

Popular or National Sovereignty?

EU's Priorities in the Cyprus Referendum for Unification and  
the Catalan Referendum for Independence

**Ricardo Rauseo**

University of Florida

**ABSTRACT**

Why does the EU sometimes fail to emerge as a key player in crises with regards to its core principles such as peace and democracy? This article analyzes two cases that undermine the EU's normative potential despite its self-identification and common perception as a normative power: the Cypriot Annan Plan Referendum of 2004 aiming to reunite the island, which had been divided since 1974, and the Independence Referendum in Catalonia held in 2017 to break away from Spain. These cases present a unique opportunity to improve our understanding of the EU's stance on two types of sovereignty- popular and national sovereignty- specifically in the context of the right of self-determination. Although the EU has showed a rather passive leadership in both cases, it had different reasons to justify its position. In the Cyprus case, the EU praised self-determination in the name of democracy, which ultimately discouraged the Greek Cypriot majority from seeking unification with the Turkish Cypriot minority, and in the Catalan case, the EU principally ignored the right to self-determination in Catalonia in the name of respect for rule of law in Spain. By drawing upon the primary sources on member state preferences and the official statements from the EU, this article argues that the EU's position favoring popular sovereignty in the Cyprus case and national sovereignty in the Catalan case can be explained by contextual variables informing biases and interests of its member states and puts into question the nature of the EU's problem-solving capacity as a normative actor. The article concludes that the EU, despite having proved its effectiveness as a normative power in many cases, fails sometimes due to its ontology: a rather ambiguous organization that acts sporadically as an intergovernmental and supranational body.

*Keywords: National Sovereignty, Cyprus, Catalonia, Popular Sovereignty, Self-determination*

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#### 1. INTRODUCTION

Unofficially, what it is now known as the European Union (EU) has abided by a set of values and principles that hold together the core of Europe. Words like democracy and the rule-of-law come into mind and are taken for granted in this unique polity and single market. But do all values have the same weight under the EU officials' eyes, or do certain circumstances prioritize certain beliefs? In this paper, two different crises are compared, distant in time, yet alike in nature: Cyprus's accession to the EU in terms of their disinterest for unification in the island, and the most contemporary example, Catalonia's cry for independence and EU's stance on an integrated nation. The examination and analysis reveal the basic dimensions of the response by the EU to these two crises and as an unexpected consequence, exemplifies the nature of the EU's strength as a global actor and their problem-solving abilities. It is not in the scope of this investigation to point out or analyze the reasons behind Catalonian officials or Greek Cypriots to vote for independence or remain separated, respectively. As stated before, the EU and their response to each event is the main focus of this argument.

Although not completely the same, both contexts present similarities when it comes to the context and the EU's response. Both these cases are regionalist movements wanting to break away or remain seceded from a nation/state and in both cases the EU has shown a rather "passive" leadership to crisis management. On the contrary, the "majoritarian actor" is the one that wants to remain separated in the Cyprus case, while it is the one calling for integrity in the Spanish one. Cyprus does not have the same geographical or political weight

that a country like Spain has. This paper will argue that the EU's varied response to these two crises can be explained by the interests and biases of member states and the context surrounding these crises. This paper will first address the EU's political capacity to change prospective and current member states' behavior. Second, the paper will discuss the notions of self-determination, popular sovereignty and national sovereignty to understand the legal component of the EU's normative power. The background of Cyprus and the Catalan cases will be presented to discuss different responses by the EU. Finally, the paper will conclude evaluating if the EU handled the crises correctly; finding that it all depends on how we want to perceive the EU, as a supranational or an intergovernmental state.

## 2. THE EU'S EFFECTIVENESS AN AGENT OF CHANGE

This research created the question of the EU's capabilities and effectiveness as an actor in the global stage that Dover argued during the Bosnian Civil War, "the EU pursued a rigid strategy of diplomatic and economic foreign policy, failing to generate the political will to attempt alternative approaches" (Dover, 2005). Hill's framework states that the EU can be regarded as a state-like actor or an intergovernmental organization. In the latter, there would be a floor to discuss and "formulate common responses to the crisis in the Balkans" (Dover, 2005). If this is the case, no Member State rose as a leader to solve the Yugoslavian Crisis, and therefore the EU's credibility as an effective actor was weakened. Eralp and Berinker argue that the EU needs to further away from a foreign policy based on the carrots-and-stick mentality and adopt "creative and flexible foreign policies" (Eralp & Berinker, 2005). In terms of the Cyprus and Catalonian case, the EU has remained indifferent in both cases, even though it has had different reasons to justify this disinterest. In Cyprus, the EU favored the will of the people, and not the "state's democracy" of the island as a whole. In Catalonia's

case, the “popular democracy” was called upon by the head of the Generalitat de Catalunya, yet remained unheard because the EU favored the sovereignty of an indivisible Spain.

