

This belief is completely irrelevant to the facts of Cyprus. The supporters of this idea are not aware of the realities of the conflict. Turkish Cypriots somehow know the benefits of EU but the most important issue of the Cyprus problem is the security. This is true for both communities. Without a solution neither side can trust the other community. Moreover membership of EU before a solution will mean membership of half of Cyprus which is under control of Greek Government which in turn mean a permanent division.

*The application of Cyprus to EU should be withdrawn and after an agreement another joint application should be considered:*

This is not a realistic approach. Neither Greek side nor EU accepts this. Being realistic any event should be directed for help to the solution. EU negotiation process should be considered in the same manner. So, EU negotiations and UN efforts and negotiations should be conducted in parallel. Any progress will affect the other positively.

*Negotiations can only start if statenood of North is recognised:*

This argument of Turkish side is unrealistic. The parameters, which are used while dealing with the Cyprus dispute, are created in more than 30 years. Any attempt to change these parameters, will worsen the situation and increase the difficulties. Moreover, this argument is against the 1960 Constitution and Guarantee and Alliance Agreements. Also, the High Level Agreements and relevant resolutions prohibit the recognition.

## CTP'S APPROACH

A Resolution, adopted at the 13<sup>th</sup> Congress of CTP on 29.01.1995, concerning the Cyprus Problem and relations with the European Union was stated as follows:

"...With the knowledge that the future of the Turkish Cypriot Community passes through the European Union; the Congress gives the duty to be followed aiming to make all attempts and use every means for a mutually acceptable solution to the (Cyprus) problem, and the Turkish Cypriot Community to take its honourable place as an equal partner in a Federal Cyprus in the European Union...."

CTP has accepted to be member of the EU as its target and is of the belief that for the formation of the Cyprus economical structure in line with the principles of competitive advantage and mutual benefit; the Cyprus problem must be solved and that the economical as well as the social structure must be representative of the entire population of Cyprus, of both communities.

For the avoidance of possible complications between the Turkish and Greek Cypriots, as well as Turkey and Greece, CTP considers it both beneficial and necessary that Cyprus' accession into the EU be realised only after a solution is achieved. The realisation of a solution in Cyprus will primarily make it possible for the Turkish Cypriots to contribute to the process of a Federal Cyprus' accession discussions into the EU. CTP is of the belief that for the EU membership of Federal Cyprus. The new constitution and the new Guarantee and Alliance Agreements which will be agreed upon by Turkey, Greece Turkey, Turkish Cypriots and Greek Cypriots may facilitate it. It is not necessary to wait for Turkey's full membership. It strongly refuses the evaluation of the formula of EU membership before a solution.



# EUROPEAN UNION AND CYPRUS<sup>1</sup>

**LEGAL STATUS OF THE PARTIES**

**LEGITIMACY OF THE APPLICATION**

**PARTICIPATION OF THE TURKISH CYPRIOTS**

**SOME OBJECTIONS**

**CTP'S APPROACH**

## LEGAL STATUS OF THE PARTIES

The constitution of a country is the main basis of all laws, rules, regulations and the legal activities. International Agreements or bi-lateral agreements have supremacy over the national laws. These are some basic principles. Before going further in detail it is useful to underline the 1960 Constitution of the Republic of Cyprus and the Guarantee and Alliance Agreements.

1. The Constitution of the Republic of Cyprus can be changed only with the approval of both communities. Furthermore, some amendments cannot be made. There are some untouchable articles, which were accepted and included in the constitution. Any approach to change these articles was giving even a military intervention right to the guarantor powers, namely Turkey, Greece and United Kingdom.

When the Turkish Cypriots were excluded from the Vice-Presidency, Council of Ministers and House of Representatives at the end of the year 1963, the inter-communal fights began. United Nations Security Council decided by its Resolution 186 (1964) of 4 March 1964 (S/5575) to send a peace-keeping force to Cyprus for the restoration of the constitutional order. The Security Council recommended "...to contribute to the maintenance and restoring of law and order and a return to normal conditions...". In brief, if one considers the constitution of the Republic of Cyprus, the existing President, Council of Ministers and the House of Representatives are not legal. On the other hand when the Turkish Cypriots found themselves out of the constitutional structure and institutions of the Republic of Cyprus, they began to establish their law of order. After a lot of transitional developments they proclaim the Turkish Republic of North Cyprus (TRNC). Again no one can claim that TRNC is fitted to the Constitution of Republic of Cyprus.

