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The Limits of the EU's Power in the Context of Sanctions Imposed to Türkiye in the Eastern Mediterranean

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Abstract

Since the beginning of the 2010s, Türkiye has been subjected to efforts of exclusion from the deepening energy collaborations in the Eastern Mediterranean. In 2020, Turkish Parliament approved a bill authorizing the deployment of troops to support Libya in countering various threats to its stability and integrity. These threats included terrorist organizations, irregular migration that had an impact on the entire region, illegal armed groups, and human trafficking. Additionally, Türkiye took steps to disrupt the anti-Türkiye axis in the region by signing a maritime delimitation agreement with Libya to establish clear boundaries for maritime jurisdictional areas. With this move, Türkiye positioned itself as a game changer in the Eastern Mediterranean. Greece and the Greek Cypriot Administration of Southern Cyprus (GCASC), who are uncomfortable with Türkiye's steps in line with its rightful interests, have made concerted efforts to involve the EU in the issues related to the Eastern Mediterranean region, acting in favor of their own unilateral interests. The EU, eventually, has decided to impose sanctions on Türkiye, particularly as a result of discussions in the European Parliament. The biased and unfair attitude of the EU, coupled with its implementation of sanctions, will have significant political costs on Türkiye-EU relations. In this context, an evaluation is being made regarding the effectiveness of the EU's stance and applied sanctions, considering the EU's perspective and its claim to be an actor in the region within the context of the current balance of power.

Keywords: European Union, Türkiye, TRNC, Eastern Mediterranean, UNCLOS.

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1. Introduction

In 2019, Türkiye initiated underwater drilling and exploration activities in the Eastern Mediterranean. Türkiye aimed to discover new gas reserves through these exploration activities. The efforts for natural resource exploration, extraction, and utilization in this region have implications for all coastal states of the Mediterranean, particularly Türkiye, Egypt, Jordan, Greece, Israel, the Palestinian Authority, and the island of Cyprus as the basis of the Eastern Mediterranean hinterland (The Economist, 2020). This study will address the legal issues that have led to crises in the Eastern Mediterranean due to different perspectives of states. Additionally, it will discuss the policies adopted by the European Union (EU) towards Türkiye's initiatives and the EU's diplomatic role during the crisis. Briefly touching upon the Cyprus issue, the focus will then shift to the agreements signed concerning the delimitation of maritime areas that have caused disputes between Türkiye and other states. The fourth section will examine Türkiye's drilling and exploration activities in the region, and the EU's stance and measures taken within the framework of the Common Foreign and Security Policy (CFSP) in response to these Turkish initiatives. The final section will evaluate the EU's position towards Türkiye and, in this context, discuss the limitations of the Union's diplomatic role as an international actor in the Eastern Mediterranean.

2. EU's Stance and Decisions Against TRNC

The island is divided into two parts, the southern part inhabited by Greek Cypriots and the northern part inhabited by Turkish Cypriots. The establishment of the Turkish Republic of Northern Cyprus (TRNC) refers to the declaration of independence by the Turkish Cypriot community in 1983. The TRNC declared itself as a separate political entity on the northern part of the island of Cyprus. However, this declaration of independence is not internationally recognized, except by Türkiye.

Regarding the EU's stance and decisions, the EU has consistently supported the reunification of Cyprus as a bi-communal and bi-zonal federation. The EU considers the internationally recognized Republic of Cyprus, which is controlled by the Greek Cypriot community, as the legitimate government representing the entire island within the EU. The EU does not recognize the TRNC as an independent state. The EU's position on Cyprus is based on the United Nations (UN) resolutions.

The United Nations Security Council and the United Nations General Assembly adopted resolutions on Türkiye's Cyprus Peace Operation. Resolutions 541 of 1983 and 550 of 1984 called on all UN members not to recognize or support the TRNC. Member states of the EU, in a joint declaration issued on November 16, 1983 (EU Parliament, 1983a), and in a resolution adopted by the European Parliament on November 17, 1983 (EU Parliament, 1983b), formed a common stance by referring to the "use of force" (Denza, 2011, p. 332). The Court of Justice of the European Union, based on the "non-recognition policy" of the TRNC in disputes arising from the partnership agreement signed with the Greek Cypriot Administration of Southern Cyprus (GCASC) in 1972, interpreted that goods originating from the TRNC would be excluded from the provisions of the partnership agreement in EU customs.

Both the EU and the GCASC violated existing international treaties, legal principles, and norms by allowing the GCASC to become a full member of the EU on May 1, 2004, under the

name *Republic of Cyprus*. The relevant Accession Protocol suspended the application of the *acquis communautaire* in the "areas of the Republic of Cyprus in which the government of the Republic of Cyprus does not exercise effective control" (EU, 2003). The southern part of the island joined the EU, violating both EU primary and secondary norms and the international law based on the London and Zurich Treaties.

