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To cite this article: Sinem Akgul Acikmese & Dimitrios Triantaphyllou (2012) The NATO–EU–Turkey trilogy: the impact of the Cyprus conundrum, *Southeast European and Black Sea Studies*, 12:4, 555-573, DOI: [10.1080/14683857.2012.741846](https://doi.org/10.1080/14683857.2012.741846)

To link to this article: <https://doi.org/10.1080/14683857.2012.741846>



Published online: 26 Nov 2012.



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The NATO–EU–Turkey trilogy: the impact of the Cyprus conundrum

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(Received 15 September 2012; final version received 14 October 2012)

The Cyprus conundrum presents a major challenge to western security structures and relationships in particular with regard to Turkey's European Union (EU) accession process and the stalled Berlin plus arrangements between NATO and the EU. This article argues that the Cyprus question is neither the sole reason for blocking the progress, nor is its resolution the panacea for unblocking the interwoven stalemate in the NATO–EU and the EU–Turkey relationships. In this context, this article will first provide a brief synopsis of the history of relations between Turkey and the EU as well as between the EU and NATO; and the gridlocks within these relationships with specific sections on the role of the Cyprus issue. It will then question whether or not the Cyprus issue is the decisive catalyst for blocking progress in the NATO–EU–Turkey triangle, through a thorough study on the relevance of other internal and external forces at play.

Keywords: Turkey; NATO; EU; Cyprus; CSDP; Berlin plus

Introduction

The Turkey–European Union (EU) and the EU–NATO relationships suffer from exactly the same (mis)fortune. Paradoxically, it was when both these relationships had reached their high points that they were severely tested. As per the decision of the European Council on 17 December 2004, the EU's accession negotiations with Turkey commenced on 3 October 2005. Ironically, it was around the timing of this momentous decision in the history of relations between the EU and Turkey that Turkey's accession process came to a halt. In the case of NATO–EU bond, a comprehensive framework of strategic cooperation was concluded by the EU's High Representative and NATO's Secretary General on 17 March 2003 through a classified exchange of letters, after four years of acrimonious negotiations. Again, ironically, even before the ink was dry on the so-called 'Berlin Plus' arrangements, NATO–EU relations entered into a deadlock. Alongside this twist of fate, the NATO–EU divide and the deadlock over Turkey's EU accession process have a shared *raison d'être*: the Cyprus issue.¹

Despite Turkey's desire to detach the Cyprus question from its accession process, its resolution and/or the problems embedded in the inclusion of Cyprus to the EU in May 2004 have been referred in many academic and official discourses as the major impediments for Turkey's EU membership. Since the Helsinki decisions of December 1999, almost every EU accession document on Turkey (i.e. accession

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partnerships, regular reports and presidency conclusions) put forward specific aspects of the Cyprus issue, such as the adoption/implementation of the Additional Protocol including clauses on the opening of Turkish ports to Cypriot vessels and the normalization of relations with the Republic of Cyprus – as conditions for accession. Even though the eventual resolution of the Cyprus issue is not stipulated as an explicit criterion for Turkey's accession anywhere in the EU's legally binding texts, it is widely acknowledged in academic and political circles that Turkey's EU membership is inextricably linked with this issue. The European Parliament, for instance, has adopted several resolutions linking the solution of the Cyprus problem to the amelioration of the relations between the EU and Turkey (Suvarierol 2003, 63). This linkage is also evident in the following statement by Müftüler-Baç (2008, 209): '... Turkey's accession became ultimately tied to the solution of the Cyprus problem ... one needs to note that the Cyprus issue will be one of the most decisive factors in determining Turkey's membership as it stalls the negotiations'. Akgün has also commented on this linkage by stating that the 'Cyprus conflict could interrupt Turkey's accession and Turkey's accession to the European Union might come to a halt if the Cyprus conflict remains unresolved'.² In a speech delivered at Istanbul Bilgi University on 13 November 2010, Mehmet Ali Talat, the former President of the Turkish Republic of Northern Cyprus (TRNC), robustly asserted that 'Turkey cannot enter the EU if the Cyprus issue is not resolved'.³ Thus, such non-exhaustive arguments could be summarized in Suvarierol's (2003, 55) interpretation that 'Cyprus is a *sine qua non* for Turkey's membership'.

The unresolved Cyprus issue and the divided status of the island have also created a deadlock in NATO–EU cooperation with the accession of Cyprus to the EU in May 2004. Since then, the progress in NATO–EU security cooperation has been subject to double vetoes by Turkey blocking Cyprus from taking part in the 'Berlin Plus' arrangements and operations and by Cyprus disallowing Turkey to be closely associated with the EU's Common Security and Defence Policy (CSDP) framework.⁴ Several commentators note this linkage: for Dursun-Özkanca, 'the accession of Cyprus into the EU in 2004 marked a turning point in the ongoing inter-institutional deadlock' (Dursun-Özkanca 2010). Billion argues that 'the Turkish-Cypriot disagreement has considerably impeded, over the last several years, the strengthening of the relationship between the two organizations' (Billion 2009). Turkey's official position also acknowledges this association in the Ministry of Foreign Affairs' web page: 'If there is no movement in Cyprus and if there is no movement on Turkey's concerns in the EU with regard to our participation in the CSDP, no further movement should be expected on the NATO-EU dossier'.⁵ Thus, the Cyprus question and its resolution is inextricably linked with the progress of NATO–EU relations in official and elite discourses, so much so that Hoffman and Reynolds suggest that 'certain EU member states have used the Turkish-Cyprus dispute and the resulting "frozen" relationship between NATO and the EU as a cover for their own broader policy ambitions' (Hoffman and Reynolds 2007, 4). Thus, the Cyprus issue also emerges as a *sine qua non* in the case of NATO–EU tandem.

This article argues that the Cyprus question is neither the sole reason for blocking the progress, nor is its resolution the panacea for unblocking the interwoven stalemate in the NATO–EU and the EU–Turkey relationships. In this context, this article will first provide a brief synopsis of the history of relations between Turkey and the EU as well as between the EU and NATO. It will also focus on the gridlocks within the aforementioned relationships with specific references on the role of

the Cyprus issue. It will then question whether or not the Cyprus issue is the decisive catalyst for blocking progress in the NATO–EU–Turkey triangle, through a thorough study on the relevance of other internal and external forces at play.

