

 KATHIMERINI

# ATLAS OF GREEK- TURKISH RELATIONS

With 63 maps, a comprehensive glossary  
and the latest key developments



BY ANGELOS SYRIGOS AND THANOS DOKOS



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**SERIES: GREEK-TURKISH RELATIONS**

Angelos Syrigos - Thanos Dokos

## Atlas of Greek- Turkish relations

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This book was originally published in Greek in 2018 with 35 maps. It was republished in Greek on the 9th of August 2020 with 60 maps. The translation and editing of the book in English resulted in its significant rewriting. Another 5 maps were added, and some 9 maps were redrawn in order to include the new maritime border following the Greek-Egyptian agreement signed on the 6th of August 2020. The translation project was completed in an extremely limited period of time, thanks to the excellent job of its lead editor **Pavlos Zafiropoulos**, whose close scrutiny and expertise guaranteed a faithful and accurate translation, to content coordinator **Niki Agrafioti** who managed the project with great efficiency, and of course to the dedication of translators **Don Domonkos**, **Ioanna Kousoula**, **Georgia Nakou**, **Podium**, **Mika Provata-Carlone**, **Stephen Stafford**, **Nikos Zachariadis**, and **Amalia Zavacopoulou**. **Giorgos Tsiros** was the person who made all of us work together, showing patience and good humor in coping with two academics who usually had another sense of the word “urgent”.

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# ATLAS OF GREEK-TURKISH RELATIONS

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# A brief overview of Turkish claims in the Aegean and Eastern Mediterranean

**Over the period 1955-1973** the almost exclusive focus of Greek foreign policy with regard to Turkey was the Cyprus issue. Even the persecutions inflicted upon the Greek minority in Turkey in 1955, and again in 1964, were directly related to the deteriorating situation in Cyprus.

All this would change in 1973. A chain of events was to shift Turkey's interests, prompting it to make a series of claims against Greece – and later almost come to the brink of war – in the Aegean.

Three decades later, Turkish concerns would expand again, prompting it to make new claims against Greece and Cyprus in the Eastern Mediterranean.

## From Cyprus to the Aegean

The key factors that drove Turkey to raise a series of claims in the Aegean in the early 1970s against Greece are summarized below.

**The Oil Crisis:** In October 1973, the embargo imposed against Western economies by the Organization of the Petroleum Exporting Countries (OPEC) would incentivize many nations to seek new energy source.

**The discovery of hydrocarbon deposits in the seabed off the Greek island of Thasos:** Starting in the autumn of 1973, there was strong speculation that Greece had discovered vast oil fields in the sea region surrounding the island of Thasos in the northern Aegean. For Turkey, this was a particularly tantalizing prospect.

**The proceedings of the Third United Nations Conference on the Law of the Sea (UNCLOS III) begin:** In November 1973, the Third United Nations Conference on the Law of the Sea opened its negotiation process. The prevailing trend was to increase the breadth of maritime zones in favor of coastal states. In light of this development, Turkey considered that it had to move to raise claims regarding the Aegean Sea on a bilateral level with Greece, before these could be legally settled within the framework provided by the new convention, which would close the door on them for good.

**The Turkish invasion:** The above reasons were sufficient in themselves for Turkey to become interested in the legal regime of the Aegean. Yet ultimately the primary driver would be the Turkish invasion of Cyprus in 1974, and Turkey's occupation of the island. Turkey made a strategic move; by raising a series of demands in the Aegean, it succeeded in opening up a second front for Greek foreign policy. Greece was now forced to deal with issues which touched directly upon its sovereign rights. From 1974 and onwards, the Greek-Turkish conflict would have two fronts: the Cyprus issue, and the Aegean. (To these, one should also add Turkey's involvement with the Muslim minority in Thrace, with its various phases of intensification and abatement since 1923).

## From the Aegean to the Eastern Mediterranean

At the start of the 21st century, the fault line between Greece and Turkey expanded once again; it would now not only run through the Aegean but also reach into the Eastern Mediterranean. Below are the key factors driving this new focus of Turkish foreign policy.

**The role of technological progress:** Technological progress has rendered possible the exploration and exploitation of energy reserves that are to be found in deep-sea regions, like those of the Eastern Mediterranean.

**The increase in oil and natural gas prices:** From 2004 and up until the financial crisis brought on by the COVID-19 pandemic, the price of oil worldwide has fluctuated at levels consistently over 50 dollars per barrel, reaching heights, particularly during the period 2011-2014, of around 100 dollars per barrel. The consistently high price of hydrocarbons has made costly explorations in deep-sea regions feasible.

**Turkey's dependence on imported hydrocarbons:** Since the beginning of 2000, the Turkish economy has seen explosive growth, with an average annual growth rate of 4.5%. However, the country does not possess its own domestic energy sources, making it entirely dependent on imports.

**The discovery of rich underwater energy reserves south of Cyprus:** Towards the end of the first decade of the 21st century, rich underwater energy reserves were first discovered south of Cyprus. The discovery of such reserves in this area, and the possibility that there might exist additional exploitable reserves in the broader sea region of the Eastern Mediterranean, caught Turkey's attention. Turkey adopted a new strategic policy, through which it would seek to position itself to be a dominant player in the exploitation of hydrocarbons in the Eastern Mediterranean.

## The key issues of the Greece-Turkey conflict

The main areas where Turkey has made claims can be summarized in the following list:

- The delimitation of the Aegean continental shelf. Greece considers that this is the only legitimate dispute between the two countries (raised in 1973-74).
- The expansion of Greek territorial waters: this is accompanied by the explicit threat on the part of Turkey that it would resort to the use of force against Greece if the latter were to exercise its legal rights in the Aegean and extend its territorial waters beyond the present 6 n. miles (raised in 1974).
- The demilitarization status of the islands of the eastern Aegean (raised between 1964 and 1974).
- Greek national airspace; this extends to 10 n. miles, while its territorial sea is only 6 nautical miles (raised in 1975).
- The limits of the Flight Information Region (FIR) of Athens (raised in 1974).
- The limits of the Search and Rescue Zone (SAR) in the Aegean (raised in 1979).
- Greece's operational control and limits within NATO (raised in 1974 and 1980).
- The contesting of Greek sovereignty over an unspecified number of small islands in the Aegean. These are the so-called "gray areas" (raised in 1996).
- The challenging of the right of inhabited islands such as Crete, Rhodes, Karpathos, Kasos and Kastellorizo (Megisti) to claim any maritime zones (e.g. continental shelf and Exclusive Economic Zone - EEZ) beyond the present 6-n. mile territorial waters in the Eastern Mediterranean, as well as challenging the right of the Republic of Cyprus to claim an EEZ (raised in 2011).

CHAPTER 1

# The Aegean Sea

According to the International Hydrographic Organization, the limits of the Aegean are defined by a line which starts from the cape of AkyarBurnu on the coast of Asia Minor, extends to the southernmost point of Rhodes and the island of Prasonisi, then passes by Karpathos (cape Vronti) and cape Castello to reach the cape of Plaka in the Lasithi district (Crete). Crossing Crete, the line then connects Agria Gramvousa in the regional unit of Chania with the cape of Apolytares on the southernmost point of Antikythera, and passing across the island reaches the island of Psira off the northern point of Antikythera, then crosses to the cape of Trachilos on Kythera. From cape Karampogia on the northwestern tip of Kythera, the line connects the cape of Agia Marina on Elafonisos with the coast of the Peloponnese. There are approximately 9,000 islands in the Aegean Sea. Their large number should not

come as a surprise. According to international law, an island is a naturally formed area of land, surrounded by water, which is above water at high tide. Crete is an island, but so is a square meter of rock which rests above the surface of the sea at high tide. The majority of the 9,000 islands are rocks or tiny islets. Around 450 islands belong to Turkey. The most notable are Gökçeada, or Imroz(Imbros in Greek) and Bozcaada(Tenedos in Greek) which are located at the mouth of the Strait of the Dardanelles and belong geographically to the Thracian Sporades group; most of the islands of the AyvalıkAdalar group of islands (Moschonissia in Greek), just opposite of Turkish coast town of Ayvalik, and a number of small islands in the Gulf of Izmir. Only three Turkish islands have a significant population: Gökçeada, Bozcaada and Cundaor Alibey. The rest of the Aegean islands belong to Greece.



## Aegean and the Megisti (Kastellorizo) group of islands

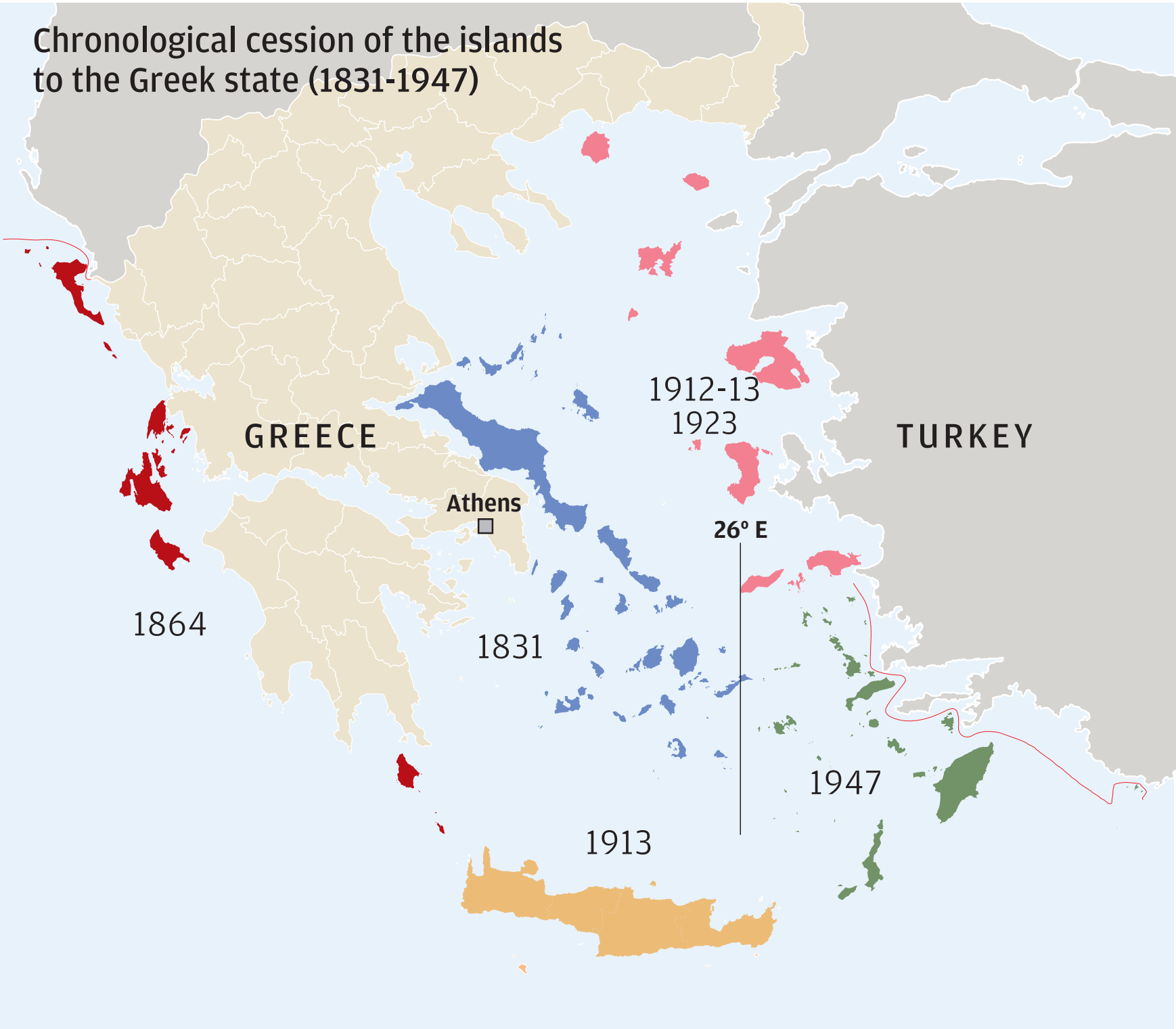
Turkey wants to isolate the island complex of Megisti (Kastellorizo) from the other Greek islands. In the event of the delimitation of the continental shelf and EEZ, having this island complex appear to be isolated from the other islands of the Aegean is to Turkey's advantage. It is true that, according to the International Hydrographic Organization, the island complex of Megisti is located beyond the boundaries of the Aegean. The International Hydrographic Organization vaguely refers to the area in which the island complex is located as the Mediterranean. This area is also known as the Lycian Sea or the Levantine Sea. However, the delineation of the boundaries of the Aegean Sea (and of any sea for that matter) by the International Hydrographic Organization is mainly for the purposes of facilitating navigation, coordinating the publishing of maps and conducting hydrographic research; it has no legal or political significance. This is asserted by both the International Hydrographic Organization and case law. Negotiations for the delimitation of the continental shelf and EEZ must be comprehensive and not fragmented, and take into consideration the entire length of Greek sea borders, from the Evros River to the island of Strongyli, east of Kastellorizo.

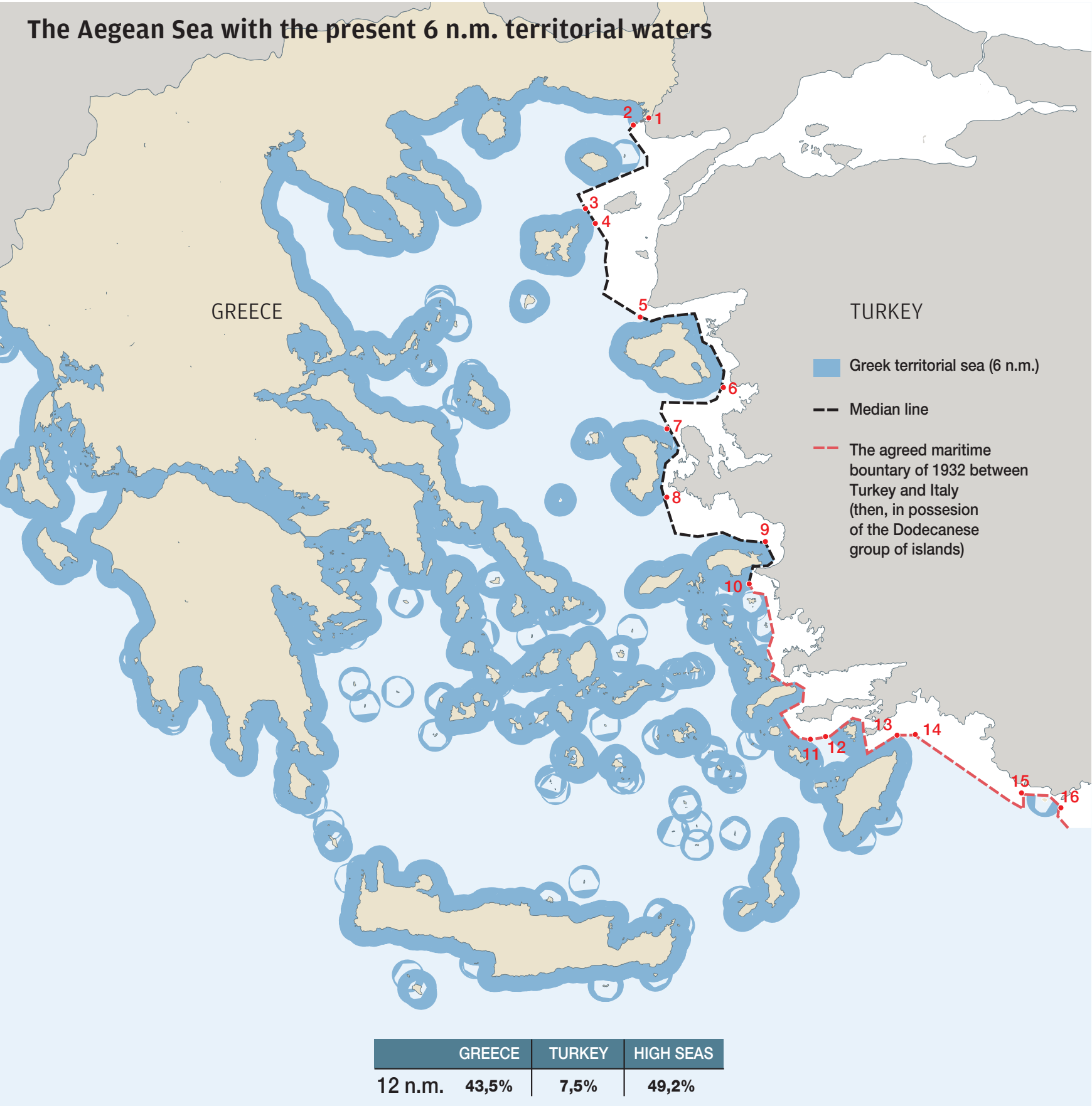
Greek islands in the Aegean and Eastern Mediterranean

	2001	2011
Total	approx. 8.500	
Area	23.182 sq.km (17,56% of total)	
Inhabited	100	97
Population	1.393.703	1.526.575
Islands with less than 20 inhabitants	29	20
Percentage of the total country population	12,7%	14,1%

Turkish islands in the Aegean and Eastern Mediterranean

	2001	2011
Total	approx. 450	
Area	23.182 sq.km (17,56% of total)	
Inhabited	7	7
Population	11.004	12.682
Islands with less than 20 inhabitants	–	–
Percentage of the total country population	0,017%	0,018%





Greece is not an archipelagic state

**The 1982 Law of the Sea Convention** created a new regime, that of the “archipelagic state”, along with a new maritime zone, the “archipelagic waters”. Historically, the term “archipelago” was first used to describe the Aegean.

**The term** was adopted by the Venetians ("arcipelago"), always with the Aegean as a point of reference. Over time, the term archipelago came to encompass all island groups covering a relatively large expanse. During the conference, however,

it was decided that only states composed exclusively of islands (such as Indonesia and the Philippines) could be considered as archipelagic states. States composed of mainland territories and island groups, such as Greece, were not included in this definition. As a result, according to the 1982 Law of the Sea Convention, Greece is not an archipelagic state.

**CHAPTER 2**

# Territorial waters

**a. The territorial waters regime, Greece and Turkey**

Territorial waters (or territorial sea) is a maritime zone which extends, according to the 1982 Law of the Sea Convention, up to 12 nautical miles measured from the baselines along coast (Article 3). Territorial waters include the seawater column, its seabed and subsoil, as well as the airspace above it. In this zone, the coastal state exercises full sovereignty, equal to its sovereignty over its land territory. The only restriction of authority is the right of innocent passage, which can be exercised by ships of third states without the prior consent of the state (Articles 17-26).

Before WW II, most countries in the world had territorial waters of 3 nautical miles. In 1936, Greece set the breadth of its territorial waters at 6 nautical miles off the coast, a decision accepted by Turkey through its stance.

In 1964, Turkey expanded its territorial sea from 3 to 6 miles. At the same time, it stated that if the countries opposite the Turkish coast had territorial waters of greater breadth than 6 miles, then the Turkish territorial waters would be determined based on the principle of reciprocity. Since then, Turkey has had territorial waters of 6 miles in the Aegean and 12 miles in the Black Sea and the Eastern Mediterranean.

During the same period and until the early 1970s, the acceptance of the 12-mile limit was so widespread as state practice that it became established as a widely accepted rule of customary law. This became clear during the proceedings of the Third Conference on the Law of the Sea. A large number of states supported the introduction of an article that would explicitly set the limit of territorial waters at 12 miles. Turkey reacted strongly, demanding the exclusion of some areas, such as closed or semi-enclosed seas, from the application of such a rule. Its efforts were fruitless.

**b. The 12 nautical-mile limit of territorial waters as a rule of customary law**

The uniform and widespread practice of states led to the creation of a commonly accepted rule of customary international law regarding the extent of territorial waters. This rule was crystallized in Article 3 of the Convention on the Law of the Sea: *“Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.”*

The rule is so universally accepted that, since 2009, 148 of the 152 coastal states have extended their territorial waters to 12 miles.

The states that have not proceeded with this expansion are Jordan, Montenegro and Bosnia which are prevented from doing so for purely geographical reasons, and Greece. In practice, Greece is the only country in the world that is able to expand its territorial waters, but has not done so.

The official Greek position is that Greece considers this specific right “non-negotiable”, but will only exercise it “if and when” it deems it necessary. There have been many reasons for this delay:

In 1973, when the issue was first discussed, the work of the Third Conference on the Law of the Sea had just begun. The regulation was left to mature alongside the conference processes.

The Convention on the Law of the Sea was signed in 1982, but only entered into force in 1994, while Greece ratified it in May 1995.

After June 1995, the cause for the delay was the decision of the Turkish Parliament to treat the issue as a *casus belli*. Instead of focusing on exercising the right, Greek foreign policy focused on reversing the decision by the Turkish Parliament, a decision that ultimately is against basic principles of international law.

Under the present circumstances in Greek-Turkish relations, it is necessary to reconsider Greece’s systematic abstention from exercising all relevant rights provided in international law. The most important is the right to extend Greece’s territorial waters. Greece cannot proceed with such an action immediately. It would have to be preceded by a systematic effort to involve and inform the Black Sea states as well as all of the international actors who use the Aegean either commercially or militarily. The plan should include measures to facilitate navigation (including Turkey) but also the practical handling of Turkish provocations.



### c. The decisive importance of the extension of Greek territorial waters

The extension of Greek territorial waters to 12 miles is of great concern to Ankara, as it will have decisive impact on Turkey's claims. Most Turkish claims in the Aegean will be rendered void or of little importance. More specifically:

The area of the Aegean continental shelf that will remain to be delimited after the extension will be restricted to the point it that will become insignificant. Specifically, the area of the Aegean Sea under Greek sovereignty will increase from 43% to 72%. The Turkish region will increase to 8.7%, a rise of only 1.2%. Of the 19% that remains as high seas, only 5.1% concerns the areas of continental shelf that could be claimed by both countries. The remaining areas are far removed from any Turkish claim (e.g. outside the Thermaic Gulf in Thessaloniki, between the Cyclades, and off the Peloponnese and Crete).

The serious problem of the differing breadth of the airspace (10 n. miles) compared to the territorial sea (6 n. miles) will cease to exist. The airspace will mirror the territorial waters.

The so-called "gray areas" of sovereignty in the Aegean will lose their practical significance. Turkey has raised this issue to "add" another issue to the negotiating and make the delimitation of the continental shelf by an international tribunal the second issue in line after the establishment of sovereignty over certain islands in the Aegean. After the extension of the territorial waters, the Turkish challenge will be only of a symbolic character.

The boundaries of the Athens FIR and those of the Search and Rescue Region in the Aegean will cover a surface area of the Aegean Sea of which 72% will be under Greek sovereignty. Turkey will be completely delegitimized in its attempts to change the boundaries.

Free and unimpeded navigation in the Aegean and the preservation of the current high-sea regions in the Aegean will be significantly affected. In this particular area, however, the rules of the 1982 Law of the Sea Convention regarding "straits used for international navigation" and "transit passage" will be applied. Moreover, free navigation may be the subject of an agreement between the two countries.

Finally, it should be noted that no prior agreement with the coastal states of the region about the expansion of Greek territorial waters is needed. This is clearly stated in Article 3 of the Convention on the Law of the Sea, which

states that "Every State has the right to establish the breadth of its territorial sea". Therefore, in accordance with international law, the extension of Greek territorial waters to 12 miles is an exclusive unilateral, internal act of Greece.

### d. Turkish positions and international law

Turkey opposes the extension of Greek territorial waters with a series of arguments which, however, have serious shortcomings with regard to international law.

**Consent of coastal states in closed or semi-closed seas:** According to Turkey, special conditions prevail in closed or semi-closed seas such as the Aegean Sea. Consequently, the expansion of territorial waters should be accompanied by the consent of the coastal states.

**International law:** The extension of territorial waters to 12 miles will undoubtedly have adverse consequences for Turkey. It will, however, constitute the implementation of a relevant customary and conventional rule of law. If Turkish views are accepted, any application of a legal right by a state that restricts other states would automatically be considered as an abuse of the right.

**Turkey as a "persistent objector":** Turkey claims that it systematically and persistently denies the existence of the right to increase territorial waters to 12 miles. Consequently, it can be regarded as a "persistent objector" to which the general customary rule does not apply.

**International law:** In order for Turkey to claim that it is a "persistent objector", it should have opposed the creation of the 12 mile customary rule from its early stage. On the contrary, in 1956 Turkey had advocated for the extension of territorial waters to 12 miles, and in 1964 it extended its own territorial waters to 12 miles in the Black Sea and the Eastern Mediterranean.

**The "Greek lake" and Turkish vital interests:** The basic Turkish position on the extension of Greek territorial waters is that the Aegean will be transformed into a "Greek lake". All existing high-seas passages to major Turkish ports will be closed. Ships and aircraft departing from Turkey to the west will have to obtain a permit from Greece. This runs counter to Turkey's "vital interests" in the region. In addition, the delicate balances established by the Treaty of Lausanne will be upset.

**International law and international practice:** The extension of territorial waters to 12 miles has effectively limited high-seas areas along coasts, ports and sea lanes in

all over the world. That is why the 1982 Law of the Sea Convention provides for the new regime of "international straits". In terms of international practice, it is worth noting that the Baltic states pass through Danish, Swedish or German territorial waters in order to reach the North Sea. Similarly, 50% of the oil that is transported annually by oil tankers is transported through the Strait of Hormuz at the entrance of the Persian Gulf. No country ever considered claiming that Iran or Oman (which are the two coastal states of the strait) did not have a right to increase their territorial waters to 12 miles because international navigation in this strategic passage would have to pass through their territorial waters.

### e. "Straits used for international navigation" & Greece

The Convention on the Law of the Sea provided for a new regime, the "straits used for international navigation", in which "transit passage" is exercised. The straits used for international navigation:

- belong to the territorial waters of a state.
- connect areas of the high seas or an EEZ and another part of the high seas or an EEZ.
- are used for international navigation.

Within territorial waters there is the right of "innocent passage", which, however, can be considered as not fully covering the needs of the maritime states concerned. The "innocent passage" of a ship through territorial waters is subject to certain restrictions, in particular the right of the coastal state to temporarily suspend the passage of foreign ships. Additional restrictions apply to submarines, which are required to sail on the surface.

The new institution of "transit passage" applies in parallel with "innocent passage". According to it, the passage of vessels is conducted in straits used for international navigation without any obstruction by the coastal state, which cannot generally prohibit the passage of ships. The only restrictions are that the transiting vessels do not endanger the safety of the coastal state, do not pollute the sea, comply with the rules of navigation and do not engage in fishing and research activities or smuggling. Submarines can pass through international straits submerged and aircraft can cross international straits freely. Finally, prior permission from the coastal state is not required, nor even does notification need to be given.

In the case of the Aegean Sea, all areas connecting the northern to the southern Aegean and the passages around Crete could be considered straits used for international

The Aegean Sea with the present 12 n.m. territorial waters



The importance of the expansion of the Aegean territorial waters from 6 to 12 nautical miles (n.m) in numbers

A	B	C	D	E
The Aegean Sea: 190,000	Greek Territorial Waters	Turkish territorial Waters	High Seas (& Continental Shelf)	Turkish claims over the Aegean continental shelf
6 n.m.	43,5%	7,5%	49%	11,1% (20.928 sq.km.)
10 n.m. (Greek national airspace)	63,9%	8,5%	27,6%	6,7% (12.737 sq.km.)
12 n.m.	71,5%	8,7%	19,8%	5,1% (9.725 sq.km.)

navigation. For this reason, Greece, while signing the Law of the Sea Convention, had submitted a statement in 1982. In the statement, it claimed the right to limit the number of international navigation straits in the Aegean, specifying in which of the many alternative straits of the Aegean “transit passage” could be exercised.

Whenever Greek territorial waters are extended to 12 miles, it is self-evident that there will be arrangements concerning international navigation. Some straits will be designated as “international straits” where the right of “transit passage” will be exercised. More

specifically, in the event of an extension of Greek territorial sea to 12 miles, the following passages will be part of it:

- All sea passages located to the west and east of Crete and
- The narrow sea passage between the Cyclades and Dodecanese.

The Greek side, as a sign of goodwill, may maintain some of the high seas passages that exist at the current limit of 6 miles and connect the northern with the southern Aegean, leaving them out of Greek territorial waters. In addition, there could be some local arrangement for ships heading to the port of Izmir.

f. The Turkish *casus belli*

The development of the customary and conventional Law of the Sea regarding the extension of territorial waters has been absolutely favorable to Greece's positions. The expansion of Greek territorial waters became Greece's strongest point. Turkey, realizing the importance of the expansion of territorial waters, has stated since 1974 that “the extension of the Greek territorial sea to 12 miles would mean a Greek-Turkish war”, better known by the Latin phrase *casus belli*. Initially, Turkey considered the expansion to 12 miles a cause of war. They later described any extension beyond 6 miles as *casus belli*.

In May 1995, the Greek Parliament voted unanimously in favor of ratifying the Convention on the Law of the Sea. The second article of the relevant law proclaimed the “inalienable right” of Greece to extend its territorial waters “at any time” in the future. A few days later, in June 1995, the Grand Turkish National Assembly passed a resolution. The resolution reproduced the main Turkish positions on the Aegean:

- a. The Treaty of Lausanne established a balance between the two states.
- b. Greece upset the balance in 1936 with the expansion of Greek territorial waters to 6 miles.

The Greek statement regarding “straits used for international navigation”

In areas where there are numerous spread-out islands that form a great number of alternative straits which serve in fact one and the same route of international navigation, it is the understanding of the Greek delegation that the coastal State concerned has the responsibility to designate the route or routes, in the said alternative straits, through which ships and aircraft of third countries could pass under the transit passage regime, in such a way that, on the one hand, the requirements of international navigation and overflight are satisfied and, on the other hand, the minimum security requirements of both the ships and aircraft in transit as well as those of the coastal State are fulfilled.

c. Turkey will not accept an extension to 12 miles, because that would run counter to its vital interests in the Aegean and especially to its right for free and unimpeded passage for its navigation.

For the reasons above, the Turkish National Assembly delegated the power to the government to take military measures if needed to protect the vital interests of the country. The reference to military measures was a direct violation of Article 2.4 of the UN Charter, which is considered a fundamental principle of international law (*jus cogens*) and a pillar of the system of international security. Furthermore, the threat of war did not concern a violation of international law, but rather the exercise by a state of its legal right.

Since then, the removal of the *casus belli* has become a key point of reference in Greek foreign policy. For one, it is included in all the annual progress reports of the European Commission for Turkey's accession to the EU, and in the relevant resolutions of the European Parliament. Turkey ignores these reactions. Its

semi-official position is that it will be lifted when Greece declares that it does not intend to extend its territorial waters to 12 miles.

**g. The extension of Greek territorial waters and the "exploratory talks" (2002-03 and 2010-16)**

**i. The limited extension of territorial waters**

The issue of the extension of Greek territorial waters was raised after 2002, during the so-called exploratory talks with Turkey. The Greek side wanted to start with the limited, area-by-area, extension of Greek territorial waters. The areas that would be outside Greek territorial waters in the Eastern Aegean would essentially prescribe the solution for the delimitation of the continental shelf.

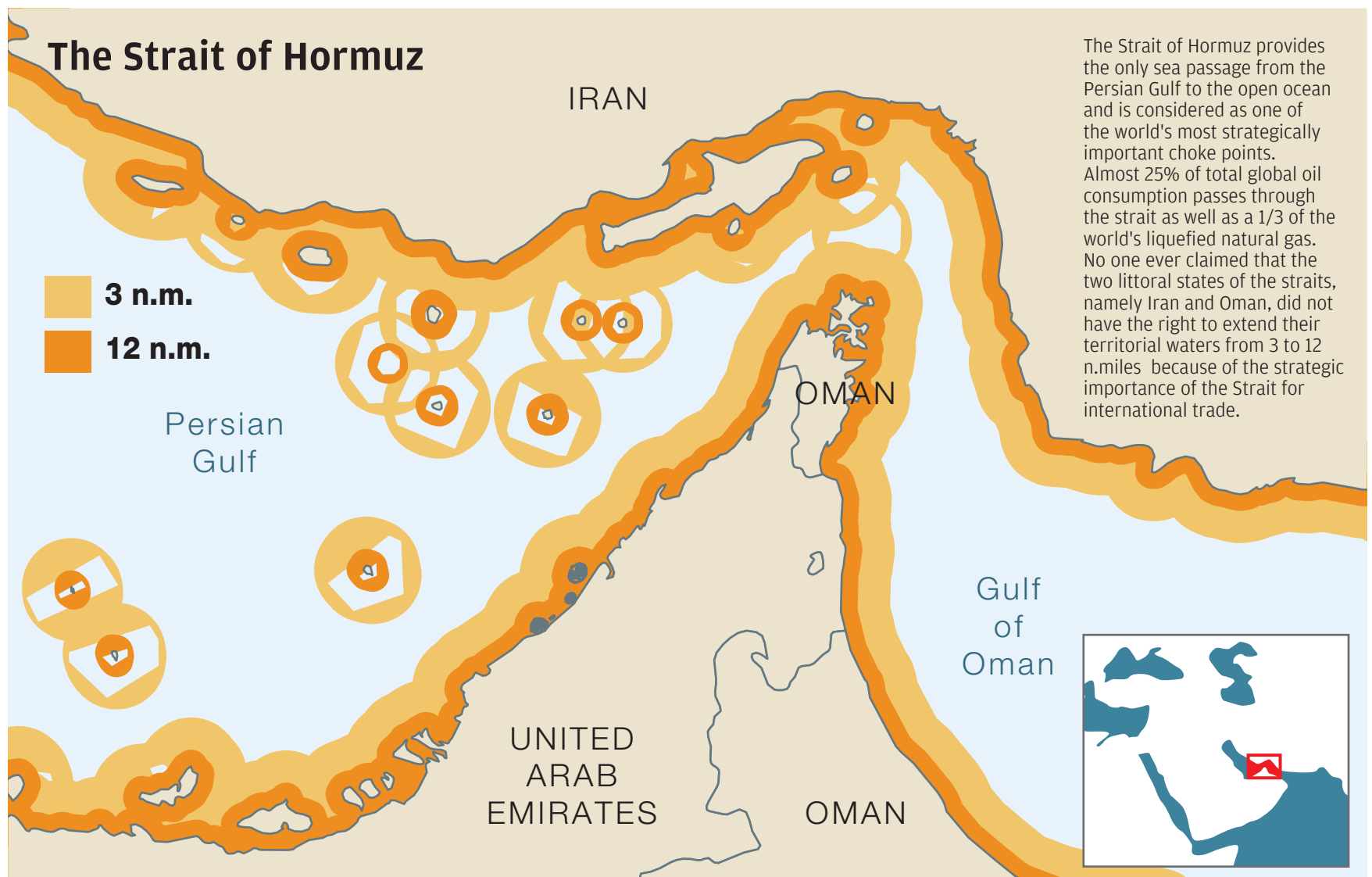
The two sides would then begin brief negotiations, trying to reach an agreement on the delimitation of the continental shelf. If, as expected, they did not reach a conclusion, they would sign a joint statement and refer the case to the International Court of Justice. The latter would have been indirectly guided regarding

the final result from the limited extension of territorial waters.

The most critical period of the exploratory talks was November 2003, when it seemed that the two sides came very close to reaching an agreement. With every reservation due to the secrecy of the meetings, the "selective differences in the limits of territorial waters" were moving along the following framework of an agreement:

On the mainland coasts of the country (including Evia and Thrace), the territorial waters would extend to 12 miles.

On the island coasts, the territorial waters would extend to 8, 9 or 10 miles (it is not clear if these areas included all the island coasts next to the Turkish coast). These figures arise as follows: 8 miles equals half the difference between the 6 miles of territorial waters and the 10 miles of airspace. 9 miles equals half the difference between the 6 miles of territorial waters and the 12 miles to which a coastal state has the right to extend its territorial waters. 10 miles equals the limit of the airspace.





In some areas next to the Turkish coast, there would be no extension in the territorial waters in order to facilitate navigation.

The airspace would be brought into alignment with the new boundaries of the territorial sea.

After reaching an agreement with Turkey, Greece would proceed with the unilateral extension of Greek territorial waters. In essence, Greece would renounce any further extension of Greek territorial waters in the future.

Turkey seems to have agreed in principle on most of the above points. The then prime minister, deeming that it would be very difficult to pass the required law through Parliament, did not proceed with the completion of the agreement. A second, similarly fruitless effort in the same vein was attempted in 2010-12.

#### ***ii. An assessment of the exploratory talks***

The exploratory talks began from a correct assumption. Greece must first extend its territorial waters and then refer the dispute to the International Court of Justice. Otherwise, the court will adjudicate the dispute on the basis of the territorial waters being at 6 miles. After its decision is issued, the extension of territorial waters will be rendered meaningless.

While the basic assumption is correct, the negotiation contains a structural mistake. It is wrong to negotiate with another state the exercise of a unilateral right. It is different to inform and provide assistance (not only to Turkey, but also to other countries) for international navigation in the Aegean (e.g. leave certain corridors of high seas), and different to negotiate with the aim of seeking Turkey's agreement for the extension of the territorial sea.

The purpose of the exploratory talks was to restrict the extension of the territorial sea in certain areas in exchange for an agreement on the delimitation of the continental shelf, or recourse to the International Court of Justice. Three questions remain:

- a.** How will it be ensured that Turkey does not raise the issue of “gray areas” during the court proceedings (challenging some of the islands/base points for the measurement of the continental shelf)?
- b.** What will happen with the demilitarization of the islands?
- c.** What will happen to the borders of the Athens FIR or the Search and Rescue Region once Turkey has secured a number of high seas areas in the Aegean and the Eastern Mediterranean?

Points (b) and (c) are connected to the situation that would follow a court settlement, when Greece will no longer have leverage in a negotiation.

Any decision of Greece not to extend its territorial waters everywhere to 12 miles, but to leave out some areas of high seas, is a move of major importance, which would benefit Turkey in many ways. Therefore, Turkey should provide something equally important in exchange for this important move, connecting it with the sum total of its claims in the Aegean and Eastern Mediterranean. It is irrational to consider that Greece will have lost its main weapon in exchange for the resource of the two states to the ICJ for the delimitation of the continental shelf while leaving all other issues open, the most important being the “gray areas” and the issue of the demilitarization of the Aegean islands.

### **The Turkish resolution on *casus belli* (June 1995)**

“**The equilibrium** in the common Aegean Sea between Turkey and Greece has been established by the Treaty of Lausanne of July 24, 1923. On this date the territorial waters of both countries were defined at three nautical miles [...].

”**Greece**, on October 8, 1936, extending its territorial waters to six miles, acquired 43.68% of the Aegean. [...] While Turkish territorial waters in the Aegean, which extended to six miles in 1964, correspond to about 7% of the Aegean [...].

”**Greece** has lately made known its desire to extend its territorial sea to 12 miles, making use of certain provisions of the LOS Convention that have essentially been designed for open seas and ocean areas. If this happens, Greece will have under its sovereignty 72% of the Aegean [...].

”**It is not possible** [...] for Turkey to accept that it will conduct its maritime communication in the high seas and oceans through Greek territorial waters. Turkey has vital interests in the Aegean. The Turkish Grand National Assembly, while hoping that the Greek government shall not decide to extend its territorial sea in the Aegean beyond the present 6-mile limit, which in turn would ruin the equilibrium established by the Lausanne Treaty, has decided to grant the Turkish government all powers, including those that may be deemed necessary in the military field, for safeguarding and defending the vital interests of Turkey in such an eventuality. The Grand National Assembly of Turkey has also decided to announce this to the Greek and world public opinion in a spirit of friendship.”



CHAPTER 3

# Demilitarization of the islands of the Eastern Aegean

**a. What do the treaties provide for?**

The treaties of Lausanne (1923) and Paris (1947) imposed a demilitarization regime on certain islands of the Eastern Aegean.

*Lemnos, Samothrace, Imbros (Gökçeada), Tenedos (Bozcaada) and Lagouses/Mavries/Rabbit Islands (Tavşan adaları): TOTAL DEMILITARIZATION*

*“[...] there shall exist, in the demilitarized zones and the islands, no fortifications, no permanent artillery organisation, no submarine engines of war other than submarine vessels, no military aerial organisation, and no naval base.*

*“No armed forces shall be stationed in the demilitarised zones and islands except the police and gendarmerie forces necessary for the maintenance of order; [...]*

*“Greece shall be entitled to send her fleet into the territorial waters of the demilitarised Greek islands, but may not use these waters as a base of operations against Turkey nor for any military or naval concentration for this purpose.”*

(From Article 6 of the Convention Relating to the Regime of the Straits [1923]).

*Lesvos, Chios, Samos and Ikaria: THE OBLIGATION TO NOT ESTABLISH NAVAL BASES AND FORTIFICATIONS*

*“1. The specific islands shall not be used for installation of any naval base or for establishing any fortification project [...].*

*“3. The Greek military forces in the said islands will be limited to the normal contingent called up for military service, which can be trained on the spot, as well as to a force of gendarmerie and police in proportion to the force of gendarmerie and police existing in the whole of the Greek territory.”*

(Article 13 of the Lausanne Peace Treaty [1923]. The article makes no mention of any kind of military installation [observation post, radar station, etc.] nor airbases. There was also no specific mechanism provided for in order to monitor the number of soldiers or police forces).

*The Dodecanese islands: TOTAL DEMILITARIZATION*

*“These islands shall be and shall remain demilitarized.”*

(Article 14 of the Paris Peace Treaty [1947]). Turkey considers that Greece began to violate the demilitarization regime after 1964. After 1974, Turkey began to systematically

denounce Greece for violating international treaties requiring demilitarization. For its part, Greece accepts that it moved to militarize the islands after 1974. Greece considers, however, that the infringement is compatible with international law and demanded by the actual circumstances.

**b. What each side maintains with regard to Limnos and Samothrace**

Greece considers that the demilitarization regime of Lemnos and Samothrace ended with the Montreux Convention (1936), which allowed for the remilitarization of the area of the Straits.

The fact that there is no explicit reference to these islands in the Montreux Convention is considered by Greece to be of little significance, since the preamble to the convention expressly states that it replaces the Lausanne Convention. The Greek position is also supported by:

- A letter dated 6 May, 1936 sent from Turkey's Ambassador to Athens, Rü tû Aras, to Prime Minister Ioannis Metaxas, in which he expressly stated: “On behalf of my government [...] we are entirely in agreement with the militarization of these two islands [i.e. Lemnos and Samothrace], at the same time as the arming of the Straits”.
- The statement by the Turkish Foreign Minister, Tevfik Rü tû Aras, made to the Turkish Grand National Assembly on the 31st of July 1936 during the procedure for the ratification of the Montreux Convention, according to which: “The provisions pertaining to the islands of Lemnos and Samothrace, which belong to our neighbor and friendly country Greece and were demilitarized in application of the 1923 Lausanne Treaty, were also abolished by the new Montreux Treaty, which gives us great pleasure”.

Finally, it is legally absurd to conclude that the obligations for demilitarization remained for the Greek islands of Lemnos and Samothrace, while they were abolished for Imbros (Gökçeada), Tenedos (Bozcaada) and Lagouses/Mavries/Rabbit Islands (Tavşan adaları) which are under Turkish sovereignty. None of the above islands, Greek or Turkish, are expressly mentioned in the Montreux Convention.

According to Turkey, Lemnos and Samothrace are not connected to the security of the Straits. They are linked to Turkey's security and their demilitarization remained in force; Tevfik Rü tû Aras' statement to the Turkish parliament was a wish of a political and not legal nature.



### c. What each side claims about the remaining islands

#### i. *The Right to Self-Defense*

Greece officially acknowledges that from 1974 it began to rapidly arm the islands of the eastern Aegean. In 1974, Turkey overturned the conditions on which the treaties concerning demilitarization were based. The reasons for the change in Greece's stance were:

- the Turkish invasion in Cyprus;
- the creation and stationing on the Turkish Aegean coast of the Fourth Army, which has a large number of landing craft and is not included in NATO planning; the Fourth Army covers the western Turkish coasts as well as the occupied lands of the Republic of Cyprus;
- the countless *casus belli* threats by Turkish politicians and the relevant 1995 resolution of the Turkish parliament in the event of an increase in Greek territorial waters;
- the innumerable violations of Greek national airspace and the attempts at the unilateral extension of the Istanbul FIR at the expense of the Athens FIR.

In addition to that:

- Since 2019, Turkey has included all the Greek islands in the eastern Aegean under its doctrine of the “Blue Homeland” [Mavi Vatan];
- Turkish military forces are today stationed illegally in the territories of three neighboring states, namely Cyprus, Syria and Iraq.

Greece proceeded with the necessary defense preparations, in order to exercise, if necessary, its right to self-defense, as provided for in Article 51 of the UN Charter: “*Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.*”

Turkey considers that, in order to exercise the right to self-defense, a state must first have become the target of an armed attack. In addition, when legitimate defense measures are taken, these must be communicated to the UN Security Council. This is stated in the following paragraph of Article 51: “*Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council*”. Moreover, the adoption of self-defense measures must be of a temporary nature. In contrast, Greece, citing a vague threat, has proceeded to a permanent change of the legal regime in the Aegean.

Greece responds that the geographical conditions in the region (the long distances of the islands from the mainland, their immediate

proximity to the Turkish coast) would make it meaningless to take measures after a Turkish attack occurred. Turkey would occupy the islands without resistance. Therefore defensive preparations are a necessary element in order for Greece to be able exercise its right to self-defense, if necessary. Additionally, according to most international relations experts, the existence of a threat entitles a state to anticipatory self-defense. This means that states can be prepared to defend themselves against an imminent armed attack, even if it has not yet occurred. This view was significantly strengthened following the terrorist attacks of 11 September 2001. The US formulated the doctrine of preemptive self-defense. Through preemptive action, America reserves the right to act first in defense of its security, without first waiting for an act of aggression, provided that the attack is truly imminent.

#### ii. *Countermeasures*

Greece maintains that the militarization of its islands should be regarded as countermeasures. The countermeasures do not include acts of violence. They are illegal acts in themselves, which, however, are rendered lawful as a response by a state to an earlier infringement of international law by another state. In this case, “*the defensive arming of the islands is a response to an act that is in itself a violation of international law: the Turkish threat of the use of violence against Greek islands. As such, against the preparation of an illegal attack, Greece counters with the preparation of a defense. If the preparation of a defense were to be deemed illegal ... we would find ourselves in a situation of illegality against illegality, however in this case the second illegality (Greek defensive preparations) has the form of countermeasures and therefore ceases to be illegal, given that they amount to a response to an antecedent Turkish illegal act, and aim to counter it.*” (Economides, 1989)

#### iii. *A fundamental change of circumstances*

The purpose of the treaties of Lausanne and Paris was to maintain international peace and security. The situation has changed dramatically since then. Continuing the demilitarization regime would result in the disruption of international peace, as it would facilitate the manifestation of Turkish expansionism to the detriment of the islands. The application of the principle *rebus sic stantibus* is of fundamental importance to preserving the territorial integrity of Greece. This does not mean abol-

ishing these treaties, but amending them only in regard to the specific provisions concerning demilitarization or non-fortification.

Turkey rejects this approach outright, arguing that there is no indication in the treaties that they have an expiry date or can expire, and that the intention of the legislator was to create a permanent, objective regime of demilitarization, without any potential for change.

#### iv. *The Treaty of Paris and res inter alios acta*

Turkey claims that the Paris Peace Treaty, which provided for the demilitarization of the Dodecanese, was imposed for its security and created an objective regime, which can be invoked by third states. Greece counters that the demilitarization regime was a result of the conflict between the Soviets and the West. Furthermore, Turkey has no right to invoke the Paris Peace Treaty as it was not a signatory state to it. The provisions on demilitarization are for Turkey *res inter alios acta* (an issue concerning third parties). According to Article 34 of the Vienna Convention on the Law of Treaties, a treaty does not create obligations or rights for third countries.

#### v. *Questioning of Greek sovereignty over the islands*

Quite recently, Turkish officials have claimed that the eastern Aegean islands were ceded to Greece in 1923 and 1947 on the condition that they should be kept demilitarized. The website of the Turkish Ministry of Foreign Affairs states that *“there is a direct linkage between the possession of sovereignty over those islands and their demilitarized status”*. Since the islands have been remilitarized, the basic condition for the cession of these islands to Greece has been violated. Thus, sovereignty over these islands should be handed back to Turkey.

In that respect, Greece may equally question Turkish sovereignty over the islands of Imbros (Gökçeada) and Tenedos (Bozcaada) which, according to the Lausanne treaty were to *“enjoy a special administrative organisation composed of local elements and furnishing every guarantee for the native non-Moslem population in so far as concerns local administration and the protection of persons and property,”* (Art. 14).

Attempts to interpret international treaties which settled territorial disputes and drew borders between states almost a century after they have been signed are absurd and against basic principles of international law. The Vienna Convention on the Law of Treaties (1969) stipulates in Article 62 that

treaties establishing boundaries cannot be subject to unilateral termination by virtue of a fundamental change of circumstances.

All these Turkish claims and ideas constitute a direct threat to regional security and stability.

#### d. *The importance of the demilitarization of the islands*

The issue of the demilitarization of the Aegean islands is exceptionally serious. Turkey is insistent on it, even though it does not offer it any operational benefit. Theoretically, the ability of the Greek air force to attack the interior of Turkey from airbases on the islands could raise legitimate defensive concerns. Nevertheless, Turkey does not consider the remilitarization of the Greek islands as a threat. As the Turkish Minister of Foreign Affairs stated on 17 September 2020 *“if there is a military intervention by Turkey, those weapons [on the Greek islands] will have no benefit”*.

The reason for Turkish insistence on the demilitarization of the islands is that most other Turkish views on the Aegean are totally unsupported by international law, with the exception of the issue of the differing areas between Greek national airspace and territorial sea. With regard to demilitarization, Turkey considers that there is a body of international treaties which supports its views and has a solid basis. Additionally, returning the islands to a demilitarization regime would make Greece more vulnerable to military threats. Finally, the exclusion of areas of the Aegean from NATO and multilateral military exercises on the basis of demilitarization would further blur the situation in the Aegean.

Unfortunately, the importance of this issue demands that Greece not put it to the discretion of an international court to decide on the correctness of its positions concerning the militarization of the islands. The stakes are exceedingly high. The Greek side cannot risk even the slightest possibility that its views will not be accepted. Initially in 1994 and then in 2015, Greece excluded from the jurisdiction of the International Court of Justice any dispute related to *“military activities and measures taken by the Hellenic Republic to protect its sovereignty and territorial integrity, for purposes of national defense, as well as for the protection of its national security”*.

### Swords and the obsolete provisions for demilitarization

**A careful reading** of certain articles on demilitarization demonstrates the obsolescence of the regulations. For example, Article 6 of the Lausanne Convention Relating to the Regime of the Straits states that the armament of police forces “will be composed only of revolvers, swords, rifles and four Lewis guns per hundred men, and will exclude any artillery.”

**The quaint reference** to swords corresponds to the reality of 1923. Greece's participation in the NATO defense system, as well as the existence of new weapons systems that can cover distances of hundreds of kilometers very rapidly, have made maintaining such provisions completely out of touch with modern reality.

## CHAPTER 4

# Greek national airspace

## a. The dispute over the extent of Greek national airspace

The extent of Greek airspace was established by a 1931 presidential decree *“To define the Extent of Territorial Waters for the Purposes of Aviation and the Control Thereof”* as being up to 10 nautical miles from the coast. With the exception of Britain, all other countries, including Turkey, accepted in practice this arrangement. When, in 1936, the relevant law increasing the breadth of Greek territorial waters to 6 miles was passed, it was expressly stated that it did not affect the provisions already in effect concerning *“special cases where the zone of territorial waters is previously defined as greater or less than 6 miles”*.

In April 1975, Turkey requested Greece limit its national airspace to 6 nautical miles, matching its boundaries with those of the territorial waters. Greece denied the Turkish request. The notices to airmen (NOTAM) regarding military exercises over the Aegean continued to include the instruction that: *“no aircraft will approach closer than 10 nm from Greek territory”*. Sporadically at first, then in a more systematic way after 1978, and with great frequency after the 1990s, Turkish aircraft would violate the area between 6 and 10 miles.

## b. The Turkish view

The Turkish challenging of the breadth of Greek airspace is based on the Chicago Convention on International Civil Aviation (1944). Articles 1 and 2 of the convention provide that:

**Article 1:** *The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.*

**Article 2:** *For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.*

Consequently, the extension of Greek airspace over the high seas is contrary to fundamental rules of international law and is entirely baseless.

## c. The Greek view

The Greek state has been consistent in its position regarding the 10-mile airspace. Among Greek experts, various views have been developed that support the Greek position:

**Two separate zones of territorial waters exist:** According to the presidential decree of 1931 the term “territorial waters” is used. Based on this term one can argue that Greece has “two zones of territorial waters. One of a general nature covering all issues, established in 1936 and extending to 6 nm, and a special one only for aviation and its policing, that was established in 1931 and extends to 10 nm,” (Economides, 1989). This presupposes that sovereignty over the air is independent from the regime of the land or sea, a view which is not the prevailing one in international law.

**The breadth of Greek territorial waters is (or should be) 10 miles:** “The reasonable solution would be to consider that the breadth of the territorial sea is 10 miles, but that the exercise of sovereignty over the sea in a zone between 6 and 10 miles is not active,” (Ioannou – Stratis, 2013).

**A local custom exists in the Aegean:** “Consistent Greek practice as well as the practice of states that use the airspace of the Aegean and have without exception respected the 10 nautical miles leads to the conclusion that the two elements – practice and opinio juris (legal conviction) – exist in this case and contribute to the forming of a local custom – which has, of course, a binding erga omnes character in the airspace of the Aegean and acts regardless of its operative source, i.e. the act that led to its formation,” (Rozakis, 1987, in the collective Greco-Turkish relations 1923-1987).

