

The unsettled Cyprus issue and Turkey's deadlocked accession process

From the "lose - lose game" to the "win -win situation"

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1. Introduction

In the Post Cold era, the international system has been evolving to a new form. So far, political developments are stigmatized by bloody conflicts and revolutions. These recently occurring developments in the Muslim and Arab world are worrisome. We are thus witnessing an ongoing reshaping of the regional and global geo-political and geo-strategic arena.

Fukuyama predicted that, as soon as the Soviet Block collapsed, the end of history will follow suit and the liberal paradigm will triumph (Fukuyama 1993). This prophecy never came true. International conflicts never stopped erupting in various hot spots. Nations are still committed in a struggle for power and survival. Some of them attempt to establish independent and democratic political systems by toppling authoritarian regimes. In the meantime, the US, as the only superpower, organizes, supports and performs military campaigns in the name of "missionary diplomacy" (Sammis 2000, pp. 30, Ifestos 1994, pp. 323 -324). There are plenty of examples suggesting that the US pursues a revolutionary foreign policy such as the wars in the Former Federal Republic of Yugoslavia and Iraq. A more recent example is the implementation of a "non flight zone" over the Libyan airspace (UNCR 1973, 2011).

In a nutshell, we live in a volatile world, where conflicts and problems remain unresolved for many years. The Cyprus conflict maintains its own peculiarities. Its destiny has been politically, legally, morally and institutionally connected with the Turkish accession to the EU. "The Economist Intelligence Unit" drew up a report about the current situation in Turkey maintaining that:

"The AKP has supported UN-backed efforts to resolve the division of Cyprus. However, a solution that is acceptable to both the Greek and Turkish Cypriots is unlikely to be found. The differences between the two sides remain considerable and the government will have no pressing reason to facilitate a Cyprus settlement, as Turkey's EU accession process is likely to remain in the doldrums" (Economist Intelligence Unit 2011, p. 7).

The political message of this Report is that, for the time being, both, the Cyprus question and Turkey's accession to the EU are in deadlock. Having this situation in mind, this article analyzes these intertwined issues and explores rational ways that may shift the existing mentality between the parties involved from a "lose-lose game" to a "win-win game". In particular, this article examines the following issues:

- The existing political situation regarding the Cyprus issue and the prospect of Turkey's accession to the EU.
- The reasons that deadlocked Turkey's accession negotiations and the attempts of resolving the Cyprus issue.
- The conditions under which common ground and interests between Turkey and the Republic of Cyprus may be found, bearing in mind that such a prospect should be grounded on "win-win situation", i.e. relate the solution of the Cyprus problem with Turkey's accession process in a way that both parties feel satisfied with the outcome.

2. Historical background and deadlock

Kemal Ataturk is the undisputable founder of the modern Turkish state and the historical leader who set the cornerstone of Turkish long-term policy towards Europe and the West in general. In this respect, Kemal obliged Turkish males to remove their traditional fez and wear the modern European hat (Killi, 1980, pp. 381-404, Sarris 1992, p. 63, Charalambides 2010, p. 82). This decision constituted a political and cultural step towards modernization, tantamount to westernization, of the Turkish society. The "European hat" alone, however, was not and still it is not enough to provide Turkey with a "ticket for entry" to the European club from a political, institutional, and even cultural point of view.

Nowadays, Kemalism is in a crisis. The traditional Kemalist Republican People's Party is losing political influence as its political and ideological identity is less widely supported. It cannot produce effective policy and thus it cannot meet the needs of the contemporary Turkish society. Therefore, it lacks the ability to propose effective proposals to resolve social, economic and other daily problems which are critical for the modern society and the Turkish political system. Although this Party is in a promising path to recovery, it has no chance to win the upcoming elections (Economist Intelligence Unit 2011, p. 12).

The Justice and Development Party (AKP), on the other hand, seized the opportunity and appears as a political actor that is capable of dealing with the "institutional and political deficit." The AKP presents itself as a reliable alternative political, economic and social power and as a new political party which is ready to bring about the necessary structural changes. Although the AKP appears as an Islamic moderate party, it managed to produce and implement policies which are based on the fundamental Kemalist principles of "reforms" and "modernization" (Charalambides 2010, p. 82). In other words, the AKP strives to replace Kemalism through the installation of a new model of governance, while respecting, at the same time, the main principles of Kemalism.

