
Searching a Beneficial Way Out from the Impasse: The Cyprus Problem and Turkish Foreign Policy

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Abstract

This article examines critically the developments pertaining to the Cyprus issue in 2009. Turkish authorities gave genuine support to the Cyprus negotiations and insisted that a solution should be concluded and voted on in referendums in 2009. They considered it vitally important that the Turkish Cypriot side should stay at the negotiating table and the Turkish side should not be held responsible for the ongoing stalemate. Promising steps were taken regarding confidence-building measures while some progress was achieved in major issues. However, no agreement came out on the election of Turkish representatives by their people; the issue of property remained a Gordian knot and the sides continued to have contrary views on the 1960 treaties and Turkey's guarantee. The Turkish government did not open its harbors and airports to the Greek Cypriot administration in 2009 since the EU promise of removing the isolation of the Turkish Cypriots was not fulfilled. Turkish leaders announced that Turkey would choose Cyprus if it was forced to choose between the EU and Cyprus.

Key Words

Turkey's Cyprus policy, Cyprus negotiations, Turkey's EU membership process.

Introduction

In the recent history of the Cyprus question, the leaders of the Greek and Turkish Cypriots, Glafcos Clerides and Rauf Denktaş, respectively, met fifty-eight times by 2002 in order to try to find a comprehensive solution to the Cyprus question under the auspices of the United Nations, but they could not achieve any substantial progress. Feeling the need to intervene in the process, UN Secretary-General Kofi Annan submitted his plan to the sides on 11 November 2002. While the Turkish side failed to give an official response to the plan because of Denktaş's health problems and the government change in Ankara, the Greek Cypriots stated that they saw the plan as a basis for discussion, but they could not accept it as it was. Some changes were made in the plan and it was resubmitted to the sides, but it could not be signed at the EU Copenhagen Summit on December 12 in spite of intensive pressures from

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representatives of the US, the UN and the EU. Denktaş and Clerides met eight times after the Copenhagen Summit, but technical committees could not be established and activated immediately as it was planned, so that the negotiations could not be elevated to the expected intensity because of the propaganda activities conducted by the Greek Cypriot side for the presidential elections on 16 February 2003. The negotiations process reached a further impasse when Tasos Papadopoulos, who criticized the Annan Plan harshly and accused Clerides of being too soft, won the elections. Kofi Annan came to Cyprus on February 26 to submit the third revised version of his plan to the two sides and invited them to The Hague to receive their official responses. Annan also wanted the sides to promise to take the plan to the people in a referendum even if they did not reach an agreement on it. No agreement came out of the intensive negotiations between Annan, Denktaş and Papadopoulos on March 10 and the Greek Cypriot administration signed the accession treaty with the EU in a ceremony at Athens on 16 April 2003.

The Turkish government tried to revive the process at the beginning of 2004 so as not to be isolated totally in the international arena and to ease its EU membership process. Taking courage from the Turkish initiative, UN

Secretary-General Annan had talks with the leaders of the Cypriot communities, Denktaş and Papadopoulos, in New York in February and submitted to them a two-page text to be responded to with just a 'no' or 'yes' answer. According to the text, if the two leaders could not reach an agreement before 22 March, Greece and Turkey would be invited to the process. If an agreement was not still possible after 29 March, referendums would be arranged for the last version of the Annan plan by both sides of Cyprus before 1 May. The two sides accepted the text and thus they consented to holding referendums even if an agreement was not reached.

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According to the plan, the number of Turkish and Greek soldiers on the island would be reduced to 6000 in 2011, to 3000 in 2018, and

ultimately Turkey and Greece would keep 650 and 950 soldiers, respectively, on the island. The Turkish Cypriot territory would be reduced from 36% of the island to 29%. Güzelyurt and its surrounding area would be left to the Greek Cypriot administration and Karpaz would stay in the hands of the Turkish Cypriots. The number of Greek Cypriots who would return to their homes in the north would not exceed 18% of the Turkish population for the next 19 years. When Turkey became an EU member or after 19 years had passed, all limitations would be removed. The Greek Cypriots having

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homes in the Karpaz region would return to their homes without any restrictions. The lands which would be left to the Greek Cypriots would be transferred to them in six phases over forty-two months. The restrictions regarding the Greek Cypriot purchase of property from the Turkish founder state would be removed when the per capita income of the Turkish Cypriots reached 85% of Greek Cypriots' per capita income or at the end of 15 years. The election of senators would be made according to ethnic origin rather than citizenship in order to not harm the balance in the Senate, which was designed to be formed by 24 Turkish Cypriots and 24 Greek Cypriots. However, in the Council of the Presidency, citizenship not ethnic origin would be used as the criteria. The federal government would consist of 3 Turkish Cypriots and 3 Greek Cypriots; there would be 4 Greek Cypriot MPs and 2 Turkish Cypriot MPs in the European Parliament and, in the first period, presidency and vice presidency would alternate between the sides every ten months in the Council of the Presidency, which would be formed by 6 Greek Cypriots and 3 Turkish Cypriots. In the following period, the presidency would

be undertaken by the Greek Cypriots for 40 months and then by the Turkish Cypriots for 20 months. Decisions of the Council of Presidency would have to be approved by at least one Turkish Cypriot member and the sides would not be able to dominate each other. The 45,000 Turks who came to Cyprus after 1974 would continue to stay on the island and the rate of Turks who could immigrate to Cyprus would not exceed 5% of the population on the Turkish Cypriot side. In the referendums held in April 2004, the plan was ratified in the north at a rate of 65% whereas the Greek Cypriots rejected it at a rate of 70%.

In the immediate aftermath of the referendums, the EU issued a declaration stating that the EU Council was determined to support the economic development of the Turkish Republic of Northern Cyprus, which demonstrated its willingness to join the EU. The declaration advised the release of a financial aid package of 259 million dollars appropriated for the Turkish Republic of Northern Cyprus (TRNC) and the EU Commission was urged to start the necessary work to develop comprehensive economic projects for Turkish Cypriots. In the EU Summit of December 2004, Turkey was given a date for the start of accession negotiations, but it was also reminded that it had to extend its customs union with the EU to the Greek Cypriot administration and withdraw its soldiers from Cyprus.

In line with its policy of solving problems with the neighbors and creating a security belt around Turkey, the AKP government of Turkey has been insisting since 2004 on finding a solution to the Cyprus problem and, therefore, it has faced fierce accusations at home that it has undermined Turkey's vital interests in Cyprus. In 2009, AKP leaders who are rightist-conservatives gave strong support to the actions, attitudes and views of the leftist statesmen of the TRNC on the Cyprus question. Therefore, in this article, the concept of 'Turkish side' is used in a way to include both Turkey and the TRNC. Evaluations and analyses in the article are related mostly to the events of 2009. In this article, developments related to the Cyprus talks of 2009 are discussed with a special emphasis on Turkey's stance on Cyprus and Turkey's Cyprus policies are analyzed in connection with the EU's role and attitude in the Cyprus issue.

The Process of Negotiations in the Cyprus Question

When TRNC President Mehmet Ali Talat and Greek Cypriot leader Dimitris Christofias met on 21 March 2008, they decided to initiate a process which would result in a comprehensive solution and to submit the text which would be created at the end of the process to the approval of their communities (via referendums). Two important steps were taken before the negotiations began on 3 September 2008. Six working groups were established to help the representatives of the two

leaders to discuss the issues concerning the essence of the Cyprus question (government and power sharing, land, property, economy, EU, and security and guarantees). Additionally, seven technical committees were set up to help the technical experts on both sides to work on confidence-building measures (crime and crime-related issues, economic and commercial issues, cultural heritage, crisis management, humanitarian issues, health and environment).¹ During the negotiations, the six major issues were discussed directly by the two leaders while their representatives met frequently and for long hours either to make preparations for the meetings of the leaders or to ensure progress on issues on which no agreement was reached in the leader talks. The technical committees too conducted important work and achieved concrete progress with the support of the UN and the EU to build confidence between the two communities and to create an atmosphere of reconciliation.