While Türkiye recognizes the TRNC as a legitimate and internationally accepted authority, the European Union only recognizes the Greek Cypriot Administration in the southern part of the island. Türkiye is the only state that maintains diplomatic relations with the TRNC, but in recent years, it has been clearly observed that there could be some changes in this situation. For example, during the summit of the Turkic Council held in Uzbekistan in November 2022, the TRNC was accepted as an observer member of the organization (Republic of Türkiye Ministry of Foreign Affairs, 2022a).

As Şahin (2022, p. 42) clearly states the USA, Russian Federation, and China seek to gain power in the Mediterranean, their ambitions for new positions will grow. However, the Turkic States Organization faces the challenge of being unrecognized by existing powers. Nevertheless, the organization holds significant power extending from Asia to the Mediterranean, and the inclusion of Northern Cyprus will further strengthen its capabilities.

The EU criticized this development, stating, "*this decision, pending ratification of Organization's members, is regrettable and is contradicting the fact that several members of the organization expressed strong support to the principle of territorial integrity and the U.N. Charter.*"

The EU emphasized that any step taken regarding the international recognition of the Turkish Cypriot segment would harm the negotiations aimed at restarting under UN supervision (EEAS, 2022).

Foreign Minister Çavuşoğlu emphasized that Turkish Cypriots cannot be separated from the Turkic world and that it is their natural right to establish and develop relations with Turkic states in all fields. He also clearly stated that the EU's attempts in this regard are hypocritical, as they reject the fact that Turkish Cypriots are respected members of the international community, contrary to the intentions and goals of the UN Secretary-General. He further expressed that the European Union is actually being held captive by Greece and South Cyprus through such political maneuvers (Hürriyet Daily News, 2022).

Despite the condemnation of this decision by the European External Action Service (EEAS) in response to the request of the GCASC, this statement made in the name of "*solidarity*" has not had any impact on the member states.

3. The Foundations of the Tension in the Eastern Mediterranean

Since the division of Cyprus, the Eastern Mediterranean and its potential delimitation have sparked debates among various parties, including the GCASC, the TRNC, Türkiye, Greece, and other regional states. Tensions escalated in 2002 when the GCASC partnered with Noble Energy to explore hydrocarbon reserves. This move was followed by the formal permission granted to a company to search for natural resources within the GCASC's claimed exclusive economic zone (Erçakırca, 2022).

The main reason of disagreement between Türkiye and Greece lies in the delimitation of maritime areas and the utilization of resources in the submarine areas. Türkiye is not a party to the UN Convention on the Law of the Sea (UNCLOS). Until 2019, Türkiye had not made any

official initiatives regarding the establishment of an Exclusive Economic Zone (EEZ) or the delineation of the continental shelf in the Mediterranean, except for the agreement signed with the TRNC. However, in 2019, Türkiye made its first official move in this direction by signing an agreement with Libya.

According to Article 77/1 of the UNCLOS, "The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources." "If the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State" (Article 77/2).

Furthermore, under Article 81 of the Convention, the coastal state has "exclusive right to authorize and regulate drilling on the continental shelf for all purposes. permit and regulate drilling activities within the area of its continental shelf."

The coastal state's continental shelf

...comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance (Article 76/1).

Under Article 76/3 of the Convention margin of the continental

... comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

States with opposite or adjacent coasts should make every effort, based on an agreement, to delimit their respective EEZs and continental shelves in order to reach a fair solution (Article 74/1, 83/1), and they should not jeopardize or hinder ongoing negotiations for a final agreement (Article 74/3, 84/3). UNCLOS establishes that the territorial sea, EEZ, and continental shelf of an island should be determined in accordance with the provisions applicable to other land territories (Article 121/2). In practice, the most commonly used method of delimitation is the equidistance line between opposite coasts (Acikgonul, 2016, p. 52).

The maritime boundary between Türkiye and Greece has not yet been determined through an agreement. Currently, both Türkiye and Greece have a territorial sea width of 6 nautical miles in the Aegean Sea. The geographical position of Türkiye's and Greece's coastlines in the Aegean Sea is adjacent and facing each other, which necessitates a delimitation. The need for delimitation of maritime boundaries in areas where the maritime zones intersect or meet at a point is a fundamental principle of international law. However, in the case of the Aegean Sea, there is no maritime boundary between Türkiye and Greece within their respective territorial seas, both in areas where the coastlines are opposite and in areas where they are adjacent (Republic of Türkiye Ministry of Foreign Affairs, 2022b).

The boundaries of the continental shelf belonging to Türkiye and Greece in the Aegean have not yet been determined. Currently, neither Türkiye nor Greece has a delimited maritime jurisdictional zone beyond their respective territorial seas of six nautical miles. The main subject of the dispute is the "...delimitation of the Aegean continental shelf between Türkiye and Greece, including the areas beyond the 6 nautical miles of the territorial seas of the two coastal states" (Republic of Türkiye Ministry of Foreign Affairs, 2022b).

The islands of Cyprus and the Aegean Sea (including Rhodes, Crete, and Kos) are included in this context. The proximity of these islands to the Turkish coast is a cause of dispute between

the two states regarding the delimitation of both their territorial waters and continental shelves.