At this point we have to mark how symbols work in the Turkish political system. While Kemal imposed the "European hat", as a step towards modernization and westernization, Erdogan insists on the veil for women as a religious, social, and a political symbol of the new Turkish state. Erdogan adopts and adapts Kemalist principles and attempts to make them function effectively in the contemporary epoch, seeking to reaffirm that the Turkish destiny is gravitating towards Europe. This Turkish political approach relies on a peculiar combination of the Islamic AKP's character and the Turkish European orientation, sending the message that Europe cannot be a Christian club and that there is a place for Turkey in the EU. In this respect, Erdogan stands on two political and ideological pillars. Apart from his European orientation, which is focused on the Turkish accession to the EU as a full member, he also turns his political interests and concerns to the Muslim world, expecting to host a regional leading role. This policy is favored by the EU and the US (Obama 2009) since they plan to build political and economic bridges with the Islamic and Arab world through Turkey. Taking into consideration this

strategic concept, we can figure out that Turkey is presented by both the EU and the US as a “suis generis” democratic political system and as a “road model” for the Muslim countries whose peoples rise up, in the context of a domino effect, asserting the respect for human rights, better standards of living and democracy¹. On July 4, 2007, during a speech before a conference organized by the Social Democratic Party (SDP) in Germany, the European Commissioner Olli Rehn stated the following:

The EU's relationship with Turkey is a valuable way to strengthen our links with the Muslim world. Turkey is undergoing a difficult process of self-transformation at the moment. EU conditionality can help the country to see its choices clearly, and to emerge from this process as a stronger democracy and a more vibrant society. Turkey can then provide a beacon to all the moderates in the Muslim world who want to see their own societies open up and democracy become the normal mode of their politics. But to use the EU's conditionality to help Turkey to move from modern to post-modern democracy, we have to ensure that the Turks know that we are serious about negotiating accession with them (Rehn 2007).

On October 3, 2005, the EU, following the conclusions of the European Council (Council of the European Union, December 16, 2004), took a historical decision for the opening of accession negotiations with Turkey (Council of the European Union 2005). In conjunction with other relevant decisions, the EU defined the legal and political procedures of Turkish accession to the EU, such as the 'Negotiating Framework' (Council of the European Union 2005a) and the 'Accession Partnership' (Commission of the European Communities 2005). Turkey's accession negotiations commenced but, from the beginning, they encountered problems and faced obstacles mainly related to the unsolved Cyprus issue, as well as the opposing interests among leading EU member states.

For the time being, Turkey's political, economic and institutional orientation and especially the prospect of EU accession constitute a primary strategic goal, which

¹ In January 2011, Egypt was the first country where people revolted demanding more democracy and a better standard of living. Other Muslim peoples followed and Libya constitutes the worst bloody conflict as the international community became militarily involved under the pretext of protecting civilians from the brutal anger of Muamar el- Quaddafi. The military action initiated by France, Britain, the US and then followed by NATO, is legally grounded on the UNSC resolution 1973.

reflects the Turkish European dream. Such a dream is still alive, albeit Turkey's accession negotiations are not on a good track anymore, facing severe political and structural problems. From a total of 35 accession chapters, Turkey opened 13 only, and it has a limited opportunity to open 3 more chapters (Competition, Social policy & employment and Public Procurement JPC, 2010). The rest chapters are blocked either by the EU or by member states, which do not want Turkey to join the EU. These states, like France, which is fully supported by Germany and Austria, considers that a "privileged partnership" is the best outcome of the EU – Turkey accession negotiations (See table 1, where the whole situation of the Turkish accession to the EU regarding the accession chapters is illustrated).

2.1 The origins of the problem

Turkey's accession negotiations reached a stalemate. It is worth noting the major reasons for this outcome:

1. The European Council decision of December 2006 provides for the blocking of (8) eight chapters related to the Turkish obligations to the Republic of Cyprus (Council of the European Union, p. 8-9, 2006). Such legally binding obligations derive from the Additional Protocol to the Ankara Agreement and EU's Declaration of September 21, 2005 (Council of the European Union 2005, p.2 ; Brok 2005, pp.4-5). Responding to a Turkish statement of July 2005, the EU issued a Declaration that reaffirms its positions. Among other things, this Declaration affirms that the EU recognized only the Republic of Cyprus as a subject of international law. The paragraph 4 of the EU Declaration maintains that:

"The European Community and its Member States recall that the Republic of Cyprus became a Member State of the European Union on 1st May 2004. They underline that they recognise only the Republic of Cyprus as a subject international law".

