

Hydrocarbons Will Determine the Political Future of Cyprus

by Mustafa Ergün Olgun

ABSTRACT

Since the collapse of the bi-communal arrangements of the Republic of Cyprus in 1963, the Turkish-Cypriot and Greek-Cypriot communities have been living and exercising authority on their respective territories separately. Negotiations since 1968 have proven “reunification” to be an elusive goal; nor has there been any sharing of assets or resources. Most recently, the maritime hydrocarbon-exploitation initiatives of the Greek Cypriots, who claim to have an exclusive right to manage the natural resources around the island, have added a new and alarming dimension to the Cyprus issue. The political future of the island and stability in the Eastern Mediterranean will now be determined by the choice of the Greek-Cypriot side between two options: accept the Turkish-Cypriot offer to share power as full political equals and jointly manage hydrocarbon exploitation as co-owner in all admissible areas; or ignore the Turkish-Cypriot and Turkish sides, and continue with unilateral exploitation.

*Eastern Mediterranean | Natural gas | International law | Law of the sea |
Border conflicts | Cyprus | Northern Cyprus | Turkey | Conflict mediation*

keywords

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1. Background

The 1959–60 London and Zurich Agreements, accepted by the representatives of the two equal co-founder communities (Greek and Turkish), together with the three guarantor powers (the UK, Turkey and Greece), granted Cyprus independence from the UK as a bi-communal partnership republic. As signatories to these international agreements, the Greek- and Turkish-Cypriot communities separately possess international legal personality and are equal subjects of international law.

The 1960 Constitution of the Republic of Cyprus – which is based on, and linked to, these agreements – spells out that the President of the Republic would be Greek and the Vice-President Turkish, respectively elected by the Greek and Turkish communities of the island (Article 1). The Constitution further established that they both, separately or conjointly, have the right of final veto on crucial and specified laws and decisions of the House of Representatives (Article 50), as well as the Council of Ministers (Article 57/3).

Articles 149, 180, 181 and 182 make the construction of this constitution an international treaty by clearly endorsing and linking its obligations to the Zurich and London Agreements. Article 182 of the Constitution states, for example, that the agreements “are the basic Articles of this Constitution and cannot, in any way, be amended”.¹ Similarly, the Treaties of Guarantee and of Alliance are given “constitutional force” under Article 181 of the Constitution.²

¹ Cyprus’s Constitution of 1960 with Amendments through 2013, <https://www.constituteproject.org/ontology/Cyprus>.

² The Treaty of Guarantee was signed by UK, Greece and Turkey to guarantee the new state of affairs created by the 1959/1960 Agreements. The Treaty of Alliance was signed between the Republic of Cyprus, Greece and Turkey, providing for the stationing on the island of limited numbers of Greek and Turkish troops for joint defence.

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· Paper prepared for the Istituto Affari Internazionali (IAI), September 2019.

The Greek-Cypriot side used the “doctrine of necessity” argument in 1963–4 in unilaterally and forcibly changing the unchangeable “partnership governance” provisions of the Constitution, claiming that it was not functional. This resulted in the unlawful transformation of a bi-communal partnership republic into a Greek-Cypriot unitary state.

According to Achilles C. Emilianides, the doctrine of necessity has been the foundation of the existence of the Republic of Cyprus (ROC) since 1963 and is the direct result of an ill-fated and unworkable constitution, which was imposed upon the island’s populations by foreign powers in order to safeguard their own interests.³ But Athanasia Hadjigeorgiou and Nikolas Kyriakou point out that when Cyprus became an independent state its constitutional provisions sought to safeguard the rights of the different communities that made up its population. They argue that since 1963 most political power has been concentrated in the hands of the Greek Cypriots, resulting in the hegemony of the Greek-Cypriot political elite. They emphasise the fact that this has been at the expense of the unamendable constitutional protections for the different communities, which the doctrine of necessity was supposed to safeguard.⁴

On the same subject, Mehmet Şükrü Güzel points out that the doctrine of necessity is an internal tool that can be used only for domestic jurisdictions;⁵ it cannot therefore be employed to legitimise any situation under the definition of an international dispute. The unilaterally imposed Greek-Cypriot amendments to the Constitution are in conflict with Articles 149, 180, 181 and 182 and therefore have an international-agreement dimension and they thus cannot be justified by a legal tool intended solely for domestic matters.

In addition to the violation of the above principle, Kudret Özersay (currently the Deputy-Prime Minister and Foreign Minister of the Turkish Republic of Northern Cyprus – TRNC) maintains that the Greek Cypriots had in any case fully exhausted all their “necessity” arguments by refusing to accept a return to normal conditions under the 2004 United Nations (UN) Comprehensive Settlement Plan for Cyprus. They cannot therefore use the doctrine of state necessity in order to be accepted as the legal government of the 1960 republic.⁶

³ Achilles C. Emilianides, “Accession of the Republic of Cyprus to the EU, the Constitution and the Cypriot Doctrine of Necessity”, in *The Cyprus Yearbook of International Relations 2006*, Nicosia, 2007, p. 65-82.

⁴ Athanasia Hadjigeorgiou and Nikolas Kyriakou, “Entrenching Hegemony in Cyprus: The Doctrine of Necessity and the Principle of Bi-communality”, in Richard Albert and Yaniv Roznai (eds), *Constitutionalism under Extreme Conditions. Law, Emergency, Exception*, Cham, Springer, 2020 (forthcoming).

⁵ Mehmet Şükrü Güzel, “The Doctrine of Necessity and the Thirteen Points Amendments to the Cyprus Constitution”, in Osman Kubilay Gül, Berker Kurt and Celal Can Çakmakçı (eds), *III. Uluslararası Türklerin Dünyası Sosyal Bilimler Sempozyumu. Bildiriler* (III International World of Turks Symposium of Social Sciences. Proceedings), Ankara, Türklerin Dünyası Enstitüsü, 2019, p. 223-247.

⁶ Kudret Özersay, “The Excuse of State Necessity and Its Implications on the Cyprus Conflict”, in *Perceptions*, Vol. 9, No. 4 (Winter 2004-2005), p. 31-70, <http://sam.gov.tr/?p=1829>. See also UN

It was because of the aforementioned Agreements and legal requirements that the 2004 UN Comprehensive Settlement Plan for Cyprus emphasised, in the Basic Articles of its Foundation Agreement, the fact that Cyprus is the common home of the two communities; that they were co-founders of the 1960 republic; that, with their distinct identities, their relationship is not one of majority and minority but of political equality wherein neither side may claim authority or jurisdiction over the other; that in the exercise of their inherent constitutive powers they would now renew their partnership on a bi-zonal basis; that the Treaty of Establishment, the Treaty of Guarantee and the Treaty of Alliance should remain in force and should apply *mutatis mutandis* to the new state of affairs; and that Cyprus should maintain special ties of friendship with Greece and Turkey, respecting the balance on the island established by the Treaty of Guarantee and the Treaty of Alliance. As is known, the Greek Cypriots rejected the 2004 UN Comprehensive Settlement Plan via popular referendum whereas their Turkish counterparts endorsed it.

