The Next EU Enlargement and 'The Cyprus Problem'

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I. Introduction

In March 1998 the EU opened accession negotiations with six applicant states: five Central and Eastern European countries (CEECs) - the Czech Republic, Estonia, Hungary, Poland and Slovenia - and Cyprus. Most academic attention has focused on the CEECs, but EU practitioners regard the Cyprus application as being the most difficult. This is because of the so-called 'Cyprus problem': that is, the division of the island into Greek and Turkish zones and the political ramifications and security tensions that are associated with the division.

This paper examines the Cypriot application and places it in the context of the enlargement process as a whole. The paper is organised into five sections: the background to the current enlargement round; the nature of the Cyprus problem; the difficulties for the EU with Cyprus's application; the handling and progression of the application; and the possible scenarios for Cyprus and the enlargement process if the Cyprus problem is not resolved before accession negotiations conclude.

II. The Background to the Current Enlargement Round

Between April 1987, when Turkey applied, and January 1996, when the Czech Republic and Slovenia applied, nineteen countries submitted applications to join the

EC/EU. Three of these applicants became EU members in 1995 - Austria, Finland and Sweden. The other applications have experienced contrasting fortunes: Morocco's application was rejected by the Council of Ministers in October 1987 because Morocco is not a European state; Switzerland and Norway have suspended their applications following unfavourable referendum results - in Switzerland's case on European Economic Area membership in 1992 and in Norway's case on the EU accession terms negotiated by the government in 1994; Malta suspended its application following a change of government in 1996, reactivated it following another change in 1998, and is currently awaiting a decision as to when negotiations can begin; Turkey's application remains on the table, but it is not regarded by most EU decision-makers as being realistic or potentially acceptable in the foreseeable future; five CEECs - Bulgaria, Latvia, Lithuania, Romania, and Slovakia - have been told that they are not quite ready to open negotiations, although this decision is subject to periodic review; and - as already noted - negotiations have opened with five CEECs and Cyprus.

The countries with which negotiations are underway are those that are deemed to be most likely to meet the entry criteria by the early-to-mid 2000s. The fullest official pronouncement on what the criteria are was made by the European Council at its June 1993 Copenhagen meeting:

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership

presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries. (European Council, 1993, p.12; on the criteria, see also Avery and Cameron, 1998)

All of the CEECs, including those that are negotiating membership, are having to make major advances and changes to meet these criteria: economies are having to be rapidly modernised and developed (the wealth of the ten CEEC applicants averages around 40 per cent of EU wealth, with the range stretching from around 65 per cent in Slovenia to 25 per cent in Bulgaria); legal frameworks are having to be virtually re-written (to become an EU member a state has to accept 20,000 or so legal acts covering 80,000 pages of the *Official Journal*); and administrative and judicial systems are having to be overhauled (so they have the capacity to implement the EU *acquis*).

The prospect of CEEC accessions has also created major problems for the EU. It has done so because enlargement to CEECs has been seen as requiring major EU policy and institutional reform. The traditional EU manner of dealing with accessions - modestly adjusting existing policy and institutional frameworks, and accommodating new members within them - was judged by EU member governments from an early stage of the CEEC enlargement process to be no longer possible or desirable. On the policy side, this was largely because the application of some existing policies -

especially the Common Agricultural Policy (CAP) and the structural policies - to the CEECs would require a significant expansion of the EU budget, which most member states were not prepared to entertain. On the institutional side, modest adjustment and accommodation was ruled out for two reasons. First, some EU institutions, notably the Commission and the European Parliament (EP), were viewed as already being large enough and as not being capable of absorbing a large wave of additional members without seriously undermining their efficiency and effectiveness. Second, the larger member states wanted a re-distribution of votes in the Council so that in the postenlargement Council national voting strengths would be more proportionate to country size.