Furthermore, there are three UN Security Council resolutions, which recognize the Republic of Cyprus and state at the same time that, the so called "Turkish Republic of Northern Cyprus" is "non valid". The resolutions in reference are:

186/64, 541/83 and 550/84 (UN Security Council Resolutions 2002, pp. 111-115)

2. France, having the support of Austria and Germany, blocked a number of chapters since it does not want Turkey to become a full member state of the EU (See table 1). Nicolas Sarkozy has already put his own mark on this political process by making clear—during the electoral campaign of 2007—that he is against Turkey’s accession to the EU as a full member-state. According to his position, there is no place for Turkey in the EU as a full member-state because, geographically it does not belong to Europe. On June 18, 2007 just before the European Council of the Ministers of Foreign Affairs, the French Foreign Minister, Francois Fillon, stated that in the Intergovernmental Conference, which was planned to be held on June 26, 2007, Turkey could open only two, instead of three, chapters. The French political position can be summarized as follows: Turkey cannot open Chapter 17 (Single European Currency), because the opening of this chapter will determine the final outcome of the negotiations with the EU and signal Turkey’s potential to become full member.

Sarkozy was punctual at his rendezvous. On June 26, 2007 the Intergovernmental Conference approved only two of the three chapters proposed by the European Commission. The French government had the full support of Germany and of Chancellor Angela Merkel herself. At the same time, Sarkozy offered full support to Chancellor Merkel on the issue of the Reform Treaty (Council of the EU 2007). Moreover, it very well-known that there is mounting domestic skepticism in both France and Germany. Turkey’s accession to the EU may also fail for other reasons: a) If Turkey does not complete the required reforms and does not comply with its obligations regarding the implementation of the *acquis communautaire*, b) if it falls victim of internal political power games between the Kemalists and the Islamists or c) if it encounters unpredictable developments which might negatively affect its process of accession to the EU before it concludes the reforms and compliances with its legal, political, social and economic obligations, it may not accede the Union (Charalambides p.64-65). Therefore, one may allege that Turkey is likely to face the risk of becoming a victim of itself!

Austria traditionally opposed Turkey's accession to the EU and still suffers from the Vienna syndrome. Some Austrians refer to the historical memory of Ottoman Armies laying siege to Vienna. However, most seem to have more contemporary concerns. Beyond the psychological resentment that Austrians have against Turkey, other reasons exist to encourage them not to support Turkey's accession to the EU, such as cultural differences and the difficulty of integrating 200.000 Turkish immigrants into Austrian society (Barysch 2007, p.4). Besides, both the Germans and the French don't want Turkey to get in, as they deem this to bring the end of the EU! Therefore, their refusal to let Turkey joining the EU mainly relies on national interests. Yet, negative stereotypes, which have been created throughout the years, may be used as political and social methodological tools in order to advocate why Turkey must not join the EU.

On the basis of this analysis, the main question is whether Turkey will join the EU as a full member state or whether it will finally acquire a "quasi accession" status on the basis of a "privileged partnership". Turkey's chief negotiator with the EU, Egemen Bagis underlined that: *"The only status that Turkey could accept is that of full membership"* (Bagis 2011). On the other hand, the EU decision of December 2004 provides for an "open – ended" process that does not ensure Turkey's membership to the EU. In case Turkey does not complete its accession negotiations, the EU should find other ways to anchor Turkey within EU (Council of the European Union 2004, p. 7). President Sarkozy publicly stated, during his official visit in Turkey on February 24, 2011, that the French government does not support the Turkish membership. He said the following:

"I believe it is necessary to have close ties between Turkey and the European Union as much as possible without going any further toward a full membership that in fact could be beneficial neither for Turkey nor for the EU... I am not insulting anyone by expressing this and I am not in any way challenging my deep admiration for your country" (Sarkozy 2011)

This statement gives some credit the Turkish complaints that there are some leading EU countries that do not want Turkey enter the Union. These countries, the argument continues, hide behind the unresolved Cyprus issue in order to create problems to Turkey's accession to the EU.

The French political attitude does not constitute the only cause of the obstacles that Turkey's accession to the EU faces. Should we attempt to find out the reasons that trigger problems to Turkey's accession to the EU, we could note the following:

1. Turkey refuses to fulfil its legal and political obligations to the Republic of Cyprus, which stem from EU decisions (Council of the European Union, p. 6-8 2006). These decisions are part of the *acquis*.
2. There are member states, such as France and Germany, which do not wish to see Turkey joining the EU as a full member since they are not ready or/and they have no political intention of sharing with Turkey the power they now enjoy in the EU (Charalambides 2010 pp. 62-64). Such a policy is strictly related to the strategic concept of "power game" (Morgenthau 1978). The Europeans flirt with Turkey but they don't want to marry her! They prefer to have an "affair" with loose legal bindings in terms of a "privileged partnership" instead of enacting a legal status of an equal membership (Charalambides 2010 pp. 204-206). It is truth that the status of such a "privileged partnership" hasn't been legally and institutionally defined yet. The only model, we may refer and compare to, is that of Norway; the "fax democracy"! Norway is not legally or institutionally bound to the EU. In other words, it does not equally belong to the EU. However, the Norwegian Authorities integrate into their national legislation the EU directives sent by Oslo and are considered of utmost importance. Their aim is to facilitate commercial and other economic affairs and transactions with the EU. (International Herald Tribune 2005).

