



## There is a good case to be made for Cyprus pressing ahead with full recognition of Kosovo's independence

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*Cyprus is one of the five EU member states that refuse to recognise the independence of Kosovo from Serbia.*

**James Ker-Lindsay** writes that a recent meeting between the Cypriot Foreign Minister and the Prime Minister and Foreign Minister of Kosovo suggests that

*the country's stance may be softening over the issue. He notes that although this may seem surprising given Cyprus's own dispute with the self-declared Turkish Republic of Northern Cyprus, it is in keeping with changing attitudes among other EU member states and a shift in Cypriot foreign policy. He also argues that if a change is to be made, there is a good case for pressing ahead with full recognition.*

By all accounts, it was an extraordinary photo. On 24 September, the chief of staff of the Kosovo prime minister Tweeted a **picture** of Prime Minister Hashim Thaci and Foreign Minister Enver Hoxhaj having breakfast with Ioannis Kasoulides, the Foreign Minister of Cyprus, on the margins of the UN General Assembly in New York. For a senior official of a country that has spent thirty years trying to prevent the recognition of the self-declared Turkish Republic of Northern Cyprus (TRNC), and has taken an extremely vocal stance against Kosovo's unilateral declaration of independence, it was a quite extraordinary development. However, in the context of wider developments, and

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recent signals that Cypriot foreign policy is being realigned, it is actually a rather less surprising development than one might believe.

### Changing views amongst the EU five

Ever since Kosovo declared



Credit: Leonid Mamchenkov (CC-BY-SA-3.0)

independence, in February 2008, it has proven to be one of the most divisive foreign policy issues within the European Union. On the one hand, there are the vast majority of the 28 members that have opted to recognise it. Ranged against them are five members – Cyprus, Greece, Romania, Slovakia and Spain – that have resolutely refused to acknowledge Kosovo's full independence as a sovereign state. However, this situation now appears to be changing. While Spain remains adamantly opposed to recognition, especially as Catalonia becomes all the more vocal in pressing its claim for independence, there are clear signals that Romania, Slovakia and Greece are reconsidering their positions.

In recent months, Victor Ponta, the prime minister of Romania, has openly **stated** that Bucharest should move towards recognising Kosovo. Although this will not happen in the short-term, given that such a move is strongly opposed by the president, Traian Basescu, it now seems to be a matter of time before Romania opts to join the EU majority. Likewise, opinion in Slovakia is shifting. It is well known that Miroslav Lajcak, the Slovak Foreign Minister, is keen to see his country



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recognise Kosovo and makes little attempt to hide his **meetings** with officials from Kosovo. In this case, though, the situation is rather more difficult due to a parliamentary resolution against recognition. However, it seems likely that this can and will be reversed; especially if another one or two of the five non-recognisers change their positions. Indeed, the Chair of the Foreign Relations Committee has already signalled his wish to take wider **soundings** on the country's position on Kosovo.

Meanwhile, Greece is edging closer and closer to full recognition. In fact, of the five non-recognisers, it already has the strongest relations with Pristina. In March this year, the then Foreign Minister, Dimitris Avramopoulos, invited Foreign Minister Hoxhaj for formal meetings at the foreign ministry in Athens, and in doing so used his official **title**; a significant development as the post of foreign minister is the one position that is intimately tied up with statehood.

In private, Greek diplomats go even further and admit that Athens is poised to recognise Kosovo. As they explain, the only thing that is holding Greece back is not the country's traditional friendship with Serbia, which has been strained over Belgrade's support for Macedonia on the name issue, but concerns about how this would be read by the Cypriots. But even this is perhaps less a concern now; not least of all because Cypriot officials have said that they understand the position Greece finds itself in with its European partners and why it might wish to earn some goodwill by recognising Kosovo. It therefore appears increasingly likely that Athens will change its policy, despite continuing **denials** that it will do so.