2. Unilateralism as opposed to cooperation

In October 2018 UN Secretary-General António Guterres emphasised the fact that the natural resources in and around Cyprus should benefit both communities and provide a strong incentive for all the parties concerned to work in earnest towards a mutually acceptable and durable solution.⁷ In his report on the issue, the Secretary-General called on the parties to avoid unnecessary escalation and to pursue dialogue.

Despite this appeal, the Greek-Cypriot side has behaved as if it is the sole legitimate authority of the whole island. The discovery of hydrocarbon resources, and the need for stability and security in the exploitation and equitable sharing of these resources, is now posing a serious challenge to the status quo.

Although the Foreign Ministers of the UK, Turkey and Greece had acknowledged the existence, in practice, in Cyprus of two autonomous administrations in their Geneva Declaration of 30 July 1974,⁸ and although the two communities have been separately and independently living and exercising authority on their respective territories for decades, there has been no sharing of assets/resources or an official “divorce” on the island. The Greek-Cypriot side refused both a two-state solution (separation) in 1983 and the UN power-sharing plan of 2004 that aimed at unifying the island prior to European Union (EU) membership.

Comprehensive Settlement Plan of the Cyprus Question, 31 March 2004, <http://www.mfa.gov.tr/un-comprehensive-settlement-plan-of-the-cyprus-question.en.mfa>.

⁷ UN Security Council, *Report of the Secretary-General on His Mission of Good Offices in Cyprus* (S/2018/919), 15 October 2018, para. 23, <https://undocs.org/S/2018/919>.

⁸ Geneva Declaration on Cyprus, 30 July 1974, [https://www.pio.gov.cy/en/agreements-geneva-declaration-on-cyprus-\(30-july-1974\).html](https://www.pio.gov.cy/en/agreements-geneva-declaration-on-cyprus-(30-july-1974).html). The Geneva Declaration was drafted following the Turkish intervention on 20 July 1974 in order to halt the coup in Cyprus, which aimed at uniting the island with Greece.

The persistent Greek-Cypriot position that, as the “recognised authority” for the whole island, they will not discuss their hydrocarbon initiatives with the Turkish-Cypriot side violates the terms of international agreements relevant to Cyprus. Moreover, this position only helps to perpetuate the conflict by negating the agreed objective of equal power sharing.

The Turkish-Cypriot side, as co-owner, has thus objected to the signing, on behalf of the whole island, of maritime-border agreements by the Greek-Cypriot side on the grounds that these procedures are being conducted without their participation or consent.

The Greek Cypriots continue to claim that the “Republic of Cyprus” is internationally recognised as the legitimate authority for the whole island, and that they are conducting such activities on the basis of their sovereign rights. Greek-Cypriot President Nicos Anastasiades has even said that the discovery of hydrocarbons has upgraded Cyprus’s (meaning Greek-Cypriot-controlled Cyprus’s) geostrategic role.⁹

Monroe Leigh, a US international lawyer, emphasised, however, that the mere fact of international recognition, no matter how widespread, could not excuse or confer legitimacy upon the violations of both constitutional law and international treaty law through which the Greek-Cypriot regime usurped the name, as well as the government, of the Republic of Cyprus.¹⁰

Turkey also objects to the exclusive economic-zone claims of the Greek-Cypriot side on the grounds that a) it is hijacking the co-ownership rights of the Turkish-Cypriot community; b) the delimitation of an exclusive economic zone (EEZ) or continental shelf (CS) in a semi-enclosed sea like the Mediterranean should be effected by agreement, respecting the rights and interests of all stakeholders; and c) its claims distort equitable delimitation under the principles of international law.

By late January 2007, the Greek-Cypriot side had divided its claimed EEZ into 13 licensing blocks and had sought international tenders. Blocks 1, 4, 5, 6 and 7 partly overlapped with the Turkish CS, adding yet another dimension to the dispute.

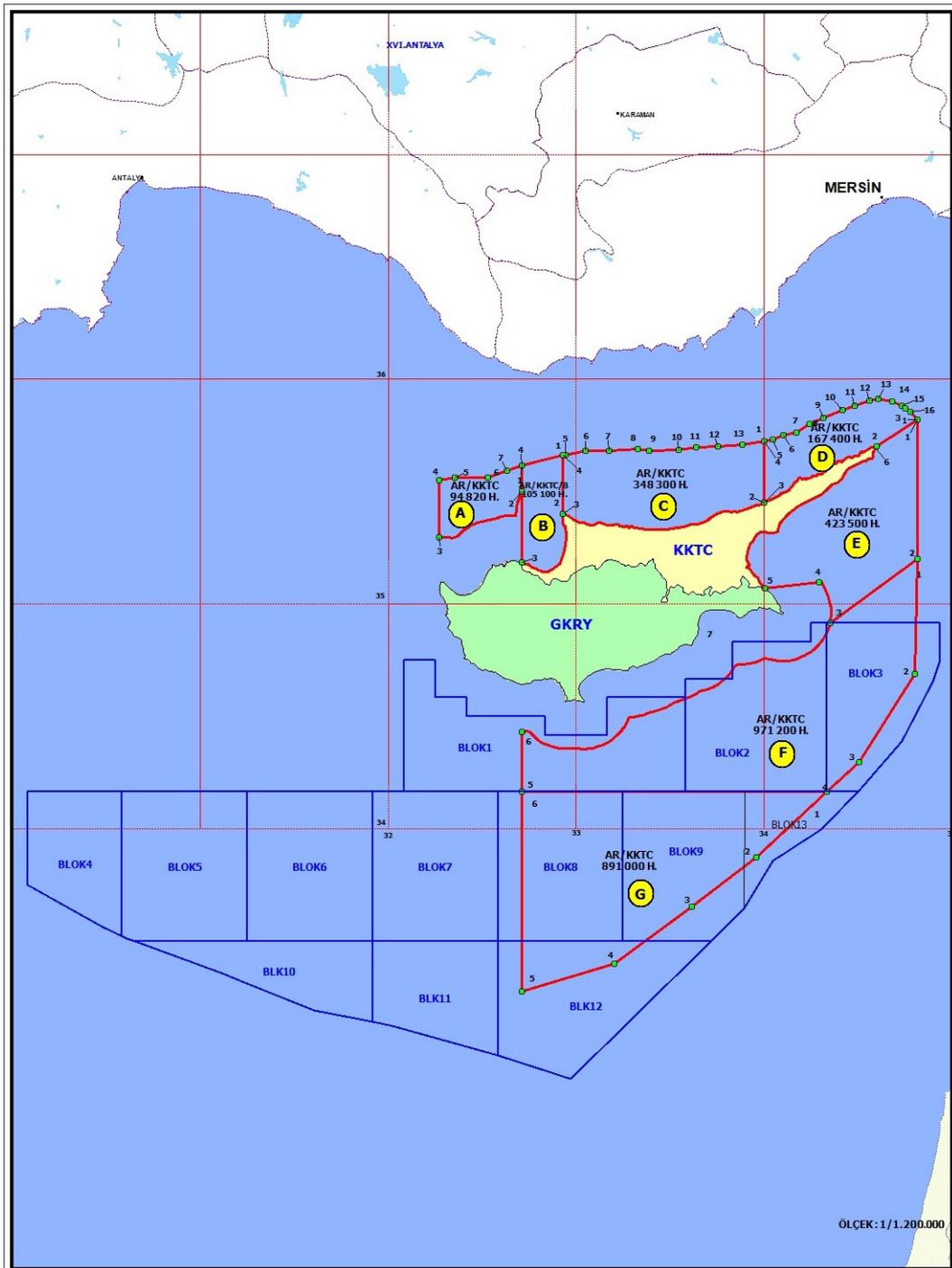
Despite Turkish-Cypriot and Turkish objections, the first licence was granted to US company Noble Energy in October 2008 for parcel 12 (“Aphrodite”). Drilling began on 19 September 2011, and the field is now estimated to hold 120 billion cubic metres (tcm) of natural gas.