Turkey's accession negotiations are not hampered by the national interests of the leading EU countries only. Turkey faces its own structural difficulties and it has to deal with them effectively. In other words, Turkey suffers from a "democratic deficit" (Europa 2011) and a perpetual internal conflict between the Islamic party of the AKP and the army, which still asserts a dominant role in the Turkish political, social and economic system, although the existing political and constitutional situation in Turkey is not similar to its past one (Charalambides 2010, p. 102, European Commission 2005a, p. 20, OYAK Bank portal). The country is now one step before the National Elections, which will take place on

June 12, 2011. Tayyip Erdogan expects to achieve another impressive political victory and thereby seize the opportunity to put in effect Plan B. Plan B refers to the focus on the drafting of a new Constitution in order to establish a new political system, with the aim to turn the current one from a Parliamentary into a Presidential Democracy. Erdogan maintained that it is the last time he is running for election as a Prime Minister. However, he never said that he is not planning to stay in power through the installation of a new political system. Erdogan schedules to transfer the constitutional competences of the Executive Power from the Prime Minister to the President, like the French model of the Fifth Republic² (Thody 1998).

Of course, it is dubious whether a new Turkish political system can change the legal and political internal situation dramatically and tackle effectively the obstacles, which are raised in the face of the Turkish accession to the EU. Since Turkey continues to be baited by structural problems (Oomen 2011, p.3, European Commission 2010, European Union, 2011 pp. 4-7), which are reflected in the inadequate bureaucratic mechanism, it cannot speed up the reforms. An indicative example is that of the "chapter (18) of competition", which was to open on December 2010 in the framework of the Intergovernmental Conference. In accordance with the European Council's conclusions and the paper on the Enlargement's Strategy, the EU states the following:

"Recalling that negotiations have reached a more demanding stage, the Council notes that Turkey will be able to accelerate the pace of negotiations by advancing in the fulfilment of benchmarks, meeting the requirements of the Negotiating Framework and by respecting its contractual obligations towards the EU. In this context, the Council notes the good progress made by Turkey toward the fulfilment of the opening benchmarks in the field of Competition Policy. As soon as all the benchmarks are met, the Council will revert to this chapter, in accordance with established procedures, with a view to its opening" (Council of the European Union, 2010).

² During the 66th Summit of the EU- Turkey Jointed Parliament Committee, the Representative of the EU in Turkey, Marc Pierini, was asked whether Erdogan was planning to change the Turkish political system. He answered positively, but he could not be sure whether the Turkish Prime Minister will succeed in realizing his ambitions or not.

This paragraph was included in the conclusions and illustrates the deadlock on the one hand, and on the other the tolerance of the EU as well as its political intention of holding alive both the momentum of Turkey's accession to the EU, and the opportunity of opening the "chapter of competition". However, this chapter never opened since Turkey did not meet the benchmarks set by the EU.

In addition, this paragraph reflects a compromise between: 1) Those EU countries which support that Turkey cannot join the EU as a full member state but it may acquire a "privileged partnership"; 2) those members – states, which advocate Turkey's membership and 3) Turkey itself. For the time being, none of the three want the collapse of Turkey's accession negotiations. It is a rational political approach, which is grounded on the following argument: if Turkey's accession negotiations collapse, a crisis is likely to break out and none of the involving parties consider that such an outcome would advance their interests.

3. The political game

The question is whether Turkish accession to the EU can go through or whether the deadlock will continue. Prima facie, the existing situation is in favor of both the leading European countries and Turkey. The EU leading countries obtain what they were looking for; to "freeze" the accession negotiations (Markides 2011)³. On the other hand, the Turkish government, which cannot speed up the reforms (Oohmen 2011 p. 3), considers that the negative French attitude offers an undisputable excuse.

This is the political scene upon which Turkey asserts and tries to serve its national interests. Acting in this context, Ankara holds a hard political line in respect to its relations to the EU and the Cyprus issue. It refuses to fulfill its legal obligations to the Republic of Cyprus⁴ stating that it will not sacrifice Cyprus to obtain accession to the EU; nor the Turkish membership for the sake of Cyprus (European Union 2011, p. 1). This is a policy with a twofold dimension.