The claims put forward by Türkiye are as follows:

- In the maritime areas of the island of Cyprus, Turkish Cypriots also have rights and authorities. If the GCASC does not step back and persists in unilateral actions, Turkish Cypriots will take reciprocal measures to protect their rights and interests (Peker et al., 2019, p. 98).
- The GCASC does not represent the entire island politically. Therefore, the laws enacted by the GCASC or the agreements made with relevant countries regarding maritime jurisdiction have no binding legal value. The natural resources in the maritime jurisdiction of Cyprus should be utilized jointly by both communities. Any decision regarding these resources should be based on the mutual will and consent of the parties (Republic of Türkiye Ministry of Foreign Affairs, 2007). Until this is achieved, unilaterally declared so-called license areas will remain in disputed status.

Greece claims that despite the small size of its islands, they have the same rights as mainland territories. According to Greece, these rights include the right to exploit resources in their own continental shelf.

According to the Greek Cypriot side, the GCASC is the sole legal state claiming rights over oil and natural gas fields in the Mediterranean. Therefore, it exercises its rights based on sovereign authority. Türkiye's claims are both contrary to international law and politically unacceptable. The principle of "equidistance" should be applied in the delimitation of maritime boundaries, and islands have rights to their Exclusive Economic Zones (EEZs) (Erciyas, 2019, pp. 23–24).

However, Türkiye argues that Greece and the GCASC should not apply the criterion of equidistance, which contradicts international maritime law and the precedent of the International Court of Justice¹, but should instead apply the principle of equity (UN, 2013).

The situation in the Aegean Sea is considered a special circumstance due to its unique geographical configuration, therefore, the application of other criteria is necessary to reconcile the needs of all parties involved. Among these, there will be both geographical and economic and environmental criteria (Dyke, 2005, pp. 83–87).

Türkiye has argued that in drawing the boundaries of the continental shelf, primary importance should be given to the continental landmasses because the continental shelf is a natural extension of these landmasses, and the Greek islands do not have their own continental shelves. Türkiye has also emphasized its long coastline, significant coastal population, maritime traditions, and historical use of the Aegean Sea for centuries in terms of maritime activities and resource utilization. Türkiye insists that the unique geography and semi-enclosed status of the Aegean Sea constitute an undeniable special circumstance that requires a fair solution to ensure Turkish vessels can reach open seas from Aegean ports without passing through Greek waters (Dyke, 2005, p. 88).

The *Agreement on the Exclusive Economic Zone (EEZ) with Egypt* signed by GCASC on 17 February 2003 not only triggered the dispute between Türkiye and GCASC but also led to

¹ Letter from the Permanent Representative of Türkiye to the United Nations to the Secretary-General dated June 17, 2016, UN Doc. A/70/945-S/2016/541; Letter from the Permanent Representative of Türkiye to the United Nations to the Secretary-General dated March 18, 2020, UN Doc. A/74/757; Letter from the Permanent Representative of Türkiye to the United Nations to the Secretary-General dated July 7, 2020, UN Doc. A/74/936.

subsequent conflicts between Lebanon and Israel, both being countries in the region. Türkiye stated that the agreement is legally invalid and null and void.

The agreement can be deemed unacceptable to Türkiye and the TRNC for two main reasons. Firstly, it involves a "delimitation" that encroaches upon Türkiye's continental shelf in the western region. Secondly, it disregards the need to address the Cyprus issue and establish a unified authority on the island while attempting to infringe upon the rights of Turkish Cypriots in maritime areas. It is evident that such a stance by GCASC contradicts the principle of non-abuse of rights (Article 300 TEU). (Gözügüzelli, 2019, p. 11).

Greek-Cypriots acceded to UNCLOS in 1988 and proclaimed its own EEZ in 2004. According to this decision, in cases where the EEZ overlaps with that of another coastal state, in the absence of a conventional delimitation, the median line rule is applied, which is equidistant between the Island of Cyprus and the facing state (Eissler & Arasil, 2014). The same criterion had already been used in 2003 for the division of their respective EEZs in the agreement concluded between the Greek-Cypriots and Egypt (UN, 2003), a move that was contested by Türkiye. Türkiye argued, among other things, that the GSASC do not represent the country as a whole, including the Turkish-Cypriot component.

Similar agreements had been reached with Lebanon and Israel in 2007 and 2010, respectively (the latter not being a party to UNCLOS). The Agreement on the Delimitation of the Exclusive Economic Zone between the Government of the Republic of Lebanon and the Greek-Cypriots was signed in 2007. Another agreement, the Agreement on the Delimitation of the Exclusive Economic Zone between the Government of the State of Israel and the Greek-Cypriots, was signed in 2010 (UN, 2011a). However, Lebanon did not approve the agreement with Greek-Cypriots due to its objections to the agreement between Greek-Cypriots and Israel, stating its opposition to the previously agreed coordinates between Lebanon and Greek-Cypriots (UN, 2011b).