## The stance of third parties

**An excerpt** from a diplomatic cable sent by the American Embassy in Athens in 2005 indicates how third parties see the particular issue. The US ambassador suggested to the Greek minister of foreign affairs that it would be better to avoid discussing infringements and violations in general by Turkish fighter jets in the Aegean, but to highlight only the cases where they entered into the 6-mile area where, undoubtedly, there is a problem:

*“Ambassador questioned whether Greece has drawn a fine enough distinction between Turkish airspace violations and Turkish non-notifications of the FIR, reminding Molyviatis that the U.S. did not file FIR notifications either [...] Ambassador suggested that Greek credibility with partners would be helped if Greeks only made an issue of Turkish violations within six nautical miles of Greek territory, where the numbers are much smaller and international law is clearer.*

US Athens Embassy, 2005 June 3, 7445”



## The difference between infringements and violations by Turkish fighter aircraft

**Reports** that Turkish fighters have perpetrated e.g., “three violations and four infringements” appear often in the Greek media.

**The term “violation”** is used regarding national airspace. It means Turkish fighter aircraft have breached Greek airspace which extends to 10 miles from the coast. The violation is a challenge to national sovereignty.

**The term “infringement”** refers to breaches in air traffic control rules in force in the Athens FIR. It means that Turkish fighters have entered the boundaries of the Athens FIR without submitting flight plans to the Athens Air Traffic Control Center. Such infringements amount to challenges to the jurisdiction of a state with regard to the control and coordination of flights within its FIR.

“In a general rule a particular instance is contained” or a *maiori ad minus*: Greece's right to extend Greek territorial waters to 12 miles enables it to have a territorial sea for only some of its operations at 10 miles. “Since Greece has the right to determine the greater, then it has even more the right to determine the lesser”.

**Tacit acceptance of Greek jurisdiction:** For many years, between 1931 and 1974, Turkey accepted through its stance (for example, through requests for military exercises submitted to the Hellenic Civil Aviation Authority up to 1974) that Greek national airspace had a breadth of 10 miles. The Turkish stance can be considered one of acquiescence. When a state, even though it has been able to protest, shows long-term

inaction and does not challenge the claims of another state exercising actual possession, this constitutes tacit acquiescence of the claims made on behalf of the first state. Consequently, Greek jurisdiction over the airspace must be recognized, even though it may constitute a deviation from the rules of international law.

### d. The Greek paradox

Of the plethora of issues raised by Turkey at bilateral level, the breadth of Greece's airspace is the weakest point of the Greek side, as far as international law is concerned. No other case exists internationally where the air over international waters is considered as national airspace. Even NATO, since 1960, does not recognize a 10-mile Greek airspace for the purposes of NATO exercises.

This is often described as the “Greek paradox”. However, it does not imply that Greek arguments (especially those concerning local custom and tacit acquiescence by Turkey) are legally unfounded. But it is also a fact that Turkey, over four decades, has systematically violated the 6-to-10-mile area, and the Greek side has failed to prevent this.

The presidential decree establishing the 10-mile limit was issued at a time when the concepts of territorial waters and airspace had not been entirely clarified. The persistence with it creates serious problems for Greek foreign policy:

- It contributes to a sense that the Greek-Turkish conflict is little more than a childish game: Turkish fighter aircraft are violating something the rest of the world doesn't understand.
- It prevents Turkish aggression from being clearly demonstrated.
- All over the world, the violation of national airspace usually has fatal consequences for the invader. A well-known recent example involves the downing of a Russian fighter in November 2015 after, according to Turkey, it violated Turkish airspace for 35 seconds. The sense that there is a question over the complete legality of a severe response to violations of Greek airspace between 6 and 10 miles from the coast has led to the present situation. Turkey has effectively almost claimed the right to enter Greek airspace whenever it wants without practical consequences.

The solution to the problem is exceptionally simple. It requires the extension of Greek territorial waters and the alignment of their outer boundary with that of the airspace. Arguments such as “a *maiori ad minus*” do not provide a legal basis for a specific right, except when they are implemented.

CHAPTER 5

# The Athens FIR

## a. What is the FIR

1944 saw the foundation of the International Civil Aviation Organization (ICAO). In order to ensure the safety of airspace navigation, the ICAO divided the globe into large Regional Route Service Organizations (RRSOs). Today, Greece, Turkey and Cyprus all fall under the RRSO of Europe and the North Atlantic. Subsequently, the RRSOs were broken down into smaller sectors, known as Flight Information Regions (FIR).

For each FIR there is a ground-based center in the state responsible for it, which undertakes to control and coordinate all of the airspace, and to provide advice and information, following the regulations and the standard protocols that have been established by the ICAO. The FIR takes its name after the control center on the ground. Thus, we do not refer to the Greek FIR or the Cypriot FIR, but rather the Athens FIR and the Nicosia FIR. It can be the case that a state can be responsible for more than one FIR. Thus Turkey has two FIRs: the Istanbul FIR and the Ankara FIR.

When a state is coastal, in addition to the national airspace over its land territory and territorial sea, it may also take responsibility for international airspace next to its coasts. As a result, the FIR may include not only national, but also international airspace.

Within its allocated FIR, a country's competencies are exclusively of an administrative nature, and only concern the safety and facilitation of international airspace navigation. The competencies within a particular FIR have nothing to do with the exclusive sovereignty that a state holds within its national airspace.

## b. The limits of the FIRs of Athens, Istanbul and Nicosia

In order to determine the boundaries of the FIRs, special international conventions were held under the ICAO. The states of each regional organization came to an agreement with regard to the boundaries of each FIR. Thus, the boundaries of the Athens FIR and the Istanbul FIR were delimited in 1952, with minor revisions in 1958. Greece and Turkey both took part in all of the meetings concerned, and accepted the particular regional agreements.

The boundaries of the Athens FIR follow the full length of the mainland borders that Greece shares with its neighboring countries. In the sea region from Evros to Kastellorizo, they follow (with minor deviations – mainly in the area east of Samothrace) the line where Turkish territorial waters end. According to this

arrangement, Greece controls not only the Greek national airspace, but also the international airspace of the area. Likewise, from Kastellorizo the boundary line runs south as far as the 34th parallel, where it turns west towards the Libyan Sea, reaching the 19th meridian. It then turns towards the north, extending up to the area of Corfu.

Correspondingly, the Istanbul FIR controls, with minor deviations, exclusively the national airspace over the mainland national territories of western Asia Minor, and Turkey's own territorial sea. The Ankara FIR controls Eastern Turkey, the Black Sea, and a small part of the Eastern Mediterranean along Turkish coasts.

Finally, the Nicosia FIR controls the major part of the Eastern Mediterranean. The relevant arrangements regarding the boundaries of the Nicosia FIR were established during the period when Cyprus was a British colony, and the British took care to secure control over a particularly expansive airspace.

## c. The challenging of the Athens FIR

Following the invasion of Cyprus, Turkey attempted to unilaterally alter the boundaries between the Athens FIR and that of Istanbul, by issuing an arbitrary "notice to airmen", the NOTAM 714. More specifically, according to the 1952 and 1958 arrangements, aircraft flying towards Turkey are only required to inform the Istanbul FIR regarding their course once they have flown past the Greek islands, and shortly before they enter the airspace near the Asia Minor coast. The NOTAM 714 stipulated new "position reporting points", which lay roughly halfway across the Aegean, and within the Athens FIR. Turkey required that aircraft receive flight directions from the Istanbul FIR, and not from that of Athens. This effectively meant that aircraft heading for the Greek islands of the Eastern Aegean (Chios, Lesbos, Samos, Ikaria, the Dodecanese), would have to pass through an area under Turkish control. The boundaries of the NOTAM 714 coincided in general terms with the Turkish claims over the continental shelf, and they followed, at least in the Northern Aegean, the 25th meridian. From that point onwards, the 25th meridian would become the permanent boundary for all the Turkish claims concerning the Aegean.

Turkey sought to justify its demands by claiming that it wished to have sufficient time to locate enemy aircraft intending to launch an attack against its soil. Greece's response was to issue the NOTAM 1157, under which the Aegean

## Entry of Turkish fighter aircrafts into the Athens FIR (international airspace)

**Turkey** considers that it has sole authority over the flights of state aircraft in international airspace (fighter aircrafts are considered to be state aircrafts). To this end, it invokes article 3a, of the Chicago Convention on International Civil Aviation, which states that: *"This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft [...]".*

**Greece** counters that in order to ensure the safety of all flights in the Aegean, the prior submission of flight plans is necessary. Otherwise, the coordination of flight routes is rendered impossible. It notes that article 3 of the convention states in a subsequent clause (3d) that *"The contracting states undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft".*

**The result** is that, each time Turkish aircraft enter into the Athens FIR, Greek aircraft also take off in order to identify them.



was characterized as a high-risk region, which could no longer be used for international air navigation. This had a significant impact on air connections between Europe and the Middle East. The most serious day-to-day problems were faced by Turkey itself in its air connections with Europe, as the duration and cost of flights rose significantly. Over a period of five years it was obliged to use the airspaces of Yugoslavia and of Bulgaria, which caused significant delays. Without prior warning, in February 1980, Turkey announced that it would be suspending the NOTAM 714. Greece responded positively, in turn retracting the NOTAM 1157, with which it had effectively closed off the airspace over the

Aegean. The airspace of the Aegean was once again open to international air navigation. The suspension of the NOTAM 714, together with the approval of Greece's reentry into NATO's military command, constitute the sole instances, post 1974, of Turkish policy showing some signs of conciliation with regard to issues of major significance.

**d. The challenging of the Nicosia FIR**

Following the 1974 invasion, Turkey created in the occupied territory of Tymbou (or Ercan, as it has been renamed by the Turks) an air traffic control center which is "under the jurisdiction" of the occupied territories, and is administered

by the occupying Turkish army. Ercan seeks to control all flights coming through the airspace above the occupied territories, as well as the sea area between Cyprus and Turkey.

It is evident that, between the Nicosia FIR and the Ankara FIR, the cooperation normally expected between two neighboring FIRs does not exist. For as long as they are still flying within the southern part of the Ankara FIR, the control tower in Ankara directs aircraft to take their instructions from Ercan. In addition, and even though it does not communicate or cooperate with the airports of Damascus and Beirut which lie in the vicinity of Cyprus, Ercan often seeks to issue instructions for approaching these particular airports.

The ICAO does not recognize the legitimacy of the Ercan control center, and it has repeatedly called upon pilots flying within the Nicosia FIR to follow solely the instructions issued by the Nicosia control tower, and not let themselves be distracted by other instructions, since these may give rise to confusion which can jeopardize the safety of all flights. The result of this situation is that international air companies avoid using the airspace between Cyprus and Turkey. The only aircraft that cross the region are those connecting the occupied territories with Turkey itself.

#### e. Problems associated with the challenging of the Athens FIR

The questioning of the legal status of the Athens FIR has created several ancillary problems. The most fundamental among them are the following:

- The questioning of the NOTAMs issued by the Greek side, and in which it is stated that Greek airspace is 10 miles.
- The surprise flights by Turkish fighter aircrafts within the Athens FIR without the prior submission of flight plans to the Greek air traffic control center as to their intended course.
- The air corridors of the Aegean, through which air traffic is directed. In order to establish an air corridor within the Athens FIR, any proposal must be adopted by the regional European ICAO agency at a conference where all the regional states participate and give their consent. For years, Turkey alleged that the air corridors of the Athens FIR had been drawn in such a way so as to constitute an obstacle to the entry of Turkish fighter aircrafts into the Aegean. The issue was finally resolved to a large degree in 2003, in light of the upcoming Olympic Games in Athens in 2004.

### Turkish firing practice areas used in military exercises in the Aegean (2018)

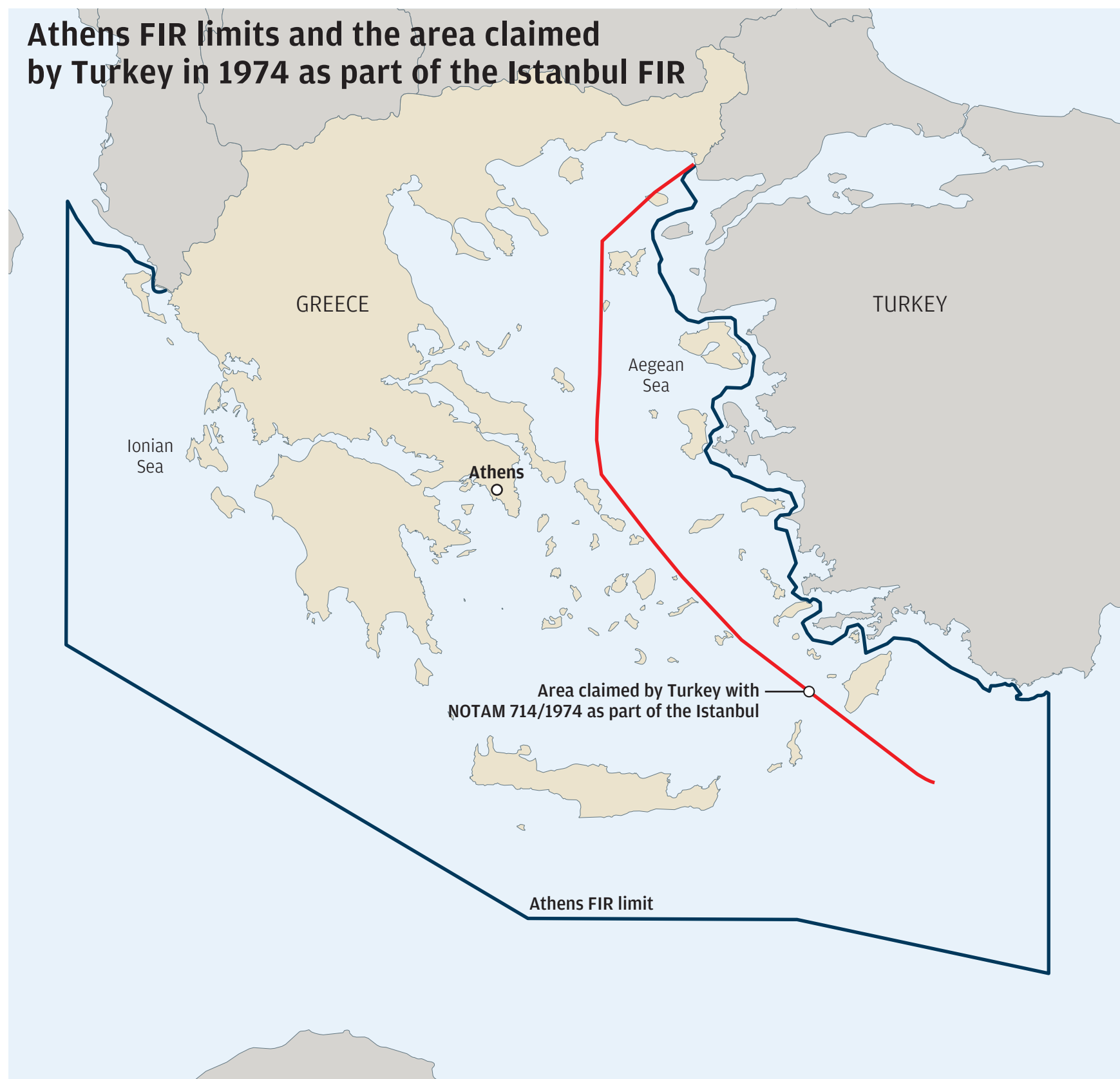


The firing practice areas used in military exercises in the Aegean constitute yet another thorny issue. The long-term reservation of areas of international airspace constitutes a practice that runs counter to the recommendations of the ICAO. Within the region under the authority of the Athens FIR, Greece has established several firing practice areas.

Most lie within Greek national airspace, although in some cases they also include international airspace. Some of these firing practice areas are reserved for the duration of the year, although their actual use is restricted to only a certain number of days. Turkey's response has been to repeatedly violate the

firing practice areas reserved by Greece, meaning that there is a risk of accidents. At the same time, it has tried for years to reserve as its own firing practice areas parts of the Aegean that lie within the Athens FIR. It does this by issuing in each case a relevant NOTAM, which is irregular since that authority belongs exclusively to Athens. One of these areas lies between the Cyclades, the Dodecanese and Ikaria and within international airspace. In order for Turkish fighter planes to reach that area, they must violate Greek national airspace, as it is effectively surrounded. The areas are reserved by Turkey throughout the duration of the year.

## Athens FIR limits and the area claimed by Turkey in 1974 as part of the Istanbul FIR



### f. The Athens FIR and the ICAO

The dispute between Greece and Turkey as regards the Athens FIR concerns an international jurisdictional regime which has been established by way of a multilateral convention.

Greece controls and coordinates all flights within that specific area. It does not exercise sovereign control. Turkey, on the other hand, has sought to create the impression that Greece is presenting itself as the sovereign state over the entire region, including the international airspace. The question of the Athens FIR has been the only issue that has seen such protracted and constant interventions by an international

organization, the ICAO. This has been due to the fact that the differences between Greece and Turkey have inevitably also impacted international air navigation.

The solutions which were ultimately provided between 1980 and 2003 have satisfied the international community.

Any remaining issues that are still outstanding (such as, for example, the violations of Greek national airspace by Turkish fighter planes), are regarded as expressly Greco-Turkish issues, i.e. as being matters that only “happen” to be taking place within the context of an international regime.

CHAPTER 6

# Search and Rescue (SAR) Regions

A related problem to that of the FIR is the delimitation of the regions in which search and rescue (SAR) operations take place. A distinction is made between aeronautical search and rescue operations, and maritime search and rescue operations.

## a. SAR in the Aegean

### i. Aeronautical Search and Rescue Operations

Aeronautical search and rescue (SAR) operations are provided to the survivors of aircraft accidents as well as aircraft in distress (and their occupants). They are subject to the Chicago Convention (1944), which includes actions within national but also international airspace. The limits of search and rescue regions for zones of international airspace are determined according to a process similar to FIR boundaries – namely through a regional agreement in which all relevant parties participate and give consent.

The Greek Search and Rescue Region has been established through the ICAO regional agreements (1950, 1952, 1958) and coincides with the limits of the Athens FIR. The creation of the region means that Turkish aircraft and vessels can also take part in search and rescue operations, but the coordination of all participants must be conducted by the Greek authorities.

In 2004, the ICAO revised Annex 12 concerning search and rescue operations. In its relevant recommendations regarding the delimitation of search and rescue regions, it is noted that the existing FIR limits should be adhered to, to the degree that this is practically feasible. But the operational forces of each state and their ability to take the required actions should also be taken into consideration.

### ii. Maritime Search and Rescue

Maritime search and rescue is carried out at sea to save sailors and passengers in distress, or the survivors of downed aircraft. It is regulated by the so-titled international convention signed in Hamburg in 1979 under the International Maritime Organization, and which entered into force in 1985. The signatory states are required to organize search and rescue regions where they will offer assistance to persons and vessels in distress at sea. In cases where vessels or aircraft of third states are involved in the operations, the agreement provides for procedures of international coordination with the national authorities.

The problem with the 1979 Hamburg convention is that the determination of the responsibilities of each state in the high seas occurs upon agreement with neighboring

coastal states. This implies that an agreement with Turkey must be reached in order for search and rescue operations to take place in the international waters of the Aegean. In cases of no agreement on the exact limits of each search and rescue region, the interested parties “*shall use their best endeavours to reach agreement upon appropriate arrangements under which the equivalent overall coordination of search and rescue services is provided in the area*”.

It is clear that given the tense situation between Greece and Turkey, the relevant agreement on a search and rescue region in the Aegean and the Eastern Mediterranean is impossible to achieve. The dominant trend in recent years has been to match up the areas of aeronautical and maritime SAR operations, and for these to adhere to the FIR boundaries to the greatest extent possible.

## b. SAR problems between Greece and Turkey

In 1975, Greece announced to the International Maritime Organization that its area of jurisdiction for maritime search and rescue is identical to the Athens FIR. Correspondingly, when Greece signed the Hamburg Convention (1979), it stated that its area of responsibility is subject to the same limits as the Athens FIR. This is the area in which Greece is already responsible for aviation accidents as per the Chicago Convention (1944) and for any maritime accidents as per the International Convention for Safety of Life at Sea (SOLAS).

In 1980, Turkey expressed its opposition to the Greek statement. Turkey considered it incompatible with the purpose and the letter of the Hamburg Convention and, consequently, unfounded in terms of international law. In 1982, Turkey presented a map of the areas it considers fall under its jurisdiction. The Aegean was partitioned arbitrarily along the 25th meridian, and Turkey claimed to be responsible for areas east of the meridian. All the eastern Greek Aegean islands were incorporated in the Turkish Search and Rescue area which, as follows, covered areas of Greek national sovereignty. In 1989, Turkey reiterated its claims over areas reaching the 25th meridian, while also placing the occupied territories of the Republic of Cyprus under its jurisdiction. Moreover, Turkey attempted to equate maritime incidents in the area with aviation accidents. In this way, Turkey also attempted to invalidate the limits of the Athens FIR.

In October 2020, Turkey once more unilaterally expanded its Search and Rescue area, this time in the Eastern Mediterranean. The expansion was announced with a post on



Twitter. The limits of the new area coincide with the coordinates of the map submitted by Turkey to the United Nations in March 2020 showing the areas it claimed in the Eastern Mediterranean. The move shows that nowadays the “Blue Homeland” doctrine underlies every level of Turkish foreign policy.

Greece’s concern is that, should some accidents occur and Greek authorities not react appropriately, Turkey will cite its operational capabilities and raise the issue of changing the existing boundaries of search and rescue

regions. For the time being, Turkey only refers to the superior technical means it possesses and its supposed ability to reach the area of an accident first. The purchase of a number of Super Puma helicopters, since the end of the 1990’s, has been crucial for Greece to preserve its operational ability in this aspect. Yet since the 1990’s Turkey has refused to accept the inclusion of Greek search and rescue forces stationed in the Dodecanese, Lemnos and Chios in the European Civil Aviation Handbook, using the argument that these specific regions are

demilitarized... This results to a play down of the real technical and operational potential of Greece. But even given this, Greece still complies with the minimum requirements of the ICAO. The Maritime Rescue Coordination Center in Piraeus continues to successfully coordinate search and rescue operations within the Athens FIR.

The issue of the search and rescue region in the Aegean and Eastern Mediterranean is not major. Yet it is one of these small issues that affect Greek-Turkish relations and create tensions daily.

CHAPTER 7

# National Fishery Zone

For many years it has been clear that the fishing yields in the Aegean have been declining at a rapid pace. The island populations that rely on fishing for survival are in danger. The 1982 Law of the Sea Convention does not include any provisions for the creation of national fishery zones. These, however, are recognized as part of customary international law, as has been confirmed by international courts. In cases where the declaration of an EEZ is delayed, the establishment of a national fishery zone with a breadth of 12 miles would facilitate the resolution of immediate problems.

## a. The drastic decline in the Aegean fish stocks

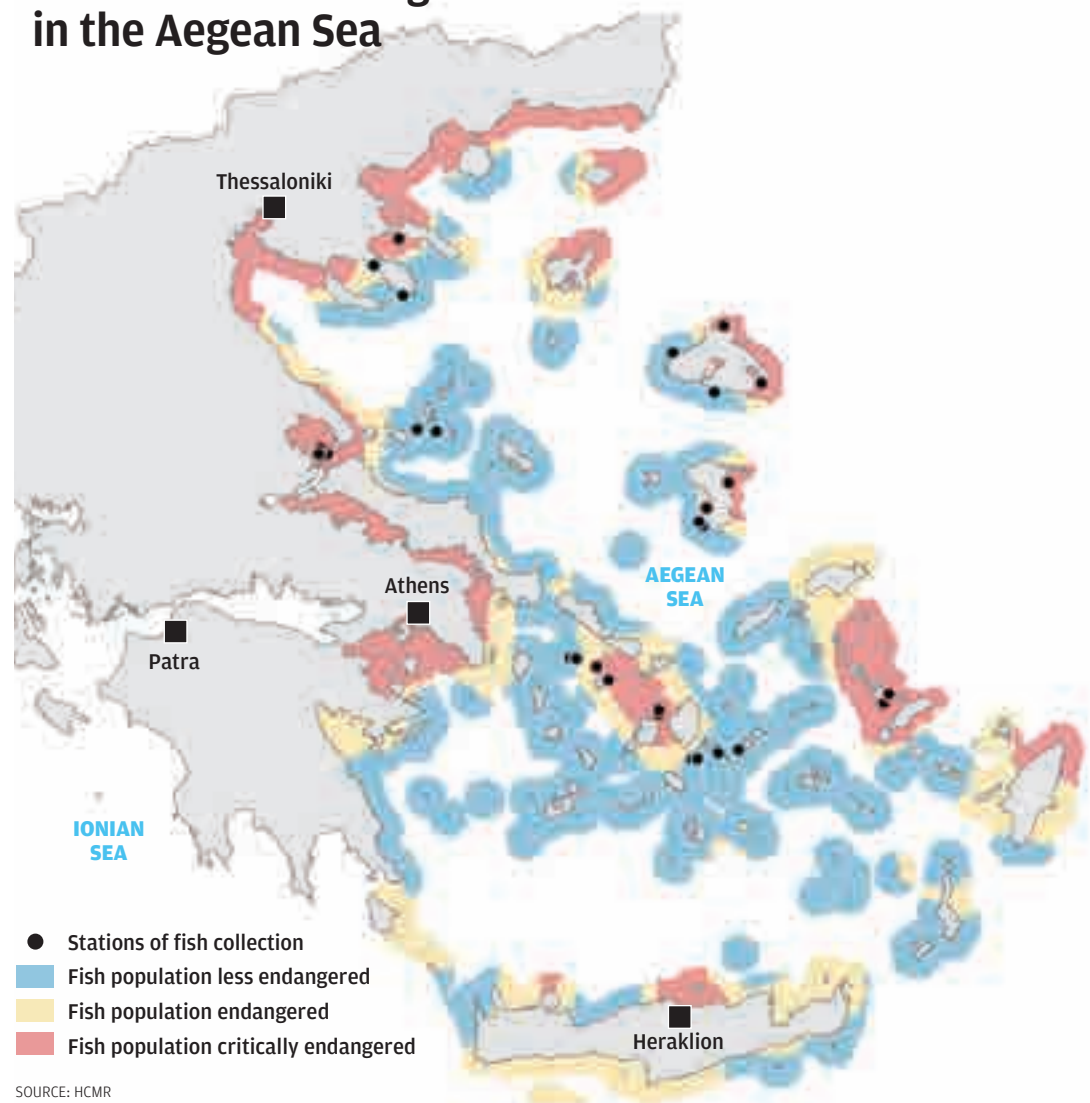
In the Aegean, fishing yields have been falling for many years, both in quantity as well as quality. This is due to overfishing and marine pollution. Even though measures have been taken (for instance, the reduction of land-based sources of pollution through the creation of wastewater treatment plants in many large

Greek cities), reversing the situation does not seem possible. The most important reason is the inability to protect fishery resources, which are oftentimes located outside areas of Greek sovereignty.

The most productive fishing area of the Aegean can be found along the country's northern coasts (off Macedonia and Thrace) and in particular in the Thermaic Gulf off the city of Thessaloniki and around the Greek islands of Thasos and Samothrace. In these areas there is an extensive (up to 35 miles from the coast) and shallow geological continental shelf where brackish water inflow from the Dardanelles and the discharge from a series of large rivers affect the structure of the water column in the area.

As discussed, Greece currently claims territorial waters of six n.miles. Beyond these six n.miles, the waters fall under the regime of the high seas. Because of the existence of this extensive and relatively shallow geological continental shelf, the fish spawning grounds

## Areas of overfishing in the Aegean Sea



are mostly located beyond Greek (or Turkish) territorial waters. Consequently, they cannot be protected by Greek or European legislation.

It is mostly Turkish fishing vessels that fish all year round, just beyond the six n. miles of Greek territorial waters. Indicatively, between the months of July and October of each year, when Greek fishing vessels are obliged by law to abstain from fishing activities, the fishermen from Turkey do not adhere to any limitations or measures, and they continue to fish in the high seas of the North Aegean. The result is the destruction of juvenile fish.

#### **b. The EU Common Fisheries Policy**

An immediate solution to the problem could be the establishment of a Greek fishery zone at 12 miles, through a unilateral act in the framework of the EU's Common Fisheries Policy. Matters of fishing fall under the exclusive jurisdiction of the EU. Since 1983 (regulation 170/1983), the European Commission has urged member states to expand their national fishery zones to 12 miles.

In 1982, the proceedings of the Third Conference on the Law of the Sea had been completed, and the resulting Law of the Sea Convention was signed by all the world's countries (except the USA, Turkey, Israel and Venezuela). At the time, the then EEC wanted to protect the fishing resources of its member

states given the new conditions that had been created with the establishment of a new zone, that of the EEZ, which could reach up to 200 miles from the coast. As mentioned, fishery issues fall under the exclusive jurisdiction of what was then the EEC, today the EU.

With Article 6 of Regulation 170/1983 concerning the establishment of community guidelines to preserve and manage fishery zones, the European Commission requested all member states extend their fishery zones to 12 nautical miles. At that time, many European states had yet to adopt the 12-mile delimitation of territorial waters, which was later adopted not only in Europe but internationally, with Greece as the only exception. The matter of establishing a fishery zone of 12 nautical miles went unnoticed in Greece.

In December 1992, the European Commission returned to the issue and through a new regulation, 3760/92, once again urged member states to extend their national fishery zones to 12 miles. The EU proposal was once more not followed by Greece. The same thing happened in 2002, when the EU asked via regulation 2371/2002 for the preservation of the *“existing rules regarding the limitation of access to resources in the 12 nautical mile zones of member states”* until 31 December 2012. The latest EU regulation to come into effect regarding the Common Fisheries Policy is 1380/2013. Article 20 clearly provides that *“member states can adopt measures... to preserve and manage their fish stocks and... marine ecosystems within 12 nautical miles from their coastlines”*. For 37 years, and approximately once a decade, initially the EEC and then the EU have been urging member states to protect their fishing resources located in the 12-mile zone from their coasts. Successive Greek governments, belonging to all parts of the political spectrum, failed to take advantage of the beneficial framework offered by the EU. All the while, the country's official stance has been to take actions and measures for which there is institutional European support.

Turkey would almost certainly react negatively to the establishing of a Greek fishery zone, viewing it as a preliminary move for the future expansion of Greek territorial waters. In 1990, related complaints had already been lodged between Turkey and the EEC. But the problem of overfishing in the Aegean is becoming all the more acute each year. It isn't an issue that has the luxury of being able to be kicked down the road, as happens with other issues, such as the delimitation of the continental shelf.

### **Quantities of catches in different fishing areas in the Aegean between 2002 and 2016**

Fishing Areas	Catches 2002	Catches 2016
Strymonic Gulf, Kavala, Thasos and Thracian Sea	27,302 tons	26,662 tons
Thermaic Gulf and Halkidiki	19,227 tons	15,032 tons
Euboic Gulf	2,588 tons	5,338 tons
Argolic Gulf and Saronic Gulf	8,768 tons	4,954 tons
Dodecanese	2,460 tons	4,828 tons
Cyclades	3,993 tons	3,830 tons
Lesbos, Chios, Samos, Ikaria	1,376 tons	3,167 tons
Crete (including areas beyond the Aegean Sea)	2,644 tons	2,040 tons
East Euboea and Sporades	3,454 tons	865 tons
<b>Total</b>	<b>71,812 tons</b>	<b>66,716 tons</b>

CHAPTER 8

# Straight baselines

**Greece's adoption** of straight as opposed to normal baselines is of secondary importance compared to other issues like the expansion of Greek territorial waters or the delimitation of the continental shelf. However, it remains important for a country like Greece, the coastline of which, due to its natural indentations and thousands of islands, is one of the longest in the world (3rd in Europe and 11th in the world).

**a. Relevant provisions in international law**

The line that separates the coast from the sea, and from which the territorial waters, the continental shelf, the exclusive economic zone, and the contiguous zone are all measured is not placed at the point where the waves of the sea wash up against the shore. The presence of harbors and small coves, the tide or a deeply indented or fringed with islets and rocks coastline necessitate, for practical

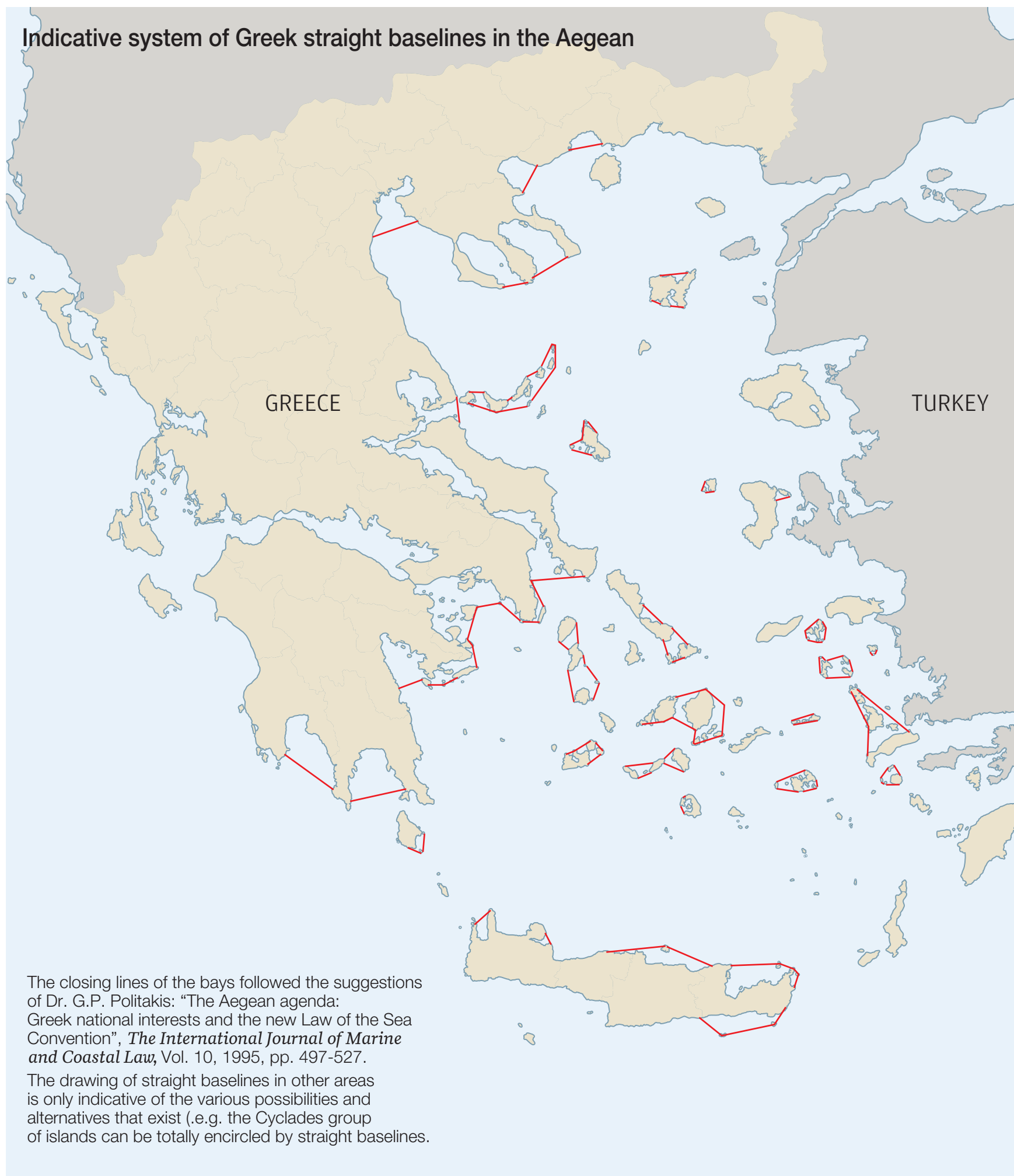
reasons, the use of other points that are usually located beyond the coast, within the sea area. This allows a state to push the outer limit of the territorial waters and other zones further seawards. The baselines are created by drawing lines joining all these coastal points. International law accepts two methods of measuring baselines.

**Normal baselines:** The first method is based on the low-water line, i.e. the point to which the waters recede during low tide (the phase of the tide when the water recedes from the coast towards the sea). Generally speaking, this method yield a baseline that closely follows the natural coastline. It is known as the normal baseline.

**Straight baselines:** In areas where geographic factors – such as deeply indented coasts or fringes of islands and reefs close to the shore – hinder the baseline from closely



### Indicative system of Greek straight baselines in the Aegean



The closing lines of the bays followed the suggestions of Dr. G.P. Politakis: "The Aegean agenda: Greek national interests and the new Law of the Sea Convention", *The International Journal of Marine and Coastal Law*, Vol. 10, 1995, pp. 497-527.

The drawing of straight baselines in other areas is only indicative of the various possibilities and alternatives that exist (e.g. the Cyclades group of islands can be totally encircled by straight baselines).

following the natural coastline, it is possible to apply the method of “straight baselines” connecting seaward points. These are imaginary lines that join various points of the coastline. The imaginary lines must not depart to any appreciable extent from the general direction of the coast. All the geographic particularities that make it impossible to closely follow the coastline remain landwards.

Both systems are equally acceptable under international law. However, straight baselines provide a much greater capacity to a coastal state to extend its sea zones. The use of straight lines places the baseline, and hence the outer limits of maritime zones (territorial waters, continental shelf, etc.), further seawards. This is why most states adopt this second method. International law does set certain rules that must be observed by each country that chooses the straight baseline method, but these are often violated.

#### **b. Greece, Turkey and baselines**

Since 1936, Greece follows the traditional system of the natural coastline, which is based on the low-water line. The highly indented Greek coastline makes it possible to draw straight baselines in different ways. In the 1980s, two committees of experts examined various ways of measuring straight baselines and listed the benefits and shortcomings of the proposed solutions. The work of said committees was never continued.

In 1964, Turkey adopted a straight baseline system that respected the provisions of international law, except in the area of Imbros (Gökçeada), Tenedos (Bozcaada) and the Rabbit Islands (Tav an Islands), which are located at the entrance to the Dardanelles. The islands were enclosed within a straight baseline system, despite the fact that:

- i.** They are not immediately adjacent to the Asia Minor coast.
- ii.** they do not follow the general direction of the coast, as this is clearly stipulated in international law.

Furthermore, at three points opposite the islands of Lesbos and Chios, the use of two different baseline systems by the two countries has led to the shifting of the traditional median line between the Greek islands and the Asia Minor coast, resulting in a small expansion of Turkish territorial waters. Overall, based on this mapping, Turkey has gained around 220 sq km of continental shelf.

It is not certain whether Turkey continues to use the straight baseline system. In 1982,

Turkey adopted new legislation for territorial waters which did not make any explicit reference to straight baselines. During the March 1987 crisis, Turkey circulated a map where the exploration and exploitation permits issued to the Turkish petroleum corporation were based on the natural coastline and not the straight baselines.

#### **c. Greek benefits following the adoption of straight baselines**

Undoubtedly, the adoption of straight baselines benefits Greek interests. Of course, there are different ways for drawing these straight lines, others more rigid to the letter of international law, and others broader and more in line with international practice. Their adoption does not resolve crucial issues in Greek-Turkish relations. The largest sea areas which could be gained by Greece come from enclosing gulfs with 24-mile lines. These gulfs are located in mainland Greece and in areas outside the Greek-Turkish dispute, which is focused on the eastern Aegean and Eastern Mediterranean (e.g. Saronic, Argolic, Laconian or Messinian gulfs).

A sole point of interest would be if the island of Thasos was enclosed in the same straight baselines as the mainland coast. This would secure the oil and natural gas deposits that are located just outside Greek territorial waters, at the location Babouras.

Straight baselines are appropriate given the diversity of the Greek coasts. Adopting them would not lead to a major increase in Greek territorial waters. In the Aegean, the increase in territorial waters under Greek sovereignty would reach 3.3% or 6,250 sq km. Though small, it is clear that this percentage is not negligible.

CHAPTER 9

# Challenging the territorial status quo of the Aegean

From 1974 to 1995, Turkey had challenged various regimes in the Aegean: those of demilitarization, Greek national airspace, limits of the FIR and the Search and Rescue Zone. The Imia crisis in 1996 signaled a shift in Turkey's strategy. An incident that initially resembled some type of journalistic war, developed into the most severe crisis between the two countries following the Turkish invasion of Cyprus in 1974. The bones of contention were two dry, rocky islets, known as Imia or Limnia in Greek and Kardak in Turkish, which belong to the Dodecanese island group. In reality, through Imia, Turkey raised territorial claims for the first time, challenging the territorial status quo between Greece and Turkey, as shaped after 1923 and 1947. This challenge has serious implications, affecting all the Turkish claims in the Aegean.

## a. The 1996 Imia crisis

### i. How we reached a crisis point

The incident occurred during a period of political transition for both countries. In Greece, following the long illness of Prime Minister Andreas Papandreu, the parliamentary group of the governing socialist party proceeded with the election by a thin margin of Costas Simitis as the new prime minister. The Imia crisis unfolded before the new prime minister had received a vote of confidence in Parliament. In December 1995 in Turkey, the Islamists under Necmettin Erbakan came in first in the elections. The prospect of them ruling the country seemed nightmarish to the Kemalist establishment.

Over Christmas of 1995, a Turkish commercial cargo vessel ran aground at Imia. The Turkish captain refused help from a Greek tugboat, claiming that he had run aground on Turkish territory. It is possible that he claimed this as he wished to use the cheaper Turkish rescue vessels rather than the more expensive Greek ones. A Turkish note verbale then followed, claiming that the Imia islets belong to Turkey. Greece rejected the Turkish claims.

When the incident was leaked to the Greek press, the mayor of the neighboring island of Kalymnos, to which the two islets belong administratively, raised the Greek flag on the larger of the two. Afterwards, the self-evidently justifiable raising of a Greek flag on Greek soil was deemed the "irresponsible" action of a man motivated by some "dark reason". Two days later, one of the largest Turkish newspapers, *Hürriyet*, sent a team of reporters to the islet in a chartered helicopter, who replaced the Greek flag with a Turkish one. The replacement of the flag was filmed for *Hürriyet*'s new TV station

and was broadcast as the main news story.

A Hellenic Armed Forces unit subsequently landed on the larger of the two islets, which were surrounded by Greek and Turkish naval vessels, while fighter planes of both countries were conducting overflights. Each country claimed that the other was violating its territorial waters and airspace.

A second Turkish note verbale did not confine itself to challenging the status of the islets in question. It broadened the issue, questioning the sovereignty of an undefined number of Aegean islands. The development showed that this was a premeditated move by the Kemalist establishment, triggered by the (possibly) random incident of the ship running aground at Imia. The Turkish note verbale also referred to a Greek plan to develop twelve uninhabited islets in the Aegean, which could potentially explain the timing of the Imia crisis.

On January 30, the entire Greek fleet exited the navy's base. At the same time, the rest of the Hellenic Armed Forces were placed on alert. The mobilization of the Turkish side did not seem to be as extensive or quick, apart from around the area of Imia, where Greek and Turkish naval units had been deployed in combat positions at close range. At noon on the same day, the National Security Council convened in Turkey.

That evening, the Greek prime minister convened a meeting of government officials at his office. Because he did not want to show that the crisis was escalating, he did not convene the competent decision-making body, i.e. the Government Council for Foreign Affairs and Defense (KYSEA), or hold the meeting in the special room at the Ministry of National Defense. As a result, during the crucial moments of the crisis, there was an absence of reliable and prompt information about the developments on the ground.

### ii. US mediation and the return to the status quo ante

The sudden tension between the two countries mobilized the US. President Bill Clinton who communicated directly with the prime ministers of the two countries. The negotiations were handled by Assistant Secretary of State Richard Holbrooke, one of the most talented and effective American diplomats of his generation.

While the negotiations between the two sides were ongoing, Turkish soldiers landed on the smaller of the two islets (west Imia), which was unguarded, on the night of January 30 to January 31. The Turkish action aimed to neutralize the Greek advantage of having troops present

and a raised flag on one of the islets. It was an extremely risky move that could have led to war.

The simultaneous presence of troops of the two countries on the two islets however gave Richard Holbrooke the opportunity to exert increased pressure on Greece. The Greek side was completely taken by surprise by this development, finding out about it by chance through the media. Finally, in the early hours of January 31, 1996, the deal was finalized. The two countries agreed that there would be “no warships, no flags, no men of war on the islands or in their proximity”. The situation was described as a return to the status quo ante, i.e. to the state of affairs until the week before the incident. Diplomacy favors such ambiguous terms. The status quo ante allowed both sides to maintain their views, claiming that the restoration of the previous situation meant the restoration of their sovereignty.

While the situation was on the way to being defused, the Greek side was taken by surprise a second time, when news broke that in the early hours of the morning a Greek navy helicopter had crashed just outside of Imia and all three crew onboard had been killed. The helicopter had been sent under adverse weather conditions on a reconnaissance mission over the second islet, where the Turks had landed. Was it mechanical failure, a loss of orientation by the pilots due to the adverse weather conditions (the official version), or had the helicopter been fired

upon? A convincing answer to these questions has never been given.

### iii. Greek failings

The Imia crisis demonstrated a series of failings on the part of Greece. The main ones are the following:

- The military escalation of an incident of minor significance at the initiative of Greece, and the ostentatious mobilization of the Hellenic Armed Forces in front of the TV cameras.
- Not guarding the second islet of Imia, which gave the Turks the opportunity to take advantage of this oversight.
- Placing the issue solely and exclusively under US mediation.
- The obsession with not showing that the crisis was escalating, which conveyed the message that the Greek side lacked decisiveness.
- The inability to gather reliable information.
- The post-incident communication strategy that failed to deal adequately with the substance and the efforts to find fall guys and scapegoats.

In the days that followed, in Greece the crisis was attributed to irresponsible private citizens who supposedly took their countries’ foreign policy into their own hands. These individuals were the mayor of Kalymnos and the Hürriyet reporters. Because a similar incident occurred in April 2018, when flags were placed on islets surrounding Fournoi near Ikaria, the following should be clarified: The issue is not what certain citizens of one or the other state do, prompted either by their consciences, good intentions, or as agents. Today it could be a flag, tomorrow it could be someone taking their goats to graze on some islet, or pitching a tent with the Greek or Turkish colors on a rock. In the paranoia that often surrounds Greek-Turkish relations, there are no limits as to what the other side may construe as a direct challenge. The issue is how the country handles such situations. In 1996, Greece chose to militarize the crisis.

### b. Turkish claims about “gray areas” in the Aegean

Even as the specter of a military clash was receding, the Turkish side, prompted by the Imia crisis, developed a new theory as to the existence of broader “gray areas” of sovereignty in the Aegean, the status of which remains unclear. These are not limited to the Aegean. They also include islands such as Gavdos in the Libyan Sea, south of Crete. The fluctuation in their numbers poses some interest:

- Immediately following the Imia crisis, from the Turkish prime minister it was heard that around 1,000 islets in the Aegean were disputed.

## Islands, rocks, territorial waters and continental shelf

**Article 121 of the UN Convention on the Law of the Sea** stipulates that all islands are entitled to a territorial sea, contiguous zone, continental shelf and EEZ. An exception is introduced in paragraph 3: *“Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.”* The question often posed is under which conditions an island is considered to be a rock. The reason for this question lies in the fact that out of the around 8,500 Greek islands in the Aegean, only 100 are inhabited. Are the rest entitled to a continental shelf? In 1995, these concerns led to a program for the creation of infrastructure that would facilitate human habitation on 12 small islands. The settlement of people on the islands would fulfill the term regarding the possibility of sustaining human habitation. As a consequence, they would be in a position to claim a continental shelf and EEZ.

**In reality**, though, this specific provision about the continental shelf and EEZ is practically pointless in the area of the Aegean. Every island can claim territorial waters, irrespective of size. In the Aegean numerous islands stretch out one after another over long distances from the mainland. Thus, most sea areas of the Aegean are covered by the territorial waters of the islands. There is no need to claim a continental shelf or EEZ as well.

**The situation is different in the Eastern Mediterranean** where the islands are fewer but have a considerable size. Crete is the 5th and Rhodes is the 9th largest island in the Mediterranean Sea both in terms of size and population. Greek claims over the Eastern Mediterranean continental shelf are due to the presence of Crete, Kasos, Karpathos, Rhodes and Kastellorizo.

**Out of the 12 islands in the 1995 program**, the only ones for which it would make sense to claim a continental shelf (or EEZ) were Gavdopoula, south of Crete; Antikythera; and Strongyli in the area of Kastellorizo.



The 18 islands of which Turkey disputes Greek sovereignty

Name	Mentioned as	Permanent population (2011)	Area in sq. km
Fourni (Samos)	Fornoz	1,033	30.50
Oinousses (Chios)	Koyun	826	17.43
Agathonisi (Dodecanese)	Esek	185	13.40
Gavdos (Chania, Crete)	Gavdos	152	32.40
Thymaina (Samos)	Hursit	151	10
Pserimos	Keçi	80	14.60
Arkioi	Nergiscik	44	6.70
Gyali (Nisyros, Dodecanese)	Sakarcılar / Yalı adacığı	21	4.60
Levitha (Leros, Dodecanese)	Koçbaba	12 (2018)	9.10
Farmakonisi (Dodecanese)	Bulamaç	10	3.90
Gaidouronisi or Chrysi (Lasithi, Crete)	Gaidhouronisi	2	4.75
Kalolimnos (Kalymnos, Dodecanese)	Kalolimnos	2	1.95
Kinaros (Leros, Dodecanese)	Ardıççık	1	4.60
Dia (Heraklion, Crete)	Dhia	-	11.90
Syrna (Astypalaia, Dodecanese)	Ardacik	-	7.87
Koufonisi (Lasithi, Crete)	Koufonisi	-	4.25
Dionysades or Gianysades (Lasithi, Crete – 4-islet complex)	Dionysades	-	0.30 (Paximada island)
Kalogiros or Kalogiroi (Psara)	Venedik Kayası	-	rocks

- An official Turkish government announcement in February 1996 raised the number of disputed rocks and islets to 3,000.
- In the summer of 1996, the number of disputed island territories was limited to approximately 100-150 small islands located in the Aegean.
- Since 2013, there have been successive mentions of 16, 17 and finally 18 islands that the Turkish opposition at times accuses Erdogan of allowing Greece to take over. At others they accuse him of not driving the Greeks out, or of not officially requesting them from Greece.

The 18 islands whose sovereignty Turkey has challenged in the last decade are not radically different from the 100-150 islands discussed since mid-1996. For example, when it is mentioned that the sovereignty of Agathonisi is being challenged, some 14 islands and rocks belong to that island

cluster. For many years now, the systematic Turkish overflights and harassment of Greek aircraft that started in 2006 almost exclusively occur over islands whose Greek sovereignty has been questioned since 1996.

In 1996, Turkey would use the term “gray areas” of sovereignty to describe the islands it disputes. Since 2013 these islands have been considered Turkish territories under Greek occupation.