⁹ “The Discovery of Hydrocarbons has Upgraded Cyprus and Greece’s Role, Anastasiades Says”, in *The National Herald*, 9 November 2017, <https://www.thenationalherald.com/?p=181067>.

¹⁰ Monroe Leigh, “The Legal Status in International Law of the Turkish Cypriot and the Greek Cypriot Communities in Cyprus” (written opinion of 20 July 1990), in Mehmet Necati Münir Ertekün (ed.), *The Status of the Two Peoples in Cyprus. Legal Opinions*, Lefkoşa, TRNC Public Information Office, 1990, <http://www.mfa.gov.tr/chapter5.en.mfa>.

This prompted a response from the Turkish-Cypriot side, which signed a Continental Shelf Delimitation Agreement with Turkey on 21 September 2011. This was followed on 22 September 2011 by the signing of a licensing agreement with Turkish Petroleum (TP) for the exploration and exploitation of oil and gas (see Figure 1).

Figure 1 | Licensing agreements, TRNC (red) and ROC (blue)



Source: TRNC Ministry of Foreign Affairs.

In order to soothe the spiralling crisis, the Turkish-Cypriot authorities made an offer to the Greek-Cypriot side through the UN Secretary-General on 24 September 2011 to either jointly suspend all hydrocarbon-exploration activity until an urgently needed comprehensive settlement was reached or form a joint “ad hoc” committee, with participation from the UN, that would be responsible for the joint operation of all hydrocarbon activity. The Greek-Cypriot side rejected both options on 4 October 2011.

On 29 September 2012, the then President of the TRNC, Derviş Eroğlu, proposed the appointment of an independent intermediary by the UN Secretary-General to work with the appointed representatives of the two sides to try to reach agreement on a) how the two sides could work together regarding the agreements signed and licences separately granted; b) how the returns from hydrocarbons could be shared; and c) how those returns could be used. The Turkish-Cypriot position was that revenues should primarily be used to finance the implementation of an eventual comprehensive settlement. Turkey offered to allow the transportation of hydrocarbons to markets through its territory. The Greek-Cypriot side turned down this offer as well.

Continuing unilateral action, and the repeated refusal of cooperation by the Greek-Cypriot side, increasingly compelled the Turkish-Cypriot side and Turkey to take action to protect their interests and rights. This resulted in the intensification of seismic studies by the Turkish research vessels *Piri Reis* and *Barbaros* in the blocks licensed to TP and in the Turkish CS.

Today, large multinational companies such as Noble Energy, Eni/Kogas, Eni/Total, ExxonMobil/Qatar Petroleum and Shell are all actively engaged in the Greek-Cypriot hydrocarbon exploration and exploitation process (see Figure 2).

Resource discovery and extraction can unfortunately turn from a blessing to a curse when they fuel competition and conflict between legitimate stakeholders. Sadly, on top of its perennial power-sharing problems, the intractable Cyprus Question is now ensnared by the “resource curse”.

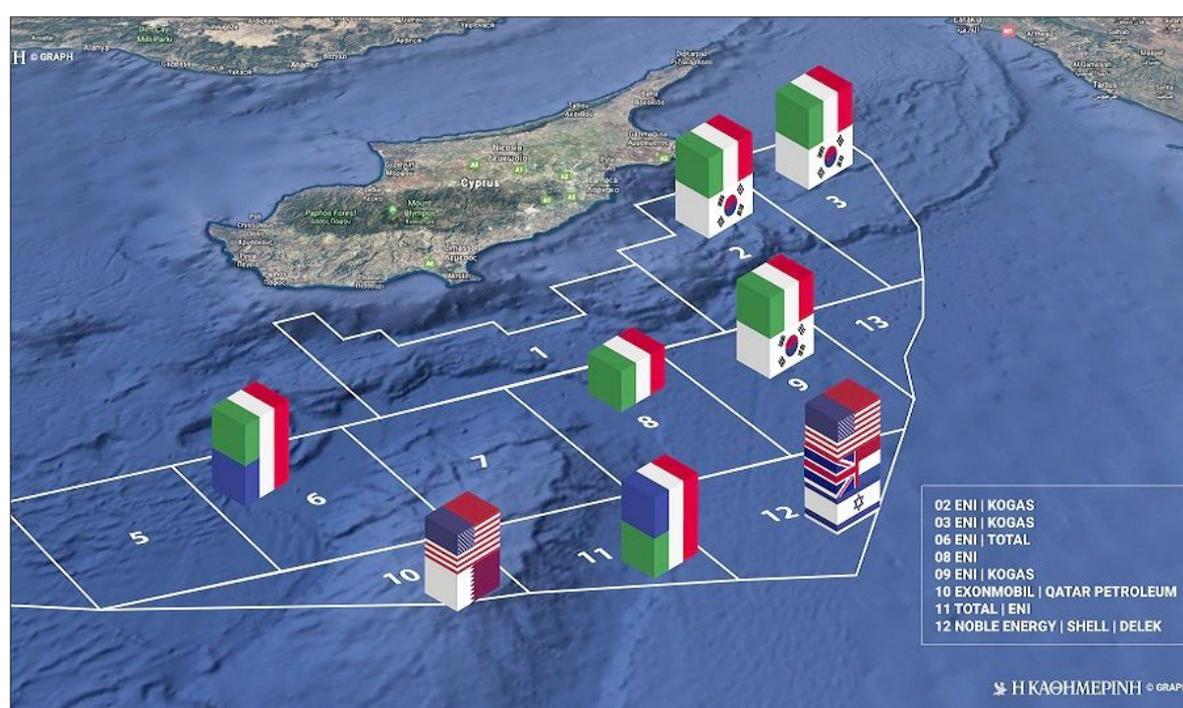
According to Vincent Morelli, Section Research Manager of the Congressional Research Service (US), many observers were initially hopeful that the energy issue would help to propel Cyprus’s long-stalled unification negotiations to a conclusion as both Greek and Turkish Cypriots realised the potential economic benefits to a unified island.¹¹ He laments that the energy issue has, however, become a sticking point in the negotiations. Morelli stresses that the US and the EU have long supported the Republic of Cyprus’s right to explore for energy in its EEZ but also hoped that the resources discovered would be equitably shared by all on the island and help to catalyse energy for a settlement. He adds that according to Greek