### **New direction in Cypriot foreign policy**

The fact that Cyprus sympathised with the Greek position did not in itself mean that it was willing to alter its strong opposition to Kosovo's independence. Indeed, up until recently, it was seen as the most hard line member of the five. As President Papadopoulos stated soon after Kosovo declared independence, 'Cyprus will not recognise Kosovo even if Serbia does.' However, the fact that positions are changing in Slovakia and Romania, as well as Greece, increasingly threaten to put Cyprus in a rather difficult position of being left in a minority of two over Kosovo. It is no secret that Nicosia is desperately trying to shake off its reputation as the 'single issue member state'. Although the continuing division of the island remains the 'National Issue', Cypriot officials are

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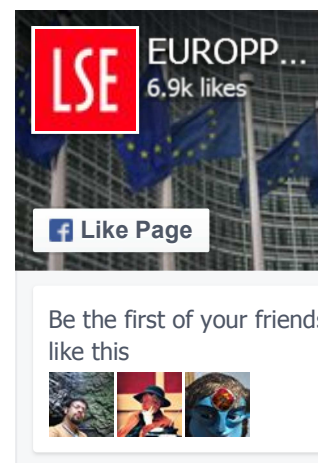
keen to stress that Cyprus is now **more** than its 'problem'. For example, it was very noticeable that the Cyprus issue was kept firmly off the agenda during the Cypriot presidency of the European Union in the second half of 2012.

Meanwhile, the election of a new centre-right government, in February this year, has seen a major shift in the country's general foreign policy orientation. Long a stalwart of the non-aligned movement, and traditionally close to Russia, under President Anastasiades and Foreign Minister Kasoulides, who was an MEP before returning to Cyprus to take up the foreign affairs portfolio (which he actually held before), steps have been taken to align Cyprus firmly with the West. Perhaps the most noticeable sign of this has been talk of **membership** of NATO's Partnership for Peace, leading eventually to full membership; a policy that would have been unthinkable even five years ago.

### The problem of engagement

For all these reasons, any decision to ease the previous policy over Kosovo, if that is really what is happening, would be rather less surprising than may at first appear. More to the point, there are signs that wider public and political opinion may also be easing on the question of Kosovo; not that it was ever a major issue of public concern. Notably, the photo passed all but unnoticed in the Cyprus press. Nor have any of the other political parties sought to raise the issue. (It also perhaps helps that DIKO, the party that is generally regarded as being the most hard line on the Cyprus issue, is a member of the ruling coalition.) To this extent, if the breakfast meeting was a trial balloon for a policy shift, it has certainly not been shot down.

If indeed it was an attempt to test the waters, the general lack of reaction would suggest that there would appear to be room for the government to now take matters further. The big question is what should, or could, come next? A policy of constructive engagement with Kosovo, along the lines of Greece and Slovakia, is an obvious route that would clearly signal that Cyprus is now willing to be constructive on the issue of Kosovo. However, matters are not quite as straightforward for Cyprus as for the others. Indeed, there is a good argument to be made that if Cyprus does want to take this matter forward it should in fact go a lot further. As odd as it may sound, Cyprus would in fact be better off



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pressing ahead with full recognition, rather than simply increasing engagement.

The reasoning behind this is relatively simple. One of the key concerns Nicosia has had over the years is not the recognition of the TRNC, but its gradual legitimisation; a process of 'Taiwanisation' where countries increasingly interact with the Turkish Cypriots but stop short of full recognition. Speaking with Cypriot diplomats, this is raised time and time again as their key worry. Such fears have been fed by various efforts to end the isolation of the Turkish Cypriots after their decision, in 2004, to vote in favour of a UN sponsored reunification plan (the Annan Plan), which was overwhelmingly rejected by the Greek Cypriot community.

Moreover, in recent years, there have been growing calls from the Organisation of Islamic Cooperation (OIC) for steps to be taken by Muslim states to '**strengthen solidarity**' with the 'Turkish Cypriot State'. By engaging with Kosovo, the Cypriot Government runs the risk of signalling to other countries around the world that this form of engagement without recognition is in fact acceptable. Indeed, it rather leaves it open to accusations of hypocrisy if it now tries to condemn others for interacting with the Turkish Cypriots in the same way as it would be engaging with Kosovo.