### c. The Turkish arguments

The main arguments on the part of Turkey are as follows:

- Article 12 of the Treaty of Lausanne, on the basis of which the Aegean islands (excluding the Dodecanese) were ceded to Greece, only mentions the names of the large Aegean islands and not the smaller islands, islets and rocks. Turkey believes that apart from the large islands, it is questionable whether the rest of the small islands and rocks were placed under the sovereignty of Greece.
- Similarly, Article 15 of the Treaty of Lausanne expressly refers to fourteen islands out of the Dodecanese island group, as well as the “islets dependent thereon”, which were ceded to Italy. Because there was a problem with determining the dependent islands, an Italian-Turkish treaty was signed in January 1932 (which delimited the region of the Megisti complex) and a procès-verbal was signed in December 1932 that delimited the rest of the area between the Dodecanese and the Asia Minor coast. This second document was never registered with the League of Nations. According to Article 18 of the League of Nations Covenant, “Every treaty or international engagement [...] shall be forthwith registered [...] No such treaty or international engagement shall be binding until so registered.” Therefore, the document, meaning the December 1932 procès-verbal, was never in force.
- The Paris Peace Treaties of 1947 mention the same islands as the Treaty of Lausanne, but use the term “adjacent” islets (rather than “dependent”). Imia are closer to the Turkish coast than to the Greek islands. Therefore, it cannot be considered that they are “adjacent” to the islands clearly stated in the 1947 Treaties.
- In 1947, Greece asked that the two Italian-Turkish agreements of 1932 be mentioned in the Paris Peace Treaties. The request was not accepted. After that, both in the 1950s and in 1963, the Greek government asked its Turkish counterpart to confirm the validity

## The key articles of the Treaty of Lausanne regarding the territorial claims:

### Article 6.

*[...] In the absence of provisions to the contrary, in the present Treaty, islands and islets lying within three miles of the coast are included within the frontier of the coastal State.*

### Article 12.

*The decision taken on the 13th February, 1914, by the Conference of London, in virtue of Articles 5 of the Treaty of London of the 17th-30th May, 1913, and 15 of the Treaty of Athens of the 1st-14th November, 1913, which decision was communicated to the Greek Government on the 13th February, 1914, regarding the sovereignty of Greece over the islands of the Eastern Mediterranean, other than the islands of Imbros, Tenedos and Rabbit Islands, particularly the islands of Lemnos, Samothrace, Mytilene, Chios, Samos and Nikaria, is confirmed, subject to the provisions of the present Treaty respecting the islands placed under the sovereignty of Italy which form the subject of Article 15. Except where a provision to the contrary is contained in the present Treaty, the islands situated at less than three miles from the Asiatic coast remain under Turkish sovereignty.*

### Article 14.

*The islands of Imbros and Tenedos, remaining under Turkish sovereignty, shall enjoy a special administrative organization composed of local elements and furnishing every guarantee for the native non-Muslim*

*population in so far as concerns local administration and the protection of persons and property.*

*The maintenance of order will be assured therein by a police force recruited from amongst the local population by the local administration above provided for and placed under its orders [...]*

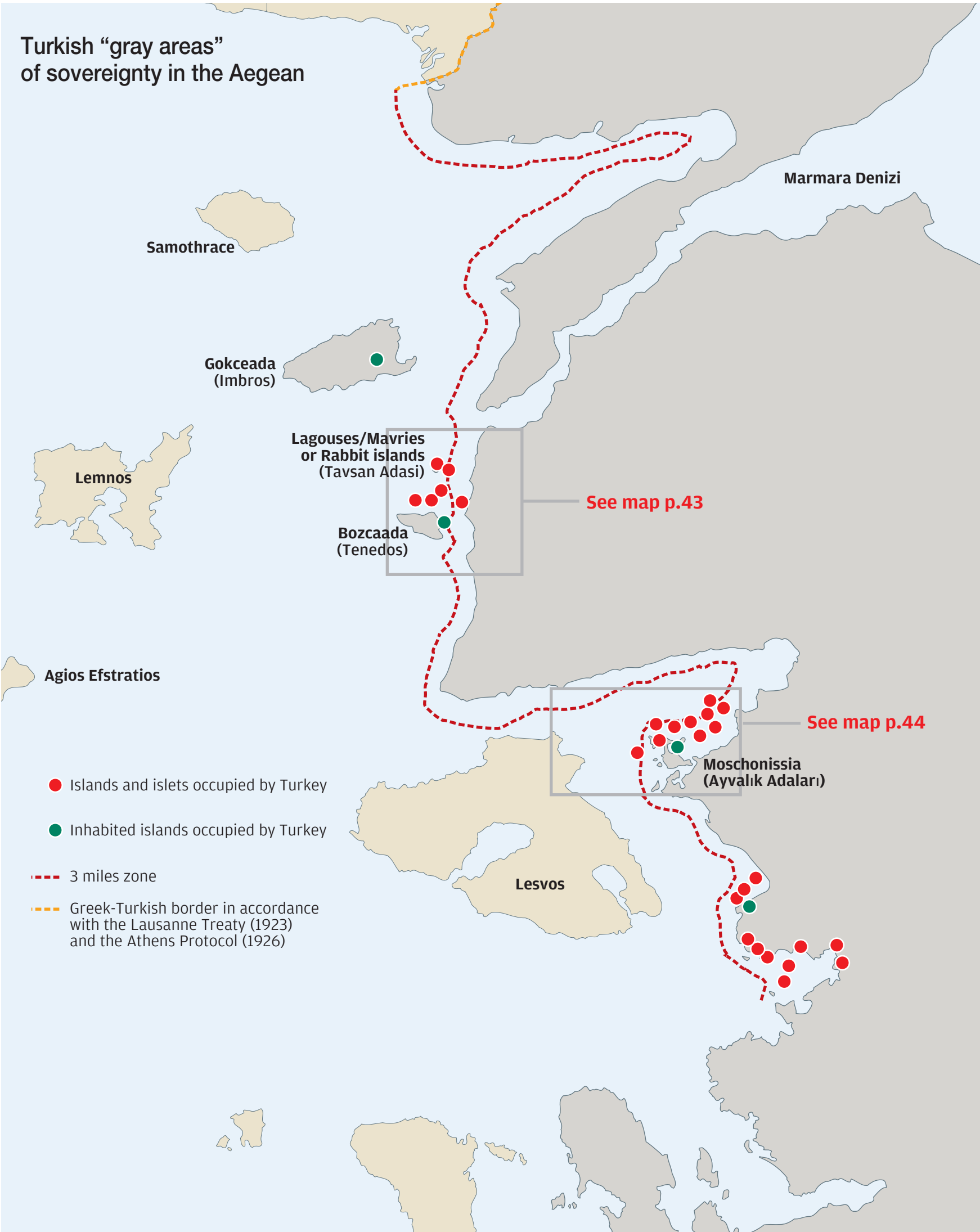
### Article 15.

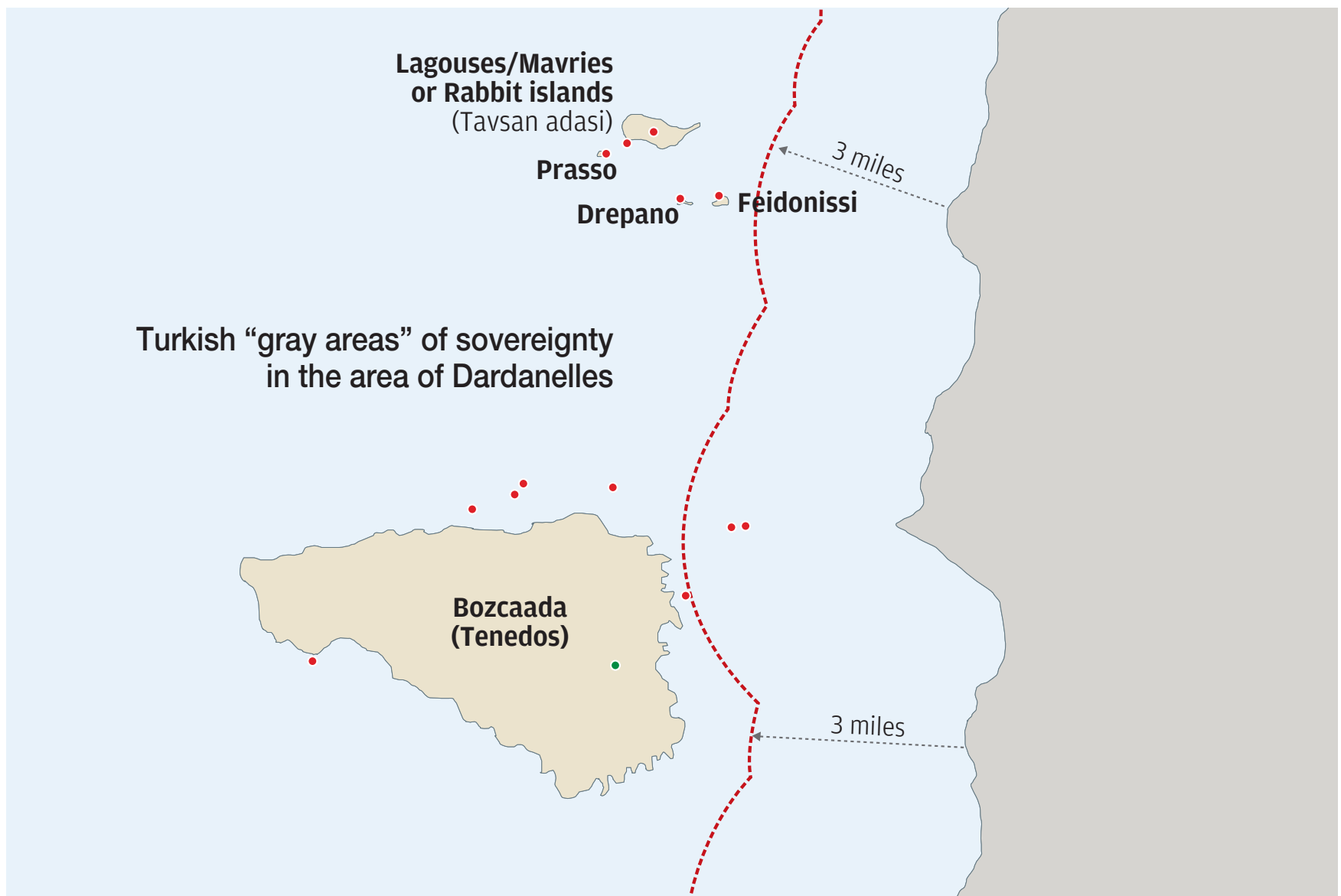
*Turkey renounces in favor of Italy all rights and title over the following islands: Stampalia (Astrapalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misiros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), and Cos (Kos), which are now occupied by Italy, and the islets dependent thereon, and also over the island of Castellorizzo.*

### Article 16.

*Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognized by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned.*

*The provisions of the present Article do not prejudice any special arrangements arising from neighborly relations which have been or may be concluded between Turkey and any limitrophe countries.*





of the Italian-Turkish agreements of 1932, to no avail.

- Greece cannot invoke the Paris Peace Treaties of 1947 because it has not acted in good faith, a fact proven by the militarization of the islands.
- The Italian-Turkish agreement of January 1932 and the procès-verbal of December 1932 “were negotiated within the context of the particular political situation of the pre-second World War era”. Basically, it implies that Turkey was effectively forced to accept the agreement. According to Turkey, the issue must be tackled as a whole and not fragmentarily, by reviewing the ownership status of each one of these Aegean islets. Any potential recourse to the International Court of Justice only for Imia would leave the matter of the rest of the islets and rocks unresolved.

#### d. Greek counter arguments

The Greek side counters the Turkish positions with well-grounded legal arguments:

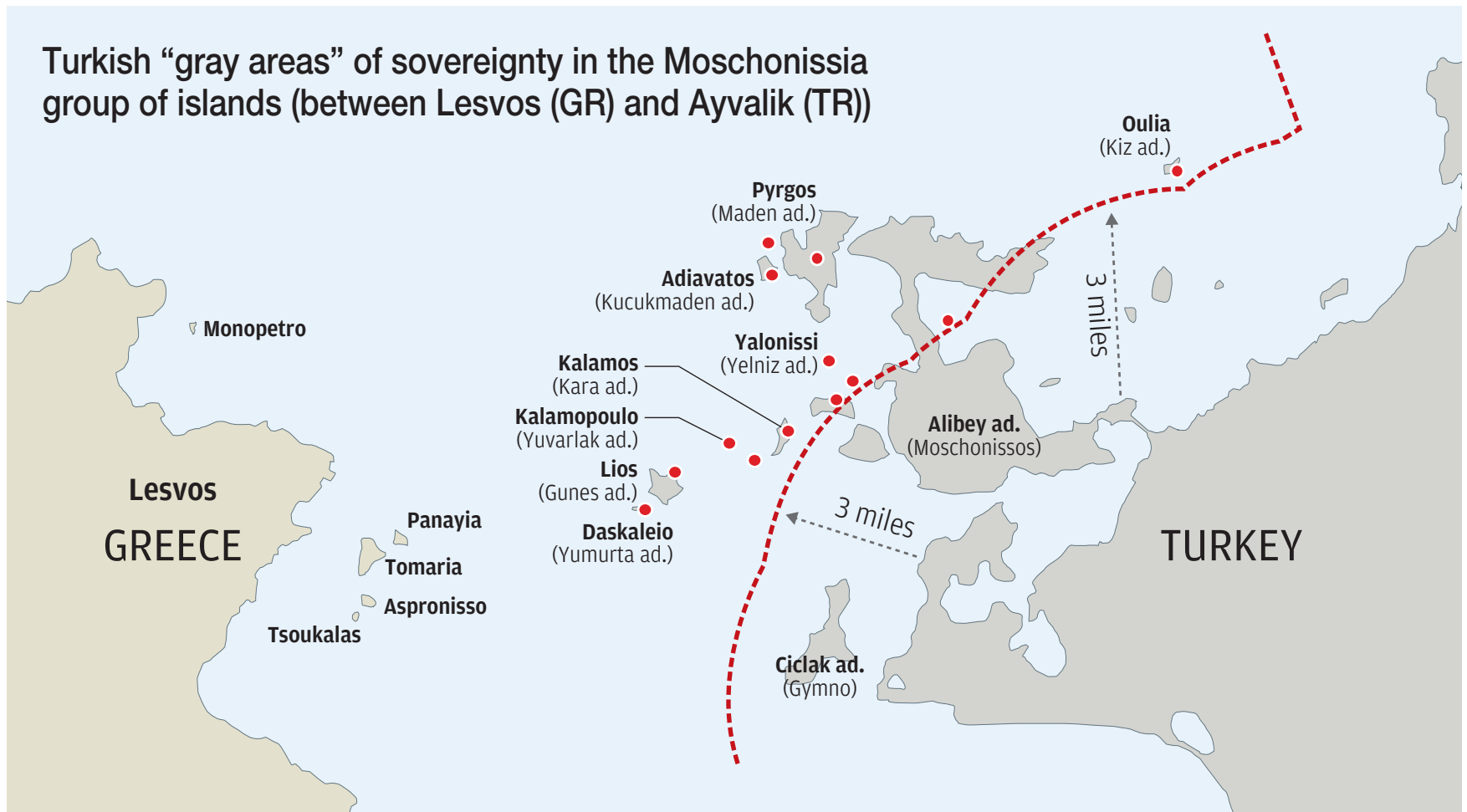
- When taken together, Articles 12 and 16 of the Treaty of Lausanne make absolutely clear that Turkish sovereignty only extends over Imbros (Gökçeada), Tenedos (Bozcaada) at the entrance to the Dardanelles, as well as

all the islands that are situated less than three miles from the Turkish coast and have not been expressly ceded to Greece. Turkey had renounced all titles or rights over all the other islands.

- With the January 1932 treaty and the supplementary procès-verbal of December 1932, a delimitation line was drawn between Turkey and Italy, to which the Dodecanese belonged at the time, clearly distinguishing the islands of each country. The delimitation line followed the provision of the Treaty of Lausanne as to Turkey renouncing the rights to islands located more than three miles from its coast. Imia, which are located 4.2 miles (or 3.65 nautical miles) off the Turkish coast, are explicitly mentioned in the December 1932 procès-verbal as belonging to Italy.
- The Italian-Turkish treaty was registered with the League of Nations in 1933. Due to the supplementary character of the procès-verbal, as a follow-up to the January agreement, there was no need for registration. State practice as evidenced in the years before the Second World War show that the registration requirement was never fully fulfilled. There was a tendency of states not to register treaties of minor importance

like “technical regulations defining without in any way modifying an instrument already registered”. The procès-verbal was entered into force through exchanges of letters (in which the initial agreement of January 1932 and its authorizations were clearly mentioned). Both Italy and Turkey considered themselves as being bound by it, as is revealed by the correspondence between the two states.

- Through the Paris Peace Treaties of 1947, Greece became the sole successor of Italy in the Dodecanese and, consequently, assumed the rights and obligations of Italy with regard to the Italian-Turkish treaty and procès-verbal of 1932.
- The December 1932 procès-verbal was respected by Turkey from 1932 to 1947, when the Dodecanese were Italian, and from 1947 onwards, when they were Greek.
- In addition, as to the argument regarding the “particular political situation” before WWII, the Vienna Convention on the Law of Treaties (1969) stipulates, “A fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty [...] if the treaty establishes a boundary.”



Greece’s positions as to the validity of the treaties were also supported through an announcement by Italy, which held the EU presidency during the Imia crisis.

**e. The Turkish motivation behind the “gray areas” theory**

The Imia crisis signaled a shift in Turkey’s strategy. The obvious change was that this was the first time the territorial status quo between Greece and Turkey, as shaped after 1923 and 1947, was challenged. Even more dangerous were the implications of the new Turkish theory for the greater part of the Greek-Turkish disputes in the Aegean, since it raised a multitude of issues for Greece.

All delimitations of maritime zones (such as the territorial sea, EEZ, continental shelf, as well as the airspace above the sea) are determined by baselines. The baselines are based on the coastlines of mainland and island territories. If the sovereignty of certain territories is unknown or disputed, then it is not possible to delimit the maritime zones. If the Turkish “gray area” theory is taken into account, the starting point for any delimitation would be to establish the sovereignty of the islands and rocks of the Aegean which are not named in international treaties and whose coasts are

to be used as baselines. This could potentially have the following consequences:

- The existing boundaries of Greek territorial waters, as in force since 1936, are not accepted, since the points from where they have been drawn are being challenged. By extension, any expansion of Greek territorial waters beyond 6 miles would be considered just as groundless.
- Even if Turkey agreed to resolving the dispute over the delimitation of the continental shelf through recourse to international adjudication, the first issue to be considered would be the establishment of sovereignty over the islands. The delimitation of the continental shelf would follow as a second issue.

The second note is quite important for Greece’s approach in terms of seeking recourse to international adjudication, and more specifically the International Court of Justice in The Hague. This court seeks, and usually manages, to issue fair, but also balanced judgments. This means that it exhausts the limits of its discretion within the law, to offer both parties involved the chance to not leave the courtroom completely defeated. An appeal regarding i) the fate of dozens of island territories and ii) the delimitation of the continental shelf entails the risk for the Greek side of the court fully vindicating it on the

issue of the “gray areas”, as its legal arguments are quite compelling, while at the same time seeking to balance that decision by granting a larger continental shelf to the Turkish coast than it would be expected to be entitled to, given that on the specific issue the court can enjoy broad discretionary leeway through invoking the vague “relevant circumstances”.

#### **f. Turkish “gray areas” of sovereignty**

Since 1996, Turkey has referred to islands of disputed Greek sovereignty in the Aegean. To this end, it has been trying to reinterpret treaties written 70 and 100 years ago and sow doubt over a territorial status quo that has been established for decades. If one were to get into this line of reasoning as a thought experiment, he would see that Turkey has similar problems.

The most typical example of “gray area” sovereignty is the Rabbit Islands cluster (known as the Lagouses or Mavries islands in Greek, and Tav an or Karayer adalari in Turkish), which are located at the entrance to the Dardanelles Strait. Article 12 of the Treaty of Lausanne confirms the Greek sovereignty of the Northern Aegean islands, “*other than the islands of Imbros, Tenedos and Rabbit Islands.*” Consequently, Article 14 mentions that the islands of Imbros and Tenedos, remain “*under Turkish sovereignty.*” However, there is no mention anywhere of the sovereignty of the Rabbit Islands, which are located more than three miles from the Turkish coast (which, as mentioned below, is the outer limit of Turkish sovereignty). These islands are:

- Tavsan Adasi (Mavro in Greek)
- Yilancik Adasi (Feidonisi in Greek)
- Orak Adasi (Drepano in Greek)
- Pirasa Adasi (Praso in Greek).

A strict reading of the Treaty of Lausanne leads to the conclusion that the Rabbit Islands complex belongs neither to Greece nor to Turkey. It is literally a gray area!

A second point relates to the limits of Turkish sovereignty. Specifically, the Treaty of Lausanne stipulates:

- in Article 6 that “[...] *islands and islets lying within three miles of the coast are included within the frontier of the coastal State.*”
- in Article 12 that “*Except where a provision to the contrary is contained in the present Treaty, the islands situated at less than three miles from the Asiatic coast remain under Turkish sovereignty.*”

Therefore, anything located more than three miles from the Turkish coast does not belong to

Turkey. Based on the above, the following islands in the island complex of Moschonisia (Alibey Adasi in Turkish), in the bay of Adramyttium (Edremidsk in Turkish) across from the Greek island of Lesbos and opposite the Turkish city Ayvalik, are located outside the three mile frontier (4.827 meters):

- Yumurta Adasi (Daskaleio or Kokkinonisi in Greek)
  - Gunes Adasi (Lios or Eleos or Leios in Greek)
  - Yuvarlak Adasi (Kalamaki or Kalamopoulo in Greek)
  - Yelniz Adasi (Gialonisi in Greek)
  - Maden Adasi (Pyrgos in Greek)
  - Kucuk Maden Adasi (Adiavatos in Greek)
  - Kiz Adasi (Oulia in Greek)
  - Kara Ada (Kalamosin Greek)
- and five other unnamed rocks.

Another three rocks must be added to the unnamed rocks, located between the Greek islands of Oinousses off Chios and the Turkish peninsula of Cesme.

The same could be said for the situation with the islands located in the Sea of Marmara (Propontis). The Treaty of Sèvres (1920) explicitly mentions: “[...] *the islands of the Sea of Marmara, and those which are situated within a distance of 3 miles from the coast, remaining Turkish [...]*” (Article 27, II[1]).

On the contrary, the Treaty of Lausanne makes no mention of the islands in the Sea of Marmara. Among these are some large islands:

- Marmara Adasi (Prokonisos or Marmara in Greek), 118 sq km
- Avsa Adasi (Afisia in Greek), 21 sq km
- Imrali (Kalolimnos in Greek), 11.4 sq km
- Ekinlik (Koutali in Greek), 2.5 sq km
- Kuyus Adasi (Provatonisi in Greek), 1.7 sq km

Finally, it has be noted that the Princes’ Islands (Pringiponissia in Greek or Kizil Adalar in Turkish) outside of Istanbul are not mentioned by name in any treaty. The following of the Princes’ Islands are located further than 3 miles from the coast:

- Burgaz-ada (Antigoni in Greek)
- Yassi-ada (Plati in Greek)
- Sivri-ada (Oxeia in Greek)
- Tavsan Adasi (Neandros in Greek)

It is obviously inconceivable for the Turks to discuss the legal status of the Princes’ Islands. By the same token, it is inconceivable for Greece to discuss the status of Fournoi, Oinousses, Gavdos and so on, due to an effort to interpret in bad faith the treaties that established the borders and territories of the two countries.

CHAPTER 10

# The delimitation of the continental shelf of the Aegean

a. Definition of the continental shelf

“Continental shelf” is a geological term which refers to a section of the seabed. It acquired a legal definition in 1945. When we refer to the continental shelf of a coastal State in law, we mean, the seabed and subsoil of the submarine areas that extend beyond its territorial sea.

A coastal state does not have full sovereignty over its continental shelf, but it exercises exclusive sovereign rights. These are: a. the exploration of the continental shelf, and b. the exploitation of the continental shelf’s natural resources.

In order to understand the dispute between Greece and Turkey, it suffices to know that the continental shelf extends to a distance of up to 200 nautical miles from the baselines from which the breadth of the territorial waters is measured. Therefore, the Greek continental shelf starts from 6 miles onwards, that is to say from the point where the Greek territorial waters stop. As a general rule, distances between neighboring states across the Mediterranean are limited. There is no such point where the full extension of each country’s continental shelf (i.e. 200 nautical miles + 200 nautical miles = 400 nautical miles) can be exercised. For example, the distance between Lavrio outside Athens, and Çeşme in Turkey, is 102 nautical miles (roughly 188 km), with several Greek islands in between. Similarly, the distance between Cyprus and Egypt is less than 190 nautical miles (350 km). Greece, therefore, cannot extend its continental shelf to its full span, and delimitations with neighboring states are necessary.

b. Turkish claims over the continental shelf of the Aegean

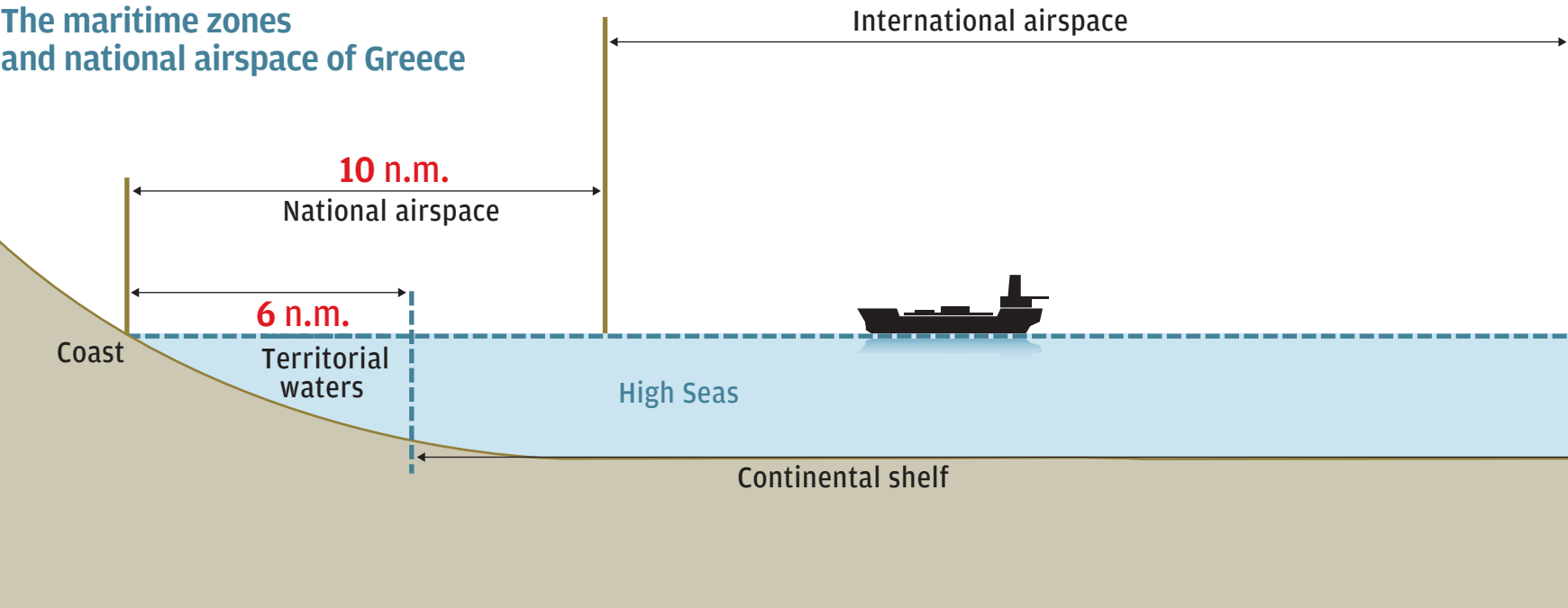
From 1959, and more systematically from 1969, Greece moved ahead with issuing permits for the exploration of the continental shelf of the Aegean. Well-known companies of that period, such as Texaco, Oceanic, Conoco, Chevron, and Anschutz have carried out explorations throughout the Aegean Sea.

These concessions never met with any opposition from the Turkish side. Turkey engaged with the issue for the first time only in 1973. Within the general climate of the global financial crisis, Turkey granted to the state oil corporation TPAO (Türkiye Petrolleri Anonim Ortaklığı) a permit for the exploration and the exploitation of 27 maritime regions in the High Seas of the Northern Aegean. These regions lay between Lesbos, Chios, Agios Efstratios and Lemnos, right on the edge of the territorial waters of the islands in question.

In order for Turkey to claim half of the continental shelf of the Aegean, it took as the basis of its measurements the coasts of mainland Greece on the one side, and the coasts of the Asia Minor peninsula on the other. It completely ignored the existence of the Greek islands across the Aegean Sea. A second phase, which saw the issuance of new exploration permits for TPAO, ensued in June and July of 1974, once again concerning the Aegean.

The last permits were issued two days before the Turkish invasion of Cyprus. With these, Turkey’s claims would be complete, and they would encompass almost half of the Aegean.

The maritime zones and national airspace of Greece



## Comparison between the 6 and 12 n.m. territorial waters in the Aegean Sea



### c. The vagueness of international law regarding the continental shelf in 1973

Turkey made its claims in the Aegean relying on the confusion that existed internationally in the early 1970s as regards the extent of the continental shelf and the regulations governing its delimitation.

- In 1973, the only international agreement that made any reference to such issues was the Geneva Convention on the Continental Shelf of 1958. Greece was one of the signatories to the convention. Turkey, in contrast, had not signed it.
- In parallel, the International Court of Justice had offered in 1969 its own interpretation regarding the continental shelf through the North Sea Continental Shelf cases, which also applied to states not bound by the Geneva Convention on the Continental Shelf. The interpretation that was put forward placed emphasis on criteria not mentioned in the 1958 convention.
- The confusion that was created as regards the institution of the continental shelf was the subject of extensive discussions during the Third United Nations Conference on the Law of the Sea, which was held from 1973 to 1982. The 1982 United Nations Law of the Sea Convention (UNCLOS) provided some answers, yet not to a satisfactory degree. At the same time, the International Court of Justice gradually formulated some more

specific rules regarding the delimitation of the continental shelf:

#### i. The 200 meters isobath and natural prolongation

The Geneva Convention on the Continental Shelf determined that any regions of the seabed that lie at a depth of up to 200 meters belong to the continental shelf of the coastal state. The situation became more complicated when, in the North Sea Continental Shelf cases, the International Court of Justice placed undue emphasis on the geological link between a state's dry land territory and the undersea area. Correspondingly, it rejected the importance of the proximity of a dry land mass to submarine areas. It stated in its judgement that: *"whenever a given submarine area does not constitute a natural – or the most natural – extension of the land territory of a coastal State, even though that area may be closer to it than it is to the territory of any other State, it cannot be regarded as appertaining to that State"* (paragraph 43).

In order therefore for a coastal state to identify the areas of the continental shelf that belong to it, instead of looking at their proximity to its land territory, it would have to seek the latter's "natural prolongation". To that end, the geomorphological or geological features of the seabed would have to be examined.

For many years, the Turkish arguments in support of its claims to a continental shelf

spanning about half the Aegean were based on this 1969 judgement. According to the Turkish perspective, the "natural prolongation" of Anatolia met the "natural prolongation" of continental Greece halfway across the Aegean.

#### ii. The principle of equidistance and "special circumstances"

The 1958 Geneva Convention on the Continental Shelf (which bound Greece but not Turkey) determined as a rule for the delimitation of the continental shelf the equidistance/median line which was used in conjunction with an exception regarding "special circumstances". The aim was the equitable division of areas of overlap. Based on the median line, the boundary is situated equidistant to the shores of each of the two states. Once a preliminary delimitation was made, the area in question would be examined to determine whether any "special circumstances" existed. In such cases, the final boundary could be moved. Greece supported the rule of the equidistance/median line.

The International Court of Justice, however, in the 1969 case on the North Sea Continental Shelf, considered the principle of the equidistance/median line merely as just one of the existing methodologies for the delimitation of continental shelves, which could not be regarded as a rule of law. The court stated that only states which were signatories to the Geneva Convention on the Continental Shelf of 1958 had to consider this particular method as a rule of law in their mutual relations.

The court's ruling created suitable conditions for a dispute between Greece and Turkey. Turkey was able to ignore the application of the median line. Furthermore, it selectively used the "special circumstances" of the Geneva Convention on the Continental Shelf, having first isolated them from the context of the equidistance/median line. The presence of so many islands and the semi-enclosed nature of the Aegean were interpreted by Turkey as factors constituting "special circumstances"; consequently, the general rules of international law could not apply in the Aegean, but instead exceptional, special rules.

### d. The United Nations Convention on the Law of the Sea (1982)

Following a decade of deliberations, the Law of the Sea Convention was signed in 1982.

- The 1958 criterion of the 200 meter isobath for the exploitation of the seabed were replaced by the criterion of a distance of up to 200 nautical miles from the shore.
- According to article 121, islands possess

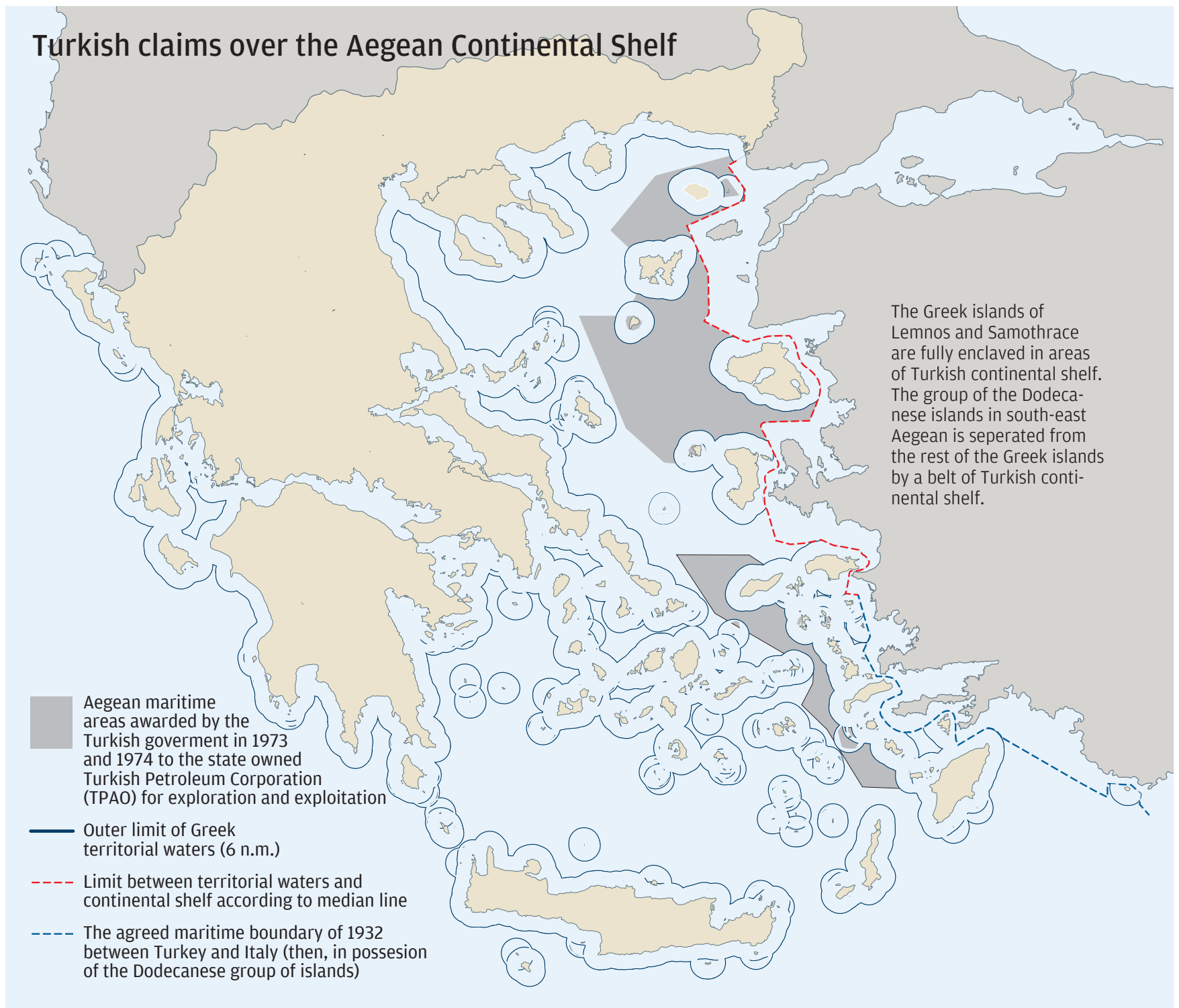
## The oil reserves at Prinos (Thasos)

**The explorations** in the Gulf of Kavala and in the area around Thasos were undertaken by the Oceanic Exploration Company in 1970. Two exploratory wells that were drilled west of Thasos in 1972-73, led to the discovery of oil reserves, which were, however, deemed unexploitable. An additional well was begun in the autumn of 1973, and was completed in February 1974. The Prinos oil field was discovered as a result of this well.

**The prevailing** impression was that this was a substantially rich oil reserve, which might even provide Greece with complete oil autonomy. These expectations were not met. During the period 1975-1977, four additional prospecting studies took place, in order to chart the deposit. It was established that it was not a case of one, but rather of two deposits, which were separated from one another by a trench. This limited the presumed total area of the deposit to half of what it was originally believed to be. Moreover, the quality of the crude oil was not good, because it contained high levels of sulfur.

**The exploitation** of the oil deposits at the Prinos and Kavala sites began in July 1981. Daily production rose to approximately 26,000 barrels in 1985, where it peaked. The gradual depletion of the reserves resulted in a company heavily burdened by debt, which would be bought out in 2007 by Energean Oil and Gas. In 2008, the decision was taken to carry out new explorations off Thasos. The decision was proven correct. In 2018, daily production exceeded 4,000 barrels, while the certified reserves in territorial waters off Thasos reach 40,000,000 barrels, with potentially an additional 24,000,000 barrels.

**The steep drop** in oil prices due to the Covid-19 pandemic has thrown into doubt the continuation of the exploitation process.



all maritime zones, including a continental shelf and exclusive economic zone (EEZ). Sea rocks without their own economic life were exempted; these could only have territorial waters.

- Two articles exist (74 and 83), which refer to the delimitation of the EEZ and the continental shelf respectively. These articles are absolutely identical, and they do not determine specific rules of delimitation. Their only objective is the general attainment of an “equitable result”.

Greece ratified the convention in 1995, and is bound by it. Turkey, in contrast, voted against it.

#### **i. The principle of equidistance and equity**

The article that caused the most serious issues during the proceedings of the Third United Nations Conference on the Law of the Sea was that concerning the delimitation of the continental shelf (and the EEZ). Two groups were formed, on the basis of the positions they upheld regarding the delimitation. The first group supported the principle of the equidistance/median line. 24 states belonged to that group, Greece among them. In the second group, which upheld the principle of equity, there were 30 states, one of which was Turkey. The dispute between States advocating

the delimitation by equidistance/median line and those advocating equity nearly led the conference to an impasse. Due to their vast differences, UNCLOS adopted a totally neutral wording for solving delimitation of both the continental shelf and EEZ. Articles 74 and 83 of the 1982 Law of the Sea Convention, read as follows: “*The delimitation of the continental shelf between States with opposite or adjacent shores shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution*”.

The principle of the equidistance/median line is absent from the wording of the article in question. An “equitable solution” would be achieved generally on the basis of “international law”, the rules of which, however, are not specified, nor even are they implied. It is a tautology. The same undefined concept of “equity” is repeated in different formulations, both as a rule, and as an outcome.

#### ii. Why Turkey did not sign the UNCLOS

Turkey was one of four states that did not sign the text of the UNCLOS. The key points of the Convention which troubled the Turkish side were as follows:

- Establishing the customary rule of 12 nautical miles as the outer limit of territorial waters (article 3). Turkey has argued that:
  - a. This did not constitute a customary rule of international law.
  - b. Its application in seas such as the Aegean, which are enclosed or semi-enclosed, would constitute an abuse of rights, and would transform the Aegean Sea into a “Greek lake”.
  - c. In enclosed or semi-enclosed seas there should be prior mutual consent between neighboring coastal states regarding any potential extension of territorial waters. The Turkish views were not accepted by the Conference.
- The repetition of the customary rule for the delimitation of territorial waters based on the equidistance/median line (article 15). Turkey had proposed the replacement of this rule with the principle of equity, in keeping with its demands regarding the continental shelf.
- The formal definition of an island, which is uniform for all categories of island formations (article 121). Turkey had proposed differentiating according to the size and population of islands, or even according to the percentage each represents in terms of the total national land mass, or in terms of the total population of a state.
- The establishing of a general rule which states that all islands (except sea rocks) are entitled to all types of maritime zones, that is to say to territorial waters, a contiguous zone, a continental shelf and an exclusive economic zone (article 121). Turkey maintained that this specific right was directly dependent on the application of the principle of equity, which would take into consideration, among other things, the geographical position of islands in relation to the continental territory of a state.
- The fact that the UNCLOS prohibited any reservations or exceptions (article 309). The consequence of the prohibition in question was that made it impossible for Turkey to sign the convention while at the same time stipulating that it would not be bound by some of the articles with which it objected.

### Equity

**The principle of equity**, which is invoked by Turkey is included in the Statute of the International Court of Justice. It is one of the general principles of law. There are three possible applications of equity:

- a. To choose between different interpretations within the law.
- b. To clarify, by way of equity, rules of law whose content is very general, or to fill in gaps in the law.
- c. To restrict the application of a rule of law for reasons outside the law (*contra legem*).

**From the arguments** it has put forth over the course of four decades since 1974, it can be inferred that Turkey does not approach equity within the rule of law, but rather through the prism of point (c) above. It desires that there should be a solution based as to what may be generally considered fair or unfair.

#### e. The relevant developments in case law since 1974

Since 1969, when an international case concerning continental shelf delimitation was tried for the first time, there has been a wealth of case law that has emanated from international judicial organs. Its basic features are as follows:

- **The criterion of distance was given precedence.** The concept of the natural prolongation and the geomorphological or geological characteristics of the continental shelf disappeared. Over distances up to 200 nautical miles from shores, the criterion of distance takes precedence.
- **A re-emergence of the equidistance/median line.** In contrast to the 1982 Law of the Sea Convention, the rule of the equidistance/median line now has a determinant bearing on the judgments of international judicial organs. To be more specific, the first stage of judicial delimitation is the provisional demarcation of boundaries on the basis of the equidistance/median line, which is a simple and straightforward process. Following this, the provisional delimitation line is examined

on the basis of any “relevant circumstances” that may apply to a region.

- **“Relevant circumstances”:** As a subsequent step, several criteria designated as “relevant circumstances” of the area being delimited are taken into consideration. Relevant circumstances can include, among others, any geographical features, fishing, navigation, the existence of deep-sea oil wells, environmental factors etc. The content of “relevant circumstances” is broader than the content of the “special circumstances” of article 6 of the Geneva Convention on the Continental Shelf.
- **The application of “equitable principles”:** The examination of “relevant circumstances” is carried out by the courts on the basis of “equitable principles”. With the exception of proportionality (explained in detail below) which routinely appears, the application of the remainder of the “equitable principles” continues to be problematic. The lists of “equitable principles” which the International Court of Justice has sought to enumerate at various points are not ranked in terms of priority. This means that different “equitable principles” are taken into consideration in one case, and others in another.
- **Proportionality:** The most fully formulated among these “equitable principles” is that of proportionality, that is to say *“the reasonable relation between the extent of the continental shelf appertaining to the states concerned and the lengths of their respective coastlines”*. Proportionality was first seen in the North Sea cases in 1969. Essentially, since 2009 the International Court of Justice put forward the so-called “three stage approach”. The first stage of the Court’s approach is to establish a provisional delimitation line based on the equidistance/median line. At the second stage the Court considers whether there are any relevant circumstances calling for the adjustment or shifting of the provisional equidistance line in order to achieve an equitable result. At the third and final stage the criterion of proportionality -or rather disproportionality- is applied. as the Court stated: *“The test of disproportionality is not in itself a method of delimitation. It is rather a means of checking whether the delimitation line arrived at by other means needs adjustment because of a significant disproportionality in the ratios between the maritime areas which would fall to one party or other by virtue of the delimitation line arrived at by other means, and the lengths of their respective coasts.”*

In conclusion, one cannot predict with relative

certainty the judgements of international judicial organs. Each case appears as a unique case, while there is no certainty as to which criteria will be taken into consideration by the court.

#### **f. Greek and Turkish positions on the delimitation of the continental shelf**

The developments in conventional and customary international law of the sea, as well as in case law, have tended to move in general terms towards the Greek positions. As a result, the Greek positions have remained consistent with the spirit of the diplomatic correspondence of the period 1974-1976.

The Turkish arguments, in contrast, have been influenced to a much greater degree by developments especially of case law. Turkey gradually abandoned the argument of a “natural prolongation” of Anatolia, which treated the Greek islands as mere protuberances of the Turkish continental shelf. It focused more on equity, in conjunction with the special circumstances that (supposedly) apply to the Aegean due to the semi-enclosed nature of the sea. The delimitation, therefore, would have to be made following an agreement based on the continental coastlines of the two

### **Islands, rocks and maritime zones**

According to customary international law, islands can generate maritime zones on an equal footing with other land territory. This customary rule is also referred to the 1958 Territorial Sea Convention (Article 3), the 1982 Law of the Sea Convention (Article 121 par. 1 and 2) and numerous decisions of the International Court of Justice. The only exception is Article 121 (par. 3) of the Law of the Sea Convention, which states that *“rocks which cannot sustain human habitation or economic life of their own should have no exclusive economic zone or continental shelf”*. This provision is not part of customary international law because it does not accurately define the exact characteristics of a rock or what constitutes “economic life”. Even under this provision, however, every island, islet or rock, regardless of its size, is entitled to the other maritime zones, namely, internal waters, a territorial sea, a contiguous zone and a 12-mile fishery zone.



## “Agreement on Proceedings for the Negotiation of the Aegean Continental Shelf Issue between Greece and Turkey” (Done at Bern, November 1976)

**1. Both Parties agree** that negotiations be sincere, detailed and conducted in good faith, with a view to reaching an agreement based on mutual consent, regarding the delimitation of the continental shelf between them.

**3. Both Parties reserve** their respective positions regarding the delimitation of the continental shelf [...]

6. Both Parties undertake to abstain from any initiative or act relating to the continental shelf of the Aegean Sea which might prejudice the negotiations [...].

**8. Both Parties have agreed** to study state practice and international rules on this subject with a view to educing certain principles and practical criteria which could be useful in the delimitation of the continental shelf between the two countries.

**9. A mixed commission** will be set up to this end, and will be composed of national representatives [...].

countries. Nevertheless, at the end of the day, the conclusion reached by Turkey according to its new line of argumentation is ultimately the same as the old one: Greek islands of the Aegean Sea have no entitlement to a continental shelf or EEZ. It has been making roughly the same claim since 2011 with relation to the continental shelf of the Eastern Mediterranean.

### *i. The Greek positions on the continental shelf*

Greece does not recognize the validity of the Turkish exploration permits to TPAO, since it deems that they also cover areas of the Greek continental shelf. More specifically:

- The Turkish claims that extend to roughly halfway across the Aegean do not take into consideration the existence of Greek islands in the region. The same applies in the area of Eastern Mediterranean where the Turkish-Libyan MoU ignores the presence of Crete, Kasos, Karpathos, Rhodes and Kastelorizo.
- The Greek islands have the same rights to a continental shelf as continental coasts. This is stated both in the Geneva Convention on the Continental Shelf (1958) and in the United Nations Convention on the Law of the Sea (1982). Because of the presence of extensive chains of Greek islands which span the whole of the Aegean, the greatest part of the continental shelf of the Aegean belongs to Greece. Moreover, the islands of the Eastern Aegean form a chain along almost the entire length of the Asia Minor coastline adjacent to the Aegean. Consequently, the continental shelf of the Greek islands prevents the continental shelf of the Turkish mainland from extending to the middle of the Aegean Sea, limiting it, in general terms, to a zone which runs along the shores of Asia Minor.
- Greece had already exerted, since 1959-61, its right to explore the continental shelf of the Aegean, by issuing relevant permits to foreign companies.
- The delimitation of the continental shelf between Greece and Turkey should be based on the principle of the equidistance/median line, in accordance with the theory and practice of international law. The delimitation should be made on the basis of the coastline of Asia Minor, for the Turkish side, and on the basis of the shores of the eastern Greek islands of the Aegean, for the Greek side.

### *ii. The Turkish positions on the continental shelf*

In 1974 Turkey deemed that the following held true as regards the continental shelf:

- According to international law, the rule for the delimitation of the continental shelf between two states is not the principle of equidistance, but a mutual agreement between them.
- The morphology of the seabed of the Aegean Sea creates the Turkish rights on the continental shelf. Along the entire length of the shores of Asia Minor there are shallow undersea areas which constitute the natural prolongation of Anatolia, and by extension of the continental shelf of its mainland territory. The Greek islands which lie close to the shores of Asia Minor do not have their own continental shelf. They are merely “protuberances” of the seabed, and they rest upon the Turkish continental shelf (this continued to be the Turkish view up until the 1980s).
- International law and actual practice between states as regards continental shelf delimitation do not assign equal value to all islands, but take into consideration their characteristic features and their position. More specifically, the case of the Aegean Sea constitutes a typical example of “relevant circumstances”, which require not only that the semi-enclosed character of the sea be taken into consideration, but also the vital interests and historical rights of Turkey in the region. Moreover, to grant a continental shelf to these islands would deprive the shores of Asia Minor of significant resources for their development. Therefore, the delimitation will be made following an agreement on the basis of the continental shores of the two countries. The result reached by Turkey by way of its new line of argumentation is ultimately the same: the Greek islands of the Aegean are not entitled to a continental shelf.

### *g. The Bern procès verbal (1976)*

In 1976, the two countries found themselves on the brink of war due to the mission of the research vessel MTA Sismik 1. Through Resolution 39/1976, the UN Security Council urged the two sides to resolve their differences through dialogue. The “Declaration on the procedure to be followed for the delimitation of the continental shelf by Greece and Turkey” was signed in Bern in November 1976, and is now known as the “Bern Agreement”. The agreement set out the framework for negotiations between the two countries. Greece chose this procedure as, at the time, it was of paramount importance for the country to eliminate any obstacles to its accession to the EEC.

Through the agreement, Turkey implicitly accepted that the dispute was legal

in nature, as both sides agreed to review the countries' practices and the international rules for the delimitation of the continental shelf. Correspondingly, the Greek side accepted the recommencement of direct negotiations for the delimitation of the Aegean continental shelf.

The problem that arose with the agreement concerned paragraph 6. There were two points of dispute. The first concerned the time limit for abstaining from conducting research along the continental shelf. The second concerned the geographic region covered by the agreement.

#### **i. Time limitations**

As to the time limit for abstaining from conducting research along the continental shelf, the Turkish side argues that the agreement continues to be in force from 1976 to date. However Greece maintains that the Bern Agreement is linked to specific negotiations, which broke off in 1980 with Turkey bearing the responsibility; therefore, the agreement stopped applying after 1980.

It is a fact that the Bern *procès verbal* does not explicitly state its time limit. When the dialogue between Greece and Turkey was interrupted in 1980, Greece ought to have explicitly denounced the *procès verbal*, or to have withdrawn from it. References on the Greek side regarding a denunciation or a withdrawal from the Bern *procès verbal* first appear in March 1982. In 1986, a relevant note verbale was sent to the Turkish side. In March 1987, Greece declared explicitly before the Security Council that the Bern *procès verbal*

Length of the coastlines of the two countries of the Aegean Sea	
Greece	11.790 km
Turkey	3.327 km

was obsolete and inoperative. Therefore, in the most extreme case, the Bern *procès verbal* ceased to be valid twelve months later, namely as of March 1988.

#### **ii. The geographical area covered by the *procès verbal***

As regards the geographical area, the positions of the two parties during the negotiations in Bern differed. The Greek side limited the areas to be delimited between the easternmost shores of the Aegean islands and the opposite shores of Asia Minor. The Turkish side, by contrast, wished to include all the areas it was claiming based on the concessions it had made to the Turkish oil corporation on the 1st of November 1973 and on the 18th of July 1974. In the face of the emerging impasse, it was agreed that a neutral term should be used, which would give each side the opportunity to interpret it as appropriate. The final text makes a general reference to the continental shelf of the Aegean, without discriminating between contested and other areas.

#### **iii. The Bern *procès verbal* today**

Turkey still insists that the Bern *procès verbal* continues to remain in force.

The problem is not Turkey's claims, but rather the way the *procès verbal* was handled by the Greek side. Even though from a legal perspective Greece has denounced the *procès verbal*, it has respected it in practice. With a few exceptions in the early 1980s, it has meticulously avoided proceeding with any exploration beyond its territorial waters. The result was the decades-long suspension of the exercise of any right to the exploration and exploitation of the continental shelf of the Aegean.

#### **i. The exchange of secret "talking points" between PMs Papandreou and Özal, 1987-1988**

The second occasion when Greece and Turkey came to the brink of war on account of the continental shelf was in March 1987. During the time period immediately following the crisis, the prime ministers of Greece and Turkey restored direct contact between the two countries through the exchange of six messages, which took the form of talking points.

The two countries agreed that they should begin bilateral negotiations right away. A key point of divergence from the Turkish approach was the involvement of the International Court of Justice. Initially, Greece proposed that the negotiations should only concern the drawing up of a special mutual agreement to refer the issue to the International Court of Justice. Subsequently, it consented to there being a substantive negotiation on the issues which, if it came to an impasse, would result in a referral to the International Court of Justice. There was ultimately no agreement between the two sides on this point.

The key point at issue for the Turkish side was the confirmation of the state of abstention from all activity and actions with regard to the continental shelf of the Aegean. Greece accepted this reasoning, yet it sought to broaden it by a way of a more general moratorium stating that both sides should abstain from any activity or declaration which would have an adverse effect on the bilateral relations.

Turkey was in agreement with the moratorium, yet it insisted that there should be an explicit mention regarding abstaining from activities on the continental shelf. Even though the two countries came close to an agreement on the issue, the agreement was not concluded. In all its communications, the Greek side systematically avoided any reference to the Bern *procès verbal*. It also stressed that any abstention from activity on the continental shelf of the Aegean would be exclusively linked to the negotiations between the two countries, and it would be limited to the time frame of their duration.