¹¹ Vincent L. Morelli, “Tensions in the Eastern Mediterranean Focus on the Politics of Energy”, in *CRS Insights*, 1 March 2018, <https://fas.org/sgp/crs/mideast/IN10864.pdf>.

Cypriots, revenues derived from any resources would be jointly managed and shared with the Turkish Cypriots only after a political settlement, which is proving elusive.¹²

The Turkish-Cypriot response is that the stance of the US and EU disrespects their inherent co-ownership rights and equal political status while obstructing the objective of power/prosperity sharing by helping to perpetuate an unacceptable status quo.

Figure 2 | International tenders and offshore exploration in the Greek-Cypriot EEZ



Source: Apostolis Tomaras, "Exxon - Total for Block 7", in *KNEWS*, 4 October 2018, <http://knews.kathimerini.com.cy/en/business/exxon-total-for-block-7>.

3. Turkey's position and international law

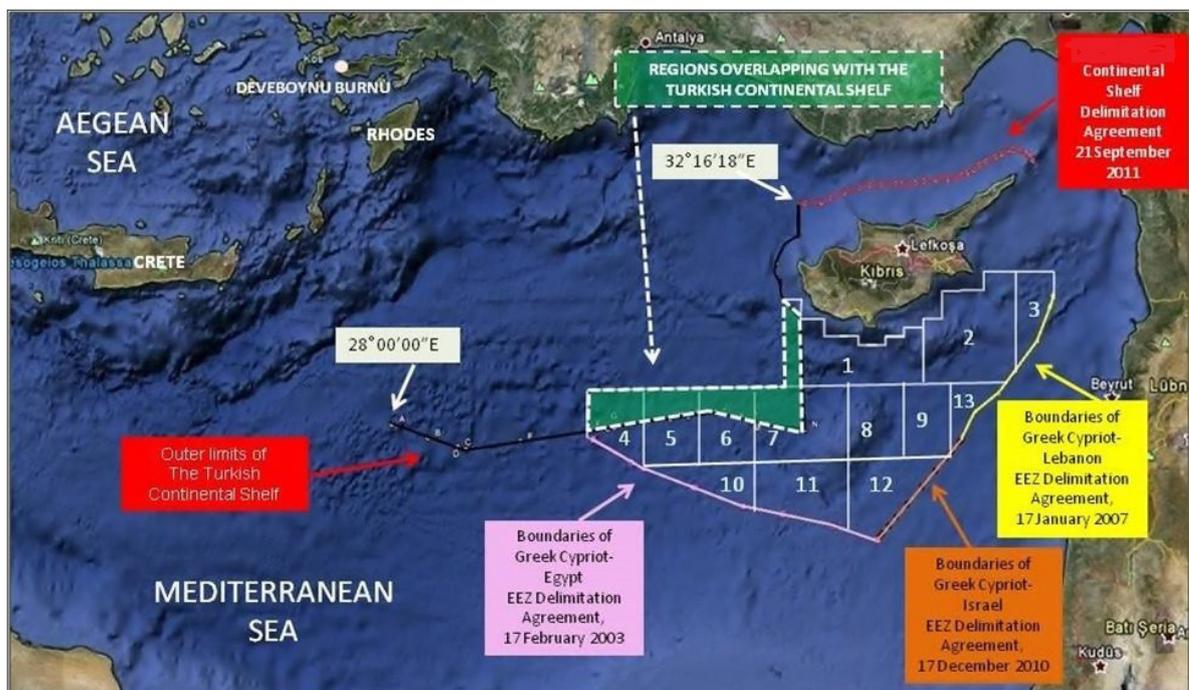
The Turkish position is that under international law (including customary and case law) the delimitation of an EEZ or CS in a semi-enclosed sea like the Mediterranean needs to be effected by agreement so that the rights and interests of all stakeholders are equitably respected and possible "overlaps" prevented, in line with Art. 74 (EEZ) and Art. 83 (CS) of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Against this legal backdrop, the Turkish Cypriots maintain that their Greek counterparts have triggered a maritime-border dispute because they

¹² Vincent L. Morelli, "Cyprus: Reunification Proving Elusive", in *CRS Reports*, No. R41136 (15 April 2019), <https://crsreports.congress.gov/product/details?prodcode=R41136>.

have concluded maritime-border agreements without the consent of all relevant stakeholders – thus compelling stakeholders Turkey and the Turkish Cypriot side to respond.

The Greek-Cypriot maritime-border agreement with Egypt overlaps with the CS of Turkey in five plots, which Turkey registered with the UN in 2004. The Turkish CS (see Figure 3) to the west of Cyprus starts from longitude $32^{\circ}16'18''\text{E}$ and follows the equidistance line between the Turkish and Egyptian coastlines to a point to be determined to the west of $28^{\circ}00'00''\text{E}$, in accordance with the outcome of future delimitation agreements in the Aegean Sea and the Mediterranean between all relevant states.