### **The seemingly impossible: recognition?**

Faced with this, it may well be easier to stick to the previous policy, with all the growing isolation that this would entail. Alternatively, the Cypriot government could opt to take a very different route altogether and go as far as to recognise Kosovo. While this idea may seem drastically far-fetched at first, the reality is that such a decision may not be as problematic or as difficult as one may imagine. Although Cyprus has long opposed recognition, importantly it has never in fact rejected the 'unique case' argument upon which the United States and most of the European Union have based their decisions to recognise Kosovo; if only to emphasise that Kosovo cannot be a precedent for Cyprus.

Likewise, its position under international law remains strong. Unlike the Kosovo UDI, the Turkish Cypriot declaration of independence was formally condemned by the United Nations Security Council (Resolution 541), which has called on countries not to recognise the TRNC.

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Similarly, even the International Court of Justice (ICJ) advisory [opinion](#) on Kosovo, in July 2010, reaffirmed that the Turkish Cypriot declaration of independence was contrary to international law. Finally, as more than half the members of the UN now recognise Kosovo, Cyprus can equally argue that the tide is clearly flowing in a clear and irreversible direction. By recognising Kosovo, Cyprus – like other countries that face a secessionist threat, but have chosen to recognise Kosovo, such as [Canada](#) – would in fact be sending a very clear message that it sees no link between the Kosovo situation and its own.

Perhaps most importantly, if Cyprus were to decide to recognise Kosovo, it is unlikely that it would face much international condemnation or opprobrium, at least not where it counts. As noted, more than half the members of the UN have already done so. They are not going to say anything untoward. Of the remaining half, many are likely to be mulling a change of heart themselves. Meanwhile, for Cyprus's western partners, who have long pushed for wider international acceptance of Kosovo, it would definitely be a case of better late than never.

Certainly, they are not going to embarrass Cyprus over its volte-face. Indeed, one would expect quite the opposite. Not only would they be keen to reaffirm yet again that the two situations are completely different, Cyprus could well be rewarded for its change of heart. (Especially as this would almost certainly start a chain reaction with Greek, Romanian and then Slovak recognition; or could be organised in tandem with one or all of them.) With new UN-sponsored Cyprus reunification talks on the horizon, a decision to recognise Kosovo could well bring some important payback at a crucial time.

### Next steps

Of course, it is important to stress that there is nothing concrete at this stage. One breakfast does not make a policy change. However, the mere decision of the Cypriot foreign minister to sit down in a public space with the prime minister and foreign minister of Kosovo is a hugely significant development given the previous hard line adopted by Nicosia. In view of the changing positions of other EU non-recognisers, and the clear intention of the Cypriot government to take a new foreign policy course, it could well signal that something is afoot. If so, and as counterintuitive as it may seem, there is a very good argument to be

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made that the next step of engagement should really be the giant leap of recognition.

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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## About the author



### James Ker-Lindsay – LSE

James Ker-Lindsay is Eurobank Senior Research Fellow in South East European Politics at the London School of Economics. His main research interests relate to conflict, peace processes, secession and recognition. He is the author of [Kosovo: The Path to Contested Statehood in the Balkans](#) (I.B. Tauris, 2009), [The Cyprus Problem: What Everyone Needs to Know](#) (Oxford University Press, 2011) and [The Foreign Policy of Counter Secession: Preventing the Recognition of Contested States](#) (Oxford university Press, 2012). He can be found on Twitter [@JamesKerLindsay](#)

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## 8 Comments

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**sephiakarta** October 3, 2013 at 9:48 pm - [Reply](#)

Interesting analysis, thank you. Two small things:

- I don't see in the International Court of Justice (ICJ) advisory opinion on Kosovo any evidence that it "reaffirmed that the Turkish Cypriot declaration of independence was contrary to international law".
- I wouldn't say that Canada is facing a "secessionist threat", since it is has been so wise as to let Quebec decide for itself whether it wants to be independent.



**James Ker-Lindsay** October 7, 2013 at 6:07 pm - [Reply](#)

Thank you for the comments.

