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# **Sovereignty and Engagement without Recognition: Explaining the Failure of Conflict Resolution in Cyprus**

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## **Abstract**

This article explores if and how UN and EU engagement without recognition with the Turkish Republic of Northern Cyprus (TRNC) has failed to promote the resolution of the Cyprus conflict. In more specific, the paper traces the process via which ideas of sovereignty impact the approach of those organisations towards Cyprus and their engagement with the de facto state of TRNC and the consequent impact on the conflict. I find that sovereignty plays a major role in the approach of the UN and the EU towards the Cyprus conflict and the TRNC because of normative pressures and because of how the norm is evoked from the side of the parent state, Republic of Cyprus. As a result, I find that engagement without recognition results in failure of conflict resolution because it leads to intransigence to both the parent and the de facto state but also because it undermines broader reconciliation and the chances to create conditions favourable to a successful settlement. These are important lessons for the discussion on the range of international responses to failed secession, and especially the impact of sovereignty ideas and the limitations of engagement without recognition, a strategy increasingly deployed with reference to de facto states.

## Introduction

While secession has been a popular topic within studies of international politics, there is a relatively more recent interest on failed secession and, particularly, the resulting emergence of de facto states, i.e. self-declared states that display a certain degree of conventionally understood characteristics of statehood (population, territory, a government) but they are not recognised by a significant part of the international community.<sup>1</sup> In some respects, this is a result of a range of failed secession attempts in the Post-Soviet space, although the above definition yields a population of de facto states that also includes Somaliland, Kosovo, Taiwan, possibly Western Sahara and Palestine and, finally, the Turkish Republic of Northern Cyprus<sup>2</sup>- the focus of this paper. A small number of more recent studies has focused on the so-called ‘engagement without recognition’, the practice that international actors develop in dealing with those entities while at the same time refraining from recognising them. However, studies remain limited, especially on the role of international organisations (IOs), which are often the main actors in promoting the resolution of conflicts, including those that relate to de facto states. What is more, the fact that all existing de facto

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<sup>1</sup> This definition looks at cases of relatively populated and consolidated de facto states (older than two years- see also Caspersen 2012 and Kolstø 2006 on this) with a degree of de facto territorial control and government- hence why the term ‘de facto’ is prioritised over other terms, such as ‘contested’ or ‘unrecognised’ states. This focus allows testing how does the EU react at the presence of an entity that, although has some de facto state attributes remains unrecognised. The definition does not include examples of political entities that are part of recognised state structures, even if secession is or has been their objective (e.g. Iraqi Kurdistan, Republika Srpska). In contested statehood terms and similarly to other works before (e.g. Geldenhuys 2009), the source of contestation here is external, i.e. the international community, rather than internal, e.g. the locals. Throughout the text I use the terms ‘de facto’ and ‘self-declared’ states interchangeably.

<sup>2</sup> Here I adopt a relatively broad definition of secession, which includes outcomes of decolonisation (see also Griffiths 2016). In this regard, the article is relevant also to cases such as Palestine or Western Sahara, which emerged more as a result of decolonisation processes rather than a clear secession from an existing parent state in the way it is understood in the post-colonial era (like in the majority of de facto states).

states relate to unresolved conflicts raises questions about the ability of IOs to manage conflict and the significance of engagement without recognition in this context.

In this regard, this paper explores if and how UN and EU engagement without recognition with the TRNC has failed to promote the resolution of the Cyprus conflict. The paper focuses on the idea of sovereignty, which is assumed to be the most crucial contextual condition that shapes engagement without recognition. I, therefore, trace the process via which sovereignty ideas shape engagement without recognition and how this leads to the failure of conflict resolution. The paper adopts a relatively maximalist understanding of conflict resolution, which encompasses efforts to achieve an agreement between the different parties (often known as conflict settlement) as well efforts to create conditions that are conducive for the success of this agreement. In many respects, Cyprus represents a rather typical case for exploring this research question. Of all the de facto state- related conflicts that exist today, Cyprus is the one with the longest involvement from the side of IOs- the Arab-Israel conflict comes close but the intensity of peace-making efforts accelerated later than in Cyprus. What is more and unlike Palestine, TRNC's lack of recognition is far more extensive, which suggests further pressures upon IOs to pursue an engagement that will not amount to recognition. The paper looks at UN and EU as the main IOs involved in the conflict and the de facto state in this case. Following earlier literature on the matter (e.g. Butler 2009, 123), I use the term IOs loosely, to also include regional organisations, like the EU.

Analysis develops in three stages. In the following section, I highlight gaps in the study of de facto states and engagement without recognition, while at the same time explain in more depth the rest of main concepts of this paper, including sovereignty and how it has informed the overall profile and conflict approach of the UN and the EU. I do so by reviewing sovereignty-related notions in major texts of each organisation (e.g. UN charter,

EU treaties) as well as more conflict-specific strategy texts. Following this, I turn to the main analysis of their engagement in Cyprus in two separate sections (one for each organisation), where I search documents related to the conflict for similar evidence that helps shed light on the way in which each organisation has approached the conflict along sovereignty lines and the reasons why such an approach has been adopted. Following this, I trace a link between this engagement and the lack of conflict resolution in order to deduct a few potential manifestations of this impact that can contribute to the discussion of these types of conflicts. In exploring this process through which ideas of sovereignty shape the approach and engagement of IOs and, eventually, how this engagement fails to promote conflict resolution, I focus on responses from the conflicting parties at the elite level, taking however into account the impact of developments in wider politics and society. I analyse a range of official documents from the IOs and statements from the conflict parties, and I triangulate findings with a re-reading of existing literature and/ or via insights from elite interviews. Finally, in the conclusion, I summarise the findings and I elaborate on their relevance to similar conflicts, and I suggest avenues for further research.