Both of these challenges - the policy and the institutional - have been the subject of extensive attention by EU policy actors since the mid-1990s. The policy challenge has been channelled mainly via the *Agenda 2000* programme, which became the focus of numerous rounds of negotiations in the Council following the issuing of recommendations for major policy reforms by the Commission in July 1997 (European Commission, 1997). After almost two years, the *Agenda 2000* process produced agreement on a number of significant policy reforms - including to the CAP and the structural policies - at the March 1999 Berlin European Council meeting (European Council, 1999). The institutional challenge was supposed to be resolved in the framework of the 1996-7 Intergovernmental Conference (IGC), but in the event it was only partly so. Agreement was reached on capping the size of the EP at 700, but on the most difficult issues - the size of the Commission and voting weights in the Council after enlargement - only the outlines of a future possible agreement could be agreed in a protocol annexed to the EU's treaties (Official Journal, 10 November 1997).

By contrast with the problems raised by the CEEC applications, the Cypriot application is - the Cyprus problem apart - reasonably straightforward. The Republic of Cyprus, in whose name the application is made, is in a position to meet virtually all of the Copenhagen criteria without too much difficulty: it is a micro state (with a population of only 620,000), so can easily be absorbed by the EU; it has a well established democratic system in which the rule of law prevails and human rights are respected; and it has a long established, and increasingly successful, market-based economy (GDP per head is approaching 70 per cent per cent of the EU average, making it the most prosperous of the countries with which accession negotiations have been opened). The Republic still has work to do before it comes fully into line with the EU *acquis* - it has, for example, been informed by the Commission that industry and tourism require further restructuring - but the necessary changes and adjustments are mostly in hand and certainly do not constitute insuperable barriers to membership.

But many important EU policy actors, not least in some national governments, believe that the Cyprus problem does constitute a potentially insuperable barrier to membership. The French in particular have taken this view, with the Foreign Minister, Hubert Védrine, stating on the opening of accession negotiations in March 1998 that whilst it was correct to start negotiations it would be a 'mistake' to grant EU membership to a divided country (European Report, 1998a, section V, p. 15). On the eve of the movement of the negotiations from their opening stage to substantial negotiations in November 1998, the French were instrumental in putting together a declaration with the German and Dutch governments, that was subsequently supported by the Italian government, which stated that a political solution to the division and partial occupation of the island must be found as a matter of urgency as the only way

to resolve problems that would arise in the acceession process (Cyprus News Agency, 1998; see also European Report, 1998b, sectionV p.10)

The concern of the French and other governments is not just that the Cyprus application is a problem in itself. It is also that the application could threaten both the enlargement process as a whole and the EU's relations with Turkey.

III. The Nature of the Cyprus Problem

At the heart of the Cyprus problem is the fact that the island is divided into two zones. It has been so since 1974 when Turkey - responding to a right-wing coup that was engineered by the Greek military junta in Athens against the then Cypriot President, Archbishop Makarios - occupied the northern part of the island. The line of division between the two zones - known as The Green Line - has been overseen and patrolled by United Nations forces since 1974.

The southern, Greek, zone, which covers two thirds of the island, constitutes the Republic of Cyprus. Its government is internationally recognised, apart from by Turkey, as the sole legitimate representative of the island of Cyprus. The northern, Turkish, zone has called itself the Turkish Republic of Northern Cyprus (TRNC) since 1983. It is recognised only by Turkey, which has some 35,000 troops based in the zone, and it is highly dependent on Turkey for most of its basic needs.

Many attempts have been made since 1974 by third parties - most notably the UN, the EU, and national governments with a particular interest in Cyprus - to broker a settlement that would re-unite the island. Most of these efforts have been directed towards the sort of solution that has long been backed by the UN Security Council,

namely a settlement based on a Cyprus state with a single sovereignty and international personality, a single citizenship, and comprising two politically equal communities in a bi-communal and bi-zonal federation. (The latest Security Council resolution to affirm this position is 1217 of December 1998). The European Council has frequently expressed its support for a solution along these lines, most recently at its December 1999 Vienna meeting (European Council, 1999, p. 35)

The republic of cyprus is in favour of the UN-sponsored solution, but it has been clear since the proclamation of the TRNC that the only settlement Turkish Cyprus really wants is one based on a recognition of the existence of two separate sovereignties on the island. So, for example, in August 1998 the Turkish Cypriot leader, Rauf Denktash, proposed a settlement based on a 'Cyprus Confederation', but by this he meant a structure in which 'the Greek and Turkish sides are two sovereign and equal states, each with its own functioning democratic institutions and jurisdiction, reflecting the political equality and will of their respective peoples' (Denktash, 1998).

