

The Cyprus Conflict: A Case for 'Joint Decision Trap'

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ABSTRACT *This paper is about the current stage of the Cyprus conflict in the context of the recent developments in the Eastern Mediterranean. The energy discoveries could have been a catalyst for a solution, but the opposite occurred. The Greek Cypriot administration aimed to expand its regional 'allies' through maritime delimitation agreements. Meanwhile, Türkiye has continued its exploratory drilling. The trajectory that the Cyprus conflict followed after the Greek Cypriot administration's EU membership in 2004 is a case of a 'joint decision trap.' The EU's paralysis towards the conflict has pushed Türkiye, once proactive to resolve it with the expectation of becoming an EU member, to slide back to its traditional hard power strategy.*

Keywords: Cyprus Conflict, Türkiye, Joint Decision, European Union, Eastern Mediterranean

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Introduction

The Cyprus conflict has been the key deadlock of the Türkiye-European Union (EU) relations. Since the accession of the Greek Cypriot administration to the EU in 2004, Türkiye's strategy has undergone a deep change. This was in response to the EU strategy to require Türkiye to commit itself to good neighborly relations, international agreements, and the peaceful settlement of disputes in accordance with the UN Charter.¹ The UN-led peace negotiations in Cyprus have been revolving around forming a bi-communal and bi-zonal federation based on the political equality of Greek and Turkish Cypriots.² In fact, the Greek Cypriots' aim of rebuilding a 'unitary state' has conflicted with this framework. Since 2007, the conflict in the island became more complex as the Greek Cypriot side signed Exclusive Economic Zone (EEZ) delimitation agreements with Egypt, Lebanon, and Israel.³ In response to the Greek Cypriot efforts to form a quasi-alliance with regional countries including Egypt and Israel, Türkiye underlined its guarantor power emanating from the founding treaties of the Cyprus Republic in 1960.⁴ Delineating its maritime zones with the Turkish Republic of Northern Cyprus (TRNC), Türkiye granted the Turkish National Gas Company (*Türkiye Petrolleri Anonim Ortaklığı*, TPAO) an exploration license in areas colliding with the Greek Cypriot EEZ.⁵ Noble Energy, licensed to operate in the area, announced in late 2011 that the discovery of the *Aphrodite* gas field located at the exploratory drilling block 12 of the Cypriot EEZ was believed to hold approximately 4.1 trillion cubic feet of gas.⁶ This discovery and the UN pressure encouraged the sides to concentrate on convergences, conducting two proposals regarding any possible cooperation in the hydrocarbons issue.⁷ This brought the Joint Declaration of February 2014.⁸ However, as of February 2019, the relations between Southern Cyprus and Türkiye again deteriorated as ExxonMobil and Qatar Petroleum announced encouraging results in the South of the island.⁹

This paper argues that diverging claims of sovereignty by the parties of the Cyprus conflict brings inadequate cooperation for a comprehensive solution that might have impressive economic benefits. It argues that the EU's involvement with the conflict had a negative impact despite the discovery of hydrocarbon reserves around Cyprus, which could respond to the acute energy dependency of European countries and Türkiye. The international energy companies understandably have been staying away from the Eastern Mediterranean, faced with conflicting sovereignty claims in the region and the resulting legal puzzles. This paper provides a review of the latest developments with regard to exploratory drilling around the island and the reactions of the parties involved. We incorporate a framework of analysis based on the 'joint decision trap,' which we consider as the essence of the lack of a solution despite efforts to bring about one after the Greek Cypriot administration became an EU member. Despite the Europeanization of the conflict in the aftermath of the

Greek Cypriot accession to the EU, the logic of conditionality operates in an opposing manner to the logic of 'joint decision.' This has pushed Türkiye to disconnect its geopolitical interests in the Eastern Mediterranean from its EU alignment process and to follow a traditional hard power strategy.

Türkiye issued the first serious warning on Greek Cypriots' planned hydrocarbon activities and reserved parts of the Greek Cypriot EEZ for the Barbaros drilling ship to conduct surveys

The Present State of the Cyprus Conflict

The Greek Cypriot administration ratified the UN Convention on the Law of the Sea (UNCLOS) in 1988 and adopted a new law in 2004, which limited its EEZ by 12 nautical miles. The EEZ was delimited by agreements with Egypt (2003), Lebanon (2007), and Israel (2010). The then-Greek Cypriot Foreign Minister Kozakou-Marcoullis visited both Greece and Israel for support in exploratory drilling. Since August 2011, the Greek Cypriot administration has drawn attention to Turkish warnings against exploratory drilling. In 2011, the Greek Cypriot government announced a significant gas finding in the parcel of *Aphrodite*. At the UN in 2011 and 2012, the then TRNC President Eroğlu proposed the establishment of an *ad-hoc* committee, comprising Greek and Turkish Cypriots to give approvals and licenses for drilling rights. The Greek side rejected it as it would hamper sovereign rights and stated they share the benefit of gas with Turkish Cypriots.¹⁰ In September 2011, the firm Noble Energy initiated the first drilling in block 12.¹¹ The then-Prime Minister and current President of Türkiye, Recep Tayyip Erdoğan stated that the TPAO's license was a reciprocal decision to the unilateral actions of the Greek Cypriots.¹² In late 2011, the Turkish vessel *Piri Reis* accompanied by warships began seismographic research in the South of the island. Announcing that she would not allow activities in blocks 1, 4, 5, 6, and 7, Türkiye claimed the EEZ delimitation rights.¹³

On September 29, 2012, Greek Cyprus rejected a proposal including a bi-communal technical committee for natural resources and a pipeline transporting hydrocarbons through Türkiye.¹⁴ In January 2013, the Greek Cypriot government approved licenses to ENI-Kogas (blocks 2 and 3), TOTAL (block 11) and Novatek and TOTAL (block 9). From June to October 2012, Greek Cypriots assumed the EU Presidency, which could have been used in a positive way for the solution but the then UN Secretary-General Ban Ki-moon stated that the negotiations were over after the talks in Long Island (U.S.). There were differences between a settlement model that the leaders agreed upon and the expectations of the two communities. Both communities were opposed to the models that