Deadlock in Turkey's EU accession process: what role for the Cyprus issue?

A concise history of Turkey's EU accession process

Turkey's EU membership aspirations date back to the conclusion of an association agreement with the European Economic Community on 12 September 1963, which confirmed the possibility of full membership if/when Turkey fulfils its obligations arising out of the Treaty of Rome.⁶ Yet, due to domestic political upheavals in Turkey that continued for almost two decades, mostly stemming from the residues of the subsequent military coups of 1971 and 1980, as well economic instabilities, it was not until the mid-1980s that Turkey reconsidered its membership goals. The new chapter in Turkish politics, economics and foreign policy that was opened in the second half of 1980s paved the way to Turkey's application for membership on 14 April 1987. The European Commission in its opinion in 1989 on Turkey's application confirmed the eligibility for membership, yet criticized the misfit between European and Turkish democratic standards by stating that 'although there have been developments in recent years in the human rights situation and in respect for the identity of minorities, these have not yet reached the level required in a democracy' and accordingly considered that accession negotiations with Turkey were premature (Commission of the European Communities 1989, para. 9). The denial was not only grounded on Turkey's democratic and economic reform progress or lack thereof, but also in the EU's non-readiness for absorbing new members at a time when it was preoccupied with the completion of the single market and the accession of Austria, Denmark and Finland (Muftuler-Bac and McLaren 2003, 21).

With the inception of the Customs Union on 31 December 1995, as the final phase of association envisaged in the Ankara Agreement, the optimism regarding the future of EU–Turkey reemerged in Turkey.⁷ However, the Customs Union in industrial goods was not a stepping stone for membership as envisioned by the then Prime Minister Tansu Çiller (Arıkan 2006, 85; Yılmaz 2009a, 56).⁸ Indeed, Turkey's non-inclusion in the big bang enlargement round was reasserted at the Luxembourg Summit of December 1997, where the EU leaders have acknowledged the candidacy of 10 Central and Eastern European countries as well as Cyprus, and decided to launch accession negotiations with Cyprus, Poland, Hungary, Czech Republic, Estonia and Slovenia in 1998. Turkey was merely offered a narrow road map under the framework of 'European strategy' for bringing the country closer to the EU; whereas all the other candidates were presented with a comprehensive 'pre-accession strategy' comprising all the financial and legal instruments for integrating them into the EU. Moreover, four specific conditions were stipulated as the ways in which Turkey could strengthen its relations with the EU:

... the alignment of human rights standards and practices on those in force in the EU; respect for and protection of minorities; the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council Resolutions. (European Council 1997, para. 35)

After two years of slowdown in bilateral relations, the Helsinki Summit of December 1999 that declared Turkey as a candidate country marked a turning point in Turkey's accession process to the EU. When compared to the Luxembourg Presidency Conclusions of 1997, the Helsinki decisions of December 1999 were a welcome sign of EU commitment towards Turkish accession. The fear associated with the deep resentment of Turkey that was reflected in the decision to freeze political dialogue with the EU that might result in Turkey's alienation from the European structures; the possibility of Turkey's reconsideration of its democratization process; and its non-involvement in the newly established security understanding of the EU in its immediate periphery as a consequence of the conflicts in the Balkans led the EU to revise its enlargement strategy towards Turkey within just two years.⁹ Accordingly, at the Helsinki Summit, the EU leaders declared that 'Turkey is a candidate state destined to join the union on the basis of the same criteria as applied to the other candidate states' (European Council 1999, para. 12). In other words, the 'Helsinki Summit did not give Turkey any definite timetable for beginning the accession negotiations, but it indicated that the EU took seriously Turkey's attempt to become a full member' (Keyman and İcduygu 2005, 11). The optimism emanating from the Helsinki Summit coupled with the aim of the opening of accession negotiations if/when the political criteria were fulfilled acted as a great leverage for the advancement of democratic reforms in Turkey.

In the immediate aftermath of the Helsinki Summit, through constitutional amendments in 2001 and three harmonization packages endorsed by the coalition government formed by the Democratic Left Party, the Motherland Party and the Nationalist Action Party in 2002, Turkey embarked upon a process of wide-ranging political reforms to redress its shortcomings vis-à-vis the Copenhagen criteria. The new government formed by Justice and Development Party (AKP) after the elections on 3 November 2002, bucked the trend of reforms and adopted four more harmonization packages in 2003 and one in 2004.¹⁰ The most prominent elements of the constitutional amendments of 2001 and 2004 as well as the eight harmonization packages, alongside the change in basic legal codes (i.e. the new Civil Code or the anti-terror law), were the abolition of the death penalty, the freedom of expression, broadcasting in and learning of the different languages and dialects traditionally used by Turkish citizens in their daily lives, such as Kurdish, and changing the composition and functions of the National Security Council (NSC) as well as other reforms on the civilian control over the military.¹¹

In accordance with the decision taken at the Copenhagen European Council of December 2002,¹² and based on Turkey's 'almost revolutionary' progress in compliance of the EU's democratic norms and values, the Commission declared that Turkey has 'sufficiently' fulfilled the political criteria and recommended the Council to open accession negotiations with Turkey in October 2004 (European Commission 2004, para. 3). In line with the Commission's recommendations, the European Council in Brussels on 16–17 December 2004 welcomed the decisive progress made by Turkey in its far-reaching period of reforms since 2001 and declared that Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations. As a result, the intergovernmental conference convened on 3 October 2005 to open accession negotiations with Turkey, almost 18 years after the membership application of Turkey, was ground-breaking.