I find that sovereignty plays a major role in the approach of the UN and the EU towards the Cyprus conflict and the TRNC because of normative pressures and successful efforts from the parent state Republic of Cyprus (RoC) to draw on ideas like sovereignty in order to promote its interests. This explanation of the reasons why sovereignty shapes IOs approach is important for understanding what is unique about IOs engagement with these types of entities and their related conflict. Specifically, it allows to observe how IOs are subject to sovereignty- related normative constrains and/or how certain parties to those conflicts, especially parent states that enjoy greater international legitimacy, use IOs as arenas to promote their aims in the context of the conflict. As a result of those sovereignty related dynamics, I find next three distinct ways in which engagement without recognition

results in failure of conflict resolution: first, the separatists become more intransigent as a result of what they frame as an imbalanced approach of the organisations in favour of the parent state. Secondly, the parent state becomes more assertive and inflexible, as a result of having the organisations 'on their side'. Finally, and beyond settlement itself, engagement without recognition also undermines reconciliation and the chances to create conditions favourable to a successful settlement, e.g. by ensuring even development across both the parent state and the de facto state. In line with causal explanations of outcomes, my findings about the causes of the failure of conflict resolution do not have any relevance for the potential factors that could lead to the opposite outcome, i.e. successful conflict resolution. Instead, the paper facilitates the discussion on the range of IOs response to failed secession, and especially the impact of sovereignty ideas and the limitations of engagement without recognition, which, generally, has been seen in positive light as a way to bypass diplomatic hurdles in engaging with de facto states.

### **Conflict resolution, international organisations and de facto states**

As also explained in the introduction, de facto states are hereby defined as state-like entities that have declared statehood but this is not recognised by a significant part of the international community, measured by the number of recognition from UN members but also a range of other ways of international acknowledgement, such as membership of IOs, participation to major international events, foreign trade and communications (see also Berg and Toomla 2009). Scholars of de facto states have reflected on their characteristics (e.g. Geldenhuys 2009, Caspersen 2012), political systems (e.g. Berg and Mölder 2012, Kolstø and Blakkisrud 2008), also with regard to conflict resolution (King 2001) or democratisation (e.g. Caspersen 2011, Voller 2013). Studies on the relationship between de facto states and

other international actors have mostly focused on how the international community has reacted to the self-declaration of those entities (e.g. Pegg 1998, Lynch 2004, Musson 2008, Fabry 2010, Coggins 2011), the way in which de facto states seek international recognition (e.g. Bahcheli et al 2004), why parent states recognise secession (Griffiths 2016) or, in opposite scenarios, how they try to prevent their recognition (Ker-Lindsay 2012). More recently, a small number of works has looked at the so-called ‘engagement without recognition’, which refers to how international actors engage with de facto states in a range of political, economic, social and cultural issues but in a way which is different to normal diplomatic practice and without recognising independent statehood. The small number of works is a result of the fact that this area has only recently attracted scholarly attention, although, as we will see later, traces of that type of engagement can be found decades ago in cases like Cyprus. Despite the development of a strategy of engagement without recognition by the EU (Fischer 2010) and highlighted benefits of this type of engagement by IOs (Caspersen and Herrberg 2010), scholarly literature on the matter has mostly focused on individual states and their engagement and diplomacy (Cooley and Mitchel 2008, Ker-Lindsay 2015, Berg and Pegg 2016). Kereselidze (2015) has offered a case-driven assessment of EU engagement without recognition in Georgia, while Kyris’ (2015) study of the TRNC offers insights into EU engagement, but refrains from making any inferences with regard to the link between this type of engagement and conflict resolution and, instead, highlights this as an area that merits further research (see also Bouris and Kyris 2017), not least because most IOs involvement in areas that host de facto states aims at playing a positive role in the related conflict.

Indeed, de facto state-related conflicts are not an exemption in the effort of IOs to promote conflict resolution, especially given the fact that those entities relate to very protracted international or regional disputes. Which IO has been involved in which conflict

seems to have been informed not only by the objectives of the organisation but also geography. In this regard, apart from the UN, which to a lesser or greater degree, has been involved in all de facto state-related conflicts (apart from the one between Taiwan and China and less so in those of the post-Soviet space, which see a lot of Russian involvement), the Organisation of Security and Cooperation in Europe has mostly involved itself in the many conflicts of this type in the post-Soviet space, and so has the EU, as well as in conflicts of the broader European neighbourhood (Cyprus, Palestine, Western Sahara), while the African Union has naturally concentrated on those closer to home (Western Sahara, Somaliland). The ways in which IOs have tried to achieve conflict resolution are many and shaped by their very nature. The UN, for example, has focused a lot on peace-keeping and peace-making (e.g. Thakur 2010). The EU's own experience of cooperation and integration as a way to overcome and avoid conflict in the post-1945 environment has informed an approach which relies a lot on liberal ideas of democracy and interdependence (Visoka and Doyle 2015).