³ Personal notes of the writer, who attended the meeting of the EU - Turkey Joint Parliamentary Committee on January 26, 2001, which took place at the European Parliament in Brussels.

⁴ As mentioned already, the Turkish obligations to the Republic of Cyprus stem from the Additional Protocol which includes: the lifting of the embargo imposed by Turkey, on the planes and vessels bearing the Cyprus flag and even the recognition of the Republic of Cyprus, as a legal and political precondition for the Turkish membership.

Firstly, it is a policy which reflects in the classical strategic concept of a proud nation, that it never gives in to the external pressures and difficulties. Secondly, it is a policy which can be seen and explained through the lens of the existing polarized political situation, as a result of the upcoming national elections. The Turkish Prime Minister, Tayyip Erdogan, needs to be politically strong on his own, or through coalitions with other parties, in order to pass the voting threshold of a two - thirds qualified majority (367 seats) in the Grand National Assembly and thus establish a new Constitution. This is his strategy to stay in power, moving from the Prime Ministership to Presidency. As the report of "The Economist Intelligence Unit" on Turkey maintains:

"In the general election to be held on June 12th 2011 we expect the AKP to win a clear majority in the 550-seat parliament, but less than two-thirds of the seats, the special majority needed to change the constitution without opposition support or a referendum. However, the composition of the next parliament and the distribution of seats will depend largely on how many political parties get over the threshold of 10% of the national vote required for political party representation in parliament. A major factor in this regard will be the performance of the MHP. Recent opinion polls suggest that its support is dangerously close to 10%. If the MHP fails to reach the threshold, the AKP might manage to obtain a two-thirds majority" (Economist Intelligence Unit 2011, p. 6)⁵.

From one point of view, Erdogan employs acute and nationalistic vocabulary, because he may be forced to "flirt" and ally with MHP in view of drafting a new Constitution on the basis of a Presidential Democracy. This is not the only reason that the Turkish Prime Minister employs such a political approach. Erdogan pursues to consolidate the leading role of his country in the regional and international arena. On the one hand, Turkey promotes its "zero problems" policy with neighboring countries⁶. On the other hand, for the Turkish foreign policy, it is a matter of dignity and therefore it cannot permit the EU to "twist its years" or

⁵ MHP (*Milliyetçi Hareket Partisi* - Nationalist Movement Party). The party politically expresses Turkish nationalism, imbued with a mythology that all Turks share a common ancestry.

⁶ The father of this policy is the Turkish Foreign Minister Ahmet Davudoglu. The main goal of this "zero problem" policy, is to tackle and solve the outstanding issues that Turkey faces with its neighboring countries, such as Armenia, Syria, Iraq (Kurdish question) and Cyprus.

to turn it into a victim of any diplomatic blackmail in the framework of its accessions negotiations.

Though the accession procedure has not been progressing, the Turkish government has no severe political cost yet, for the following reasons:

1. The Turkish government alleges that it achieved a high growth rate in the peak of the global economic crisis and thereby it can continue its economic boom without the EU's support. The "CIA World Factbook" commenting the Turkish economy, marks that:

"The reforms strengthened the country's economic fundamentals and ushered in an era of strong growth - averaging more than 6% annually until 2009, when global economic conditions and tighter fiscal policy slowed growth to 4.7%, reduced inflation to 6.5% - a 34-year low - and cut the public sector debt-to-GDP ratio below 50%. Turkey's well-regulated financial markets and banking system weathered the global financial crisis and GDP rebounded strongly to 7.3% in 2010, as exports returned to normal levels following the recession" (CIA World Factbook 2001)⁷.

2. The Turkish government seems to be justified on its argument about the negative political attitude and intention of some EU leading countries, which do not want Turkey to become a full member state. Besides, plenty of times and in every occasion, the French President Nicola Sarkozy publicly and flatly states that Turkey has no place in the EU as a full member. Therefore, one may allege that the French policy facilitates the Turkish government to convince a large part of the public opinion that the delay observed in Turkey's accession negotiations is not solely due to the country's structural problems. According to this allegation, the problems also derive from the policy of some EU leading countries, which do not approve Turkish membership. On the other hand, France's political frankness hopes to create a fertile ground in order to enact a "privileged partnership" and thus prevent any Turkish negative reactions in advance.

⁷ In examining the data for the Turkish economy according to the official reports of Eurostat, we can see that the relevant EU services estimate that Turkish GDP reached 7,5% in 2011 (Eurostat 2001).