Figure 3 | Turkey's continental shelf (CS)



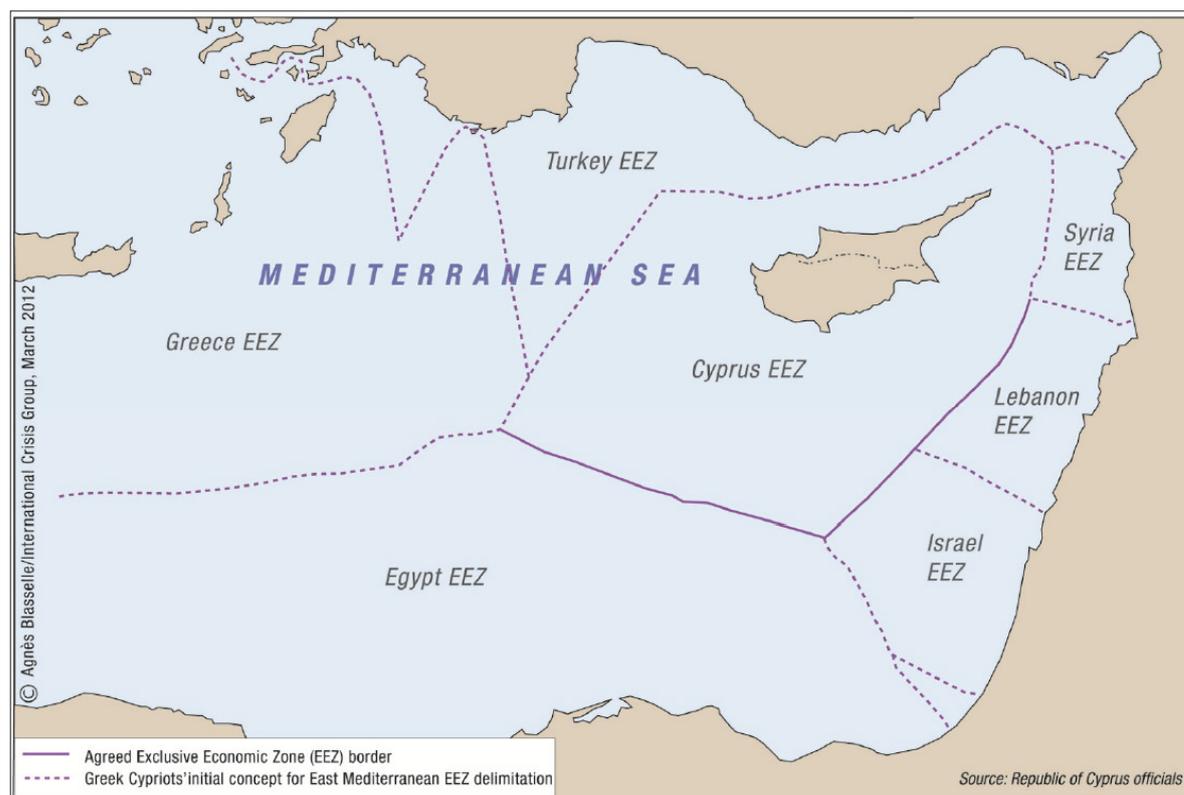
Source: Çağatay Erciyes, *Maritime Issues - Maritime Boundary Delimitation & Turkey's Offshore Activities in the Eastern Mediterranean*, Presentation, 10 May 2019, <http://www.mfa.gov.tr/maritime-delimitation--offshore-activities--presentation-10-5-2019.en.mfa>.

A further problem arises from the Greek-Cypriot and Greek assumption that islands can automatically claim full maritime jurisdiction areas – which they are, for example, attempting to do with Castelorizo, to the west of Cyprus (see figure 4).

In delimitation cases involving islands competing with mainland coasts, equitable delimitation takes into account non-encroachment, the avoidance of cut-off effects of islands and the avoidance of disproportionate results. Examples of jurisprudence and state practice whereby islands have received a reduced effect – or have been partially or wholly “enclaved”, or even completely ignored – include the 1977–8 UK–France case involving the Isles of Scilly; the 1982 Tunisia–Libya International

Court of Justice (ICJ) CS boundary judgment; the 1992 Canada–France St Pierre and Miquelon Islands arbitration award; the 1971 Tunisia–Italy Agreement (state practice) involving the “circumscription” of the Pantelleria, Linosa and Lampione islands; and the 1978 Papua New Guinea and Australia Agreement wherein islands lying on the wrong side were “enclaved”. In all of these cases (and many others), islands are assigned limited effect in maritime-boundary delimitation if their location distorts equitable delimitation.

Figure 4 | Turkey's maritime jurisdiction area, as proposed by Greece



Note: Kastellorizo is at the point the proposed maritime jurisdiction area touches the Turkish mainland, leaving Turkey with an area about the size claimed by the Greek Cypriots.
 Source: International Crisis Group (ICG), “Aphrodite’s Gift: Can Cypriot Gas Power a new Dialogue?”, in *ICG Europe Reports*, No. 216 (2 April 2012), p. 22, <https://www.crisisgroup.org/node/1063>.

The Turkish position is that the island of Cyprus to its west and the Greek islands in the area, including Kastellorizo (population around 300), cannot generate full EEZ/CS under international law as to do so would distort equitable delimitation.¹³