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were similar to the cases of ‘Taiwan’ and ‘Kosovo.’ They were also opposed to the current situation, describing the ‘federal’ model as a preferable solution. A survey showed that the Greek Cypriots were in favor of restrictions on settlement and acquisition of property and opposed the 1960 Treaty of Guarantee (72 percent). The Turkish Cypriots were opposed to a model excluding the three freedoms and the guarantees (48 percent).¹⁵

In late February 2014, the Greek Cypriot President Anastasiades threatened to extend the new round of negotiations if Turkish vessels continued to intrude into the EEZ declared by the Greek Cypriot administration.¹⁶ The February 11, 2014 Joint Statement was a result of the initiatives taken in the atmosphere of 2013. This process could not proceed to any new phase of negotiations but reiterated the UN parameters of the bi-zonal and bi-communal character of the prospective settlement. Türkiye’s *Barbaros* seismic vessel entered Greek Cyprus’ EEZ in October 2014.¹⁷ Türkiye issued a NAVTEX between January and April 2015, reserving areas in the Eastern Mediterranean, colliding with the zone declared by the Greek Cypriots.¹⁸ In May 2015, the EU declared that it would grant €2 million to the Eastern Mediterranean Gas Project (EastMed), a project transferring gas from the region to Europe through Greece.¹⁹ Greek Cypriots announced the third licensing round in early 2016 for blocks 6, 8, and 10.²⁰ In November 2016, following the failed coup on 15 July, the European Parliament’s resolution underlined a deteriorating human rights situation in Türkiye due to the state of emergency and called on the member states and the Commission to initiate a temporary freeze of the accession negotiations.²¹

In 2016, the UN-led negotiations intensified and brought Anastasiades and the new TRNC President Mustafa Akıncı to the negotiating table in November, in Mont Pelerin, Switzerland. Both sides declared their commitment to continue negotiations, but it was not possible to reach an agreement on territorial adjustments. Proximity talks began as Anastasiades and Akıncı agreed to meet in Geneva on January 9, 2017. Resuming negotiations in Nicosia, they were committed to presenting maps on proposals regarding the internal boundaries. This process stalled in mid-February and the negotiations in June collapsed on the issues of security and guarantees. Türkiye maintained the rights of guarantee as a ‘red line,’ in negotiations that the EU participated with as an observer, along with other guarantors –Greece and the UK.²² Prior to this, the Greek Cypriot parliament ratified a bill to introduce an annual commemoration of the January 1950 *Enosis* (union with Greece) referendum in public schools. Türkiye issued the first serious warning on Greek Cypriots’ planned hydrocar-

bon activities and reserved parts of the Greek Cypriot EEZ for the *Barbaros* drilling ship to conduct surveys. From April 2017 onwards, the Greek Cypriot administration granted licenses to the ENI (block 8), the ENI/TOTAL consortium (block 6), and the Exxon/Qatar Petroleum consortium (block 10).²³

The EU granted the EastMed project another €34.5 million in January 2018 and endorsed the agreement signed between Israel, the Greek Cypriot administration, Greece, and Italy in December.²⁴ The ENI announced discoveries of lean gas in Greek Cypriot EEZ, Calypso 1 of block 6 on 8 February 2018. However, Türkiye has claimed this block and in February 2018 the Turkish navy, while undertaking drilling in the same region, blocked the ENI's drilling ship. This incident was the first serious incident of military activity since the beginning of the Greek Cypriot exploratory program.²⁵ In the last quarter of 2018, ENI and ExxonMobil started exploratory drilling in block 10. In response, Türkiye's *Barbaros* drilling ship began a new round of seismic surveys and issued a NAVTEX for military exercises within blocks 7 and 8. The tension between Türkiye and the EU increased as the ENI was involved. Stressing Türkiye's continued statements challenging Greek Cypriots' right to exploit hydrocarbon resources, the EU warned her regarding the tension and invited her to respect Greek Cypriot sovereignty and to act in accordance with the *acquis* and international law. Türkiye's EU accession pace decelerated too. By 2018, only 16 chapters out of the 35 chapters were opened and only the 'science and research' chapter was provisionally closed. Türkiye withheld her veto on the Greek Cypriot application to the OECD and the EU welcomed her contribution to reach a settlement in Cyprus.²⁶

However, the political tensions continued as ExxonMobil announced its largest discoveries within the Greek Cypriot EEZ (block 10) in early 2019.²⁷ Türkiye sent the *Fatih* drilling ship to the region in May. Another ship, *Yavuz*, began drilling to the Northeast of Cyprus after four days.²⁸ On March 13, 2019, the European Parliament (EP) adopted a resolution based on the Commission's report on Türkiye and reiterated its support for a settlement on the basis of a bi-communal and bi-zonal federation with a single international sovereignty between the two politically equal communities of Cyprus.²⁹ In June 2019, the EU states were at loggerheads over starting membership talks with Albania and North Macedonia. Greek Cypriots threatened to veto any agreement on future enlargement unless the EU toughens its line on Turkish drilling.³⁰ The EU suspended funding of almost 146 million Euros to Türkiye in July 2019, in reaction to her activities within Cyprus' EEZ.³¹ The Greek Cypriot activities against Türkiye went beyond the EU platforms, affecting regional developments in the Eastern Mediterranean. The Greek Cypriot administration became one of the founding members of the EastMed Gas Forum in early 2019 together with Egypt, Italy, Israel, Jordan, and the Palestinian Authority, but excluding Türkiye and the TRNC. The final blow came when the Greek-Cypriot parties rejected Akıncı's proposal for a joint committee on hydrocarbons. The



The Turkish Naval Forces Command conducted the Distinguished Observer Day activity as part of the Blue Homeland-2022 Exercise in the Black Sea, Aegean Sea, and Eastern Mediterranean on April 21, 2022, in the coastal waters off Muğla, Türkiye.
DURMUŞ GENÇ / AA

first elected mayor of Nicosia Turkish Municipality, when he was 28 years old in 1976, and the fourth President of the TRNC, Akıncı is considered one of the leading advocates of unification. The Greek Cypriot's reaction against his futile attempts to secure a deal was a blow against the pro-solution sectors in the North.³² It was clear in the TRNC and Türkiye that a solution was not likely in the near future and the Southern Cypriots were not ready to share the benefits from hydrocarbon reserves with their Northern counterparts.