Regarding your first point, the Court clearly noted, and thereby again reaffirmed, the illegality of the 1983 Turkish Cypriot declaration of independence as determined by the UN Security Council. Paragraph 81 of the advisory opinion states:

Several participants have invoked resolutions of the Security Council condemning particular declarations of independence: see, inter alia,



Security Council resolutions 216 (1965) and 217 (1965), concerning Southern Rhodesia; Security Council resolution 541 (1983), concerning northern Cyprus; and Security Council resolution 787 (1992), concerning the Republika Srpska... The Court notes, however, that in all of those instances the Security Council was making a determination as regards the concrete situation existing at the time that those declarations of independence were made; the \*illegality\* [My emphasis] attached to the declarations of independence thus stemmed not from the unilateral character of these declarations as such, but from the fact that they were, or would have been, connected with the unlawful use of force or other egregious violations of norms of general international law, in particular those of a peremptory character (*jus cogens*).

Also, paragraph 114 notes:

In this regard the Court notes that contemporaneous practice of the Security Council shows that in situations where the Security Council has decided to establish restrictive conditions for the permanent status of a territory, those conditions are specified in the relevant resolution. For example, although the factual circumstances differed from the situation in Kosovo, only 19 days after the adoption of resolution 1244 (1999), the Security Council, in its resolution 1251 of 29 June 1999, reaffirmed its position that a “Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded” (para. 11). The Security Council thus set out the specific conditions relating to the permanent status of Cyprus.

In other words, the permanent existence of the TRNC is contrary to the stated will of the Security Council as regards a final settlement in Cyprus (unless of course the Greek Cypriots agree to it being so and secure a resolution to this effect).

As for your second point, the fact that the Canadian government agreed to give Quebec a democratic say in its future does not mean that it does not see Quebec’s secession as a ‘threat’; in rather the same way as the British Government views Scottish independence as a threat to be countered (see the reports it is producing to highlight the benefits of the Union, and the costs for Scotland of leaving), but ultimately accepted if that is the democratic wish of the people.

o



**sephiakarta** October 18, 2013 at 6:52 am - [Reply](#)

– True, but so the only thing the advisory opinion did was cite a possibly relevant factor in a related case and show that it does not apply here. It does not state whether that factor is in itself sufficient to make secession illegal. Moreover, it also provides arguments that suggest the TRNC declaration of independence was not illegal either, as “General international law contains no applicable prohibition of declarations of independence”.

– True, but what’s at stake here is whether a territory may secede at all, and Canada has already conceded that principle. I don’t think it was afraid that its recognition of Kosovo makes Quebec voters more likely to vote in favour of independence in any future referendum.

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**James Ker-Lindsay** October 18, 2013 at 1:06 pm - [Reply](#)

No. If you read the ruling, it is saying that general international law does not contain a prohibition on declarations of independence, except when it does! Cyprus was cited as a case where a clear prohibition exists. On Northern Cyprus, the Court did take a very clear stand on the illegality of its declaration of independence. But, as you note, this does not have a bearing on those cases where there is no specific prohibition laid down by the Security Council or other relevant body.

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**sephiakarta** October 18, 2013 at 7:51 pm - [Reply](#)

I’m still convinced that Northern Cyprus and the Security Council Resolution are only cited as an example of a declaration of independence that was considered illegal at the time, by the security council

Note that the Security Council resolution was only passed after the declaration of independence, so in order to say that the resolution made the declaration of independence illegal we have to say that the Council has juridical authority (which I would dispute), in which case the ICJ is only citing this earlier judgement, not confirming it.

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**Alexy Flemming** October 2, 2014 at 11:54 am

Sephia Karta, I totally agree with your “ICJ is only citing this earlier judgement, NOT CONFIRMING it.” view as well. Lindsay did not write all of the paragraph 81. If all of the paragraph 81 is written once again, everything becomes clear and clear:

P81: The Court notes, however, that in all of those instances the Security Council was making a determination as regards the concrete situation existing at the time that those declarations of independence were made; the ILLEGALITY ATTACHED to the declarations of independence thus stemmed not from the unilateral character of these declarations as such, but from the fact that they were, or WOULD HAVE BEEN, connected with the unlawful use of force or other egregious violations of norms of general international law, in particular those of a peremptory character (jus cogens). In the context of Kosovo. the Security Council has never taken this position. The EXCEPTIONAL CHARACTER of the resolutions enumerated above appears to the Court to confirm that NO GENERAL PROHIBITION against unilateral declarations of independence may be inferred

from the practice of the Security Council.  
(end of paragraph 81)

Question 1 : Who attached “illegality” to  
Declaration of Independence (DOI) of  
Northern Cyprus? UN SC or ICJ?