According to the method of negotiation adopted by the sides, in the first phase, the leaders were going to negotiate each of the six major issues once and they would prepare for each issue a single paper including the points on which they agreed and disagreed. The second phase would be the give-and-take process, in which mutual concessions would be made.² However, in the second phase which began in September 2009, the leaders had second talks on the issues which had been negotiated previously without agreement. In the following third phase, the leaders planned to overcome

disagreements through the give-and-take method.³

It was decided that a change of method for the Cyprus negotiations was needed in order to ensure more rapid progress.

The talks on the issue of government and power sharing were completed on 16 January 2009. On 28 January, the leaders exchanged the official papers explaining their position on the property issues and they transferred it to their representatives on 5 March to be discussed in its details. On 11 March, the leaders began to discuss the EU issue and transferred its technical aspects to technical experts, instructing them to prepare a report on it. By 21 April, the sides had begun to negotiate the issue of the economy. It was planned that the Economy Working Group was going to meet three times a week and prepare an almost ultimate document to be ratified by the leaders. However, negotiating this simple issue continued until 11 June. On 2 June, the two leaders completed their first reading on the issue of territory and agreed on the negotiation program for the next 3-4 months. They had talks on security and guarantees on 10 June. When the leaders completed the first phase of negotiations on 6 August, they had prepared 30 joint papers on three major chapters (government and power sharing, relations with the EU and economy). According to Talat, the creation of joint texts which specified the points of agreement and

disagreement was the first in the history of Cyprus negotiations and was a very important development.⁴

The second round of negotiations were supposed to begin on 2 September, but the Greek Cypriot side announced that they had postponed negotiations since the Greek Cypriot worshippers who wanted to visit religious places in the north had been subjected to bad treatment by TRNC authorities at the Yeşilirmak check point. The Turkish Cypriot side stated that they had remained faithful to the previously signed agreement and they were not responsible for hardships experienced by the Greek Cypriots since they provided sufficient officials and took the necessary measures.⁵ At the end, the second tour of negotiations began on 11 September. The leaders discussed government, power-sharing and the presidency on 7 October, foreign relations on 21 October, property on 22 October, authorities of the federal government on 27 October and the criteria which would be used on the property issue on 2 November. In early December, Talat paid a visit to Turkey and had talks with President Abdullah Gül and Prime Minister Recep Tayyip Erdoğan. During the talks, it was decided that a change of method for the Cyprus negotiations was needed in order to ensure more rapid progress. The Turkish leaders also determined the issues in which they could show more flexibility and new demands which would be conveyed to the Greek Cypriot side.⁶ After these talks, Talat

stressed the necessity to take steps which would reduce disagreement and to seek a different method given the reluctant attitude of the Greek Cypriot side in conducting serious negotiations. Talat also announced that he and Christofias were going to meet three times at each leader's home in January 2010 in order to negotiate longer (the whole day), to accelerate the speed of negotiations and to have talks on convenient issues by changing the place of negotiation.⁷ But later it was declared that the leaders were going to have talks at the home of Taya Brook Zerihoun, the special envoy of the UN Secretary-General on Cyprus, in the buffer zone, because the infrastructure of the leaders' houses was not sufficient and that method would cause loss of time.⁸

The Issue of Government and Power Sharing

The alternative which was most preferred by the Turkish side was independence. However, since they knew that this is impossible under the present international conditions, they preferred a federated state whose sovereignty would be as strong as possible and which could take care of its own affairs within a federation. The Greek Cypriots desired to fortify the independence of the Republic of Cyprus as a unitary state to dominate the whole island. This was preferable for them because *enosis* (unification with Greece), which is regarded as their national dream, is not possible as well under the present international

conditions. The Greek Cypriots seem to support a structure entitled a 'federation' whose central government is strong because they are expected to establish a partnership with the Turkish Cypriots. In fact, under international pressure, both sides accepted a bi-zonal and bi-communal federation established on the political equality of the sides as defined by various UN Security Council resolutions. The partnership, which would have been created by the founder Turkish and Greek Cypriot states having equal status, required the establishment of a federal government having a single international identity (sovereignty).⁹

Hasgüler rightly questions how appropriate a federation is for Cyprus.¹⁰ In a federation, a balance is sought between the federal government and the federated states as well as the powers of the legislature, the executive and the judiciary. It is extremely hard to bring together ethnically different communities who feel deep distrust towards each other. When attempts are made to bring the sides together under the framework of a federation, it must concentrate on creating conciliation between them through mutual sacrifices, but federalist controls and balances are not to be taken into consideration. It is highly likely that the majority will try to take over the federal government and that the weak side will face a serious difficulty in protecting its existence and sovereignty in case of a single sovereignty, single identity and single representation.

During the 2009 negotiations, the Turkish side attributed the greatest importance to ensuring political equality with the Greek Cypriots and preventing Greek Cypriot hegemony over them. In their eyes, if genuine political equality was ensured through quantitative equality in some federal bodies (like the Senate) and quantitative closeness in some federal bodies (like the Council of Presidency and the Legislative) and thus if the federal government was prevented from falling under Greek Cypriot control, then there would no problem for them to increase the authorities of the federal government.¹¹ However, it was highly important that Turkish representatives would be elected solely by the Turkish Cypriot people.

On the sovereignty issue, the Greek Cypriot side stressed a single sovereignty as a reflection of their unitary state approach. On the Turkish side, the National Union Party (UBP), which won the majority in the Parliament in the April 2009 elections, was openly opposed to a single sovereignty, one of the essential conditions of a federal state, and preferred confederation.¹² The AKP government of Turkey expressed its dislike for the statements of UBP leader Derviş Eroğlu on the issue of single sovereignty. In the opinion of TRNC President Talat, sovereignty would be established at two levels; the two sides would take care of their own affairs and they would live their own democracy. At the federal level, there would be joint sovereignty in the sense that there would be a joint government under the leadership of one

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Greek Cypriot and one Turkish Cypriot and this government would have a joint program. In this context, one thing which was proposed by Talat and was found dangerous by some people on the Turkish side was the possibility that the president and the vice president (one Greek Cypriot and the other Turkish Cypriot) would be elected from a single list since they would implement a joint government program.¹³ However, contrary to the Greek Cypriot proposal, Talat proposed the election of president and vice president by the Senate instead of by the people. Talat's reasoning was that it was difficult for diverse voting groups to come together and create conciliation among them whereas this would be achieved more easily in the Senate where there were fewer members and the sides had an equal number of representatives.¹⁴ The thing which was considered to be important by Talat in this context was the possibility that the Greek Cypriot people would have at least an indirect role in the election of the Turkish Cypriot vice president. In the opinion of some Turkish critics, the same possibility would also be valid in the Senate. It was even hinted that Talat would try to be the representative of the Turkish Cypriot side in the joint government by receiving the support of some circles in the Greek Cypriot side

because he would not be able to gain sufficient support among the Turkish Cypriots.