IV. The Difficulties for the EU with Cyprus's Application

The application of the Republic of Cyprus for EU accession is on behalf of the whole island of Cyprus. This is despite the fact that the authority of the Republic does not, in practice, extend to the north of the island, and despite the fact too that the leaders of Turkish Cyprus completely reject the legitimacy of the Republic's application.

The Republic has applied on behalf of the whole island because that is the territory over which it claims jurisdiction. It does not recognise the legality of, and certainly does not wish to see become permanent, the existing division into two zones.

To apply on behalf only of the territory it controls would be to undermine its claim to be the sole legitimate representative of the whole of Cyprus and could pave the way for the existing *de facto* division to become *de jure*.

From the EU's perspective, there are four main dimensions to the difficulties it has in dealing with the application from the Republic of Cyprus.

First, there is a moral/ethical dimension. Whilst all EU member states are sympathetic to the Republic's stance on the Cyprus problem, and no member state is contemplating recognising the TRNC, there is a degree of discomfort regarding the Turkish Cypriot position. In private, several member state governments are uneasy with at least one of the following: overriding the objections of Turkish Cyprus to the application that is, in effect, made on its behalf, the absence of Turkish Cypriot representatives from the accession negotiations; and the prospect of incorporating the whole of Cyprus - formally, if not practically - into the EU, when part of the island is vehemently opposed to such incorporation. On this latter point, it is recognised that when a state joins the EU there is usually a sizeable proportion of the population that is uneasy about, or is even opposed to, membership - as witnessed with the EFTAn accessions, when 34 per cent of Austrians, 43 per cent of Finns, and 47 per cent of Swedes voted in national referendums against acceding. However, the Cyprus case is seen as being significantly different by virtue of both the ethnically and geographically identifiable nature of the section of the population that is opposed to membership and by virtue too of the fact that the section in question wholly rejects the legitimacy of the national authorities that have initiated and are conducting the accession process.

Second, there is a practical dimension. To be able to fully judge a membership application and conduct accession negotiations the EU requires an enormous volume

of detailed information to be supplied by the applicant state. It also needs to be able to deal directly with relevant politicians and officials from the state. In Cyprus's case, detailed information can only be supplied by, and politicians and officials are only readily accessible in, the Greek zone. The self-styled TRNC is just not cooperating with the application.

Third, there is the Turkish dimension. The EU's relations with Turkey have been strained in recent years. Amongst the reasons for this are: a discouraging view taken of Turkey's EU membership application by the Commission in its Agenda 2000 documentation; occasional remarks by EU decision-makers to the effect that Turkey is not in the European tradition and cannot hope for EU membership; frequent criticisms made of Turkish human rights policy by EU politicians; and the withholding or delaying of EU funds intended for Turkey - usually because of either a Greek veto or EP concerns. The processing by the EU of Cyprus's membership application is adding to the strained relations, with Turkey objecting very strongly to the prospect of Cyprus becoming a member before it does so itself. The objection is based on a combination of factors, including the open snub that is taken to be implied in respect of its own application, the overriding of Turkish Cypriot views, and a recognition that once Cyprus is an EU member it will have a veto over both Turkey's application and certain EU funds that are directed to Turkey - a veto that, in respect of the membership application at least, Cyprus (along with Greece) will certainly exercise as long as the Cyprus problem remains unresolved.

The Cypriot application thus threatens the EU's ability to maintain good relations with Turkey. The EU is anxious to have such relations for both economic and political/security reasons. The main economic reason is that Turkey is a significant

trading partner. The political/security reasons arise largely from a belief that Turkey is, and can continue to be, both an important component element of 'the Western World'

- as witnessed by its long-standing membership of the North Atlantic Treaty

Organisation (NATO) - and also a useful bridge between West and East - as seen in the fact that though it is an Islamic country its leaders tend to look more towards

Europe than towards Asia.