Apparently, under the pressure of the Greek Cypriots, the EU foreign ministers approved sanctions on entities involved in 'unauthorized' drillings in the Greek Cypriots' declared EEZ, involving travel bans and asset freezes on people, companies, and organizations. The EU citizens and firms would not be allowed to provide any funds or technical support to Türkiye for drilling operations. Condemning Türkiye, the Council reiterated the negative impacts of such 'illegal' actions on relations.³³ The EU High Representative, Josep Borrell, stated that the framework was set up (activated in 2020), with the possibility of applying a travel ban and asset freeze to individuals or entities, responsible for or involved in drilling activities, in relation to hydrocarbon exploration and production not authorized by Greek Cypriot administration in its territorial sea, EEZ or on its continental shelf.³⁴ On April 17, 2020, the Greek Cypriot EP member Papadakis stated that Türkiye accelerated tensions in the Eastern Mediterranean, through NAVTEX notifications and allowing the *Yavuz* drilling vessel in blocks 6 and 7 of the Greek Cypriot EEZ, which the TOTAL/ENI consortium was licensed to operate. Papadakis reiterated his demand on actions to

be taken by the EU to guard the rights of the Greek Cypriot administration as a 'fully-fledged' member state.³⁵ The EU relations with Türkiye were at the top of the agenda of the Foreign Affairs Council meeting in July 2020. There was a war of words among Southern Cyprus, Türkiye, and Greece throughout 2020. Both the Statement of the EU Foreign Ministers on the situation in the Eastern Mediterranean (May 15, 2020) and Borrell's statement (July 13, 2020) emphasized the significance of cooperation with Türkiye. The EU foreign ministers stated "the EU and Türkiye have a strong interest in an improvement of their relations" and underlined the significance of building trust and abstaining from unilateral action.³⁶ Borrell pointed out the significance of Türkiye for the EU and its wish to see good relations developing.³⁷

A positive response to the discovery of natural gas reserves by the Greek Cypriot administration and Türkiye could have a spillover effect in the region with positive results

As of August 2020, terms of references that would help for the resumption of UN-led negotiations could not be agreed upon. Following the talks that collapsed in Crans Montana, Holl Lute, the UN Special Representative, initiated a mechanism to identify terms of references agreed upon by both communities to begin talks.³⁸ The Turkish Cypriot leadership claimed that Greek Cypriots' EEZ delimitation agreements with third countries were unilateral, reminding the two equal constituent communities in Cyprus according to the 1960 Constitution.³⁹ Disappointed by the Greek Cypriot's reactions towards their goodwill and once again realizing that they were not ready for a common future in the island, the Turkish Cypriots elected Ersin Tatar, who proposed a two-state solution for the conflict, as the President in October 2020. Suffering a breakdown at the negotiation table in 2016, the political actors, in both Northern Cyprus and Türkiye, insisted on a revision of the general basis of the well-established UN parameters of the bi-communal and bi-zonal federation. During his visit to the island to celebrate the 37 years of independence for the TRNC, President Erdoğan declared that "for years, we have argued that there should be a chance for cooperation regarding energy resources in the Eastern Mediterranean." He added that both Türkiye and Northern Cyprus will no longer tolerate 'diplomacy games' over rights to offshore resources.⁴⁰ Tatar drew attention to the 53-year stagnation over the negotiations and stated that official negotiations can only be started based on two states with sovereign equality.⁴¹ Both sides came up with divergent arguments to an informal 5+UN meeting (two sides of Cyprus, as well as the guarantor countries Türkiye, Greece, and the UK), hosted by the UN Secretary General on April 27-29, 2021 in Geneva. Greek Cypriots pursued their willingness to negotiate the federal model and its every point from where they were 'left off' in Crans-Montana in July 2017.

UN Secretary General expressed that “sufficient common ground could not be found” for formal negotiations. Since the end of August 2021, efforts to appoint Secretary General’s Special Envoy to Cyprus to succeed Jane Holl Lute are under way. The Turkish Cypriot side with two letters (July 1 and July 8, 2022) conveyed the cooperation proposals regarding hydrocarbons, electricity/interconnection, renewable energy, water, irregular migration and demining. During the 77th General Assembly of the UN on September 20, 2022, Türkiye again emphasized the reaffirmation of the sovereign equality and equal international status of Turkish Cypriots.⁴²

Hydrocarbon exploration activities were interrupted and the possibilities of cooperation in the region were damaged as a result of the different perspectives of the two sides in the axis of sovereignty-related discussions. The Turkish Cypriot leadership claimed that the delimitation agreements of the Greek Cypriot administration with third countries were unilateral in character.

A positive response to the discovery of natural gas reserves by the Greek Cypriot administration and Türkiye could have a spillover effect in the region with positive results. The prosperity of the Eastern Mediterranean, torn by military conflicts since the foundation of Israel in 1948, could be recovered provided that this protracted conflict in Cyprus could be resolved. A solution to the Cyprus problem could have further positive spillover effects on other conflicts in the region. The current situation jeopardizes not only the possible rapprochement between countries of the region for the benefit of all but also hampers the EU’s broader geopolitical impact in the Eastern Mediterranean.⁴³ It would invite the involvement of great powers external to the region, such as Russia, China, and the U.S. Excluding Türkiye (and the Turkish Cypriots) from hydrocarbon reserves around Cyprus and increasing tensions will provide a pretext for great powers that could lead to a military conflict, hindering projects of diversifying energy supplies to the EU from the Middle East by a Southern corridor.⁴⁴ An issue that is even more urgent since early 2022 given the war between Ukraine and Russia. The following section shows that the impasse in the Eastern Mediterranean, which could lead to dangerous consequences, is due to the nature of EU decision-making based on intergovernmental bargaining in sensitive foreign policy matters, responding to the national interests of member states involved.