Before talking about its capacities, it is important to be aware that the Union’s actions are shaped by their global image. As mentioned by Amelia Hadfield, the EU suffers a “reputational damage” as a result of their negative responses to the multidimensional EU crises (Hadfield, 2016). Because of the EU’s youthfulness, it is still trying to define itself and figure out how to perform in the global system, “external images of the EU operate as a ‘reality check’ for the EU’s own vision of its role as an international leader and its status as a recognized power in an increasingly multipolar world” (Hadfield, 2016). These characteristics, according to Chaban and Holland, rely on four factors: positive expectations, alterations in the identity of other parties, negative attitudes and active rejection. Their perceptions of other actors like the United States, Russia, and China have influenced the decision making of EU officials. In these crises, their passivity is performative; due to the fact that to act can trigger detrimental consequences, not to act seems like the better option. Remaining indifferent gives them the ability to show themselves as naïve, which seems for some in the international system to be much less aggravating than interventionist; for others it comes off as complicit.

### 3. LEGAL BASIS OF EU’S NORMATIVE IDENTITY

The EU has no legal tool to deal with uncooperative or unreliable states, therefore, their actions are tied to avoiding a situation in which states, or in this case, regions, might not comply with core values of the EU. These values encompassed in the Treaty of Lisbon, show that

“The Union is founded on the ...respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism,

non-discrimination, tolerance, justice, solidarity and equality between women and men prevail” (European Union, 2007).

Ironically, it was only with the Treaty of Amsterdam in 1999 when a “penalty” was created against those who did not adhere to these values. By taking away voting rights, Article 7 worked in efforts to deter that from happening. So far never used and feared to be applied for lack of effective means, it has just encouraged the idea that the EU’s legal framework and political capabilities were only meant for “best case scenarios”, such as, a Europe without a migration crisis, without an unstable East, without the Russian threat, without dissenting nations, without rising nationalism.

The EU defines democracy as a value that “encompasses civil, political, economic, social and cultural rights” (European Union, 2016). The EU is adamant in “protecting the universal nature of human rights when these are questioned on grounds of cultural” (European Union, 2016) or, here stressed: “political differences”. They are engaged in promoting and protecting human rights, democracy and the rule of law worldwide” (European Union, 2016). In this explanation, there is an emphasis on human rights, specifically, on the way in which everyone should remain equal under the eyes of the law. Regardless of their political affiliations, the democracy of the people, and more specifically, of European citizens, is hereby protected by the Union. Moreover, Coughlan states rather implicitly, that the EU “stands for the self-determination of nations”, first proclaimed in the Declaration of the Rights of Man of the French Revolution, and now a basic principle of international law in the United Nations Charter. The EU asserts “the right of those nations that wish it to have their independence, sovereignty and a Nation State of their own” (Coughlan); this is all in hopes that they will have an equal voice internationally and vis-a-vis other nations (Coughlan). The author further specifies that these statements do not “urge people of other nations to assert their right to self-determination” but that the EU respects their wish and will “show solidarity with them if they decide” to do so (Coughlan).

Essentially, there is an inherent dysfunction on EU's principles. Though implicit, the idea of democracy is flawed because it favors both individual people and a community as a whole, the popular and the national sovereignty; democracy is a convoluted concept, it is multidimensional.

Since the break of Yugoslavia in the 1990s, the EU has been adamant in empowering regional groups. The EU uses its normative power to enlarge with amicable member states. The general idea of integration is to bring together peaceful countries; encouraging change in their behavior; these democratic sources allow the regional groups to have a voice: "Nearly 20 years on, the EU's role in encouraging the protection of minorities in States undergoing the transition to democracy has significantly increased" (Guliyeva, 2010). Yet, why didn't the EU abide by the same values in Catalonia and Cyprus in the same spirit it reassured Kosovo breaking away from Serbia, or Scotland from the UK? Both cases in which it favors the majority over the minority group? In Catalonia and Cyprus, the EU acted against its reputation, against the credibility it had built as a normative actor that based its support for subnational interest and minority groups; the EU let member states influence its decision-making process, both by the Greeks and the Spanish.