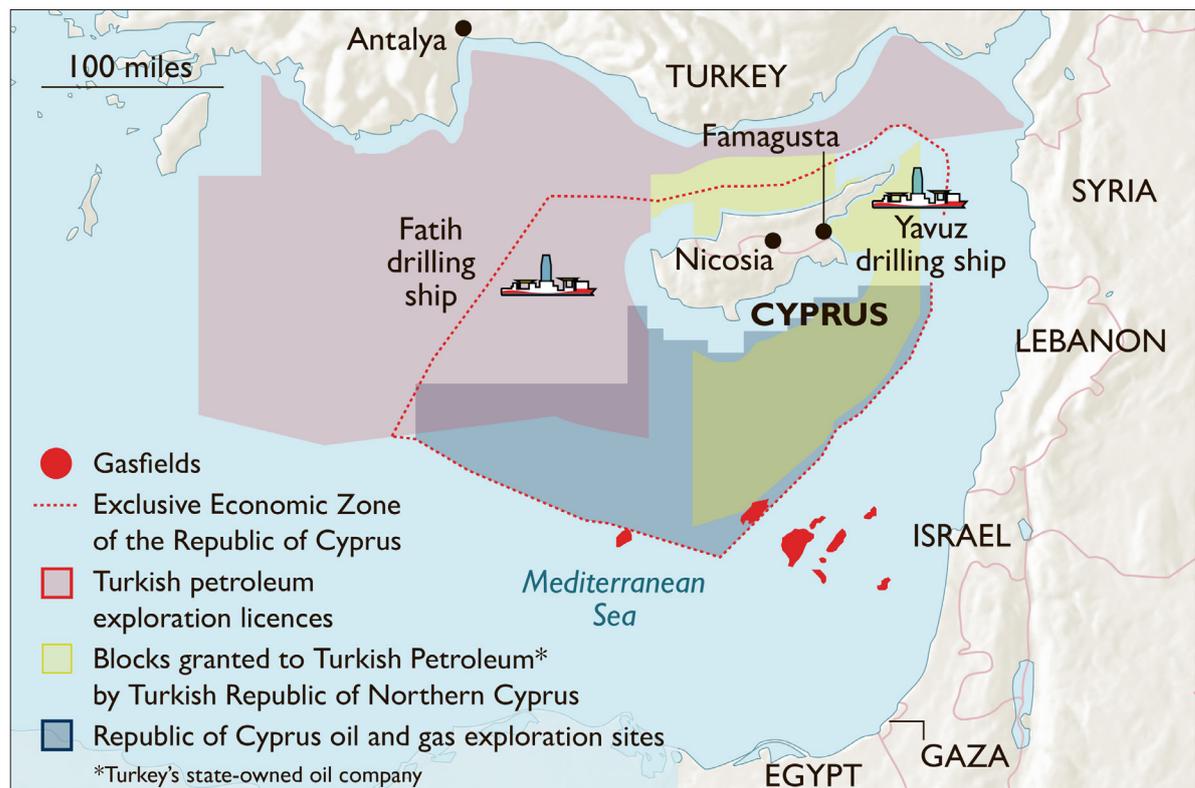
In 2018 persistent Greek-Cypriot claims and exploration activity, together with the indifference of relevant international actors, finally led Turkey to take action. This resulted in the acquisition of two drill ships by TP. On 3 May 2019 TP dispatched its

¹³ Çağatay Erciyes, *Maritime Issues - Maritime Boundary Delimitation & Turkey’s Offshore Activities in the Eastern Mediterranean*, cit.

first drill ship, *Fatih*, to start drilling operations in the licence areas granted to it in 2009 and 2012 in Turkey's CS.

This drilling area lies 75 kilometres (40.5 nautical miles) to the west of Cyprus (see Figure 5) and has nothing to do with any of the Greek-Cypriot or Turkish-Cypriot licence areas.

Figure 5 | Drilling spots of TP drill ships *Fatih* and *Yavuz*



Source: Hannah Lucinda Smith, "Turkey Defies EU Sanctions by Sending Fourth Ship to Hunt for Gas Off Cyprus", in *The Times*, 17 July 2019, <https://www.thetimes.co.uk/article/turkey-defies-eu-sanctions-by-sending-fourth-ship-to-hunt-for-gas-off-cyprus-d6hf88wsp>.

In a briefing on 10 May 2019 to diplomatic missions in Ankara, Turkish diplomat Çağatay Erciyes emphasised that Turkey has the longest continental coastline in the Eastern Mediterranean and its expectation is that its vital interests and legitimate rights are respected based on equity under international law in the exercise of its sovereign rights over its CS.¹⁴ He also stressed that Turkey stands fully behind the co-ownership rights of the Turkish-Cypriot people regarding the hydrocarbon resources of their island.

During the same briefing Ambassador Erciyes stated that one serious problem in the Eastern Mediterranean was that third parties, including the EU, were taking

¹⁴ Ibid.

sides in the overlapping maritime-boundary claims in the area and acting as a court in deciding on maritime boundaries by considering Greek/Greek-Cypriot claims as legitimate against Turkish and Turkish-Cypriot claims.

On 11 June 2019 – after emphasising that the riches of the Eastern Mediterranean belong to all in the region, and that the Turkish side wants peace and reconciliation rather than tension – TRNC President Mustafa Akıncı again openly called on the Greek-Cypriot side to establish a joint commission for cooperation on hydrocarbons.¹⁵ Akıncı pointed out that if this was not done, and the Greek Cypriots continued with their unilateral drilling activities, this would leave the Turkish-Cypriot side and Turkey with no choice but to act in the same way. On 13 June, in his meeting with Elizabeth Spehar, Special Representative and Head of the UN Peacekeeping Force in Cyprus, Akıncı renewed the Turkish Cypriot offer of cooperation on hydrocarbons with the Greek-Cypriot side. There was no response to these offers either.

On 8 July 2019 TP sent its second drill ship, *Yavuz*, to the south-east of the pan handle shaped Karpaz Peninsula (see Figure 5) to start drilling in an area licensed to TP by the TRNC. This area does not overlap with any plot licensed by the Greek-Cypriot side.

The Greek-Cypriot side and the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, immediately issued their standard “status quo maintenance” statements to the effect that this drilling operation was in violation of the sovereignty of Cyprus and was thus illegal.¹⁶

The immediate response of Turkish Ambassador Erciyes, responsible for maritime affairs, was that what was illegal was the continuation of unilateral activities by Greek Cypriots since 2003–4 in violation of Turkey’s CS rights and the inherent and equal rights of Turkish Cypriots. He particularly stressed the fact that Turkey’s determination to protect its continental-shelf rights as well as those of the Turkish Cypriots in the Eastern Mediterranean cannot be considered illegal.¹⁷

According to Gerald Butt, writing in *Petroleum Economist*, when you look at developments off Cyprus from the Turkish perspective the picture is completely different from that seen in Europe.¹⁸ He points out that the Cyprus Government

¹⁵ “Turkish Cyprus Pledges ‘Retaliation’ in Gas Row”, in *Hürriyet Daily News*, 10 June 2019, <http://www.hurriyetdailynews.com/turkey-to-retaliate-against-greek-cyprus-plan-to-arrest-its-drilling-personnel-144082>.

¹⁶ ROC Presidency, *Statement on Turkey’s New Attempt to Illegally Conduct Drilling Operations in the East of Cyprus*, 8 July 2019, <https://www.pio.gov.cy/en/press-releases-article.html?id=8627>; Federica Mogherini, *Statement on Turkey’s New Drilling Operation Northeast of Cyprus*, Bruxelles, 8 July 2019, <https://europa.eu/!Xh87TH>.

¹⁷ ÇağatayErciyes, *Twitterpost*, 28 June 2019, <https://twitter.com/CErciyes/status/1144700036036603905>.