A Framework for Analysis

Despite the growing literature on ‘Europeanization,’ the intergovernmental perspective continues to resonate within EU integration dynamics. The former perspective focuses on processes of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, styles,

ways of doing things, and shared beliefs and norms. For Radaelli, they have been first defined and consolidated in the EU policymaking and incorporated in domestic discourses, identities, and political structures.⁴⁵ Schimmelfenning underlines the collective decision for Eastern enlargement and introduces

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'rhetorical action,' the strategic use of norm-based arguments by the supporters of enlargement to justify their preferences on the grounds of pan-European orientation and liberal values. He claims that argumentatively 'entrapping' the opponents of EU enlargement, "they brought about a collective outcome that would not have been expected given the constellation of power and interests."⁴⁶ This is crucial for the alignment of candidates' foreign policies to the EU's security priorities, extremely difficult in normal circumstances. The candidates' alignment with the EU has been problematic as it incorporates issues with national resonance. In foreign policy, Europeanization requires candidates to transform their core interests along the membership process, in fact even after becoming a member.⁴⁷ The candidates have to adapt their national interest to European common interest, which requires thinking and acting at the EU level.⁴⁸ The convergence of the two levels occurs as a result of prolonged participation in the bargaining processes.

The intergovernmental perspective concentrates on the unanimous character of the EU decision-making in situations where national interests are at stake. Hoffmann, an early proponent of realist tradition – a precursor to the intergovernmental perspective, assigns the member states (and national interests) an 'adamant role' in the integration as there is no European government with a popular base.⁴⁹ Moravscik, the leading scholar of contemporary intergovernmentalism, argues in cases where national interests are high, governments negotiate initiatives in the Council of Ministers or in the European Council.⁵⁰ Underlining the strategic bargaining between states in Brussels, Moravscik and Vachudova equated the intergovernmental decision-making in the enlargement with the principle of 'unanimity.'⁵¹ While Moravscik regarded European integration as a two-level game underlining the domestic context of leaders' decisions, Schapf, coming from a realist institutionalist perspective, stated that "the center of power has remained in the Council of Ministers, representing national governments, and in the periodic Summit meetings of the European Council."⁵² In both institutions, 'unanimity' is required in deciding crucial matters and member states have the power to veto EU decisions affecting their vital interests.⁵³ For Schapf, the establishment of the joint decision system resembles the formative stage of the 'constitutional contract,' resembling EU enlargement politics in terms of requiring a unanimous decision.

The EU's paralysis in breaking the isolation of Turkish Cypriots, who accepted the Annan Plan, has been a crucial case to show how 'joint decision-making' traps the EU, leading to 'suboptimal' outcomes

Sharpf's contribution to intergovernmentalism lies elsewhere. Intergovernmental bargaining facilitates parties with no interest either to opt-out or to be bribed with side payments. The original agreement occurs when it is consistent with everybody's interest. Agreements cannot be abolished or changed 'as long as they are still preferred by even a single member,' a situation which is itself a 'trap.' A 'default condition' is featured in cases when

the process shifts 'from single-shot decisions to an ongoing joint-decision system in which the exit option is foreclosed.'⁵⁴ A precondition to form communal norms lies behind 'the absence of any strong moral, ideological or idealistic commitment on all sides' where any unilateral retaliation provokes 'suspicion and even harder retaliation.'⁵⁵ Scharpf also claims that "majority decisions would be easier to accept and increasing diversity among member states may not have quite damaging effects on positive integration."⁵⁶ The account of non-political policy-making in the supranational-hierarchical mode of governance in the European Central Bank and European Court of Justice pushed Scharpf to state "We might at least hope for a weakening of the joint-decision trap."⁵⁷ Scharpf's optimism is difficult to maintain in cases such as Türkiye-EU relations.

Türkiye-EU relations followed an interesting trajectory with crucial implications for the Cyprus conflict. The EU's Helsinki Summit in 1999 recovered what had been missing in the relations: the establishment of a contractual agreement based on monitoring of Türkiye's convergence to EU standards and compliance of the EU with its obligations to the country by conferring rights when requirements were fulfilled and imposing sanctions.⁵⁸ Uğur underlines "The offer made at Helsinki was front-loaded in terms of conditions-obligations (reforms and peaceful resolution of disputes) and backloaded in terms of the rewards (the start of accession negotiations)."⁵⁹ Schimmelfening, Engert, and Knobel diagnosed a contradiction between *Kemalism*, defined as the nationalist doctrine of the state, and European human rights norms.⁶⁰ Wood and Quaisser underlined the significance of the member states' domestic context and diverging geopolitical interests leading to the limited perspective when drawing the negotiation framework for Türkiye's accession in 2005.⁶¹ Gates claimed that the EU strategy would have crucial implications, both for the EU's global and regional role and Türkiye's reform process.⁶²