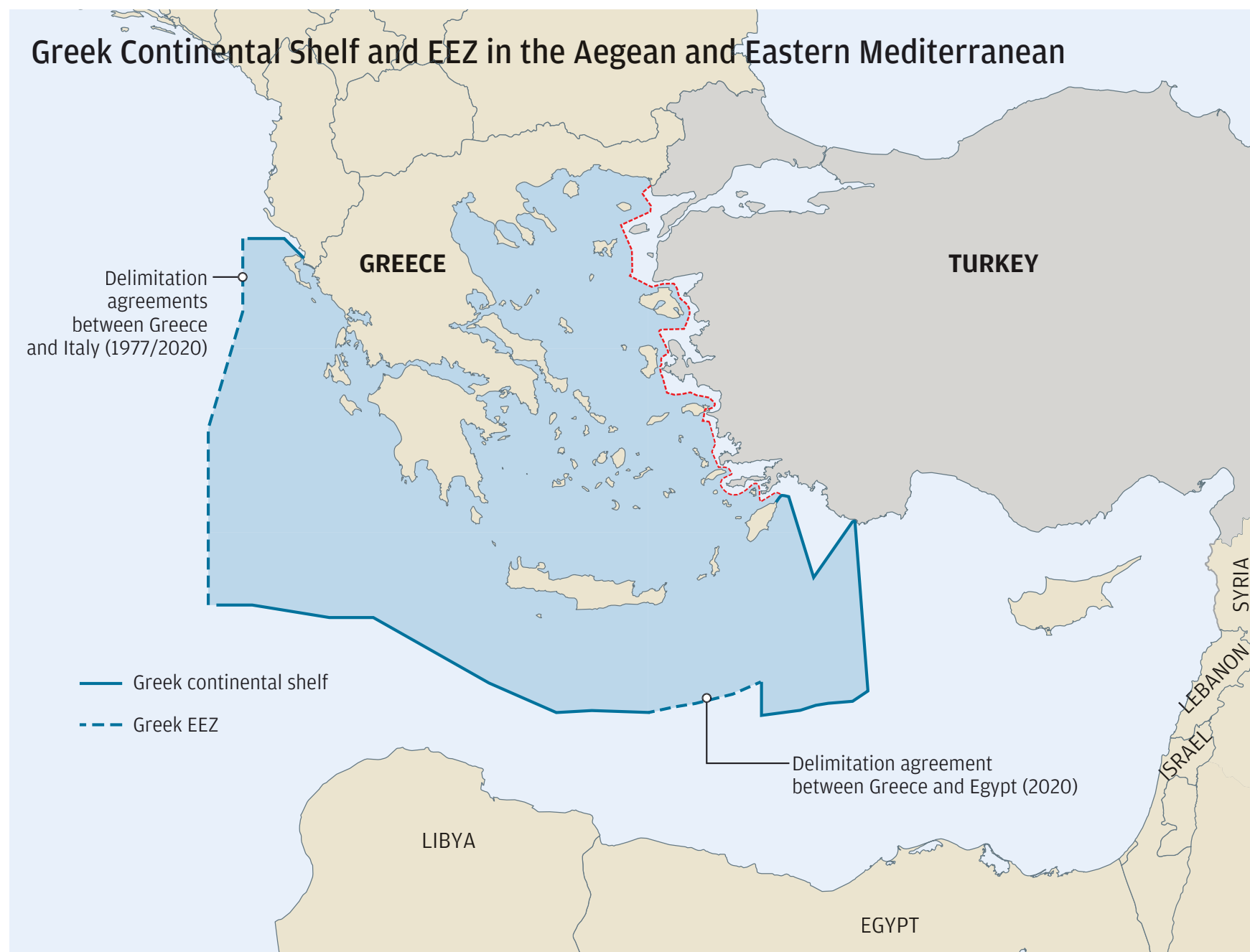
### **Islands, continental shelves and customary international law**

In 1969 the International Court of Justice declared that Art.1 of the 1958 Geneva Continental Shelf convention should be regarded as reflecting or crystallizing rules of customary international law. This article expressly defined the term "continental shelf" as referring to the "submarine areas adjacent to the coasts of islands".

Therefore, the entitlement of islands to a shelf is part of customary law, which allows the Greek islands to have their own continental shelves. This view has been repeated many times by judicial organs.

### **Why Turkey considers that islands do not have continental shelf & EEZ**

Greece regards Turkish efforts to deprive all islands of their continental shelf platforms and encircle them with her own continental shelf as an expression of her overall foreign policy objective of disrupting the islands' territorial and political unity with mainland Greece. This is also evidenced by a number of other facts including the existence of the Turkish Aegean Army and the conduct of military exercises around the Greek islands which isolate them from the mainland.



Following the crisis of March 1987, Turkey undertook to avoid all acts of provocation on the continental shelf of the Aegean to the extent that Greece would also abstain from similar actions. This, however, was not the result of a bilateral agreement, but the Turkish position on the issue as formulated by Özal. Over time, Turkey's choice to avoid acts of provocation on the continental shelf of the Aegean, provided that Greece also abstained from similar actions, had far graver consequences. Greece accepted this situation in practice, without having a legal obligation to do so. The Bern procès verbal of 1976 had ceased to be valid, while with the 1987 exchange of talking points, it had not taken on any relevant obligation.

The abstention from any activity across the whole region of the Aegean (whether it concerned a contested area off Lesbos, or an area entirely removed from Turkish claims outside the Thermaic Gulf) created a *de facto* situation which was particularly advantageous to Turkey and unfavorable for Greece. In practice, the Greek side had confirmed that things in the

Aegean remained “frozen”, as they had been since the 1970s.

#### j. A judicial settlement?

The question of the delimitation of the continental shelf is the only issue that is regarded by the Greek side as being outstanding between the two sides. In addition to the aforementioned positions of the two sides, the relevant facts are as follows:

- During the handling of the *RV MTA Sismik 1* crisis in the summer of 1976, it became clear that, on the one hand Turkey would not consent to a judicial settlement of the issue, and that on the other a judicial settlement of the issue was not feasible through a unilateral Greek application.
- The case law history of the international judicial organs began unfavorably for Greece in 1969, with the North Sea Continental Shelf cases. It has since clearly tended towards the Greek positions, yet without allowing for predictions of any relative certainty as regards the result of future rulings.

- At times, the Greek (but equally some Turkish) governments have indicated that they would far rather prefer to present to the public opinion of their countries the delimitation of the continental shelf as the result of a judicial settlement. The judicial organ would have been indirectly guided as to the final result either by the text of the mutual agreement through which the referral would have been made, or by the overall general circumstances (e.g. following a limited extension of the Greek territorial waters). In this way, the public cost for both governments would be minimized, without, at the same time, leaving matters to the total discretion of the court.
- The problem is further complicated by the fact that, since 1996, Turkey has linked the issue of the delimitation of the continental shelf to the “gray areas” of sovereignty in the Aegean. This means that the international court which will be called upon to delimit the continental shelf may have to confront as its first issue the question of sovereignty over the Greek islands of the Aegean.

CHAPTER 11

# Exclusive Economic Zone (EEZ)

The 1982 convention introduced the concept of the EEZ, extending 200 miles from the coast. The new maritime regime is not limited to the seabed and subsoil like that of the continental shelf; it also includes the natural resources of the overlying waters, as well as the economic exploration, exploitation, protection and preservation of the marine environment.

During the Third UN Conference on the Law of the Sea (1973-1982), the possibility was discussed of merging the concept of the continental shelf with that of the EEZ. In the end, however, it was decided to preserve the two separate regimes.

## a. The EEZ in public discourse

The subject of declaring an EEZ in the sea surrounding Greece entered the public discourse in 2010. As the country sank into an economic crisis, the EEZ appeared almost as a *deus ex machina* for the exploitation of the “abundant” hydrocarbon deposits which were said to exist in just about every length and breadth of the sea that surrounds Greece. Over time, the discussion on the subject attributed qualities to the EEZ which it does not possess, while it was considered a prerequisite for any move towards hydrocarbon exploitation.

The declaration of an EEZ is necessary, but for different reasons than those mentioned in the public debate. Also, in order to bear fruit, the declaration of an EEZ must be accompanied

by implementation measures that will ensure that its boundaries are respected (particularly by Turkey, who will rush to challenge it).

## b. Two widespread misunderstandings

### i. Greece DOES NOT need an EEZ

#### in order to exploit undersea resources

A large section of the Greek public is under the impression that in order to exploit Greece’s undersea resources it is necessary to declare an EEZ. The reality is entirely different. Greece is fully entitled to exploit any undersea resources (oil and natural gas) which exist in Greek maritime zones, whether it declares an EEZ or not. Proof of this is that the process to explore parts of the Ionian and Libyan Sea that are outside Greek territorial waters began in 2011, and was based on the rights that are conferred on any state by the legal regime of the continental shelf.

### ii. The declaration of an EEZ WILL NOT

#### help solve the problems between

#### Greece and Turkey

It is often assumed that the declaration of an EEZ will lead to a solution to the Greek-Turkish dispute over the continental shelf, to Greece’s advantage. In reality, the same problems that already exist with Turkey over the delimitation of the continental shelf will continue to exist when an EEZ is declared. According to the 1982 Law of the Sea Convention, the rules governing the delimitation of the two types of maritime

## The main differences between a continental shelf and EEZ

Continental shelf	EEZ
The continental shelf comprises only the seabed and the subsoil. It does not include the superjacent waters.	The EEZ includes the seabed, the subsoil and the superjacent waters.
<i>“The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation,”</i> (1982 Convention, Article 77) – they exist <i>ab initio</i> and <i>ipso facto</i> .	The rights and jurisdiction of a state over its EEZ are acquired only when a state explicitly declares the specific maritime zone.
The continental shelf refers exclusively to the (economic) exploitation of resources of the seabed and subsoil.	The EEZ includes the exploitation of resources but also the environmental management of those resources, as well as scientific research.
The continental shelf as a legal concept is based on a geological continental shelf. Up until 1984, the International Court of Justice attempted to link the continental shelf to geomorphological or geological features of the seabed. Since then, maritime borders have been delimited primarily on the basis of the criterion of distance, up to distances of 200 nautical miles from the shore.	The EEZ is a purely legal concept, with no relation to any physical characteristic of the maritime area in which it is defined. The EEZ is determined purely on the basis of the criterion of distance from the shore.

zone (continental shelf and EEZ) are identical. The only difference is that the creation of an EEZ will confirm that the key criterion for that maritime zone is distance from the shore (a position which Greece supports) rather than geomorphological criteria of the seabed that are related to the geological continental shelf. But in any case, Turkey has long ceased to invoke geomorphological criteria.

#### c. Eight reasons to declare an EEZ

The key question is whether Greece needs to declare such a maritime zone. One can identify eight reasons that necessitate the declaration of a Greek EEZ:

- i. It would secure and confirm the political and economic unity of Greek territory, the mainland regions with the islands.
- ii. It would allow for the protection of the marine environment beyond territorial waters (e.g. from oil spills), which is the only resource in the Aegean which Greece currently exploits, through tourism.
- iii. It would help protect Aegean fishing waters, which are being systematically over-fished in areas beyond 6 miles from the Greek coasts.
- iv. It would offer possibilities for economic exploitation beyond the territorial sea – through, for example, electricity generation from wind, currents and waves.
- v. It would be based purely on distance from the coast. This would negate any Turkish argument concerning geomorphological features of the seabed which could be linked to the continental shelf.
- vi. It would close potential issues which could be raised in the future in Greek-Turkish relations, such as that of the EEZ.
- vii. It would deter actions on the part of Turkey, which can today legally build installations even between the Cyclades and the Peloponnese, taking advantage of the high seas regime which covers 50% of the sea area of the Aegean (such as, for example, offshore wind farms).
- viii. The acquisition of greater jurisdiction over the surrounding seas confers increased power to a state.

#### d. The declaration, delimitation and implementation of a Greek EEZ

Greek public discourse focuses on the need to declare an EEZ. In reality, its declaration is only one of three actions which need to be taken regarding an EEZ. Following its declaration, an EEZ must be delimited. In cases where a delimitation is not possible, Law 4001/2011 will

be applied, which states that *“in the absence of a border delimitation with neighboring states [...] the external boundary of the continental shelf and the exclusive economic zone (if it is declared) is the median line [...]”*.

As the delimitation is difficult, weight must be given to the means of implementation of the EEZ. The EEZ will cover an area approximately four times larger than the land area of Greece. In the first phase, particular emphasis must be placed on the adoption of environmental protection measures across all maritime areas covered by the EEZ, with a priority placed on marine pollution by ships and fishing. Especially on the issue of fishing, the contribution of the EU will be invaluable. The second step should be the creation of a legal framework for the exploitation of renewable energy sources outside Greek territorial waters. If Greece limits itself to the declaration of an EEZ without immediately taking measures to implement it, there is a significant danger that the declaration will remain a dead letter.

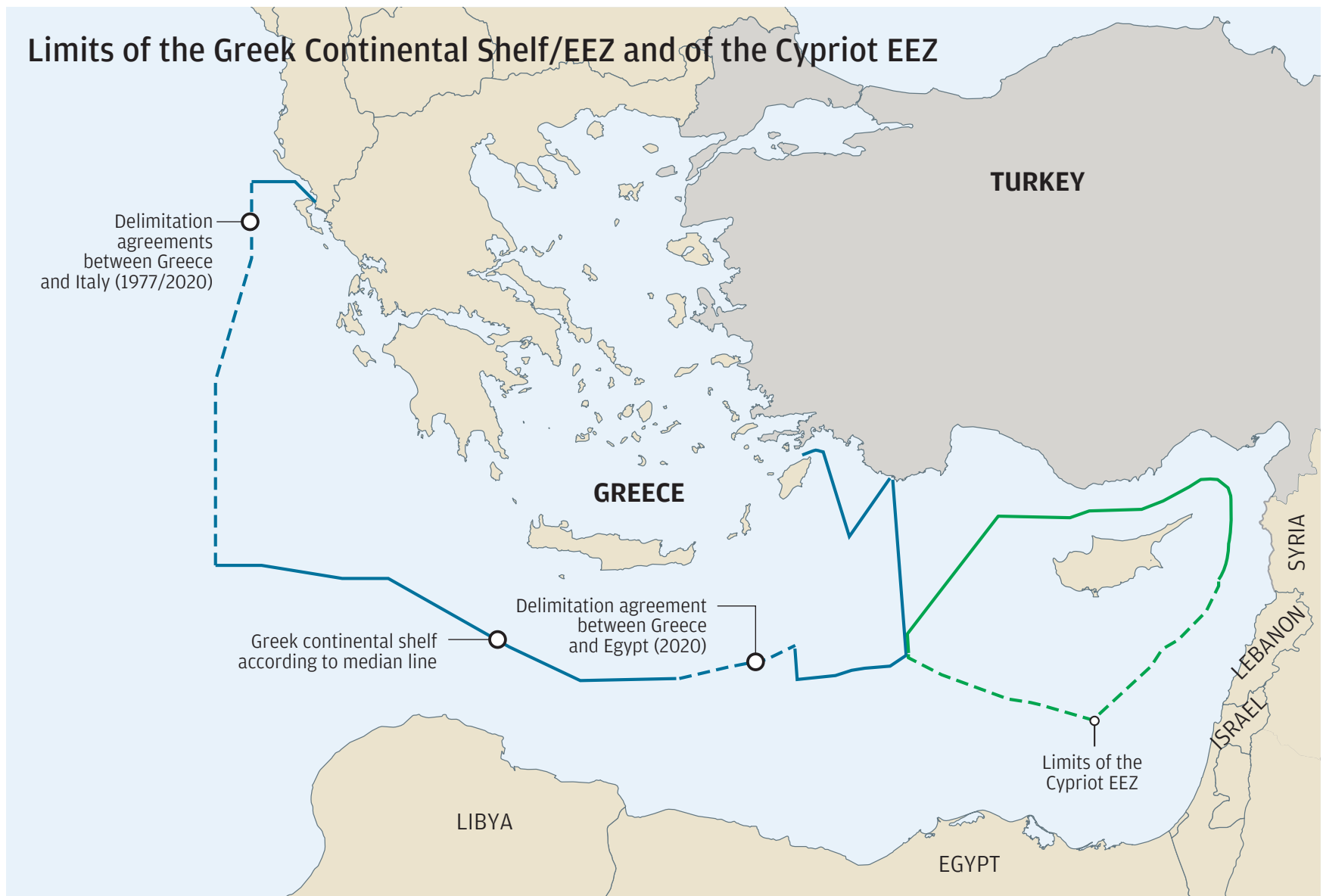
It is sometimes claimed that the shifting of interest from hydrocarbons to renewable energy sources limits the importance of declaring an EEZ. According to the Paris Agreement on Climate Change, the EU will cease to use hydrocarbons for energy by 2050. However, the EEZ will retain its importance; for example, in the future the majority of wind farms will be floating and located offshore.

#### e. Negotiations with neighbor states to define a continental shelf and EEZ

After 2004, the government of Kostas Karamanlis proceeded with negotiations with neighbor coastal states in the Eastern Mediterranean for the delimitation of maritime zones. Negotiations were carried out with Albania, Libya and Egypt as part of a plan codenamed “Greece times four”. There were no negotiations with Cyprus, as there is absolute agreement on matters of maritime boundaries.

The adoption of a “single maritime” or “single multi-purpose boundary” rather than just a limit for the continental shelf: Greece proposed the adoption of a “single maritime” or “single multi-purpose boundary”. This boundary delimits existing and future maritime zones. When in future Greece declares an EEZ, the “single maritime” or “single multi-purpose boundary” will apply for the EEZ without a new round of negotiations.

The completion of negotiations in parallel with the Greek-Turkish dialogue: The intention of the Greek side was to conclude negotiations and delimit maritime zones



with the neighbor coastal states alongside its negotiations, through exploratory talks, with Turkey. Greece believed that this would strengthen its position.

**The promotion of the idea of a “European EEZ”:** In parallel with negotiations with the three states, Greece attempted at an EU level to make a case for the adoption of a unified European policy on national EEZs in the Mediterranean.

A delimitation agreement was reached with Albania in 2009. The agreement strictly followed the median line, and took into account all islands in the area, Greek and Albanian. Aside from the continental shelf and EEZ, it took into account the different breadths of the territorial waters of the two states. Greece’s territorial waters extend 6 miles, and Albania’s 12 miles. After the agreement’s signing, it was challenged in Albania’s Constitutional Court, which declared it unconstitutional. The rationale for the court’s decision features arguments which were clearly dictated by Turkey. For several

years there was no progress with Albania. In October 2020, the two countries finally agreed to refer their dispute over the maritime borders in the Ionian Sea to the International Court of Justice.

All subsequent Greek governments attempted to continue the negotiations with Libya and Egypt. In the case of Libya there was no success. In the case of Egypt, a delimitation agreement was reached in August 2020. The agreement, which partially delimited the maritime area between the two countries, is further analyzed in Chapter 13.

The map with the limits of the Greek continental shelf is based with regard to Italy on the two relevant agreements of 1977 and 2020; with regard to Albania on the signed but not ratified agreement of 2009; with regard to Egypt in part on the 2020 delimitation agreement, and on the median line to the east of the 28th meridian; and with regard to Libya, Cyprus and Turkey on Law 4001/2011. The last stipulates that, absent any delimitation agreement with



neighbor states, the outer boundary of the Greek continental shelf is the median line / line of equidistance, which is measured from the continental and island coastlines.

**f. Delimitation with Italy (1977/2020)**

During the period that the case regarding the dispute with Turkey over the Aegean continental shelf was pending in the International Court of Justice (1976-78), Greece moved to quickly conclude a continental shelf delimitation agreement with Italy. The two countries had identical views on the adoption of the principle of the median line / line of equidistance in determining maritime boundaries. The agreement delimiting the continental shelf in the Ionian Sea was signed in 1977. Greece was interested in using this particular delimitation as a model for defining the continental shelf in the Aegean:

- a. in terms of the methodology of delimitation,
- b. in terms of the handling of any shared deposits that may exist on either side of the boundary line, and
- c. in terms of the dispute resolution mechanism.

After 43 years, in 2020, Greece and Italy signed a new agreement to cover the EEZ. The agreement explicitly refers to Article 58 of UNCLOS which regulates this specific zone. The boundary for the EEZ followed the existing delimitation for the continental shelf agreed in 1977.

As it has been argued that Greece should have negotiated a different boundary for the EEZ from that of the 1977 continental shelf, the following must be noted: In international practice, the rule is that the boundary of the EEZ follows the preexisting boundary of the continental shelf. Otherwise we would have a nonsensical situation where the EEZ, which contains the continental shelf and the overlying waters, would have a different boundary from that of the continental shelf itself! The details of the delimitation are as follows:

**Technical elements:** The boundary line has a length of 268 nautical miles (496 kilometers). It is defined by 16 points which start northwest of Othonoi (point 1) and end northwest of the Peloponnese (point 16). The sea in that particular area is very deep. With the exception of the northern sector west of Othonoi and Corfu, where the depth is around 800 meters, the depths in the remaining area range between 3,500 meters and 4,000 meters. With today's technology (and low oil prices), the depth is completely prohibitive to the exploitation of deposits. In the northern sector, the distance between coasts is 42 nautical miles (78 kilometers). In the southern sector,

the Italian coast is 332 nautical miles (615 kilometers) from the Greek coast.

**Method of demarcation:** The demarcation was carried out on the basis of the median line, which is a key position of Greece (and also Italy). The demarcation is simplified (using only 16 points) as was the custom when the continental shelf was delimited in 1977.

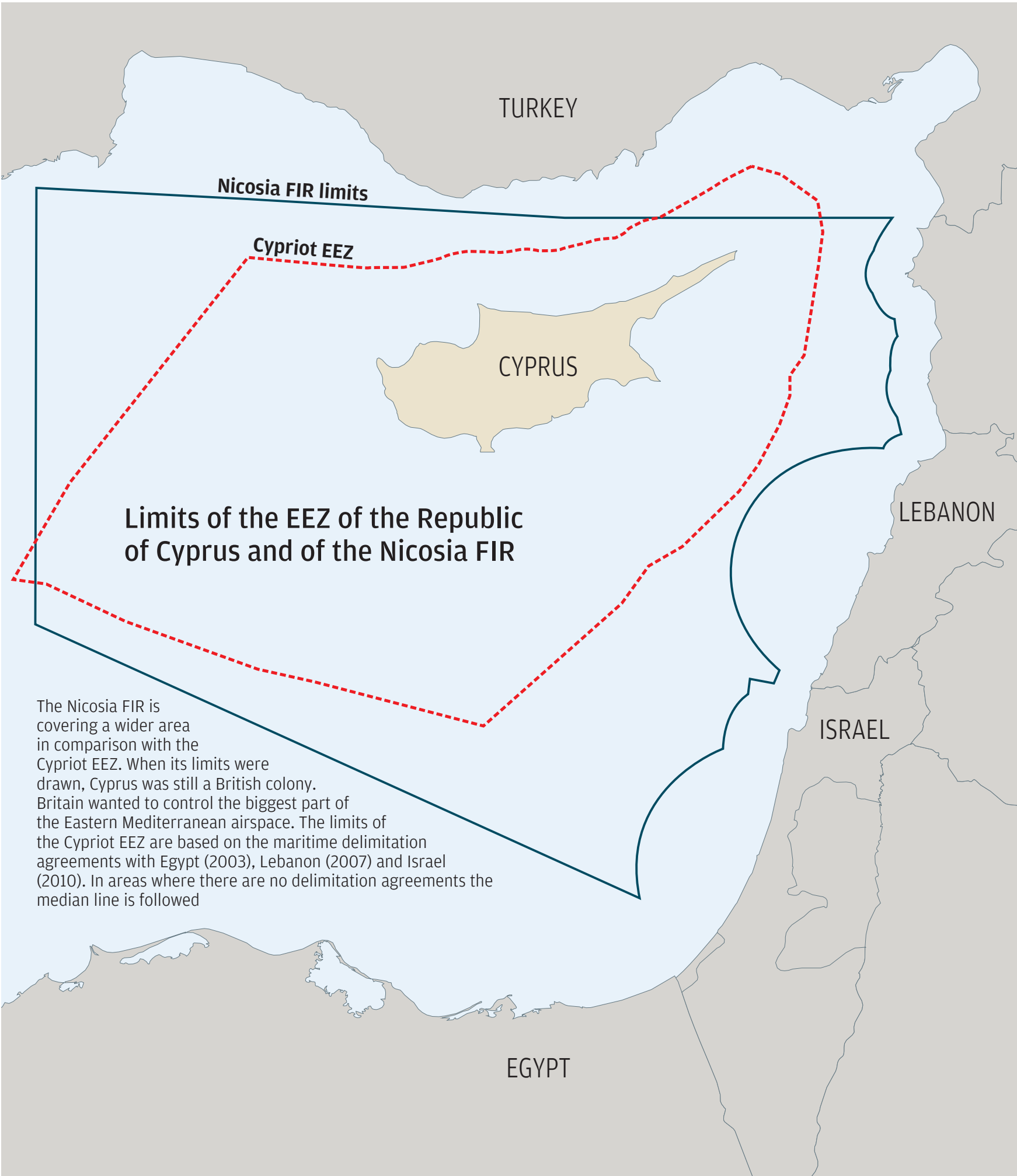
**Influence of the islands:** All of the islands in the area have an influence on the boundary. To be more precise, the boundary on the Greek side has been based exclusively on islands. This is clear from the locations of the points defining the boundary:

- Points 1-3 are tied to Othonoi.
- Point 4 to the uninhabited islet of Plateia off the island of Mathraki.
- Point 5 to Corfu.
- Points 6-10 to Kefalonia.
- Points 11-12 to the uninhabited islet of Agios Ioannis off Zakynthos (Zante).
- Points 13-16 to the island of Stramfani (population: 1 in the 2011 census) in the Strofades complex, which also includes the uninhabited islet of Arpyia.

It is especially important that all of the islands in the area, including those that are uninhabited, have been taken into account in the delimitation.

**Reduced effect?** In three areas of the boundary line there is reduced effect, which means that rather than the boundary following the median line, it is shifted to the detriment of one state or the other. The reduced influence affects Greece as much as Italy. More specifically, there is reduced effect: (a) in the area of the Strofades (point 16), where the boundary is shifted towards Greece by 2.75 nautical miles (5.1 kilometers), and (b) in the area of Othonoi (point 1), where the boundary is located 1.4 nautical miles (2,600 meters) closer to Greece. At points 7 and 8, the boundary is shifted to the detriment of Italy at Calabria – between 0.5 nautical miles (900 meters) and 2.8 nautical miles (5,200 meters) – and in favor of Kefalonia. In this instance, an island (Kefalonia) appears to have more sea area than a continental coastline! In essence, the mutual losses of Greece and Italy almost cancel each other out along the length of the boundary.

**Tripoints:** The delimitation begins in the north from a point located approximately 7 nautical miles south of the tripoint between Italy, Greece and Albania, and terminates to the south at a point located 38.2 nautical miles (calculated treating the Gulf of Sidra as open water) north of the tripoint between Italy, Greece and Libya.



CHAPTER 12

# The Eastern Mediterranean and Cyprus

At the beginning of the 21st century, the main area of tension in Greek-Turkish relations gradually shifted from the Aegean to the Eastern Mediterranean. This is because energy reserve exploitation became possible in the Eastern Mediterranean. Advances in technology (as well as rising oil and gas prices) have made it possible to explore and exploit hydrocarbon deposits located in deep sea areas. Such are the areas of the Eastern Mediterranean. Towards the end of the first decade of the 2000s, rich underwater energy deposits began to be discovered to the southeast of Cyprus.

By 2020 there were eight confirmed major gas fields. The largest deposit (Zohr) is located in the Egyptian EEZ. Four of the deposits (the very large Leviathan deposit and the smaller Tamar, Dalit and Marie B) are located in the EEZ of Israel, while three other deposits (Aphrodite, Calypso and Glafkos) are located in the Cypriot EEZ.

## a. The EEZ of Cyprus

The Republic of Cyprus has maritime borders with Greece, Turkey, Syria, Lebanon, Israel and Egypt. During the period 2003-2010, Cyprus signed three agreements with neighboring countries (with Egypt in 2003, Lebanon in 2007, and Israel in 2010), through which it delimited its Exclusive Economic Zone in its southern and southeastern part. By contrast, talks with Syria, which began in 2001, were not completed due to Turkey's opposition.

The three agreements had common features:

- They accepted the 1982 Law of the Sea Convention as their legal framework (this acceptance was particularly important in the case of Israel, because it was one of the states – along with the US, Turkey and Venezuela – that did not sign the convention).
- They adopted the median line, and its delimitation was simple, as in the area there are no particular geographical features that could cause problems.
- The demarcation covered the entire length of the sea area to be delimited between the respective states, with the exception of the most extreme points, since it stopped a few miles before the trilateral points.

Of the three agreements, the one with Lebanon has not yet entered into force due to a dispute over the boundary it has with Israel. The problem does not directly concern the Republic of Cyprus. Cyprus' strategy to proceed to an agreed delimitation of its maritime zones with its neighboring countries was absolutely appropriate for the removal of any disputes.

Interest, however was limited. For the majority of geologists (although other scientific views were also heard) the area was indifferent when it came to hydrocarbons. Until then, only small gas fields had been discovered in the Eastern Mediterranean, mainly in the area outside the Nile Delta in Egypt. The 2009 discovery of the Tamar deposit within the Israeli EEZ changed the scene. This was followed in 2010 by the discovery of the very large Leviathan deposit, which also belongs to Israel. The peak came in 2015. The Italian energy company Eni discovered the giant deposit Zohr in the Egyptian EEZ, which is the largest gas field in the Mediterranean. The deposit was found a few miles from the borders of the Cypriot EEZ. Its gross present value is estimated at 120 billion euros.

The findings from the successful wells provided valuable new information and revised estimations regarding the geological model of the sea area, especially for the undersea mountain Eratosthenes located southwest of Cyprus. At the same time, they attracted the attention of very large players in hydrocarbon exploration. The whole process was closely monitored by Turkey.

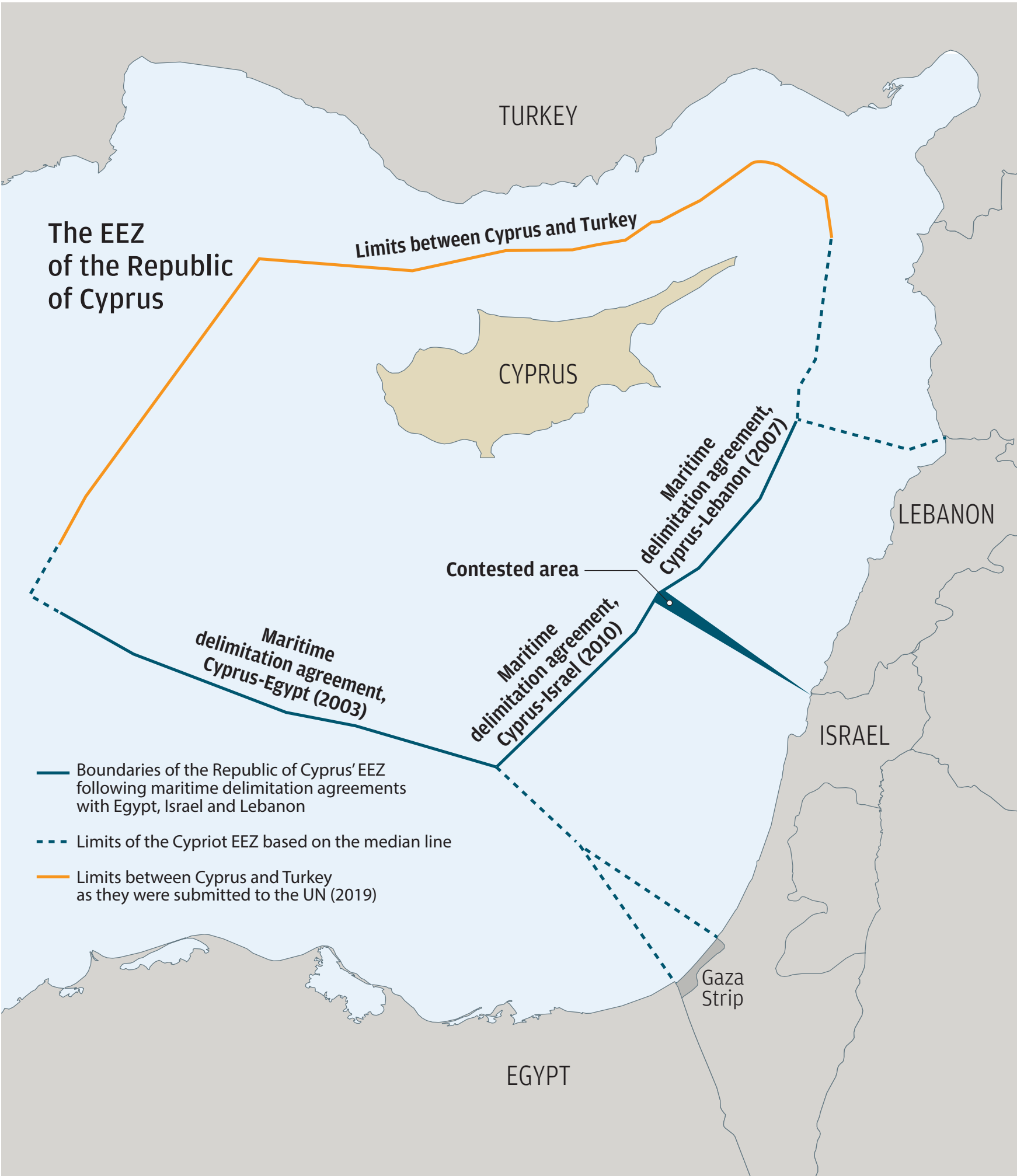
## b. Turkey's positions on the delimitations of Cyprus and neighboring countries

With the signature of each new agreement with its neighboring states, the Republic of Cyprus was creating a wall of international legitimacy in relation to Turkey. To date, this is the main obstacle that Turkey faces in the Eastern Mediterranean: the international legitimacy with which the Republic of Cyprus has surrounded its every move on the issue of hydrocarbons.

After each delimitation between Cyprus and its neighboring states, Turkey would submit a note verbale to the UN. It would employ the same approach after the various announcements made during the trilateral meetings between Greece, Cyprus and Israel, and Greece, Cyprus and Egypt, in which the USA, France and the United Arab Emirates have at times participated. The Turkish positions are as follows:

- Turkey did not recognize any of the three agreements, which they were considered legally invalid and therefore non-binding.

**What international law says:** *It is the sovereign right of two independent states to sign delimitation agreements with regard to their respective EEZs, provided of course that they are neighboring states and have a coastal front on the sea areas to be delimited.*



*Adequate information was published about the agreements by informing the relevant UN agency.*

- In the case of the agreement with Egypt, Turkey claimed that rights on its continental shelf have been violated. Correspondingly, it claimed all the sea areas west of Cyprus as part of the Turkish continental shelf. It only recognized Cyprus as having rights within its territorial waters. To this end, it generally deemed islands of any size as “special circumstances”, not recognizing their rights or considering them as having limited influence with regards to delimitation.

*What international law says: The Turkish position that it has rights to the continental shelf that extends west and southwest of Cyprus is legally baseless. These are areas to which Turkey does not have a coastal front and therefore cannot claim. Islands have the same right as other land territories to claim the maritime zones around them. This is especially true for an island state, such as Cyprus. By extension, according to Turkish logic, the United Kingdom and Ireland should not have maritime zones in the Atlantic Ocean.*

- Southeast of the island, Turkey did not claim sea areas as a state. Its intervention is supposed to be on behalf of the Turkish Cypriots, whose rights have been infringed by the agreements with Israel and Lebanon.

*What international law says: Sovereign rights over the continental shelf and EEZ are exercised by states and not by groups of people within states such as the Turkish Cypriots. Given the political problem, the creation of a*

*special fund where part of the revenue will be deposited for future generations (following the model of the Government Pension Fund Global of Norway) could be an incentive for the Turkish Cypriots to reach a solution on the Cyprus problem and end Turkish occupation. In reality, however, Turkey is not interested in finding a solution to the Cyprus problem. It focuses exclusively on the exploitation of the hydrocarbon deposits.*

- According to Turkey, it is not only the Aegean that is an enclosed or semi-enclosed sea, but also the Eastern Mediterranean. Therefore, it considers that there is an obligation for the coastal states to cooperate, and any maritime delimitation must be done through an agreement between “all the involved states”.

*What international law says: The concept and regime of “enclosed and semi-enclosed” seas are set out in Articles 122-123 of the Convention on the Law of the Sea (1982). The International Court of Justice has previously stated that the Mediterranean is a “semi-enclosed sea”. However, under the convention, cooperation between littoral states in enclosed or semi-enclosed seas is limited to the management of fishery resources, protection of the marine environment and coordination of marine scientific research. It is not related to the establishment or delimitation of maritime zones. After all, Turkey itself did not follow this logic when it established an EEZ in the Black Sea in 1986.*

- Turkey asked for the application of the principle of equity, rejecting the equidistance/median line. In the context of equity, it considered that the most important point to be taken into account during delimitation is the length of the Turkish coast in the Eastern Mediterranean.

*What international law says: Equity cannot function irrespective of international law. It is generally accepted by international adjudication that in the case of continental shelf or EEZ delimitations, a provisional equidistance/median line-based boundary is first drawn (first stage). It is then assessed whether there are “relevant circumstances” that require a change of the course of the boundary (second stage). The length of the Turkish coasts in the Mediterranean is an important element which could be taken into consideration as the so called “proportionality test” at the end of the delimitation process (third stage), but by no means enough to create rights in favor*

## Worryingly large investments

**In 2012, Turkey realized** that it did not have its own modern research vessels to raise tensions wherever and whenever it wished.

In December 2012, it bought the Norwegian research vessel *Polarcus Samur* for \$213 million and renamed it to the *Barbaros Hayreddin Paşa*.

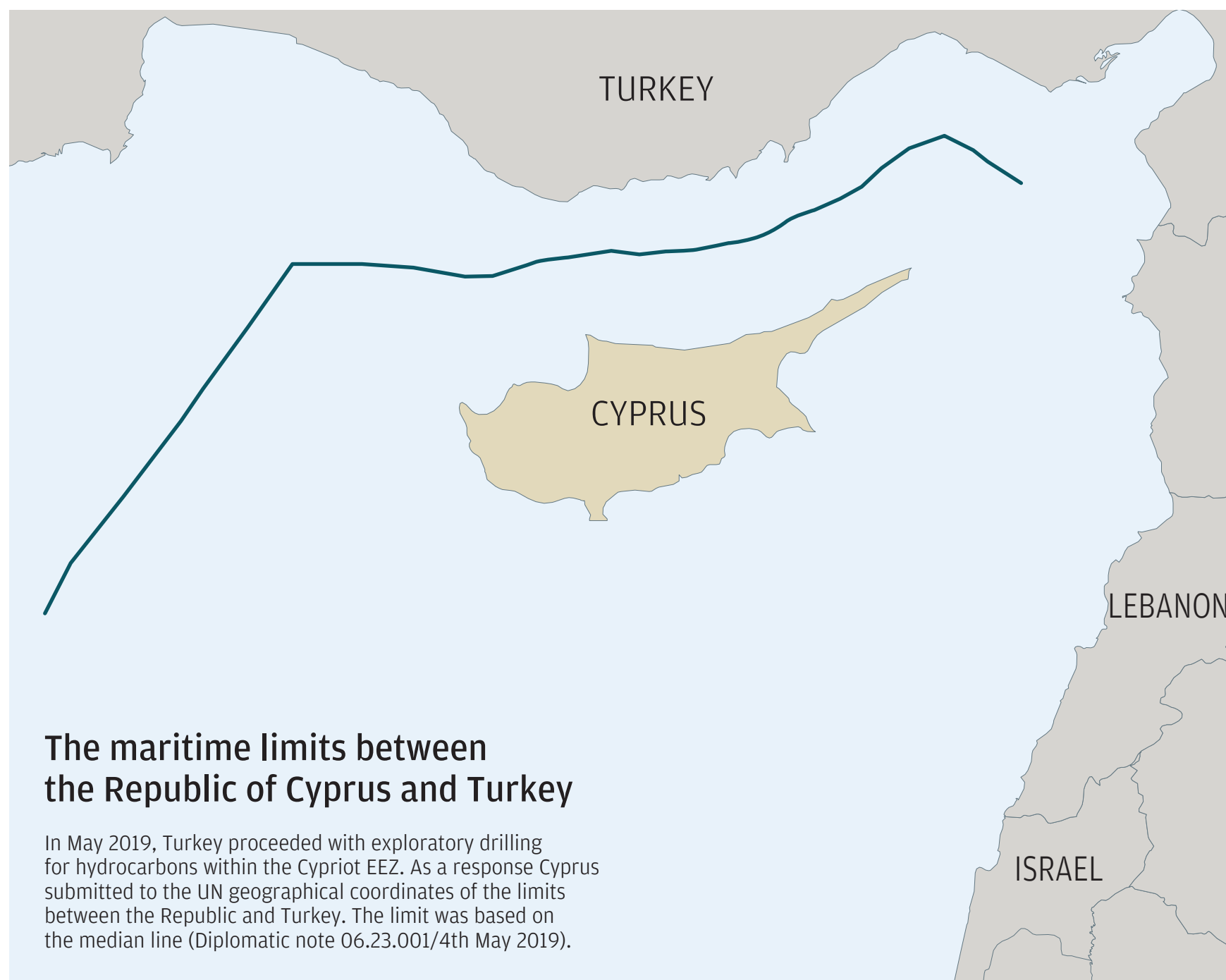
The crew and the seismic data processing remained under the Norwegian company *Polarcus* with renewable contracts until January 2019. The cost of the contracts amounted to at least \$40 million.

**In 2017**, the construction of another research vessel, which cost \$115 million and was named *Oruç Reis*, was completed.

**In December 2017**, the vessel *Deepsea Metro II* arrived in Turkey, drilling in the open sea and at great depths. Then in 2018 it bought the sister ship *Deepsea Metro I*, which was renamed *Yavuz*. In contrast to the seismographic, expensively purchased *Polarcus / Barbaros*, the two drilling vessels were acquired at low prices in relation to their construction costs.

**Finally, in 2020** a third drillship was purchased, the *Sertao*, which was renamed *Kanuni*.

**In any case**, no state invests nearly 1 billion dollars in vessels without intending to use them.



*of Turkey south of Cyprus. Finally, concerning the application of the equidistance/median line, it is interesting that Turkey accepts it when it puts forward maps with maritime boundaries based on the median line between the mainland coasts of Turkey and Egypt (obviously ignoring Cyprus and the Greek islands).*

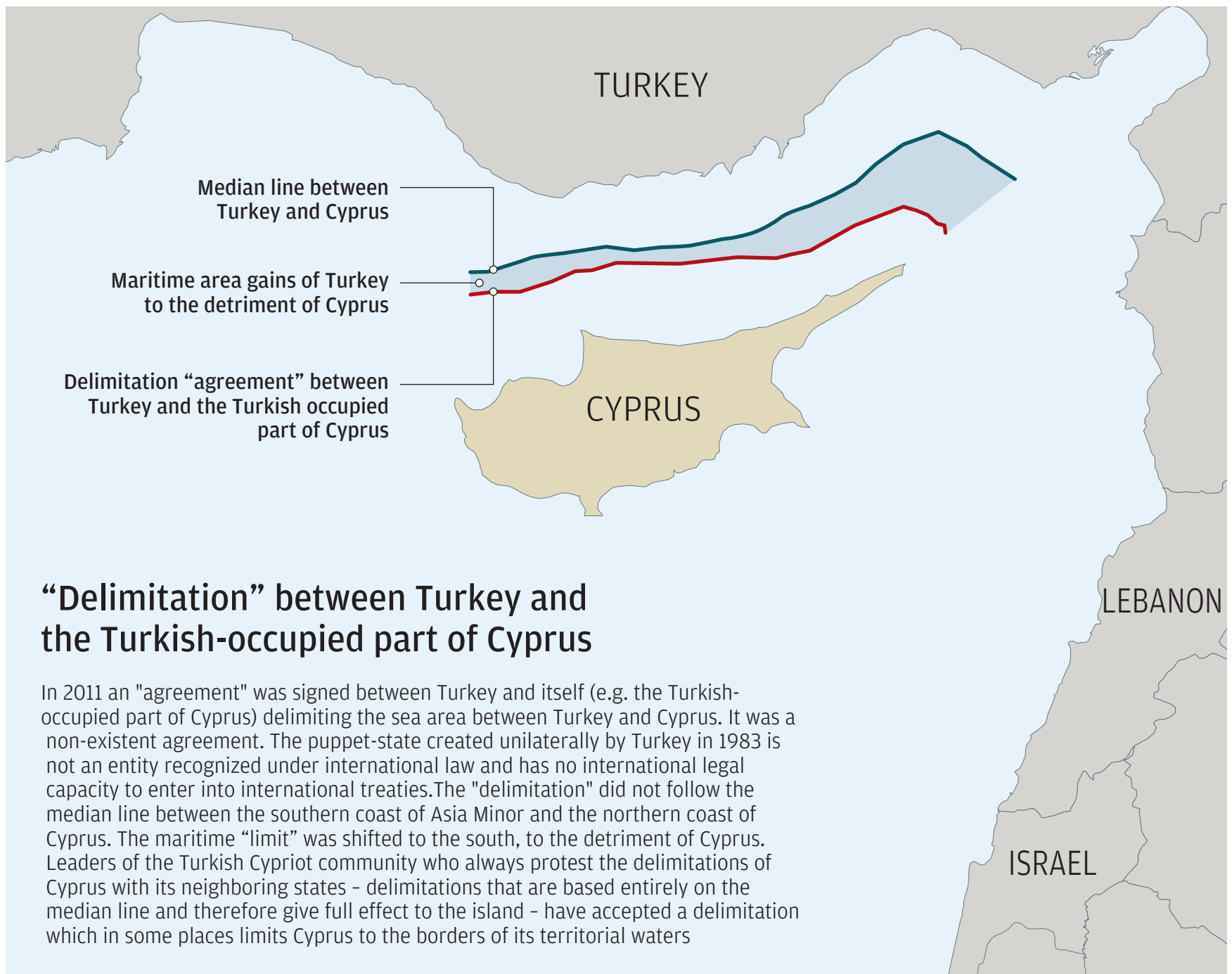
**c. 2007-2020: Practical challenges to Cypriot sovereign rights**

Apart from issuing notes verbales, Turkey has challenged Cypriot sovereign rights in practice. Tactics that it now regularly employs include:

- Conducting aerial and naval exercises in maritime areas south of the island. Harassing research vessels under the flags of third

countries conducting surveys on behalf of the Republic of Cyprus in areas within the Cyprus EEZ.

- Preventing research vessels from conducting surveys in areas within the Cyprus EEZ. The most extreme incident occurred in February 2018, when Turkish warships prevented a vessel of the Italian energy company Eni from proceeding with surveys in block 3, at the point “Soufia” [i.e. “cuttlefish”].
- Dispatching research vessels under foreign flags to conduct surveys on behalf of Turkey in areas of the Eastern Mediterranean. This was a practice undertaken mainly until 2010. Following the actions of Greece and Cyprus, foreign companies now refuse to charter their research vessels when they



## “Delimitation” between Turkey and the Turkish-occupied part of Cyprus

In 2011 an "agreement" was signed between Turkey and itself (e.g. the Turkish-occupied part of Cyprus) delimiting the sea area between Turkey and Cyprus. It was a non-existent agreement. The puppet-state created unilaterally by Turkey in 1983 is not an entity recognized under international law and has no international legal capacity to enter into international treaties. The "delimitation" did not follow the median line between the southern coast of Asia Minor and the northern coast of Cyprus. The maritime “limit” was shifted to the south, to the detriment of Cyprus. Leaders of the Turkish Cypriot community who always protest the delimitations of Cyprus with its neighboring states - delimitations that are based entirely on the median line and therefore give full effect to the island - have accepted a delimitation which in some places limits Cyprus to the borders of its territorial waters

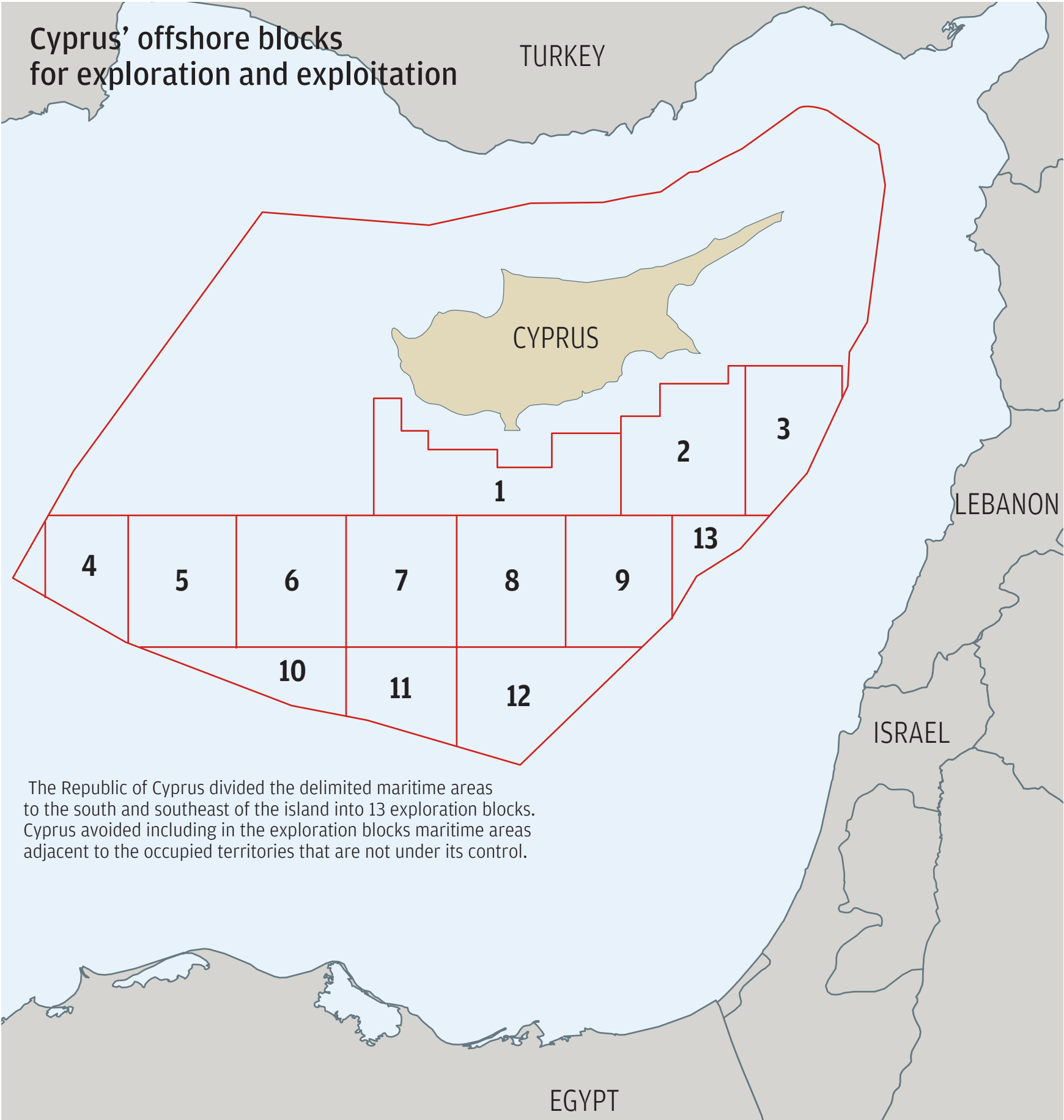
are informed that Turkey will send them to disputed continental shelf / EEZ areas.

- Dispatching Turkish research vessels to conduct seismic surveys in the Cypriot EEZ. This tactic first was started in September 2011 with the “veteran” of the Greek-Turkish crisis, the oceanographic vessel RV K. Piri Reis. Due to its age, it was replaced by the seismographic vessel RV Barbaros Hayreddin Paşa. The latter often surveys sea areas around Cyprus, often entering within delimited parts of the Cypriot EEZ. Turkey believed that with this method it could repeat what it had been doing successfully in the Aegean since 1976. Its goal was to provoke a major crisis and paint a picture of a disputed region.
- Since May 2019, Turkey has proceeded with

exploratory drilling within the Cyprus EEZ, which is discussed below.

### d. The “delimitation” between Turkey and Turkish-Cypriot puppet-state

On September 19 2011, Cyprus started drilling the well that would lead to the discovery of the “Aphrodite” deposit. Two days later, an “agreement” was signed between Turkey and the Turkish occupied part of Cyprus delimiting the sea area between Turkey and Cyprus. From the international law point of view it was a non-existent agreement. The puppet-state created unilaterally by Turkey in 1983 is not an entity recognized under international law and has no international legal capacity to enter into international treaties.

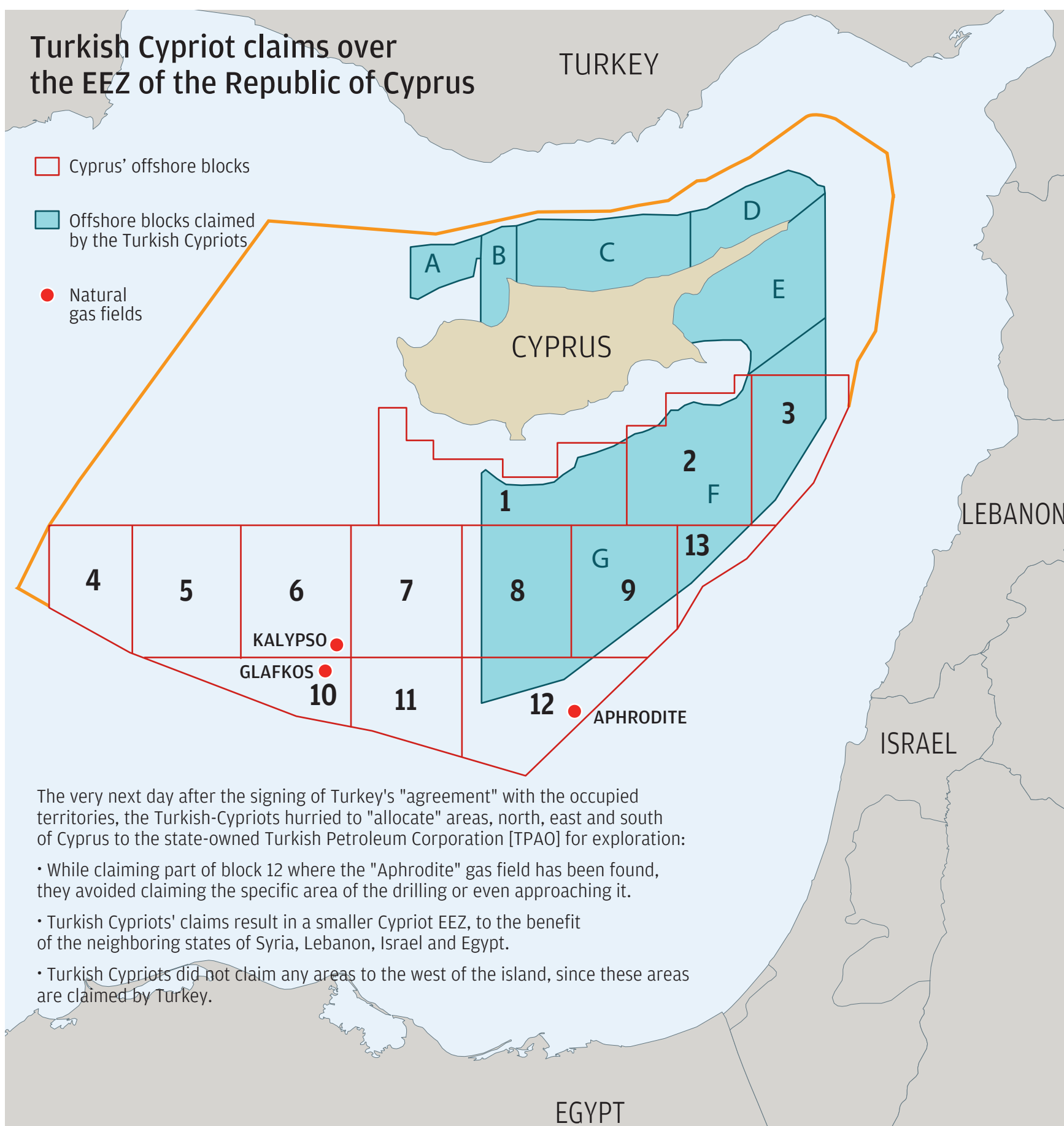


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Cyprus to the borders of its territorial waters. The maritime “limit” was shifted to the south, to the detriment of Cyprus.