¹⁸ Gerald Butt, “The East Med: Trouble in Paradise”, in *Petroleum Economist*, 4 July 2019, <https://www.petroleum-economist.com/articles/politics-economics/europe-eurasia/2019/the-east-med->

and its allies in the EU and elsewhere all reject the Turkish perception regarding its declared CS and the co-ownership rights of the Turkish-Cypriot people. Yet, the pursuit of what Turkey insists are its rights in the Eastern Mediterranean is becoming a priority in Ankara. Butt emphasises the fact that while Cyprus and its allies dismiss the Turkish position of searching for oil and gas close to the island as illegal meddling, Turkey, with equal vigour, views Greek-Cypriot actions as illegal. Referring to the proposed EastMed Pipeline to connect East Mediterranean energy resources to mainland Greece via Cyprus and Crete, Butt concludes that the most logical outcome would be the reaching of a win-win agreement and the exporting of EastMed gas to Turkey, a vast and hungry market on Cyprus's doorstep. He argues that this would relieve international oil companies of the burden of convincing shareholders to sink billions of dollars into deep-water infrastructure and liquefied natural gas (LNG) plants in a region of simmering geopolitical tensions and increasing global competition for cheap sources of gas.

Yurdakul Yiğitgüden, a former undersecretary of energy and now an Ankara-based consultant, has told *Petroleum Economist* that it is illegal and unacceptable for Greek Cypriots to cut out their Turkish counterparts, unilaterally declare a Cyprus EEZ and award concessions.¹⁹ Likewise, Mithat Rende, an Istanbul-based energy expert and former senior Turkish diplomat, points out in the same periodical that Turkish Cypriots had no choice but to pursue their own interests since their Greek counterparts were not willing to recognise them as equal partners. Rende adds that Turkey was determined to continue its search for hydrocarbons around Cyprus because at issue were its vital national security interests and those of the Turkish Cypriots. He stresses the fact that when national interests are at stake Turkey will do its best to protect them with full public backing.²⁰

On 13 July 2019 TRNC President Akıncı sent the Greek-Cypriot President Anastasiades a new and detailed proposal through the UN for the setting up of a joint committee for cooperation on hydrocarbons in order to change this issue from one of rising tension and conflict to cooperation. The proposal involved the establishment of a joint committee under the supervision of the UN, which would have an equal number of members from both sides and an independent observer. It also outlined the structure, targets and methodology of the committee, and included the establishment of a fund and details on how that fund would be used.²¹ Akıncı copied the proposal to Secretary-General Guterres, the EU Commission and High Representative Mogherini.

trouble-in-paradise.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Lizzy Ioannidou, "President Anastasiades Receives Akıncı's Proposal for Co-management of Natural Resources, in *Cyprus Mail*, 14 July 2019, <https://cyprus-mail.com/2019/07/14/president-anastasiades-receives-akincis-proposal-for-co-management-of-hydrocarbons>.

Anastasiades immediately called for a meeting of political party leaders, to be held on 16 July, in order to brief leaders on Akıncı's proposal and related developments.

The day following Akıncı's proposal, 14 July 2019, in an article for the *Kıbrıs Postası*, Turkish Foreign Minister Mevlüt Çavuşoğlu confirmed that Turkey fully supported the proposal put to the Greek-Cypriot side and stressed that cooperation in the exploration and exploitation of gas around Cyprus could contribute to a settlement, as well as stability and peace in the Eastern Mediterranean.²² In the same article, Çavuşoğlu reminded readers that Turkey would continue operations in areas where Turkish-Cypriot authorities had licensed TP until Greek Cypriots agreed to cooperate with their Turkish counterparts.

On 15 July 2019, the General Affairs Council of the EU debated Greek-Cypriot- and Greek-instigated punitive measures on Turkey for its alleged illegal drilling in the "Cypriot EEZ", and called on Turkey to refrain from such actions, act in a spirit of good neighbourliness and respect the sovereignty and sovereign rights of "Cyprus" in accordance with international law.

The Council also welcomed the invitation of the Greek Cypriots to negotiate with Turkey, noting that delimitation of EEZs and CSs should be addressed through dialogue and negotiation in good faith. Blaming Turkey for its continued illegal drilling activities, the Council ruled to suspend negotiations on the Comprehensive Air Transport Agreement;²³ agreed not to convene the Association Council²⁴ or hold further meetings of the EU-Turkey high-level dialogues for the time being; endorsed the Commission's proposal to reduce pre-accession assistance to Turkey for 2020; and invited the European Investment Bank to review its lending activities in the country, notably with regard to sovereign-backed lending.

On the same day, Greek-Cypriot English language daily newspaper *The Cyprus Mail* published an editorial which stated that EU partners were fed up with Greek Cypriots and most probably regretted ever allowing a dysfunctional, nationalistic and anachronistic society to become a member state in 2004.²⁵ The editorial expressed hope that Turkey's actions would continue until they brought Greek-Cypriot leaders to their senses such that they were forced to negotiate a realistic settlement for the benefit of the entire island. Previously the *Cyprus Mail* had

²² Kıbrıs Postası, "Çavuşoğlu: Rumlar işbirliği yapmazsa, faaliyetlerimiz sürecektir" (Çavuşoğlu: If the Greeks Do Not Cooperate, Our Activities Will Continue), in *Habertürk*, 14 July 2019, <http://hbr.tk/mBOEXp>.

²³ On 7 June 2016 the Council had adopted mandates that allowed the Commission to start negotiations on comprehensive EU-level air transport agreements with four key partners: the Association of Southeast Asian Nations (ASEAN), Qatar, the United Arab Emirates and Turkey.

²⁴ Association Council reviews the state of relations between the EU and Turkey under the Association Agreement and the Customs Union.

²⁵ "Does Anyone Really Believe that EU Sanctions Will Force Turkey to Withdraw 'Fatih'", in *Cyprus Mail*, 15 July, 2019, <https://cyprus-mail.com/2019/07/15/does-anyone-really-believe-that-eu-sanctions-will-force-turkey-to-withdraw-fatih>.

reported that there were limits to the “full solidarity” that the EU could show because the Union needed Turkey’s cooperation on migration, in NATO and in countering terrorism.²⁶

In his response to the General Affairs Council’s conclusions TRNC Deputy Prime Minister and Foreign Minister Kudret Özersay stated that the EU had become a hostage to its own unjustified admittance into the Union of a divided country, and had again shown disrespect to the inherent rights and will of the politically equal Turkish-Cypriot people. He added that the counterpart to the Greek-Cypriot side regarding the hydrocarbons issue was the Turkish-Cypriot side and not Turkey – and emphasised the fact that the EU had proven yet again that it could not be a neutral intermediary in respect of the Cyprus issue.²⁷

In a press release regarding the Council’s conclusions the Turkish Foreign Ministry stated that these would in no way affect Turkey’s determination to continue its hydrocarbon activities, and that the EU had demonstrated yet again how biased it was with regard to Cyprus: it had made no reference to, and totally disregarded the existence of, the politically equal Turkish Cypriots.