Answer 1: UN Security Council, of course. ICJ  
only cites this attachment. ICJ does NOT  
make any decision or statement about a  
country’s legality or DOI unless it is requested  
to do so; as in the case of Kosovo: “Is the  
unilateral declaration of independence by the  
Provisional Institutions of Self-Government of  
Kosovo in accordance with international  
law?”. Inter alia:

Question 2: Was ICJ requested to give an  
advisory opinion on “declaration of  
independence of Northern Cyprus”?

Answer 2: No!

Question 3: In paragraph 81, ICJ is  
mentioning “WOULD HAVE BEEN” and  
“EXCEPTIONAL CHARACTER”. By this, what  
does ICJ imply?

Answer 3: ICJ is implying that THE  
RESOLUTIONS OF UN SC on DOIs of ONLY  
SOME of the countries are TOTALLY  
ARBITRARY and TOTALLY  
DISCRETIONARY (i.e. DOES NOT DEPEND  
ON ANY INTERNATIONAL LAW. Remember:  
The President of the Int’l Court of Justice (ICJ)  
Hisashi Owada, 2010: “International law  
contains “NO PROHIBITION” on declarations  
of independence.”).  
(Dear Lindsay, this “NO PROHIBITION”  
includes “UN SC’s restrictive conditions for  
the permanent status of a territory” as well!)

ICJ is emphasizing this DISCRETIONARY and SELF-ORDAINEDNESS of UN SC via phrase additions and humiliations like “EXCEPTIONAL CHARACTER”; and adding “WOULD HAVE BEEN” next to “they WERE, or would have been, connected with the unlawful use of force” to show that “UN SC’s CONNECTING to UNLAWFUL use of force” may even be TOTALLY BASELESS (ICJ did not pass only with “were connected” in the sentence!); By saying “TOTALLY BASELESS”, Remember (inter alia):

(1) The Parliamentary Assembly of the Council of Europe (PACE): On 29 July 1974, PACE affirmed (via Resolution 573) that the Turkish military intervention was the exercise of a RIGHT EMANATING FROM AN INTERNATIONAL TREATY and the FULLFILMENT OF A LEGAL and moral OBLIGATION.

(2) Greece’s Athens Court of Appeals (21.03.1979; Case No: 2658/79): “The Turkish military INTERVENTION in Cyprus, which was carried out in accordance with the Zurich and London Accords, was LEGAL. Turkey, as one of the Guarantor Powers, had the right to fulfill her obligations. The real culprits . . . are the Greek officers who engineered and staged a coup and prepared the conditions for this INTERVENTION”.

ICJ’s using of “UN SC’s restrictive conditions for the permanent status of a territory” does not mean “ICJ believes such a non-existence of a restrictive condition for the DOI of a country to be legal; BUT RATHER: it only means the objections of the countries towards “DOI of Kosovo” is BASELESS EVEN FROM THE PERSPECTIVE OF OBJECTING COUNTRIES! Namely, such a condition is not

in the perspective/framework of ICJ (Because: President of ICJ Hisashi Owada, 2010: “International law contains “NO PROHIBITION” on declarations of independence.”).

This is the perspective of ICJ; and not solely peculiar to the head of ICJ; because, the tone of paragraph 81 is totally in this scope; read the whole paragraph 81; and its AFFIRMATIVE nature towards “NO VIOLATION” at the end. The meaning of P81 in fact is implicitly loaded with “NO PROHIBITION” as well!