And yet, it is not difficult to see a link between the presence of de facto states and the absence of conflict resolution. All existing de facto states relate to conflicts that remain more or less unresolved. This is not surprising given that the resolution of those conflicts seems to be synonymous to a change of status for the de facto state, usually towards recognised statehood (e.g. South Sudan, East Timor) or the (re)integration of the de facto state into the parent state under a variety of arrangements, such as federalism or autonomy (e.g. Biafra, Chechnya, for more on this, see Anderson 2011 and Florea 2017). If, therefore, an de facto state is still 'alive' then the conflict must be too. What is more, the stagnation of the conflict despite engagement from the side of IOs suggests an ongoing inability of IOs to promote resolution. In this regard, whether and how engagement without recognition fails to promote conflict resolution requires more attention. This is the gap that this paper aims to address by exploring if and how ideas of sovereignty and their interplay with the lack of international



recognition, as a main characteristic of de facto states, explain the inability of IOs to contribute to the resolution of de facto state-related conflicts. Because of the nature of many de facto state-related conflicts, where often substantial violence has not occurred for many years (Cyprus is a very good example of this), it is analytically more valuable to approach resolution as both the achievement of an agreement and an end to hostilities. Indeed, this is an important distinction made by the literature (e.g. Wallensteen 2015, Ramsbotham et al. 2016) between conflict settlement and resolution, whereby the former refers more to reaching an agreement (see for example Cordell and Wolff 2010), while the latter refers to a more advanced situation where, in addition, violence has ceased, incompatibles and structural roots of the conflict have been addressed.

### **Enter sovereignty**

As a result, conflict resolution scholars tend to look deeper, into the roots of the conflict and the literature is mostly concerned with the causes of war, in an effort to eradicate them, the dynamics of the conflict, with the hope of changing them, or human needs, with the aim of finding ways to satisfy them. In trying to explore the link between IOs engagement and the failure to resolve the conflict, this paper looks at sovereignty as a contextual, normative dynamic that enables this link. State sovereignty, the idea that a state is defined by a functioning government, which is recognised as such and is independent in its authority over a territory and a population, is the most fundamental principle of the modern state system (see for example Jackson 2007). There is a clear *external* aspect of sovereignty, which relates to international recognition- the single condition that distinguishes de facto states from recognised ones. But there is also an *internal* aspect to sovereignty, which is about *de facto* effective control of the government of the state over its territory and people and, generally,

effective economy and political institutions. The focus on sovereignty in exploring the link between de facto statehood and conflict resolution is because I consider it to be the most fundamental concept when students and practitioners of world politics, especially those that work within a state-centric context like intergovernmental IOs, think of statehood (be it recognised or not). As such, I expect it to be the most important factor conditioning the way in which IOs approach de facto states.<sup>3</sup>

Based on conceptualisation of sovereignty above, a review of sovereignty-related notions within major UN and EU texts (more specifically: ‘sovereignty’, ‘control’, ‘independence’, ‘intervention’, ‘recognition’, ‘territory’, ‘authority’) confirms the importance of this idea for how IOs approach conflict and de facto states. Starting with the UN, sovereignty is one of the most important –if not the most important– principles of the organisation. The UN charter introduces the organisation as ‘based on the principle of the sovereign equality of all its Members’ (UN 1945). This foundational principle appears often in texts that relate to the approach of the UN towards conflict. The 1999 statement of the President of the Security Council on the role of the Security Council in preventing armed conflicts opens with the reaffirmation of the commitment to ‘the principles of the political independence, sovereign equality and territorial integrity of all States’ (UN 1999). This is repeated within later conflict-related statements (e.g. in 2000) or resolutions. The interlinked issues of independence and territorial integrity as dimensions of sovereignty are also present in documents and strategies for specific de facto state-related conflicts, beyond Cyprus, which is explored in more detail below. For example, a Secretary General report on Abkhazia and South Ossetia (UN 2014) specifically highlights a government’s obligation to ‘invite, accept and facilitate international (humanitarian) assistance, in particular if... obstacles, such as lack of effective control of parts of the territory, limit its capacity to effectively address all

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<sup>3</sup> Analysis here does not aim to offer an authoritative answer on the sovereignty of de facto states but, rather, use sovereignty as a conceptual vehicle towards identifying a range of characteristics of these entities that might inform international engagement.

humanitarian needs'. This is a clear reference to the areas where the de facto administration of Abkhazia and South Ossetia rather than the Georgian government exercise control and is in line with other documents on conflict, such as the 2001 report of the Secretary General on the protection of civilians in armed conflict.

It might come as a surprise that the term sovereignty only makes rare appearances within treaties, the most important documents of the EU. It is nowhere to be found in the Treaty of Paris, which established the European Coal and Steel Community or the Treaty of Maastricht, which established the EU. The three major texts that bear a reference to sovereignty are the Treaty of Rome, which founded European Economic Communities (EEC), the Single European Act and the Constitution for Europe, which was never approved. The Treaty of Rome reflected on the establishment of the ECSC a few years earlier as signifying how member states 'relinquished part of their sovereignty, albeit in a limited domain' (coal and steel). The Single European Act's only mention is on the Commission's responsibility to act on behalf of a state's *sovereign* capacity in concluding agreements with third parties on exchange of information on nuclear issues. Finally, the reference in the Constitution for Europe is even more specific and void of an important political meaning, as it links to provisions for fishing-related activities of EU member states in waters under the sovereignty of a third country.