The document also emphasised the fact that the interlocutor of the Greek-Cypriot Administration was the TRNC, and that it was not possible for Turkey to initiate talks with the Greek-Cypriot Administration because the Republic of Cyprus was no longer a real state in the eyes of Turkey and the TRNC, as it had failed to represent the Turkish Cypriots since 1963.

The press release further pointed out that the General Affairs Council’s conclusions were the latest example of how the Greek-Cypriot–Greek duo were abusing their EU memberships for the sake of their maximalist positions while yet another important opportunity for a solution, provided by the latest cooperation proposal from Turkish Cypriots, was being missed.²⁸

While TP’s drillship Fatih is continuing its operations in the Turkish CS to the west of Cyprus, Yavuz completed its exploratory drilling to the south-east of the Karpaz Peninsula. On 3 October 2019 it moved to the southwest of Cyprus, where Greek Cypriot EEZ claims partially overlap with the CS claims of Turkey (see Figure 3 above). The Greek Cypriot side has gas exploration agreements with French Total and Italian ENI on block 7.

²⁶ “Our View: Anastasiades Has Lost Control of the EEZ Situation”, in *Cyprus Mail*, 14 July 2019, <https://cyprus-mail.com/2019/07/14/our-view-anastasiades-has-lost-control-of-the-eez-situation>.

²⁷ “Turkish Foreign Ministry: ‘Decisions Will Not Affect Our Activities in the Eastern Mediterranean’”, in *TRNC News Headlines*, 16 July 2019, <https://pio.mfa.gov.ct.tr/en/?p=45114>.

²⁸ Turkish Ministry of Foreign Affairs, *Press Release Regarding the New Cooperation Proposal of TRNC on Hydrocarbon Resources*, 13 July 2019, http://www.mfa.gov.tr/no_203_-kkct-nin-hidrokarbon-kaynaklarina-iliskin-yeni-isbirligi-onerisi-hk.en.mfa.

Conclusion

To sum up, the Turkish-Cypriot side will not allow the erosion of its politically equal status/rights and accept subordination to its Greek counterpart. However, the unilateral EU membership of the Greek-Cypriot “seized” polity, with the claim that it represents the whole island, together with the discovery of offshore hydrocarbons in South Cyprus have practically nullified any Greek-Cypriot need or motivation to share power and prosperity. Greek Cypriots have consequently focused on consolidating what they have seized under the pretext of the doctrine of necessity. To this end, they have long been trying to construct a protective “ring” around their hegemonic vision through the building of alliances with regional and international actors. One major achievement in this regard was their unilateral EU membership in 2004. They are now trying to build political and military alliances (recently, in particular, with Israel²⁹ and France³⁰) and energy alliances with international oil companies.

On 20 March 2019 US Secretary of State Mike Pompeo attended the sixth summit meeting between Israel, Greece and Greek Cyprus in Jerusalem. Turkish and Turkish-Cypriot officials regard this as an anti-Turkish/Turkish-Cypriot gathering that challenges their legitimate interests in Cyprus and the Eastern Mediterranean.

All of these developments have turned what seemed to be a bi-communal problem into a basically Turkish–Greek international problem³¹ that is challenging security and stability in the region, together with the UN Secretary-General’s good-offices mission in Cyprus.

With the side-lined power-sharing talks in the shadow of the Greek-Cypriot and Greek hegemonic vision, the combined Eastern Mediterranean/Aegean maritime-jurisdiction-areas dispute and the effects of polarisation in the region, the political future of Cyprus will be determined by the choice of the Greek-Cypriot side between two broad options. The first is to accept the Turkish-Cypriot cooperation offer to jointly manage hydrocarbon resources in all admissible areas as co-owners, with the ultimate objective of sharing power and prosperity as two politically and sovereignly equal co-founder parties of a new partnership state. The second is to ignore the Turkish-Cypriot and Turkish sides and continue with unilateral exploration/exploitation and “status-quo-maintenance” strategies.

²⁹ Arye Mekel, “A New Geopolitical Bloc is Born: Israel, Greece and Cyprus”, in *The Jerusalem Post*, 21 February 2016, <https://www.jpost.com/Opinion/A-new-geopolitical-bloc-is-born-Israel-Greece-and-Cyprus-445645>.

³⁰ AKEL, *Statement by AKEL C.C. Spokesperson Stefanos Stefanou on Press Reports about a Military Agreement with France and a Permanent Naval Anchorage of the French Navy*, Nicosia, 3 March 2019, <https://www.akel.org.cy/en/?p=8168>.

³¹ An Arutz Sheva analysis on 9 March 2015 stresses that Turkey’s objections to Greek Cypriots over natural gas drilling has pushed both the Greek Cypriots and the Greeks into an unprecedented defence and economic relationship with Jerusalem. See Gedalyah Reback, “Israeli-Greek-Cypriot Alliance Challenges Turkey”, in *Arutz Sheva*, 3 September 2015, [http://ch7.io/cU0L\\$Fw](http://ch7.io/cU0L$Fw).

The choice of the first option would signal a significant change of mentality and approach – from competitive to cooperative – and could prepare the ground for meaningful negotiation for a sustainable settlement based on the equal sovereign rights and status of the two parties. The pursuit of the second option would inevitably put the final nail in the coffin of the so-called partnership talks, and prepare the ground for the legitimisation of a two-state outcome.

Writing in *The National*, Simon Waldman emphasises the fact that with hydrocarbon discoveries, maritime-border disputes and regional-power rivalries, Cyprus is now a ticking time bomb and represents a significant problem for both NATO and the EU.³² In addition to the intrinsic responsibilities of the Greek Cypriots, Turkish Cypriots, Greece and Turkey, important responsibilities now rest on the shoulders of third parties – including the UN, EU member states and the relevant oil companies.

These actors must now get to the real source of the problem, explore new and mutually compatible solutions based on equity in order to end the unilateralism and risky escalation connected with the hydrocarbons issue in Cyprus and the broader Eastern Mediterranean, and help transform hydrocarbons into a facilitator to resolve disputes rather than an accelerator for further disagreements in the area.

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³² Simon Waldman, "Ticking Timebomb of Cypriot-Turkish Feud Poses a Headache for NATO and Europe", in *The National*, 7 July 2019, <https://www.thenational.ae/opinion/comment/ticking-timebomb-of-cypriot-turkish-feud-poses-a-headache-for-nato-and-europe-1.883724>.

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