Soon the negotiating framework underlining the open-ended nature of Türkiye's membership prospect and European debates on 'absorption capacity'

when referring to Türkiye's application resulted in backsliding in democratization and relations with Southern Cyprus and Greece. Uğur states "...the open-ended accession negotiations framework may lock both the candidate country (Türkiye) and the EU into an impasse that prevents them from achieving a mutually agreed objective."⁶³ The framework does not provide sufficient incentives for either party to take action to break a deadlock as this might be beneficial for the opposite party and has uncertain implications on the utility of the party taking action. For Uğur, the only way to get out of this paralysis or settlement based on sub-optimal equilibrium for reform (for Türkiye) and membership prospect (for the EU) is to redesign the negotiating framework to include periodic summits to refresh commitments and trust, instead of taking unilateral initiatives. Faced with Türkiye's backsliding in the EU commitments, despite the start of accession negotiations, Düzgit and Kaliber underlined the 'de-Europeanization,' defined as the weakening of the EU/Europe as a normative context in Türkiye's public debates.⁶⁴ They point out growing skepticism in Turkish society toward the EU/Europe, risking its legitimacy as a reference for reform and foreign policy adaptation. Cebeci, borrowing Waeber's concept of 'silent disciplining power,' underlines Türkiye's 'counter-conduct' towards the EU's pressures for reform.⁶⁵ Following Malmvig's application of this Foucauldian notion in democracy promotion in the Arab world,⁶⁶ Cebeci underlines the ensemble of discourses and practices in Türkiye to 'resist,' 'reverse,' and 'counter' the EU's quest for reform without 'being overtly against' it.⁶⁷ However, 'de-Europeanization or 'counter-conduct' lies in the nature of the negotiating framework, a sub-optimal outcome of the EU decision-making based on intergovernmental bargaining. This has led to a 'joint decision trap,' especially when considering the Cyprus case. The 'community trap' that Schimmelfennig mentions has not been the case in Türkiye-EU relations and the Cyprus conflict.

Liberal theorists like Moravcsik rely on the asymmetrical interdependence between Türkiye and Europe to explain both the domestic change in Türkiye and the current paralysis in the accession process. For them, material links with Europe –the free trade area, immigration, and the prospect of membership– have substantially changed its domestic politics. However, the EU has less incentive to favor the Turkish membership than Türkiye and when the European interest has waned, a very short-sighted policy, the Turkish domestic support has receded. This explains a largely reactive Turkish position and the possibility that the response would be different were Europeans to welcome Türkiye. Moravcsik claims Türkiye's NATO membership, for about half a century, functioned without major problems. It is hard to see why EU membership should pose a problem. He does not believe the relations between Türkiye and the EU is a clash of civilizations or a clash of conflicting definitions of Europe. He states "This is almost always counterproductive."⁶⁸ Considering that enlargement is the great policy success story of post-Cold War Europe, Moravcsik

On April 28, 2021, an unofficial 5+1 format conference on Cyprus was held with the participation of the Cypriot parties and guarantor countries Türkiye, Greece, and the United Kingdom under the leadership of the UN, in Geneva. CEM ÖZDEL / AA



concludes that the European common foreign policy is pursued collectively in smaller matters, but through ‘coalitions of the willing’ in matters of defense.’ Therefore, for him, despite the unlikely short-term Turkish accession, issues like the Cyprus conflict could be resolved. So, showing the unclear ‘inevitable geo-strategic implications’ as barriers for Türkiye is misleading.⁶⁹

However, the EU strategy towards Türkiye showed its drawbacks after the discovery of hydrocarbon reserves in the Eastern Mediterranean. Türkiye endorsed the Annan Plan because the accession negotiations would start in the foreseeable future. The Cyprus case between 1999-2004 shows that the key feature of the EU leverage for reform and foreign policy adaptation was the ‘time constraint.’⁷⁰ The negotiation framework underlining that membership was a long-term matter caused Türkiye to retire its support of the solution to the Cyprus conflict and to adopt a traditional stance as a hard power in the Eastern Mediterranean. In addition to the membership of Greece, the Greek Cypriot membership has made it almost impossible for the EU to revise the existing framework of negotiation with Türkiye. Due particularly to the decision-making structure of the EU based on intergovernmental prerogatives, this protracted conflict became more complicated as a result of the energy discoveries. The EU’s paralysis in breaking the isolation of Turkish Cypriots, who accepted the Annan Plan, has been a crucial case to show how ‘joint decision-making’ traps the EU, leading to ‘suboptimal’ outcomes. Instead of the hitherto applied strategy of ‘bargaining,’ this paper offers a problem-solving style of decision-making in the case of the Cyprus conflict. Below, through a brief analysis

of how the EU's involvement with the Cyprus issue transformed the nature of the conflict over the past decades, we show how the EU has been trapped not once but two times in the case of Türkiye's membership by accepting first Greece and then Greek Cypriots as full members.

The Greek Cypriot accession without a solution to the conflict politicized the issue paving the way for a 'decision trap'

The Changing Nature of the Cyprus Conflict

The Republic of Cyprus was founded on August 16, 1960, through agreements in London and Zurich as a unitary state. The Greek and Turkish Cypriot communities shared powers in accordance with 70-30 percent ratio with respect to their population.⁷¹ The Agreements were supplemented by three treaties signed on February 11, 1959. The Treaty of Establishment signed between Cyprus and the UK provided the transfer of sovereignty to Cyprus, excluding about 256 square kilometers of the British military bases with sovereign status – *Dhekelia* and *Akrotiri*. The Treaty of Guarantee between the UK, Greece, and Türkiye on one hand, and Cyprus on the other, was designed to preserve the independence, territorial integrity, security, and constitutional structure of the Republic. The Treaty of Alliance between Cyprus, Greece, and Türkiye states that the three states would cooperate and consult to protect the territorial integrity of Cyprus through the creation of a tripartite headquarters and by stationing 950-strong Greek and 650-strong Turkish contingents on the island.⁷² The guarantors promised not to seek annexation or partition of Cyprus.