Clearly, the delimitation was a model of the Turkish view of the “special conditions” that prevail in the seas where there are territories with Greek populations (in contrast, for example, with the Black Sea, where the delimitation of Turkey and its

## Turkish Cypriot claims over the EEZ of the Republic of Cyprus



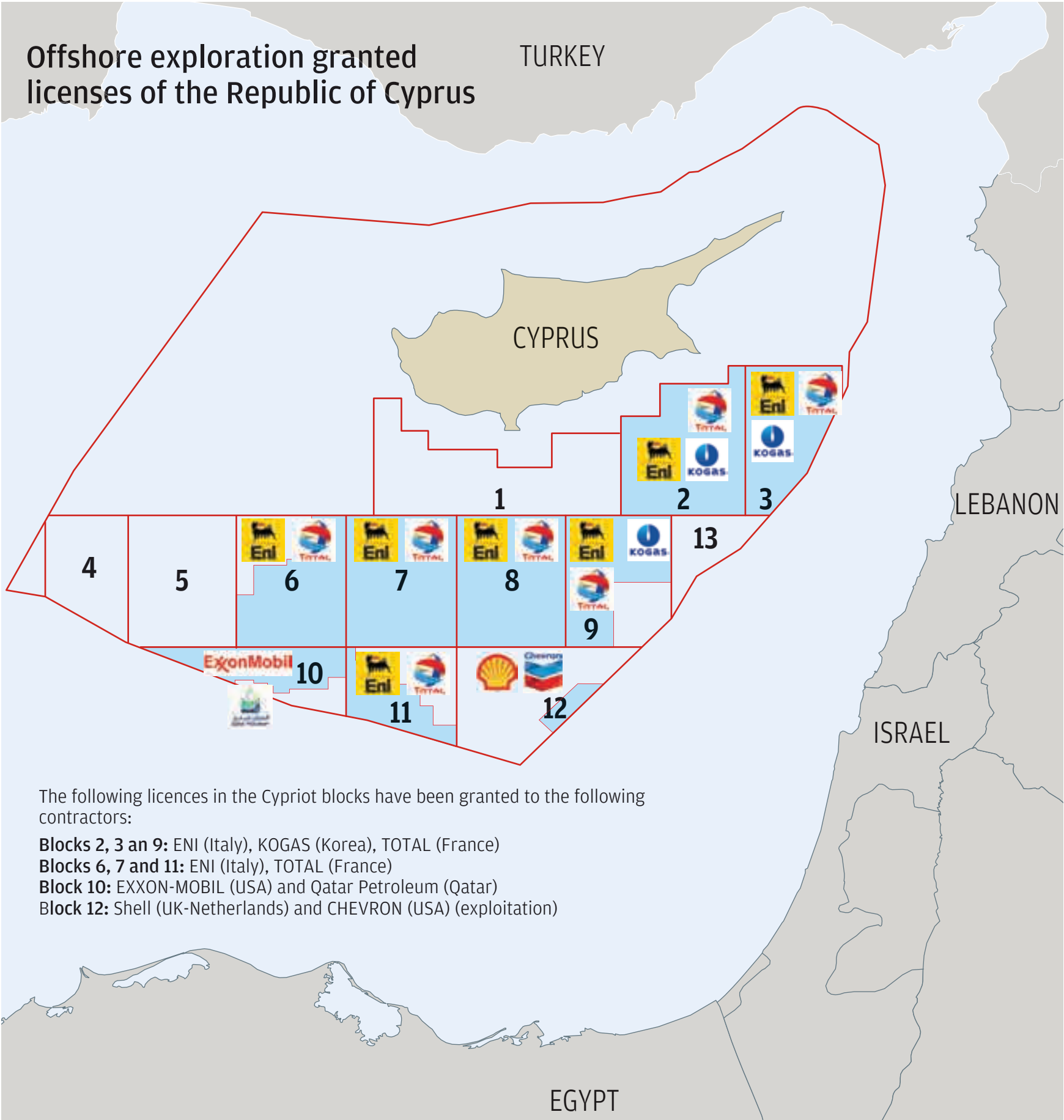
The very next day after the signing of Turkey's "agreement" with the occupied territories, the Turkish-Cypriots hurried to "allocate" areas, north, east and south of Cyprus to the state-owned Turkish Petroleum Corporation [TPAO] for exploration:

- While claiming part of block 12 where the "Aphrodite" gas field has been found, they avoided claiming the specific area of the drilling or even approaching it.
- Turkish Cypriots' claims result in a smaller Cypriot EEZ, to the benefit of the neighboring states of Syria, Lebanon, Israel and Egypt.
- Turkish Cypriots did not claim any areas to the west of the island, since these areas are claimed by Turkey.

neighboring states follows the median line). The "delimitation" did not pose a problem for the Republic of Cyprus' planning. It concerned the sea areas between Turkey and the occupied northern coast of the island. The Republic of Cyprus, however, did not include sea areas adjacent to the occupied territories in the offshore blocks announced through international tenders.

### e. The Cypriot offshore blocks south of the island

In parallel with the delimitation of the EEZ boundaries on both sides, the Republic of Cyprus proceeded to divide into blocks most of the maritime areas that belong to it to the south and southeast of the island. The total area covered 51,000 sq km, and was divided into 13 exploration blocks. Cyprus avoided including in the exploration blocks maritime areas adjacent



to the occupied territories that are not under its direct control. It only included areas already delimited through the three international agreements with Egypt, Lebanon and Israel.

Since 2007, the Cypriot government has proceeded with three licensing rounds (plus the licensing of block 7 in 2019) for the exploration, survey and production of hydrocarbons. Based on the results of the first round, it granted

exploration rights to block 12 to Noble Energy, a US company with significant interests in Israel. In the fall of 2011, Noble Energy discovered a hydrocarbon deposit that it named “Aphrodite”. Two more rounds of licensing followed in 2012 and 2016.

Following the discovery of the Zohr gas field within the Egyptian EEZ, giant companies such as the Italian Eni, the French Total and the

US ExxonMobil appeared at the next licensing rounds of the Republic of Cyprus. Their gas survey drillings within the Cypriot EEZ were successful, although the deposits discovered, up until the oil crisis caused by the coronavirus pandemic, were much smaller than those found off Israel or Egypt. In 2018, a consortium of the companies Eni-Total discovered the “Calypso” deposit in block 6. It is estimated that the deposit extends below block 7, which was claimed and finally acquired by the two companies in August 2019. The consortium of ExxonMobil and Qatar Petroleum also discovered, in 2019 in block 10 of the Cypriot EEZ, the deposit “Glafkos”.

In November 2011, the very next day after the signing of Turkey’s “agreement” with the occupied territories, the Turkish-Cypriot puppet-state hurried to “allocate” areas east and south of Cyprus to the state-owned Turkish Petroleum Corporation (TPAO) for exploration. The majority of them were areas where the occupied territories do not have a sea front. It is a basic principle of international law that, in order to have claims in a maritime area, a country must have a maritime front to it. The areas “allocated” by the puppet-state were determined in such a way as to overlap with sections of the blocks 1, 2, 3, 8, 9, 12 and 13 of the Republic of Cyprus.

An important detail is that the Turks, while claiming part of block 12 where the “Aphrodite” gas field has been found, avoided claiming the specific area of the drilling or even approaching it. They realized that it would be a provocation for the international community were they to claim a deposit around which oil companies already had interests.

#### **f. Reversal of regional stability**

In the Eastern Mediterranean, Turkey has been trying since 2004 to overturn all of the delimitation agreements that Cyprus has reached with its neighboring countries. On the one hand, it challenges the agreements; on the other, the Eastern Mediterranean countries are invited to reach new agreements with Turkey. The lure is that they will “gain” significant sea areas to the detriment of Cyprus. The disputing of agreed maritime boundaries is fundamentally equal to the questioning of existing land borders. The attempt to upend the political map of the region, as it has been shaped by the agreements between Cyprus and its neighboring states, is a completely opportunistic choice which threatens the stability of the entire Eastern Mediterranean.

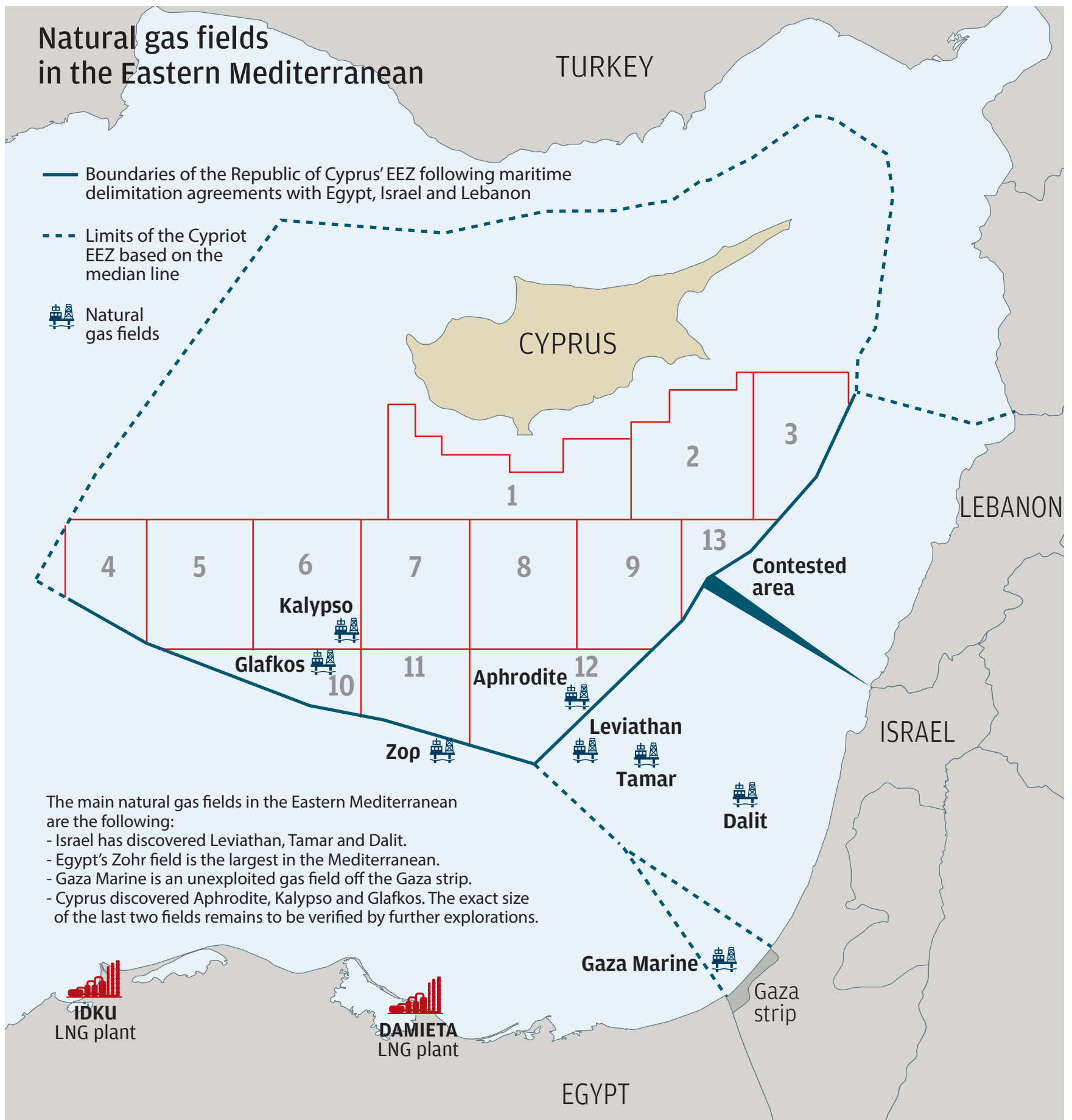
The invocation of the rights of the Turkish Cypriots in particular is a mere pretense. The

supposed “allocation” of the areas claimed by them to the Turkish company TPAO gives the latter the opportunity to claim that they have the right to explore the largest part of the continental shelf of the Eastern Mediterranean. This is also Turkey’s ultimate practical goal: to take direct (and not through the Turkish Cypriots) control of the gas fields around Cyprus.

#### **g. The transport of natural gas and the EastMed pipeline**

Apart from the claims to maritime areas, the issue of the transfer of natural gas from the sea to the land is also the source of disputes. The methods of distributing the natural gas that are possible in theory are the following:

- I. Via a submarine pipeline to Israel** where a liquefied natural gas (LNG) plant will be built. This proposal appears to be the least likely to be implemented because of security concerns with regard to Israel.
- II. Via an offshore gas liquefaction plant** (known as FLNG – floating liquefied natural gas) situated right next to the Mediterranean deposits. This project has a high cost and presents technical difficulties.
- III. Via a submarine pipeline to Cyprus**, where a natural gas liquefaction plant will be built with the LNG then transported by ship around the world. The liquefaction plant significantly increases costs, so large quantities of natural gas are required in order for investment costs to be swiftly recouped.
- IV. Via a submarine pipeline to Greece** that will transport the gas directly from the extraction points to Eastern Crete and then to mainland Greece and Italy. This is known as the EastMed pipeline. This particular proposal is politically favorable to Israel, Greece and Cyprus. Greece would become a transport link for natural gas to the EU and the geostrategic importance of the axis of the three states would be upgraded. The problems are that it has very high costs and technical difficulties, due to the long route the pipeline has to follow at great depths. The biggest problem is that the existing quantities of natural gas from Cyprus and Israel are not considered sufficient for its operation. Egypt is not interested in participating. It wants to turn itself into the new energy hub of the region (a fact that puts Egypt on a collision course with Turkey). But if new hydrocarbon deposits are discovered in the Eastern Mediterranean in the future, the proposal will be raised again on completely different terms.

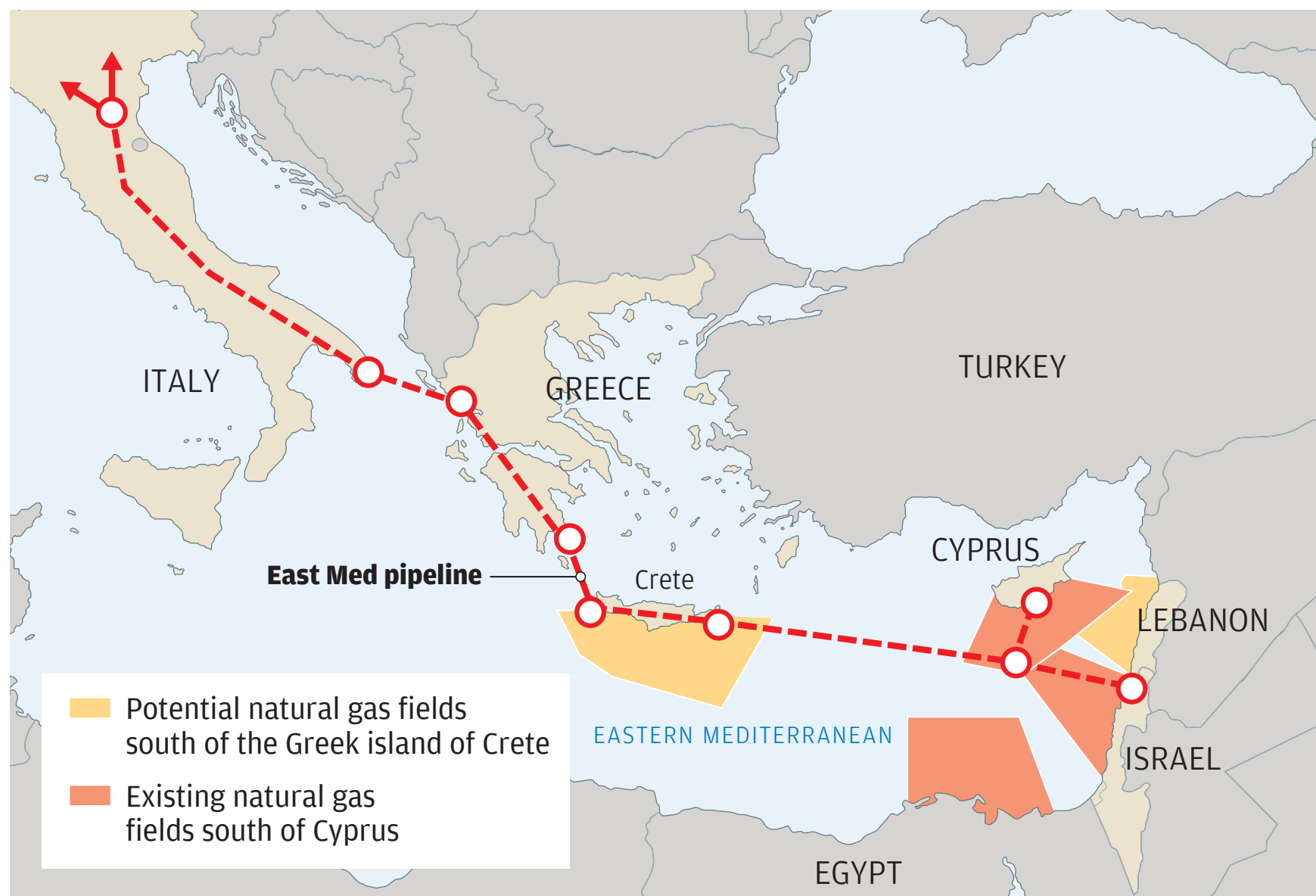


**V. Transporting the gas to Cyprus, and using it to produce electricity that is carried by submarine cables to Europe and Israel. It is not certain that this can cover significant energy needs.**

**VI. Via a submarine pipeline to Turkey and then to Europe. This is the solution desired by Turkey, which for years has sought to be the only transit country for natural gas**

transported from the East to Europe. The occupation of Cyprus and Turkey's poor political relations with all the states in the region rule out this possibility.

**VII. Via a submarine pipeline to Egypt, where there are already gas liquefaction plants that are operating below capacity. Egypt has had two liquefaction plants on its Mediterranean coast since 2005. These are the Indku unit**



(in which the American Shell and the French Total participate) and the Damietta unit (in which the Italian Eni and the British BP participate). At this stage, this proposal seems to be the most feasible.

#### **h. Turkish drilling in the Cypriot EEZ**

In May 2019, Turkey proceeded with exploratory drilling for hydrocarbons within the Cyprus Exclusive Economic Zone (EEZ). It sent a drillship to the area, the “Fatih” [e.g. Sultan Mehmed the Conqueror], accompanied by two other auxiliary boats. Since then, five more exploratory drillings have been conducted in the Cyprus EEZ. Three of the drilling sites were in delimited blocks of the Republic of Cyprus, while one was in its territorial waters, in a sea area adjacent to the occupied territories. In addition to the “Fatih”, the drillship “Yavuz” [e.g. Sultan Selim the Grim] also participated in the drilling process. The drilling sites were monitored and secured by Turkish frigates.

By October 2020, nothing significant had been found by the exploratory drilling. The two boats had the technical ability to create wells. However, it is doubtful whether their crews have the necessary know-how to discover deposits. Such ships have advanced technology

that requires specialized personnel. Due to Cyprus' diplomatic maneuvering, Turkey could not find skilled companies to cooperate with in this field. However, Turkey is primarily interested in showing that it is proceeding with drilling in areas of Cyprus' EEZ.

From a legal point of view, drilling in the Cypriot EEZ is extremely serious. A state exercises exclusive sovereign rights over its EEZ for the exploration, exploitation, conservation and management of its natural resources. When Turkey drills, it violates the exclusive sovereign rights of Cyprus. Drilling is essentially equivalent to military occupation. The sovereign rights still belong to Cyprus, but Turkey is exercising them illegally.

Drilling has graver consequences than seismic surveys. Seismic surveys are carried out by sounding the seabed from a boat on the surface. This is a violation of the sovereign rights of the coastal state, but does not cause irreparable damage. In contrast, drilling causes irreversible damage. The drill creates a permanent borehole in the seabed, which can have a depth of kilometers. The borehole can locate, or may even destroy a deposit in the event it is mishandled. Moreover, if a deposit is found, then Turkey will seek to exploit it. In this light,



the drilling effort is of far greater importance compared to conducting seismic surveys.

Turkey proceeded with drillings because for about a decade it had been left behind by initiatives of the Republic of Cyprus which created financial interests for major oil companies within the delimited areas south of the island. Turkey had become completely isolated from developments in the Eastern Mediterranean. It chose an extreme move to get back in the game and cancel the Cypriot initiatives. It weighed the consequences and the fact that Cyprus had no armed deterrent and moved ahead. With this move, it also probed the determination of Greece and the consequences that conducting drilling on the Greek continental shelf would bring.

Cyprus reacted by issuing international arrest warrants. This move for a state that has no military power was right. The two Turkish research vessels, as well as their accompanying ships, have crews consisting of foreigners, mainly Azeris and Norwegians. After the issuance of the warrants, if these individuals attempt to enter the EU, they will be arrested.

Condemnatory statements from the EU, the US, France, as well as from countries in the region, such as Israel and Egypt, have also been a diplomatic success for Cyprus. Apart from the statements, however, the practical reaction of countries such as France and Italy, whose companies were directly affected by the Turkish drillships that had entered into Cypriot EEZ

blocks allocated to them, was disappointing.

There have also been EU sanctions imposed against the Turkish state oil company, TPAO. Theoretically, the EU is a source of privilege for Cyprus. The EU has considerable experience in imposing similar sanctions on Iranian oil companies. Nevertheless, the sanctions imposed were extremely lenient and the process time consuming. Eight months after the drilling began, the first EU decision was taken to implement a travel ban to the EU and an asset freeze for two high-ranking executives of the Turkish oil company TPAO...

Otherwise, Cyprus remained committed to its goal of completing its energy program and trying to maintain the initiative. The collapse of oil prices brought on by the global economic crisis due to the coronavirus led, in the spring of 2020, to a temporary suspension of the exploration programs of companies that had won licenses to blocks of the Cypriot EEZ. Turkey, on the other hand, has not stopped drilling, as its motives are not economic, but geopolitical.

The Turkish moves in the Cypriot EEZ foreshadowed the intentions of Turkey to proceed with similar actions on the Greek continental shelf. For 35 days between the 12th of August and the 16th of September 2020, the Turkish research vessel Oruc Reis, accompanied by 5 warships, sought to conduct seismic surveys over areas of continental shelf claimed by Greece in the Eastern Mediterranean.

Of course, the sizes of Cyprus and Greece are different. It is not just that Cyprus does not have a strong military force. In addition, Greece's energy program is not in danger, because it is still in its infancy.

#### i. What is behind Turkey's actions

It is absolutely clear that from the point of view of international law, the Turkish claims around Cyprus are totally unfounded and unsupported either by customary and treaty law or by case law. But why is Turkey making such blatant interventions? The answer is that potentially finding hydrocarbon deposits would create for the EU an alternative source of energy in the Eastern Mediterranean. This overturns Turkey's strategic planning in three areas:

- **It casts doubt over its de facto dominance in the Eastern Mediterranean following the Turkish invasion in 1974.** All proposals in the mold of the Annan Plan reflect Turkey's power over Cyprus. To this day, the international community openly discusses the possibility of Turkish troops remaining on the island, the open-ended presence of a Turkish base, rights to intervene, guarantees and other

#### The long road to sanctions against Turkey

June 20, 2019	Decision for "targeted measures" against Turkey.
July 15, 2019	<ul style="list-style-type: none"> <li>• Suspension of negotiations for the Air Transport Agreement.</li> <li>• Failure to hold the Association Council with Turkey and interruption of regular meetings of the high-level EU-Turkey dialogue.</li> <li>• Reduction of pre-accession assistance from the EU to Turkey for 2020.</li> <li>• Invitation to the European Investment Bank to review its lending activities in Turkey, notably with regard to sovereign-backed lending.</li> <li>• The European Commission undertook to specify measures against Turkey</li> </ul>
October 14, 2019	New condemnation of Turkey's continuing illegal activities in the Eastern Mediterranean and, in principle, an agreement establishing a framework regime for measures against natural and legal persons responsible for illegal drilling.
November 8, 2019	<p>Agreement establishing a framework for measures against natural or legal persons responsible for drilling or providing financial, technical or material support for drilling. The measures will consist of:</p> <ul style="list-style-type: none"> <li>• banning natural persons from entering the EU</li> <li>• freezing their assets and</li> <li>• a ban on the allocation of funds by the EU to these natural or legal persons.</li> </ul>
February 27, 2020	<p>Travel ban towards the EU and a freezing of assets to the detriment of:</p> <ol style="list-style-type: none"> <li>a. the Vice President and Deputy General Manager of the Turkish Oil Company TPAO and</li> <li>b. the deputy director of the exploration department of the specific company.</li> </ol>
October 2, 2020	New sanctions to be imposed if Turkish provocations are not stopped

such curtailments of the sovereignty of a state in the 21st century. It is clear that, if large deposits are found, all these proposals will change. No one in the West will want an energy-rich Cyprus to be controlled by Turkey's Erdogan.

- **Turkey's strategic plan to be the only supply route for Europe from the East is being overturned, and links between the Eastern Mediterranean states are being created.** Turkey has reacted extremely strongly to the possibility of the creation of the EastMed pipeline. At first glance, this is strange taking into consideration that this is a dubious pipeline of high cost and medium capacity. Gas pipelines from Russia, Iran and Azerbaijan currently terminate in Turkey. Essentially, Turkey is an energy hub since all of the natural gas that comes from the East to Europe crosses Turkish territory. Thus, Turkey considers that any pipeline that creates an alternative route could overturn Turkish strategic planning. The EastMed pipeline, however, cannot carry such quantities so as to upset Turkish supremacy. Turkey's excessive reaction is also to prevent the forging of strategic interests between the states that will participate in the EastMed pipeline whenever it is built. Finally, a pipeline like EastMed controlled by two European countries will always be more attractive to the EU.
- **Turkey loses the valuable deposits of the Eastern Mediterranean.** Despite its rapid economic growth over the years, Turkey has had one of the largest current account deficits in the world. The deficit comes mainly from oil and gas imports for the country's energy needs. The energy resources of the Eastern Mediterranean, whether small or large, are valuable to Turkey.

In order to deal with the upending of its strategic choices over the years, Turkey has tried to apply the proven Aegean model in the Eastern Mediterranean. The international agreements reached over maritime delimitations between Cyprus and the states of the region (something that cannot be achieved in the Aegean, since there are only two littoral states...) have reduced this risk. Turkey now has two goals. The immediate one is to cancel the energy program of Cyprus. In the ideal scenario for Turkey, some of the many exploratory drillings they carry out will lead to the discovery of a deposit which they will rush to exploit. If this happens, it will be in a position similar to that of the Republic of Cyprus, which has also discovered hydrocarbon deposits and is

exploiting one of them. The ultimate goal is for Turkey to be directly involved and to control the exploitation of all Cypriot EEZ hydrocarbons. For this reason, it has called on the Greek Cypriots to enter into negotiations in order to solve the problem (of natural resources and not of the occupation of the island...). The country that has been discussing the Cyprus dispute for 45 years is asking to come to a swift "intermediate solution" for the exploitation of hydrocarbons...

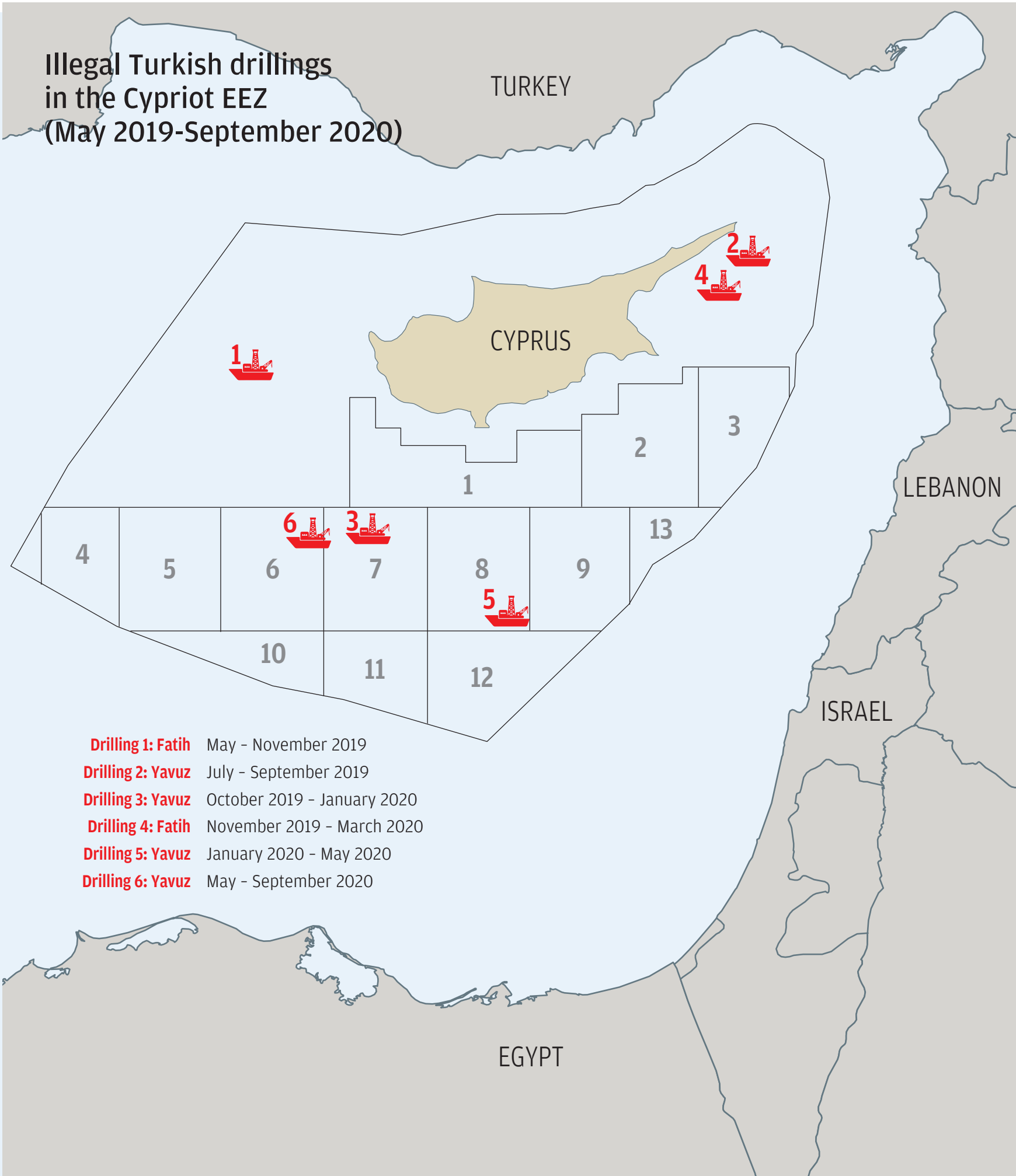
#### **j. The importance of the Cypriot hydrocarbons for the Cyprus dispute**

After 1974, the chances of a shift in the Cyprus dispute against Turkish will were virtually non-existent. The overwhelming presence of the Turkish army in Cyprus not only prevented any military moves to remove it, but held Greek Cypriots hostage in the face of a potential advance. The notion that refugees would return to the occupied territories through the rule of international law was cultivated out of necessity.

Turkey, however, believed that the 1974 invasion had resolved the issue. Correspondingly, Western powers were satisfied with the balance that had been imposed on the island. In their eyes, the Turkish troops had imposed an unjust peace, but still peace nonetheless (because in practice it is a matter of peace and not a truce), and consequently they had ensured that there is stability in the region. The developments in Cyprus were predictable and did not have any surprises in store for their interests.

Additionally, in practice, the Greek side overturned its policy of internationalization, accepting inter-communal talks. These talks reduce the difference to the level of two communities, as if it is the Turkish Cypriots occupying the northern part of the island. In contrast, Turkey appears removed and acting as a mere proxy of the Turkish Cypriots.

Only the application for Cyprus' accession into the EEC/EU stirred the stagnant waters. The dynamics it created mobilized the international community much more than the dozens of resolutions in international organizations. Cyprus' membership in the EU, however, was in danger of upsetting the balances of 1974 and offering a significant advantage to the Greek side. The countries with direct interests, Britain and the United States, rushed to cancel the advantage through the Annan Plan. If accepted, the new state of Cyprus would undertake to support Turkish accession as part of its Founding Agreement. Its rejection by only the Greek Cypriots was turned into an absolution of the Turkish invasion and a burden (and



delegitimization) for the Greek side.

In the years following the rejection of the Annan Plan, things remained murky in the Cyprus problem. Any proposals for a resolution of the Cyprus problem were essentially variations of the Annan Plan that had been overwhelmingly rejected by the Greek Cypriots. Because no one on the Greek Cypriot side dared to take on this burden, the “non-solution” as a solution that is the continuation of the current situation emerged as the most probable prospect.

The discovery of large energy sources in the Eastern Mediterranean in 2011 changed for the first time the givens of the Cyprus dispute. A part of the Greek side believed that the Cypriot energy deposits could act as an incentive to the Turks to find a solution. This is wishful thinking.

Turkey would accept to help only if it was interested in Turkish Cypriots’ prosperity and did not see Cyprus strategically. It is not enough for Turkey to “participate” in the exploitation of energy resources through the Turkish Cypriots. In such a case, the latter would enjoy the benefits as inhabitants of another independent state. Turkey wants to be directly involved in the research and exploitation of energy resources in the south of the island and in their transportation through its territory. This means that it will try to adapt any plan for a resolution to the legalization of their direct participation in the control of the energy reserves of Cyprus.

Finding deposits that happen to be located off the southern part of the island, which is controlled by the Republic of Cyprus, is indeed very important, but for a different

reason. It gives the opportunity to the Greek side to present a different dimension of the Cyprus problem. In the event that significant deposits are discovered, no one would want to see their control pass to Erdogan. It is also obvious that the EU has an interest in the deposits being controlled by the current independent Republic of Cyprus, rather than by a restructured state (similar to that laid out in the Annan Plan) potentially acting on behalf of Turkey.

The energy resources that have been discovered so far are not enough to make this strategic move. The primary concern of the Republic of Cyprus must be the continuation of explorations to the south of the island (and likewise for Greece to the south of Crete). Only in this way is there some hope that the solution to the Cyprus problem will be something different from a new Annan Plan. The Turks are trying to cancel this prospect. For Cyprus, the first issue is the discovery of new hydrocarbon deposits. In the event of success, the talks that will follow will be carried out on other terms.

### The growing fleet of TPAO ships to scan the Eastern Mediterranean in search of new oil and gas fields

Initial name of the vessel	Cost	Year	Type of vessel	New name
Polarcus Samur (IMO 9538103)	\$213 million	2013 sale	3D seismic research/survey vessel	Barbaros Hairedin Pasha
Oruc Reis (IMO 9675470)	\$115 million	2017 shipbuilding	3D seismic research/survey vessel	Oruc Reis
Deep Sea Metro II (IMO 9503770)	\$210 million	2017 sale	Drill ship	Fatih
Deep Sea Metro I (IMO 9503768)	\$262,5 million	2018 sale	Drill ship	Yavuz
Siem Louisa (IMO 9355977)	\$5,65 million	2019 sale	Fire fighting vessel	Korkut
Sophie Siem (IMO 9334545)	\$5,65 million	2019 sale	Supply vessel (PSV)	Sancar
Siem Sasha (IMO 9334533)	\$5,65 million	2019 sale	Supply vessel (PSV)	Altan
POSH Sinsero (IMO 9499307)	\$4,8 million	2019 sale	Offshore supply ship	Ertugrul Bey
Hellespont Dawn (IMO 9421776)	\$5,5 million	2019 sale	Offshore supply ship	Orhan Bey
Sertao (IMO 9541203)	\$37,5 million	2020 sale	Drill ship	Kanuni
<b>Total</b>	<b>\$865,25 milion</b>			



## CHAPTER 13

## The Eastern Mediterranean and Greece

### a. Turkish claims in areas where Turkey does not possess an adjacent coast

In March 2020, Turkey submitted to the UN a map showing the boundaries of the regions in the Eastern Mediterranean which Turkey considers belong to it. The map is based on an agreement that Turkey signed in November 2019 with the Libyan government and which delimited the maritime space southeast of the Greek island of Crete. A year earlier, the Turks started to promote the doctrine of the “Blue Homeland” (Mavi Vatan). This second map of the Blue Homeland covers a vast area which includes half of the Aegean as well as the continental shelves of the Republic of Cyprus, the Greek islands of Kastellorizo, Rhodes, Karpathos and Kasos and the eastern part of Crete.

The two maps have some slight differences. The map submitted to the UN is more detailed and cautious. The map of the “Blue Homeland” is more aggressive, and in that sense more useful. Both are equally declarative as regards Greek rights in the sea regions surrounding the Greek shores. They follow a Turkish position that has been fixed since 1976,

and which claims that islands, irrespective of their size or their population, possess no continental shelf. Both maps, however, go a step further. In order for a country to be able to lay a claim on maritime zones it must possess a coast that is adjacent to them. In this sense, the two maps ride roughshod over international law, geography and common sense.

### b. The island complex of Megisti (Kastellorizo)

Before the agreement between Turkey and Libya was signed in 2019, the basic point of dispute between Greece and Turkey in the Eastern Mediterranean was the island complex of Megisti (Kastellorizo), which forms part of the Dodecanese. It consists of nineteen islands, islets and sea rocks. It is located 75 miles away from Rhodes, and from 0.5 to 3 miles away from the Turkish coast. The three largest islands in the complex are Megisti, more widely known as Kastellorizo, Ro, and Strongyli (also known as Ypsili), the last of which also constitutes the easternmost point of Greece.

According to the International Hydrographic Organization, the island complex



of Megisti lies beyond the limits of the Aegean. However, the defining of the limits of the Aegean Sea (and likewise of any other sea) by the International Hydrographic Organization is done in order to facilitate navigation, and coordination in the publication of maps and in carrying out hydrographic research. It has no legal or political importance.

The Turkish side is seeking to separate the Aegean from the Eastern Mediterranean, because it wishes to isolate the island complex of Megisti from the remainder of the Greek islands. According to Turkey, Kastellorizo is “an island on the wrong side of the median line”, and has therefore limited bearing on the demarcation of the median line.

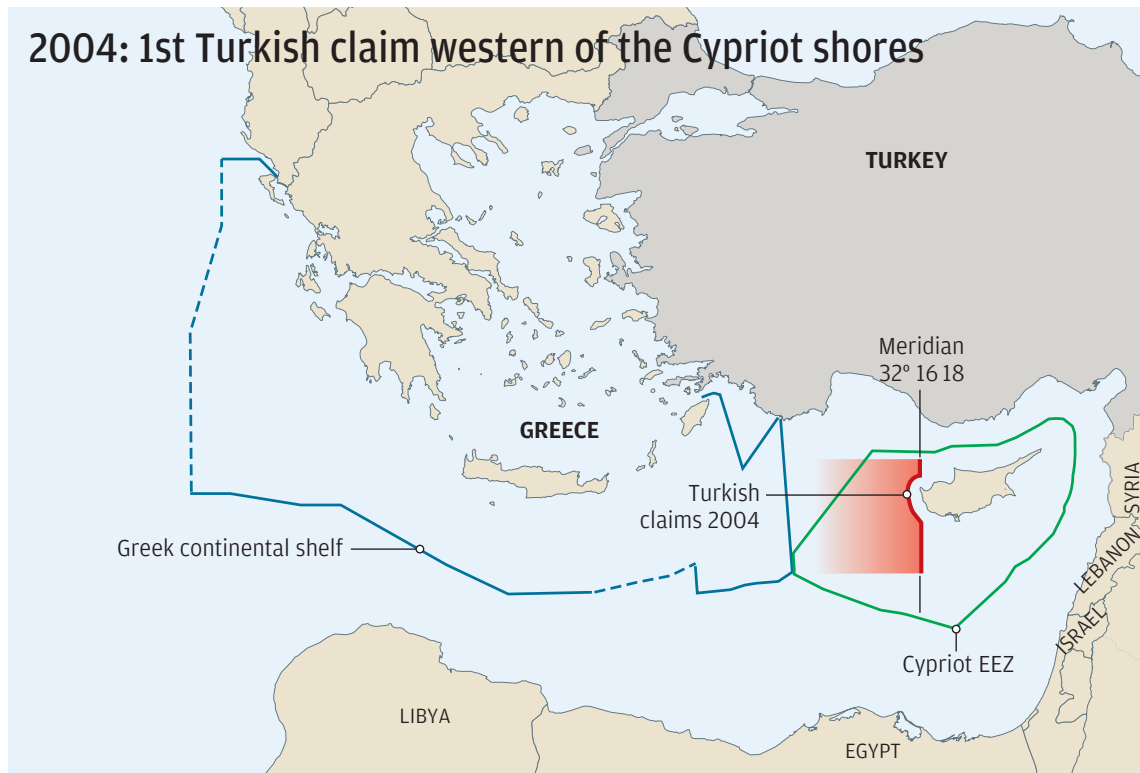
Indeed, if the island complex of Kastellorizo were to be isolated from the rest of the Aegean islands, it would appear as a small cluster of islands in opposition to the much longer Turkish coast. The short length of the coastline of the Greek island complex would be completely disproportionate to the sea areas that would be allocated to it by way of the method of the median line, in comparison

with the Turkish shores and their own sea areas. Turkey, therefore, asks that Kastellorizo only be granted territorial waters.

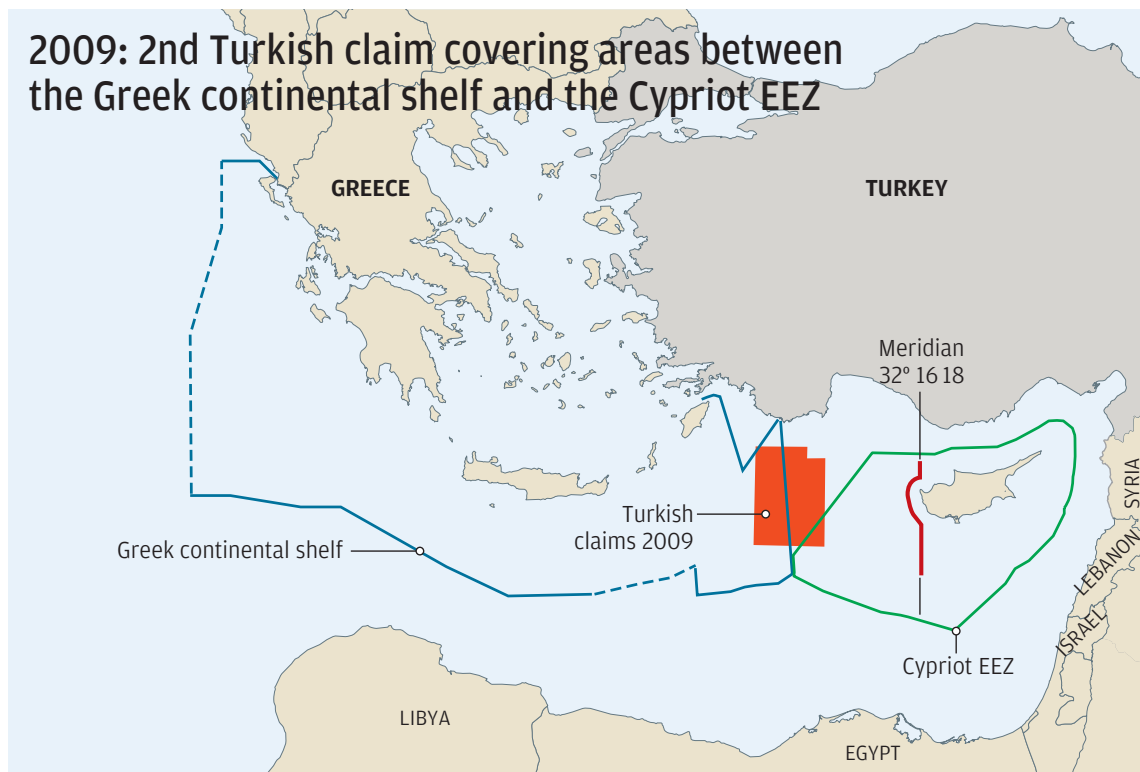
In the broader sea region of the Eastern Mediterranean, however, aside from the coasts of Kastellorizo, there are also those of Rhodes, Karpathos, Kassos and Crete. The projection of all these coastlines determines the maritime zones of the region. As has been noted: “*The sea region of the Eastern Mediterranean grants Greece both a continental shelf and an EEZ, as much because of the presence of Kastellorizo, as because of the presence of the island chain of Rhodes, Karpathos and Crete, the coasts of which constitute baselines for the delimitation of all maritime zones,*” (Rozakis, Kathimerini 04/12/2011).

For this reason, the longstanding position of Greece is that the delimitation of the continental shelf and the EEZ with Turkey must be comprehensive and not fragmentary. Thus, it must concern the entire length of the Greek-Turkish maritime boundaries, from the Evros Delta to the island of Strongyli east of Kastellorizo.

### 2004: 1st Turkish claim western of the Cypriot shores



### 2009: 2nd Turkish claim covering areas between the Greek continental shelf and the Cypriot EEZ



#### c. How the Turkish claims on the Eastern Mediterranean have evolved over time

In order to arrive at the map of March 2020, with which Turkey is claiming the entire upper section of the Eastern Mediterranean, there was a first a gradual broadening of the Turkish claims:

**Claim 1:** In March 2004, Turkey announced that all regions west of the 32° 16' 18" meridian belonged to it. The 32nd meridian almost touches the west coast of Cyprus. In effect, Turkey granted Cyprus only a limited zone, defined by its territorial waters. The Turkish announcement had to do with the agreement signed between Cyprus and Egypt for the delimitation of maritime zones. Turkey wanted to defend its claims in the western part of the island and to demonstrate that it does not recognize the agreement. Its position was blatantly contrary to international law. Cyprus is not some isolated rock without a population and its own economic life. According to the law of the sea, only such cases have solely territorial waters and cannot claim additional maritime zones.

**Claim 2:** In July 2008, the Turkish Council of Ministers decided to grant to the Turkish state petroleum corporation (TPAO) several areas in the Eastern Mediterranean for exploration and exploitation. These regions lay southeast of Rhodes and south of Kastellorizo, and were areas belonging to the Greek continental shelf and the EEZ of Cyprus. Following a bad tradition of the Turkish state, the decision remained secret and was not published in the Turkish Government Gazette until a year later (cf. Resmi Gazete 27.290, 16 July 2009). The choice not to publish the decision was clearly made in order to avoid an international backlash and so that problems would not be created in Turkey's process of accession to the EU.

**Claim 3:** In September 2011 an "agreement" was concluded between Turkey and the occupied territories in Cyprus, which supposedly delimited the maritime space between Turkey and Cyprus. As has already been mentioned, the agreement does not exist in international law. The occupied territories do not constitute a state, and are therefore not subject to international law and do not have the legal capacity to sign international treaties. The "agreement" was followed by claims on the part of the Turkish Cypriots regarding maritime areas to the east and south of the island, and by the "concession" of these areas to the Turkish state petroleum corporation, TPAO.

**Claim 4:** A fuller picture of the Turkish claims in the Eastern Mediterranean was

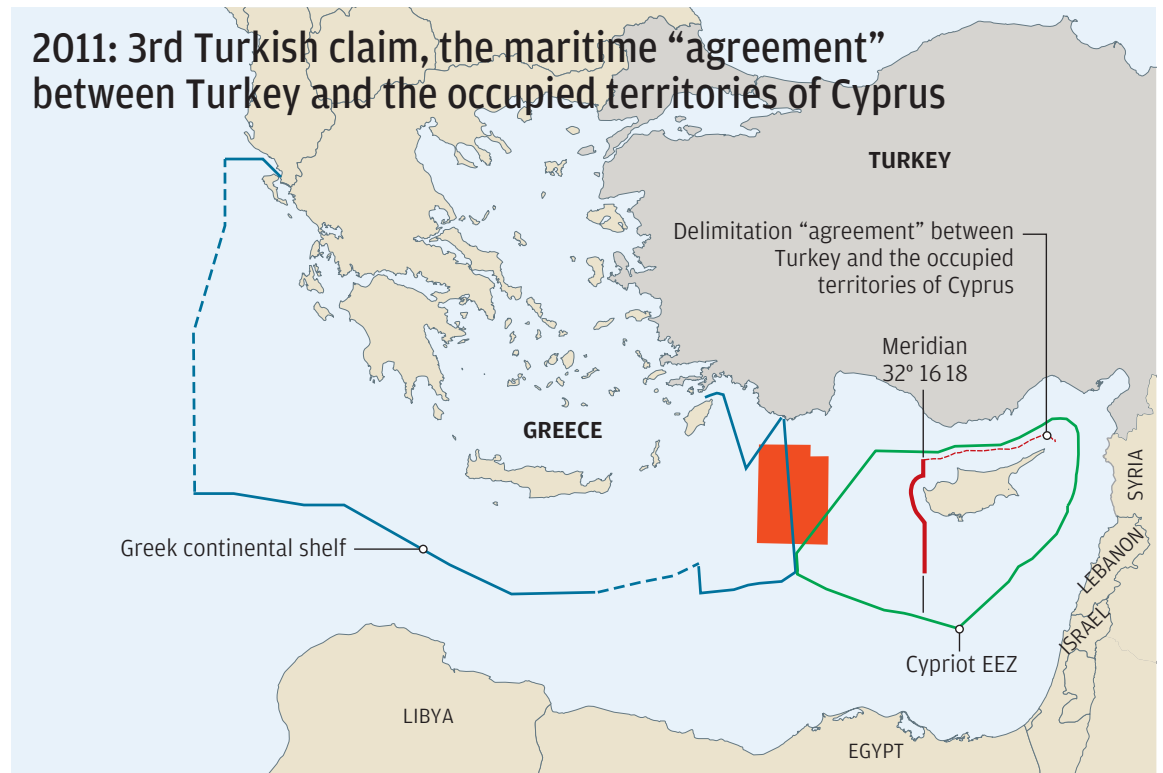
provided, however, in April 2012. Several concessions of maritime areas west of Cyprus and south of Rhodes and Kastellorizo were published in the Turkish Government Gazette (cf. Resmi Gazete 28.276, 27 April 2012). The concessions had been granted to the Turkish state petroleum corporation, TPAO. The regions in question include the Greek continental shelf east of the 28th meridian and the Cypriot EEZ to the west of the island. Through these concessions Turkey effectively:

- Cut off Karpathos and mainly Rhodes from the largest part of the continental shelf that lies to the east of these two Greek islands.
- Limited Kastellorizo to its territorial waters, claiming the entire region from Rhodes to Cyprus.
- Entered within the EEZ of Cyprus, claiming all maritime areas that lie to the west of the island with the exception of its territorial waters.

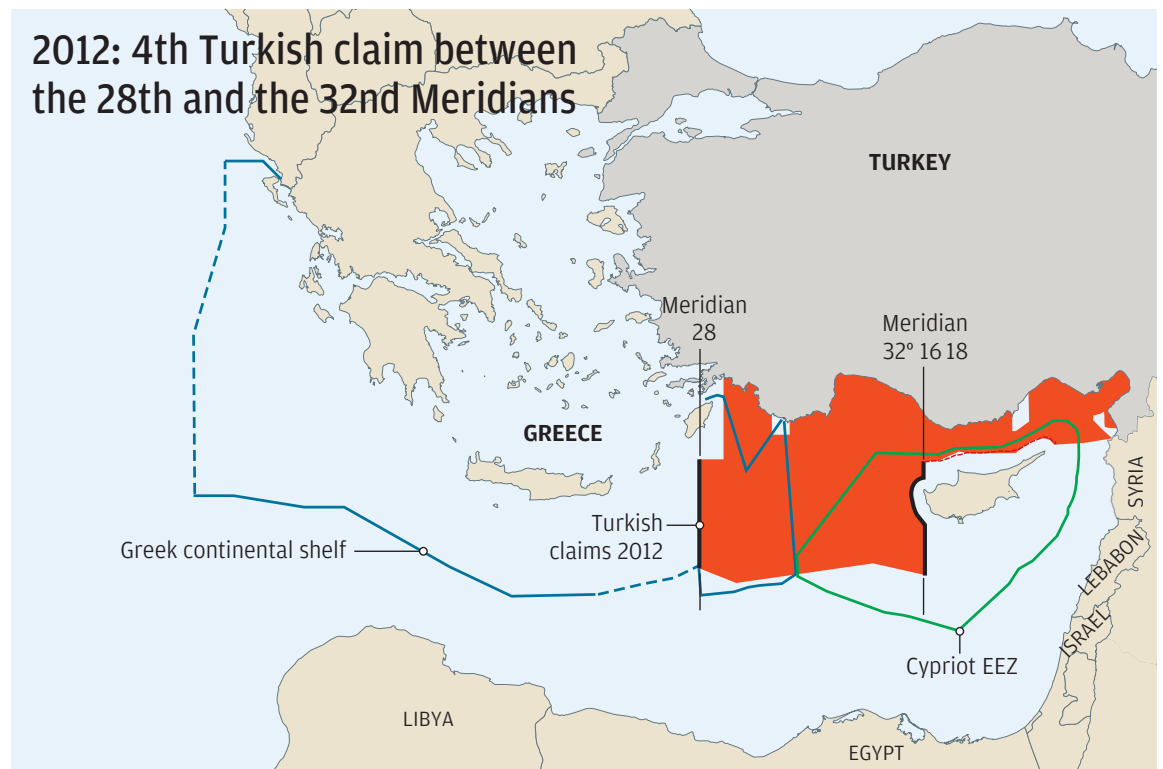
These concessions were based on decisions which had been taken two months earlier, on the 16th of March 2012, by the Turkish Council of Ministers. It is clear that the timing of the publication of the decision was directly linked to the Greek parliamentary elections of May 2012, which were due to take place only ten days later. The concessions were not an isolated move on Turkey's part, intended to simply register its claims in the region in view of the election of a new Greek government. The decision may have been prompted by the Greek elections, yet it constitutes a part of Turkey's plan to claim the bigger part of the continental shelf of the Eastern Mediterranean. It is worth noting that similar concessions in the Aegean made to TPAO in 1973-74 marked the starting point of the problems over the delimitation of the continental shelf of the Aegean.