This new chapter of membership talks in Turkey–EU relations was not warmly welcomed in Turkey, due to the harsh negotiating terms stipulated in the Negotiating

Framework. Even though the framework reiterated the Commission's recommendations as adopted by the Brussels European Council, it stated that 'the negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand' both for Turkey and Croatia. The fact that this was not explicitly used in the previous enlargement rounds was of great concern for Turkey. Moreover, the clause on the EU's possible recourse to the absorption capacity of the Union as a justification for Turkey's rejection to the Union was perceived as a sign of unwillingness of the EU to admit Turkey to its fold. The references to the long transitional periods, derogations, specific arrangements or permanent safeguard clauses in areas such as agriculture, structural policies and free movement of persons for Turkey were almost unique in the enlargement history (Council of the European Union 2005).¹³

Despite the fact that the negotiation terms for Turkey signalled a rocky start for Turkey's membership bid, the beginning of negotiations confirmed that the EU member states are committed to Turkey's accession, albeit conditionally. However, contrary to the expectations that the negotiations would lead to light at the end of the tunnel, the process went sour during the screening phase of the negotiations. The progress both in the reform and the accession processes reflected in the initiation of negotiations was stalled in 2006, thereby raising the possibility of a 'train-crash' in EU–Turkey relations. Even though, Olli Rehn, the enlargement commissioner at the time, assured Turkey that the accession process, albeit slowed down, was on track; relations between Turkey and the EU stalled.¹⁴ Accordingly, the question remains: where does the Cyprus issue stand in the gridlock in EU–Turkey relations?

The train-crash in Turkey–EU relations and the Cyprus issue

Less than a year after the start of official accession talks, even before subjecting any screened chapter other than the one on science and research to actual bargaining procedures, the negotiation process entered into a phase of paralysis and brought Turkey–EU relations to the brink of a 'train-crash' as pointed by Hughes (2006).¹⁵ The lowest point was when the EU decided in December 2006 to suspend negotiations on eight of the 35 chapters until Turkey begins implementing the Additional Protocol that extends the application of the EU–Turkey Customs Union fully by also admitting Cyprus' aircrafts and ships to its ports.¹⁶ Moreover, no chapter would be provisionally closed until the Commission verified that Turkey has fulfilled its commitments related to the Additional Protocol. This period marks a U-turn in the accession process with the pace of democratic reforms in Turkey having been inextricably linked to the Cyprus issue. This linkage was reiterated by Prime Minister Erdoğan when he stated: 'So long as the Turkish Cypriots remain isolated, we will not open our ports and airports. If the (EU) negotiations halt, then let them halt'.¹⁷ However, this connection between the Cyprus issue and Turkey's accession process is not new, and has manifested itself since Cyprus has become a part of EU accession process in 1990s (Suvarierol 2003, 55; Ulusoy 2008a, 314).

Turkey's official position since the membership application of Cyprus in 1990 had been to deny any explicit linkage between the former's accession process and the resolution of the Cyprus question and/or the issues that would potentially arise from the Cypriot membership (Uğur 2003, 168). When it became evident in the mid-1990s that the next enlargement round will include Cyprus (Corfu European Council 1994, 13; Essen European Council 1994, 14), and that the negotiations would start six months after the conclusion of Inter-Governmental Conference of

1996, Turkey's official reactions became pronounced.¹⁸ Immediately, after the March 1995 decision of the General Affairs Council which shed a green light on the beginning of accession negotiations with Cyprus, the Turkish Government called for Parliament in April 1995 to 'ratify a decision to integrate Northern Cyprus if the EU decided to take South in' (Uğur 2003, 168). Moreover, in a series of Joint Declarations on 20 January 1997, 20 July 1997 and 23 April 1998, the Turkish Government and the TRNC decided to further bilateral relations and 'gradual economic and financial integration and partial integration on security, defense and foreign policy matters' (Müftüler-Baç and Ege 2005, 288).¹⁹ Similarly, 'support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council Resolutions' stipulated as a condition for the advancement of Turkey–EU relations in the Luxembourg Summit conclusions (European Council 1997, para. 35) created such bitterness on the fate of Turkish–EU relations that the then Prime Minister Mesut Yılmaz enunciated the wish to go ahead with the policy of integrating Northern Cyprus (Uğur 2003, 168).

Despite Turkey's official position, the Helsinki Conclusions in 1999 presented a linkage between the Cyprus issue and Turkey's EU accession process by stating that the pre-accession strategy for Turkey 'will include enhanced political dialogue, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights, as well as on the issues referred to in paragraphs 4 and 9(a)' (European Council 1999, para. 12).²⁰ In other words, Turkey would be assessed by the EU in its progress towards the settlement of the Cyprus issue. However, it was not clear if the expectation from Turkey was to resolve the conflict eventually or support UN efforts in the settlement of the issue whether or not a successful conclusion is reached. Moreover, another historic decision of the Helsinki Summit was the possibility of Cyprus membership even 'if no settlement has been reached by the completion of negotiations' while acknowledging the fact that 'a political settlement will facilitate the accession of Cyprus to the EU (European Council 1999, para. 9b). Hence, the Helsinki conclusions included two detrimental possibilities for the advancement of Turkey–EU relations: first, the veto power of Cyprus as a member state on the fate of Turkey's EU aspirations even without a resolution of the dispute; and, secondly, the conditionality power of the EU on Turkey to settle the Cyprus issue before becoming a member. This reading of the Helsinki conclusions implies that the Turkish official position on rejecting the idea of any explicit conditions concerning the Cyprus issue could not find any resonance in EU discourse, and the threats by Turkish governing elites of integrating with northern part of the island – if the EU admits Cyprus as a member without a resolution – were not taken into consideration by the EU.

In line with this EU policy of linking the Cyprus issue with Turkish accession process, the first Accession Partnership document submitted to Turkey in 2001 included the short-term expectation that Turkey should 'support the UN Secretary General's efforts to bring to a successful conclusion the process of finding a comprehensive settlement of the Cyprus problem' (Council of the EU 2001). This conditionality for membership has led Turkey to support the 'Plan for a comprehensive settlement of the Cyprus problem' devised by UN Secretary General Kofi Annan in November 2002, and to the backing of a 'Yes' vote in the referendum which was held on 24 April 2004 island wide. Despite the support of the Turkish and Greek Governments and the Turkish Cypriot community's 64.9% majority vote in favour of the Annan Plan, the Greek Cypriot community rejected it with a 75.8% majority.

Otherwise said, in terms of universal suffrage on the whole of the island, the Annan Plan was rejected by 66.7% of all voters. The rejection of the settlement did not hinder Cyprus' accession process as envisaged in the Helsinki conclusions and, thus, it became an EU member in May 2004.