Throughout the 1970s, the conflict gained a further dimension as Cyprus signed an Association Agreement with the European Community (EC) in 1972. Greece and Türkiye had signed Association Agreements with the EC in the early 1960s.⁷³ The UK, another guarantor, became an EC member in 1973. The most serious breakout between the two Cypriot communities occurred in 1963. The Turkish Cypriots withdrew from the Republic's institutions. Following a July 15 coup in 1974, Türkiye intervened on the island relying on the Article IV of the Treaty of Guarantee. This article provided the parties with the right to act with the sole aim of re-establishing the state of affairs created by the present treaty in case of breach of a provision.⁷⁴ The UN-led bi-communal talks launched in search of a solution in 1968, were not able to bring the two communities to a convergence point until 1974. After the Turkish intervention in August 1974, the community leaders signed an Exchange of Population Agreement in Vienna, resulting in the movement of Turks to the North and Greeks to the South.⁷⁵ The turning point was the High-Level Agreements of 1977-1979, setting out negotiation parameters to form a bi-communal and bi-

For Türkiye, the solution to the Cyprus conflict has been a separate issue from its relations with the EU. The UN has been considered the central platform of conflict resolution negotiations

zonal federalism, the ultimate model of settlement.⁷⁶ The 1986 Draft Framework Agreements and 1992 Boutros Ghali Plan confirmed disagreements between the sides over a number of issues.⁷⁷ The Ghali Plan, the first attempt to resolve the conflict in the post-Cold War era, was derailed when the Greek Cypriot administration unilaterally applied for EC membership in July 1990.⁷⁸ The UN has been the central platform of Cyprus negotiations from the early stages of the conflict onwards. Despite the failure to reach a settlement, the situation on the island transformed, the position of the parties consolidated and the conflict evolved from one impasse to another.⁷⁹

A crucial change occurred when Greece became an EC member in 1981 and the Turkish community declared the TRNC in 1983. With the Greek accession to the EC, almost all aspects of the financial cooperation with Türkiye were blocked. The fourth financial protocol negotiated in 1980 was blocked by Greece. The blocked amount of 600 million ECU was around one-third of Türkiye's annual exports.⁸⁰ The EC Foreign Ministers stated that they recognized the Kyprianou government in Southern Cyprus as the sole sovereign government.⁸¹ Greece used its membership both to prevent Türkiye's membership prospects and to open Greek Cypriot progress in accession despite the lack of a solution to the conflict in the island. The EC soon incorporated the Greek Cypriot administration in its new enlargement towards Eastern Europe. In its first opinion about the Greek Cypriot application on June 30, 1993, the EC gave slim chances of membership. Though as Ker-Lindsay argues, historical ties going back two thousand years made Cyprus necessary to be considered as part of Europe, Greece played a crucial role in a positive turn in the EU perspective towards the Greek Cypriot petition for membership.⁸²

The EU considered Greek Cypriots' membership would make both communities more prosperous and bring them closer to each other. Türkiye and Turkish Cypriots expected the EU not to start accession negotiations prior to a settlement. However, the EU could not shelve the Greek Cypriot application until the conflict was resolved because Greece threatened to block further EU Eastern enlargement. Nugent stated, "The government of most member states would feel most uneasy about refusing a country accession that meets all the normal entry requirements –especially if that refusal was in effect to be dictated by Türkiye, a non-member state."⁸³ The EU's perspective towards the Greek Cypriot application was politically motivated and paved the way to grant candidate status to the Greek Cypriot administration along with the East European countries at the Luxembourg Summit in 1997. This decision

brought relations with Türkiye to the brink of collapse and created deep security concerns.⁸⁴ Probably under U.S. pressure, within two years at the Helsinki Summit in 1999, the EU took critical decisions on Türkiye affecting the Cyprus conflict. The UN Security Council (Resolution 1250, June 29, 1999) requested Secretary-General Annan to invite two leaders for proximity talks by the beginning of December. Under the pressure of Greek Cypriots' impending EU membership, reaching a settlement was the key motive behind this schedule.⁸⁵

In Nice in 2001, the EU reiterated the Council's support for the UN initiative.⁸⁶ However, the talks between the two sides, ongoing since January, did not lead to any results. Greece was prepared to block the enlargement if any member state attempted to exclude a divided Cyprus by December's Copenhagen Summit. Agathocles, the then-Greek ambassador to the EU, said it was "unthinkable for any Greek [political] party to vote in favor of accession that does not include Cyprus." If Cyprus was not among the first lot, there will be no enlargement.⁸⁷ In Copenhagen in 2002, the EU stated that Cyprus would become a full member on May 1, 2004 (after the approval of the Accession Agreements and in any case before the EP elections in May).⁸⁸ The settlement prior to the accession was no longer *sine qua non* after the Copenhagen Council in 2002. At the Seville Summit in 2002, the Council supported Cyprus membership as a unified island and urged the EU to intensify negotiations for a comprehensive solution. The leaders aimed to ensure that the EU law was applicable and to make the island a single voice as an EU member. The solution would be harmonized with the Accession Agreement. The EU promised financial contributions to support the development of the North.⁸⁹

The Copenhagen Summit in December 2002 finalized the EU's decision for Cyprus. Signing the Accession Treaty on April 16, 2003, along with other candidates, the Greek Cypriot administration became an EU member on May 1, 2004. The UN Secretary-General Annan tried to exploit the situation to reunify the island with a plan. The EU supported the negotiations and the approval of Annan's Plan by the two communities. Nonetheless, through signing the Accession Agreement with the Greek Cypriot administration prior to the Plan's referendum, it failed to direct the stick part of the 'carrot and stick' strategy. Therefore, the EU could not pursue any binding policy in case the Plan was rejected. On April 24, 2003, the Plan was rejected by the majority (76 percent) of Greek Cypriots in the referendum. Disappointed by this, and the EU's inability to end the isolation of the Turkish Cypriots, Türkiye had to confront the reality and normalize its relations with the Greek Cypriot administration. Underlining that the EU put pressure on Türkiye and the Turkish Cypriots, Smith states that "Conditionality has not been applied consistently with respect to the Greek Cypriot application."⁹⁰ Apparently, the condition of establishing good neighborly relations was ignored. The EU hoped that the carrot would be enough to push for a solution and declined to use its leverage openly,

never threatening to use the stick. Greece, benefiting from the reluctance of other member states, prevented the EU from doing so.