However, the Talat administration openly opposed the proposal of using joint ballots for elections, labeling it a deviation from UN parameters, on the grounds that it would enable the Greek Cypriot people to determine the result of the election of Turkish Cypriot leaders. The foreign minister from the Republican Turkish Party (CTP) government, Turgay Avcı, stressed that the election of the Greek Cypriot president, Turkish Cypriot vice presidents and Greek and Turkish Cypriot MPs from a single list would bring about a unitary state whose joint decisions would be taken by the Greek Cypriot majority.¹⁵ On the other hand, the proposal that the votes of Greek Cypriots cast in the elections of the Greek Cypriot state should be effective in the TRNC elections at the rate of 20% and vice versa was considered by some circles as the game of the AKEL (the communist party in the Greek Cypriot state) and the CTP. It was alleged that the AKEL and the CTP would support each other in crisscross voting and thus they would prevent nationalist parties such as the UBP from coming to power. Pointing out that the Turkish Cypriots had separate electoral rolls and separate ballots since 1876; it was argued that such a method would bring about a single state by neutralizing the Turkish Cypriots.¹⁶

In fact, Greek Cypriot leader Christofias clearly stated during the negotiations that the federal solution was a difficult and inappropriate one under the conditions of Cyprus.¹⁷ His statement in the UN General Assembly that the Republic of Cyprus would become a federation through evolution and that federation would consist of two autonomous regions was perceived by the Turkish side as a confession demonstrating the real intention of the Greek Cypriots.¹⁸ While Christofias was compelled to utter the goal of establishing a bi-zonal and bi-communal federation because of the UN resolutions, he especially stressed a state having a single sovereignty, a single international representation, a single citizenship and a unified economy within the EU; he even presented the fact that Talat accepted single sovereignty as a substantial progress.¹⁹

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It seemed that the Turkish Cypriots could sacrifice their existing state to participate as a founder in a federation in which they will be able to take care of their own affairs. But the Greek Cypriot side tried to give the impression that Turkish Cypriots were joining them by insisting on the continuation of the Republic of Cyprus as a federation and they would work to strengthen the unitary aspect of the state in the following

process. It seems that the key issues on the question of government and power sharing would continue to be the extent to which the Greek Cypriots would have a role in the election of Turkish Cypriot representatives and to what degree the federal government would come under the control of the Greek Cypriots.

The Issue of Property

The Turkish side approached the property issue in the 2009 negotiations from the perspective of protecting the bi-zonal character of the state, since they did not forget that Greek Cypriots had destroyed the state system established by the international agreements they signed and forced the Turkish Cypriots to withdraw to 36% of the island to survive. In the eyes of the Turkish side, handling the property issue at the individual level by trying to compensate every individual for losses would result in a collapse of the socio-economic structure which emerged at the end of a long process. The issue should be seen as a part of the whole Cyprus question in light of the rights of the present and former owners of properties and the three alternatives (compensation, exchange and restitution) should be kept on the table.²⁰

Considering the property issue as an important tool to dominate the whole island, the Greek Cypriots insisted on the return of properties to their 1974 owners by giving them the last say. They anticipated that the Turkish

Cypriot structure in the north would lose its meaning when at least 70% of Greek Cypriots who owned 80% of the lands in the north returned to their homes. Tumazos Çelebis, an advisor to Christofias, demonstrated this state of mind when he said that the solution of the property problem would be much easier when lands were returned to Greek Cypriots at the highest rate possible.²¹ Greek Cypriot authorities encouraged their citizens to apply to the European Court of Human Rights (ECHR) and the Court of Justice of the European Union since they knew that these courts always ruled in favor of Greek Cypriots regarding property rights.²² Encouraged by their authorities, three Greek Cypriot citizens filed a claim in the Court of the District of Columbia in the United States against the TRNC, demanding 1 trillion 400 billion dollars as compensation.²³

In the negotiations, Talat stated at the beginning that there should be an agreement on principles before deciding on the property issue.²⁴ According to his statement in February 2009, it was agreed that the alternatives which would be discussed in solving the issue were restitution, exchange and compensation, although the positions of the sides remained considerably different.²⁵ In his opinion, the Property Committee would be a part of the general mechanism which would also include an independent court dealing with property disagreements. Turkish Cypriot authorities recognized the property right stressed by Greek Cypriots, but they were proposing a

mechanism in which the opinion of the former owner would be taken into consideration at first and the appropriate alternative out of three (restitution, exchange and compensation) would be chosen in accordance with the criteria which would be determined in later stages of the negotiations.²⁶ According to the statement by Talat, by March 2009, agreement had been reached between the sides on the establishment of the Mechanism of the Property Committee which would not be under the control of any side.²⁷

It was announced by the Turkish Cypriot side in November 2009 that the first rapprochement appeared between the sides on the property issue with agreement reached on half of the criteria proposed by both sides.²⁸ Meanwhile, the work of categorizing the properties continued. When this work ended, discussion could be resumed on how problems concerning the properties in each category could be solved. By November 19, the paper of rapprochement on the property issue had been completed and the list of categories had been prepared.²⁹ However, this progress would not have any meaning as long as the sides did not step back from their positions, which were far apart from each other.

Developments concerning Greek Cypriot applications to the Immovable Property Commission of the Turkish Cypriot administration kept their importance in 2009. In December 2005, the ECHR demanded that Turkey, in

lawsuits filed by Xenides and Arestis against Turkey, establish an effective mechanism of compensation for 1400 similar lawsuits filed by Greek Cypriots. Although the Court's call to establish the mechanism on the Turkish Cypriot side was directed not to the Turkish Cypriots but to Turkey, perhaps hinting that 'it was the invader of Cyprus,' the Papadopoulos government objected to the call by thinking that any application by Greek Cypriots would amount to recognizing the TRNC. The Greek Cypriot government stated that it would not object on legal grounds to the application of its citizens to the commission for their property rights, but it demonstrated in different ways that it was opposed to such applications. While the nationalists in the Greek Cypriot parliament suggested the removal of the refugee status of Greek Cypriots who applied to the commission and termination of any state aid to them, nationalists among the ordinary Greek Cypriot citizens demanded punishment of those people and thus the applications of Greek Cypriots to the commission remained under the expected level.³⁰

The importance of the Immovable Property Commission for the Turkish side is that it was accepted by the ECHR as a domestic legal mechanism, hinting at the legitimacy of the Turkish Cypriot administration.³¹ But it was considered to be a domestic legal mechanism of Turkey, not the TRNC, by the ECHR as a result of the investigation it made in the eight pilot trials in 2010. The Greek Cypriots

should take advantage of the domestic legal mechanism; in other words they should apply to the commission first in order to be able to apply to the ECHR regarding their properties. It is expected that the Greek Cypriot applications, which are in front of the Court, will be withdrawn and directed toward the Commission.³² By May 2009, the number of Greek Cypriots who had applied to the Commission had reached 390. While fifty-two of the applications were concluded with compensation by mutual agreement, two applications were concluded with compensation and exchange, four applications with return and compensation and one application with restitution.³³ A total of 9,906,000 Cypriot pounds (approximately 24 million US Dollars) were paid to Greek Cypriots by the Commission as compensation. In November 2009, there were some reports in newspapers that 50 million Turkish Liras would be paid to two Greek Cypriots and that this would encourage more Greek Cypriots to apply to the Commission and would add a new aspect to the property issue.³⁴

The judgment concluded by the Court of Justice of the European Union in the Orams trial in 2009 constituted a heavy blow to the Cyprus negotiations. A Greek Cypriot court had concluded a judgment against a British couple who had bought property in the north of

Cyprus on the grounds that they illegally purchased property belonging to a Greek Cypriot citizen. The British Court of Appeals asked the opinion of the Court of Justice of the European Union in the trial and the EU Court concluded that the judgments of the Greek Cypriot courts on property had to be taken into consideration in all the EU member states.³⁵ This meant that Greek Cypriot courts would have the opportunity to force the authorities of EU states to confiscate properties and bank accounts of Europeans who bought property in the TRNC and would thus be able to stop purchase of properties by foreigners

in this state. It was interesting that the Greek chairman of the EU Court which concluded that judgment, Judge Vassiolis Skovris, had been previously

awarded (on 2 November 2006) with the Badge of Makarios III by the Papadopoulos government, because of his services and loyalty to the Greek Cypriot people.³⁶