Similarly, major documents relevant to the EU's strategy towards conflict, such as the Programme for the Prevention of Violent Conflicts (2001), Council's Conclusions on Conflict Prevention (2011) or Concept on Strengthening EU Mediation and Dialogue Capacities (2009), bear no references to sovereignty-related terms. Although generally we can see a similar absence of terms in documents coming from the Commission's European External Action Services, the EU's executive arm (e.g. European Commission 2013), the recent Global Strategy for Foreign and Security Policy (2016) is an exception:

The sovereignty, independence and territorial integrity of states are key elements of the European security order. These principles apply to all states, both within and beyond the EU's borders. Russia's violation of international law and the destabilisation of Ukraine, on top of protracted conflicts in the wider Black Sea region, have challenged the European security order at its core. The EU will stand united in upholding international law, democracy, human rights, cooperation and each country's right to choose its future freely.

This extensive discussion of sovereignty alongside Russia's role in the post-Soviet space leaves little doubt that the emphasis put by the EU in the principle emanates from developments surrounding the Ukraine crisis. While sovereignty does not play such a fundamental role for the EU as it does for the UN, a very typical understanding of sovereignty along UN lines as a principle related to the independence and territorial integrity of states is clear from the above. As we will see below, the EU's dealing with the Cyprus conflict and its engagement on the ground has been informed by those ideas, if not a bit less explicitly in compare to the UN.

Closing this overview of sovereignty, conflict and IOs, two points must be emphasised. First, that sovereignty is linked to a very clear scepticism of the international community towards unilateral secession in the post-1945 era and, secondly, that sovereignty is a zero-sum game. With reference to the first point, the sovereignty-related principle of state territorial integrity has been clearly prioritised by the international community and secession has been recognised mostly where there is consent of the parent state (see also Fabry 2010 and Griffiths 2016). Oppositely, in cases like Ukraine, there has been a lot of resistance towards recognising unilateral secession, which, in turn, has created a range of de facto but unrecognised states. Secondly, the example of Ukraine and Russia also helps to highlight that sovereignty, and its recognition, is a zero-sum game. The EU calling for the respect of Ukraine's sovereignty essentially suggests that Russia cannot exercise sovereignty over areas

where Ukraine does. Similarly, one of the major obstacles in some self-declared states being diplomatically recognised is that they reside in territories widely regarded as belonging to a different, recognised state. This has important implications for how parent and de facto states are treated. For example, the government of the Republic of China continued to be recognised after its exile in Taiwan in 1949, but states slowly shifted recognition from the Republic of China to People's Republic of China in the mainland, which eventually also replaced the Republic of China as a member of the UN. This process illustrates how the recognition of two different states as sovereign over the same territory is not probable. The example of Cyprus is also illuminative here: states recognise the Greek Cypriot-led Republic of Cyprus (RoC) as sovereign over the island, including in the north, and, equally, do not recognise the TRNC. Oppositely, only Turkey recognises the TRNC but it does not recognise the RoC. As a result, ideas of sovereignty bear relevance to the way in which the IOs or other actors see not only de facto states but also parent states, the other major part in the conflict. We will see that this becomes crucial in the way IOs (to which often parent states are members of) treat de facto states and their conflict.

### **The UN in Cyprus**

Since the fifties, the UN has tried to offer a solution to the Cyprus problem, which started as Greek Cypriot anticolonial struggle but soon evolved and still remains a dispute on how power and territory is shared between Greek Cypriots and Turkish Cypriots. Greece and Turkey also play a role in the dispute by being allies of each community and, particularly Turkey has a more direct involvement in the TRNC, which supports in political, economic and military terms, including the stationing of troops there. The RoC joined the UN in September 1960 as a bi-communal state but failure of the two communities to cooperate

gradually led to territorial and administrative separation between a Greek Cypriot-dominated RoC in the south and the Turkish Cypriots in the north, under a separate administration. When Turkish Cypriots declared themselves independent first in 1975 and more formally in 1983, they argued that by establishing a separate state they facilitate a resolution based on a federation between their state and a Greek Cypriot state. Yet, neither that nor the fact that the RoC was now run by Greek Cypriots only made any difference to the international community, which outrightly rejected the declaration of a state in the island other than the Republic. The same remains today and this persistent approach can be tracked throughout the years in which the UN has engaged in Cyprus along the lines of both peace-making, through various efforts to find a solution to the dispute under the auspices of the office of the Secretary General, complemented by the UNDP or UNHCR, as well as peacekeeping, via the UNFICYP mission, which, since 1964 aims to safeguard ceasefire and assist peace-making.

A range of UN documents provide evidence for this approach. Resolution 186, which *inter alia* established UNFICYP, makes a reference to the UN charter (see earlier) and calls all UN members to ‘refrain from any action or threat of action to worsen the situation in the *sovereign* (my emphasis) RoC’. This is a clear reference to the fact that Turkey had been assisting financially and militarily the Turkish Cypriots since the onset of their separation in enclaves in the sixties. Of particular interest are later resolutions that deal with Turkish Cypriot efforts to establish a separate state. In 1975, resolution 367 renewed calls for the respect of sovereignty, independence and territorial integrity of Cyprus and regretted that “a part of the RoC would become ‘a Federated Turkish State’”. In 1983, when the TRNC was declared to replace the Turkish Federated State of Cyprus until today, this resolution was reaffirmed, secession was deplored, declaration of independence was deemed invalid and UN members were called to not recognise any other state in the island rather than the RoC (resolution 541). To this day, those resolutions represent foundations of the UN’s approach to

the conflict.