Despite the start of accession negotiations in October 2005, any serious progress was not expected in Türkiye-EU relations. In December 2004, the EU invited Türkiye to ratify the Additional Protocol to the Ankara Agreement aiming at the extension of the Customs Union to the new member states. Despite ratifying the Protocol in July 2005, Türkiye issued a declaration referring to the exclusion of the Greek Cypriot administration from the Customs Union by stating that the signature could not be interpreted as the recognition of that country.⁹¹ The EU's counter-declaration in September 2005 stated that Türkiye's declaration had no legal effect on her obligations under the Protocol. The EU underlined that the accession required the normalization of bilateral relations between Türkiye and the Greek Cypriot administration and the opening of negotiations on the relevant chapters depended on Türkiye's tune towards all member states.⁹² The EU reminded Ankara that it should implement the Customs Union treaty without discrimination and open its ports to Cypriot ships and aircraft. In October 2005, according to the EU negotiating framework, Türkiye was required to normalize relations with all members, including the Greek Cypriot administration. This would create a suitable climate for settlement in the island. Türkiye was also expected to take responsibilities arising from implementing the Customs Union to all new members.⁹³ The EU underlined that Türkiye's failure to meet these obligations would hinder its progress in the negotiations.⁹⁴

For the EU, the necessities arising from the EU treaties, the obligations arising from the partnership, including the application of policies and positions in international organizations against third countries (EU member states, member organizations, and treaties such as NATO in the Union's policies and attitudes) were all part of the accession process. It referred to the EU states' membership in these organizations.⁹⁵ A few weeks after Türkiye's accession talks began, Erdoğan stressed that Türkiye did not consider the EU as the right platform to solve the Cyprus conflict.⁹⁶ Vetoing Greek Cypriot membership in the OECD and its application for the Wassenaar Agreement in December 2005,⁹⁷ Türkiye insisted that the Greek Cypriots be excluded from the strategic cooperation between the EU and NATO on Crisis Management within the framework of the European Security and Defense Policies (ESDP). The tensions grew further with Türkiye's refusal to open seaports and airports to Greek Cypriot-flagged ships and aircraft.⁹⁸ Reviewing Türkiye's 'accession partnership' document in January 2006, the EU asked Türkiye to continue its support for the UN-led negotiations and to implement the Protocol attached to the Ankara Agreement, and take steps to improve bilateral relations with all EU member states, including Cyprus.⁹⁹ At the Brussels Summit in December 2006, the EU suspended 8 chapters of negotiations with Türkiye.

As long as there was no solution to the Cyprus problem, it was difficult to progress in the relations.¹⁰⁰ The EU underlined that until Türkiye agrees to apply the Additional Protocol to the Greek Cypriot administration, no chapter would be provisionally closed and 8 negotiation chapters would not be opened. The

Without much of a conciliatory role, the EU avoided converting itself into a negotiation platform for the Cyprus negotiations and lost ground for being a reference point

The EU policies towards Türkiye could be described as a selective conditionality. The Greek Cypriot accession without a solution to the conflict politicized the issue paving the way for a 'decision trap.' This became obvious when the Council declared that the Commission's policy package for 'direct trade' of Northern Cyprus with the EU markets, was considered as a violation of European regulations. The North could not be viewed as a sovereign entity. Türkiye and the TRNC referred to the issues of sovereignty and guaranteeing power as the 'red line' in relations with the EU.¹⁰¹ Despite efforts under the Spanish presidency in 2010, the paralysis in Türkiye's accession process continued. The Greek Cypriot veto of the opening of the 8 chapters brought Türkiye's alienation from the Copenhagen criteria. The accession negotiations have been *de facto* frozen as Türkiye refused to implement the Additional Protocol. As the EU underlines in various regular reports from 2011 onwards, Türkiye's priorities have been diverging from the European perspective. The discovery of energy reserves in the Eastern Mediterranean and Türkiye's growing involvement in Middle Eastern affairs after the Arab Spring contributed to this. For the EU, Ankara's exploratory drilling around Cyprus was 'illegal' in the Cypriot EEZ. Türkiye claimed the area as its own EEZ. Greek Cypriots expected a clearer EU stance that would push Ankara to change its track, including cutting funds or the formal end of membership talks. Türkiye's relations with the EU have been strained because of exploratory drilling in the Eastern Mediterranean. After the Syrian civil war, the relations gained momentum as the EU found it needed Türkiye on issues of security and migration. This did not prevent the deterioration of relations between Greece and Türkiye, which had been in a honeymoon phase when Greece realized a major shift in foreign policy from being an open adversary to a good neighbor. The EU was a key player in this context.¹⁰² This has been changing under the pressure of the Syrian migration crisis. The war between Russia and Ukraine brought another aggressive turn in Greek foreign policy vis-à-vis Türkiye. Both are beyond the scope of this paper.

Despite some positive developments, 2022 has been a challenging year for Türkiye and the countries neighboring Eastern Mediterranean. Two countries technically at war, Israel and Lebanon reached an agreement to end the long-running dispute over their maritime border. The deal was supposed to set a border between two countries' waters for the first time and therefore opening the door