In the eyes of the Turkish side, with this judgment, EU authorities tried to solve a problem of a political nature through legal means by forgetting that the Greek Cypriots who destroyed the Republic of Cyprus at the end of 1963 did not represent Turkish Cypriots and did not have authority and sovereignty over them, a UN parameter in the Cyprus question. If such judgments

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were implemented, the renewal of the partnership would not be possible because the authority and sovereignty of the Republic of Cyprus would be extended to the north.³⁷ If similar judgments were to be concluded after the solution, the structure created as a result of long efforts would collapse. The Turkish Cypriot government condemned the judgment and announced that any deeds issued by the Turkish Cypriot government as a consequence of their sovereignty rights could not be questioned and that it would support the rights of all people who bought property in the TRNC. The government also reiterated that all bodies of the state would enforce the law which was in force in the north.³⁸

Other Issues

In the 2009 negotiations, the Turkish side insisted on the continuation of the Treaties of Guarantee and Alliance with Turkey's effective and actual guarantee as indispensable conditions of a solution. In the eyes of the Turkish side, if Turkey's guarantee did not exist, the Turkish Cypriots would not survive as an equal community on the island and would not even have minority rights, let alone the right of self-determination. Given the failure of the UN and British guarantees

in protecting Turkish Cypriots against Greek Cypriot embargoes, pressure and massacres in the past, the Treaty of Guarantee was a necessary condition for Turkish Cypriots to be secure about their future and the eventual implementation of a solution.³⁹ If the guarantees and treaties were considered non-existent, the sides would have to start everything from the zero point. The Turkish side also stressed that the effective participation of Turkey, Greece and Britain in talks as guarantor states would positively contribute to the negotiations and would help the creation of a sustainable peace process.⁴⁰ The Greek Cypriot side expressed its stubborn opposition to the meeting between the five states and Turkey's guarantee by saying that the security of an EU member could not be guaranteed by a third state, allowing its unilateral intervention.⁴¹ Britain responded by asserting that the solution should be created by the Cypriots themselves and the sides should reach an agreement before the issue of guarantee was discussed.⁴²

On the issue of land, the sides chose at the beginning to talk on basic principles rather than the map. The Greek Cypriot side insisted on the return of the Karpas region to them. Meanwhile, it was claimed that Britain was ready to return its bases, which constitutes about 3% of the Island, to the Cypriots, creating hopes that it would encourage the Greek Cypriots to be more conciliatory since they were trying to capture as much land as possible from the Turkish

side. However, they responded to such news by saying that they did not need encouragement and that if Britain wanted to contribute to the process, it should put pressure on Turkey.⁴³ The Turkish side was concerned that territorial changes creating regions or cantons on each side belonging to the other side would cause a great amount of people movement and great disturbances between the two communities. The Turkish side also objected to the inclusion of the Karpaz peninsula in the Greek Cypriot territory and the extension of the Greek Cypriot territory to the north of Lefkoşa-Magusa motorway, on the ground that it would bring about the loss of depth of security for Turkish Cypriots.

It was reported in 2009 that the American firm Nobel Energy was conducting joint operations with the Israeli Delek firm, which had received a warrant from the Greek Cypriot administration to search for natural gas in its unilaterally-declared economic zone, and found rich natural gas reserves in the Tamar region of the eastern Mediterranean.⁴⁴ The Greek Cypriot side seemed to demonstrate that the whole restricted economic zone around Cyprus belonged to them, and they could grant any firms any warrants concerning that zone on behalf of all Cypriots, including the Turkish community. In the eyes of the Turkish side, this Greek Cypriot attitude violated the legal rights of Turkish Cypriots, who had an equal status according to the treaties establishing the Republic of Cyprus and the UN

parameters, on the restricted economic zone.⁴⁵ The letter pointing out this Turkish view was sent by TRNC President Talat to UN Secretary General Ban Ki-Moon and was published as a UN document.⁴⁶ The Turkish Cypriot administration also condemned the statement of the US ambassador in Cyprus, who announced that an American firm would search for natural gas and oil northwest of Cyprus, and accused the American administration of supporting the irresponsible policies of the Greek Cypriot administration.⁴⁷ The Turkish side was also dissatisfied with the EU attitude recognizing the right of the Republic of Cyprus to search for energy reserves in its offshore regions in accordance with international and EU law.

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On the EU issue, rapprochement and reconciliation were more dominant between the sides, although there were points on which they disagreed.⁴⁸ The Turkish side insisted that the solution treaty should be a part of the EU's primary law,⁴⁹ because there might be some elements in the solution, which would not comply with the EU *acquis*, and Greek Cypriots might try to remove these elements by applying to EU institutions and courts. Given the present pro-Greek inclinations of the ECHR

and the Court of Justice of the EU, if derogations in the solution were not put under such protection, the Turkish Cypriot side could not be sure on the proper implementation of the solution. In order to keep their hands strong for the future, the Greek Cypriots naturally did not want the solution to be part of the EU's primary law.

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On the citizenship issue, the Greek Cypriot side insisted that all or a great majority of Turkish people who came to Cyprus after 1974 should return to Turkey. The Turkish Cypriot authorities responded that they had to protect the rights of people who entered the TRNC through legal means and were entitled to citizenship by having completed the legal procedures,⁵⁰ stressing that TRNC citizenship could not be bargained. During the intensive negotiations in early 2010, it was reported that the Turkish side proposed in its package submitted to the Greek Cypriot side that the citizens of the Turkish Republic and their goods, services and capital too should benefit from the right of free movement and settlement in the united Cypriot state. It was claimed that in spite of the serious opposition of Prime Minister Derviş

Eroğlu, Turkish authorities gave support to this package, which was considered to protect the Turkish-Greek balance on Cyprus until Turkey became an EU member, but the Greek Cypriot side rejected it.⁵¹

Positions of the Sides and Progress Reached in Negotiations

The Greek Cypriot side is recognized by all the states of the world, except Turkey, as the sole representative of Cyprus. It represents Cyprus in all international fora and organizations on behalf of the entire island of Cyprus and occupies all seats and positions allocated to Cyprus in EU bodies. It is not logical to expect such a Greek Cypriot administration to share its authorities with Turkish Cypriots and to establish a joint state with them. Greek Cypriots are naturally reluctant to continue the process of creating a joint solution accepted by both sides and prefer to approach the Cyprus question from the legal point of view.⁵² It better suits their interests to put pressure on the Turkish side through legal means instead of facilitating a solution by resorting to political tools.

It seems that the Greek Cypriot authorities will not be satisfied, even if they get maximum gains from the negotiations and even if all of their proposals put forward in conformity with UN parameters are accepted by the other

side, while there is still a possibility of controlling the whole island. A solution which does not satisfy them will not be accepted by the Greek Cypriot people at a rate of 65% in a referendum. Therefore, the strategy of the Greek Cypriot authorities is to prolong negotiations as much as possible, to prevent the emergence of a solution which will be voted in referendums, to push Turkish authorities and people to nationalist attitudes and to force the Turkish side to leave the negotiation table, thereby preventing Turkey's EU membership through the Cyprus question or to impose its own solution in the Cyprus question in return for Turkey's EU membership.⁵³ But they also accuse Turkish Cypriot authorities of putting forward proposals amounting to confederation rather than ones complying with bi-communal and bi-zonal confederation.⁵⁴

It had been supposed that the leader of the leftist AKEL, Christofias, would negotiate and reach an agreement with Talat, who was also a leftist, more easily and would understand the situation of Turkish Cypriots who were the oppressed side. Christofias was also supposed to condemn the official ideology of the Greek Cypriot administration, which considered the Turkish Cypriots as a minority, because of the grants given to the leftists in the north through the AKEL. However, Christofias consciously tied his hands with the political partnerships he made during and after the elections to prevent the start of negotiations on the

basis of the Annan Plan. Christofias treated Talat and the CTP as if they were his branches in the north and did not see them as equal partners. The AKEL, under the leadership of Christofias, gave up the rhetoric of the Cypriot labor class, adopted an approach tilting toward Hellenic nationalism and saw the Cyprus question from the perspective of ethnicity rather than class conflict and exploitation. This development further contributed to the diversification between Greek and Turkish Cypriot identities and the continuation of negotiations in the ethnic identity basis.⁵⁵