In brief, Greek Cypriots were accepted as the "legitimate" representative of the Republic of Cyprus by ignoring its legal order or Constitution, by the entire world, except Turkey and Turkish Cypriots. Turkish Cypriots' law of order, the TRNC recognised only by Turkish Cypriots and Turkey. *Both of these statues are not fitting with the Constitution of the Republic of Cyprus and they are the result of cease-fire conditions.*

## LEGITIMACY OF THE APPLICATION

There are two main conflicts concerning the application.

1. The Constitution of the Republic of Cyprus and the enclosed Guarantee and Alliance Agreements working is interpreted differently by the parties. Greece and Greek Cypriots are the one party and Turkey and Turkish Cypriots are the other. "Republic of Cyprus can only be a member of European Union (EU) if the whole guarantor powers are member" is not a prerequisite, while it is for the other party. That's why the membership of Turkey is important and always will be on the agenda. If the EU wants to support the solution to this problem they have to think the constitution and the Guarantee and Alliance Agreements that gives Turkey, Greece and UK equal rights and can only be changed with the agreement of the all parties. 2. Turkish Cypriots are not accepting the existing Presidency, Council of Ministers and the House of Representatives as legitimate representatives of whole of Cyprus according to the Constitution of the Republic of Cyprus. Because of this approach Turkish Cypriots are refusing the application or at least the furthering of the accession process.

Nevertheless, EU accepted the application for the sake of its contribution to a solution. EU thought that with a joint future promise, everything would go well. But they didn't realise that this approach was not applicable to this case and population of Cyprus was comprised of Greek and Turkish Cypriots.

## PARTICIPATION OF THE TURKISH CYPRIOTS

EU was mistaken by accepting the application of Cyprus for membership. Because of the current situation, Cyprus is not the established Republic of Cyprus. Even without considering the restrictions of the constitution and veto rights etc., the presence of a conflict, should prevent the acceptance of the mentioned application. Otherwise this internationalised problem would be carried out in the EU. Moreover, since the negotiations are going to be carried out with the Greek Cypriot side only, it would be unfair. It is very well known that at different occasions the consent of Turkish Cypriot side was taken. This consent was either reluctant or by necessity, but it is a reality. This reality cannot clear the parties of responsibility. EU-Cyprus negotiations to be conducted without the Turkish Cypriot participation is completely unjust.

According to the relevant UN Resolutions, Denktash-Makaros, Denktash-Kibrianou-high level agreements and all other agreements and resolutions, Greek and Turkish Cypriots are accepted as politically equal communities. This is same if the Constitution of the Republic of Cyprus is considered too. All these facts necessitate Turkish Cypriots participation on equal footing. The reflection of this equality can be discussed.

## SOME OBJECTIONS

CTP's has objections for some approaches.

*EU negotiates with "governments" only:*

Cyprus is not an ordinary country where it has a legitimate government and perfectly applied constitution. The mentioned 'Government of Cyprus' does not have control on the whole of the island. And moreover, the people of North Cyprus do not accept the control of this 'government'. This government is not legitimate at least for the people of North Cyprus, the Turkish Cypriots. With awareness of these realities Cyprus cannot be realised as a usual country with a legitimate government.

*Participating the negotiations will imply the acceptance of the legitimacy of the present government of Cyprus:*

Negotiations under auspices of UN are conducted since more than 30 years. The negotiating community leaders are politically equal. Neither side recognised the authority or legitimacy of the other side. But UN recognises Greek Governments as the Government of Cyprus. This did not affect the position of Turkish Cypriots regarding the acceptance of legitimacy of the Government of Cyprus for so many years.

*If Cyprus becomes a member of EU, Turkish Cypriots may join after a solution like Germany:*

Despite the fact that the people of East and West Germany were a single nation, West Germany annexed East Germany with the consent of vast majority of the people. In the future of Cyprus this type of annexation is not under consideration between Turkish and Greek communities. The way of unification is accepted to be a federation. And in Federation Turkish and Greek Federated States will be equal. So, Turkish Cypriot side has a say on the future of the island, with no hesitation.

*If the benefits of EU can be explained to Turkish Cypriot side they will support the accession:*