In the framework of this political situation, neither Turkey nor the EU can turn a blind eye to reality. Turkey must take brave steps for its own good and stop provoking the EU through aggressive statements. As Prime Minister Tayyip Erdogan stated:

"If they do not want Turkey in, they should say this openly ... and then we will mind our own business and will not bother them". Erdogan, who was speaking in the presence of German Chancellor Angela Merkel, noted also that: *"I do not have a hidden agenda and I do speak clearly ... Don't stall us ... Let's not stall each other"* (Hürriyet Daily News 2011).

Reading this statement, one may allege that it is not an aggressive rhetoric but a sincere political word seeking from the EU to clarify its attitude regarding the Turkish accession to the EU. Following their Prime Minister, Egemen Bagış and Ali Babacan were just as acute. According to *Hürriyet Daily News*, the Turkish chief negotiator in Accession Talks with the EU *"said that the EU could 'pull the plug' on the accession bid if it wanted, while Deputy Prime Minister Ali Babacan accused the EU of becoming an inward-looking 'Christian club'"* (Hürriyet Daily News 2011).

If we would attempt to summarize what we mentioned above, we could say the following: Turkey must speed up the reforms and the EU must display honesty by clarifying (Rehn 2007) whether it wishes Turkey to get in or to stay on the European doorstep. The earlier the EU clarifies its position, the better political and concrete relations are to be established with Turkey. Otherwise, the worst case scenario, which means a crisis in the EU-Turkey relations, cannot be excluded! (Charalambides 2010, p. 191-194)

4. Cyprus issue

The Cyprus issue remains a significant barrier to the Turkish accession to the EU. One of the key problems that Turkey faces is the Cyprus issue and the recognition of the Republic of Cyprus. What Turkey is afraid of is the following: if it takes a "brave step", recognizing the Republic of Cyprus, then it will run the risk of negating its policy and itself (regarding the recognition of the "TRNC") and thereby changing the basis of the negotiation. In that case, the basis of the solution will be shifted from a federal political system to a unitary one or to some

other relevant constitutional forms. If the solution is not in line with the establishment of a federal system, the possibilities are much less about legalizing the "fait accompli" caused by the Turkish troops in 1974. This "fait accompli" reflects in the geographical, administrative and population partition of the island. The Turkish side, supported by the British, has been planning to legalize this dichotomous "fait accompli" by installing a bizonal, bicomunal federation (Press Information Office, 2010). It is important to underline, at this point, that this political system has been decided and elaborated by the British in 1956 as a dichotomous formula for the island (Government House Cyprus, 1956, Charalambides, 2011, p. 380-389).

The question is whether Turkey wishes to resolve the Cyprus issue on the basis of the principles and values upon which the EU is founded, (Oomen 2011 pp 9-10) or to legalize the existing dichotomous "status quo". Simultaneously, we have to focus on the policy of the Cyprus government, which has been balancing on a "thin rope" for many years. Why? On the one hand, it supports a solution in line with the principles and values of the UN and the EU, whilst on the other it has been committed to establish a federal political system. According to the Turkish side, the bizonal character of a federal system requires Turkish Cypriot control in the northern part of the island, which means deviations from the *acquis* and the values and principles upon which the EU is founded. Should the solution of the Cyprus issue fully enshrine EU values and principles, then there is a possibility of establishing "two Greek Cypriot constituent states" (Press Information Office, 2010a, Charalambides, 2011, p. 562-563). The legal concept of this position is the following: the only internationally recognized constitutional order is that of the Republic of Cyprus, which draws its legality and legalization from the Zurich regime, resolution 186 of the Security Council (UN Resolutions 2002, p. 115) and all the relevant EU legal documents like Protocol 10 (Official Journal of the EU 2003, p. 955) and the EU declaration of the 21th of September 2005. Taking into consideration what the Zurich constitutional order provides for, the Greek Cypriots have both the majority of properties (ground) and population, in the northern Cyprus. From this perspective, if the *acquis* is to be respected and the democratic principles and values, like the "one man one vote", is to be fully enshrined and implemented, the Greek Cypriots will have the opportunity to rule not only the "Greek - Cypriot constituent state" but the

northern one as well. Such a solution has fewer chances to be accepted by Turkey than a unitary state, which might be amended on the basis of the EU values and principles (Charalambides, 2011, 563-564).