Fourth, and this draws on the first and third dimensions, there is a security dimension. South-East Europe is already an area of high insecurity - with the upheavals and conflicts of the Balkans, the tensions in the bordering Middle-East, and the long-standing antagonism between Greece and Turkey which periodically threatens to overflow into open conflict. The accession of Cyprus to the EU could add to these tensions by importing a fierce territorial dispute within the EU's borders that could fuel Greek-Turkish antagonisms.

V. Progression and Handling of the Application

For some years after the 1974 invasion Cyprus's relations with the EC were largely focused around the association agreement that had been concluded between the two in 1972. This provided for the elimination of trade barriers and the creation, in two stages, of an EC-Cyprus customs union. The second stage of the agreement, which had been due to begin in 1977, kept being postponed because of the uncertainties surrounding the division of the island, but in 1987 it was decided to delay no further and a protocol to the 1972 association agreement was signed providing for the second

stage to be implemented, in two phases, by 2002-03. (The first stage has fully applied since 1 January 1998 and the second stage is on schedule to be completed by 2002.)

By the late 1980s, however, Cypriot decision-makers increasingly moved to the view that they should seek to move beyond the projected customs union to full EC membership. Their motivation was as much, if not more, political as it was economic: on the one hand the prospect of EC membership might provide a stimulus to a settlement of the Cyprus problem; on the other hand - and this would be especially important if no progress was made with the Cyprus problem - EU membership would provide the Republic of Cyprus with, if not a security guarantee, at least a protective arm in respect of its relations with Turkey. Accordingly, Cyprus formally submitted a membership application to the EC in July 1990.

As with all membership applications that are deemed worthy of consideration, the Commission was instructed by the European Council to draw up an opinion. The opinion was duly delivered in June 1993 and essentially said the application raised no major difficulties other than those associated with the Cyprus problem. The problem was seen as constituting a major obstacle, but not wishing for that obstacle to be either insuperable or permanent, the Commission recommended 'that the question of Cyprus's accession to the Community should be reconsidered in January 1995' (Commission, 1993, p.24). The Council of Ministers endorsed the Commission's opinion in October 1993 and in December appointed a European Observer on Cyprus to produce a report for the projected reconsideration of the application in 1995. Before, however, the report was received there was a major breakthrough in the progression of the application when the European Council, at its June 1994 Corfu meeting, stated that 'the next phase of enlargement of the Union will involve Cyprus

and Malta' (European Council, 1994, p. 14). This decision, which was the first time the EU did not link the application to a settlement of the Cyprus problem, was taken largely because of a growing acceptance by member states of the Republic of Cyprus's claim that it was unreasonable for its wish to become an EU member to be subject to a *de facto* veto by Turkish Cyprus and its 'protector' Turkey. The Council of Ministers took the process a stage further in March 1995 when it stated that accession negotiations would open with Cyprus and Malta six months after the conclusion of the forthcoming Intergovernmental Conference (IGC).

In taking this position, the EU member states hoped that Turkish Cyprus and Turkey would adopt a more flexible attitude towards a settlement of the Cyprus problem. If both were to recognise that they did not exercise a veto over the Republic's membership of the EU, they might conclude that their best strategy was to accept the inevitable and extract what benefits they could from the EU in that new context. To encourage such thinking the EU intensified its long-standing efforts to demonstrate to the leaders of both Turkish Cyprus and Turkey that a settlement of the Cyprus problem would be very much in their interests. With Turkish Cyprus, the efforts have been focused largely on demonstrating the economic benefits it will receive from EU membership - per capita wealth in northern Cyprus is less than one quarter of that in the south (European Parliament, 1998, p.7). With Turkey, the efforts have been directed at emphasising how a Cyprus settlement will make EU governments more favourably disposed towards it - which will ease the way for increased levels of cooperation and assistance and, ultimately, for its own membership application. (Although no-one is disguising the fact that there are also other major problems with

the Turkish application - including its size [currently 65 million people], its low per capital GDP, and its poor human rights record).