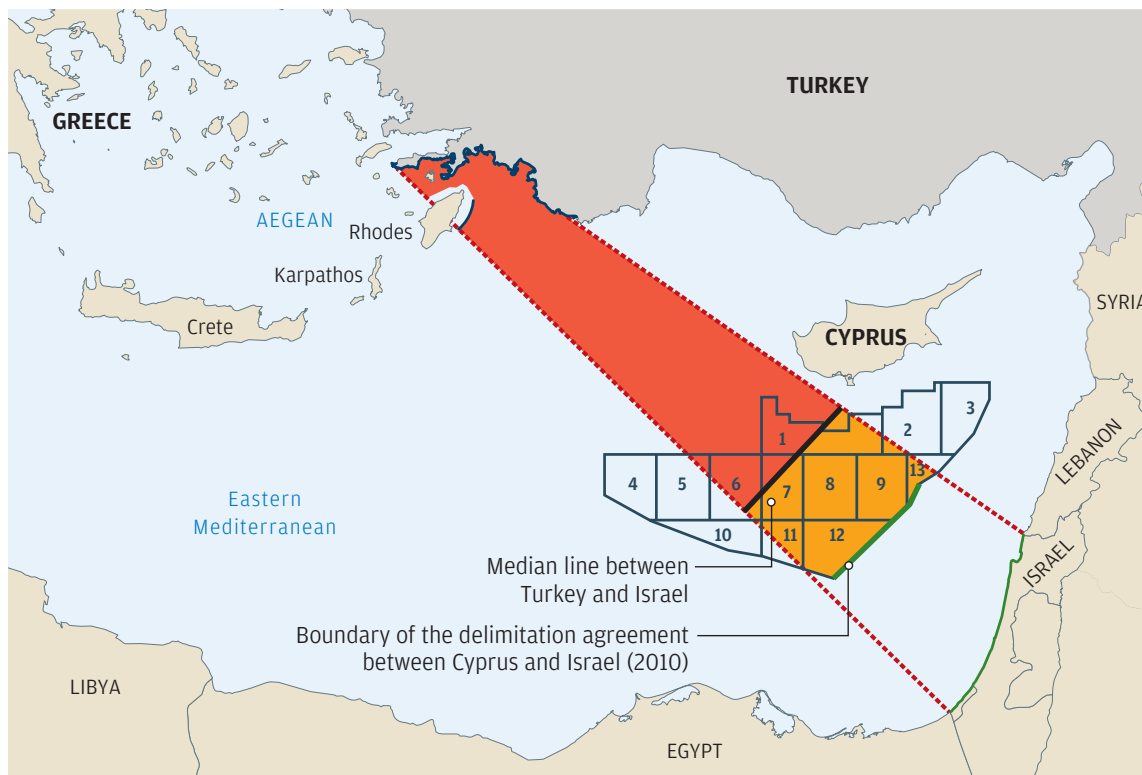
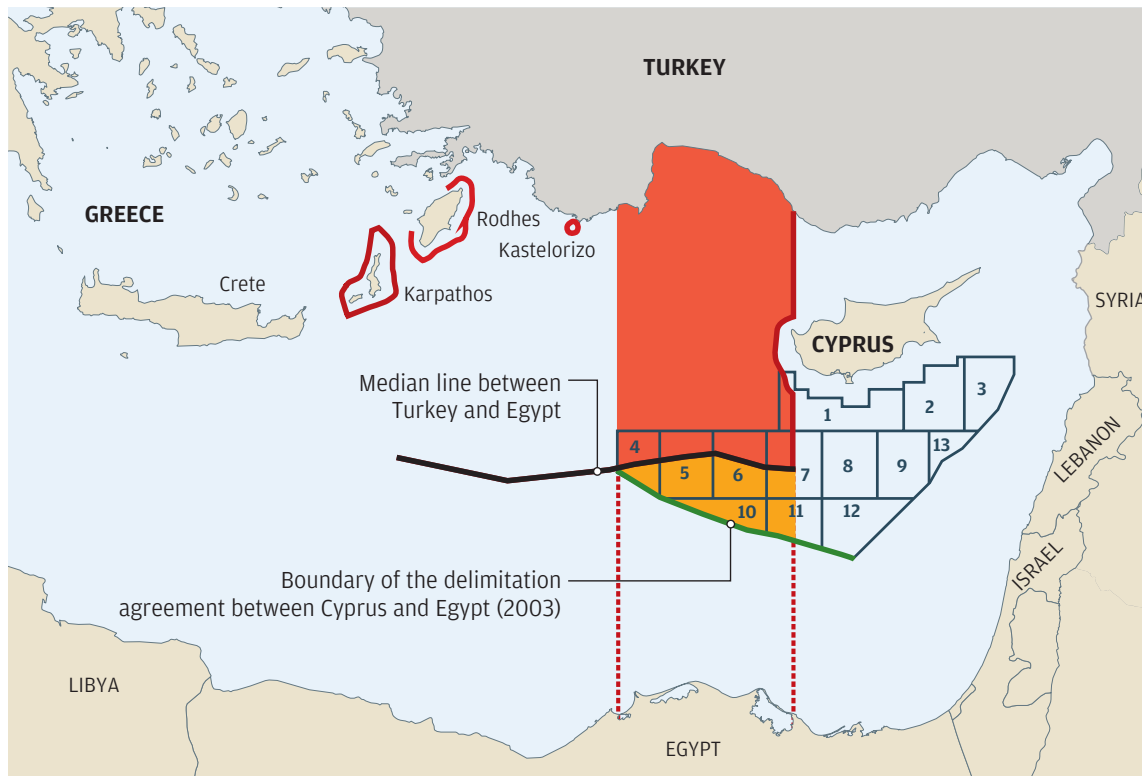
Greece submitted its objections to the UN and denounced Turkey's actions in general. Nevertheless, it refrained from sending the geographical coordinates of the outer boundaries of its continental shelf. When there is no delimitation agreement, the submission of coordinates is intended to define the maritime areas within which a coastal state considers that it possesses the sovereign rights to which it is entitled under international law. This is not a delimitation, but the clear definition of outer boundaries, which may be modified in the event of a definitive delimitation of maritime zones, either through the signing of an agreement or through a judicial decision.

### 2011: 3rd Turkish claim, the maritime "agreement" between Turkey and the occupied territories of Cyprus



### 2012: 4th Turkish claim between the 28th and the 32nd Meridians





#### d. Turkey's rogue tactics on paper

During the period 2010-11 various maps were presented featuring extreme Turkish claims at the expense of Greek maritime zones. Their author was an officer of the Turkish Navy, Rear Admiral Cihat Yayci, who also published a related study in January 2012 (Cihat Yayci, "Doğu Akdeniz'de Deniz Yetki Alanlarının Paylaşılması Sorunu ve Türkiye" ["The Problem of the Delimitation of the Maritime Areas in the Eastern Mediterranean and Turkey"], *Bilge*

*Strateji* magazine, vol. 4 [2012], pp. 1-70). In three of the four maps in question, Turkey sought to undo all of the agreements into which Cyprus had entered with its neighbor states. The fourth map proposed a delimitation in Libya. The key points of these maps are as follows:

- All sea regions in the Eastern Mediterranean west of Cyprus (32nd meridian) and up to Crete (26th meridian) constitute part of the Turkish continental shelf.
- Turkey presented itself as the "appropriate" state with which all delimitations should be made in the Eastern Mediterranean.
- Cyprus as an independent state, but also the Greek islands of Rhodes, Crete, Karpachos, Kasos and Kastellorizo, do not possess any continental shelf or EEZ, but only territorial waters. The direct consequence of this is that all islands, irrespective of size and population, are completely disregarded during the delimitation process.
- As a result of the disregarding of the islands, all delimitations are based on the median line between Turkey's continental coasts and those of the states opposite them.
- The lure for the coastal states of the Eastern Mediterranean is that, if they were to sign agreements with Turkey, they would "gain" significant maritime areas compared to those that they would get following delimitations negotiated with Greece and Cyprus. The maritime areas of Greece and Cyprus are treated by Turkey as plunder which it magnanimously offered to share with the other states in the region.

#### *Turkey's proposed delimitation with Egypt*

Turkey is asking of Egypt to retract its agreement with Cyprus which has already been submitted to the UN (2003). It proposes a delimitation between the Turkish and the Egyptian coasts which disregards Cyprus. Because Turkey chooses to use the median line, the controversial block 10 of the Cypriot EEZ is left outside its claims (i.e. it "concedes" it to Egypt). In Block 10 drilling by ExxonMobil is taking place. Egypt emerges as having "gained" a sea area of many thousands of square kilometers.

#### *Turkey's proposed delimitation with Lebanon*

Turkey proposed to Lebanon that it retract the agreement it has signed with Cyprus (2007). Highlighted in orange are the regions that Lebanon would stand to gain in comparison to the current delimitation. For the purposes of the Turkish proposal, Cyprus is disregarded. The interesting point is that the proposed

delimitation violates the Syrian continental shelf, since it clearly intrudes into part of it.

#### *Turkey's proposed delimitation with Israel*

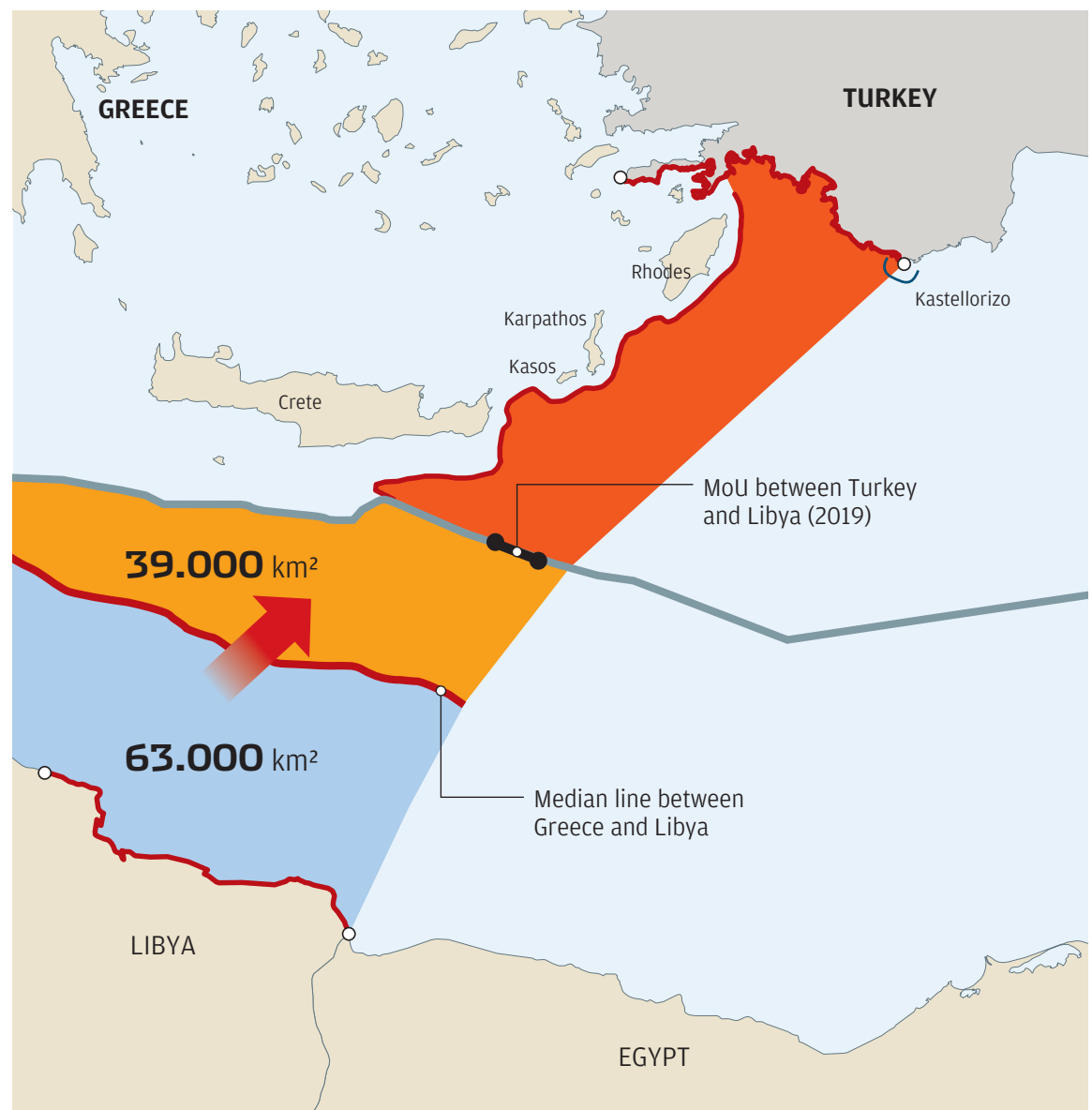
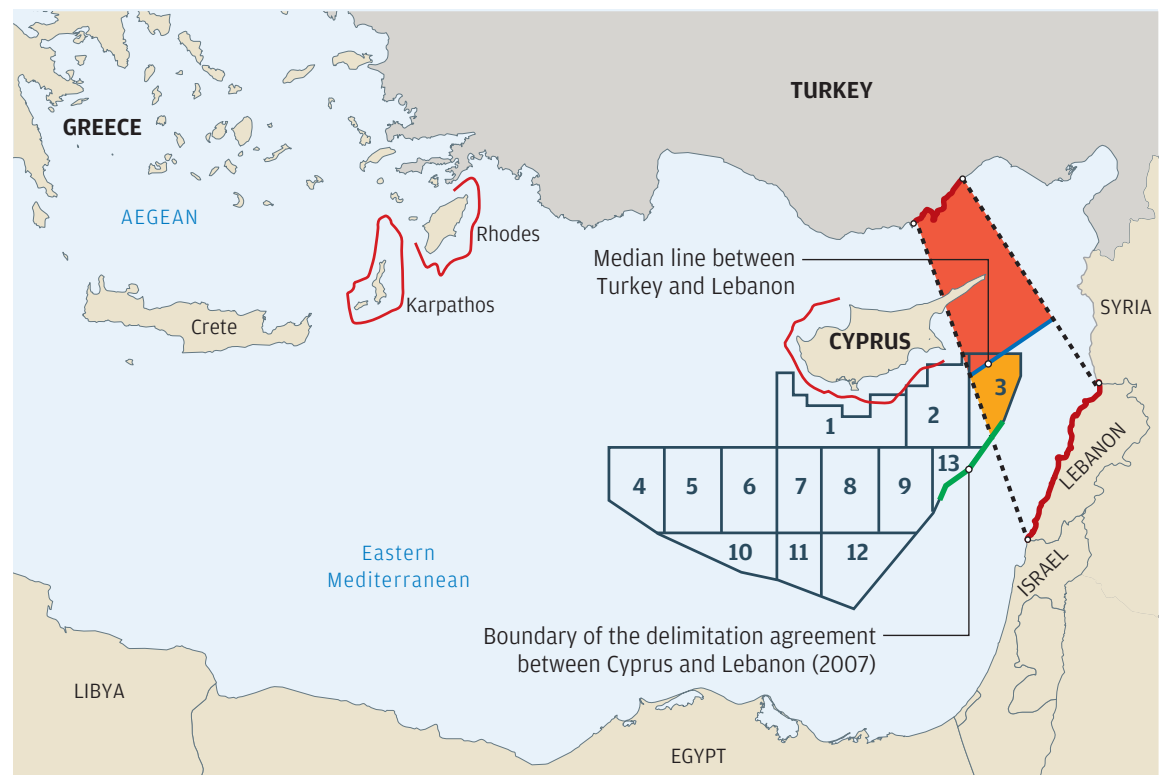
This is the most extreme plan in terms of its conception. Turkey relies on a small segment of its coastline in order to challenge the Greek continental shelf and the EEZ of Cyprus. The proposal also contravenes Turkey's proposed delimitation with Egypt. The incentive for Israel is that the proposed boundary is placed tens of miles further west than the current one between Cyprus and Israel.

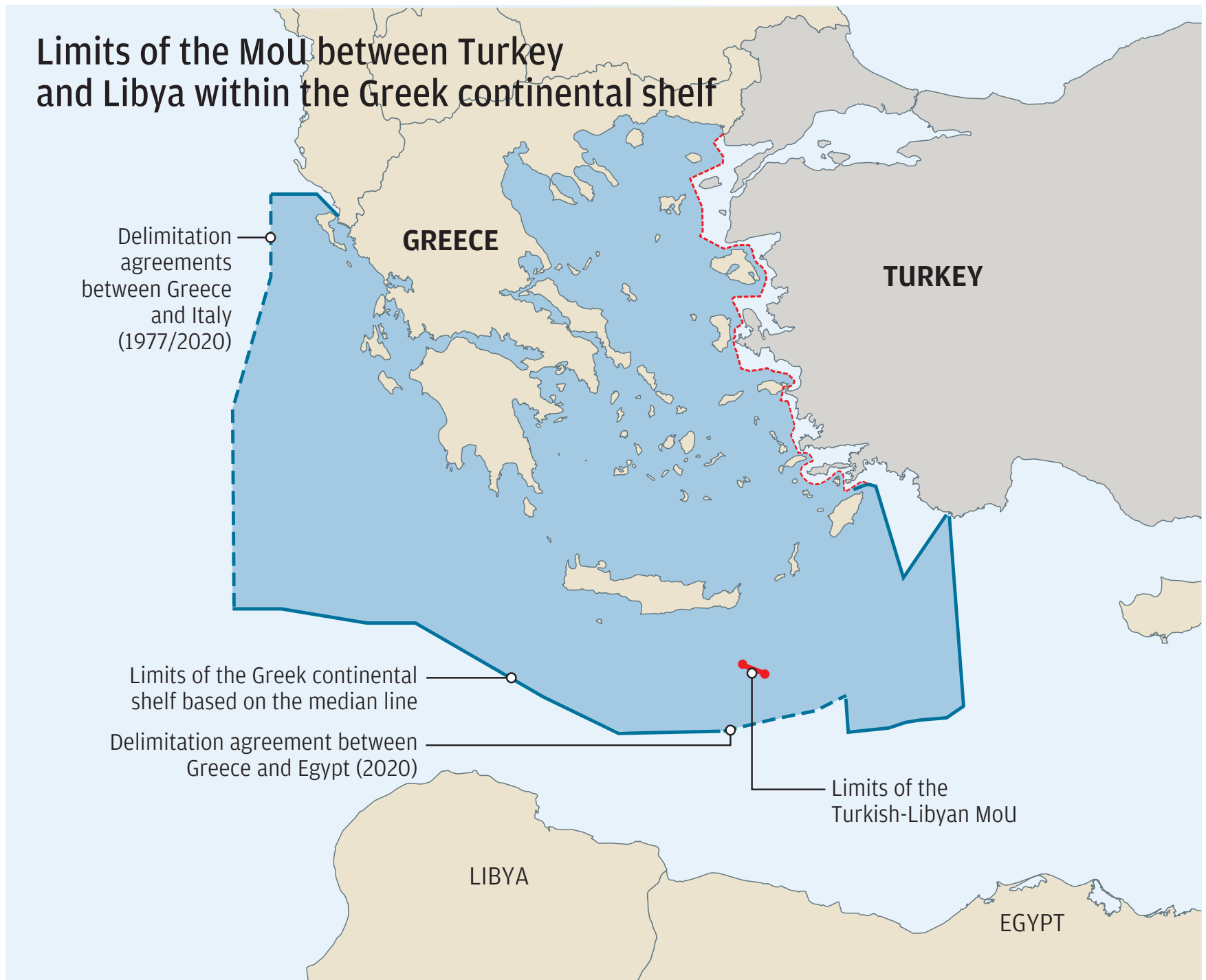
#### *Turkey's proposed delimitation with Libya*

Ankara proposed to Libya to disregard the continental shelf of Rhodes, Karpathos, Kasos and Crete, and to take as its opposite coastline for the delimitation that of continental Turkey. Turkey did not limit itself to regions which would only serve Turkish interests. It proposed to the Libyans to continue the delimitation line to the west, and along the entire length of Crete, thus increasing the area they would control by 39,000 square kilometers. This is the only map that was implemented, through the Memorandum of Understanding signed between Turkey and the Fayed al-Sarraj government in November 2019.

The plan constituted a gross violation of international law. The attempt to undo the agreements between Cyprus and its neighbor states is a rogue move which undermines the stability of the whole of the Eastern Mediterranean. Turkey emerges as the international troublemaker. Geographically Turkey does not directly neighbor the greater part of the contested region and has no rights over it. In some cases, it does not even have a coastline facing the claimed area. On the other hand, the Greek islands in the region are many and are considerable both in size and population. By extension, in accordance with Turkey's reasoning, Great Britain and Ireland, as islands, should not have continental shelves and EEZs in the Atlantic Ocean. Another analogy would be if France were to seek to sign an agreement with Libya which disregarded Italy, on the premise that Sardinia and Sicily, which lie in between, are islands and therefore have no continental shelf or EEZ...

The maps in question run so grossly counter to international law and geography, that their author should have been dismissed as being from another planet. In Turkey, however, these particular maps have been endorsed by Erdogan, and they have constituted the basis for the creation of the "Blue Homeland" doctrine.





**e. The delimitation between Turkey and Libya:  
A strategic move**

On the 27th of November 2019, a “Memorandum of Understanding” was signed between the Turkish president, Recep Tayyip Erdogan and the head of the Libyan “Government of National Accord”, Fayeze al-Sarraj, which concerned the delimitation of maritime areas. To date, there has never been a maritime delimitation agreement which has been called a “Memorandum of Understanding”, because it gives it the appearance of having no binding authority. In international law, however, what is significant about the agreement is its content and not the terminology used to describe it. As already mentioned earlier, the agreement in

question grossly violates the international law of the sea. Turkey and Libya together delimited the sea region south of Crete. Geographically Turkey does not neighbor this region.

The reason why Libya signed an agreement which contravened international law is simple: Libya finds itself in the throes of a civil war. In eastern Libya there is the Libyan House of Representatives based in Tobruk, which supports Field Marshal Khalifa Haftar. He is supported, in various ways, by Egypt, the United Arab Emirates and Russia, as well as France. In western Libya, based in Tripoli, there is the “Government of National Accord” under Fayeze al-Sarraj, which is recognized by the UN. Turkey (together with Qatar) is the most important

supporter of the al-Sarraj government. It has provided the Tripoli government with jihadist mercenaries from Syria and military equipment. In November 2019, the al-Sarraj government was on the brink of collapse. Haftar had reached the outskirts of Tripoli. Turkey offered to lend al-Sarraj its support. In exchange for military aid, Libya signed an agreement that is an affront to international law.

For Turkey, the signing of such an agreement constituted a strategic move. Until that time, it had given its own interpretation to existing legal regimes which had been established in the past by international conventions. It would now have its own convention, which seeks to create a new legal regime. Even though it is blatantly illegal, Turkey will invoke it incessantly. It will thus acquire the superficial legitimacy that it so lacks to intervene in the region. It creates a wall which blocks Greece from exercising its sovereign rights on the continental shelf of the Eastern Mediterranean. It confirms what it has maintained for years, namely that islands do not have a continental shelf. Finally, it shifts the center of the dispute from the continental shelf of Kastellorizo to the continental shelf of Crete.

The bad news is that, even though illegal, once such an agreement has been signed, it can only be reversed either through Libya's withdrawal from it, or through recourse to international justice. The al-Sarraj government, through a letter to the UN on 27 December 2019, stated that it would also examine the possibility of appealing to the International Court of Justice in The Hague with regard to the Turkey-Libya Memorandum. Historically, Libya has an impressive history of four such appeals to the International Court of Justice: in 1982 and in 1985 regarding maritime delimitations with Tunisia and Malta respectively; in 1994

over a border dispute with neighboring Chad; and in 2003 with regard to the bombing of a passenger aircraft over Lockerby in Scotland. In every way, it is well worth Greece seeking recourse to the International Court of Justice in The Hague. Working in Greece's favor is the international legitimacy that the al-Sarraj government invokes in seeking its own recognition. Objectively, however, it is better for Greece not to nurture false hopes. Al-Sarraj breathes today through Turkish lungs. A potential appeal to The Hague regarding the legality or not of the Turkey-Libya Memorandum will undermine Turkey's policy of the "Blue Homeland". Turkey will not permit it of him. This delimitation, however illegal it may be, is something that Greece will constantly find under its feet.

#### **f. Turkey has "leveled up"**

A phrase borrowed from the domain of video games perfectly describes what has been happening with Turkey for a long time now: it has "leveled up". It moves on different terms, it is imbued with visions that are at once grandiose and unfounded, it is beguiled by tension, it has total disregard for international law, and it does not hesitate to use military force when it deems that it has the leeway to do so.

In February 2018, the press secretary of the Turkish Ministry of Foreign Affairs boasted: "Our country ranks fifth in the world in terms of number of embassies. We are not a regional but a global power." If these comments were limited to the field of diplomacy, things would be fine. This notion, however, of global power, must be seen in conjunction with Erdogan's declarations about a Turkey that is being stifled by the limited borders of the Treaty of Lausanne. After 2011, Turkey became involved in a game for big players. Through the Arab Spring movements, it attempted to place Muslim brotherhoods at the helm of states that in the past formed territories of the Ottoman Empire. Its aim was the creation of an Ottoman commonwealth, in the mold of the British Commonwealth. From this plan what remains are the wars in Syria, Libya and Yemen.

Since mid-2019 alone, Turkey has committed the following gross violations of international law:

- It has invaded the territory of an independent state, Syria.
- It has secretly sent soldiers and weapons to Libya in explicit violation of the relevant resolutions of the UN Security Council.
- It has proceeded to carry out drillings within the EEZ of another state, Cyprus.

## **Article 156 of Law 4001/2011**

**1. The right to prospect**, explore and exploit hydrocarbons found on land, in lakes and submarine areas over which the Hellenic Republic exercises sovereignty or sovereign rights in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea, as ratified by Law 2321/1995, appertains exclusively to the State and shall be exercised only for the public interest. The management of the rights referred to in this paragraph is exercised by Hellenic Hydrocarbon Resources Management S.A. (HHRM S.A.). For the purposes referred to herein, "submarine regions" means the seabed and the subsoil of internal waters, the territorial sea, the continental shelf and the exclusive economic zone (once declared) to a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In the absence of a delimitation agreement with neighboring states whose coasts are opposite or adjacent to the Greek coasts, the outer limit of the continental shelf and of the exclusive economic zone (once declared) is the median line, every point of which is equidistant from the nearest points on the baselines (both continental and insular) from which the breadth of the territorial sea is measured.



- It has delimited, in contravention of international law (as well as of geography and common sense) maritime zones which do not belong to it together with Libya.
- It has sought to destabilize Greece by sending tens of thousands of refugees and migrants to Evros.
- It has been to the brink of war with Greece following the process of sending a seismic survey ship (escorted by a large fleet of warships) allegedly carrying out surveys in an as yet undelimited part of the Mediterranean continental shelf also claimed by Greece.

To these, one must add Ankara's strong influence over the Muslim Brotherhood movement, which threatens to destabilize states such as Egypt.

Turkey does not act impulsively. It has adopted a strategy of aggressive moves. The plans for the signing of the agreement between Turkey and Libya had been drawn up since 2010. At that time there was neither collaboration with Israel and Egypt, nor an EastMed pipeline to vex Turkey. The claim regarding the region south of Crete is here to stay. It is not a temporary issue. Ankara has been crafting this for years, and believes in it. It is part of its new strategy, which is its suzerainty from Iraqi Kurdistan and Syria all the way to North Africa. In early 2019 this strategy was named the "Blue Homeland" doctrine.

Today Turkey maintains four active fronts: with Iraq, Syria, Libya and with Greece and Cyprus. The first case has to do with the Kurdish issue and the Mosul oil fields. The other two cases comprise proxy wars. In all three cases many international players are involved, some of whom are even more powerful than Turkey. In the case of Greece and Cyprus, on the contrary, Turkey is the big player, without other more powerful states seriously involved that could displace it. What Erdogan is seeking through tension in the Eastern Mediterranean is the diplomatic victory he so lacks: the confirmation that Turkey is a significant regional power, the great power of our region. Greece, at the same time, is the only power which neighbors Turkey and could potentially threaten the neo-Ottoman and Islamist visions of Erdogan. Greece therefore constitutes a strategic target for Turkey. The maps of the "Blue Homeland" and the tension that is being systematically cultivated are part of this broader framework. The memorandum between Turkey and Libya is also a part of this framework. It is a building block of the new Turkish foreign policy.

#### **g. The "Blue Homeland" and joint exploitation**

In March 2013, and at the end of yet another Greek and Turkish summit, Erdogan used the phrase "kazan-kazan". It is the Turkish translation of the American term "win-win", which is used in game theory to describe mutual benefit. The aim is that through negotiation, both interested parties will benefit from the situation. Erdogan was referring to the joint exploitation of hydrocarbons in the maritime space that lies between the two countries.

This is an old story. It started in 1975 through a Turkish initiative, and back then involved the shared exploration and

exploitation of the continental shelf of the Aegean. The Turkish proposal was that the continental shelf of the Aegean would constitute a zone of joint exploitation between the two countries. According to the Turkish viewpoint, joint exploitation means that the benefits are shared equally between the two countries. In this way, whereas Turkey is entitled to a limited section of the continental shelf of the Aegean, through joint exploitation it hopes that it could acquire 50%, or at least a significant percentage. In essence, through joint exploitation a region of joint sovereignty would be created between the two countries.

The Turkish proposals regarding the Aegean were rejected by Greece. As was stated in the Greek Parliament (session of the 21st September 1976), Athens had stipulated the following conditions for a joint exploitation: first, the continental shelf of the Aegean would have to be delimited. Following the delimitation, discussions could take place regarding the creation of a zone of joint exploitation, which would be restricted to regions where the two continental shelves were contiguous, and would include sections belonging to both countries. In this zone, any wealth-producing resources which might be discovered would be distributed according to specific percentages which would be determined in advance. The Greek proposals reflect relevant international practice. First the limits of a continental shelf (or EEZ) must be defined. Then, if any deposits are found on the boundary line, one of the solutions followed in such cases is joint exploitation (see: the case of Cyprus and Egypt, with regard to the joint exploitation of deposits located on both sides of the boundary dividing their EEZs).

The concept of the “Blue Homeland” which Turkey has been promoting over the past few years constitutes a further evolution of Ankara’s demands regarding the Aegean during the 1970s. On the face of it, Erdogan’s “kazan-kazan” proposal may sound interesting. He is saying that the Greek-Turkish claims on both sides will not allow either of the two countries to proceed with the exploitation of the potentially available resources. Therefore, he proposes that instead of quarreling, to share these resources through joint exploitation. In this manner, in his view, both parties come out as winners. What is more, if there is a joint exploitation of this type, then there is no longer a need for delimitation. The particular proposal, however, exists alongside Turkish claims that are utterly unreasonable and extreme from the point of view of international

law. Ankara is pursuing joint exploitation / joint administration only for maritime areas south of Crete and Cyprus. In its view, all the other maritime areas already belong to it. The Turkish proposal is appropriate only for countries with limited sovereignty.

#### **h. Establishing the median line as the temporary outer limit of the Greek continental shelf**

Even though Greece had already ratified, in 1995, the United Nations Convention on the Law of the Sea (1982), national legislation regulating the issue had not been amended. The relevant provisions of the special laws relating to the country’s mineral wealth continued to refer to the obsolete criteria of the Geneva Convention on the Continental Shelf (1958). The issue was resolved in 2011, when the relevant provision of the law was amended. More specifically, with Article 156 of Law 4001/2011 (also known as “Maniatis’ Law”, named after the surname of the competent Minister for the Environment who oversaw the legislation):

- It was stated that Greece’s sovereignty or the sovereign rights it possesses are exercised in accordance with the United Nations Convention on the Law of the Sea (1982).
- It was stated explicitly that the delimitation of the continental shelf would be based on the criterion of distance, for distances up to 200 nautical miles from the shore.
- For the first time, a piece of Greek legislation introduced the prospect of declaring an Exclusive Economic Zone
- It was specified that in the absence of an agreement for the delimitation of boundaries with neighbor states, the outer limit of the Greek continental shelf is the median line / line of equidistance which is measured from continental and island coasts.

The last point was the most pioneering and (given the existing mindsets established over decades) groundbreaking element of the legislation.

Establishing in law the principle of equidistance as the method for the delimitation of the continental shelf within the internal legal system allowed for the definition of the outer boundaries of the Greek continental shelf. This made it possible to subsequently publish, in 2011, an international public invitation to tender for seismic surveys to be conducted on the continental shelf of the Ionian Sea and the Libyan Sea south of Crete. The invitation to tender included an indicative map with the boundaries of the Greek continental shelf in the specific areas. The boundaries were based on the median line.



During that period there was no interest from investors. Things changed in 2018, when a consortium including ExxonMobil, Total and the Greek company Energean requested exploration blocks south of Crete. The relevant agreements with the Greek government were signed in the summer of 2019. The prospect of a delimitation agreement between Turkey and Libya was what spurred Greece to swiftly ratify the agreements at the start of October 2019.

#### **i. Maritime delimitation between Greece and Egypt (2020)**

After the signing of the Turkey-Libya Memorandum of Understanding (MoU) on maritime boundaries, it was clear that there had to be a response from the Greek side. As already mentioned, the above memorandum is illegal. International law of the sea stipulates that for there to be an agreement on maritime boundaries between states, they must have either adjacent or opposite coastlines. Mostly their coasts must have some geographical

proximity. In the case of Turkey and Libya, their coastlines are 620 kilometers apart, while those of Greece and Libya are less than 300 km apart. However, the MoU in question still is an international treaty, something which the Turks have been touting since its signing. This claim presented an obstacle for Greece which needed to be overcome.

The best option was through Egypt. The possible courses of action were two: either reach a delimitation agreement or refer the matter to the International Court of Justice (ICJ) if an agreement could not be reached. Discussions concerning maritime boundaries between Egypt and Greece had begun in 2005 but had led nowhere. Egypt had proven extremely tough regarding maritime delimitation. Moreover, it had no intention of getting embroiled in the Greek-Turkish dispute. Egypt's position was simple: Solve your issues with Turkey and then tell us with whom we should sign. After many years of fruitless discussions, the best solution would be

to involve the ICJ; however, that required the agreement of Egypt, which was not considered a given. The most important factor was deemed to be that of time. Turkey could implement its MoU with Libya at any time and start exploring the maritime zones of Greek islands such as Crete, Rhodes or Kastellorizo. In contrast, the whole procedure after recourse to the ICJ would have taken at least four or five years.

Those were the conditions amid which the agreement between Greece and Egypt concerning the delimitation of their Exclusive Economic Zones was signed on the 6th of August, 2020.

**Evaluation of the agreement:** This was the first time that Greece had signed an agreement for the delimitation of an EEZ. Both the 2009 agreement with Albania and the 2020 agreement with Italy referred either to a "single multipurpose boundary" or to "maritime zones" without explicit reference to the EEZ.



The maritime boundary agreed with Egypt concerns opposite coasts. The Egyptian coastline is continental. Greece has used only the coasts of the islands in the area. This reaffirmed the Greek view that islands generate maritime zones.

The boundary extends in an almost straight line to a total length of 104 n.m. It was determined by five points, A, B, C, D, and E between meridians 26° 00' and 27° 59'. It starts south of the island of Crete and extends up to the island of Rhodes, although the eastern part of the island is not included. Thus, the maritime areas southeast of Rhodes including those of Kastellorizo were left out of the delimitation process. If the agreement applied to the whole maritime area between the two countries, the boundary would extend to 190 n.m.

Since the first round of talks with the Egyptians in 2005, partial delimitation was a red line for Greek diplomacy. Due to the importance of challenging the Turkey-Libya MoU, some of Greece's past negotiating positions had to

be adjusted. This mainly concerned partial delimitation. It was paramount that there should be a direct challenge to the boundary set by the Turkish-Libyan MoU which extended Turkey's claims from the Aegean island of Kastellorizo to southeast of Crete. There was some debate on the basis of the contention that partial delimitation is not an accepted practice in international law. However, this does not bear scrutiny. There are many cases where partial delimitation has been used between states (e.g. Peru-Chile in 1954, Australia-Indonesia in 1971, Nigeria-Equatorial Guinea in 2000 and Nicaragua-Honduras in 1992). After all, the ICJ itself imposed a partial delimitation in the 1982 case regarding a dispute in the Gulf of Maine between the US and Canada. Furthermore, it is notable that Greece was able to persuade the Egyptians to extend the boundary east of the island of Karpathos. The latter had maintained that east of the island is where Turkish claims might arise, and had thus always stuck to considering Karpathos

as the easternmost limit for any agreement.

It is not clear which method has been used for this specific delimitation. It is also not known which parts of the Greek insular and Egyptian continental coasts were used as basepoints. Moreover, it is not easy to compare the exact sea areas which, following the agreement, were allocated to each state due to two reasons: (i) Egypt's territorial waters extend to 12 n.m. whereas Greece still has a territorial sea of 6 n.m. (ii) Egypt has adopted a dubious system of straight baselines. Greece uses the system of normal baselines based on the low-water line along its coasts. Under these circumstances and in order to have an equal measurement we consider that Greek territorial waters extend to 12 n.m. In that case Greece got 44% of the EEZ in between the two countries and Egypt got 56%.

The main criticism of the agreement in Greece concerned the limited effect of the islands on the final boundary. As Turkey stated in a letter addressed to the UN Secretary

## Comparison between the Turkish-Libyan MoU and the maritime delimitation agreement between Greece and Egypt



General: “Even the island of Crete, the fifth biggest island in the Mediterranean at 8,300 km<sup>2</sup>, has been given reduced effect according to the so-called agreement between Egypt and Greece”. The Greek counterargument is that the Cretan coasts used in the delimitation represent less than 10% of the coastline of the island. Nor were all the coasts of the island of Rhodes used in the delimitation.

### *Turkish reactions*

Turkey does not recognize the agreement and considers it null and void. Its signing was considered a violation of Turkey’s inherent rights. The reasons were the following:

- The agreement infringed upon Turkey’s and Libya’s sovereign rights and interests in the Eastern Mediterranean;
- The maritime area covered by the agreement was subject to a future delimitation agreement between the Turkish and Egyptian mainlands, and not between the Greek islands and Egyptian mainland;

- Islands cannot have a cut-off effect on the coastal projection of mainlands;
- The islands in question, Crete, Kasos, Karpathos and Rhodes, lie on the wrong side of the median line between two mainlands. Therefore, they cannot have any maritime areas beyond their territorial waters;

Once again, the main Turkish argument was not based in international law of the sea which provides that islands determine maritime zones in the same way as any land territory. The relevant rules are provided in Article 121(2) of the United Nations Convention on the Law of the Sea, which reflects customary international law. Therefore, it is also binding on states, like Turkey, which have not signed it.

### **j. The lengthiest crisis**

#### **in Greek-Turkish relations**

The signing and ensuing ratification of the maritime delimitation agreement between Greece and Egypt was used as a pretext by Turkish President Recep Tayyip Erdogan

to provoke a new crisis between the two countries. Between 1974 and 2019, there were three major crises in Greek-Turkish relations. The shortest was the Imia standoff on January 30, 1996. It lasted 24 hours. The crisis of March 1987 lasted for about four days. The lengthiest crisis erupted when Turkey sent out the seismic survey ship “Sismik” in 1976. That crisis went on for 18 days (the survey began on July 29, but the “Sismik” was inside Greece’s continental shelf from August 6 to 15).

The fourth crisis in August 2020 surrounded the presence of the “Oruc Reis” exploration vessel escorted by several Turkish naval units in the high seas over the Greek continental shelf. Its presence was against basic rules of international law. Greece and Turkey have competing claims over that area. Thus, there is an obligation to refrain from unilateral acts including the conducting of hydrocarbon research activities. This crisis was the lengthiest by far. Between August and September 2020 it lasted for 35 days. It continued after the 12th of October 2020 and was still ongoing when this book was published.

Turkey, being the aggressor, set the basic parameters of the crisis. The aim of President Recep Tayyip Erdogan was to affirm Ankara’s “Blue Homeland” doctrine: Athens was basically expected to accept Turkish hegemony in the Eastern Mediterranean. Greece, on the other hand, sought to neutralize the Turkish doctrine while avoiding military conflict.

**Tactics:** Turkey wanted a repeat of the 1998 crisis involving Syria and Abdullah Ocalan. The now-jailed Kurdish militant leader had for years orchestrated armed attacks against the Turkish state from Syrian-controlled territory. In the fall of 1998, Turkey upped the ante through verbal threats and serious military preparations, systematically cultivating the impression of an imminent military strike. Hafez al-Assad, the father and predecessor of Syrian regime leader Bashar al-Assad, eventually gave in to the psychological pressure of a possible war with Turkey and expelled Ocalan. In the case of the Eastern Mediterranean, the plan sought to impose Turkish exploratory activities through the threat of war. A localized “incident” was acceptable (perhaps also desirable) as far as Ankara was concerned. A crucial factor was which side would appear to have struck the first blow.

From the very beginning, Greece chose to not engage militarily, but to respond diplomatically. In a move that raised questions

among many Greeks, Athens did not stop the operations of the Turkish research vessel “Oruc Reis”, choosing not to risk a military incident which would be uncalled for in the current circumstances and would certainly be considered excessive by the international community. Greece, however, put its military forces on alert, demonstrating a strong stance and readiness to respond whenever necessary. Greece’s reaction took Erdogan by surprise. He had expected that the Greek side would be intimidated into retreat. Undecided, he let the crisis (which did not culminate in a military incident) drag on for a prolonged period of time. This made him vulnerable to diplomatic pressures. In that sense, Greece’s strong military pressure gave Greek diplomacy room for action.

**Diplomacy:** Many countries exercised diplomatic pressure on Turkey. Germany did not seem to carry the special weight to influence developments in a decisive manner. On the contrary, the more distanced US appears to have played a pivotal role in influencing the matter. President Donald Trump originally pushed back against the possibility of a military incident in the run up to the US elections. Subsequently, Secretary of State Mike Pompeo and the partial lifting of the Cyprus arms embargo helped de-escalate tensions. Greece’s military exercises with France and the United Arab Emirates were also of crucial importance.

**The Armed Forces:** The prospect of a military confrontation tested the capabilities of each side. The Hellenic Armed Forces, and particularly the Hellenic Navy, adeptly responded to the challenge and returned to base with confidence. The credibility of the Hellenic Armed Forces was made clear to Turkey and to third parties who were in the area paying close attention to developments. The Turkish Armed Forces, on the other hand, proved to be inadequate, possibly due to Erdogan’s purge of the military after the failed coup of 2016.

**Erdogan:** The Turkish president is quickly evolving into an authoritarian figure of the Middle East in the mold of Saddam Hussein or Bashar al-Assad. He evidently feels more and more like the leader of a constrained Ottoman empire than of a Turkish republic. However, the “Blue Homeland” doctrine was not designed to be depicted on maps only. Its adherents want it to be advanced with actions. The Turkish Armed Forces proved incapable of fulfilling the Turkish strongman’s aspirations.

**New alliances:** A broad regional alliance has emerged that extends from France to the

UAE. The common reference point of all these states is their opposition to Erdogan’s neo-Ottoman ambitions. Greece and Cyprus have not operated in such a favorable international environment since 1974.

The crisis seemed to be ending when the vessel returned back to the Turkish port of Antalya for maintenance. Following Germany’s intervention, Greece and Turkey agreed to return to the tried method of exploratory talks, like those held from 2002 to 2016.

Unfortunately, the withdrawal of the “Oruc Reis” proved to be a tactical move. There were no other signs of a further de-escalation. No date was set for the new round of exploratory talks. Instead, on the 12th of October, the “Oruc Reis” set sail for the Eastern Mediterranean once more to continue its exploratory activities.

#### **k. An assessment of the Greece-Egypt agreement**

Although the signing of the agreement with Egypt led to the lengthiest crisis in Greek-Turkish relations, the key benefit for Greece is that since August 2020 it has an international treaty that overlaps the maritime areas claimed by the Turkish-Libyan MoU. This introduces an international disagreement on maritime boundaries which, technically, limits Turkey’s room for maneuver. It also allows for diplomatic pressures to be applied. What’s more, the agreement with Cairo will serve as a very powerful diplomatic weapon in the event that the issue of maritime zones is referred to the ICJ.

However, it does not solve the issue of delimitations in the Eastern Mediterranean nor the dispute with Turkey. A solution can only be reached by settling all the maritime boundaries in the area. Given that there cannot be an agreed delimitation due to the contestations of Turkey, the only solution is to resort to the ICJ.



## Greece's offshore exploration and exploitation granted licenses







## CHAPTER 14

# Where we stand today

## a. Basic Turkish positions on relations with Greece

A contemporary Greek myth holds that the political leadership in Ankara stokes tensions with Greece in order to divert the Turkish public's attention to issues other than the misery of their everyday reality. The fact is, however, that Turkey's imperatives in its relationship with Greece are not shaped by the domestic political audience, but by the nationalism which permeates Turkish foreign policy regardless of leadership or ideology (Kemalist or Islamist). Events in the Aegean since 1974, or in the Eastern Mediterranean in the past decade constitute an exercise of Turkish national Policy (with a capital P!).

Where Greek-Turkish relations are concerned, one is reminded of the feature that made Spanish inns notorious in centuries gone by: anyone entering found everything that the previous guests had left behind. In 1975, Turkey raised the issue of the 4-mile difference between the breadth of the national airspace and territorial waters. In 1996, they developed the theory of "gray zones". In 2019 they signed an illegal – but nonetheless real – agreement on maritime boundary delimitation with Libya. Greece stumbles across all of these each time Greek governments wish to communicate with the other side.

The basic Turkish positions towards Greece as regards the Aegean and the Eastern Mediterranean can be summarized as follows:

### Regarding the Aegean:

- Since 1931 the Greek side has proceeded gradually to disrupt the balance between the two countries which had been established by the Treaty of Lausanne.
- Because of the Greek stance in the Aegean, a number of differences between the two countries have accumulated. The delimitation of the continental shelf, as Greece accepts, is just one of those differences.
- The differences are essentially political. While political differences may have legal aspects, their solution must be political.
- For these reasons, there cannot be a piecemeal approach to each of the problems in the Aegean. There must be an all-encompassing solution (a package deal) on all outstanding issues. The package deal will have to respect all of Turkey's vital interests in the region, while accepting that the geographical circumstances of the Aegean are unique. Therefore, rules or solutions arrived at in other regions cannot apply to the Aegean.
- The extension of Greek territorial waters will be regarded as *casus belli* - a justification for war.

## Regarding the Eastern Mediterranean:

- The Cyprus problem was solved to the advantage of Turkey in 1974. For these conditions to be maintained, Cyprus's energy program must cease. If not, and if substantial hydrocarbon reserves are discovered, this will create a new supply source for the EU. This would upend the favorable to Turkey equilibrium in Cyprus that it established in 1974.
- Turkey is the dominant state in the Eastern Mediterranean. All states in the region must sign agreements with Turkey for the delimitation of their maritime zones.
- Greece and Cyprus in particular must accept a regime of joint exploitation of their hydrocarbon resources.

## b. Greek priorities in the Aegean

On the Aegean front, the priority of the Greek side is the avoidance of conflict with Turkey. Despite the occasional nationalistic flare-up (Greek-Turkish relations provide ample occasions for such), the Greek side has followed a defensive policy in the Aegean. The result is that diplomatic time in the region has stopped in the 1970s. Greek (and Turkish) politicians and diplomats mechanically reiterate positions which have been repeatedly expressed since the 1970s. Over time, the Aegean has become a *sui generis* region of Greek limited sovereignty.

The Greek side could pride itself on:

- Avoiding an actual military clash.
- Maintaining the legal regime approximately as it was in 1974.

On the other hand, the Turkish side could be satisfied that:

- It has achieved a de facto "Finlandization" of the Aegean.
- It has created the impression that there is no clear and indisputable regime in the Aegean, which has allowed it to create problems while appearing law-abiding.

Greece's distancing from developments surrounding the international law of the sea has created a set of particular conditions which are not entirely flattering:

**Territorial waters:** Among the 149 coastal states on the planet that have the right to extend their territorial waters to 12 miles, Greece is the only exception which has not exercised that right and continues to maintain a reduced breadth.

**EEZ:** Around the globe there are 149 states that are entitled to claim an Exclusive Economic Zone. As of July 2020, 126 of these had moved to establish EEZ or extended fisheries zones. Turkey has established an EEZ in the

Black Sea, but not in the Mediterranean. Greece, established an EEZ after the ratification of the two delimitation agreements with Italy and Egypt in late August 2020.

**c. There is no easy solution**

All the signs of an approaching crisis in Greek-Turkish relations are present. But could Turkey make concessions on its “gray zones”, or the rights it is claiming off Crete? The issues raised by Turkey in the field of Greek-Turkish relations are many. It would be very difficult for any country to retract them, even if it is assumed that they were raised for the purposes of negotiation. Even if a hypothetical Turkish administration were to genuinely wish to improve relations, it would be extremely difficult for it to progress along this course withdrawing issues from negotiation. And much more so for the Erdogan administration. Turkey believes that Greece can only exercise its rights to the degree that Turkey allows us to.

In order to tackle Erdogan successfully, Greece must understand why he chooses to confront it. And here we must speak with honesty. To see what mistakes we have made over all of these years. Because it is impossible for us to have acted correctly and yet to have ended up in the present situation. Greece has given Erdogan the impression that he can score a major diplomatic success at little cost. In order to avoid a “hot incident” and maintain a contrived tranquility, Greece has made small, incremental concessions. The violations of airspace of the 1980s at some point became overflights, and now drones criss-cross the Aegean. Vessel “touches” – as we christened them – have evolved into collisions with boats of the Coast Guard. The specific claims of the Turks, made with maps and coordinates are met with indecision. Until we woke up one morning to discover that the other side has gone off the rails. Turkey not only violated the law of the sea in every possible sense with its outrageous agreement with Libya, but with its actions at the Evros border on the Clean Monday holiday weekend of March 2020, it also sought to destabilize the country.

Greece also needs to look frankly at its own relationship with international law. Invoking international law is a mainstay of Greek foreign policy – but do we apply it in practice, or do we only remember it when there is a possibility of appealing to The Hague?

We must also admit with honesty that a part of the country’s establishment believes that Greece’s claims in the Aegean and the Eastern Mediterranean are excessive, and that

we must be realists. Is this the case? It is only by looking at international precedent that we can understand whether we are trapped self-obsessively in our own hyperbole and our “rightness”, or trapped in our “realism”.

We must speak candidly about how we see Greece’s place in the wider region, with this particular Turkey next door, leaving aside pretty words and fairy tales. We neighbor a state which sees itself as the dominant power in the region. Do we want to stand in opposition to it? More to the point, can we? Or is it better to compromise, because we can only make things worse for ourselves in the long run? There is nothing wrong with having this discussion. On the contrary, it is wrong to deceive ourselves with fantasies of successful appeals before international courts, or of European solutions which unfortunately do not exist.

If again we do not like the present situation, what measures and sacrifices are required of us to bring about a better tomorrow? The strategy of a peaceful solution to Greek-Turkish differences cannot rest on abstaining from exercising our rights under international law. For Turkey to change its position, it must be pressured in the area where Greece is strongest – that is, international law and adherence to its rules, which we have neglected over the decades. This means that the time has arrived to break one more taboo of the post-dictatorship era: that “Greece makes no demands”. Greece demands the implementation of the rules of international law in its seas. This step must be taken with care, as Greek abstention has created false impressions and expectations on the other side.

At the point we have reached, there is no easy solution.



# GLOSSARY OF GREEK-TURKISH RELATIONS

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The “Glossary of Greek-Turkish Relations” was originally written in Greek in 2018 and revised in 2019 when the author was the director general of the Hellenic Foundation for European and Foreign Policy (ELIAMEP). Some limited revisions were made to the glossary for the purposes of this publication by *Kathimerini*.