In October 2009, Greek Cypriot leader Christofias went so far as to compare Turkey with the Hitler government. He complained that the EU gave too many concessions to Turkey and added "the situation reminds me of concessions given to Hitler to prevent his aggression; at the end, fascism is fascism and Hitler is Hitler."⁵⁶ In December 2009, the Greek Cypriot administration worked to remove Turkey from the draft decision stipulating the cooperation of the EU's police organization Europol with third countries, but no country other than Greece supported its call.⁵⁷ In December, again, the statement of Christofias that the TRNC flag at the Beşparmak mountains symbolized invasion and division of people, that these 'freak flags' were waving just opposite him⁵⁸ touched the nationalist senses of the Turkish Cypriot people. In 2010, it was planned that the leaders

would meet at each other's house, but under the influence of his own public's opinion, Christofias decided not to pass to the north and to have talks with Talat in his home by stating that it would mean recognizing the TRNC.

The Turkish side demanded determination of a calendar for negotiations to reach an agreement before the presidential elections in the TRNC in April 2010 and insisted that a solution package should be voted on in referendums in 2009. Moreover, in order to balance the negative attitude of the EU and its bodies toward the Turkish side and to accelerate the process, Turkish Cypriot authorities stressed constantly that the UN should participate in the process and should be the arbitrator in the last phase. In Talat's opinion, there would certainly be some points on which the sides could not reach an agreement regardless of the degree of rapprochement that emerged between them. In order to reconcile the sides on those points and to ensure the emergence of a lasting solution, the international community should intervene in the process, put forward guiding proposals and be an arbiter between the sides in order to lead them in the right direction.⁵⁹ The most important actor, which will undertake such roles on behalf of the international community, is the UN. While the EU takes care of the interests of its own

members and adopts an approach on a legal basis but forgets the situation before 1974, the UN demands a solution in the context of parameters taking the separate existence of the two communities into consideration. However, the UN, too, sometimes has remained indifferent to the Greek Cypriot attitude of ousting UN parameters. The Turkish side expresses its dissatisfaction with this UN attitude, pays visits to UN authorities to make them more active and tries to persuade them to visit the TRNC.

The seemingly anti-Turkish attitudes of the Greek Cypriots and the EU created a certain degree of disappointment and

The EU takes care of the interests of its own members and adopts an approach on a legal basis but forgets the situation before 1974.

pessimism in the Turkish Cypriot people, affecting both their voting choices and their attitudes toward the Cyprus question and

the EU. In the general elections of April 2009 in the TRNC, the government's performance in domestic issues rather than the Cyprus question was discussed and domestic problems having an economic and social nature, rather than developments in the Cyprus question, became influential. However, the non-realization of expectations regarding solution, EU membership and removal of embargoes became influential to a certain degree in the election defeat of the CTP and the election victory of the UBP. Perhaps the CTP opened the way for its defeat by feeding the disappointment, distrust and anger of people to maintain

hopes instead of directing them to the Greek Cypriots, the EU and the world.⁶⁰ Since negotiations were conducted by President Talat, the elections did not have a direct negative effect over the Cyprus negotiation process. But they signaled that the process would be complicated when UBP leader Eroğlu won the 2010 presidential elections.

Public surveys demonstrated the changing attitude of the Turkish Cypriot people toward the EU. In the Eurobarometer (EB-71) trust measurements, which included 27 members of the EU, three candidate countries and the Turkish Cypriot people became the people who third most distrusted the EU with a 12% decrease in comparison with their score in EB-70. Turkish Cypriots, who had a rate over the EU average in believing that EU membership was a good thing, stayed this time under the EU average (53%) with a rate of 45%. The rate of Turkish Cypriot people who believed that their views were taken into consideration in the EU (17%) was much lower.⁶¹ Public surveys also demonstrated that Turkish Cypriots had more negative views of the solution process in comparison with the Greek Cypriots who had actually resorted to the delaying tactics. According to the public survey conducted as a part of the project 'Cyprus 2015,' 69% of Greek Cypriots and 42% of Turkish Cypriots wanted the process to result in an agreement. However, 17% of Greek Cypriots and 34% of Turkish Cypriots preferred the failure of the solution process. In a

probable referendum, the rates of those who would certainly vote 'no' were 22% in the Greek Cypriots and 31% in the Turkish Cypriots; the rates of those who would certainly vote 'yes' were 39% and 27%, respectively. Additionally, 28% of Greek Cypriots and 16% of Turkish Cypriots were opposed to a bi-communal federation in principle and 70% of Greek Cypriots found the system of rotating presidency and vice-presidency to be unacceptable.⁶²

Another development which demonstrated the pessimism of Turkish Cypriots was that 47 non-governmental organizations sent a letter to Turkish Prime Minister Erdoğan. The letter demanded Prime Minister Erdoğan not delay efforts to recognize the TRNC by reminding him that the Greek Cypriot National Council took decisions unanimously, demanding the continuation of the Republic of Cyprus, the withdrawal of Turkish armed forces from the island, the removal of Turkey's guarantee and the deportation of some TRNC citizens. Underlining that Talat's proposal of the election of president and vice-president from the single list was a mistake, the non-governmental organizations also stressed that leaving the Karpaz region and Güzelyurt to the Greek Cypriot side was a red line for the Turkish Cypriot side.⁶³ However, it should be noted that the possibility of this letter reflecting the views of the majority of Turkish Cypriot people was not so clear. In the same month, 50 Turkish and Greek Cypriot non-governmental organizations gave

the leaders of the two communities a joint declaration expressing their support for the efforts, courage and initiatives towards building a united Cyprus.⁶⁴

There were also some positive developments in the relations between the Turkish and Greek Cypriot sides in 2009. The steps taken on confidence-building measures created hope in the international community that the peace process would be accelerated. In January 2009, the leaders of the two communities decided to form an information desk which would conduct work on the immovable heritage to implement the agreement reached in the technical committee of cultural heritage.⁶⁵ Meanwhile, the committees of mines and missing people continued their activities successfully. In March 2009, it was stated in the decision taken in the meeting of the Council of Delegates of the European Council on Missing People in Cyprus that the work of the Committee of Missing People, which had been established between the Cypriot communities, should be given primary consideration. According to the decision, the responsibility for effective investigation mentioned in the judgment of the ECHR would be discussed after the work of the Committee of the Missing People ended.⁶⁶ In April, the

As a sign of mutual trust and understanding, the sides cancelled their usual military exercises ‘Toros’ and ‘Nikoforos.’

problem of the passage of ambulances between the two sides was resolved, the ultimate conclusion was reached on the implementation of the project on water saving supported by the United Nations Development Program (UNDP), the exchange of information on crime and crime-related issues was accomplished, and a consultative committee was established on cultural heritage.⁶⁷ In May, a technical committee which would work in the joint liaison office in the region under the control of the UN, was established to undertake the job of exchanging information and intelligence in crime and crime-related issues, and to fight against crime more effectively.⁶⁸ In June, the leaders of the two communities decided to open the seventh gate (Yeşilirmak) between the two regions. According to the decision, the rules of the other gates would also be valid for passages in this gate; minibuses would be in service on three days of the week for those who wanted to go to Erenköy; food, water and non-military supplies would be allowed to be transported to Erenköy and ambulances would be allowed to enter and exit from Erenköy in emergency situations.⁶⁹ Moreover, as a sign of mutual trust and understanding, the sides cancelled their usual military exercises ‘Toros’ and ‘Nikoforos.’ Finally, as a symbolic sign of good will, the leaders of the two sides planted olive trees in October in the garden of the UN building in Cyprus.⁷⁰