Cyprus' accession to the EU complicated EU–Turkey relations not only with the unambiguous conditionality of a settlement, but also with the demands of extending the Customs Union to Cyprus as well as the normalization of relations between Cyprus and Turkey. Upon an invitation from the EU Council in June 2004, an Additional Protocol extending the Ankara Agreement to the new member states was concluded on 29 July 2005 via an exchange of letters among Turkey, the EU Presidency and the Commission (Additional Protocol 2005). This was followed by a declaration by Turkey mostly highlighting the fact that this protocol 'would not amount in any form of recognition of the Republic of Cyprus', and a counter declaration by the EU underlining the importance of 'full, non-discriminatory implementation of the Additional Protocol, and the removal of all obstacles to the free movement of goods, including restrictions on means of transport' as well as the 'normalization of relations between Turkey and all member states' with a particular focus on the recognition issue. In fact, the EU declaration goes even further by stating that '[f]ailure to implement its obligations in full will affect the overall progress in the negotiations'. Despite the EU's insistence and Turkey's adoption of the Additional Protocol, Turkey's official position has been to block the opening of Turkish ports to Republic of Cyprus vessels and aeroplanes unless the EU took relevant steps to lift the embargo on the Turkish Cypriot community as elucidated in the Annan Plan. Due to Turkey's resistance to fully implement the Additional Protocol, the EU has decided to suspend negotiations in eight chapters and prevent any provisional closures, thereby bringing Turkey–EU relations to a grind. Since then every accession document underlines the linkage between Turkey's accession process and the Cyprus issue. According to the latest statement of conditionality as reflected in the final Accession Partnership, Turkey is expected to:

actively support efforts to implement the agreed 8th July process leading to a comprehensive and viable settlement of the Cyprus problem within the UN framework and in line with the principles on which the EU is founded, including concrete steps to contribute to a favourable climate for such a comprehensive settlement; implement fully the Protocol adapting the Ankara Agreement to the accession of the new EU Member States, including removal of all existing restrictions on Cyprus-flagged vessels and vessels serving the Cyprus trade; take concrete steps for the normalisation of bilateral relations between Turkey and all EU Member States, including the Republic of Cyprus, as soon as possible. (Council Decision of 18 February 2008)

NATO–EU cooperation and divide: the role of the Cyprus issue?

A concise history of NATO–EU cooperation

The NATO–EU relationship became pronounced with the onset of the CSDP at the Franco-British St. Malo Summit of 3–4 December 1998, where Tony Blair and Jacques Chirac advocated an autonomous political and military capability for the EU. The Anglo-French declaration focused on a NATO-first approach by stating that EU's military functions would be limited to operational areas where the 'Alliance as a whole is not engaged' and that the 'Alliance is the foundation of the collective defence of its members' (Rutten 2001, 8–9). The NATO, which has been developing

a 'European Security and Defence Identity (ESDI)' within the Alliance since 1994, has paradoxically welcomed the EU's resolve for an autonomous defence policy.²¹ Despite this acknowledgement reflected in the Washington Summit Communiqué of 24 April 1999, NATO leaders also reaffirmed the commitment to the ESDI within the Alliance by reinforcing the Brussels–Berlin arrangements of cooperation between the Western European Union (WEU) and NATO. In other words, NATO/ESDI and EU/CSDP emerged from the Washington Summit of NATO as different policies evolving on separate tracks. In the case of EU/CSDP, NATO leaders decided on two focal guiding principles of the Alliance's connection to the EU: the involvement of non-EU European Allies [Norway, Turkey, Poland, Hungary, Czech Republic and Iceland] in EU-led operations and the ready access by the EU to NATO's assets and capabilities (NATO 1999, para. 9–10), without uttering any clarifications on the modalities. In the aftermath of the June 1999 Cologne Summit which borrowed much of the language of the St. Malo agreement in declaring the official launch of the CSDP, subsequent EU Summits (European Council meetings in Helsinki in 1999, Santa Maria de Feira and Nice in 2000 and Laeken in 2001) and North Atlantic Council (NAC) meetings between 1999 and 2002 devoted a considerable portion of their agenda to setting the modalities and removing all the obstacles in the implementation of these two major principles which were vaguely defined at the Washington Summit.²²

The formal framework of cooperation between the EU and NATO referred to as an obligatory follow-up work, the aforementioned European Council meetings could not be concluded due to Turkey's objections grounded in the loss of the privileged rights of participation to the decision-making and operational activities of the WEU as an associate partner; the danger that the CSDP could be used in Turkey's immediate vicinity without Turkey's involvement or consent; as well as the possibility that Cyprus may take part in EU operations as an EU member (Missiroli 2002, 17; Özen 2002, 248). In order to withdraw its veto, Turkey pressed for assurances that the EU force would not intervene in any crisis in Turkey's immediate neighbourhood. Turkey was finally convinced in December 2001 by the USA and the UK to accept the agreement defining the modalities of EU–NATO institutional cooperation, on the condition that the disputes between NATO allies and the international conflicts involving the UN would remain outside the scope of EU missions and in the case that 'if crises occurred in the "geographic proximity" of the European allies and affected "their national security interests" ... the EU Council would engage in "dialogue and consultation" with them and "take into consideration" their position' (Hofmann and Reynolds 2007, 2; Missiroli 2002, 21–2; Özen 2002, 249). This compromise with Turkey, reflected in the so-called 'Ankara Document', which came to be referred to as the 'Nice Implementation Document', was approved with all the additional modalities of NATO–EU cooperation at the EU Summit in Brussels in October 2002.²³ In line with the referral in paragraphs 18 and 22 of the Presidency Conclusions, the political principles underlying EU–NATO relationship were set out in the 'EU–NATO Declaration on ESDP' adopted on 16 December 2002 (Black 2002; Gherghisan 2002; Terzi 2004, 106–7; Spiteri 2002). The above arrangements reflected in the Washington Communiqué, Nice Implementation Document and EU–NATO Joint Declaration were all compiled within the comprehensive framework for EU–NATO permanent relations that were concluded by the EU's High Representative and NATO's Secretary General on 17 March 2003 through a classified exchange of letters.²⁴

The Berlin plus arrangements that were finally adopted after almost five years of tough negotiations set out two major modalities regarding the *involvement* (of non-EU European allies in EU-led operations) as well as *assured access* (to NATO's assets and capabilities by the EU) issues. In this context, non-EU NATO members have the right to participate in EU-led operations using NATO assets and capabilities, whereas they will be invited to take part by a unanimous decision of the Council to EU-led operations not requiring recourse to NATO assets and capabilities. Moreover, non-EU European allies are entitled to a consultation with the EU if the operation will be conducted in their geographic proximity or may affect their national security interests, which would culminate in a decision regarding their participation (Council of the European Union, 2002a, Annexe II, para. 11–2). The final decisions on NATO–CSDP cooperation have also given the EU guaranteed access to NATO's planning capacity, while at the same time allowing it to request that NATO makes available a NATO European command option – with Deputy Supreme Allied Commander Europe (DSACEUR) being the primary candidate as well as the use of other pre-identified NATO assets and capabilities.