#### 4. CYPRUS REFERENDUM ON UNIFICATION AND THE EU'S RESPONSE

In 1960, the Republic of Cyprus was founded. With the excuse of enforcing the "13 Amendments" proposed by Archbishop Makarios, the "Bloody Christmas" of 1963 marked the death of two Turkish Cypriots on the hands of the police. This led to the Turkish Cypriots stepping down from government, marking the start of decades of violence on the island. Only until 1974, when the Turkish army intervened, the possibility of a united Cyprus came to be, a possibility that became strong and noticeable in 1983 with the proclamation of independence of the "Turkish Republic of Northern Cyprus" (TRNC) (Suvarierol, 2003). In

2004, the country which everyone except Turkey recognizes as the “Republic of Cyprus”, became a EU Member State. Though controversial, the process of accession meant that the northern part of the island would be exempt from EU legislation, official use of the Euro, and the Schengen area; yet for purposes of seats in the Parliament, they were and are considered as a whole. Dubiously, the EU did not and has yet used their power for unification of the region under the pretext that the Annan Plan, a UN proposal to do so, failed; therefore, they justify their inaction under a veil of protecting democracy and legitimacy for “both sides”. In 2002, the Annan plan was first presented in the United Nations. After plenty of revisions, the final proposal of 2004 encouraged the creation of the “United Cyprus Republic”, led by the two parties involved, acting together through a federal government. A bicameral legislature: a senate and a chamber of deputies, would work under the same constitution. Essentially, the plan would get rid of the extended military intervention in the island, Greek Cypriots would go back to their homes along with compensations, and Turkish Cypriots would be able to enjoy the same rights as every other EU citizen. It would also give them a single voice in the Union by sharing a Turkish Cypriot Commissioner and a Greek Cypriot Minister of Foreign Affairs. (Neophytou, 2006)

In Cyprus’ case, the EU took a completely different stance. Why did the EU not use their power for unification in the Annan Plan? The EU became an important reason why the Greek rejected the plan. “Having safeguarded their accession as the Republic of Cyprus, the EU gave them no motive to contribute to a solution before accession.” (Euroactiv, 2015). Furthermore, Tassos Papadopoulos, by then president of the Republic of Cyprus, called his constituents to reject the Annan Plan: “...should our people reject the plan by their vote, [...] the Republic of Cyprus will become a full and equal member of the European Union [...] Greek-Cypriot people, the consequences of ‘yes’ are much more severe; I call you to reject the Annan Plan” (Kyriss, 2012). Additionally, “The EU provided no strategic incentives to the

Greek Cypriot side to pursue reunification afterwards” (Kyris, 2012). Their justification for these two approaches were that they were protecting democracy and legitimacy for “both sides”, again, proving how they prioritized the popular democracy over the sovereign state of the island.

Since then, membership has only fueled the Greek Cypriots’ position in the global stage (Tocci, 2002). Both against Turkey through the UN, and against the Turkish Cypriots in terms of unification; the Republic of Cyprus has EU’s weight on their side, reinforcing their independence as actors. Because of this, even the EU efforts of helping with the development of the Turkish Cypriot Community for the preparation of the implementation of the EU law since 2004, the Greek Cypriots still remain indifferent to a resolution, therefore, these attempts have been ineffective. More recently, Juncker said in his State of the Union Speech in September 2016 that “we need to get this done. Now...Europe is a driving force that can help bring about the unification of Cyprus” (Maurice, 2016). Is this going to elicit any change in the island?

In terms of enlargement, the EU prides itself in the Copenhagen Criteria, a set of rules that determine if a country is eligible to apply for membership. Helen Sjursen concludes on her work on “Why Expand? The Question of Legitimacy and Justification in the EU’s Enlargement Policy” that the main reason behind EU’s drive to enlarge is not based on utility or rights but on identity; this is what makes the Turkish case so intriguing. French Prime Minister Alain Juppé stated that West Europe had almost a moral responsibility with Central and Eastern Europeans because they belong to that entity. It is different with Turkey: “rather than a natural part of the European family, Turkey is described as an important partner of Europe” (Sjursen, 2003) sometimes grouped and discussed under the same realm as Israel and Morocco (Sjursen, 2003). As seen in the long and strenuous process of Turkish accession

to the Union, the reason for enlarging to Turkey is not because it needs to “return to Europe” nor that the EU owes anything to it, but because it is strategic to do so (Sjursen, 2003). It all comes down to a problem of identity, the Turkish Republic of Northern Cyprus has faced dislike from the EU since they could not find cohesiveness between their “European values” and the “Turkish character”, a “kinship-based duty”.