Concerning the original negotiations between the two leaders, the Turkish side

and UN circles issued statements asserting that some progress and rapprochement was achieved in 2009. According to these statements, progress was reached on the issues of government and power sharing, economy and the EU, whereas the sides kept their contrary positions in land, property and security.⁷¹ In the opinion of Talat, a good opportunity had appeared for peace and the sides came to the door of good developments. The Greek Cypriot leader, too, wanted a solution; if the present opportunity was missed, a disaster would come and the island would be doomed to permanent division.⁷² The Greek Cypriot leader Christofias stressed in his speech on the state television channel *RIK1* in June 2009 that a prolongation of negotiations would result in a division of the island and the emergence of two states, one of which would be like Taiwan.⁷³ In the opinion of Hugh Pope, if the negotiations would not result in a solution agreement by April 2010, in which presidential elections would take place in the TRNC, the next phase of the question would be a sharp turn toward hostile division and the UN would not be willing to invest time, people and money to hold a fifth round of negotiations.⁷⁴

In spite of all expectations and hastiness of the Turkish side, no serious progress could be achieved while the presidential elections approached, and it seemed that the negotiations which had been continuing since 2008 were not so different from the futile negotiations of the past. Although the continuation

Turkey needs to solve the Cyprus problem to stop being the state which prevents cooperation between the EU and NATO.

of negotiations on essential matters, rapprochement on certain issues and release of joint papers provided some hope. The fact that the two sides could not reach an agreement on government and power sharing and that their positions on property, land and security were so different from each other gave the impression that there would be no solution in the future. It seemed that the sides would not create a solution on their own, unless mediators such as the UN would intervene in the process, and the motherlands agreed on a reasonable solution and tried to influence their respective Cypriot communities.⁷⁵

The General Attitude of Turkey

The support given by Turkey for the solution process since the referendums in 2004 was received positively by the international community and saved it from being seen as the guilty side for the failure to reach a solution. Although it is still subject to criticisms since it does not open its airports and harbors to the Greek Cypriots as required by its EU membership process. Turkey has prevented excessive pressure with its insistence on solution. Turkish Prime Minister Erdoğan sent a letter to Greek

Prime Minister Yorgo Papandreu, proposing to cooperate in Cyprus.⁷⁶ When the Turkish Cypriot government changed in April 2009, Prime Minister Erdoğan warned newly elected Prime Minister Derviş Eroğlu on supporting Cyprus negotiations. Probably as a message to Eroğlu, Turkish President Abdullah Gül, too, stated that Talat was strongly supported by Turkey.⁷⁷

In conformity with the goal of making Turkey a regional, even a global power, the AKP government attributed importance to solving problems with all neighbors, creating a security belt around the country and turning characteristics and values of the surrounding region to an added value for Turkey. This approach also required resolution of the Cyprus problem or at least the lessening of its negative influence. While Turkey became an attractive power for its neighbors thanks to its soft power, solving the Cyprus question to turn the eastern Mediterranean into a region of stability and to remove the most important obstacle in its EU membership would pave the way for Turkey to become an influential power.⁷⁸ Solving the Cyprus question will also eradicate an important factor restricting its general foreign policy and would strengthen its moral position and prestige in the international arena.⁷⁹

Turkey also needs to solve the Cyprus problem to stop being the state which prevents cooperation between the EU and NATO. Turkey does not allow the EU to benefit from the military capabilities

It is not possible to say that Turkey will make great sacrifices in the Cyprus question for the sake of being an influential power.

of NATO in operations not arranged by the Berlin Plus process, which regulates cooperation between the EU and NATO. While Turkey argues that the institutional cooperation between Turkey and the EU should be based completely on the arrangements of Berlin Plus, the EU states that all efforts at cooperation need not to be made in accordance with these arrangements. According to Berlin Plus, the Republic of Cyprus, which is not part of NATO's Partnership for Peace project, is not allowed to participate in meetings between the two sides. The EU does not want Turkey to object to the participation of Cyprus in institutional cooperation between the EU and NATO. In retaliation for Turkey's vetoing its participation in EU-NATO meetings, the Greek Cypriot administration prevents Turkey from participating in the European Defense Agency and signing any security treaty with the EU.⁸⁰

However, it is not possible to say that Turkey will make great sacrifices in the Cyprus question for the sake of being an influential power. It is clear that a country which gives concessions easily on vital issues concerning many aspects of its foreign and domestic politics will lose its self-confidence, as well as its prestige in the eyes of world powers. Instead of

seeing the Cyprus question as an obstacle or an indispensable national cause, the authorities of the AKP government evaluate Turkey's Balkan, Caucasian, Central Asian, Middle Eastern, European and American connections all together in the light of their general foreign policy. While they try to reduce the number of Turkey's enemies and increase Turkey's strength and prestige in the international arena, they also work to find ways to increase Turkey's power in the Cyprus question. For this purpose, they give support to the negotiation process as a secondary goal to demonstrate that they want a federal solution for the Cyprus question, but they plan to make the solution of two states inevitable as a primary goal and keep the model of Taiwan as a third alternative.⁸¹

In this general framework, it seemed reasonable for Turkey to protect the red lines related to regional politics, namely, to give support for a sustainable treaty and to keep the Turkish Cypriot side at the negotiation table in 2009. Turkish authorities estimated that the emergence of a solution totally contrary to the major interests of the Turkish Cypriot side was not possible. Any solution protecting the interests of the Turkish side to some extent would open the way for Turkey's EU membership and the likely rejection of such a solution by the Greek Cypriots would turn the international community against them.⁸² So it was reasonable to insist on a solution until the Greek Cypriots were perceived by

the international community as the uncompromising side.

During the 2009 negotiations, Turkish authorities stressed political equality, a true bi-regional structure and a new partnership formed by two equal founders. In this line, they argued that Turkish Cypriots should maintain their absolute sovereignty, the great majority of TRNC citizens having Turkish origin should stay on the island and Turkish Cypriots should occupy positions in every ranks of the state in equal status and in rotation. Turkish authorities stated that Turkey would continue to fulfill its responsibilities as a guarantor state for the implementation of the ultimate solution and pointed out that this would help the sides in finding a solution rather than creating problems for them.⁸³ In their eyes, the other side resorted to delaying tactics, intended to corner the Turkish Cypriot side with isolation and embargoes, dreamed of assimilating the Turkish Cypriot people and tried to create EU pressure on Turkey in relation to the Cyprus question. Turkey could not allow itself to fall in such a trap, could not let the other side impose its own project and could not dare to lose the EU for the sake of the Cyprus question or to lose Cyprus for the sake of EU membership. If the other side, too, wanted a genuine and comprehensive peace as a strategic choice, this should be done as soon as possible. The other side, too, should see that non-solution of the problem would bring about serious losses

for all regional states. Continuation of the status quo was unacceptable, because it allowed embargoes and isolations to remain against the Turkish Cypriots and prevented them from benefiting from various rights.⁸⁴

In line with these views, State Minister and Vice Prime Minister Cemil Çiçek, who spoke at the independence ceremonies of the TRNC in November 2009, announced that Turkey would give priority to the Cyprus question rather than its EU connection and would always choose Turkish Cypriots, if it was forced to choose between Cyprus and the EU.⁸⁵ State Minister and Chief Negotiator Egemen Bağış stated that it would be naïve to expect a comprehensive solution if no substantial progress was reached before April 2010.⁸⁶ In his speech in the UN General Assembly, Prime Minister Erdoğan said that Turkey would not tolerate fruitless negotiations anymore and they would give priority to recognition of the TRNC if no agreement was reached before the spring of 2010.⁸⁷