In September 2011, Türkiye and the TRNC signed a bilateral "treaty" for the delimitation of their respective continental shelves (Republic of Türkiye Ministry of Foreign Affairs, 2011). This agreement was concluded in anticipation of granting licenses for the exploration and exploitation of oil and gas reserves around the island to the Turkish Petroleum Corporation (TPAO). It was a response to similar activities initiated by the GASC. For example, in the autumn of 2011, Noble Energy, Inc. initiated drilling activities off the coast of Cyprus, despite warnings from Türkiye that this initiative would undermine peace talks between the parties (Gürel et al., 2013). In 2011, an agreement was reached between Türkiye and the TRNC stating that if the GSASC were to commence drilling activities in the southern part of the island, a Continental Shelf Delimitation Agreement would be concluded between Türkiye and the TRNC. The Continental Shelf Delimitation Agreement was signed after the Greek side announced the commencement of drilling activities on September 19, 2011.

After the signing of this agreement, Türkiye began exploratory activities in the northeastern part of the island of Cyprus in areas that its own continental shelf or under the jurisdiction of the TRNC, based on licenses issued by the latter (UN, 2004). On April 25, 2014, Türkiye submitted the geographical coordinates of its continental shelf in the eastern Mediterranean to the United Nations, in consultation with the TRNC.

The GCASC's approach in the Eastern Mediterranean disregards geographical features and relevant circumstances, contradicting the 1982 Convention and international jurisprudence. Delimitation agreements resulting in disputes do not yield fair results. The principle of equity and relevant circumstances ensure fair outcomes in delimitation law, as emphasized by the International Court of Justice.

Türkiye asserts that in determining the boundaries of the continental shelf, internationally recognized rules of law should be followed, as expressed in the International Court of Justice's North Sea Continental Shelf decision and confirmed by state practices and the UNCLOS. According to Türkiye, it is essential to negotiate and reach agreements based on these customary rules. Disregarding the principles of equity would be a violation of international law. The main principle is that when parties cannot reach a mutual agreement, boundaries should be determined in accordance with fair principles. Therefore, international judicial bodies have sought to prevent unfair and disproportionate allocation of continental shelves based on states' specific geographical positions, by applying the principle of equity (Pirim, 2016, p. 188).

As previously mentioned, an agreement between the governments of Nicosia and Ankara has not yet been reached to regulate the maritime areas of the two states. Unable to reach an agreement due to the unresolved "Cyprus issue" each party has acted unilaterally: Türkiye, on one hand, by initiating unauthorized exploration operations, and the Republic of Cyprus, on the other hand, by notifying (on the same day) the northern and northwestern outer limits of its EEZ and continental shelf. The demarcation line diverges from the one established years earlier in the agreement between Türkiye and the TRNC, instead coinciding with the median line between the Cypriot and Turkish coasts, resulting in a shift towards Türkiye.

On September 2, 2011, a *Petroleum Field Services and Production Sharing Agreement* was signed between the TRNC and the Turkish Petroleum Corporation (TPAO). Following this agreement, TPAO commenced seismic research in the Eastern Mediterranean. The Turkish Minister of Energy announced that TPAO will conduct seismic surveys for hydrocarbon exploration based on licenses issued under this bilateral treaty. On May 4, 2019 the drilling ship Fatih, belonging to TPAO, started to exercise, escorted by military vessels. On July 8, 2019, the Yavuz, also owned by TPAO entered the the Karpaz Peninsula. On July 13, 2019, the Turkish Cypriot government proposed a mechanism for cooperation with the GCASC to exploit hydrocarbon resources around the island. However, the government of Nicosia rejected this initiative.

In late October 2018, the Fatih drilling ship initiated drilling activities in the Turkish continental shelf. The drilling activities of the Fatih vessel took place between May and November 2019 in the west of the island and from November 2019. However, according to the EU (European Union) The Yavuz vessel conducted drilling operations between July and September 2019 "in the territorial waters of the European country" and between October 2019 and May 2020 in waters claimed by the GCASC established and delimited based on agreements with Egypt and Israel (The Council of the European Union, 2019a). The Turkish vessel Barbaros Hayreddin Paşa carried out seismic surveys in the southern region. On September 17, 2019, the Turkish vessel Oruç Reis also entered the region to conduct further seismic surveys.

After intervening in support of the Government of National Accord in Libya, Türkiye concluded a memorandum with Libya to delimit their respective continental shelves and EEZs. By doing so, Türkiye offered Libya a more northern boundary than that proposed by Greece, following the failure of delimitation negotiations between the two countries. This agreement, which drew a strong reaction from Greece, has enabled Türkiye to assert its interests in the Eastern Mediterranean on a legal basis, thus acquiring legitimacy. Furthermore, its determined political stance has been legally confirmed by Libya, a neighboring coastal country (Acer, 2019, p. 12).

Implementing rational policies and treaties made in Syria, Libya, and Cyprus, Türkiye has rendered ineffective attempts to "containment" itself. For instance, Greece's attempt, in collaboration with GCASC to have an extensive maritime jurisdiction in the Eastern

Mediterranean was neutralized by the agreement signed between Türkiye and Libya in 2019 (Şahin, 2020).