The Berlin plus arrangements have also affirmed three key principles of the linkage between NATO and CSDP. The first pointed out the *non-use of CSDP among NATO allies*, by suggesting that 'under no circumstances, nor in any crisis, will ESDP be used against an Ally, on the understanding, reciprocally that NATO military crisis management will not undertake any action against the EU or its Member States' (Council of the European Union 2002a, Annexe II, para. 2). Secondly, the *non-inclusion of non-NATO members or partners* was confirmed as a guiding principle, mostly invented to alleviate Turkey's objections, by stating that 'Berlin plus arrangements and the implementation thereof will apply to those which are also either NATO members or parties to the Partnership for Peace, and which have consequently concluded bilateral security agreements with NATO' (Council of the European Union 2002b, Annexe II, para. 1). A *NATO-first approach* as the third principle underlying the philosophy of CSDP reveals that the Berlin plus arrangements will be used where 'NATO as a whole is not engaged' (NATO 1999, para. 9a) and that 'the actions and decisions [the member states] undertake within the framework of EU military crisis management will respect at all times all their Treaty obligations as NATO allies' (Council of the European Union 2002a, Annexe II, para. 2). This last principle is best underlined by Howorth (2009, 100): 'there was much talk of NATO's right of first refusal by which was very explicitly meant restrictions on what the EU could undertake and decide until the issue had been first debated within NATO'.

The NATO–EU divide and the Cyprus issue

With the Berlin plus arrangements in force, the first EU-led operation with recourse to NATO's assets and capabilities was *Operation Concordia/FYROM* conducted in the Former Yugoslav Republic of Macedonia between 31 March and 15 December 2003. The second and the final operation that has been conducted since December 2004 within the Berlin plus framework is *Operation Althea/BiH* in Bosnia-Herzegovina which replaced the NATO's *SFOR* mission in accordance with the conclusions of NATO's Istanbul Summit of 2004.²⁵ Tasked with ensuring a stable and secure environment in both operations, the EU had access to NATO's strategic, operational and tactical planning under the command of SACEUR, and received non-EU European

allies' military contributions. As reported in the Turkish General Staff's official website, the Turkish Armed Forces, for instance, 'contributes to Operation Althea, with one infantry company, one gendarmerie company and eight liaison/observation teams totalling 292 personnel'.²⁶ Alongside military operations, one immediate operational outcome of NATO–EU cooperation was the conduct of a joint EU–NATO crisis management exercise (CME-CMX03) in November 2003 (Assembly of the Western European Union 1999).

Despite this early record of operational capacity, EU–NATO relations entered into a phase of 'frozen conflict' in 2004 (Hofmann and Reynolds 2007, 1). The first visible signs of trouble can be found in the non-recourse to NATO's assets and capabilities by the EU for missions other than Concordia and Althea. This implies that only two out of the eight military operations (ongoing and completed) have been conducted within the Berlin plus framework. Limited official communication is a second indication that NATO–EU cooperation has been suffering from near paralysis. Formal meetings between the North Atlantic Council of NATO and Political and Security Committee of the EU can, currently, only take place with a narrow agenda of Operation Althea and without the participation of Cyprus which does not have any security agreement with NATO. In other words, issues other than Berlin plus, such as terrorism, Afghanistan or Kosovo cannot be discussed in NATO–EU platforms; thereby, rendering the progress of the so-called strategic cooperation ineffectual (Buharalı 2010, 3; Dempsey 2010; Cebeci 2012, 100; Keohane 2006). A final sign that NATO–EU cooperation has led to a divide, is the fact that two institutions cannot share classified information, as has been the case in Kosovo, Afghanistan and Somalia (Assembly of the Western European Union 1999). Accordingly, NATO forces cannot rescue EU police trainers in Afghanistan if they come under attack, because of the lack of information sharing modalities as argued by Taşpınar (2010).

As admitted by NATO Secretary General Rasmussen in his visit to Turkey in 2009, the unresolved Cyprus issue and the divided status of the island have created this deadlock in NATO–EU cooperation since the accession of Cyprus to the EU in 2004. Rasmussen has robustly claimed that 'unless and until the Cyprus dispute is resolved, there is little chance of a big improvement in NATO's relations with the EU'.²⁷ Indeed, since the accession of Cyprus to the EU, the progress in NATO–EU security cooperation has been subject to double vetoes by Turkey and Cyprus. Turkey objects to NATO's conclusion of a security agreement with Cyprus, comprising an arrangement for its inclusion in NATO's Partnership for Peace (Cebeci 2012, 100; Dursun-Özkanca 2010), thereby blocking the participation of Cyprus in CSDP missions conducted with recourse to NATO assets and capabilities. On the other hand, Cyprus refuses to approve the implementation document that would associate Turkey to the European Defence Agency (EDA) (Cebeci 2012, 100; Dursun-Özkanca 2010). From the official Turkish perspective, the implementation document was a case of *pacta sunt servanda*, since the Joint Action Document of EDA has included a promise on the enactment of the arrangements of cooperation between Turkey and EDA, based upon Turkey's rights as a full member to EDA's predecessor, the Western European Armament Group within the WEU which was terminated in June 2005.²⁸ Moreover, the EU's conclusion of a security agreement with Turkey for exchanging classified information as well as 'negotiations on any issue other than the Berlin plus operations in the absence of itself and Malta' has been blocked by Cyprus (Cebeci 2012, 100).²⁹ Thus, there is a direct correlation between the Cyprus issue and the NATO–EU divide, which is best phrased by Dempsey (2010):

‘Since 2004, when the EU reneged on its own principles not to admit Cyprus until the island’s status was resolved, the Cyprus–Turkey dispute has become one of the most debilitating and intractable issues inside and between NATO and the EU, say diplomats from both organizations’.