In fact, more effective advertisement of the TRNC in the international arena, opening its offices in different countries and ensuring its representation in all international fora had already a high place on the agenda of Turkish authorities.⁸⁸ The decision taken with their initiative in the meeting of foreign ministers of Muslim countries in Damascus between 23 and 25 May 2009 was a good example in this

sense. In this decision, the importance of the removal of restrictions on Turkish Cypriots was underlined and it was stated that the members of the Organization of Islamic Conference (OIC) should cooperate with the Turkish Cypriots in the removal of those restrictions and high-level visits should be exchanged and cultural and sport activities should be arranged between OIC members and the TRNC.⁸⁹

The EU Connection in the Cyprus Question and Turkey

The statements of its high-level authorities in 2009 demonstrated that the EU accepted the general UN parameters for the solution. Olli Rehn, the EU Commissioner for Enlargement, said in his press conference on 13 February 2009 that they supported a bi-communal and bi-regional federation based on political equality in Cyprus and gave full support to the negotiations.⁹⁰ Thus, the model which went beyond the present unitary structure of the Republic of Cyprus continued to be the major choice of the EU in 2009. However, this policy reflected the political perspective of the EU in the Cyprus problem collided with the EU approach of resolving issues concerning Cyprus on a legal basis.⁹¹ In 2009, EU bodies continued to make decisions alienating the Turkish side from negotiations, which harmed the negotiation process, yet did not accept to remove the isolation of the Turkish Cypriots.

While the EU authorities supported efforts to find a solution to the problem in accordance with the UN parameters, they especially emphasized that they did not have a proposed solution and the job of solving the problem belonged to the Cypriots themselves.⁹² Günter Verheugen, Vice-Chairman of the EU Commission, said that it was the Turkish Cypriots' right to benefit from the advantages of EU membership and that the EU would not act as a mediator or arbitrator in the Cyprus question, but it would provide help, support and advice if the sides needed and requested it.⁹³ Rehn stressed that speaking of a unified Cyprus as a single voice was essential and added that the Commission was ready to provide legal and technical support on the issues concerning the EU. Rehn's statement that the solution should conform to the EU *acquis* and that the EU would adapt itself to the solution hinted at important messages. If the solution was made compatible with the EU *acquis*, the position of the Turkish Cypriots in the new system would have been threatened. If the solution was made primary law of the EU and thus the EU adapted itself to the solution, this would have angered Greek Cypriots.

As it had done since 1987, Turkey did not open its harbors and airports to the Greek Cypriot administration.

The EU, which complicated the Cyprus question by making Cyprus its

member and rendering the Cyprus issue part of Turkey's membership process, continued in 2009 to hold attitudes parallel to this general approach. After the EU decided in December 2004 to start membership negotiations with Turkey in October 2005, Turkey signed the Additional Protocol on 29 July 2005, which would include the new members states in the Ankara Treaty and thus would include them in the Customs Union of Turkey with the EU, but stated that this would not mean the recognition of the Greek Cypriot administration by Turkey. However, in the following period, the promise of removing embargoes against, and the isolation of, the Turkish Cypriot side as a result of its conciliatory attitude in the referendums in 2004 was not fulfilled by the EU and, therefore, Turkey did not implement the protocol it had signed. In other words, as it had done since 1987, Turkey did not open its harbors and airports to the Greek Cypriot administration and did not allow the direct import of Greek Cypriot goods. On the other hand, Greek Cypriot goods, which fell under the scope of the Customs Union, had been entering Turkey indirectly without being subjected to any customs tax or quotas. On 11 December 2006, the European Council suspended eight chapters related to the customs union and decided not to open any of them or to close even temporarily any chapters, unless Turkey began to implement the Additional Protocol. It also instructed the European Commission to observe

Turkey's practices regarding the Additional Protocol for three years and to submit a report on them to the Council in December 2009.⁹⁴

In 2009, the EU continued to remind Turkey on every occasion of its responsibilities related to the Additional Protocol. Thinking that law was on their side, the Greek Cypriots, too, sent strong messages to the Turkish side and expected that the EU would pressure Turkey to comply with the law. Greek Cypriot authorities constantly expressed their warnings in international forums that if Turkey did not fulfill its responsibilities, the chapters would not be opened in the negotiations with Turkey, Turkey's membership process would not continue as normal and Turkey would not be a member of the EU. In October 2009, Greek Cypriot leader Christofias stressed that the membership process would not be without obstacles, if Turkey continued its hypocrisy and did not implement its responsibilities.⁹⁵ In November, Christofias also sent a letter to the presidents and prime ministers of the 26 EU members, stating that they were opposed to Turkey's membership process, if it did not fulfill its EU responsibilities.⁹⁶ The greatest hope of the Greek Cypriots was that the EU Council would take, in its December meeting, the decision to implement new though sanctions against Turkey in accordance with the negative report which would be prepared by the Commission as it had been previously projected.

As a response to the pressures on the implementation of the Additional Protocol, Turkey announced an action plan in 2006 and proposed mutual removal of restrictions on transportation and the free movement of goods, individuals and services within a certain timetable.⁹⁷ In fact, with this proposal, Turkey declared, in a sense, that the EU Council's decision to remove the isolations against the TRNC, which were taken on 26 April 2004, should also be implemented if Turkey was expected to implement the Additional Protocol. With their statements in 2009, Turkish authorities pointed out that the issue of Turkey's opening of its harbors and airports to the Greek Cypriot administration should be handled within the integrity of the Cyprus question and stressed that it would be unfair to force Turkey to take steps in accordance with the partial proposal while no progress had occurred regarding the fulfillment of the promises of the international community, the UN and the EU given to the TRNC. In their opinion, partial proposals and partial solutions would neither ensure the ultimate solution of the Cyprus question nor persuade Turkey to make concessions for the sake of EU membership. In fact, while Turkey's EU membership process was supposed to progress in accordance with promises given to Turkey, as well as established traditions and practices, linking the process with the Cyprus question was a mistake itself.⁹⁸

Turkish Cypriot authorities, too, pointed out that the Additional Protocol was not an issue which would be handled only in the light of Turkey's EU responsibilities, but it was directly related to the Cyprus question. In their opinion, Turkey could not open its harbors and airports to the Greek Cypriot side as a unilateral concession, as long as the EU did not implement the Direct Trade Decree and it maintained the isolation of the Turkish Cypriots.⁹⁹ Derviş Eroğlu, who became president after the April 2010 elections, went further by saying that ports should not be opened before an agreement was reached even if the embargoes were removed and the isolation were lifted because meeting this demand would encourage the Greek Cypriots to demand Turkey to open diplomatic offices and even to recognize the Greek Cypriot administration; if Turkey met their demands, there would be no need to continue negotiations.¹⁰⁰

The Greek Cypriot administration was highly annoyed by the EU's failure to take a decision to impose sanctions against Turkey.