## 5. CATALAN REFERENDUM AND THE EU’S RESPONSE

On the other side of the Mediterranean, the King of Aragón, in the 15th century married the Princess of Castilla, uniting two kingdoms. The ethnic and language barriers between what later became the Spanish Nation has been highly contested ever since and has sparked a lot of regionalist movements in Catalonia. Fast-forward to October of 2017, not too far from the Cypriot coast; Carles Puigdemont, head of the Generalitat de Catalunya, called for a referendum of independence in the region. Highly disputed by the Spanish government, being called illegitimate and leading to hundreds of injured, this contemporary event has received little attention from the EU. The ideas of encouraging unity and reiterating the importance of sovereignty have not been addressed by the EU. This has been classified as the “biggest crisis for a generation” (Badcock, 2017), threatening to cause disruption in already fragile institution.

The EU’s response was a call for dialogue and integrity. Donald Tusk, the European Council President tweeted ““For EU nothing changes. Spain remains our only interlocutor”, urging the Spanish central government to favor ‘force of argument, not argument of force.’” (Boffey, 2017). Then again, Puigdemont, among other leaders in Catalonia, did call for a dialogue with Prime Minister Mariano Rajoy that was denied (Carvajal, 2017). Jean Claude Juncker, the Commission President, asserted that the EU should not interfere in the debate between Spain and Catalonia, and that the EU does not need more fractures in the Union (El

Pais, 2017). Antonio Tajani, President of the European Parliament, went out to say that the police did not use excessive force against protestants, and condones the matter as a constitutional issue since the independence is contrary to the rule of law, the legality of Catalonia's autonomy, and the constitution (El Pais, 2017). The EU then, is distancing itself from the issue under the excuse that it is Spain who needs to deal with it. By doing so, their inaction does not actively antagonize neither of the actors. Yet discursively, they show an even more troubling flaw, their powerlessness in conflict resolution and lack of a strong arm in their own community. Namely, how Catalonia's independence is supposed to violate two specific articles from the Constitution. Article 1.2 that states that "National sovereignty is vested in the Spanish people, from whom emanate the powers of the State" (Spanish Constitution, 1987) and, Article 2 that talks about the "indissoluble unity of the Spanish nation, the common and indivisible country of all Spaniards; it recognizes and guarantees the right to autonomy of the nationalities and regions of which it is composed, and the solidarity amongst them all" (Spanish Constitution, 1987).

## 6. EXPLAINING THE EU'S VARIED RESPONSES TO SELF-DETERMINATION

Why did the EU prioritize democratic sovereignty for the Greek Cypriots in the Cyprus referendum for unification and Spanish national sovereignty in the Catalan referendum for independence? Overall, this can be analyzed with a three-dimensional approach, based primarily on interests, biases and the context of the crises. Although, it is important to acknowledge two things: the crisis in Catalonia is ongoing and actors and their discourses may change, the literature regarding the Cyprus case mostly argues that their decision was not intentional (opposite to this argument) and that it was rather an underestimation from their part. Essentially "the EU overestimated the economic "carrots"

provided to the Turkish Cypriots” (Bahcheli, 2006) and they “downplayed their security related concerns related to the positions in a potential bi-communal state.” (Bahcheli, 2006.)

EU’s stance in Cyprus can be framed in terms of their interest because of the ongoing fear of being considered a hegemonic power; again, that constant struggle between the EU being a supranational or an intergovernmental entity. The issue in the island became extremely politicized, and the EU wanted to avoid a crisis with Greece, already a member. By then, the EU put much less weight on integration; because the Eastern wave of enlargement would “bring back” all those states to Europe, essentially, furthering them away from Russia. Finally, addressing the inherent biases of the Union; given that Turkey is not and has little to no possibility in becoming a member of the conglomerated states, promoting the unification to include Turkish Cypriots as European citizens was not exactly cheered in Brussels. Had the EU acted differently on this specific case study, would have made the world of a difference.