4. The Reaction of the European Union

On May 9, 2019, the heads of state or government of EU member states were informed by GCASC about the Turkish activities. The Council unanimously supported the GCASC position (European Council, 2019b). In June 2019, the European Council condemned the Turkish activities in the Eastern Mediterranean and called upon the European Commission and the High Representative to take appropriate measures (European Council, 2019c). In July 2019, the Council of Foreign Affairs called Türkiye to negotiate with GCASC to delimit the exclusive economic zone and the continental shelf (Foreign Affairs Council, 2019, p. 10). It also adopted several retaliatory measures against Türkiye: (The Council of the European Union, 2019b) in particular, the ongoing negotiations with Türkiye for the conclusion of a comprehensive air transport agreement were suspended, and planned association council meetings and further high-level political dialogues between the EU and Türkiye were canceled. Additionally, the Council approved the Commission's proposal to reduce the European pre-accession assistance to Türkiye for 2020 and invited the European Investment Bank to review its lending activities in Türkiye (Council of the European Union, 2019a; 2019b).

In November 2019, the EU Council established an economic restrictive measure framework through a CFSP decision (Council of the European Union, 2019a) under Article 29 of the Treaty on European Union (TEU) upon the proposal of the EU High Representative (Council of the European Union, 2019e, p. 5). Council decided to develop a framework of restrictive measures targeting individuals and entities responsible for or involved in drilling activities in the Eastern Mediterranean in search of hydrocarbons (European Council, 2019a, p. 2).

These measures were implemented from the United Nations (UN) (Council of the European Union, 2019a; 2019d). The sanctions target individuals or entities responsible for or involved in illegal drilling activities for hydrocarbons, or those providing financial, technical, or material support to such activities or associated with those individuals or entities. This decision has been revised in the 2022 (Council of the European Union, 2022a).

The approved measures include a visa ban and asset freeze against two individuals from the Turkish Petroleum Corporation, who are deemed responsible for planning, directing, and implementing offshore hydrocarbon exploration activities. The sanction, which includes asset freezing, was implemented in accordance with Article 215 of the TFEU through Council Regulation adopted on the same day based on a joint proposal by the High Representative and the Commission (Council of the European Union, 2019d).

The tools adopted by the European Union under the Common Foreign and Security Policy (CFSP) are particularly significant as they are the first time they are intended to react to an activity, according to the EU "the violation of the territorial sovereignty of a member state" over portions of maritime areas and their subsoil, and aim to support its claims. Moreover, these are the first restrictive measures against Türkiye, a NATO member and a formal candidate for EU membership.

In a 2018 report, the Commission and the High Representative described Türkiye as being distant from the Union (European Commission, 2018). In fact, the enlargement process is suspended since 2006. Türkiye has imposed an air and maritime embargo on GCASC since 2006, preventing Cypriot vessels from docking in Turkish ports (European Commission, 2019, pp. 7–8).

Starting in 2018, the European Council protested against Türkiye's operations in Eastern Mediterranean and the Aegean Sea and called on Türkiye to "cease" such activities and "respect the sovereign rights of the Island of Cyprus" concerning the exploration and exploitation of natural resources (European Council, 2018, p. 5).

In point of the EU, Turkish explorations took place in areas that, under international law, fall under the jurisdiction of the member state (GCASC) or in areas that have not yet been subject to delimitation agreements concluded by Cyprus with neighboring coastal states, and therefore, Türkiye does not hold sovereign rights over them. According to the EU Turkish activities are illegal.

It is not possible to agree with the viewpoint of the European Union. When evaluating it on a legal basis, it is necessary not to overlook certain facts. Actually these activities are lawful as they occurred within Turkish continental shelf and also based on licenses issued under the 2011 agreement with the TRNC. This treaty has been concluded in accordance with international law. It is an international legal instrument that regulates and protects the rights and interests of the parties signing the treaty.

Upon closer examination of the CFSP Decision 2019/1894 in November 2019, it broadly defines the notion of "illegal activities" including those "capable of compromising or obstructing the reaching of a delimitation agreement" in cases where the EEZ or continental shelf has not been delimited in accordance with international law with a neighboring coastal state. According to the decision among the various activities, drilling carried out by Turkish-flagged vessels particularly hinders the resolution of the dispute and prevents conventional territorial delimitation between the parties.

The European Union has failed to evaluate the status in the Eastern Mediterranean based on political reality and fairness. The EU does not hesitate to act unilaterally and biased in its decisions against Türkiye, while claiming that its decisions are objective and fair based on legal principles. The EU mentions the violation of territorial sovereignty by a member state and the concrete threat to Greece's international security but avoids discussing the illegality of the membership status of the GCASC, thereby shifting its own fault and responsibility onto Türkiye and the TRNC. By accepting GCASC as a full member in violation of international law, Law of the EU and the London-Zurich Agreements, which is contrary to its own laws, the EU, while claiming to act to protect the "territorial borders and rights of a member state and the EU," shows that it lacks rationality in expecting its actions to be unquestioned by Türkiye and the TRNC.