When the European Council met in December 2009, it also discussed the Progress Report, which was prepared by the Commission to evaluate Turkey's responsibilities under the Additional Protocol. In the report, it was stated that evaluations would be continued on Turkey's responsibilities stemming from

the Additional Protocol and it was stressed that Turkey would not be considered to have fulfilled the EU *acquis* in the chapters frozen at the end of 2006 unless it did not remove restrictions against the Greek Cypriot administration. The report did not warn Turkey that it would face more sanctions if it did not implement the Additional Protocol and did not consider December 2009 as the deadline as it had been thought previously.¹⁰¹ Furthermore, the report included positive views on the continuing support given by Turkey for the Cyprus negotiations. By adopting the general thrust of the report, the EU foreign ministers also underlined their dissatisfaction with the non-implementation of the Additional Protocol and stressed the importance of the support which would be given by Turkey to the solution talks, but they did not impose any new sanctions. In this way, the foreign ministers chose to delay the question at least for one year.¹⁰² While the EU held such an attitude, it did not want the issue of the Additional Protocol to affect the Cyprus negotiations negatively and thought that creating a deeper crisis in EU-Turkish relations, which had already come to the point of termination, would not be a reasonable act.¹⁰³ The Greek Cypriot administration was highly annoyed by the EU's failure to take a decision to impose sanctions against Turkey.¹⁰⁴

In March 2009, the report prepared by Dutch Christian Democrat Ria Oomen-Ruijten, Turkey reporter of the European Parliament, and accepted by the European

Parliament General Assembly with 528 ‘yes’ votes against 52 ‘no’ votes, displeased Turkey. In the opinion of the Turkish side, some elements in the report, such as demanding Turkey to withdraw its armed forces on the island and to regulate its trade relations with the Greek Cypriot administration, considering Turkey as the reason for the non-productivity of the negotiations and holding Turkey responsible for missing persons, were unacceptable. They reasoned that the Turkish garrison protected the peace, stability and lives of Turkish Cypriots on the island. Actually, it was the Greek Cypriots who complicated the process by putting forward proposals outside the UN parameters.¹⁰⁵

On the missing persons, both sides faced undesired losses in the later stages of the crisis caused by

the Greek Cypriots in July 1974. On the other hand, there were also some elements in the report which pleased the Turkish side – it was stated in the report that the EU Parliament continued to support the negotiation process and that there could be some derogations in the treaty which would be reached. In his speech in the Parliament, Olli Rehn said that Turkey continued to support the negotiation process actively.¹⁰⁶

While the two seats reserved for Turkish Cypriots in the European Parliaments had to be left empty, they were filled by Greek Cypriots and thus

the rights of Turkish Cypriots were seized by Greek Cypriots with the permission of the EU.¹⁰⁷ The application of the Turkish Cypriot Airways to the High Court in London for the start of direct flights between Britain and Northern Cyprus was rejected. The Girne American University in Northern Cyprus opened its Canterbury campus in the district of Kent in Britain; the Canterbury campus was a member of the British High Education Accreditation Institution and thus the diplomas which would be given by this campus would be recognized in all EU countries.¹⁰⁸

While the two seats reserved for Turkish Cypriots in the European Parliaments had to be left empty, they were filled by Greek Cypriots.

On the removal of the isolation applied to the Turkish Cypriots, the EU has taken some positive steps. The “Green Gate Arrangement” was created by the

EU Council in April 2004 and was revised in February 2005. The purpose of the Arrangement was to ease economic isolation against Turkish Cypriots, to contribute to the economic integration of Cyprus and to pave the way for the comprehensive solution of the Cyprus problem by establishing bridges between the sides and by creating a positive political atmosphere on the island. The major intention of the European Commission in proposing the Arrangement was to ensure free trade between the Cypriot communities along the Green Line and to allow the Turkish Cypriots to sell their goods directly to EU markets. While

the Greek Cypriots supported the first point in the context of their goal of making the Turkish Cypriot community economically dependent on them, they definitely objected to the second point. Therefore, the Turkish Cypriots became aware of the Greek Cypriots' trap of making solution negotiations redundant by ignoring the political aspects of the Cyprus question and they became unwilling to trade with the south.¹⁰⁹ Moreover, the EU could not put the direct trade arrangement into practice because of its own legal arrangements and the opposition of Greek Cypriots, which created deep disappointment among the Turkish Cypriots. In addition, Turkey had to treat goods originating from Northern Cyprus as the goods of a third country because of the customs union with the EU.¹¹⁰ At the end of 2009, all kinds of isolation, including economic, continued to be applied to the Turkish Cypriots.

Conclusion

In accordance with its policy of solving problems with neighbors and making sure stability prevailed in the region, the AKP government gave genuine support to negotiations for solving the Cyprus question and insisted that a solution treaty should be concluded and voted on in referendums in 2009. Turkish authorities considered it vitally important that the Turkish Cypriot side should stay at the negotiating table and the Turkish side should not be held

At the end of 2009, all kinds of isolation, including economic, continued to be applied to the Turkish Cypriots.

responsible for the non-solution. The Greek Cypriot side tried to prolong negotiations as much as possible and to prevent the conclusion of a treaty, so as to prevent a vote on it in a referendum. The Greek Cypriot leaders knew that even if the Turkish side accepted all their proposals, the Greek Cypriot people would not ratify the solution created. Therefore, Greek Cypriot authorities tried to corner the Turkish side through judgments of courts by focusing on the legal aspect and to force the Turkish side to leave the negotiation table by creating an impasse in Turkey's EU membership process. In such an atmosphere, Turkish authorities had the tendency of supporting a solution, which would not be accepted by the Greek Cypriots, making some concessions and protecting their red lines. Actually, the plan of the AKP leaders was to pave the way for the recognition of the TRNC in the international arena, put an end to its isolation and to put the Taiwanese model into practice as the worst case scenario, if a solution could not be found.

While the time factor was working to the disadvantage of the sides, progress or developments which would destroy the bad memories of the past and emerge as a breakthrough did not appear. Promising steps were taken on confidence-

building measures and some progress was witnessed in such major issues as the EU, the economy and government and power sharing. It could be said that some kind of bargaining could be achieved on the issue of land. However, no agreement came out on the election of Turkish representatives by their people and thus the possibility of Greek Cypriot control of the federal government was not eradicated. The issue of property remains a Gordian knot. The insistence of the Greek Cypriots on their return to their old lands continued to be a factor threatening the bi-regional character of the future state and the separate existence of the Turkish Cypriot state. On the issues of security and guarantees, the Turkish side considered the continuation of the 1960 treaties and Turkey's guarantee as vital whereas the Greek Cypriot side objected to it altogether.

Probably the Cyprus question affects Turkey's relations with the EU at the highest level. Although Turkish authorities assert that there is no linkage between Turkey's EU membership and the Cyprus question, the EU has made the opening of Turkish harbors and airports to the Greek Cypriot administration in the short term and the recognition of the Greek Cypriot administration in the long term as conditions of Turkey's EU membership. Apart from the Cyprus question, it is clear that EU-Turkish relations are not going well. French President Sarkozy openly states that he is against Turkey's membership and he will not allow the opening of the chapters

which are related to full membership. The other members, too, easily find excuses to prevent the opening of those chapters. The fact that only one chapter was to be opened in 2010 demonstrated how far relations have deteriorated. In such an atmosphere, the Turkish government rejected the implementation of the Additional Protocol in 2009, since the promise of removing the isolation of the Turkish Cypriots was not fulfilled. While the Turkish vice prime minister announced that Turkey would choose Cyprus if it was forced to choose between the EU and Cyprus, the Turkish prime minister declared that they would not wait forever for a solution. The thing which gave such courage to Turkish leaders was the prediction that the EU could not dare to contribute to the further deterioration of relations, which had already hit their lowest level. In fact, while the EU was supposed to decide new sanctions against Turkey because it did not implement the Additional Protocol, it disappointed Greek Cypriots by not taking such a step. In a period in which the two most important states of the EU were openly opposed to Turkey's membership and the embargoes against Turkish Cypriots continued, it was normal for the Turkish government, which had to care about not losing its majority in the general elections, not to implement the Additional Protocol, which allowed the continuation of EU sanctions.

Endnotes

- 1 <http://www.trncinfo.com>, 16 January 2010.
- 2 The speech of Talat in the Chamber of Turkish Cypriot Architects and Engineers, at www.trncinfo.com, 26 January 2009.
- 3 NTVMSNBC, “Kıbrıs Görüşmelerinde İlk Tur Tamamlandı”, at <http://www.ntvmsnbc.com/id/24989659/> [last visited 16 November 2009].
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