In terms of preventive measures, the EU could’ve achieved unification if it had had the interest to do so, the use of “carrots” as an incentive for a resolution of the conflict would’ve been ideal because it would have shown that normative (and not military power) works, something major powers like the United States have contested in regard to the EU’s global presence. The EU could have done a better effort in de-escalating the conflict prior to accession; additionally to working alongside the UN, the EU could have acted as a mediator for both the RoC and the TRNC’s governments. On the other side, managing the conflict with a Member State; there needs to be a much more cohesive methodology both in legal practices and policies. Enforcing the values and treaties the EU was founded upon lacks a different approach to conflict resolution. For example, Eralp and Beriker propose to invest efforts in

“capacity-building and institutionalization” with a task force of decision-making teams and experts (Eralp & Beriker, 2005).

Ironically, Catalonia’s case follows a rather similar vein. The EU values integration much more than enlargement now given the current political climate both abroad and between Member States; this has only been exacerbated by the current crises; with Iran, Ukraine and its own future on the line; as well as the Brexit, the migrant and the Eurozone crisis, the EU has no space or time for another rupture. Just as Con Coughlin said: “To have another wealthy European region bidding adios to Brussels would be yet another bitter blow to the EU’s own long-term chances of survival” (Coughlin, 2017). Lastly, the biases, the EU favors national sovereignty in Spain because of the Spanish investment in the Union, being one of the major supporters of further integration; one explanation lies on their “slavish devotion to the EU’s cause” (The National, 2017). In this case, the correct answer seems more dubious; as a conflict transformer, it is still an ongoing process that the EU is in time to fix. On the other side, preventive measures taken to avoid the escalation of the conflict were not sufficient. The EU could have facilitated open channels of communication between Puidgemont and Rajoy to ensure transparency in the issue; compromise in further autonomy but yet not independence could have been achievable.

## 7. CONCLUSION:

The EU has only been able to grow and develop itself under political pressures both abroad and within itself. Its core, as Robert Dahl has pointed out, has required a shift to the “grander scale of transnational governments” (Dahl, 1994); it has had to pull in concepts never conceived by the way we have been accustomed of how a polity, essentially the nation state, has to work. Though talking about the democratic deficit, he brings something interesting to conversation that has never been heard of. Maybe the answer to the question of

accomplishing a transnational “state” lies in unfamiliar procedures or institutions never heard of in Academia. Most likely yes, the Union not being able to encounter these legal instruments and political strategies in dealing with conflict and setbacks is another question still not answered by scholars. It is important to analyze these issues because far beyond foreign policy, they shed light at EU’s “grand strategy”. Objectively looking at how it uses legal tools abroad gives us the ability to predict their work of action, independent perhaps to the presidency in the Commission or regional leadership. Although, this argument by no means is trying to diminish the flexibility foreign policy makers should have.; the EU cannot act the same in every regional uprising, but there definitely needs to be a distinction between the measures taken before and after the crises. Shown above, the EU responded either indifferently or naïvely in both cases before, during, and after their peak developments. It nonchalantly washed its hands and justified its inaction by hiding behind a discourse that highlights values enshrined in the Treaties. By doing so, the EU unfortunately takes legitimacy away from principles like “self-determination” and “democracy”, decisions that make it seem ambiguous and indecisive.

Just like the parable of the blind men and the elephant, touching different parts of the animal to know it’s functions and nature, were the Catalanian and Cypriot crises handled correctly by the EU? Ironically, there is no complete answer for any of these cases. As said before, it depends on the way the EU is regarded, what is expected of it, and what is it capable of. If looked at as a supranational state, yes; it should have definitely intervened in both crises by acting as a mediator for the Catalanian and Spanish government and by using their political incentives and normative power to unify Cyprus. If this is not the case, and the EU should remain an intergovernmental and regulatory state, the EU did well in leaving these disputes as constitutional issues. The real question to answer is, will its inaction both as an actor in the global stage and within the Member States achieve the demise of the European

project? The EU started with the goal of achieving lasting peace in Europe, if this dream falls to the hands of nationalist populism and the rising regionalism experienced in the last years, the “Old Continent” will soon cease to be a beacon of hope and instead will turn into an example of how intergovernmental institutions are doomed to remain as utopian ideals.

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