Furthermore, it is evident that the decisions taken and the sanctions imposed will not yield the intended impact and results on Türkiye and the TRNC. The most significant factor that renders the role of the EU ineffective is not only its capabilities and capacity but also Türkiye's visionary and new balance-establishing foreign policy.

It should be noted that Annex I to the CFSP decision, which established the sanctions framework in November 2019, did not specify the entities subject to the restrictive measures. However, the adoption of such measures was reflecting the EU member states' common will to sanction Türkiye for activities in Eastern Mediterranean. Indeed, a few months later, on February 27, 2020, the CFSP decision (Council of the European Union, 2020) designating two high-ranking officials of the TPAO company involved in the drilling activities was published (Council of the European Union, 2020). The rationale behind the decision was that these individuals planned, participated, directed, and implemented unauthorized offshore hydrocarbon exploration activities by TPAO in violation of the GCASC's authorization.

5. The Nature of the Measures of the European Union

Over time, the European Union has resorted to restrictive measures to pursue multiple objectives, intervening in diverse situations with the aim of achieving its external action goals, based on article 3/5 and article 21 TEU and the UN Charter (Council of European Union, 2018). Through the instrument of sanctions, particularly autonomous ones independent of the UN, the EU tried to present itself as an economically and politically influential actor on the international stage, capable of projecting its values outward.

The restrictive measures are implemented to protect the territorial sovereignty of a member state of the EU and are justified by the Council for the first time based on the principle of solidarity among member states, on which the Common Foreign and Security Policy (CFSP) is founded, pursuant to Article 24(2) of the Treaty on European Union (TEU). Recently, this principle has been elevated to the status of a "general principle underlying the entire Union system" in a judgment by the Court of Justice of the European Union regarding energy policy. This led to the annulment of a secondary legal act for violating this principle. In the examined restrictive measures, it is invoked for the first time as a justification for a CFSP act.

Unfair and thus ineffective sanctions adopted by the EU pose a significant danger to the organization's credibility and also stability. In fact, the EU must also take into account the legitimate interests of the Turkish Cypriots and Türkiye. It will not be possible for unilateral and unilateral decisions to contribute to the values and interests of the EU unless the European Union makes the principle of good neighborliness a value that is not only defended "against" the candidate states (Article 49 of the Treaty on European Union [TEU]), but also adopted and respected by its own members.

The impact that the European Union seeks to create can be described as portraying Türkiye as "unjust" in the eyes of the international community, thus aiming to restrain Türkiye and the TRNC as a means to ensure security and stability in the region (Uygun, 2021, p. 79).

Türkiye has become the target of the European Union's sanctions and criticisms due to the political pressures exerted by the GCASC and Greece, instead of cooperating to strengthen the Union's foreign policy. The positions taken by the EU in the decisions adopted within the CSDP framework are ontologically incompatible with Türkiye's enlargement perspective. Both the EU's Enlargement Policy and the CSDP framework have only resulted in damaging and reducing the Union's global and regional interests, undermining its credibility, and will continue to yield no other outcome. The only explanation for the EU's persistence in disregarding all these realities and harming the interests and values of the Union is the influence of hypocrisy and bias in the decision-making process. Additionally, even if these sanction decisions are lifted, the potential to damage the framework of Türkiye-EU relations created by the ongoing process will persist, albeit to a lesser extent. It should also be noted that Türkiye is a NATO member, and therefore, tensions with the EU member states, who are predominantly also members of the military organization, further escalate the tensions within NATO.

In this context, it is uncertain whether the United Kingdom will continue to comply with the EU's sanctions, including those related to restrictive measures, once the obligation to comply with EU rules ceases. The Council of the European Union also does not neglect to use more positive expressions in order to maintain relations with Türkiye within the framework of the enlargement process. For example, in the report it adopted on 19 June 2019, the Council used the following statements (Council of the European Union, 2019c, p. parag.36):

The Council reiterates its call on Türkiye to progressively align with the EU Common Foreign and Security Policy and to reverse the persistent negative trend as a matter of priority, and recalls its position on accession of Member States to international organisations.

6. Role of the European Union in the Eastern Mediterranean

Three main concerns have shaped the EU's security policies towards the Mediterranean: energy security (defined as the continued flow of oil and natural gas at reasonable prices), regional stability (notably in the geographically adjacent North Africa), and the end of the Israeli-Palestinian conflict (Bilgin, 2001, p. 44).

Until early July 2020, it seemed that the dispute over the exploitation of natural resources in the Eastern Mediterranean could potentially be resolved through diplomatic means, even with the intervention of the High Representative of the Union for Foreign Affairs and Security Policy (HR). On one hand, the Council had announced that it was preparing to adopt further individual restrictive measures in the event of additional Turkish "*unilateral actions*". At the same time, after meeting with the Turkish Minister of Foreign Affairs, Borrell had made a statement that hinted at a possible diplomatic solution to the tension between GCASC and Türkiye.

