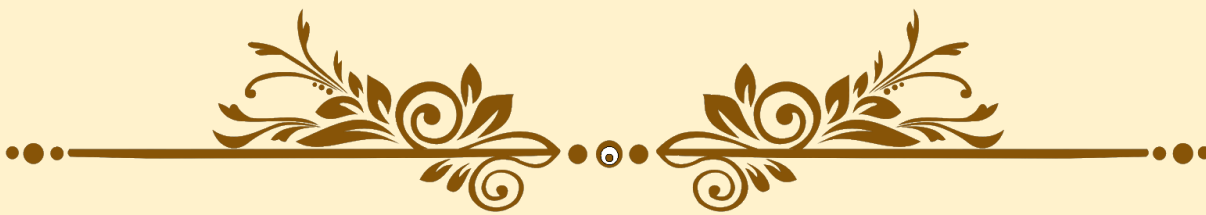


GRECO-TURKISH MARITIME DISPUTES: UNCEASING DISPUTES FOR CENTURIES

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ABSTRACT

With regards to the Aegean Sea, Greece and Turkey have been on the threshold of war over the course of the last 40 years because of their opposition in the matter of the exercise of their sovereignty on these waters. The boundaries of Greek territorial waters are disputed and the continuous disagreement over the ownership of the islands in the Aegean seas are the central issues of the Greco-Turkish maritime dispute. Additionally, the status of the exclusive economic zones (EEZs) in the eastern Mediterranean of the two nations is still in question. All while the nature of the Cyprus crisis is pending resolution. Part I of the paper introduces the historical background of the Greek-Turkish conflict while Part II covers the conflict in detail against the background of international law along with the position that both the nations have taken through their arguments. Part III lays out the legal aspects surrounding the standoff wherein the issues of the breadth of the territorial sea and the maritime delimitation is assessed before the International Court of Justice (ICJ) and the UN Security Council with reference to various case laws. Part IV concludes that a sufficient legal framework is provided by international law to resolve the dispute that, due to a single incident, stands to unravel the tense and fragile peace between the two nations.

Introduction

It is very likely that there are huge reserves of natural gas and oil in the Eastern Mediterranean which are currently mostly unexplored and this has become the subject of a dispute about Exclusive Economic Zones (EEZ) which are areas in the sea where a nation has the sole rights to explore the resources, for example natural gas deposits. To understand these conflicts one must consider how maritime borders generally work. In order to avoid disputes Maritime rights are regulated in the United Nations Convention on the Law of the Sea. Accordingly The coastal strip of 12 nautical miles is regarded as a territorial sea. This is an area in which the respective country exercises full sovereignty. Dizione upto 200 nautical miles is the Exclusive Economic Zone. Here a nation does not have full sovereignty, but it has sole rights to the exploitation of resources. But what happens when such territorial claims overlap. Then it is up to the nations to come to an agreement, whereby usually the median line is drawn. Within 200 nautical miles it is simply said that any location belongs to the nation to which it is closest.¹

An Overview of the Greco-Turkish Maritime Disputes

Now to the situation in the Mediterranean Sea. Most countries in the world signed the United Nations Convention that outlines these rules including all members of the European Union. However in the Eastern Mediterranean about three countries have not signed this agreement and they are Syria, Israel and Turkey. So the maritime borders are not resolved. And the current dispute over economic zones has reignited two old existing border conflicts between Turkey and Greece. First, the territorial dispute in the Aegean Sea.² Greece has many islands in this body of water, some of which are directly off the Turkish coast, which means Turkey has very little exclusive access to this sea. Currently both countries implement their territory claims at 6 nautical miles. However, Greece argues that the country is entitled to 12 nautical miles under the United Nations Convention. This would benefit Greece significantly more

¹ Stephen Mann, *The Greek-Turkish Dispute in the Aegean Sea*, Dudley Knox Library (2001), <https://calhoun.nps.edu/handle/10945/9725>.

² Galip Dalay, *Turkey, Europe and the Eastern Mediterranean: Charting a way out on the current deadlock*, Brookings (Jan 28, 2021), <https://www.brookings.edu/research/turkey-europe-and-the-eastern-mediterranean-charting-a-way-out-of-the-current-deadlock/?amp>.

than Turkey because the Greek islands are so close to Turkey anyway. So any increase in the number of nautical miles that the two countries consider to be territorial waters would hardly result in any real size increase for Turkey. It is a complex dispute which also centers around whether or not Greece has broken international agreements that bind the nation not to use these islands for military purposes. Part of the Treaty of Lausanne in 1923 was the extensive demilitarization of these islands, which is no longer followed. Greece however sees this as legitimate self defense in the background of the clashes over these territories.³ Turkey has its own way of deciding limits of Exclusive Economic Zones. Turkey uses the Continental shelf theory which says that a country's landmass and therefore the EEZ, extends underwater to the very edge of the Continental shelf. Using this theory they have refused to accept that islands can have these zones. They say any island's influence is only as far as 12 nautical miles. These two calculation methods have triggered a cascade of claims and counterclaims.⁴

Another conflict that is affecting the territorial claims in the Mediterranean is the disagreements over the status of Cyprus. Since a bloody conflict took place in 1974, the island whose population is mainly composed of Cypriot Greeks and Cypriot Turks, has been caught in the tense relations between the two countries for decades.⁵ Cyprus is divided into two parts. The southern part is the Republic of Cyprus, which has been part of the European Union since 2004 and is recognized by the United Nations. So according to the European Union the entire island is the national territory of the Republic of Cyprus. De facto however, the northern part is the Turkish Republic of Northern Cyprus, which is only accepted by Turkey however is not recognized internationally. The two areas are separated by a United Nations buffer zone. And there are also two British military bases on the island. Turkey has signed an agreement with the Tripoli based government in Libya, in which a corridor was agreed upon which the two countries meet, undermining the Greek claims. And Greece has signed an agreement with Egypt in which both countries confirm their claims. Two international agreements, going crosswise to each other.⁶ Greece is also supporting a planned

³ Ian Anthony, *Maritime Disputes in the Eastern Mediterranean: Why and Why now?*, Sipri (Oct 23, 2020), <https://www.sipri.org/commentary/essay/2020/maritime-disputes-eastern-mediterranean-why-and-why-now>.