This UN approach towards the Cyprus problem and the TRNC can be explained in two main ways. Firstly, Greek Cypriots, as representatives of the RoC, were able to use their membership of the organisation to shape the engagement of the UN towards fitting their objectives in the conflict. Many of the aforementioned resolutions, which called for the respect of RoC's sovereignty, were a result of complaints by the Greek Cypriots. However, it should not be assumed that the instrumental use of membership by Greek Cypriots alone explains the way in which the UN approached conflict. Research has shown that the UN was able to resist Greek Cypriot pressures in certain instances, such as pressure to introduce UNFICYP as a mission working closely with the RoC (Ker-Lindsay 2001). In this sense, UN insistence to a clear rejection of the TRNC's legitimacy can be interpreted more as a result of the UN's broader adherence to sovereignty -the very foundational principle of the organisation. Confirming this finding is an important body of literature that has found a rather deep aversion of the UN to unilateral secession in fear of setting a precedent (see also earlier but also, for example, Wallensteen 2015).

This UN approach greatly impacted their engagement with the conflict and the Turkish Cypriots in particular and here we can see early traces of what in more recent years has come to be known as engagement without recognition. In peace-making efforts, the UN treat Turkish Cypriots as a 'community' with a 'leader' rather than a 'President of the TRNC'. By using these terms, the UN can engage whilst minimising any recognition consequences. Interestingly and unlike what we see in the case of the EU (see below), the UN, despite not challenging the legitimacy of the RoC, has chosen to use the terms 'leadership' and 'community' also when referring to the Greek Cypriot side. This approach has allowed the UN to bring both sides to the table of negotiations, but it does not mean that it has managed to bypass recognition-related challenges all together (see below). Since 1964,

the UN has supplemented peace-making with peacekeeping efforts through the UNFICYP that aims to safeguard the ceasefire between the two sides. Peacekeeping efforts have not substantially been impacted by issues of recognition, although the RoC enjoys a more direct involvement with the mission, for example as a main financial contributor. Finally, the UN has also worked via the UN High Commissioner for Refugees (UNHCR) and the UN Development Programme (UNDP), first in order to provide relief for internal refugees and technical/ financial assistance respectively but later towards projects of inter-communal cooperation. In the context of those activities the UN has had to engage with the Turkish Cypriot administration and its authorities. Related documents speak of ‘concerned authorities’, in a similar fashion to what we can see in other de facto states (UN 2014), and of activities that benefit the ‘whole island’ (Hocknell 2001).

These elements of engagement without recognition in the UN’s approach have undermined both the chances of achieving an agreement but also the broader promotion of reconciliation and measures that can help a successful implementation of an agreement. UN’s approach has actually led to more intransigence on the Turkish Cypriot side, which has had a negative impact on settlement efforts. This can be seen by the Turkish Cypriot reaction towards the UN throughout the years. The first UN peace-making effort under Galo Plaza after the breakdown of the RoC in 1964 failed largely because Turkish Cypriots mistrusted the UN as siding with the Greek Cypriots – a reaction to the way in which the UN engaged while recognising RoC’s legitimacy. Besides, the fact the RoC makes a substantial contribution to the funding of the UNFICYP has also been suggested as a source of Turkish Cypriot and Turkish mistrust towards the UN (Richmond 2001, 84). In addition, the very establishment of the TRNC in 1983, which drove the two sides further apart for at least a decade, was linked by the then Turkish Cypriot leader Rauf Denktaş to the fact that the UN treated the Greek Cypriot- dominated RoC as the only legitimate government of Cyprus,



despite that the once established bi-communal government did not see Turkish Cypriot participation anymore (Youtube 2017). During the nineties and in the lead up to the Annan Plan, the UN-proposed plan for the reunification of Cyprus under a federation, Denktash insisted that the TRNC is recognised for negotiations to progress. Annan's report on his missions of good offices perfectly illuminates how UN's engagement without recognition caused intransigence on the Turkish Cypriot side and did not allow conflict resolution efforts to bear fruits:

the key obstacle to negotiation was the status issue. Mr. Denktash argued that the Turkish Cypriot side was disadvantaged by the recognition enjoyed by the RoC and the non-recognition of the "TRNC". He blamed Security Council resolutions for this situation, and said that those resolutions inevitably tied me and my Special Adviser to an approach which [ ...] could not be truly impartial, and which ignored the "realities" [...] Despite my best efforts, I was never able to convince Mr. Denktash that the "realities" of the Cyprus problem were not only the realities on the ground but the realities of international law and international Politics (UN Security Council 2003)'.

Interestingly, Denktash was eventually side-lined, as a pro-solution wave swept across north Cyprus. I explore to what extent this undermines the link between intransigence caused by IOs engagement without recognition and failure to resolve the conflict in the conclusion. The ongoing mistrust of the UN and the barrier it raises towards resolution was also confirmed in the aftermath of the failure of 2017 talks in Crans Montana, when Turkish Cypriot leadership suggested that 'problems could not be overcome "by repeating the old methodologies" (Cyprus Mail 2017), while Turkey called for solutions outside UN-supported parameters (Cyprus Mail 2017b), as well as previous explicit or implicit efforts of the Turkish Cypriots to move negotiations outside UN parameters (e.g. UN Security Council 2004).

Turkish Cypriots have been more intransigent not only because of the UN and their

engagement without recognition, but also because of how Greek Cypriots have instrumentally used their UN membership to shape this engagement. This is a less direct way in which sovereignty impacts on the ability of the UN to facilitate an agreement (in the sense that it is not part but rather a reason for engagement without recognition). However, it is also important to note that the ability of the RoC to use the UN to promote its aims has led to inflexible negotiating positions not only in the de facto state (Turkish Cypriots) but also the parent state itself (Greek Cypriots), for example in the early phases of peace-making in the sixties (Richmond 2001, 106). During the nineties, Boutros Boutros-Ghali's Confidence Building Measures were not implemented, also because Greek Cypriots feared that some of those measures, which aimed at easing the embargo against the Turkish Cypriots, might amount to recognition of the TRNC (Newman 2001, 142). This has continued throughout the years and, as we will see below, the comparatively greater legitimacy of the RoC in international politics can also be seen as a reason that motivated the majority of Greek Cypriot elites and the public to reject the Annan Plan in 2004.