The Turkish side alleges that, if the two Communities of the island and their leaders wish to reach a solution in the framework of a bizonal, bicommunal federation, they must start building the "new state" from scratch and therefore the Turkish side will have the chance to strongly provide the model of "virgin birth"⁸. In other words, such a Turkish political concept means that, there will be a "new double or triple headed"⁹ political system" and not a continuity of the Republic of Cyprus, which will be turned from a unitary into a federal political system. In fact, such a political and legal methodology cannot be considered as a constitutional "Big - Bang". On the contrary, both "states" will start developing from "zero point" a political system whose "sovereignty" already exists and stems from the "two Cyprus states", the Republic of Cyprus and the so called "Turkish Republic of Northern Cyprus". Thus, we will have two sources of equal, political and legal powers and in the case of a political and constitutional crisis each "state" could take its sovereignty away and secede! Therefore, since the Republic of Cyprus does not accept a solution based on the "virgin birth" and since Turkey does not pay severe political cost as a result of the military occupation in Cyprus, the finding of a comprehensive solution will be difficult due to the lack of common ground.

4.1 Lose-lose game and win -win situation

As there is no common ground on the Cyprus issue, the Greek Cypriots are "doomed" to a strategic entrapment, since they cannot combine a solution relied on the EU values and principles with the bizonal bicommunal federal system. This failure is due to the following reasons: 1. There are different analyses between the Greek and the Turkish sides about the legal and political content of the bizonal, bicommunal federal system and its functionality. 2. The Turkish side

⁸ It is terminology which was used during the talks on the Anan Plan, showing the political intention of establishing a new political system, which would not be in fact the continuation of the Republic of Cyprus, having as primary structural legal elements, the Greek and the Turkish Cypriot "constituent states".

⁹ With a reference to a "double or triple headed" political system, we mean one which consists of "two constituent states" and probably a central government that are politically, legally and constitutionally equal, and therefore no one can prevail and overrule the others.

pursues to obtain permanent derogations from the *acquis* in order to enshrine a double majority on population and property-owning and furthermore to consolidate the legal status of primary law (Europa 2011a), which constitutes a concrete step towards a virgin birth - solution. In accordance with a document of the Cyprus government, which has been delivered in 2009 at the National Council of Cyprus,

«The Turkish Cypriot side states that it will pursue firstly, political derogations in order to enshrine the bizonality of the solution (it considers that some of the derogations must be permanent); secondly, transitional periods which will be justified by technical reasons and thirdly, clauses of indemnity, providing for the assumption of protecting measures in case that serious economic problems will be ascertained in the Turkish Cypriot federal unit. In evoking the necessity of the existence of "security of law", the Turkish Cypriot side considers that derogations should be enshrined by enacting primary European law" (Cyprus Government 2009)

The establishment of a primary law is connected to the amendment of Protocol 10 and the Turkish aim to change the legal status of the Cyprus accession to the EU; an accession which is legally based on the concept of a unitary state with a single sovereignty. This is a consistent Turkish political position on the negotiating table and, at the same time, it is considered one of the main reasons that both sides cannot agree on and close the Chapter on EU affairs, making a breakthrough.

Not only the Greek Cypriots, but Turkey as well, have been politically trapped. As far as no solution can be found on the Cyprus issue, Ankara has no hope to join the EU. As the Turkish Prime Minister Tayyip Erdogan stated on February 1, 2011:

"They (Turkish Cypriots) are telling Turkey to get out and leave. Who do you think you are? I have martyrs, I have war veterans, and we spilled our blood there. We are there strategically, just like Greece is. They (Turkish Cypriots) have no right to hold such a demonstration" (Cyprus Mail 2011).

This reaction has been the outcome of the protests (January 28, 2011) of the Turkish Cypriots against the Turkish economic policy in the occupied Cyprus and

the economic austerity measures, which have been imposed on the Turkish Cypriots by their illegal authorities and Turkey (see UNSC resolutions 541 and 550). Simultaneously, it is a statement which implies that no solution can be signed unless the Turkish national geostrategic interests can be founded, which means the establishment of a political system reflecting the "fait accompli", mapped out on the soil by Turkey in 1974.

Under these circumstances, it is obvious that there is no common ground upon which a solution can be built. In this respect, we are eyewitnesses of a "lose-lose game"! Therefore, should both sides want to arrive at a solution, there is no way out other than adapting their policies on the basis of a "win - win situation". Such a "win - win game" can be based upon the following rationale: In the case where Turkey enters the EU, Cyprus must join NATO. Furthermore, the basis of the negotiations must be the values and principles upon which the EU is founded. Such a basis must also encompass the methodological concept of a "bottom up" and not of a "top down" strategic procedure, with the aim of leading to a viable solution (Charalambides, 2011, 560-561).

By referring to the strategic concept of "bottom up" and "top down" we mean the necessity of changing the methodological procedure regarding the solution of the Cyprus issue. Thus, we may first set the democratic values and principles of the EU, upon which a solution can be built and not start from the derogations. If we consider that a political system, which is based on derogations and democratic deficit does not comply with the viability and functionality of the solution, then we have no other option than implementing a procedure in line with the strategic concept of "bottom up" and thereby enshrining democratic values and principles to the benefit of all the involved parties.