⁴ *Background Note on Aegean Dispute*, Republic of Turkey, <https://www.mfa.gov.tr/background-note-on-aegean-disputes.en.mfa>.

⁵ *Supra* note 2

⁶ *Supra* note 3.

gas pipeline project between Israel, the Republic of Cyprus and itself. The planned pipeline is to connect the Israeli and the Cypriot fields with each other and pump gas from the Eastern Mediterranean to Europe, therefore bypassing Turkey. Turkey is opposed to this project which will run through the corridor defined by Turkey and Libya.⁷

Legal Aspects surrounding the Standoff

The rules that will be applied to this dispute are pretty straightforward. Under Article 121 of the Law of Sea Convention, if an island is habitable by humans then the maritime laws are extended to other land territory. So accordingly, Greece is said to have the right to claim 12 nautical miles from their baseline as laid down in *Nicaragua vs. Colombia*.⁸ Under the Law of the Sea Convention, Articles 74 and 83 encourage parties to 'achieve an equitable solution' about the delimitation of the Exclusive Economic Zones and the Continental Shelf. But the Convention fails to specify a method by which the aforementioned can be achieved. Turkey claims that rights under Article 300 are being violated by not following fair equitable distribution. In 1984, the International Court of Justice (ICJ) held that in order to achieve delimitation an agreement between all interested parties should be present. Further added that unilateral acts or claims are not legal without an agreement.⁹ Therefore, the bilateral agreements between Greece and Egypt and Turkey and Libya have a binding effect only on the states that have signed them and not on other coastal states. In 1969, the ICJ when deciding the delimitation of continental shelf between Germany and Denmark-Netherlands laid down principle rules that are applicable in case of delimitation disputes. To begin with, the delimitation cannot be achieved through a single method. In addition, an agreement is the only way delimitation can be affected. Furthermore, application of equitable principles must be paramount to the agreement. In conclusion, length of a coastline or present islands should be considered when equitable principles are invoked to form an agreement. In international jurisprudence, while the ICJ and Arbitral Tribunals have granted islands their maritime areas, they have not been granted EEZs or Continental shelf. For instance, the Arbitral Tribunal

⁷ *Supra* note 4.

⁸ Saumya Gupta, *A Resolution For International Disputes in Greco-Turkish Seas*, *Jurist* (Sep 17, 2020), <https://www.jurist.org/commentary/2020/09/saumya-gupta-greece-turkey-maritime-dispute/>.

⁹ Efthymios Papastavridis, *The Greek-Turkish Maritime Disputes: An International Law Perspective*, *Eliamep* (Jul 9, 2020), <https://www.eliamep.gr/en/publication>.

granted only 12 miles of maritime space to British islands in the delimitation case between France- UK. On the other hand, in the case of Romania vs. Ukraine, no maritime space was granted by the ICJ to the Snake islands. If Greece demilitarized the island and did not pose a threat to Turkey, the sovereignty of the islands may be granted to Greece. But the issue is that Greece has refused to comply with its commitments under the Lausanne Treaty. The question arises as to whether naval bases that have been placed on the islands are prohibited or whether article 13 of the treaty is being violated by military presence. In 1914, as per Article 12 of the Lausanne Treaty, on the condition that they remain demilitarized, Lemnos, Samothrace, Lesvos, Chios, Samos and Ikaria were ceded to Greece. Similarly in 1974, on the same condition, through the Paris Peace Treaty, Italy gave up its sovereignty over Dodecanese Island to Greece. Greece knows that it's claim over the island is limit as long as it has it militarized by as aforementioned, Greece claims that it is exercising its right of self defence under Article 51 of the United Nations Charter but this right does not comes into the picture until and unless there is an armed attack or serious impending threat of an attack.¹⁰

Conclusion

Relations have gone so bad between the fractious neighbour's that both sides have threatened military action to defend what they say are their territorial rights over the sea. So much so that on August 12, 2020, a Turkish and a Greek warship collided in the Mediterranean sea.¹¹ In December, Turkey sent armed drones to mind exploration ships in contested waters. Turkey has also said that it will send exploration ships into contested waters off Crete within months, with Greece responding by saying those vessels will be sunk.¹² With so much wealth and security to be had, the region stands to greatly benefit if everyone's interests are satisfied but Turkey has been pushing its hand. The Cypriot Republic has requested a ruling from the ICJ on the overlapping claims. As aforementioned, both countries have to reach an agreement

¹⁰ Maria Gavouneli, *Whose Sea, An International Perspective on the Greek-Turkish Disputes*, Institut Montaigne (Oct 16, 2020), <https://www.jurist.org/commentary/2020/09/saumya-gupta-greece-turkey-maritime-dispute/>.

¹¹ Jon Sharman, *Turkish and Greek Warships Collide in Eastern Mediterranean*, Independent (Aug 14, 2020), <https://www.independent.co.uk/news/world/europe/turkey-greece-war-mediterranean-erdogan-ships-collide-a9670416.html>.

¹² *Supra* note 2.

in order to move forward to reach a permanent settlement.¹³ With each country taking their own course of action is worrisome as with so much at stake both parties have much to claim from, cooperation. However, as it stands a single incident could unravel this tense and fragile peace.



¹³ *Supra* note 8.