While all this antagonism obviously does not help the chances of reconciliation and conflict resolution in general, engagement without recognition seems to have also compromised a range of specific UN-supported activities that could be helpful for reconciliation between the two communities and, therefore, the success of a potential peace deal. For example, and due to the difficulty to engage with authorities in the north, UNDP encouraged more the development of the RoC. This meant that an equal picture of development across the island, which could help the success of reunification, was not possible. What is more, this undermined the Turkish Cypriots' trust in the UN further. However, literature has suggested that issues of recognition might be more compatible with engagement that is less political in nature, such as with civil society (Kyris 2013, Berg and Pegg 2016), and this seems to have been the case with some activities of the UNDP, such as

the efforts on missing persons (see also Hocknell 2001), UNHCR bi-communal projects (see also Demetriou 2001) as well as EU activities (see later) that might be positive for conflict resolution. I return to this point in the conclusion.

## **The EU in Cyprus**

In comparison to the UN, the EU has not focused on conflict settlement but more on creating conditions that are conducive to the success of reunification. Nevertheless, the EU's engagement in northern Cyprus is far more complex in many respects. This can be tracked back to the 2004 EU accession of a divided island. Despite being supported by the Turkish Cypriots, reunification based on the Annan Plan was rejected by the Greek Cypriots in the April 2004 referendums. This meant that the plan was never implemented and that, a month later, Cyprus acceded to the EU as a divided country. As a result, while the entire country is part of the EU, EU law implementation is suspended in the northern part of the island. This has been enshrined in Protocol 10 of the Accession Treaty, which effectively recognised the RoC's sovereignty over the entire island, by referring to north Cyprus as 'areas of the RoC in which the government of the RoC does not exercise effective control'.

This provision has fundamentally shaped the EU's approach and engagement with the north for both political and practical reasons. Practically, the EU needed to make sure that EU law applies to the *de facto* border that separates the northern areas controlled by the TRNC and those areas controlled by the RoC. This was to be done through the Green Line Regulation. With both communities still formally committed to reunification there was also a practical necessity to assist Turkish Cypriots with preparing for EU law implementation, when a reunification will extend application of *acquis* also in the north. This was to be done via the Financial Aid Regulation. At a much clearer political level, the instruments proposed

by the Commission was a response to the Council, which, following the referenda on the Annan Plan, but, crucially, before the RoC joined the EU and was able to exert influence on decisions stated:

‘the Turkish Cypriot community have expressed their clear desire for a future within the EU. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invited the Commission to bring forward comprehensive proposals to this end’.

As a result, the Green Line regulation *inter alia* aims at Turkish Cypriot economic development. Secondly, the Financial Aid Regulation (European Council 2006) has far more explicit links to the EU’s effort to play a positive role in the Cyprus conflict as it aims to

‘facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community, with particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU’.

Here too, however, the EU was clear that ‘nothing in this Regulation is intended to imply recognition of any public authority in the areas other than the government of the RoC’. Finally, the Commission also prepared a proposal for the Direct Trade Regulation, a preferential trade agreement between the EU and the Turkish Cypriots.

While in a less obvious way in compare to the UN, sovereignty seem to have shaped also EU’s approach towards Cyprus and the Turkish Cypriots. Not too dissimilarly to what we see in the case of UN engagement, this seems to be a result of both normative pressures as well as the actions of the parent state RoC. All three regulations were prepared by the Commission in response to the Council’s recommendation *before* the parent state RoC was

able to exert influence within the EU organs. This, in relation to the historical context of the era, which favoured Turkish Cypriots as a result of their positive vote in the Annan Plan, resulted in some modestly ambitious proposals for engagement. However, after accession, RoC has been most vocal and active in terms of safeguarding their sovereignty in relation to EU's involvement in the area. The Direct Trade regulation was quickly blocked by the Greek Cypriots and, to this day, has not been implemented. The rationale of Greek Cypriots for vetoing the regulation is that trade with the Turkish Cypriots will amount to recognition of the TRNC 'by implication'. Instead, the Green Line and Financial Aid Regulations were approved but both their content and their implementation have been seriously impacted by issues of sovereignty and recognition and the engagement without recognition has come with certain challenges (see also below). This sequence of events suggests that the absence of a parent state from the organisation might allow some more flexibility in developing a more substantial engagement with the de facto state. However, as we will see below and by looking at the period before RoC joined the EU, this is not to suggest that an IO without a parent state will adopt a more positive approach towards the separatists.

Indeed, the EU has always rejected the legitimacy of the TRNC and here we can see normative pressures playing again a role on how adamant the EU has been to recognise RoC's sovereignty and treat Turkish Cypriots accordingly. This is confirmed by the fact that the EU's stance towards Cyprus was linked to sovereignty far earlier than the RoC was about to join and influence it. We can find evidence of this in the 1974 communication issued by the European Political Cooperation, the then organ for EU's foreign relations, following the coup against Greek Cypriot President Makarios and the resulting war with Turkey, which reaffirmed the support for 'the independence and the territorial integrity and independence of Cyprus [and] opposition to any intervention or interference tending to put it in question' (Kyris 2015, 39). A year later, the same body further underlined this commitment and

specifically referred to UN resolutions on the matter (Archive of European Integration 2017). While the EU continued to confirm RoC's sovereignty over the years (e.g. by denouncing the establishment of the TRNC in 1983), the statements during the seventies bear significant analytical value as they suggest that they were not a result of pressures within the organisation from neither the Greek Cypriot-led RoC nor its alliance Greece, which only later became members of the EU.