Question 4: After the partnership government collapsed, the Greek Cypriot led administration was recognized as the legitimate government of the Republic of Cyprus at the stage of the debates in New York in February 1964 ( Cyprus-Mail, 09.03.2014 UNFICYP: a living fossil of the Cold War: <http://cyprus-mail.com/2014/03/09/unficy-p-a-living-fossil-of-the-cold-war> ).

Does the UN SC have a right to:

- recognize the Flamans as the sole representator of Belgium (a country founded in partnership of Flamans and Wallons) if Flamans try to capture all of Belgium and try to kill all Wallons?
  
- recognize the Wallons as the sole representator of Belgium (a country founded in partnership of Flamans and Wallons) if Wallons try to capture all of Belgium and try to kill all Flamans?
  
- recognize the Czechs as the sole representator of Czechoslovakia (a country founded in partnership of Czechs and

Slovaks) if Czechs try to capture all of Czechoslovakia and try to kill all Slovaks?

– recognize the Slovaks as the sole representator of Czechoslovakia (a country founded in partnership of Czechs and Slovaks) if Slovaks try to capture all of Czechoslovakia and try to kill all Czechs?

– recognize the Greek Cypriots as the sole representator of Cyprus (a country founded in partnership of Greek Cypriots and Turkish Cypriots) if Greek Cypriots try to capture all of Cyprus and try to kill all Turkish Cypriots?

Answer 4: Obviously No! UN SC has no right to remove a sovereignty of a people from the country that was founded in partnership with that people.

Question 5: What happened in Parliamentary Assembly of Council of Europe (PACE) after Greek Cypriots forcefully captured partnership government of 1960 in 1963?

Answer 5: Since Cyprus can be represented by only “mutual consensus” and “participation” of both of the Greek Cypriots and Turkish Cypriots, all the representation of Cyprus was expelled from PACE, and between 1965-1985, there were NO Cypriot representatives in PACE!

Question 6: Did Greek Cypriots try to kill all Turkish Cypriots?

Answer 6: Then–United Nations Secretary General, U Thant report (UN SG S/5950 Report 10 September 1964, paragraph 180): “UNFICYP carried out a detailed survey of all damage to properties throughout the island during the disturbances; it shows that in 109 villages, MOST OF THEM TURKISH

CYPRLOTS OR MIXED villages, 527 houses have been destroyed while 2,000 others have suffered damage from looting”

<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Chapter-VII-S-5950.pdf>

“MOST OF THEM TURKISH CYPRIOTS OR MIXED” means “NONE OF THE SOLELY GREEK CYPRIOTS VILLAGES were destroyed”.

Akritas Plan (Killing every Turkish Cypriots) was applied by Greek Cypriots during 1963-1974 and 2800 Turkish Cypriots (3% of then-Turkish Cypriot population) were brutally massacred. Also, Turkish Cypriots were squeezed to the enclaves (3% of total area of whole Cyprus).

Alexy Flemming  
MIT, Massachusetts, MA



**themainfanrian** October 9, 2013 at 9:21 pm - Reply

with Serbia now one of the leading countries in recognition of Kosovo independence it makes no sense for any nation not to recognize. Serbia has appointed an ambassador dejan pavicevic. has border guards and customs agents on its border with Kosovo. The border between Serbia and Kosovo in like any other international border in the world. Serbia has been promoting serbs voting on ballots in Kosovo that have the logo of the republic of Kosovo central elections commission that was established by the republic of Kosovo constitution. Dacic says serbias constitutions words on Kosovo are dead letter, nikolic says he is not president in Kosovo even thought Kosovo is in the Serbian constitution, vucic was a big part of the Brussels deal which abolished all Serbian autonomy and Belgrade institutions. Pristina appoints serb police commanders for serb areas who have to be loyal to pristina and all lawyers and judges have to be bound to pristina laws and kosovos constitution.





**andreas** April 19, 2014 at 5:25 pm - [Reply](#)

Lets wait and see what the future holds with thwe resolution of the crisis inUkraine

and i am sure we will notice a shift of power to the opposite direction ( East Russia) if things go peacefully and smoothly as now go.....! and not like Irak and so on!!

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