Resolving the Cyprus issue: the panacea for intersecting deadlocks?

The unresolved nature of the Cyprus issue has been alleged as the major cause both for the deadlocks in the NATO–EU and the Turkey–EU relationships *per se*, and the entwined nature of the Turkey–EU–NATO triangle. In other words, while the Cyprus issue has resulted in blocked EU–Turkey accession negotiations, Turkey will be wary of the further evolution of its CSDP. While acknowledging the fact that the Cyprus issue has been the focal point of gridlock between Turkey, the EU and NATO, and that its resolution would lift a major stumbling block, the question still remains: is the Cyprus issue the only game in town?

Squaring the circle in EU–Turkey relations

Despite the many arguments pointing to Cyprus as the ‘biggest single obstacle to Turkey’s EU hopes’, the Cyprus issue on its own did not cause the paralysis in Turkey–EU relations.³⁰ Instead, various dynamics have been at play both in Turkey and Europe culminating in a slowdown in Turkey’s EU accession process that should have advanced further than it has to date with the opening of the accession negotiations.

Since the suspension of the negotiations, domestic political upheavals in Turkey turned the EU into a ‘non-issue’, thereby bringing the miraculous democratic reform process almost to a standstill (Ulusoy 2008b, 53). Military warnings as in the case of the e-memorandum of April 2007, power struggles regarding the headscarf issue, political party closure cases and, finally, the ongoing domestic political impasse created by the investigations and trials of retired or incumbent members of Turkish Armed Forces over the *Sledgehammer* and *Ergenekon* cases, alleged by the Commission as ‘coup plans’ against the current government (European Commission 2011, 6–7) have created an intuition in European circles that Turkey lost its momentum for further progress in its membership aspirations. This negative impression deriving from the current political stand-off was also perplexing with the government’s lack of enthusiasm for the EU project in general and the reform process in particular. The AKP government’s reluctant EU policy was apparent in its hesitancy to abolish article 301 of the Penal Code in order to enhance the freedom of expression; in the reservations to the implementation of broadcasting in one’s mother tongue as endorsed on 3 August 2002; in the non-responsiveness to the third accession partnership in the form of a national programme; and, finally, in the decision to appoint the Minister of Foreign Affairs as the chief negotiator on 3 June 2005, thereby making EU affairs one of the many elements of a complicated foreign policy agenda (Acikmese 2010, 146; Ulusoy 2008b, 55). Moreover, the lack of enthusiasm to the EU integration process was also manifested at the societal level in Turkey. According to the Autumn 2010 Eurobarometer survey, only 42% of Turkish citizens supported thought that accession to the EU was a good thing (–19 points since 2005). This negative attitude by both the government and the public at large was not solely based on the outcome of domestic political circumstances; it also emanated from the unenthusiastic sentiments of the Europeans.

It was around the time of the start of negotiations that the leaders of centre-right parties in Germany and France, Angela Merkel and Nicholas Sarkozy, formed a grand coalition in favour of a privileged partnership for Turkey as an alternative to EU membership (İçener 2007; Yılmaz 2009b). Accordingly, 'whatever we do, they will not let us in' sentiments gained momentum across Turkey, thereby decreasing the leverage of the EU accession process as a priority objective for Turkey. Moreover, the EU's preoccupation with its existential crises of enlargement fatigue, deepening in the form of a constitutional treaty as well as the economic recession in the eurozone were the main reasons why the EU could not attach any priority to ameliorate the paralytic situation in Turkey's EU accession process (Tocci 2007, 14; Valasek 2007).

In this context, since 2005 the Turkish and European milieus have not been conducive to the progression of Turkey–EU relations. The relevance of endogenous and exogenous factors other than the Cyprus issue on Turkey–EU relations is acknowledged by Öniş (2008, 42): 'Cyprus was being used to place yet another obstacle in the path of Turkey's full membership, the important point being that the Cyprus issue was in itself not critical and was being used as an instrument of exclusion'. In other words, putting all the blame on the Cyprus issue is the easiest argument to justify the non-progression in Turkey–EU relations. Despite the fact that the opening of ports to Greek Cypriot vessels, the normalization of relations with Cyprus, or even the resolution of the enduring dispute would have lifted a major obstacle in Turkey–EU relations, removing all domestic resistance, preparing the EU for absorbing Turkey and alleviating fears arising from Turkey's potential EU membership would not be any tasks ahead. Thus, squaring the circle in Turkey–EU relations would not merely be possible through any positive linkage to the Cyprus issue.

Overcoming the impasse in NATO–EU relations

Madeleine Albright's famous non-3D – no discrimination, no duplication and no decoupling – approach was initiated as a US response to the St. Malo Summit with the statement that 'any initiative must avoid pre-empting Alliance decision-making by *de-linking* ESDI from NATO, avoid *duplicating* existing efforts and avoid *discriminating* against non-EU members' (Hunter 2002, 33–4).³¹ As the modalities of cooperation progressed between NATO and the EU, it became evident that Cyprus was not the only reason for the current impasse in bilateral institutional relations, which have also been suffering from the reversal of the non-3D approach.

By concentrating on the possibility of *discrimination*, the USA was trying to preserve the right of every NATO member – notably Turkey – to participate in CSDP fully. However, according to Turkey's official position, the 'EU's treatment of non-EU Allies in the context of CSDP activities is far from the remit and the philosophy of the Nice European Council's Presidency Conclusions (2000) and its implementation document (Nice Implementation Document of 2002)'.³² Turkey's non-inclusion in EDA structures or the lack of consultation with Turkey when the EU launched its operations in Georgia and Iraq, as opposed to the Berlin plus promise that non-Allies would be consulted and their concerns would be taken into consideration are clear signs of departure from the no discrimination principle (Buharalı 2010, 7; Cebeci 2012, 101). By emphasizing the issue of *no duplication*, Washington was warning the Europeans not to build military structures in addition to their NATO forces. However, the proposal of Germany, France, Belgium and