# Introduction

Over the last 60 years or so, Greece and Turkey have rather frequently found themselves in periods of serious crisis or even on the brink of war: during the Istanbul Pogrom (1955), the various crises involving Cyprus (1963-64, 1967, 1974 and the S-300 missile crisis of 1997-98), a number of serious incidents in the Aegean (1976, 1987, the Imia crisis in 1996 and the evolving crisis of 2020), and the Öcalan Affair of 1999.

At the same time, and especially during the period from 1974 to 1999, there was an escalating arms race between the two countries, resulting in an ongoing low-intensity conflict with occasional lulls. Despite the rapprochement between the two countries after 1999, which resulted in a noticeable improvement in economic and people-to-people relations and the political climate in general, there was no real progress in normalizing bilateral relations.

Although there are few fundamental differences between the policies of the AKP and the Kemalist opposition parties on the issue of Greek-Turkish relations, one should acknowledge that much of the period of rule in Turkey by the Justice and Development Party (AKP) has overall been characterized by low tension, even in periods of intense Greek economic weakness. The situation gradually began to change after the failed coup of July 2016, partly due to the incident of the eight Turkish officers who sought asylum in Greece, but mainly because of Turkey's growing regional ambitions.

During this period (2016- ), there have been an increasing number of references to and "escalating" reminders of the Turkish theory of the "gray zones" (for example, low-altitude flyovers over a large number of Greek islands), which calls into question Greece's sovereignty over a number of rocks, islets and inhabited islands in the Aegean. More recently, there has been a significant increase in tension caused by Turkish statements and actions, and more specifically the Turkish-Libyan memorandum for the delimitation of maritime zones in the context of the "Mavi Vatan" ("Blue Homeland") narrative, the hybrid operations in Evros (February-March of 2020), and the multiple times Turkey has sent its ships to conduct research in maritime areas which Greece considers as its own.

This glossary, together with the maps section, is an attempt to explain and clarify a number of specialized terms as well as more complex issues for the benefit of a wider audience, Greek and international, who may have an insufficient or inaccurate understanding of Greek-Turkish relations.

## A

### **The Annan Plan**

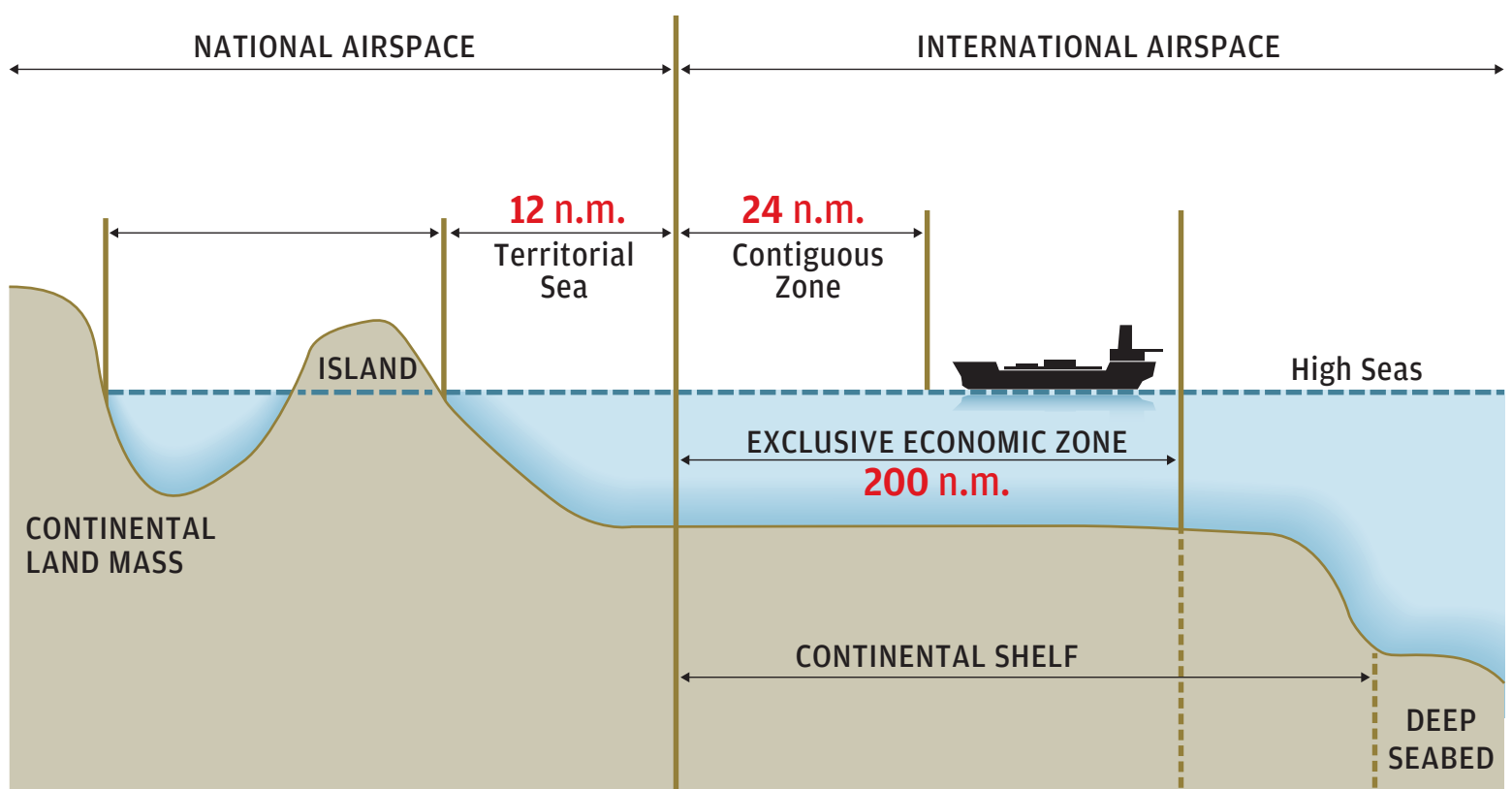
Cyprus submitted its application for membership to the EU under the Vasiliou government during the summer of 1990. The Treaty of Accession of the Republic of Cyprus was signed in Athens in the spring of 2003 and entered into force on 1 May 2004, when Cyprus became one of the ten new members of the EU. The prospect of Cypriot accession was the catalyst for a new mediation effort on the part of the UN, under Secretary-General Kofi Annan, which culminated in the presentation of five versions of a comprehensive plan to resolve the Cyprus problem, and the ultimate rejection of the final plan by the Greek-Cypriots in a referendum in April 2004.

As the Republic of Cyprus headed towards becoming a member of the EU, and with its citizens already launching appeals against Turkey at the European Court of Human Rights for the infringement of their property rights in the occupied territories, Ankara seemed to be in a difficult position; besides, Turkey was also facing great difficulties in its effort to begin its own accession negotiations. The UN Secretary-General's initial idea of leveraging Cyprus' need for a resolution and the simultaneous Turkish need to improve its image was in the right direction, but was rather poorly implemented.

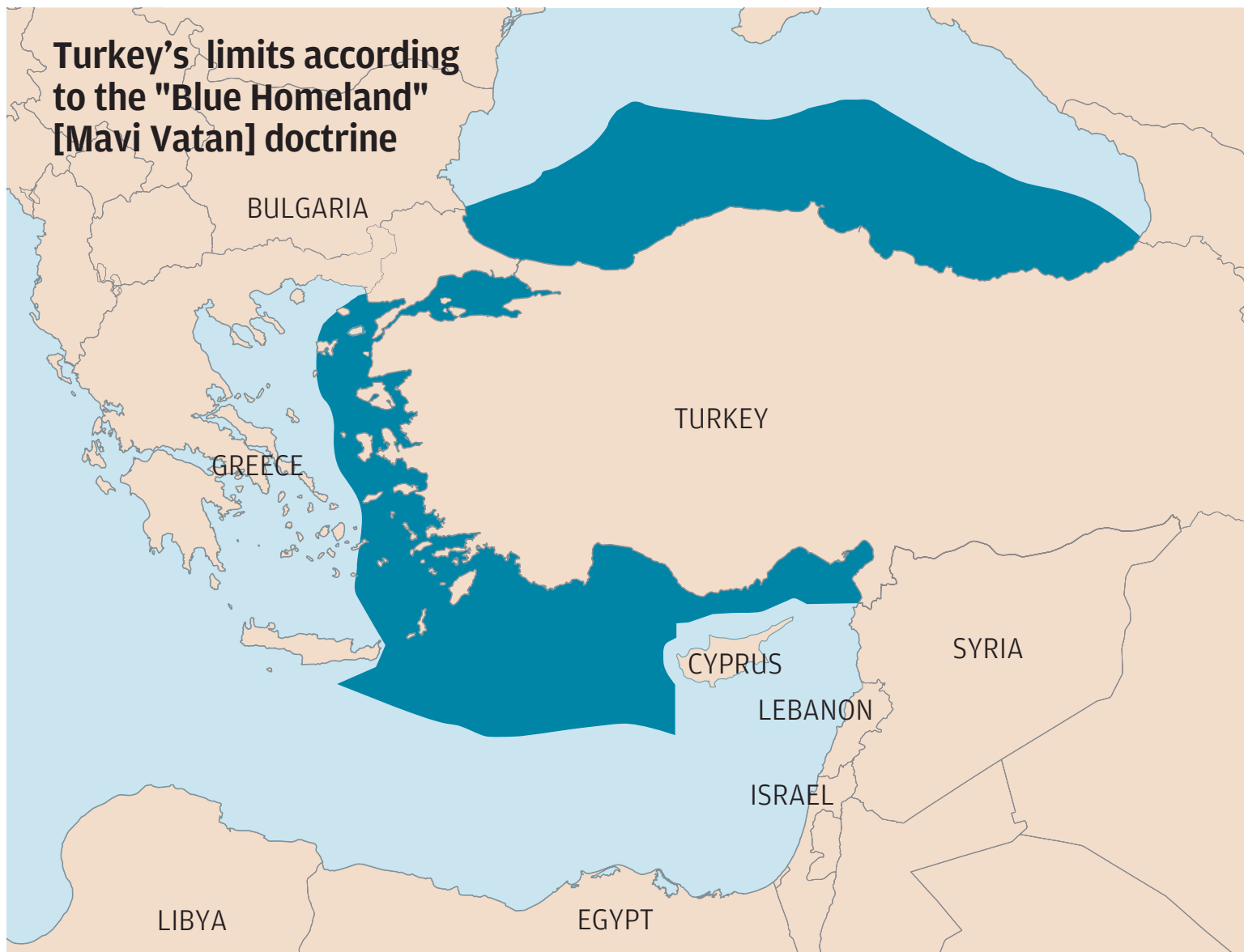
The Annan Plans caused a great sense of distrust in a large part of the Greek Cypriot public as a result of several of its basic provisions: the dissolution of the Republic of Cyprus as a prerequisite for the creation of a new state (probably

with a loose federal structure); the vagueness regarding the timeline for the return of occupied territories to the Greek-Cypriots; the continued presence of Turkish troops (albeit in significantly lower numbers) in Cyprus even after the implementation of the agreed solution; the preservation of the obsolete institution of guarantor powers; the legalization of the permanent presence of a large number of settlers; the conversion of the agreements reached by the so-called "Turkish Republic of Northern Cyprus" with Turkey into federal law; the provision for the existence of foreign judges in the Constitutional Court who would make decisions in cases of inter-community disagreements; the imposition of limitations in the installation of members of each community on territories belonging to the other "constituent state"; the imposition of extensive deviations from the European acquis (which created a feeling among Greek Cypriots that they would also become a second-class member of the EU); and, finally, the weakness or unwillingness of the UN to make an indicative assessment of the cost of reunification and the resolution of the property issue (even though the cost was to be borne by the Greek Cypriot community, and Turkey was to be absolved from any financial responsibilities for the deprivation of rights and the destruction it had caused on the island); all these factors, plus the inability to convincingly present the potential benefits of the Annan Plan to the citizens of Cyprus, led to strong objections from the majority of the Greek population and, eventually, to the failure of the UN effort to resolve the Cyprus problem.

## UNCLOS MARITIME ZONES



Sources: Batongbacal and Baviera (2013)



Ultimately, the Annan Plan 5 was accepted by 65% of Turkish Cypriots, but was rejected by 76% of Greek Cypriots in the April 2004 referendum. The accession of the Republic of Cyprus to the EU followed shortly after.

## B

### Balance of military power

The chart on the following page depicts the balance of military power between Greece and Turkey. It must be noted that, as far as military forces are concerned, the purges of Air Force pilots and other experienced military officials in Turkey as a result of the failed coup of July 2016, and the increasing use of ideological rather than merit-based criteria for promotions or postings, have undoubtedly had a negative effect on the war fighting capability of the Turkish Armed Forces. At the same time, however, in the context of Greek-Turkish relations, the risk of an accident spiraling out of control due to lack of experience has increased. Turkey has invested considerable resources in order to develop its defense industry, while at the same time has been procuring sophisticated air-defense systems (S-400, from Russia; as a result, sanctions have been imposed by the US and Turkey has been excluded from the

program for the co-production and acquisition of the 5th generation F-35 fighter planes), and systems of intelligence gathering and battle management, ranging from a broad spectrum of sensors to space-based systems.

Even though there does not seem to be at present any serious cause for concern regarding a radical upset of the balance of military power between Greece and Turkey, maintaining a balance of power with an adversary with almost three times the budget for defense spending and with strong regional ambitions (although, certainly, also many open “fronts”) will not be a simple matter for Greece. The utilization of new technologies in the context of an out-of-the-box way of thinking could play a major role in this.

### Blue Homeland (“Mavi Vatan” in Turkish)

This is both a narrative and a strategic plan to overcome the obstacles posed by geography and international law to an expansion of Turkish-controlled maritime zones in the Eastern Mediterranean (as *de jure* changes to land borders is a much more difficult task). In addition to the rather expected maximalist positions, this narrative is characterized by a highly creative and innovative interpretation of international law and a surreal approach to geographical reality (see also Turkey-Saraj Memorandum).

## C

### Casus Belli

In June 1995, a few days after the ratification of the Convention on the Law of the Sea by Greece, the Turkish Grand National Assembly issued a resolution stating, among other things, that “... *It is not possible... for Turkey to accept that it must establish its naval connection with the high seas and oceans via Greek territorial waters. Turkey has vital interests in the Aegean. The Turkish National Assembly, while hoping that the Greek government will not decide to extend its territorial waters in the Aegean beyond six miles, thereby upsetting the balance established in Lausanne, has decided to delegate to the Turkish government all the responsibilities, including those deemed necessary from a military point of view, for the preservation and defense of the vital interests of our country...*”

This threat of war did not concern a potential violation of international law, but a state exercising its legal rights. Greece made a series of formal protests to international organizations, primarily pointing out how this violated Article 2.4. of the UN Charter (on abstaining from the threat or use of force against another state). The withdrawal of casus belli is included in all the annual progress reports of the European Commission and in the relevant resolutions of the European Parliament regarding the accession of Turkey to the EU.

### Confidence-Building Measures (CBMs)

Confidence-Building Measures (CBMs) as a concept in international relations theory first appeared almost sixty years ago during the Cold War, initially at a bilateral level in US-USSR relations and then also at a multilateral level. Such measures usually appear after a crisis or war. A prime example of a CBM was the famous “hotline”, which connected the offices of the heads of state of the US and USSR immediately following the Cuban missile crisis in 1962. The term CBM includes a wide range of measures (political and/or military) that states having difficult relations with each other can use in an effort to:

- Reduce tension in their relationships, and/or
- prevent the possibility of accidental hostilities or a surprise attack, and/or
- confirm the non-hostile nature of their intentions.

The starting point for CBMs is the political will of the parties to promote mutual security. The implementation of such measures is aimed at increasing trust in the intentions of the parties (if these intentions are consistent or not with the pursuit of mutual security). In other words, there is a close relationship between security and trust. It’s important to note that when implementing CBMs, the following basic condition must be met first: the measure cannot affect the existing balance of power between the parties. That is, the relative benefits must be mutual, and the balance of power that existed prior to the agreed CBMs must not be upset.

Measures can vary, ranging from a simple “open channel of communication”, to steps to curb military activity and verification measures, up to a non-aggression pact. In the context of Greek-Turkish relations, the Papoulias-Yilmaz Protocol has been signed (see related entry), verification measures are in force under the

Treaty on Conventional Armed Forces in Europe (CFE) and a number of CBMs have been signed since the [limited] bilateral rapprochement started in 1999. A series of measures were agreed upon (although not necessarily implemented), including a two-month (later to be extended to four months) summer moratorium on military exercises in the Aegean, exchange of visits at the level military academies and of chiefs of general staff, a hotline for use in the event of an emergency, cooperation on peace-building missions and natural disasters, etc. “Aviation CBMs” have also been discussed, but without result.

### Constitutional Amendment (Turkey)

The victory of the “yes” vote in the Turkish referendum of 2017 was rather expected, even though the result was very close. The small margin of victory and the allegations brought forth by the opposition and international watchdogs heightened suspicions of some limited tampering of the verdict, but the result remained the same: Turkey began a new chapter in its history and as a result there are now multiple questions concerning the country’s future.

Tayyip Erdogan vigorously promoted a constitutional amendment that significantly strengthened the powers of the president, abolished the office of the prime minister, and weakened the powers of parliament and the judiciary, essentially leading to a new model of governance from the Presidential Palace (Ak Saray/White Palace). What is particularly worrying is the apparent absence of a system of checks and balances, in combination with strong autocratic tendencies.

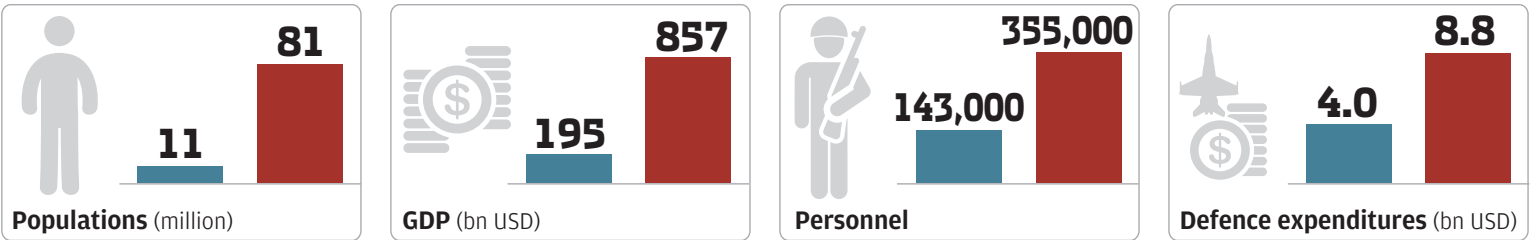
As far as Greek-Turkish relations are concerned, a functioning Western-style democracy is not a necessary prerequisite for maintaining good neighborly relations, or at least for effectively managing problems. However, it is more likely that an autocratic Turkey might drift further away from the EU and the Western code of conduct in interstate relations.

### Continental Shelf





Under international law, a continental shelf is defined as the underwater sea bed and the subsoil beyond the national territorial waters. A state does not possess full sovereignty within its continental shelf, yet it exercises, nonetheless, sovereign rights. These concern exclusively (a) the exploration of the continental shelf, and (b) the exploitation of the continental shelf’s natural resources. The continental shelf extends up to 200 nautical miles from the point from which the breadth of the territorial waters is measured, unless the geographical conditions allow for an extension beyond these limits. In such a case, the continental shelf may be extended to up to 350 nautical miles from the shore. In the Mediterranean, no such distances exist.

The principal motivation in international efforts to delimit continental shelves has been the exploitation of offshore resources (mainly hydrocarbons), and the same seems to apply in the case of Greece and Turkey, even though the existence of significant and economically exploitable deposits of hydrocarbons in the Aegean has yet to be established with any certainty. The joint exploitation of hydrocarbons in both the Aegean and in the Eastern Mediterranean constitutes a longstanding objective of Ankara.

### Balance of military forces



### Weapons systems

	GREECE	TURKEY
MAIN BATTLE TANKS 	1,341	2,492
HELICOPTERS 	28 attack 136 transport	49 221
NAVY 	11 submarines 13 frigates 33 fast boats 19 landing craft 18 maritime helicopters	13 submarines 18 frigates 53 fast boats 34 landing craft 29 maritime helicopters
AIR FORCE 	231 combat aircraft 34 F-4, 43 Mirage-2000, 154 F-16, 4 early warning aircraft, 26 medium-size transport aircraft, small number of UAVs 6 PATRIOT batteries 2 S-300 batteries	321 combat aircraft 61 F-4, 260 F-16, 7 tanker aircraft, 4 early warning aircraft, 35 medium-size transport aircraft, significant number of UAVs
MAIN PROCUREMENT PROGRAMS	F-16 modernization, maritime patrol aircraft modernization, new frigates, acquisition of Rafale fighter aircraft	S-400 air defence system, T-214 submarines, MILGEM national combat ship, T-129 attack helicopters, A-400 large transport aircraft, light helicopter carrier

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The official Greek position has been that the delimitation of the continental shelf and the exclusive economic zone constitute the sole dispute between Greece and Turkey (all other issues are treated as being unilateral Turkish claims). The difference between Greece and Turkey regarding the continental shelf dates back to November 1973, when the Turkish Government Gazette published a decision to award licenses to the state-owned Turkish Petroleum Corporation (TPAO) to conduct explorations in underwater regions in close proximity to Greek islands.

Turkey maintains that: a) the fundamental criterion for the delimitation of the continental shelf is the natural-geological relationship of the dry land mass with the seabed; b) islands constitute special cases; c) the Aegean is a semi-enclosed sea which requires the application of special, exceptional regulations; and d) the principle which must be applied is that of equity. An account of the Turkish positions concerning the Aegean can be found at [www.mfa.gov.tr](http://www.mfa.gov.tr) (Turkish-Greek Relations/Aegean Problems/The Aegean Problems).

The Greek response is that a) islands are entitled to a continental shelf in exactly the same way as mainland territories; and b) the delimitation of the continental shelf

must be carried out on the basis of the median line/line of equidistance, which has as its basis of measurement the coastal shores of the Greek islands on the one side and the coastal shores of the Turkish mainland on the other. Greece stipulates, furthermore, two preconditions for the resolution of the dispute: a) that no Greek island will find itself enclosed within the Turkish continental shelf, and b) that the political continuity of Greece’s national territory must be ensured. An account of the official Greek positions concerning its relations with Turkey can be found at [www.mfa.gr](http://www.mfa.gr) (Foreign Policy Issues/Issues of Greek-Turkish Relations). The problem with the Greek position regarding the continental shelf and the EEZ as being the sole dispute between Greece and Turkey is that, if the two countries agree to seek recourse to the International Court of Justice for the delimitation of the continental shelf and EEZ, this delimitation will take place on the basis of the current breadth of the territorial waters.

### Convention on the Law of the Sea (UNCLOS)

The UNCLOS was signed in 1982, after many years of negotiations, and entered into force in 1994. It regulates all uses of the oceans, including the delimitation of maritime zones

and the exploitation of natural resources. More specifically:

- The criteria of the 200-meter isobath and the exploitation of the seabed in the 1958 convention were replaced by the criterion of a distance of up to 200 miles from the coast.
- Islands have full rights to maritime zones, including an EEZ and continental shelf. Rocks that do not have their own economic life were excluded. They were given only territorial waters;
- No specific delimitation rules were defined for the delimitation of the EEZ and the continental shelf. The only question is the general achievement of an “equitable result”;
- The convention has been signed to date by 160 countries, with key exceptions being the United States, Israel, Turkey, Venezuela and Syria.

#### **Crisis management**

Crisis management includes the totality of measures aimed at the avoidance of the military escalation of a political crisis, or, if the original goal cannot be accomplished, the limitation of the extent and intensity of a conflict. Crisis management is more of an art than a science, and is based on a combination of inspiration, wisdom, judgment and abilities of decision makers, rather than a predetermined formula or a rigid set of rules. It is an idiosyncratic mix of decisiveness and caution, intransigence and flexibility, and recklessness and careful moves and actions. Crisis management, a familiar phenomenon during the era of the European balance of powers, gained a new importance in the age of nuclear weapons. Following the terrifying Cuban missile crisis, the then US Defense Secretary Robert McNamara declared – possibly with a hint of hyperbole – that “there is no such thing as strategy, only crisis management”.

Crisis management strategies (in the context of crisis management, the difference between strategy and tactics is smaller than usual, and the two terms often describe similar actions) fall into two broad categories: aggressive strategies, which aim to change the status quo to the detriment of the opponent; and defensive strategies, whose goal is to obstruct or reverse developments that would lead to a detrimental outcome for one’s own side. It should be stressed that instructions on crisis management consist of general advice rather than a specific formula. A single instruction, or a series of instructions, doesn’t cover all eventualities or possible crises. The process of crisis management – assuming there is enough time available – includes the following stages:

- The assessment of a situation as a crisis;
- The correct identification of targets and goals;
- The shaping of alternative courses of action, including the examination of possible benefits and costs for each alternative solution, and the continuous search for new information around the various alternative solutions;
- The selection and implementation of a course of action.

#### **Crisis of March 1987**

A main cause of this crisis, as well as of Greek-Turkish antagonism in general, was the suspected existence of significant hydrocarbon deposits in the Aegean, combined with the geographical peculiarities of the region. According to historian Sotiris Rizas, however, the cause of the crisis

of March 1987 was the lack of effective communication between the two sides and the perception formed by the Turkish leadership at that time that Athens was seeking to start drilling in an area of the continental shelf that had not been delimited. The Turkish side, in responding, sought to emphasize that its strongly-held territorial claims remained unchanged. A possible interpretation is that the crisis was caused by misinterpretations on both sides, and that Turkish Prime Minister Turgut Özal’s absence from office due to illness gave the ‘hawks’ in the Turkish military and diplomatic corps an opportunity to try to reverse Özal’s policies aimed at a Greek-Turkish rapprochement.

In contrast to the 1996 Imia crisis (see the entry for “Imia crisis”), which most analysts believe led to a negative outcome, the handling by Greece of the March 1987 crisis is seen as having been successful, as Turkey did not subsequently move ahead with offshore seismographic surveys in disputed areas. Paradoxically, and given Turkey’s initial (incorrect) impression that Greece intended to conduct seismographic surveys in disputed areas, the outcome of the crisis was not seen as negative for Turkish interests either.

It is, however, clear that Turkey did not fully mobilize its armed forces during the crisis, whereas Greece proceeded with a general mobilization marked by the departure of the entire fleet from the Salamis Naval Base (and the withdrawal of two submarines from a NATO exercise), the selective mobilization of army reserves and the deployment of fighter jets to front line air bases. Greece also made the decision to temporarily suspend the operation of US bases as a symbolic gesture.

The trip of the then Minister of Foreign Affairs, Karolos Papoulias, to Sofia and his meeting with the Bulgarian leader Todor Zhivkov, should also be considered as essentially a symbolic move. The assessment of the Greek side was, however, that this move could create a sense of uncertainty to Turkey, while adding pressure on Western powers to intervene in a firefighting role. It is not certain, however, that Greece would have secured significant diplomatic support from its EEC partners or NATO allies, due to the rather idiosyncratic foreign policy of the Papandreu government, with its waning but still clear leanings toward anti-Americanism and Third-Worldism.

During this period, there was a relative balance between land forces (with a clear, however, numerical superiority for Turkey), a balance between naval forces (but with a clear Greek superiority in terms of personnel quality) and a relative balance in the air (a small numerical superiority for Turkey in fighter jets and a Greek superiority in the quality of personnel). On this point, there is a significant difference with the Imia crisis: in 1987, Turkey did not enjoy air superiority, as it did in 1996.

A comparison of the forces leads to the conclusion that, in a military conflict (if Turkey had decided to mobilize its forces and react in a dynamic manner), Greece would likely not have been defeated. Of course, there is no guarantee that it would have prevailed, either. The most likely result would have been a “draw”, with losses for both sides (depending on the duration of the conflict, which would have been largely determined by the reaction and intervention of the US and NATO). One of the most important lessons of the March 1987 crisis was the need for multiple open channels of communication between

Athens and Ankara. The lack of such channels played a key role in the 1987 crisis, and made it difficult to manage the Imia crisis in 1996 as well.

#### **Cyprus Dispute**

Even though it does not formally constitute a bilateral Greek-Turkish issue, the Cyprus dispute has played a significant role in the relations between the two countries. The late ambassador Byron Theodoropoulos (the 'Dean' of Greek diplomacy), argued that all of the 'Aegean' disputes were either invented or exaggerated by Ankara, which wrongly calculated that these could be used to counterbalance the Cyprus problem. Greece constitutes, together with Turkey and Great Britain, a guarantor power of Cyprus, where it has maintained a military presence (the Hellenic Force in Cyprus / ELDYK). It is hard to imagine that a full normalization of relations between Greece and Turkey could ever be achieved without the prior resolution of the Cyprus dispute.

In theory there are three possible alternatives for the future of Cyprus:

- (a) A *de jure* division of the island, involving the return of some of the occupied territories and the two communities agreeing to follow separate paths (to the extent, of course, that this is practically feasible on an island with Cyprus' particular characteristics).
- (b) Maintaining the current state of affairs in the event that negotiations fail. This would likely not be the final chance for a solution, since diplomacy almost always ensures that there will be a subsequent negotiation. The problem is that in the history of the Cyprus issue, every subsequent proposed solution has been worse for the Greek Cypriot side than the previous one.
- (c) A solution which would be based on the logic of a bizonal and bi-communal federation, based on mutually acceptable terms regarding the central issues/questions (security, territory, property claims, settlers, governance), and with relatively limited jurisdictional powers for the federal government. The key phrase here is that of a "viable and functional solution", an element which appears to have been missing from the exceptionally complex Annan Plan, which, in its final form, was negative for Greek Cypriot interests (see relevant entry).

In 2004, the Annan Plan for the resolution of the Cyprus dispute was submitted by the United Nations following negotiations between the parties involved. In the referendum, which was subsequently carried out, 65% of the Turkish Cypriot side voted in favor of the plan, whereas 76% of Greek Cypriots voted against it. There have been many (and intense) discussions regarding the weaknesses of the Annan Plan, and most analysts continue to question its functionality and viability. New inter-community discussions were held in 2017, which did not, however, lead to a positive outcome. The main point of disagreement was the question of security (i.e. whether or not to maintain foreign military forces on the island and the system of guarantees).

As a result of flawed assessments, atrocities, distorted perceptions and stereotypes, external interventions and entrenched interests, the Cyprus issue has gradually been

transformed into a particularly multifaceted and complex problem. Its potential solution, however, is based on a simple cost-benefit assessment between two alternatives: the reunification or non-reunification of the island.

In the first case, any solution that may be adopted will be characterized by specific constraints, since the current state of affairs, which is unfavorable to Hellenism, is the result of a defeat in a military confrontation, and, as is well known, any losses sustained on the battlefield cannot be fully restored at the table of diplomatic negotiations. No matter the form of such a reunification of the island, it is possible that it may not allow for the elimination of Turkish influence, yet it could, potentially, achieve its significant reduction. It will certainly bring some territorial gains. Even though the complete removal of all security guarantees and the immediate withdrawal of all foreign military forces is highly desirable, there is disagreement among experts as to whether it is realistic. This is due to the Turkish strategic view regarding Cyprus: according to the former Turkish prime minister, Ahmet Davutoglu (and echoed by high-ranking officials of the erstwhile Kemalist establishment) this is that, "Even if there was not a single Muslim Turk living in Cyprus, there would be a Cyprus question for Turkey because of the island's geostrategic location, at the heart of its very own vital space."

Potentially, other solutions could be sought regarding the "easing" of the system of guarantees, and provisions for its gradual phasing out, as well as for the immediate withdrawal of the greater part of the occupying military forces, and for the integration of those that remain in a multinational force, with provisions for a complete withdrawal on the basis of a set timeline.

What needs to be clear, however, is that the solution of a bizonal, bi-communal federation, as it is being discussed today, may on the one hand have potential benefits (territorial benefits, a phasing out of the Turkish presence and influence, economic growth), yet on the other it also entails significant risks in the event that the emerging state of affairs proves to be dysfunctional and non-viable and results in increasing tensions between the two communities and, potentially, between the two "mother countries". The conversion of a unified Cyprus into a dysfunctional state like "Bosnia - Herzegovina", and possibly towards the more volatile end of the spectrum, either due to objective difficulties, or due to Turkey's efforts to undermine the situation after a potential solution, cannot be ruled out.

Alternatively, there is the option of maintaining the current status quo, in the hope of a more favorable set of circumstances and balance of powers arising. However, so far the passage of time has not worked to the benefit of the Greek-Cypriot side, and each new plan for a solution has been worse than that which came before. The most likely outcome is that the non-resolution of the issue will cement the division of the island, with all that entails.

#### **Criteria for a solution of the Cyprus issue**

The solution to the Cyprus issue must be evaluated on the basis of the degree to which the following objectives and interests have been achieved:

As regards the Greek Cypriots, the desired objectives include a clear improvement of the present situation on issues

such as (a) the territorial question; (b) the reinforcement of a sense of security through the withdrawal of all armed forces, the demilitarization of the island, and the elimination of the Zurich-London system of guarantees; (c) compensation for seized properties; (d) the reduction in the level of political and economic dependence of Turkish Cypriots on Turkey; (e) the smooth functioning of the new state; (f) the unhindered exploitation of energy resources by the two communities; (g) the maintenance of current demographic and political balances; and (h) the economic development of a united Cyprus. The above issues are not presented here necessarily in any order of significance, and they obviously do not all carry the same weight.

As far as Greece is concerned, its interests include: (1) the protection of Hellenism in Cyprus; (2) minimizing the possibility of a political or military conflict with Turkey, and the creation of conditions that will allow for a more general improvement in Greek-Turkish relations; (3) the avoidance of problems that could disrupt the smooth functioning of the EU (in the event that Turkey should wish to use a Turkish-Cypriot veto, or any other arrangements that may be provided for by the solution under negotiation, in order to promote its own interests vis-à-vis the EU); (4) the ability for Greece to have a presence in the Eastern Mediterranean and to continue its cooperation with other countries in the region; and (5) the ability for Greece to participate in energy-related activities in the Eastern Mediterranean. Again, not all of the above interests carry the same weight.

The mix of proposed arrangements regarding the above issues will determine to a great extent the final net positive or negative value of any proposed solution for Hellenic (Greek-Cypriot and Greek) interests. The use of objective criteria (to the extent possible) in the evaluation process can potentially help us come out of a dead-end discussion where the only solutions appear to be either a default acceptance of just about any solution (with all the downsides and the risks this might entail), or the outright rejection of any and every solution (irrespective of their benefits and positive aspects) and the pursuit of an “ideal solution”, which, unfortunately, will never materialize.

In any case, the role of Greece must be to a large degree secondary, supporting the choices made by Nicosia. It should, however, have a more active role in negotiations regarding security arrangements, because of its role as the guarantor of the security of Cypriot Hellenism. The final decision rests with the Greek Cypriots, who will have to weigh the potential benefits and risks of alternative choices.

## D

### Deep State

The term “Deep State” (“*derin devlet*”) refers to a system, running parallel to the official government apparatus, that regularly intervenes in state affairs, especially those with a national security dimension. Targets of the deep state have included over the years minorities (and especially the Kurds), communists, Islamists, journalists and, in general, anyone who could be considered a threat to the secular state founded by Mustafa Kemal. This parallel system is not subject to any

political control and may act counter to the decisions of the elected government. It became widely known in 1996, with the “Susurluk case”, and a few years later it was identified with the “Ergenekon case”.

In 2014, Erdogan referred to a “parallel state” led by the Gulen organization, known as Hizmet (meaning “Service”). According to government officials, in January 2014 the “parallel state” conspired against the armed forces through the “Ergenekon” and “Balyoz” cases. As a result, court decisions against the “deep state” should be reconsidered in light of the injustices this “parallel state” has caused. As Angelos Syrigos states, “... *it is utopian to believe that the Turkish deep state will disappear. The efforts of its ideological opponents in Turkey are focused on transforming it so that it might come under their own control.*”

### Dialogue

At various times and for different reasons, the subject of a Greek-Turkish dialogue returns to the fore together with the possibility of reaching an agreement on bilateral issues through negotiation. Every negotiation presupposes bilateral contacts, discussions, and, unavoidably, some form of dialogue. Unfortunately, the very idea of a dialogue with Turkey has been demonized in Greece, as it has become synonymous either with political naïveté, or surrender or appeasement of Turkey’s expansionist intentions. The majority of these reactions are emotional, not based on a substantive understanding of the issues, rational argument or strategic analysis. Sadly, any discussion of the major questions in Greece’s external relations, be they about relations with Turkey or the (former) ‘Macedonian’ issue, are dominated by aggressive populism and over-simplistic claims to patriotism – or more often claims of a lack thereof on the part of specific individuals – while a dispassionate approach, analysis and debate are sorely lacking.

But at the other end of the spectrum, politicians and academics are sometimes guilty of a rather naïve understanding of the tools available for managing bilateral relations with Turkey, assuming that international law or membership to the EU are sufficient by themselves. This school of thought significantly underestimates the deterrent effect of military power, especially in the context of Greek-Turkish relations.

Abstaining from dialogue can be a useful diplomatic tactic during particular periods, but would be harmful as a permanent foreign policy strategy. Foreign policy demands creative thought, imagination, new ideas and initiatives, good preparation, and trust in one’s abilities. The easy solution (to an extent, the result of intellectual laziness) is the offhand rejection of any new idea, proposal or initiative.

Dialogue is not synonymous with formal negotiation, though it can lead there. The international community sees dialogue as an extremely important means for the peaceful resolution of disputes. Even when dialogue does not yield results, its continuation is preferable to its absence. Some analysts even argue that two countries which are talking to each other could hardly go to war. Even though history and international experience do not entirely support this view, it is a fact that dialogue can do no harm when certain preconditions are present, and specifically when:

- The dialogue is conducted on the basis of a well-designed strategy (what are the vital national interests, what are the red lines, what is the desired goal) and sound negotiating tactics.
- It enjoys the political support of the governing party and a significant portion of the opposition. Critical statements by the opposition may be useful in the course of the negotiation (as the government may use them to claim its inability to make further concessions), so long as they are based on a prior understanding, and there is agreement on the substance.

If the above conditions are met, there is no reason to object to dialogue, provided, of course, the necessary safeguards are in place to allow withdrawal if the national interests are no longer served.

## E

### **Ecumenical Patriarchate**

After 1923, the Turkish state refused to recognize either the ecumenical nature of the institution of the Patriarchate or its nature as a legal entity. Consequently, it did not recognize the jurisdiction of the Patriarchate over the institutions that belong to it. Furthermore, for many decades the Turkish state limited the right to be elected as the Patriarch to clergymen with Turkish citizenship who had been practicing their religious duties in Turkey. There were also similar problems with the election of members of the Holy Synod. After 2009, the AKP governments made some goodwill gestures that may facilitate the future resolution of the above problems. Additionally, in 1971 the Turkish Ministry of Education banned the operation of the Theological School of Halki, invoking a law which banned the operation of private higher education institutions. The issue has not yet been resolved, however, despite promises during the Erdogan period of government.

### **“The Eight”, the eight Turkish officers (asylum seekers)**

It is not uncommon for a country’s government to face an undesirable development, a “hot potato”, where options are extremely limited and quite problematic. In this case, the Greek government was called upon to handle the arrival and asylum requests of eight Turkish officers that were subsequently accused by the Turkish authorities of taking part in the failed July 2016 coup. For President Erdogan, the issue was extremely sensitive and the exercise of strong pressure needed to be taken as a given.

However, the relevant reflexes of the Greek side proved slow and the issue was not resolved immediately and with concise procedures. Since then, the issue has been used by the Turkish side for negotiation purposes, but also as a tool to put pressure on the Greek side and as a reminder that the cost of ignoring Turkish requests and interests can be high. The arrest of the two Greek soldiers, who appear to have lost their bearings and entered a few meters into Turkish territory in the Evros area, and their detention for 167 days – initially without charge – appeared to be linked to the case of “the Eight” by Ankara. It is worth noting that similar incidents of unintentional border crossings in the past have been almost immediately resolved through communication between local commanders.

### **Energy (Greece)**

To date, the only discovery of hydrocarbons in Greece took place off the west coast of the island of Thasos (Prinos). Extracting the petroleum from the Prinos Oil Field is currently the responsibility of the Greek company Energean, and production could reach up to 3,800 barrels per day, although in the past it had been as high as 26,000 barrels per day, covering about 10% of national needs.

In 2011, Greece, after a 15-year period of general inactivity, rightly adopted a new policy regarding the exploration and exploitation of hydrocarbons in its maritime zones in the Ionian and south of Crete. Legislation was adopted explicitly stipulating that the median line / line of equidistance would be the basis for delimitation in the absence of agreements, and this new legislation was officially submitted to the UN.

As part of the implementation of this new policy, international tenders were announced for the exploitation of specific offshore plots in the aforementioned areas, following appropriate explorations and the collection of seismic and other data. There are reasonable hopes for the discovery and exploitation of deposits (probably relatively limited in size) in the Ionian Sea and in the Epirus region. In the event of potential discoveries in the areas south of Crete, the deposits may be quite substantial; at this point in time, however, the uncertainty in those regions is higher.

Of course, exaggerated expectations and projections that are not based on hard data should be avoided. Experts, including scientists and government officials, are of course aware of the lack of sufficient scientific data, the diplomatic difficulties, and the time required to start commercial exploitation of any deposits. Greece’s goal should be to increase the energy footprint and turn the country into an energy player (rather than a mere “spectator”) and, ideally, into an energy hub, through the TAP pipeline, the Greece-Bulgaria Gas Interconnector, a potential future interconnector to North Macedonia, and the EastMed pipeline.

### **Energy (Greece-Turkey)**

As well as being a cause of friction between Greece and Turkey, the field of energy is also an area of (albeit limited) cooperation between the two countries. (Regarding the areas of dispute and the general ambitions of Turkey in the Aegean and the Eastern Mediterranean, information can be found under other entries). As far as cooperation is concerned, the TGI pipeline (Turkey-Greece Interconnector) transports natural gas of Azeri origin from Turkey to Greece. The TAP (Trans Adriatic Pipeline) will transport natural gas from Azerbaijan to Italy via Turkey, Greece and Albania.

### **The EU and Greek national security**

The EU’s Global Security Strategy (2016) emphasized the need to strengthen the internal security of the EU member states while also stabilizing the external environment on the EU’s southern and eastern borders by taking on a more active role and launching various initiatives. This text, well-written and certainly useful, is currently not much more than a wish list, at a point when uncertainty over Brexit is widespread and European weakness in the defense sector and in the formulation of a

common foreign policy is evident. However, common foreign, defense and security policy may be areas in which the EU, following a German-French initiative, could take a “step forward” to counterbalance the negative dynamics caused by Brexit.

Given its longstanding goal of staying at the core of an EU that is increasingly characterized by a variable geometry, and in light of the multidimensional threats to Greek national security, Greece cannot afford to be absent from relevant consultations and initiatives. Active Greek participation in the initiatives already undertaken in the fields of defense and security would strengthen national efforts to claim a distinct role both within the EU and at a regional level, and would help strengthen Greece’s deterrent capability.

#### **The EU and Turkey**

Turkey expressed its interest in joining the European Economic Community in 1959 and formally applied in 1963, when the Ankara Agreement was signed. The Customs Union was signed by both parties in 1995 and entered into force in 1996. After many years of efforts, Turkey started accession negotiations with the EU in 2005. Of the 35 “chapters” that constitute the EU *acquis* (on issues such as energy, human rights, employment, transport, the judiciary and the environment), 16 have been opened, but only one, research and technology, has been closed (temporarily).

The opening of another eight chapters has been blocked by the European Council due to Turkey’s non-compliance with the relevant obligations regarding the opening of Turkish ports and airports to Cypriot ships and planes, while Cyprus itself has stated that it will block the opening of another six chapters for as long as Turkey does not implement the Additional Protocols to the Ankara Agreement.

Several European countries have reservations about Turkey’s potential EU membership. Greece supports Turkish membership because in that case the normalization of Ankara’s relations with Greece and Cyprus would be a prerequisite, and because it believes that a “European” Turkey will be a better neighbor. At present, the scenario of full membership is an extremely low probability one, as the obstacles to membership (which include the country’s size and its “specificities”, as well as Erdogan’s authoritarian tendencies and aggressive foreign policy) are considered to be clearly greater than the potential benefits. A “special relationship” between Turkey and the EU, on terms that have not yet been discussed in detail, is certainly more likely.

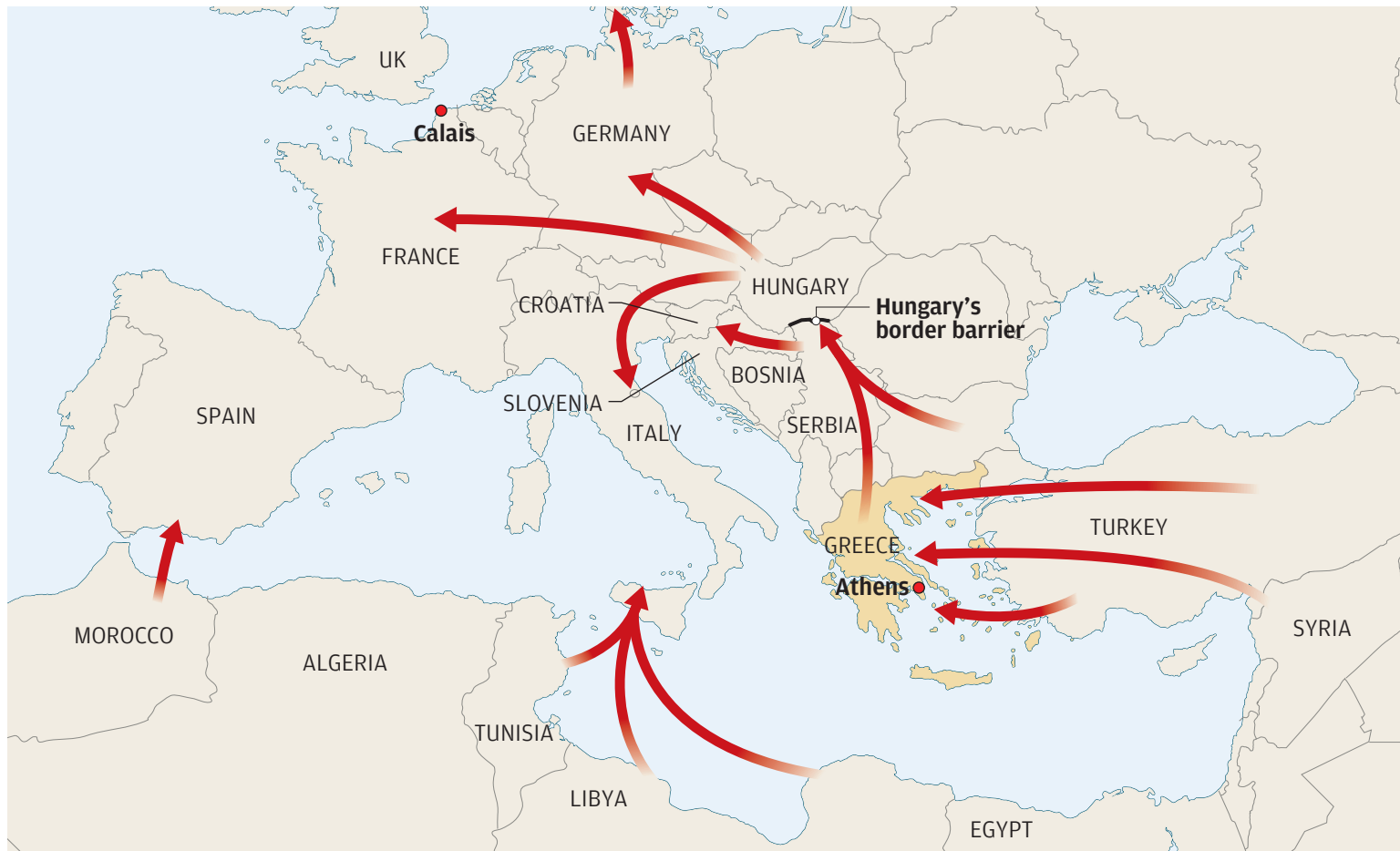
As far as Greece is concerned, the limited weight given by the EU to issues of security and defense, together with the importance attributed to Turkey due to the size of its market and its contribution in managing refugee/migration flows, limit any effective European interventions in Greece’s favor to simple expressions of support, and to sanctions that are by and large symbolic (e.g. against individuals involved in illegal drilling).

#### **The EU-Turkey Statement to tackle irregular migration (March 2016)**

1) All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective

expulsion. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. It will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order. Migrants arriving in the Greek islands will be duly registered and any application for asylum will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive, in cooperation with UNHCR. Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Turkey. Turkey and Greece, assisted by EU institutions and agencies, will take the necessary steps and agree any necessary bilateral arrangements, including the presence of Turkish officials on Greek islands and Greek officials in Turkey as from 20 March 2016, to ensure liaison and thereby facilitate the smooth functioning of these arrangements. The costs of the return operations of irregular migrants will be covered by the EU.

- 2) For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented from the same day the returns start. Priority will be given to migrants who have not previously entered or tried to enter the EU irregularly. On the EU side, resettlement under this mechanism will take place, in the first instance, by honoring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015, of which 18,000 places for resettlement remain. Any further need for resettlement will be carried out through a similar voluntary arrangement up to a limit of an additional 54,000 persons. The Members of the European Council welcome the Commission’s intention to propose an amendment to the relocation decision of 22 September 2015 to allow for any resettlement commitment undertaken in the framework of this arrangement to be offset from non-allocated places under the decision. Should these arrangements not meet the objective of ending the irregular migration and the number of returns come close to the numbers provided for above, this mechanism will be reviewed. Should the number of returns exceed the numbers provided for above, this mechanism will be discontinued.
- 3) Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect.
- 4) Once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated. EU Member States will contribute on a voluntary basis to this scheme.
- 5) The fulfilment of the visa liberalisation roadmap will be accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens



at the latest by the end of June 2016, provided that all benchmarks have been met. To this end Turkey will take the necessary steps to fulfil the remaining requirements to allow the Commission to make, following the required assessment of compliance with the benchmarks, an appropriate proposal by the end of April on the basis of which the European Parliament and the Council can make a final decision.

- 6) The EU, in close cooperation with Turkey, will further speed up the disbursement of the initially allocated 3 billion euros under the Facility for Refugees in Turkey and ensure funding of further projects for persons under temporary protection identified with swift input from Turkey before the end of March. A first list of concrete projects for refugees, notably in the field of health, education, infrastructure, food and other living costs, that can be swiftly financed from the Facility, will be jointly identified within a week. Once these resources are about to be used to the full, and provided the above commitments are met, the EU will mobilise additional funding for the Facility of an additional 3 billion euro up to the end of 2018.

It must be noted that both sides have voiced complaints (each side of a different nature) about the implementation of the statement, while a broader discussion on the future of EU-Turkish cooperation on migration and on EU-Turkish relations more broadly needs to take place rather urgently.

#### Exploratory talks

Since 2002, Greece and Turkey have held 60 meetings between high-ranking officials of their respective foreign ministries, with the aim of reaching an agreement on the commencement

of negotiations over the delimitation of maritime zones. The agreement would provide for any matters not resolvable through negotiations to be referred to an international court. There is speculation that significant convergence had been achieved on certain matters, and that the idea of variable geometry regarding the breadth of territorial waters had been discussed as the basis for a possible agreement (see the relevant reference in the text by Angelos Syrigos). The process has been frozen since January 2016.

## F

### FIR

FIR stands for Flight Information Region, established by the International Civil Aviation Organization (ICAO) for the purpose of providing a flight information service. The Athens FIR covers the entire Greek national airspace, as well as sections of international airspace across the region. Jurisdiction over the FIR is exclusively of an administrative nature, and concerns only the safety and facilitation of international air navigation.

The Greek position is that, in accordance with the regulations of the ICAO and international practice and in order to ensure the safety of civil aviation flights, all aircraft, whether civil or military, are required to submit flight plans prior to their entry into the Athens FIR.

Turkey maintains that state aircraft (which include military aircraft) are not required to submit flight plans, and accuses Greece of attempting to convert an administrative jurisdiction into sovereign rights over the airspace of the Aegean.

### Syrian refugees naboring countries: 5,573,384

Country	Source	Data date	Population
Turkey	Government of Turkey	4 November 2020	65.1%
Lebanon	UNHCR	30 September 2020	15.8%
Jordan	UNHCR	4 September 2020	11.8%
Iraq	UNHCR	31 October 2020	4.3%
Egypt	UNHCR	30 September 2020	2.3%
Other (North Africa)	UNHCR	31 January 2020	0.6%

## G

### Government Council for National Security (KYSEA)

The Government Council for National Security (as it was renamed in 2019), or KYSEA, is responsible for the cabinet-level formation of government policy and decision-making on matters concerning the country's national security. Among other things, the Council: (a) formulates national security strategy, taking into consideration the country's foreign and defense policy, policy for public order and civil protection, and policy for cybersecurity, energy security, and the security of critical infrastructure, coordinating in parallel all the competent bodies involved and necessary resources for its implementation; and (b) decides on issues that concern the structure of the armed forces and the security forces, and approves the long and medium-term programs for the development of the country's defense capabilities, as well as major programs for the modernization, research, acquisition and production of defense equipment.

The composition of the Government Council for National Security has changed several times since it was first created, yet there have been no major modifications. The regular members of KYSEA are: the prime minister, as its president; the ministers of Foreign Affairs, National Defense, Citizen's Protection, Mercantile Marine and Island Policy; and the chief of the Hellenic National Defense General Staff (who does not possess the right to vote). The Council's secretary is the prime minister's national security advisor.