The Green Line regulation objective to promote the economic development of Turkish Cypriots, which as we saw before is linked to a future, smooth implementation of a resolution agreement, has been hampered by issues of recognition. For example, the Commission notes that the fact that the RoC does not recognise TRNC documents for Turkish Cypriot buses and lorries impedes their access to the RoC-controlled areas and, ultimately, Turkish Cypriot economic development (European Commission 2010, 8). The issue of recognition has compromised even more the implementation of the Financial Aid Regulation, including efforts to assist the success of reunification by preparing the Turkish Cypriots for implementing EU law, which, for the Greek Cypriots are the most controversial (EU official, personal communication, 15 April 2016). A major report (European Court of Auditors 2012) found the lack of recognition as one of the main challenges in implementing the regulation, something the Commission confirmed. For example, and because the TRNC is not recognised, the EU was not able to use the twinning instrument, which is based on the consultation between candidates and EU member states in order to share 'know-how' for reforms and is the EU's typical capacity building programmes towards EU law harmonisation. Where different agencies were deployed, those were not able to properly work with Turkish Cypriot authorities either (European Court of Auditors 2012, 2). Besides, the same report also questions the extent to which liability of EU-funded projects can be transferred to the de facto TRNC authorities.

In many respects, therefore, the EU has failed to fully meet their conflict resolution-related objectives, i.e. create conditions that will assist the implementation of a future agreement and promote reconciliation. The Green Line Regulation might have helped a growth in Turkish Cypriots trade with the Greek Cypriots but this is far from the ambitious aims that the EU set for itself. This is not only because of the problems that recognition creates for the Green Line Regulation but mostly because, the EU has not found a way to bypass Greek Cypriot objections towards the implementation of Direct Trade Regulation, which would have been much more important in terms of economic development and addressing the isolation of the Turkish Cypriots. In addition, the very slow progress in EU law preparation due to issues of recognition also means that the EU is far from creating conditions conducive for the success of a settlement. The EU has found promoting reconciliation amongst civil society easier. This is similar to what we saw with UNDP earlier and I return to this point in the conclusion.

Very much in the same vein with what we see in the case of the UN, the EU's engagement without recognition has also created inflexibility in the de facto state and this signifies another dimension of the EU's failure to assist conflict resolution and reaching an agreement. The EU's approach to recognise RoC as legitimate was behind the very decision of the EU to open accession negotiations with the RoC alone, which led to one of the worst periods in terms of inter-communal relations, with the Turkish Cypriot leadership repeatedly condemning the EU and attacking the validity of the accession process.<sup>4</sup> Years later, even moderate Turkish Cypriots elites continue to refer back to the decision to start and conclude negotiations with RoC alone as a reason for Turkish Cypriot's mistrust and defensive reaction towards the EU (Turkish Cypriot official, personal communication, 9 September 2009). More

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<sup>4</sup> See for example the Turkey-TRNC Joint Declaration 28 December 1995, available at: <[http://www.mfa.gov.tr/turkey-trnc-joint-declarationdecember-28\\_-1995.En.Mfa](http://www.mfa.gov.tr/turkey-trnc-joint-declarationdecember-28_-1995.En.Mfa)> [Accessed 27 August 2017] Turkish Cypriot Memorandum addressed to the Council Of Ministers of the European Communities in respect of an 'Application' For Membership By 'The Republic Of Cyprus'.

recently, the fact that engagement without recognition has not allowed the EU to meet ‘promises’ (personal communication with various Turkish Cypriot officials, May 2009, September 2009 and April 2016) of helping the economic development of Turkish Cypriots and address their isolation has created waves of frustration. While no definite evidence can be found as to whether this has been behind the failure to reach an agreement during the latest round of talks that ended in 2017 (this years-long round was the first major effort since EU engagement began), the fact that the Turkish Cypriot elites see the EU as partial to Greek Cypriots is rather clear and suggests that the EU and its engagement itself have failed to assist the resolution of the conflict, including in recent years. For example, the EU’s move to introduce an *ad hoc* committee during the latest inter-communal peace talks was met by scepticism by some Turkish Cypriot elites, who feared this might allow Greek Cypriots to control the process of EU law harmonization (Turkish Cypriot officials, personal communication, 14 April 2016). Besides, the way in which RoC has been able to use their EU membership in the context of the conflict has been more aggressive in comparison to the way they have used the UN as a platform and this has frustrated Turkish Cypriots further both at the elite and the public level.<sup>5</sup> Finally, this ability of the RoC to use the EU as a platform to further their interests has naturally led to more Greek Cypriot inflexibility too. Perhaps the best example of this is how Greek Cypriot President Papadopoulos in 2004 framed the rejection of the Annan Plan as a way to allow the RoC join the EU alone and by that fortify its position as the recognised sovereign government and strengthen its hand in diplomacy.

## **Conclusions**

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<sup>5</sup> At the elite level, my personal communication with a range of Turkish Cypriot elites confirms this. At the society level, the decreasing positive image of the EU amongst Turkish Cypriots (see Eurobarometer) can also be seen as an indication.