Luxembourg in 2003 for creating a permanent operational headquarters as an EU-SHAPE and the inclusion of a collective defence clause within the EU's Lisbon Treaty of 2009 (Article 41) as an EU-Article V (Heisbourg 2004, 62) are all indications to the opposite. Behind US concerns about *decoupling* was also a fear that the CSDP initiative would lead to a decoupling of the security between the two sides of the Atlantic. In other words, the structures and processes within CSDP would end up competing with NATO and eventually lead to a weakening of the Atlantic Alliance. The case of separate EU and NATO operations for providing airlift support to the African Union Mission in the Darfur region of Sudan since 2005, and the lack of communication on the ground are signs of the EU's decoupling from NATO, as opposed to the original philosophy of complementarity. The decoupling effect, and its connection to the NATO–EU deadlock, has also been pointed out by Cebeci: 'the major reason behind the current stalemate is the tendency of some EU Member NATO Allies, led by France, to increase the autonomy of the CSDP' (Cebeci 2012, 94). Thus, in accordance with this argument, overcoming the impasse in NATO–EU relations would not only be possible solely with a resolution to the Cyprus issue, and would necessitate a challenging effort to overcome the reversals in the 3D approach.

Conclusion – lacking the courage to dare

This article has tried to reflect on the importance of the Cyprus issue on Turkey's relations with both the EU and NATO. The linkages are undeniable yet the Cyprus issue or more particularly the state of relations or lack thereof between Turkey and the Republic of Cyprus define to a large degree both Turkey's EU accession process and the proper functioning between the EU and NATO. As we have tried to show, the momentum created by the December 2002 Copenhagen Summit and the start of negotiations in October 2005 was soon lost in the complexities of the Cyprus question and the inability to resolve it. Similarly, the accord on the Berlin plus arrangements in 2002 has been the high point of cooperation between the EU and NATO given Turkey's Cypriot tangle. Nevertheless, the Cyprus imbroglio cannot be construed as the sole impediment to Turkey's aspirations. Other factors such the rationale behind support for a strategic partnership by major centre right political forces in the EU, coupled with enlargement fatigue, the economic cum sovereign debt crisis and continued recession in a large part of the Union's member states including the challenges to the EU's perceptions of security posed by the Arab Spring are all co-determinants of Turkey's accession path. Also, relevant is Turkey's own perception about its orientation and role.

The positive agenda in EU–Turkey relations which was launched in May 2012 with its emphasis on enhanced cooperation in areas of mutual interest is an interesting approach to ensure that complete paralysis sets in; nevertheless, the 2012 Progress Report on Turkey does not leave much room for optimism as it states, inter alia, that: 'concerns are growing regarding Turkey's lack of substantial progress towards fully meeting the political criteria'. (European Commission 2012) Also, the rift with Cyprus and the EU has widened with Cyprus holding the EU Presidency during the second half of 2012 with which Turkey has decided to freeze relations 'including abstaining from meetings chaired by the Cyprus EU Presidency'. Furthermore, the discovery of hydrocarbons around Cyprus has also further exacerbated tensions between Turkey, Cyprus and the EU.

In the NATO context, the lull very much continues given the lack of any substantive breakthrough at either NATO's Lisbon Summit of November 2010 or the Chicago Summit in May 2012. The relevant paragraphs of the Summit Declarations (para. 11 for Lisbon and para. 20 for Chicago) are nothing more than declarations of good intentions regarding NATO–EU cooperation. As one takes stock of the 60 years that Turkey has been a member of the Atlantic Alliance, the need for a Turkey firmly imbedded in NATO is a necessity for the security of both.

The conclusion that ultimately emanates from this assessment of the EU–NATO–Turkey triangle and the rationale for it is that Turkish membership in the EU would resolve the deadlock over NATO–EU relations. This implies that the overcoming of the state of non-relations between Turkey and Cyprus would go a long way into redressing the trilateral relationship that has been the core subject of this article and alleviate all three from the scepticism that defines their relations to date. Dursun-Özkanca (2010) lucidly presents Turkey's predicament: 'With the opening of accession negotiations in October 2005, Turkey's uneasiness with an autonomous European security infrastructure developing outside of NATO was initially alleviated ... As long as prospects for EU accession remains low, Turkey will most likely remain skeptical of any autonomous CSDP initiatives and continue preferring a central role for the EU'.

Lacking the courage to dare and challenge the sclerosis of their often repeated positions and mental maps at a time of a rapidly evolving regional and global environment implies that the impasse will probably be a subject of study for some time to come to the detriment of rational foreign policy and security considerations by Turkey, the EU and NATO. Resolving the Cyprus conundrum would go a long way toward untying the Gordian knot that binds the trilateral relationship in focus.

Notes

1. For the purposes of this article, the two communities on the island are referred to as the Greek Cypriot community and the Turkish Cypriot community. At times, the terms 'Greek Cypriots', 'Turkish Cypriots', the 'Republic of Cyprus', 'TRNC' and 'Northern Cyprus' are also used. Notwithstanding the sensitivities that are attached to these terms, the authors have used the aforementioned terms for reasons of expediency and clarity, and reserve their right for scholars to use them as they see fit in the text.
2. Professor Akgün: Cyprus conflict could interrupt Turkey's EU accession. *Sunday's Zaman*. 4 January 2010.
3. See <http://www.timeturk.com/tr/2010/11/13/talat-turkiye-ab-ye-giremez.html>.
4. CSDP is the acronym for Common Security and Defence Policy as transformed from European Security and Defence Policy (ESDP) in EU's Lisbon Treaty of 2009.
5. http://www.mfa.gov.tr/iii_-turkey_s-views-on-current-nato-issues.en.mfa.
6. Article 28 of the 'Agreement Establishing an Association Between the European Economic Community and Turkey' of 1963 (Ankara Agreement) stated: 'As soon as the operation of this Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community'.
7. The Customs Union between Turkey and the EC was finalized at the EC–Turkey Association Council meeting on 6 March 1995. See Decision No 1/95 of the EC–Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union. *Official Journal L 035, 13/02/1996: 1–47*.