The EU has been trapped by its unanimous decision model in the Turkish case and the cost of this entrapment increases nowadays, with a crisis at its backdoor as a result of the war in Ukraine, and after a shameful paralysis towards the humanitarian disaster caused by the Syrian migrations crisis

started drilling activities in the Eastern Mediterranean in August 2022, while the European Council adopted a decision extending the sanction regime on Türkiye for one year, until November 12, 2023. The sanctions were limited to a “travel ban to the EU and an asset freeze for persons, and entities involving in drilling activities.”¹⁰⁶ Greek Cypriots and Greece have deepened their defense cooperation with the U.S. throughout 2022. As the U.S. lifted the arms embargo imposed on the Greek Cypriots, Washington, Athens and Nicosia have initiated new cooperation, consisting initiatives one with Israel and the other with Egypt, aiming to set up closer ties among actors in the Eastern Mediterranean. The decision of Biden Administration to no longer support the EastMed natural-gas pipeline had negative effects on such initiatives.¹⁰⁷ In 2023, Greek Cypriot President Christodoulides presented to the EP his vision for the future of Europe by focusing on geopolitically-driven challenges. Christodoulides ironically called more EU engagement and asked for the appointment of an EU Envoy for the Cyprus problem.¹⁰⁸ Greek Prime Minister Kyriakos Mitsotakis renewed their interest in natural gas exports partnership in the 9th Trilateral Summit between Israel, Greece and Cyprus in Nicosia and pointed India as a country may even be invited to the next trilateral summit.¹⁰⁹ Recently re-elected Turkish President Erdoğan and Greek Prime Minister Mitsotakis had a meeting on the sidelines of the July 11-12, 2023 NATO Summit in Vilnius, and promised to open multiple channels of communication between the two governments. Bilateral talks with Greece and Türkiye were cut off after Mitsotakis urged U.S. in May 2022 to block arms sales to Türkiye.¹¹⁰

to offshore energy exploration.¹⁰³ Türkiye-Libya maritime agreement, consisting of memorandum of understanding (MOU) on economic issues, prompted Greece and Egypt to give an immediate reaction as they would oppose any activity in disputed areas of the Eastern Mediterranean.¹⁰⁴ 2022 witnessed new gas discoveries in Israel, Cyprus, and Egypt. But none of them would have attracted attention on par with Egypt’s Zohr or Israel’s Leviathan fields.¹⁰⁵ Türkiye’s Abdulhamid Han Vessel among top 7th generation ships in the world

Conclusion

For Türkiye, the solution to the Cyprus conflict has been a separate issue from its relations with the EU. The UN has been considered the central platform

of conflict resolution negotiations. Despite the insistences of Türkiye and the TRNC, this situation gradually changed with Greece's EU membership in 1981. Since then, the EU supported the Greek position in regards to the conflict, demanding the recognition of the Greek Cypriot administration as the sole legitimate actor and considering the TRNC as a secessionist entity. The adversaries of Türkiye and the Turkish Cypriots have been multiplied by the accession of the Greek Cypriots to the EU. The EU's conditionality has not been applied in the case of Cyprus. While intergovernmental bargaining did nothing to reframe the issue, the 'Europeanization' did nothing to strengthen the EU level. Without much of a conciliatory role, the EU avoided converting itself into a negotiation platform for the Cyprus negotiations and lost ground for being a reference point. As Jack Straw, former foreign secretary of the United Kingdom, stated that "...we could, and should, have put Cyprus' accession on ice at this stage, and made it clear to both sides that only a united island would be allowed to join the EU...The bloc's failure (to which I was a party) means the EU itself has presided over a frozen conflict. And in doing so, it has lost all serious leverage over Greek Cypriots."¹¹¹ As Straw clearly says that they should never have let Cyprus join the EU; therefore, instead of a 'community trap,' we observe a 'joint decision trap' in the almost parallel cases of Greek Cypriot and Turkish membership negotiations with detrimental effects on the Cyprus conflict and Türkiye's relations with Greece. Türkiye acted with pure instrumental logic between 1999 and 2004. It is most likely that the claim of Moravcsik and other liberals, that the interdependence between Türkiye and the EU is asymmetrical and the EU has less incentive for Turkish membership, is true. In response to the waning European interest, Türkiye's domestic support receded. However, showing the unclear 'inevitable geo-strategic implications' as things to worry about for Turkish accession is an equally misleading position. Therefore, rather than 'de-Europeanization' or 'counter-conduct,' a more complex framework would explain Türkiye's latest confrontational strategy in the Eastern Mediterranean. The EU has been trapped by its unanimous decision model in the Turkish case and the cost of this entrapment increases nowadays, with a crisis at its backdoor as a result of the war in Ukraine, and after a shameful paralysis towards the humanitarian disaster caused by the Syrian migrations crisis. ■

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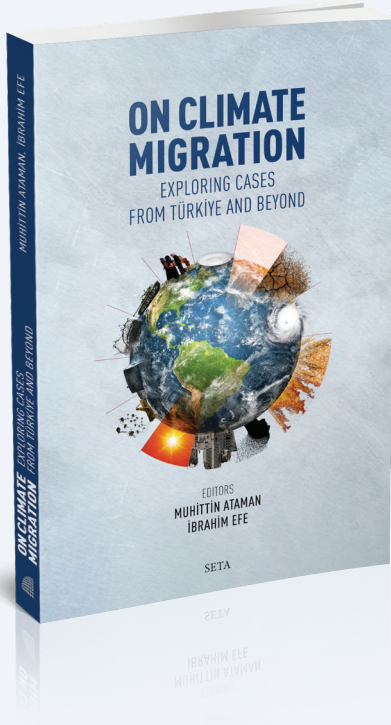
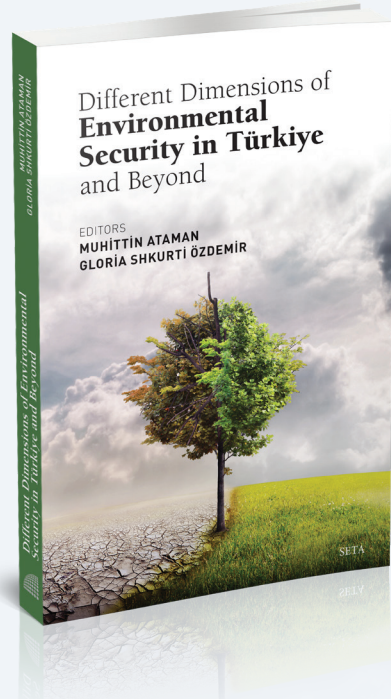
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