There is no evidence to date that Turkish Cyprus or Turkey are responding to these efforts (see below). The EU has, nonetheless, pressed ahead with processing the Cypriot application. Accession negotiations were formally opened in March 1998 as part of the so-called 5 + 1 formula: that is, separate but parallel negotiations were opened with the five 'most advanced' CEECs plus Cyprus. Much of the work to date has been taken up with what is known as the screening process, which involves the Commission examining detailed information - grouped into thirty one chapters - presented to it by the applicants on the extent to which and the ways in which they comply with the EU *acquis* and what further measures they need to take. In November 1998 'real' negotiations began on the first seven chapters on which the screening was completed and on which the Council of Ministers had agreed common negotiating positions. There is no specified deadline for the conclusion of the accession process, but the general expectation is that screening could be completed by the end of 1999 and negotiations by the end of 2002.

Given the opposition of Turkish Cypriot leaders to the membership application, the accession process is being channelled on Cyprus's side solely through the government of the Republic of Cyprus. Amongst the voluminous documentation it is obliged to present to the EU certain general information about the situation in the north of the island is included, but necessarily detailed information is presented only in respect of the part of the island controlled by the Republic. This means that whilst the EU is formally and legally considering an application on the part of the whole island, in practice it is dealing only with the south. The EU has, through both formal invitations

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and informal channels, sought to encourage Turkish Cypriot leaders to become involved in the process, but to no avail. The reason for this is that the only way Turkish Cyprus can become so involved is by being attached to the negotiations being conducted in the name of the Republic of Cyprus. This would naturally assist Greek Cypriots in their aim to see the island re-united, but would quite undermine the Turkish Cypriot goal of independence.

VI. Possible Scenarios

In the current enlargement round the situation of Cyprus is clearly very different from that of the other applicant states. Whereas they have a range of major economic, administrative, and technical obstacles to overcome before they will be ready for membership, Cyprus is already well prepared in these respects. The Commission's November 1998 progress report on all twelve applicant states (Turkey was included)made it clear that Cyprus had made most progress in incorporating EU laws and putting appropriate structures in place: 'In view of the 16 chapters already screened, Cyprus should not face major problems in adjusting to the acquis. In general terms, its administration seems to be prepared to ensure the correct implementation of the acquis' (European Commission, 1998, p.20)

But though Cyprus is well prepared for enlargement in terms of 'nuts and bolts' requirements, there are very serious doubts and associated uncertainties concerning the Cyprus problem and its implications both for Cyprus's application and for the EU enlargement process as a whole. There are, in broad terms, three possible scenarios.

The scenario most desired by EU decision-makers is naturally that there should be a settlement of the Cyprus problem. If this were to happen, the integration of northern Cyprus would not, as the Commission has noted (1998, Cyprus Report - Conclusion), create major economic difficulties given the zone's size (the population is only around 200,000) and its potential - especially in respect of agriculture and tourism. Crucially, a settlement would ease worries about the security implications of a divided Cyprus joining the EU and would allay concerns about the probable damaging effects of Cyprus's accession on relations with Turkey - not least since it is inconceivable that a settlement could be reached to which Turkey was opposed.

This scenario looks most unlikely. Peace efforts continue, but there is little to suggest that the stalemate will be broken in the foreseeable future. Quite apart from a settlement having to overcome deep cultural antagonisms, the situations and positions of the directly involved parties just do not allow room for sufficient compromise at present:

Turkey, which is crucial to any future settlement, is unlikely to adopt a more conciliatory stance unless and until EU membership for itself comes within reach. The Cypriot situation is just too useful a bargaining chip to be given up except in exchange for something that Turkey values extremely highly - and Turkey has sometimes hinted that it would help to promote a settlement to the Cyprus problem 'in exchange' for a favourable view being taken of its own membership application. Turkey is therefore likely to continue to exert strong

pressure on (some would say exert control over) Turkish Cyprus to ensure that there is no settlement as matters stand.