8. Murat Karayalçın, the Minister for Foreign Affairs at the time, stated that ‘... the Customs Union represents a reaffirmation of the objective of Turkey’s full membership in the EU, thus it is not a substitute, but a stepping stone towards full membership’. Quoted from the minutes of the 35th meeting of the EC–Turkey Association Council, 1994, p. 28 by Arıkan (2006, 85).
9. For the dynamics of change from Luxembourg to Helsinki, see Eralp (2000), Muftuler-Bac and McLaren (2003), Onis (2000).
10. For the definition of ‘harmonization package’, see *Political Reforms in Turkey* (2007). Ankara: Secretariat General for EU Affairs, 4. For the reform process, see Acikmese (2010).
11. *The death penalty*, not carried out since 1984 in Turkey, was abolished in the third harmonization package of 9 August 2002 except in times of war and the imminent threat of war as well as the crimes of terrorism. It was with the sixth harmonization package that entered into force on 19 July 2003 that the death penalty was abolished in all cases including crimes of terrorism in line with the Protocol 6 of the European Convention on Human Rights ratified by Turkey on 12 November 2003. The constitutional amendments of 7 May 2004 also removed the expressions of death penalty from the text of the relevant articles. Within the context of *freedom of expression*, the most salient steps were the reduction from 6 to 3 years as the upper limit of sentences as well as the minimum penalty from one year to six months for persons who openly insult or deride Turkishness in the first and seventh harmonization packages of 19 February 2002 and 7 August 2003, respectively, the abolition of the ‘fines stipulated for praising a criminal act, calling for disobedience to the law or inciting hatred on the basis of class, race, religion, sect or territory’ in the first harmonization package, and, finally, the right of press not to reveal its sources of information ‘safeguarding the fulfilment of the function of press in a democratic society and the right of the public to be informed’ in the fourth package of 11 January 2003. The third harmonization package introduced the *right of broadcasting in and learning of the different languages and dialects* traditionally used by Turkish citizens. In this context, Article 4 of the Law of Radio and Television Enterprises and the Law on the Foreign Language Teaching Education were amended. Finally, the prevailing demand of the EU was to provide *civilian control over the military* by way of changing the composition of the NSC, incorporating more civilians and a civilian Secretary General as well as aligning its role as an advisory body to the Government in accordance with the practice of EU member states. Accordingly, the Turkish Parliament passed a seventh reform package on 7 August 2003, changing the structure, composition and working procedures of the NSC. The government also appointed a new civilian Secretary General of the Council in August 2004 and introduced new rules of conduct for accountability and transparency.
12. According to the paragraph 19 of the Copenhagen Presidency Conclusions (Council of the European Union 2002b), ‘if the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay’.
13. For more interpretations of the Negotiating Framework, see Aydın-Düzgüt (2006, 6–13).
14. The EU on collision course with Ankara over membership. *Guardian*, 30 November 2006.
15. The Science and Research Chapter was opened and provisionally closed in June 2006, during the Austrian Presidency.
16. These chapters are: Chapter 1: free movement of goods; Chapter 3: right of establishment and freedom to provide service; Chapter 9: financial services; Chapter 11: agriculture and rural development; Chapter 13: fisheries; Chapter 14: transport policy; Chapter 29: customs union; and Chapter 30: external relations. Paragraph 10 of the Presidency Conclusions of the 14–15 December 2006 Summit states that ‘the European Council endorses the conclusions on Turkey adopted by the Council (GAERC) on 11 December 2006’. Thus, the modalities for the non-opening and non-closing of chapters were decided at the General Affairs Council of 11 December 2006 (Council of the European Union 2006).
17. For the quote, see Finland warns Ankara over Cyprus deadline, *Euractiv.com*, 30 June 2006, at <http://www.euractiv.com/enlargement/finland-warns-ankara-cyprus-dead-news-216729>.

18. For a detailed account of the early years of Cyprus' accession process, see Nugent (2000).
19. For the declarations, see <http://www.mfa.gov.tr/kibris-tarihce.tr.mfa>.
20. Article 9(a) reads: 'The European Council welcomes the launch of the talks aiming at a comprehensive settlement of the Cyprus problem on 3 December in New York and expresses its strong support for the UN Secretary-General's efforts to bring the process to a successful conclusion' (European Council 1999).
21. At its 1994 Brussels Summit, NATO launched ESDI which involved both NATO and the WEU, and marked the creation of the military instrument underpinning this project – The Combined Joint Task Forces (CJTFs). The concepts of ESDI and CJTFs were further elaborated at the Berlin Ministerial in 1996. According to the Brussels and Berlin arrangements, ESDI within NATO is based on the idea of 'separable but not separate capabilities' from the Alliance. In other words, NATO's assets and capabilities would be made available to the WEU – the agent of ESDI – in operations that do not involve the US, on a case-by-case basis. Moreover, the conduct of a WEU operation that drew upon the resources of the Alliance – CJTFs – was made strictly conditional on the approval of the North Atlantic Council. However, ESDI within NATO was replaced with CSDP after its initiation within the EU framework. (Cornish 1996; Howorth 2009; Özen 2002; Puig 1998; Schmidt 2000).
22. For brief accounts of the decisions taken at these Summits on CSDP, see Whitman (2004, 435–40) and Acikmese (2004).
23. The Nice Implementation Document is included in Annexe II (ESDP: Implementation of the Nice Provisions on the Involvement of the non-EU European Allies) to the Presidency Conclusions. For the Presidency Conclusions, see Council of the European Union (2002a).
24. See *EU–NATO: The framework for permanent relations and Berlin plus*, at <http://www.consilium.europa.eu/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf>.
25. For more information on these operations and their mandate, see Council of the European Union (2003, 2004a).
26. http://www.tsk.tr/ing/4_international_relations/4_1_contribution_of_turkish_armed_forces_to_peace_support_operations/contribution_of_turkish_armed_forces_to_peace_support_operations.htm.
27. Turkey, Cyprus and NATO: Fogh in the Aegean, NATO's secretary-general seeks better ties with the EU. *The Economist*. September 10, 2009.
28. For this official perspective, see http://www.mfa.gov.tr/iii_-turkey_s-views-on-current-nato-issues.en.mfa.
29. Malta reactivated its PpF membership in April 2008, thus became an official part of Berlin plus mechanisms.
30. A fading European dream: will Turkey ever join the EU? *The Economist*, October 21, 2010 at <http://www.economist.com/node/17276372>.
31. Emphasis is given by the authors.
32. http://www.mfa.gov.tr/iii_-turkey_s-views-on-current-nato-issues.en.mfa.

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