Working in this spirit, the EU can guarantee the solution through its legal and political system and therefore there is no need of external guarantors as the constitutional order the Zurich Regime provides for. Besides, if all the involved parties become members of NATO and the EU security system, a system of common interests can be created, favoring the viability of the solution. NATO and the EU can protect and secure interests and stability in the region and thus there is no need of establishing foreign guarantors. In other words, two linked systems of common interests will be shaped in the case where Turkey joins the

EU, or even in the case of a “privileged relation” and Cyprus enters NATO. The one is through the EU and the other is through NATO and therefore all involved parties may seize the opportunity to live in prosperity, stability, mutual respect and peace.

Conclusions

If we agree that war is not on the agenda, we have to inquire efficient and effective diplomatic ways to bring together the interests of all involved parties. In this respect, and taking into consideration what we have already mentioned and analyzed in this article, we come to the following conclusion, which is relied on the strategic concept of a “win –win game”: the EU and NATO can be turned into a common ground and pillars upon which a viable solution on the Cyprus issue can be founded. This strategic methodological practice can be the way out from the existing deadlock in which Cyprus issue has been trapped and why not, it can also be a positive shock and boost to the Turkish accession to the EU.

Table - 1

State of play of accession negotiations in short

September 2010

CHAPTERS OPENED

- Science & Research (25): in June 2006 (*also provisionally closed*)
- Enterprise and industry (20) : in March 2007
- Statistics (18): in June 2007
- Financial Control (32): in June 2007
- Trans-European Networks (21): in December 2007
- Consumer and health protection (28): in December 2007
- Intellectual property (7): in June 2008
- Company law (6): in June 2008
- Information society and media (10): in December 2008
- Free movement of capital (4): in December 2008
- Taxation (16): in June 2009
- Environment (27): in December 2009
- Food safety, vet. & phytosanitary policy (12): in June 2010

DRAFT COMMON POSITIONS PENDING IN THE COUNCIL

- Education and Culture (26) presented September 2006**
- Economic and monetary policy (17) presented May 2007***

TURKEY TO MEET OPENING BENCHMARKS

Public Procurement (5)	Freedom to provide services (3) *
	Customs(29)*
Competition (8)	Financial services (9) *
Social policy & employment (19)	Agriculture & rural development (11) * and ***
	Free movement of goods (1) *

SCREENING REPORTS IN COUNCIL (NO AGREEMENT FOUND SO FAR)

COM proposed Opening benchmarks	No opening benchmarks proposed:
Justice, freedom & security (24)**	Financial and budgetary provisions (33)***
Judiciary & fundamental rights (23)**	Freedom of movement for workers (2)**
Regional Policy (22)***	Fisheries (13) *
Transport (14) *	Energy (15)**
External relations (30) *	

SCREENING REPORTS UNDER PREPARATION IN COM

Foreign, security and defence policy (31)**	
---------------------------------------------	--

** (Covered by the December 2006 Council decision: 8 chapters cannot be opened and none of them can be provisionally closed until Turkey opens up its ports and airports to goods from Cyprus, in accordance with the Customs Union)*

*** Opening vetoed by Cyprus*

**** Continuation of negotiations vetoed by France*

In December 2006 the Council decided that the following eight negotiating chapters linked to the Customs Union cannot be opened:

Free movement of goods (1)

Freedom to provide services (3)

Financial services (9)

Agriculture & rural development (11)

Fisheries (13)

Transport (14)

Customs (29)

External relations (30)

Cyprus vetoes the opening of the following six chapters following the December 2009 GAERC Conclusions on Turkey's failure to implement the additional protocol to the Ankara Agreement:

Freedom of movement for workers (2)

Energy (15)

Judiciary & fundamental rights (23)

Justice, freedom & security (24)

Education and Culture (26)

Foreign, security and defence policy (31)

France does not allow negotiations to continue on five chapters, which in France's view prejudice accession as the final outcome of the process:

Agriculture & rural development (11)

Economic and monetary policy (17)

Regional Policy (22)

Financial and budgetary provisions (33)

Institutions (34)

Through the presentation of this crucial data, we can see the whole picture of the Turkish accession to the EU and more precisely where Turkish accession chapters stand. According to the relevant data of the Joint Parliamentary Committee between the EU and Turkey, one can find which of the chapters have already opened, how many of them are still blocked, which countries blocked them and how many chapters could be opened.

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