However, on August 6, 2020, there was a further escalation of tension in the Eastern Mediterranean due to Greece's conclusion of an agreement on the delimitation of its Exclusive Economic Zone (EEZ) with Egypt, which overlapped with the EEZ outlined in the Turkish-Libyan agreement. During that period, Türkiye had announced requests for licenses from the Turkish Petroleum Corporation (TPAO) to conduct exploration activities for hydrocarbons in areas under Greek jurisdiction. In July, Oruç Reis, which conducted drilling activities and also on August 16 and 18, 2020, other Turkish vessels, the Yavuz and Barbaros, entered Eastern Mediterranean.

Germany, which held the presidency of the Union at the time, had attempted mediation between the parties shortly before Greece concluded the aforementioned agreement. However, the escalating tension rendered all diplomatic efforts futile.

Especially, Türkiye's problematic relations with France, Greece, and the GCASC are being brought onto the EU platform through the political maneuvers of these countries (Cicioğlu, 2023, p. 215).

Recently, the Turkish vessel has withdrawn, and Greece appears to be open to negotiations with Türkiye. The European Union, particularly its High Representative (HR) who conducts political dialogue with third countries based on Article 27(2) of the Treaty on European Union (TEU), finds itself presented with a valuable opportunity to play a significant diplomatic role.

The HR could act autonomously or, at most, coordinate with the member state holding the Union Presidency, seeking on one hand to resolve the dispute regarding the delimitation of maritime areas and on the other hand to normalize relations between the two states. However, this requires the willingness of EU member states to allow the HR diplomatic space and the approval of Türkiye for the HR's intervention.

Currently, all diplomatic initiatives have been taken by the member state holding the Union Presidency. It is often the case that member states themselves do not allow the HR to assume diplomatic leadership in the context of European crises and conflicts. The only case in which the EU appears to have contributed to building the path towards the normalization of diplomatic relations concerns Serbia and Kosovo. The tendency for the EU to assume a

secondary diplomatic role is also confirmed in relation to the recently rekindled conflict between Azerbaijan and Armenia. It remains to be seen whether the EU can and will assert itself as an active diplomatic actor in the normalization of relations between Türkiye and the two member states, or if it will be the diplomatic intervention of NATO that will facilitate convergence in the parties' positions.

The interest of the EU in assuming a prominent position in easing tensions in the Eastern Mediterranean emerges. Actually, these tensions stem from violations of fundamental international norms such as the principle of territorial sovereignty by GCASC and Greece. By proposing a "*positive political agenda*" to Türkiye, the EU appears to want to play this role decisively. Without taking a stance against the unfair actions and violations committed by Greece and GCASC, the effectiveness and credibility of the EU will not be established.

Furthermore, the EU's ability to impose sanctions may be limited by various factors, including political considerations, economic interests, and the need to maintain diplomatic relations. The EU's power to enforce sanctions ultimately depends on the willingness and commitment of its member states to act collectively.

It is important to note that the EU has taken some measures and imposed certain sanctions on Türkiye in response to its actions in the Eastern Mediterranean. However, the effectiveness of these measures and their impact on Türkiye's behavior remain subject to debate and scrutiny.

Lastly, the limitations of the EU's power in dealing with the sanctions imposed by Türkiye in the Eastern Mediterranean highlight the complexities and challenges involved in conducting effective foreign policy actions during the decision-making process.

Consequently, the low-impact sanctions imposed by the EU do not directly hinder Türkiye's hydrocarbon exploration activities in the region but impede efforts for cooperation and fair sharing in the Eastern Mediterranean (Boyras, 2023, p. 287).

Taking into account the prevailing geopolitical challenges, it is imperative for the European Union (EU) to adopt a perspective that recognizes Türkiye as a negotiating candidate country rather than merely relegating it to the status of a third party to be approached as necessary. In doing so, the EU should adhere to the principle of *pacta sunt servanda*, ensuring that agreements and obligations are upheld in good faith. Consequently, the EU's reports and assessments concerning Türkiye's progress will hold significance and influence only if the Union consistently embraces this approach (Republic of Türkiye Ministry of Foreign Affairs, 2022c).

The European Union (EU) holds a significant stake in ensuring a stable and secure environment in the Eastern Mediterranean region, driven by strategic considerations. However, the EU has consistently urged Türkiye to undertake measures aimed at de-escalating tensions in the area and fostering sustainable good neighborly relations (Council of the European Union, 2022b); it is equally crucial for the EU to extend similar calls to Greece and the GCASC to foster a balanced and inclusive approach in effectively addressing regional challenges. By engaging all relevant parties in the pursuit of these objectives, the EU can effectively contribute to the establishment of a peaceful and cooperative environment in the Eastern Mediterranean.

7. Conclusion

Given the developments that have taken place in the region, when making a general assessment of the subject, it is necessary to underline certain issues. In January 2022, the United States made the decision to withdraw its support from the EastMed Natural Gas Pipeline

Project (U.S. Embassy in Greece, 2022). Furthermore, Türkiye's recent efforts to normalize its relations with Israel and Egypt, indicate the potential for significant changes in the regional dynamics.

