministers etc., who often refer to the North governance as «Dentkas regime», stated that all public polices (immigration, property ownership, health etc.) have been imposed by Turkey. Basic freedoms

are guaranteed by TRNC Constitution, but are limited by the «national interests». Many regulations contradict or violate the International Law. Turkish military have more authority than the elected officials [17, p. 198–234].

The EU role in Cyprus conflict. The Republic of Cyprus joined the EU as a one state, while the TRNC de jure doesn't exist and Brussels considers the Northern territory occupied [18, p. 15], although during 10 years of Cyprus' membership the EU have not made any attempts to solve the problem and even started the membership negotiations with Turkey in 2005. All official negotiations about Cyprus conflict are conducted under the auspices of the UN on the level of the leaders of two communities. The UNPA (United Nations Protected Area, old Nicosia airport) was established to facilitate negotiations between the North and South. The EU role in the conflict is so far narrowed to the provision of support to the UN for the unification of the island, and the EU has its representative in the «Good Offices» [19]. Many proposals for settling the conflict were made by the UN and turned down (in 1981 Waldheim; in 1983 Javier Perez de Cuellar; in 1992 Boutros Boutros-Ghali) for different reasons, primarily by Turkish side. The culmination of the UN efforts was the Kofi Annan Plan, based on a «catalytic effect», which was supported by Brussels and brought to referendum in April 2004 for both communities. Greek Cypriots rejected the plan, causing the EU disappointment and changing the EU policy towards Turkish Cypriots. Even after many failed attempts the Republic of Cyprus is still counting on its EU membership and trying to find «European Solution» to the problem, which must be founded on full implementation of the EU norms and values.

The new round of negotiations between two leaders commenced with a joint declaration that was made on 11 February 2014 and followed up in October 2014. These talks were boosted by the possibility of exploration of the offshore natural gas deposits which have been discovered recently [20].

The election of a new Turkish Cypriot Leader in 2015 significantly increased the chances to find a solution. His first act in the office was to abolish the «entry visa» for visitors to northern Cyprus – something that had long angered Greek Cypriots. Reunification talks resumed in May 2015, after a seven month hiatus. The talks' agenda is not disclosed to public and information officially provided is based on two leaders' statements, from which we can infer that talks are focused on the «unresolved core issues» related to the governance of united federal Cyprus, dispossessed owners and current users' reinstatement of property and criteria on territory [21]. Regarding the compensation mechanism, it should be mentioned that sources of funding are not settled yet. Additionally, more technical issues are still under discussion, such as opening a new border crossing, merging of electrical grid and television (radio) communication systems, setting up culture and gender committees. The aim of negotiations is to produce a new reconciliation plan for the North and South and present it for a planned referendum in May 2016.

Conclusion. Cyprus, as a former Ottoman and UK colony, suffers from post-colonial syndrome which still defines the country future until now. Cyprus keeps its Constitution and the Treaties signed in 1960, as the legal grounds for reunification, which might not happen. In fact, the Cyprus conditional independence presents good example of severe consequences of such «independence» for the state integrity, and citizens' well-being.

The EU participation has improved Cyprus economy and social conditions, welfare and living standards. At the same time, it hardened the negotiation positions against Turkey, but not so as it was expected by the Cyprus political elite. The EU policy towards the «Cyprus issue» is heavily influenced by the UK and Turkey opinions. In the Cyprus conflict the EU is perceived as a more economical and less political commonwealth. The EU functions on agreements between the member states, and the stronger states get the better agreements and consequently influence the EU policy. At the contemporary stage of negotiations the Republic of Cyprus didn't receive any viable support from

the EU in pursuing its seemingly rightful demands, such as withdrawal of foreign troops, unconditional freedom of movement and restoration of ownership for its Greek and Turkish Cypriot citizens.

The EU accession of Cyprus confirmed that the South part in comparison to the North of the island is having a more functional, stable democracy and economy in post-conflict period. There are doubts that the North's civil society with Turkey supervision (censorship) and military presence, where many public policies are against International Law, can develop to the same level of democracy as the South. Moreover, considering the cultural, linguistic and religious aspects, even within a confederation, an attempt to unite such different societies is a very intricate matter.

Turkey's military presence hinders the reunification process, but the EU doesn't support Cyprus in its rightful demands, exercising flexible policy towards invader. It is pointless to say that in Cyprus, as a EU country, the violation of basic human rights is going on, when refugees from both sides are deprived, due to Turkish occupation, of their rights to enjoy their own property for more than 40 years. But in choosing between resolving the Cyprus issue, based on its own principles, and control of Turkey market, as a new member state, the EU seems to opt for the economic benefit. We observe controversy in the EU policy, when Turkey is an occupier of the EU territory on the one hand, but is a strategic partner on the other. Moreover, not being the EU member, Turkey strongly influences the EU policy on the Cyprus conflict. Such EU attitude is causing inequality among member states and creates doubts in the EU norms and values which apply arbitrarily and could be derogated. In the Cyprus conflict resolution the EU demonstrated that it isn't keen to solving problems in the political conflicts and prefers to pursue a flexible policy based on compromises. The EU doesn't want to be directly involved in the domestic or interstate conflicts even for its own members.

The chance to achieve a suitable solution for Cyprus (based on the EU norms and values) in its frozen conflict (considering that key actors, i.e. Turkey, the UK and USA do not directly participate in negotiations) is very slim and reunification may require more concessions from the Cypriot government at the expense of its rights and freedom. In overall terms the Cyprus conflict shows the urgent need in a stronger international entity which would be able to guarantee the equal application of International Law, basic human rights and protect the militarily weak countries from external aggression. Moreover, the current state of international affairs retains the power as a primary instrument of politics.

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РОЛЬ ЄС У КІПРСЬКОМУ КОНФЛІКТІ: ПОШУК ШЛЯХІВ ОБ'ЄДНАННЯ

Досліджено роль ЄС у вирішенні довготривалого кіпрського конфлікту та проблеми на шляху об'єднання греків- і турків-кіпріотів. Розглянуто останні досягнення та роль переговорів між лідерами двох громад. Зазначається, що кіпрський конфлікт сприяє розумінню залежності суверенітету держави та добробуту її громадян від політичних помилко.

Ключові слова: Європейський Союз, конфлікт на Кіпрі, об'єднання, права людини.

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РОЛЬ ЕС В КИПРСКОМ КОНФЛИКТЕ: ПОИСК ПУТЕЙ ОБЪЕДИНЕНИЯ

Исследованы роль ЕС в решении длительного кипрского конфликта и проблемы на пути объединения греков- и турок-киприотов. Рассмотрены последние достижения и роль переговоров между лидерами двух общин. Подчеркивается, что кипрский конфликт способствует пониманию зависимости суверенитета государства и благополучия его граждан от политических ошибок.

Ключевые слова: Европейский Союз, конфликт на Кипре, объединение, права человека.