The study of Cyprus and the TRNC has shown a rather clear link between the idea of sovereignty and engagement without recognition, and then a resulting failure of this UN and EU engagement to promote the resolution of the conflict. It has become evident that both organisations support the legitimacy of the parent state, here the RoC, against the de facto state, here the TRNC. In both cases of IOs, this way in which sovereignty has shaped the approach towards the conflict is informed by two factors. First, the ability of the parent state to use the IO to promote and cement its recognition as the sovereign in the area *vis a vis* the de facto state. Yet, structural characteristics of the UN (i.e. the fact Turkey is a member and RoC is not a member of the Security Council) have allowed the organisation to curtail the extent to which Greek Cypriots can instrumentally use their membership and, instead, have offered some room to the representation of Turkish Cypriot views, e.g. by allowing them to address the Security Council or by Turkey being a channel via which Turkish Cypriot interest can be promoted. Indeed, the imbalance of power in the EU is much greater in compare to UN. The RoC is treated as the only representative of Cyprus and Turkish Cypriots have not been allowed to address EU organs. Lacking EU membership, Turkey has not been able to promote Turkish Cypriot interests either. Having said this, sovereignty as a principle of international relations seems to be more important as an explanation of IOs approach towards de facto state-related conflicts. We saw that even in instances where the parent state cannot influence the IO (e.g. EU before the accession of the RoC), a commitment to sovereignty suggests that the organisation will be inclined in favour of the parent state and against the secessionists regardless. Besides, the way in which sovereignty continues to shape the approach of the EU, despite the principle not being constitutionally important, allows us to assume that something similar might be happening with other IOs. More research on this matter will shed light on potential variations.

Next, analysis focused on this sovereignty-rooted engagement without recognition

and its impact. In the case of the UN, I found a comparatively more substantial engagement (e.g. in the context of the participation of the Turkish Cypriots in the UN talks *vis-a-vis* the way the EU works with TRNC authorities far less and less openly). However, in both cases the IOs have been explicit that their engagement does not suggest any recognition of the self-declared TRNC. Coming to the impact of this engagement on the conflict, we can also note some important similarities. In terms of conflict settlement, the engagement without recognition from both the UN and the EU seems to have led to intransigence in both sides, therefore undermining the chances of achieving an agreement. The parent state, protected behind the recognition that enjoys from the international community, becomes more assertive. In a sort of vicious circle, secessionists also become inflexible as a reaction to the way in which the parent state uses the IO to promote own aims. Besides, the *de facto* state becomes more inflexible also as a result of frustration with the lack of recognition and related mistrust towards the IO. This increased intransigence in both sides does not allow an agreement to be reached, and we explored a range of settlement efforts that failed to produce results. In terms of broader conflict resolution, engagement without recognition has often failed to create conditions necessary for the success of a potential settlement, such as fostering an even development, which has been the aim of both UNDP and some EU activities. Limitations are particularly significant for the role of the EU, which, rather than being explicitly peace-making like the UN, only aims to create conditions necessary for an agreement to succeed within an EU framework. The way in which engagement without recognition has unravelled has meant that the objectives of the EU, such as encouraging the economic development of the Turkish Cypriots or preparing them for applying EU law, have not been fully met. The type of engagement and the limitations that come with it have further frustrated the Turkish Cypriot elites and the public, something that is not conducive to settlement efforts either.

In this regard, the example of Cyprus has offered some valuable lessons for understanding similar conflicts and the way in which they are impacted by the reaction of the international community and IOs in particular. Based on this paper, evidence of the failure of IOs engagement without recognition to promote conflict resolution, include intransigence in one or more sides of the conflict and an inability of the organisation to create conditions favourable to the success of a settlement. For a conflict to remain unresolved, one side's intransigence is enough. This became evident in 2004 when resolution was not possible because of Greek Cypriot intransigence and despite Turkish Cypriots approval of the agreement. However, more research needs to be done on the matter and, particularly, on cases of successful agreements, which did not manage to bring the resolution of the conflict as a result of the failure of IOs to create conditions favourable to their success- this might help us understanding whether overcoming intransigence across all conflict parties is enough or whether a deeper level of conflict resolution efforts, such as those from the EU or the UNDP in Cyprus, is necessary.

It needs to be emphasised that, in line with causal analysis of outcomes, my findings on the causes of the failure of conflict resolution do not have any relevance for the potential factors that could lead to the opposite scenario, i.e. successful conflict resolution. For example, the conclusion that engagement without recognition leads to failure of conflict resolution should not suggest that a different approach, such as full-on engagement, will necessarily be better for conflict resolution. Rather, the objective here has been to specify certain limitations to conflict resolution. Yet, a preliminary finding here was that IOs tend to find easier to engage in less political projects and these then form part of their engagement without recognition. Interestingly, those efforts seem to have better chances of success. Although not at the heart of our analysis, which focuses on limitations of conflict resolution, this is a potentially important finding for understanding opportunities that exist in the context

of engagement without recognition. The short life of many of EU reconciliation initiatives due to the inability to plan long term in a such volatile political climate (see also Kyris 2015) casts a doubt over the extent to which this type of IOs programmes can contribute to resolution. However, more research on this front will help discover the extent to which alternative forms of engagement can promote conflict resolution. More broadly, more research is needed into the variations of response from the international community and IOs to secession efforts, beyond engagement without recognition, and the extent to which they relate to specific outcomes in the conflict, including failure or success of resolution.

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