The European Union attached great importance to the EastMed project, which aimed to transport natural gas from the Eastern Mediterranean to Europe through the cooperation of Cyprus, Israel, and Greece. The project was seen as a means to by-pass Türkiye. Cyprus and Greece considered EastMed as a critical step in surrounding Türkiye from the south. In their efforts, they formed the Eastern Mediterranean Gas Forum by forging closer ties with Israel and Egypt as a counterbalance to Türkiye (Kökyay, 2021, p. 224).

Türkiye's advancement in its relations with Israel and Egypt, following its engagements with Libya and Cyprus, against the attempts to establish a new military, political, and economic belt extending from the shores of the Arabian Gulf to the Mediterranean and Europe (Şahin & Yazıcı, 2021, pp. 118–119) with the support of the US and the EU, will have an impact not only on regional balances but also on global dynamics.

As Acer mentioned (2019, p. 12) first and foremost, Türkiye has transitioned from a country that "opposed" and attempted to "seize" areas determined by boundary delimitation agreements, particularly those made by the GCASC, to a country whose legal approach has been acknowledged and practically implemented by another coastal state. This development is crucial in strengthening Türkiye's legal approach regarding the delimitation of maritime areas in the Eastern Mediterranean. It has been clearly demonstrated that a just solution to delimitation must be achieved based on relevant rules of international law, and in this context, the significant factor is the difference in coastal lengths.

The EU has not shown any signals of reconsidering its policies. The EU continues to maintain its imposed sanctions. In response to the ongoing exploration and drilling activities by Türkiye in the region, the EU extended the sanctions until November 12, 2023, upon the request of the Republic of Cyprus. Nevertheless, Türkiye has demonstrated its determination to continue its activities in the Eastern Mediterranean throughout the year, alongside the Turkish Republic of Northern Cyprus, without compromising its rights in the region. Although the low-impact sanctions imposed by the EU do not directly impede Türkiye's activities, they hinder efforts towards cooperation and equitable resource sharing in the Eastern Mediterranean.

The withdrawal of USA support from the EastMed project and Türkiye's continued activities in the region, as well as its new initiatives with regional states, highlight the EU's misguided decision to pursue a policy against Türkiye through sanctions, solely based on membership solidarity. Moreover, the EU's use of such sanctions distances Türkiye and fails to exhibit rational actor behavior.

For example, following the signing of the Maritime Jurisdiction Areas Delimitation Memorandum with Libya in 2019, Türkiye significantly increased its jurisdictional areas in the Eastern Mediterranean. The agreement with Libya also serves as a response to other members of the EastMed Forum (Kireççi, 2023, p. 59). The main motivation behind the European Union's sanction decisions is to create international public pressure on Türkiye in order to render it ineffective. In this context, Türkiye can overcome this encirclement by taking further steps to expand the effectiveness of its agreement with Libya.

Türkiye's approach in response to alliance formations in Eastern Mediterranean is pursuing a policy based on enhancing its capabilities and deterrence. Türkiye has initiated drilling activities in the Eastern Mediterranean as a response to the actions of the GCASC. However, Türkiye utilizes its naval power to obstruct exploration and drilling activities in contested areas

as part of a coercive diplomatic strategy. Additionally, Türkiye has increased its military exercises in the region and clearly demonstrated its willingness to use force when necessary to defend its interests (Kasapoğlu, 2019).

This intricate web of rivalry and coalitions has grown even more complicated with the discovery of energy resources in the Eastern Mediterranean. Energy may have been a catalyst for cooperation, but because to the pervasiveness of negative-sum thinking, it has instead spurred competition among movable regional blocs. As a result, Türkiye was excluded from regional gatherings such as the East Med Gas Forum, a global organization established in 2019 and made up of Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, and Palestine. These changes have raised the stakes associated with the creation of EEZs and territorial waters, as well as the construction of infrastructure to use them, such as the EastMed gas pipeline.

The negativity of the EU regarding Türkiye has remained unchanged in the reports published by both the European Parliament (EP) and the European Commission in 2022. The report, which includes heavy criticism and strong language towards Türkiye, The reports emphasized the narrow-minded interests of a few EU members in the region (European Commission, 2022).

Türkiye has indeed been subject to attempts to exclude it from the energy collaborations in the region. Considering the ongoing disputes over the sharing of maritime jurisdictional areas in the region, Türkiye's activities in the Eastern Mediterranean can be approached from a security perspective as a measure against the risks and dangers posed by power struggles. Additionally, Türkiye's actions in the Eastern Mediterranean can also be seen as an "opportunity" for diversifying energy resources, given the potential in the region (Ozan, 2022, p. 2275).

The calls made by Türkiye for the resolution of disputes with its neighboring and regional states in accordance with international law and fairness (such as an organization of a Mediterranean Conference) should find a response. Taking steps to expand regional solidarity and inclusivity based on win-win approaches, rather than zero-sum approaches (Güney & Korkmaz, 2021, p. 76), would be a rational choice not only for Türkiye but also for the EU, which aims to be a global actor. There is no doubt that the efforts of the Turkish side to create a common ground for joint action, rather than confrontations, will bring gains for the EU's goals and interests as well.

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CONFLICT OF INTEREST

The author declares no conflict of interest.

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