The Greek Cypriots continue to insist on a unified island with a single sovereignty, a single citizenship and a single international personality, and totally reject the possibility of there being two states on the island. As the spokesman of the Government of the Republic put it in February 1999 following (yet another) attempt by an outsider (on this occasion the Norwegian Deputy Foreign Minister) to promote cooperation between the two sides, the Government favoured intercommunal contacts and rapprochement 'in the framework of the legislation of the Republic of Cyprus ... on no occasion will anything be accepted that may undermine our entity or recognize the "institutions of the pseudo-state" (Cyprus News, 1999, p.2).

Turkish Cyprus is entwined with Turkey in many ways: a majority of its population are post-1974 'settlers' from Anatolia - people who are regarded in the Republic as illegal immigrants and to whom it is not intended to grant citizenship in the event of a settlement; its currency is Turkey's currency; it is largely dependent on Turkey for both its imports and exports; and international ostracisation means it cannot have its own postal or telecommunications systems but must use those of Turkey. In consequence, even leaving aside Turkish pressure and influence it is very unlikely that Turkish Cyprus will want a settlement to the Cyprus problem, and with it EU membership, until Turkey itself becomes an EU member and is thus able to offer Turkish Cypriots protection 'from the inside'. The Turkish Cypriot position has hardened as the EU accession process has proceeded: there has been a refusal to meet with

Greek Cypriot representatives since the December 1997 Luxembourg European Council meeting stated that accession negotiations with Cyprus (and the five CEECs) would open in the spring of 1998; a Turkey-TRNC association agreement was concluded in 1997, and in retaliation against the opening of accession negotiations in March 1998 moves were initiated under the agreement to establish a 'joint economic zone' - thus formalising the virtual *de facto* position, and TRNC representatives have increasingly stated that if Turkish Cyprus continues to be frustrated in its desire for independence it will be left with little option but to integrate fully with Turkey.

No Resolution of the Problem and Cyprus's Membership is Shelved

Under this scenario there will be no settlement of the Cyprus problem. One or more of those member states that have expressed concerns about the wider implications of admitting a divided Cyprus will insist that the accession is put on hold until there is a settlement.

This scenario would lead to a major EU, and broader pan European, crisis were it to unfold. It would do so because the Greek government has stated that it will not approve the accession of CEECs if Cyprus is prevented from acceding. Given the political damage such an eventuality would cause for Europe as a whole, it is an unlikely scenario.

No Resolution of the Problem, Cyprus Accedes, and Relations with Turkey are Damaged The most likely scenario is that the Cyprus problem will not be resolved, the existing EU member states will agree - albeit with reservations - to Cyprus's accession, and the EU's relations with Turkey will be damaged.

How seriously they are damaged depends on a number of factors, not least whether Cyprus's accession can be located within a more positive general framework of EU-Turkey relations than has existed in recent years. There are grounds for optimism here since the EU and Turkey are still enmeshed with one another in various ways and there is a broad base on which improved relations could be developed. For example: the EU-Turkey customs union, which has existed since 1 January 1996, is functioning and is important to both sides - for Turkey not least because it is helping to bring about a necessary restructuring of its manufacturing sector (European Report, 1998b: section V. p.5); notwithstanding the problems with certain funding programmes, Turkey is a significant recipient of EU aid - through such frameworks as the EU-Turkey association agreement, the EU-Turkey customs union, and the Euro-Mediterranean Partnership - and wishes to continue to be so; the Commission and the European Council have increasingly sent encouraging signals to Ankara about how Turkey could eventually become an EU member, with the European Council at its June 1998 Cardiff meeting endorsing a communication from the Commission on a 'European Strategy to Prepare Turkey for Membership' (European Council, 1998, p.24); most Turkish politicians value Turkey's Western and European links; and the increasing organisational flexibility of the EU could be used to make EU policies and programmes more accessible to Turkey.

There are then many grounds for believing that Cyprus can become an EU member prior to a settlement of the Cyprus problem without that causing unacceptable damage to the EU's wider interests.

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