



Policy Department

Turkey and the problem of the recognition of Cyprus

NOTE

Abstract:

This note reviews the current situation on the issue of recognition of the Republic of Cyprus by Turkey and makes an assessment of likely future developments.

The note is intended for European Parliament Members of the EP delegation to the EU-Turkey Joint Parliamentary Committee.

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On Friday 17 December 2004 at the EU summit meeting in Brussels, the European Council agreed to open membership negotiations with Turkey on 3 October 2005. The principal obstacle to be overcome in the course of negotiations leading up to this decision concerned the recognition by Turkey of the Republic of Cyprus.

Turkish Prime Minister Recep Tayyip Erdogan is said to have initially threatened to walk out of the negotiations when the EU asked him to initial immediately a protocol to update Turkey's 1963 association agreement with the EU (known as the Ankara agreement) and to extend it to cover the EU's 10 new member states, including Cyprus.

Eventually Mr Erdogan agreed to sign this protocol before 3 October 2005 and on that basis Heads of State and Government for the 25 existing Member States agreed to open negotiations for accession. For many observers, the signature of the protocol would amount to a de facto recognition of Cyprus, or at least a 'normalisation' of relations between Turkey and Cyprus, but the interpretation of *recognition* was rejected both by Prime Minister Erdogan and by Foreign Secretary Gul of Turkey in the following days.

Background

The Republic of Cyprus is the only internationally-recognised state on the island. The so-called "Turkish Republic of Northern Cyprus" (or "TRNC") is recognised only by Turkey. Negotiations for the accession of Cyprus to the EU were conducted exclusively with the government of the Republic of Cyprus, although a delegation of Turkish Cypriots was invited by President Cklerides to participate in the negotiations (an offer rejected by Mr Denktash); the enlargement of the EU that resulted is considered by the EU and its Member States as applying to the whole island.

While the northern part of the island must be acknowledged as part of the Union, in fact its government since 1974 has not been in the hands of the Greek Cypriot-controlled Republic. The *acquis communautaire* is therefore suspended in the north.

Under the terms of the 1960 constitution of Cyprus, agreed and implemented following the process of decolonisation of the island, Turkey considered that it (and the other two guarantor powers - Greece and the UK) possessed a right to "intervene"¹; they made use of this right by

¹ The accompanying treaty of guarantee, which was signed at the same time as the constitution of Cyprus in London on 19 February 1959 and which concerns the role of the "guarantor powers", states in Article 3 that:

"In the event of any breach of the provisions of the present Treaty, Greece, the United Kingdom, and Turkey undertake to consult together, with a view to making representations, or taking the necessary steps to ensure observance of those provisions. In so far as common or concerted action may prove impossible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs established by the present Treaty."

sending soldiers in 1974 to protect the Turkish-speaking minority on the island. This intervention resulted in the division of the island which has continued to this day.

The 35 to 40 000 Turkish soldiers which are currently stationed in Cyprus are considered by the government of the Republic as an occupying force. It is widely believed that recognition for the Republic by Turkey would lead to the general acceptance of the illegality of the presence of these troops on the island and thus substantially weaken the arguments advanced by Turkey for maintaining its military presence. It would also imply a "de-recognition" by Turkey for the "TRNC".

It is for this reason that Mr Erdogan reacted so strongly in Brussels and has so far refused to sign the protocol or acknowledge the Republic of Cyprus as the true government of the whole island. The Turkish government ceased to recognise the Republic of Cyprus at the time of its intervention because it felt that this state and government wrongly claimed responsibility for the whole island and could no longer be said to represent the Turkish Cypriot minority. The Turkish position is that recognition can only be made in the circumstance of a general agreement on the status of the island, that is a solution to the 'Cyprus problem', such as that proposed last year in the context of the Annan Plan.

This Plan was put to a referendum on 24 April 2004 in both Turkish and Greek Cypriot communities, but was accepted only by the Turkish Cypriots. Greek Cypriots voted against by a margin of 3 to 1, following a negative judgement on the negotiations led by the United Nations from President Tassos Papadopoulos.

The reaction in Turkey to those aspects of the decision to open accession negotiations which concern Cyprus was negative in some quarters. But the government of Mr Erdogan has still been able to claim a significant political victory and has emerged stronger from this deal. Opening negotiations on EU accession is the anchor of his plans to modernise Turkey and the outcome of the Brussels summit has been broadly welcomed in the Turkish press.

Assessment

At the outcome of the negotiations on 18 December 2004, the Dutch Prime Minister (Jan Peter Balkenende) who was in the chair, stated that the agreement stopped short of a full recognition. He said:

"It is not what you can call a formal legal recognition but it is a step that can lead to progress in this field".

Mr Papadopoulos did not formally veto the decision to open negotiations, as was his right, but he did voice his disappointment and denied that the agreement by Turkey amounted to the official recognition which his government had considered to be a pre-requisite to opening negotiations for Turkish accession. He nevertheless pronounced himself to be 'satisfied' with the outcome and stated that it was necessary to be 'realistic' in regard to the current impossibility of opening formal diplomatic relations between Turkey and Cyprus.

Despite the negative assessments of several participants it seems evident that Turkey has acknowledged that negotiations for its own accession must be conducted with all twenty-five existing Member States, including Cyprus, and that therefore some acknowledgement of the government of the Republic of Cyprus is necessary. It is evident that the illogicality of the situation has been finessed; all sides assume tacitly that there must be not only the first step of signature by Turkey of the Ankara Agreement before October 2005 but also a final resolution of the Cyprus problem before negotiations can be completed and the outcome ratified by all Member States as well as Turkey. It is evident that Cyprus cannot be expected

to ratify an accession treaty with a country with which it has no diplomatic relations. But of course the gap between opening negotiations and the conclusion of an accession treaty may be very long. An agreed solution to the Cyprus problem is not on the cards at present but will have to be found some time before 2014 - or whenever it is decided that Turkey can formally accede to the EU.

This interpretation was largely confirmed by Mr Olli REHN, Commissioner for Enlargement, at an appearance before the EP's Foreign Affairs Committee on 18 January. He stated that the Commission would be working with all the instruments at its disposal to restart talks on reunification of the island and that - in the view of the Commission - Turkey should proceed without delay to signing the protocol to the Ankara agreement (which extends the EU-Turkey Association Agreement to all the new Member States), since several months would be necessary for ratification by the EU's Member States and for obtaining assent from the European Parliament. Even if signature of the protocol by Turkey did not formally constitute recognition of the Republic of Cyprus, it would be a clear acknowledgement that Cyprus was an EU Member State.

In these circumstances, it seems probable that negotiations for the accession of Turkey will begin as planned on 3 October but that formal recognition will await resolution of the Cyprus problem at some point over the next decade.