### Gray Zones

Since 1996, Turkey started talking officially about its "gray zones" theory of undetermined sovereignty for a number of islands and islets in the Aegean (including inhabited islands) and "the need to discuss the issue on the basis of the property titles held by both sides." Following the Imia crisis (1996), in which Turkey challenged Greek sovereignty over the two islets that lie east of Kalymnos, a spokesman for the Turkish Foreign Ministry said that the Imia 'problem' had become broader, to include a number of other islands of similar size, whose ownership was, apparently, unclear. Since then, the Turkish side has insisted that there are gray areas of sovereignty in the Aegean that include at least 100 (other sources refer to 180) small islands and islets, several of which are inhabited (such

as Oinousses, Agathonisi and Farmakonisi). The ownership status of these islands is, according to Ankara, in question and must be determined through negotiations.

It should be noted that, under Article 12 of the Treaty of Lausanne, Turkish sovereignty is explicitly limited to the coast of Asia Minor and to islands up to three nautical miles off the Turkish coast. Also, according to article 15 of the same treaty, *"Turkey relinquishes in favor of Italy all rights and titles over the following islands: Astypalaia, Rhodes, Halki, Karpathos, Kassos, Tilos, Nisyros, Kalymnos, Leros, Patmos, Lipsi, Symi and Kos, which are now occupied by Italy, and the islets dependent thereon, and also over the island of Kastellorizo."*

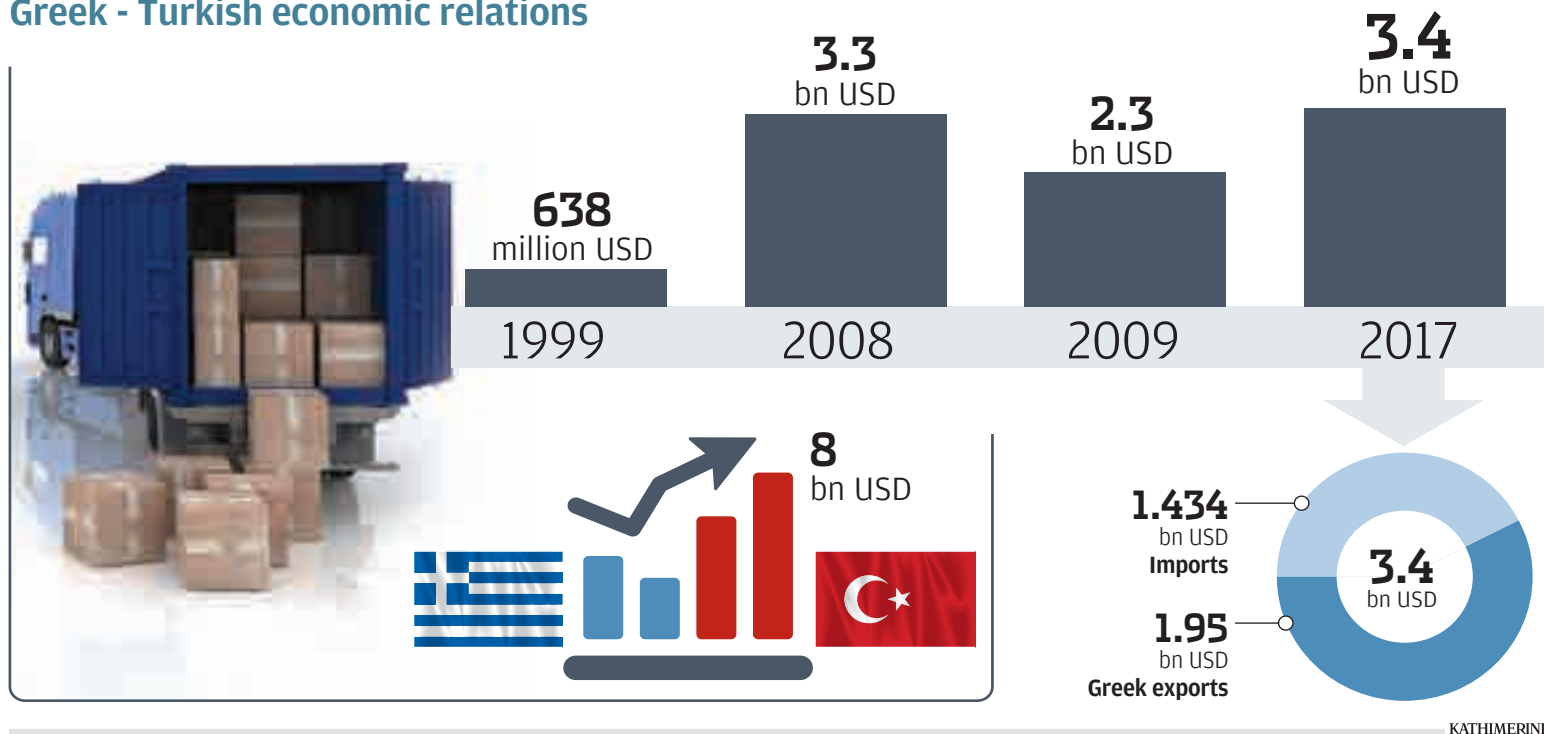
With the Treaty of Paris of 1947, these islands were ceded from Italy to Greece. Recently, the issue of the gray zones has been the subject of public political discord between the Turkish government and the Kemalist opposition, which has raised the issue in a wholly irresponsible manner, accusing Erdogan of a lack of patriotism for having "allowed the occupation of 18 Turkish islands by Greece in recent years." According to reports, these islands are: Farmakonisi, Agathonisi, Kalolimnos, Plati, Giali, Levitha, Kinaros, Syrna, Arkoi, Fourni, Thymaina, Kalogeri, Oinousses, Panagia, the Dionysades, Koufonisi and Gavdos.

The general belief is that Turkey is using the "gray zones" in an effort to advance its long-term strategy of expanding its area of direct or indirect control in the Aegean, and secure the maximum possible benefits from any future demarcation of maritime zones. More specifically, Turkey is seeking to question the baselines which will be used to determine the maritime zones in any future settlement. It is also thought that Turkey wishes to use the gray zones as an additional tool for changing the Lausanne Treaty. Negotiations about sovereignty over Greek islands, which is being disputed by Turkey a century after relevant treaties had been signed, is clearly an issue no Greek government could ever accept.

### Greek Armed Forces

For countries such as Greece that are located in a "difficult neighborhood", the armed forces constitute a fundamental "tool" for deterrence and crisis management. Because the reasons for maintaining a strong military have, unfortunately, not yet disappeared, a credible deterrent capability will remain essential for the national security of Greece for the foreseeable future. There is an urgent need for a new defense policy that

## Greek - Turkish economic relations



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takes into account the emerging global and regional security environment; new technologies, organizational structures and training models; as well as the economic and social circumstances inside the country.

The need for a more efficient use of human and economic resources and, at the same time, more rational and effective organization of the armed forces preceded the current crisis. Unfortunately, local interests and corporatist perceptions, combined with political inertia, have prevented the implementation of changes that should have taken place many years ago. This present period, therefore, needs to be a period of extensive “evolution and adaptation” regarding organizational structures, economies of scale and adaptation to the new economic conditions and restrictions. The central goal should be to make the most of the available resources and maintain the country’s deterrent capacity, which, it is hoped, will help in the diplomatic resolution of disputes.

The geopolitical and economic situation raises a number of questions regarding military service and the manning of units; the need for additional changes in the structure of the armed forces; the next generation of armament procurement programs; the utilization of new technologies; the restructuring of the domestic defense industry; participation in peacekeeping missions; Greece’s role in NATO; possible contribution in efforts to create a European defense capability; and other forms of military cooperation with allied countries. This new defense policy can only emerge from a deep strategic review process, and we must look to countries with significant military capability and organization that implement strategic review processes at regular intervals as examples to follow.

The proposed review process should address a number of key questions (such as the evolving international environment, threat assessments, efficient utilization of other elements that can contribute to national security and defense, the role and the missions of the armed forces, as well as structural,

training, staffing, armament and defense industry issues), and it should present concrete and realistic proposals for the more efficient operation of the Greek Armed Forces and the preservation of its deterrent capabilities in a difficult political and economic situation. All the above proposals are presented in detail in the “White Paper on Foreign Policy, Defense and Security” of ELIAMEP (in Greek, Sideris Publications, 2016, pp. 82-87 and 264-282).

In the medium-to-long-term, Greek-Turkish relations can only be fully normalized through diplomacy. An armed conflict would entangle both sides in a vicious cycle of tensions for many years to come. Since, however, accidents do happen, poor judgment is not uncommon, and domestic political crises can lead to external ‘adventures’ for the sake of distraction, the goal should be to keep any neighboring country from entertaining dangerous thoughts or undertaking hostile actions.

Greece’s aim should be to maintain a negative cost-benefit ratio for any scenario of escalation or conflict (it is important that, so far, the current Turkish leadership has shown no evidence of irrationality in the context of our bilateral relations). The necessary know-how and ideas do exist in the ranks of the armed forces (although out-of-the-box thinking will also be needed), but this will also require political consensus and decisions by successive governments, which will have to demonstrate the necessary degree of responsibility and a willingness to ignore political costs and to go up against established interests wherever necessary.

### Greek-Turkish rapprochement (“Earthquake Diplomacy”)

The Greek-Turkish rapprochement began in the summer of 1999, when Greek-Turkish relations had reached their lowest point after successive crises (Imia, S-300, and the Öcalan case). It was greatly facilitated by a change in Greek and Turkish public opinion after the earthquakes in Istanbul (August) and Athens (September). This new period of low tension and ‘friendship’

led to the “Helsinki Agreement” (December 1999), the signing of several bilateral agreements (on issues of economic, cultural, customs, scientific and technological cooperation, protection of the environmental, fighting organized crime, tourism, and irregular migration – the latter were only rarely implemented by the Turkish side), as well as measures to build trust between the two countries and thus improve the political climate and reduce tensions. However, no substantial progress was made on the “high-level” policy issues (Aegean dispute).

That notwithstanding, economic relations between the two sides improved significantly, with bilateral trade reaching \$3.3 billion (2008) and \$2.3 billion (due to the economic crisis) in 2009, compared to just \$638 million in 1999, with a persistent and pronounced Greek export deficit. Greek investment in Turkey increased dramatically (rising possibly as high as \$8 billion), with the most notable example being the acquisition of a significant share of the Turkish bank Finansbank by the National Bank of Greece (the largest Greek investment outside Greece, amounting to \$5.7 billion). Today, Greek investments in Turkey have decreased, while bilateral trade reached \$3.4 billion in 2017 (Greek exports \$1.95 billion, imports \$1.434 billion).

## H

### Helsinki Agreement (1999)

At the EU summit in Helsinki (December 1999) it was agreed that Greece would withdraw its objections (and veto) and support Turkey’s efforts to join the EU, in exchange for two concessions: (a) Cyprus’s entry into the EU in the next wave of European Union enlargement, regardless of whether the Cyprus problem had been resolved; and (b) if bilateral efforts to resolve the Greek-Turkish dispute were not successful by December 2004, then the two countries would discuss the submission of their differences to the International Court of Justice in The Hague.

Greece decided to support Turkey’s accession to the EU, provided it met the preconditions, believing that this would lead to the resolution of the Greek-Turkish disputes and Turkey becoming a better neighbor for Greece. As a result of developments regarding European-Turkish relations and the opposition of several European states to the prospect of the full accession of Turkey, the Helsinki strategy has ceased to have any practical benefit for Greece, and a Plan B is urgently needed.

Greece has no reason to support the suspension of the EU-Turkey negotiations. However, given the strong opposition of several EU member-states to full-membership for Turkey, Greece needs to become fully engaged in the discussion about a “special relationship” between the EU and Turkey.

### Hora/Sismik - Barbaros Hayreddin Pasa

The *Hora* was an old German vessel that was bought by Turkey in 1976, converted into a survey vessel, and renamed *Sismik I*; it went on to play a “leading role” in the crises of 1976 and 1987 between Greece and Turkey. The vessel was last used in 2011 in the EEZ of Cyprus, and it was subsequently decommissioned. In 2013, Turkey bought the Norwegian research/survey vessel

*Polarcus Samur*, which was renamed *Barbaros Hayreddin Pasa*. This vessel has conducted explorations in the EEZ of Cyprus from 2014 onwards, and, together with the seismic research vessel *Oruç Reis* and the drillships *Yavuz*, *Fatih* and *Kanuni* (which together cost Turkey a total of more than \$800 million), it will be used to promote the Turkish objectives in the Eastern Mediterranean.

### Hotlines

During the crises of 1987 and 1996 (Imia), the absence of channels of direct communication between Greece and Turkey became particularly evident. This was especially true in the case of the Imia crisis, when any consultations were conducted primarily via Washington, and secondarily via Brussels (NATO). One of the benefits of the Greek and Turkish rapprochement, which began in 1999, was the creation of direct channels of communication (hotlines, or “red telephones”) at multiple levels (between prime ministers, ministers for foreign affairs and defense, and chiefs of staff of the armed forces). In the past, these channels of communication functioned rather successfully in the management of several “incidents”. It remains to be seen whether this will still be the case today.

## I

### Imia

In the context of the Turkish “theory” regarding the so-called “gray areas”, the most famous disputed islets are, of course, the pair of islets of Imia (the crisis of 1996 is further discussed in the relevant entry of the present Glossary, as well as more extensively in the main body of the text by Angelos Syrigos). For many years, the Turkish position (at least as it was articulated by officials) was that these were regions of undetermined sovereignty. For some years now, the Turkish position as regards the two islets of Imia has shifted from “sea rocks of undetermined sovereignty” to a “region under Turkish sovereignty”.

The complete list of contested islets had not been officially made public (see entry for “gray areas”). The governments of the Justice and Development Party (AKP) were quite cautious as to the way that they would publicly refer to the issue. However, as mentioned in the entry on “gray areas”, the Turkish opposition, for reasons of internal politics, made the issue of the “gray areas” a subject of public political discourse in Turkey.

Ankara generally believes that by “loading” the bilateral agenda with additional items, it will be able to leave a future negotiating table with more gains. The question is whether Turkey has calculated accurately the cost-benefit ratio in its choice of a matter where the international conditions and the relevant maps (including older official Turkish maps) render its legal position particularly weak. But, of course, it is coercion, and not international law, that continues to be the main tool of Turkish foreign policy towards Greece and the Eastern Mediterranean.

### Imia Crisis (1996)

Turkey tried to take advantage of the “political vacuum” in Greece caused by Prime Minister Andreas Papandreou’s long illness and resignation, and to challenge Greek national

sovereignty in the Aegean and consequently to weaken its sovereign right to extend its territorial waters. It was hoping to force direct negotiations, with or without US mediation, on all Greek-Turkish disputes (as defined by Turkey). Other objectives may have included distracting the Turkish public from internal problems.

At the time of this particular crisis, Greece's new prime minister, Costas Simitis, was not only inexperienced in matters of national security but was also preoccupied with the formation and functioning of a new government, so he failed to function effectively as a unifying figure. There was limited coordination between the main actors involved (Prime Minister and Ministers of Foreign Affairs and National Defense) and no comprehensive plan to deal with the Turkish actions. Instead, a number of disconnected measures were adopted.

Consequently, there was no unified center managing the crisis. Due to this lack of coordination, statements by government ministers offered differing (or even contradictory) messages, despite the government's decision to de-escalate the situation.

Another factor that may have had a negative effect on the efforts to manage the crisis was that, while the political leadership was determined to avoid a military conflict, in the armed forces a culture of escalation and preparedness for operations had developed. It became clear, too, that the lack of knowledge and/or experience of the political leadership (ministers, MPs), regarding both the basic principles of crisis management and the National Rules of Engagement (see separate entry) was a significant problem. This insight is valid not only for the Greek government of 1996, but for the Greek political establishment in general.

#### **Infringements (of international regulations) & Violations (of national air space)**

Infringements involve the entry of Turkish military planes into the Athens Flight Information Region (Athens FIR) without prior notification and without following the relevant regulations. Efforts have been made, under NATO mediation, for the resolution of the issue of these infringements through Turkish authorities providing limited flight information to the Greek authorities. An agreement was almost reached, without a final result. Violations involve the entry of Turkish fighter planes into Greek national air space (usually in the area between 6 and 10 nautical miles from the coast).

Hundreds of infringements and violations take place each year. In the case of either infringements or violations, the Turkish fighter aircraft are visually identified and intercepted by Greek fighter planes. In many cases, these interceptions evolve into aerial engagements and mock dogfights, which have resulted in the loss of aircraft and pilots. The situation is expected to be further complicated by Turkey's use of unmanned aerial vehicles (UAVs / drones). Since their interception by fighter planes is hardly a cost effective option, the Greek side must now find a way of countering this new Turkish tactic.

It is clear that the two sides have adopted radically different legal interpretations, both about the obligations of state aircraft entering a foreign FIR, and about the breadth of the Greek airspace. Until these differences are resolved through bilateral negotiations or through resort to an international

legal body, there are ways of lowering tensions which do not require either country retreat from its longstanding legal positions – for example, through the submission of flight plans to the NATO headquarters in Naples for Turkish aircraft entering the Athens FIR (as had been discussed in the mid-1990s, regarding the submission of partial flight plans [three instead of five points of information]).

#### **International Court of Justice at The Hague (ICJ)**

This is the principal judicial organ of the United Nations (UN). The International Court of Justice consists of 15 judges, appointed every 9 years by the UN Security Council and the UN General Assembly. The judges are drawn from different geographical regions, and are selected on the basis of their credentials. The court cannot include two judges of the same nationality. For a case to be tried at the ICJ, all interested states must agree to have the case referred to it. The court's decisions are arrived at in secrecy by a majority vote and are binding, while its opinions are of an advisory nature and are non-binding. Any country which is a signatory to the court's statute can refer a case to it – as can, under certain conditions, countries which are not parties to the statute. Greece recognizes the binding jurisdiction of the court except in matters related to national security, while Turkey does not recognize its jurisdiction.

In 2015, Greece filed a supplementary statement to both courts (of The Hague and Hamburg) regarding its recognition of their jurisdiction. The declaration exempts from binding jurisdiction matters of national sovereignty and measures of a defensive nature, while with regard to another country bringing a case against Greece, it sets the following conditions: (a) that the country in question must accept in advance the binding jurisdiction of the court, and (b) 12 months must elapse between the original recognition of jurisdiction and the case being lodged. Within that period, Greece may depart from the court's binding jurisdiction. Greece has exempted from the Hamburg court (see below) matters pertaining to the delimitation of boundaries, which it considers fall under the jurisdiction of The Hague.

#### **International Tribunal for the Law of the Sea**

The International Tribunal for the Law of the Sea, based in Hamburg, is an independent judicial organ established under the United Nations Convention on the Law of the Sea (UNCLOS) to try cases and resolve differences stemming from the interpretation and implementation of the Convention. Greece selected the Tribunal for the resolution of differences in the context of the Convention. According to Angelos Syrigos, "the choice of venue... expressed an implicit condemnation by the Greek side of the International Court of Justice at the Hague for a series of judgments in which it gave limited continental shelf rights to islands... In essence, however, the Greek declaration in favor of the Hamburg tribunal has no practical significance. Turkey is not a signatory to UNCLOS and is rather unlikely to become one".

#### **International waters**

The waters between the territorial waters of individual states are known as international waters. No state can exert national

sovereignty in international waters, and all states have the rights to fishing, navigation, overflight, laying cables and pipelines, and scientific research. Today, 49% of the Aegean Sea are international waters.

#### Islands

There are about 9,000 islands in the Aegean (including islets and rocks), 450 of which belong to Turkey, while the rest belong to Greece. About 100 Greek and 7 Turkish islands are inhabited.

#### Israel and Turkey

The strategic relationship of the 1990s was succeeded by the difficult relationship of the Erdogan era, culminating in the episodes of Davos and the *Mavi Marmara* vessel. The prevailing mentality of the Israeli state, and especially of its foreign policy and national security apparatus, which is characterized by a deep suspicion of other actors, quite possibly may not permit a full normalization of relations with an Islamist Turkey (despite the strong urging of the US during the Obama Administration, and despite the significant economic interests that exist between the two countries). Moreover, any process of rapprochement between Israel and Turkey will be tested by the next Palestinian crisis. In the energy sector, which is of particular interest to Cyprus and Greece, one has difficulty imagining how Israel might trust a country like today's Turkey – with its dynamic regional agenda, with a growing Islamist influence – enough to make the main transport route of its natural gas to Europe dependent on its good relations with Ankara. Even though an improvement in bilateral relations, mainly for economic reasons, cannot be ruled out, a return to the pre-2000 levels of strategic cooperation must be considered highly unlikely.

## K

#### The Kurdish issue

In its modern phase, the Kurdish issue has beleaguered Turkey for approximately 35 years. Tayyip Erdogan and the AKP promoted the so-called “Kurdish Opening” initiative, with religion rather than ethnicity being the link connecting Turkish citizens. He even reached the point of promising the Kurds a degree of local autonomy. This policy, which for a number of years had significant electoral benefits for the AKP, also included negotiations with the imprisoned Kurdish leader Abdullah Öcalan (who remains an influential figure among Kurds), and brought the two sides closer to a political solution to the Kurdish problem in the period 2014-2015. However, Erdogan, who deserves credit for his political courage up to that point, is also responsible for abandoning this policy and using the “Kurdish threat” to win the November 2015 snap election. Today's situation has some similarities to the 1980s, when heavy clashes between security forces and Kurdish separatists were taking place in the southeastern part of the country.

At this point, it looks quite difficult to return to a meaningful dialogue between the two sides. The “demonization” by Erdogan of not only the PKK but of moderate Kurds as well, may have helped him win the election, but it is possible that

he has again unleashed nationalist forces on both sides which neither he nor Kurdish moderates like Selahattin Demirtaş of the HDP party will be able to control.

Although there is a growing polarization in Turkish society, it is not clear that the majority of Kurds want independence. Moreover, their geographical dispersion between large urban centers and areas in southeastern Turkey does not facilitate such a solution. Substantial concessions in granting cultural rights and local autonomy would probably go a long way towards resolving the Kurdish problem. However, time is not in Turkey's favor on this issue.

The problem becomes even more complicated as there is also an important regional dimension. The gradual formation of a Kurdish state in northern Iraq (despite the temporary setback caused by the referendum of September 2017), combined with the inability to manage the internal Kurdish issue politically, and the developments in Syria (which led Turkey to a military incursion and temporary [?] occupation of Syrian territories), has seen a resurgence for the Turkish political-military establishment of the “Sevres Syndrome”, i.e., the fear of territorial fragmentation of Turkey as a result of the plans and actions of “external forces”. The picture becomes even more complex if one takes into account the roles and interests of the United States, Russia, the central Iraqi government, and, on another level, of Iran and Syria, countries with large Kurdish populations within their territories.

#### The Kurtulu

The Kurtulu was a Turkish cargo ship that, together with the *Dumlupınar*, another Turkish vessel, transported food and humanitarian aid to Nazi-occupied Greece (Athens and Piraeus in particular) during the famine period of 1941-1942. The aid was sent at the initiative of the Turkish Red Crescent and international humanitarian organizations.

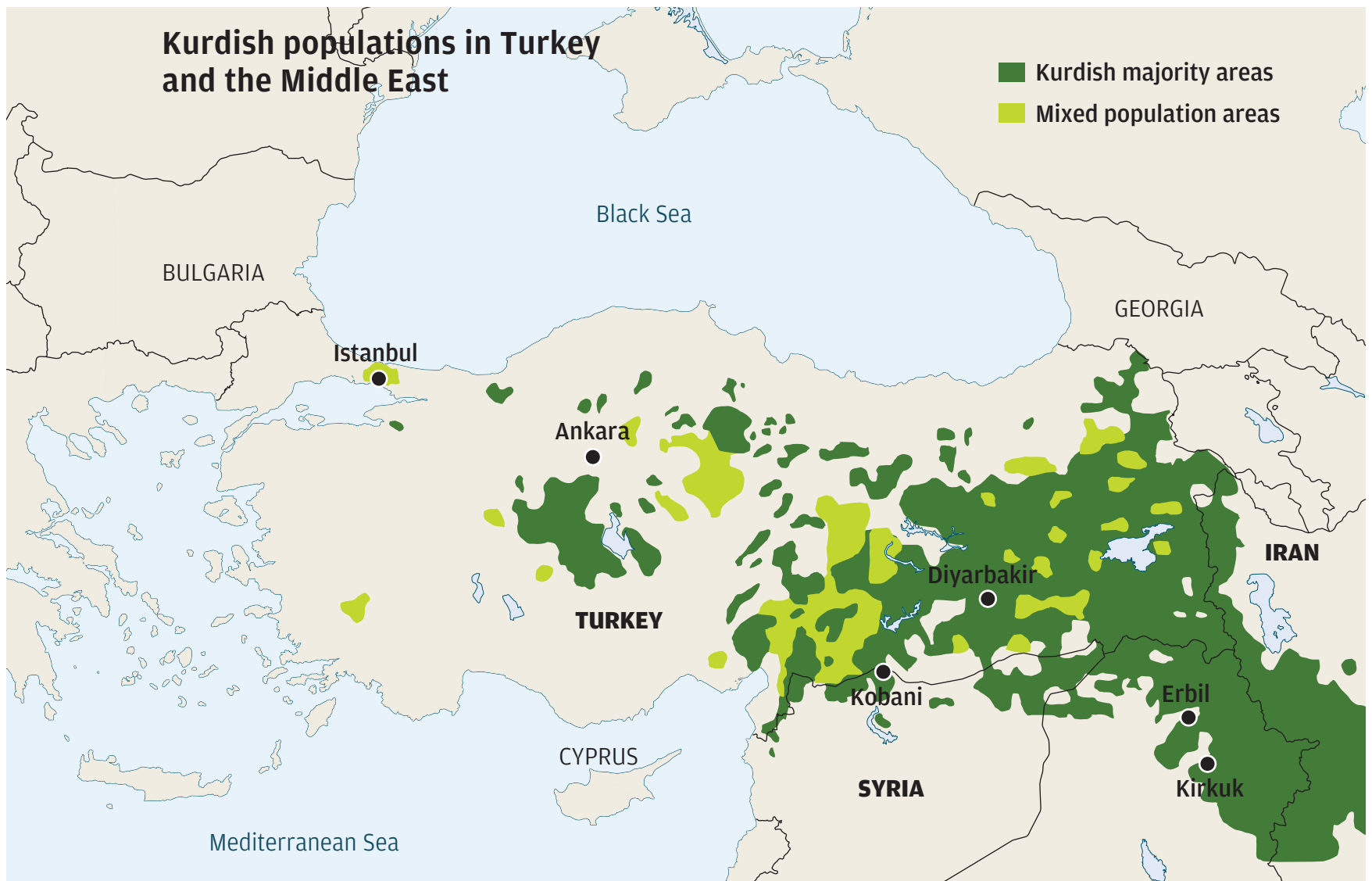
## M

#### Median line / line of equidistance

In cases where the distances between two states do not allow the full development of their maritime zones, the median line, or line of equidistance, is usually chosen as the delimitation line. The median line is used in the case of states whose coasts face one another; it's a line parallel to the two opposing coastlines, each point of which is an equal distance from the baselines of each state. In the case of states whose coasts are adjacent to each other, we refer to a lateral line, where each point of equidistance is calculated based on the nearest points of the respective baselines.

#### Military coup (failed) 16th July 2016 – consequences

The desperate, poorly designed and rather amateurishly executed attempt by a group of active Turkish officers to overthrow President Tayyip Erdogan and the government of the Justice and Development Party (AKP) had dramatic consequences for Turkey. Erdogan believes the coup was masterminded by his former mentor and close collaborator, Fethullah Gülen, a cleric who has been living for many years in self-exile in the state of Pennsylvania in the US. The considerable



influence and deep infiltration that Gülen and the moderate Islamist movement Hizmet had over the Turkish police and civil service, allowed Erdogan to dismantle the Kemalist establishment and to obtain overall control of the country. It must be noted also that Gülen had founded a large number of educational institutions inside and outside Turkey which had been used by Turkish diplomacy as tools for exercising soft power. The rift between Erdogan and Gülen over the division of power a few years earlier had led to what were at times very fierce confrontations, and to the frequent expulsions of so-called “Gülenists” from the state apparatus.

In response to the failed coup, and as though well-prepared in advance, in the words of the European Commissioner Johannes Hahn, the Turkish government unleashed a massive wave of purges not only among the armed forces and law enforcement agencies, but across the entire public sector, including many thousands of higher education professors and judges. The total number of public servants who faced judicial persecution or were simply fired is potentially as high as 200,000, and it continues to increase, albeit at a much slower pace. It is generally believed that Erdogan took advantage of the coup in order to completely purge the state apparatus not only of those who may have been implicated in the coup and of Gülen’s supporters more generally (FETO, a terrorist

organization according to the Turkish government), but also of those who were in positions of high authority (e.g. in the judiciary, or in the education sector) and did not fully agree with Erdogan’s own positions and objectives.

#### Minorities

With the signing of the Treaty of Lausanne in 1923, the Greek population of then Constantinople (now Istanbul) and the Muslim population of Western Thrace were excluded from the population exchange and remained in the territories in which they resided. Articles 38 to 45 of the Treaty of Lausanne contained explicit provisions for the protection of the minorities excluded from the population exchange. The drafters of the treaty apparently had as their model an Ottoman-style minority community, a “millet”, with its own places of worship, schools, charitable institutions and cemeteries, and with its own separate jurisdiction over family and inheritance law in accordance with the minority’s customs.

In the years that followed the signing of the treaty, the Greek minority communities of Istanbul, Imbros (Gökçeada) and Tenedos (Bozcaada) suffered severe persecution by the Turkish state. The result is that its members today number 2,000-3,000, mostly elderly people. The Muslim minority in Greece, on the other hand, numbers about 120,000 people, or

1% of the total Greek population. Its greatest numbers are in the region of Thrace, while several thousand members of the minority live in Athens and Thessaloniki.

Turkey has systematically violated its obligations on minority issues under the Treaty of Lausanne. The tragic fate of the Greek minority in Turkey's largest city is discussed below in the entry about the Istanbul pogrom. The creation of an open rural prison on Imbros in 1964 and the expropriations of the most fertile land on the island contributed significantly to the shrinkage of the Greek minority there, just as the Varlik tax had been a blow against the Greeks of Turkey during WWII. In addition, significant pressure was exerted on the Patriarchate, culminating in the closure in 1971 of the Theological School of Halki in Turkey, an institution which had supplied the Patriarchate with properly trained priests. What's more, there are still issues regarding the fate of Greek properties in Istanbul, with the beneficiaries having in some cases appealed to the Council of Europe.

As for the Muslim minority in Western Thrace, in 1923 it numbered 86,000 people. Today it stands at 120,000 (about 50% Turks, 30-35% Pomaks and 15-20% Roma). During the 1960s, the treatment of the Muslim minority was directly linked to the treatment of the Greek minority by the Turkish state, and in particular the expulsion in 1964 of all Greek citizens of Turkey who resided in Istanbul.

The Greek state, searching for ways to put pressure on Turkey to stop the persecution of its Greek minority, adopted a series of discriminatory administrative measures against the Greek Muslims of Thrace. This policy began a few months before the 1967 coup in Greece and was fully developed during the military dictatorship. With regard to the Greek Muslims of Thrace, Turkey criticizes Greece for: a) the implementation of Article 19 (of 1955) of the Greek Citizenship Code (repealed in 1998 but without retroactive effect), which provided for the removal of Greek citizenship from nationals of non-Greek descent who left the country without the intention of returning; b) the fact that muftis and the administrators of waqfs are appointed by the Greek state, instead of being chosen by the minority itself; and (c) the administrative discrimination carried out against the minority in order to drive its members out of Greece.

After the end of the dictatorship, the political status quo for the Muslim minority was restored with the election of two Muslim deputies to the Greek parliament. The administrative measures, however, continued to be applied to the detriment of Muslims, though in a much less intense and systematic fashion. Over time, the discriminatory administrative measures against Muslims turned into an excellent vote-winning tool for parliamentary and mayoral candidates in the prefectures of Xanthi and Rodopi. After 1991, the Greek state began to pursue a policy of equality under the law and equal participation, and important measures have been taken for the integration of the Muslim minority into Greek society.

While the new policy retained the definition of the Lausanne Treaty of the "Muslim minority", for the first time it was recognized that this minority consists of three sub-groups: the Turks, the Slavic-speaking Pomaks and the Roma. Unacceptable administrative quotas were abolished

and discrimination in issues of infrastructure in the areas where the Muslim minority lived was discontinued. At the same time, a large-scale effort was undertaken to improve the overall economic situation for Thrace, which, until then, had been the poorest region within the EEC. The aim of this policy was the integration of the minority into society.

This policy of equality under the law and equal participation was followed consistently by all the governments that followed. After the critical period of 1990-91, two more important measures were taken. The first was the decision of the then minister of education, George Papandreou, to establish a quota of 0.5% for admission to universities and technical colleges for people from the Muslim minority. It was a measure of positive discrimination that resulted in the ending of the sizeable student migration to Turkey that had been taking place upon completion of elementary school. The second measure was the repeal of Article 19 of the Citizenship Code, under which Greek citizenship had been stripped from Muslims who stayed out of the country for a long period of time.

Despite significant progress, problems remain, including the problematic behaviour of the Turkish consulate in Western Thrace, Turkish economic influence in the wider region of Thrace, the position of Muslim women, the question of classifying the minority as national or religious, attempts to create networks with links to extremist Islamists, and, of course, the completion of efforts to effectively consolidate equality under the law and equal participation for this minority.

#### **Montreux Convention (1936)**

The Montreux Convention regulated the terms of freedom of navigation in the Turkish Straits by foreign ships. The international character of the regime of the Straits ceased to exist. Also, any possibility of intervention in the Straits by states other than Turkey was terminated, with the country essentially becoming the guarantor for the implementation of the convention. Turkish sovereignty was fully restored on land and in the maritime zones from the Bosphorus to the Dardanelles.

The protocol of the convention allowed for the rearmament of the broader area of the Straits. Even though Greece failed to include an explicit reference to ending the regime of demilitarization for Lemnos and Samothrace, the official Greek position is that the abolition of the entire Convention on the Straits of 1923 led to the abolition of the provisions regarding the demilitarization of those two islands.

#### **Motives and causes for Turkey's behavior vis-à-vis Greece**

Approximately 2,500 years ago, the Chinese general and strategist Sun Tzu stressed the need to really know one's adversary as a prerequisite for success in any conflict. Greece's performance in this matter has, unfortunately, been rather poor. Its relatively limited understanding of the domestic political situation and Turkish strategic thinking has not, to date, allowed Greece to successfully engage in such intellectual exercises. A systematic and in-depth effort to analyze and understand the current political, social and economic developments of Turkey

remains of vital importance, as an in-depth understanding of internal processes and foreign policy planning is a absolute prerequisite for Greek efforts to design an effective foreign policy vis-a-vis Turkey, with the central goal of managing challenges and, if possible, normalizing relations.

To understand Turkey's foreign policy, one must consider at least five elements. The first is Turkey's deep military involvement in Syria, seen in the context of its overall Kurdish policy. To Turkey's nervousness one must add Erdogan's grandiose ambitions regarding the regional and broader role of his country. This mixture of insecurity and arrogance is a cause for concern for a number of other countries.

The second element is the shift in Turkey's alliances, a change that has brought it closer to Russia and, consequently, created difficulties for its relations with the US, NATO, Germany, the EU and Israel.

The third factor to consider is the criticism within Turkey of Erdogan from (more) nationalist circles accusing him of failing to defend Turkish national interests, and his struggle for political and personal survival in light of the 2023 elections; this will force him to adopt increasingly hardline positions on domestic and foreign policy issues.

The fourth point to keep in mind concerns the Eastern Mediterranean, where Turkey considers that, if it does not react to existing and planned exploratory activities, it risks a weakening of its claims. At the same time, Erdogan seems to have adopted an aggressive strategy put forward by factions of the armed forces, and based on the "Blue Homeland" narrative (see separate entry for "Blue Homeland").

The final element is that since 1996 Turkey has been pursuing a "gray area" policy in the Aegean, that is, a strategy of calling Greek sovereignty over certain islets in the Aegean into question in an effort to improve its negotiating position in the event of any future negotiations on the delimitation of the continental shelf.

#### **Muftis**

Turkey protests against the muftis, the religious clerics of the Muslim minority in Thrace, being appointed by the Greek state instead of being elected by the local populace. The Greek argument is that there is no tradition of electing muftis, because such a thing would contradict their function as judges of Islamic law in matters of family and inheritance law. At the moment, there are three official muftis in Thrace, appointed by the Greek state, and two "pseudo-muftis" allegedly elected by the Muslim minority, but in fact appointed by the Turkish consulate.

At the end of 2017, the Greek government announced its intention to change the way muftis are elected and to impose preconditions so that an electorate would be formed that would be free from the influence of non-minority elements or other external actors. Law 4511/2018 altered the jurisdiction of muftis in matters of the administration of justice. Their jurisdiction became optional for members of the Muslim minority and only when the parties concerned both agree to be subject to it. Otherwise, the civil courts have mandatory jurisdiction. This was a necessary change, as Greece was the only European country in which Islamic law (sharia) was implemented.

## N

#### **National Airspace**

Through a presidential decree of 1931, Greece set its airspace at 10 nautical miles. After its 1974 invasion of Cyprus, Turkey began to question, through statements and the flights of fighter aircraft, the breadth of the airspace, claiming that the extension of Greek airspace in the zone from 6 to 10 miles was illegal because, according to international law (the Chicago Convention), national airspace must align with a country's land territory and territorial waters. Greece claims that what has come to be known internationally as "the Greek Paradox", has customary force in international law since Turkey did not dispute it for 40 years. This argument is not, however, Greece's strongest legal "card", and the final resolution of the airspace issue is directly linked to the issue of the breadth of its territorial waters.

#### **The National Pact [Misak-I Milli] (and the "Borders of our Heart")**

This was a standard point of reference for the Turkish delegation to the Lausanne Conference. According to Angelos Syrigos, "The National Pact (Misak-I Milli), which was adopted in 1920 by the last Ottoman parliament, included all the demands of the emerging nationalist movement during the last stages of the Ottoman period:

"The National Pact was a text that adopted 'modern' ideas for its time, such as (a) referenda to determine the fate of territories, (b) the protection of minority rights...

"The National Pact was a realistic text. Neither the Arab nor the Balkan regions were claimed. The immediate Turkish claims were confined exclusively to the territories controlled by the Ottoman army at the time of the signing of the Armistice of Mudros immediately after the end of the First World War. These included the region of Eastern Thrace, along with Adrianople/Edirne.

"Areas outside the borders of the armistice could be included in the Turkish state only if the local population expressed that desire in a referendum. Such areas were the Arab regions, Kars, Ardahan and Artvin (on the present-day border of Turkey with Armenia and Georgia), as well as Western Thrace."

Although he has repeatedly maintained that "Turkey has no ambitions on the territory of anyone," Turkish President Tayyip Erdogan has also stated, according to the Athens News Agency - Macedonian Press Agency, his positions on the "borders of the heart" of Turkey, saying: "Turkey is larger than Turkey. It is not possible for us to be imprisoned in 780,000 square kilometers. Natural borders are one thing, and the borders of our heart are another. Our brothers in Mosul, in Kirkuk, in Skopje, may be outside our physical borders, but they are within the borders of our heart, at the heart of our heart... The Turkish Republic did not come out of nowhere. Just as the Ottoman Empire took over from the Seljuks, so did the Turkish Republic take over from the Ottoman Empire. We embrace our history as a whole."

#### **National Rules of Engagement**

The purpose of the National Rules of Engagement (NRE) is to establish procedures and provide specific instructions regarding the reaction of the Greek armed forces in crisis

## Ottoman empire 1914-1920



or conflict situations. Such actions can be isolated incidents or major crises. The NRE also aim to both preserve national prestige and to ensure the minimum loss of life of armed forces' personnel, while avoiding pointless and provocative actions.

The NRE are divided into two categories: (1) those that may not lead to the escalation of a crisis because they are restrictive in nature and are implemented under the authority of the general staffs of the armed forces, without the need for special authorization; and (2) those that may cause an escalation of a crisis and whose implementation requires special authorization from the Government Council for National Security (KYSEA).

It should be noted that, beyond any order or guideline, it remains the obligation and the inalienable right of the commander of a unit or captain of a ship or aircraft to take all necessary measures, in any event, to protect the lives of his personnel and the safety of the unit.

### National Security Council (Greece)

In order to deal with both external and internal threats and challenges to its security, the institutional and organizational reinforcement of the national security apparatus and emergency response is essential. To this end, it is of critical importance to establish a high-level body (National Security Council/NSC), which will be able to design the long-term Greek national strategy, as well as to make policy recommendations to the country's political leadership: the prime minister and the cabinet, or KYSEA – the institutions that, according to the constitution, are involved in decision making and the implementation of national security policy. This body – streamlined, kept to the minimum possible size for its efficient operation – will be staffed by diplomats, military officers and

other public servants, as well as a small number of experts, and will function to support KYSEA, which will continue to have the central role in decision making. The proposed body, which is currently in the final stages of creation, should avoid getting involved in issues of a tactical nature, which should be the focus of ministries and services.

### NATO

An objective and dispassionate historical assessment would likely lead to the conclusion that it was an erroneous and counterproductive view to consider that NATO, as an alliance, bore significant responsibility for its lack of response to the Turkish invasion of Cyprus and the adoption of a neutral stance on the points of friction between Turkey and Greece (that conclusion regarding non-responsibility of the organization does not necessarily apply to specific member states). This is because, by its nature and charter, NATO did not and does not have the power of any institutional intervention in disputes between its member countries. This sense of injustice has led Greece to not make the most of what NATO can offer: the training of members of the armed forces, and the transfer of know-how regarding operational doctrines and the structure and organization of the armed forces. For a number of reasons, NATO membership can be a useful foreign and defense policy tool for Greece. But we should not expect the Alliance to take a position regarding the Greek-Turkish conflict (unless Turkey decides or is forced to leave NATO, a scenario whose probability, while non-zero, remains quite low).

### NAVTEX

This is an international service which has the aim of disseminating to ships at sea navigational, meteorological

and emergency information concerning coastal areas. The information is automatically received and directly printed. Turkey often announces the reservation of large areas in the Aegean and the Eastern Mediterranean for naval exercises and hydrocarbon exploration.

#### **The nineteen thirties (1930s)**

Following the Greco-Turkish War of 1919-1922 and the Treaty of Lausanne in 1923, one of the main goals of Eleftherios Venizelos (but also of Kemal Atatürk who wished to transform Turkey into a modern, European-style state) was to secure an atmosphere of detente with neighboring states, which would allow the country to devote itself without distractions to a long-term national growth project, a necessary step after the disastrous Greek-Turkish war of 1919-1922 and the resulting influx of a large number of refugees from Asia Minor.

The first step in Venizelos' plan of diplomatic engagements was Italy. Next came the Greek-Turkish Treaty of Friendship, Neutrality, Conciliation and Arbitration and the Protocol for Naval Armaments, signed in Ankara on October 30, 1930. On September 14, 1933, the two countries signed the Ankara Pact (Pact of Cordial Friendship), under which they undertook to guarantee their common borders, as well as to communicate on international matters of mutual concern. The treaty in question was, perhaps not surprisingly under the circumstances, not implemented by Turkey in 1940-41, when Greece was attacked by the Axis powers. In any case, the 1930s have been described as the "golden decade" of Greek-Turkish relations.

#### **NOTAM**

A NOTAM is a "notice to airmen" regarding issues of flight safety, the reservation of areas for aviation exercises, etc. Turkey routinely reserves large areas of the Aegean for exercises, thus abusing the relevant right.

## O

#### **Ocalan case**

The Ocalan case has gone down as an example of unsuccessful crisis prevention and management, with particularly negative consequences regarding Greece's international image, and Greek-Turkish relations. The crisis began with the arrival of the leader of the Kurdistan Workers' Party (PKK), Abdullah Ocalan, on Greek soil and ended with his arrest in Kenya following a twelve-day stay of himself and his entourage in the Greek ambassador's residence. He was subsequently sentenced to death (later commuted to life imprisonment) by a Turkish court.

The role of private citizens in the effort to transfer and shelter Ocalan in Greece raised very serious questions. The obvious one that arises was who was shaping the foreign policy of the country: the elected government or private citizens (whether well-intentioned or not) with different goals, perceptions or even interests? The cost of pursuing a "private" foreign policy was also particularly high in the Imia crisis. The result of "private" actions in the Ocalan case was to burden Greece with an extremely difficult problem which would certainly have a high cost, but no visible benefit.

The Greek participation in this failed operation, aside from causing a significant deterioration in the already problematic Greek-Turkish relationship, also provoked negative reactions from the Kurds, who felt that at the end Greece betrayed Ocalan. It also resulted in tarnishing the country's image. A direct result of the Ocalan case was an effort to reorganize the Greek National Intelligence Service, which began with the appointment of an active ambassador to the position of director.

#### **Operational Control of the Aegean**

Following Greece's withdrawal from the NATO military command in 1974, Turkey challenged Greece's responsibility for operational control of the Aegean through a series of actions. The issue was partially resolved with the readmission of Greece in 1980. Turkey continued to raise the issue of operational boundaries, and twice tried to set new standards: in 1992 (with NATO's new command structure), and in 2000, (with the delimitation plan for regions of aerial policing). Today, disagreements and periodic friction remain, although their importance has diminished significantly, due to changes in NATO's command structure.

#### **Operation Balyoz (Sledgehammer)**

In 2008, a significant number of military officials and other public servants were brought to trial in Turkey (and many were given long prison sentences) as part of the Ergenekon case, an alleged clandestine, paramilitary organization with close ties to the Turkish military and security forces and the "deep state". The Erdogan government accused high-ranking members of the Turkish armed forces of drafting plans in 2003 to create a "hot incident" with Greece (even involving the shooting down of a Turkish airplane through friendly fire), with the aim of destabilizing Turkey and eventually leading to the removal of the AKP government. The alleged existence of such plans created understandable concern in Greece.

## P

#### **Papoulias-Yilmaz Protocol**

Within the framework of the short-lived easing of tensions between Greece and Turkey following the signing of the Davos Declaration (1988), the then Greek Foreign Minister Karolos Papoulias and his Turkish counterpart Mesut Yilmaz agreed on a protocol of measures for the building of mutual trust. It stipulated, among other things, a moratorium on military exercises in the Aegean for a two-month period (later extended to four months) during the tourist season and on days of religious or national celebration. Greece complains that Turkey frequently violates the protocol.

#### **The Paris Peace Treaty (1947)**

As a result of consultations between the United States, Britain and the USSR, it was agreed that the Dodecanese would be ceded to Greece. According to Article 14 of the Paris Peace Treaty: "(1) Italy hereby cedes to Greece in full sovereignty the Dodecanese Islands indicated hereafter, namely Stampalia (Astropalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto,

*Casos (Casso), Piscopis (Tilos), Misiros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), Cos (Kos) and Castellorizo, as well as the adjacent islets. (2) These islands shall be and shall remain demilitarised.”*

Turkey was not a combatant in the Second World War and as a result it did not participate in the Paris Peace Conference, and thus it could not put forward any claims regarding the Dodecanese. On the basis of multiple official and unofficial Turkish statements over the years, there is little doubt that the ceding of the entire Dodecanese to Greece was a significant disappointment for Turkey.

#### **Procès-Verbal of Berne**

Following the sailing of the Turkish research vessel *Sismik I* into the Aegean, discussions were undertaken in November 1976, which led to the signing of the *Procès-Verbal* of Berne. The procès-verbal was not intended to resolve the problems between the two countries, and it did not address the substance of the dispute. It sought to establish a code of behavior and the general framework within which the discussions between the two countries might proceed.

The problem that arose in relation to the procès-verbal was located in paragraph 6, which stipulated that the two countries would abstain from any initiatives or actions that were related to the continental shelf of the Aegean. There were two points of contention. The first concerned the time limitation set on this abstention from explorations of the continental shelf. The second point concerned the geographical area covered by the procès-verbal. Both issues were raised with pressing urgency during the crisis of March 1987, and they continue to preoccupy, to a certain extent, the two countries until today, since Turkey deems that the moratorium on exploration which was agreed covers the entire Aegean.

#### **Public opinion and Greek-Turkish relations**

The responsibility for the incomplete reporting and distorted views regarding certain foreign policy issues is shared by a significant portion of the Greek political, intellectual and journalistic elites. For many years, they have opted to publicly support stereotypical views and opinions that have little to do with reality, rather than informing the Greek public objectively, as they have the responsibility to do, about the real dimensions of the problem.

In the case of Greek-Turkish relations in particular, it is extremely important to have a sober public debate and to provide responsible and well-substantiated answers to questions such as: which disputes concern sovereign rights and which are about operational responsibilities? Where does international law favor Greece and where does it not? Which actions being taken by Turkey in the Aegean are illegal and which are not? What would be a realistic way for resolving the bilateral problems, and what would be the positive and negative consequences of implementing that option?

Any solution to serious foreign policy problems – which inevitably will involve some elements of compromise, while of course taking into account vital national interests – must enjoy at least a basic level of support among the citizens of a country, who must be sufficiently informed. In the event

that a significant gap exists between the terms of a proposed agreement and the (stereotypical) demands of public opinion (which should neither dictate the moves of the political leadership nor be ignored), the lack of democratic legitimacy and consequent high political costs will create significant difficulties in the approval, ratification and implementation of the agreement.

## R

#### **Rocky islets**

According to the United Nations Convention for the Law of the Sea (UNCLOS), islands have full rights to maritime zones. This excludes “rocks” that cannot sustain human habitation or economic life and therefore do not have the right to maritime zones (Economic Exclusion Zone / Continental Shelf) other than territorial waters. There is no other definition of “islet” in the Convention.

#### **Russia, Greece, Turkey**

In recent years, Russia has sought to strengthen its economic, energy (in the sectors of natural gas and nuclear power), and military (S-400 air defense system) ties with Turkey. It is possible that Russo-Turkish cooperation on the basis of common political and economic interests is of a rather opportunistic nature, not a true strategic partnership. Also, disagreements appear to exist between the two countries regarding the situation in Syria, Libya and, lately, in Nagorno-Karabakh. However, these differences have so far been manageable, and it appears that, so far at least, a *modus vivendi* has been found. The deepening of Russo-Turkish relations is a source of serious concern for both the US and NATO.

This thaw in Russian-Turkish relations came as a rather unpleasant surprise for some in Greece. It shouldn't have because Russia, a traditional great power, formulates its foreign policy on the basis of its national interests, rather than any sentimental considerations regarding history or religious faith. As a result, any high expectations of substantive Russian support of Greece in the context of its problems with Turkey, or on the issue of Cyprus, should be avoided. Having said this, there are still significant mutual interests between Greece and Russia, and an effort to improve bilateral relations, and to seek realistic areas of cooperation is imperative for Greece.

## S

#### **Scramble**

Scramble is a command for take-off in the shortest possible time (a few minutes maximum) of fighter aircraft that the Hellenic Air Force is routinely keeping in a state of readiness. This tactic is used to quickly identify and intercept Turkish aircraft that commit violations and infringements in the Aegean.

#### **Search & Rescue (SAR)**

Search and rescue for maritime accidents is conducted under the framework of the 1979 Hamburg International Convention on Maritime Search and Rescue. For air accidents, search and rescue is governed by the relevant agreements established



through the International Civil Aviation Organization (ICAO). According to the Regional Air Navigation Agreement of 1952, the areas of responsibility of states for aviation accidents correspond to the Flight Information Regions (FIRs). In the event of a plane crash in which the aircraft goes into the sea, the relevant search and rescue provisions of the ICAO apply. In the case of maritime accidents, on the other hand, the Hamburg Convention stipulates that in areas of the high seas, an agreement must first be reached between any adjacent coastal states.

Since 1944, Greece has coordinated the search and rescue operations in all high-sea areas of the Aegean. The search and rescue zone is aligned with that of the FIR. There has been no agreement between Greece and Turkey with regard to maritime accidents, however, as Turkey is seeking to equate aviation and maritime accidents, and consequently to challenge the limits of the Athens FIR. It should be noted that search and rescue, like the issue of air traffic control in the Athens FIR (see related entry), are not questions of sovereign rights but of administrative responsibilities.

#### September events or Istanbul pogrom

On September 6, 1955, in connection to international developments regarding the Cyprus problem and in response to a bomb placed by a Turkish agent in the house where Kemal Atatürk was born in Thessaloniki, a Turkish mob, with the tolerance of the Turkish authorities (as was proven in 1960 during the trial of Adnan Menderes, who was prime minister at the time), committed acts of violence against the Greek population of Istanbul (with a number of murders, rapes and beatings) and looted Greek homes, shops, schools and cemeteries.

These events constituted the first major blow against the Greek population of Istanbul. In 1964, most of the remaining

Greeks in the city were expelled or forced to leave their homes and properties and find refuge in Greece. From 100,000 Greek inhabitants of the city in 1923, today only 2,000-3,000 remain (including mixed marriages), while out of the 8,200 inhabitants of the islands of Gökçeada (Imbros) and Bozcaada (Tenedos), very few elderly people remain.

#### Sevres Syndrome

The so-called “Sevres Syndrome” or “ghost of Sevres”, i.e. the possibility of the fragmentation of Turkey as a result of the plans and actions of various “external forces”, is directly related to the “Kurdish problem”. It is a concern of a psychological nature that is not supported by events. However, it seems that it has long influenced the way of thinking and behavior of the Turkish military-political establishment.

#### Souda Bay, naval / air base

Souda Bay is a deep-sea port and advanced naval base for the support of US and NATO armed forces operating in the Eastern Mediterranean and the Middle East. It is considered by the US to be a military installation of high importance in a particularly volatile region. It also houses the Greek-administered NATO Maritime Interdiction Operational Training Center (NMIOTC), where Special Forces from all the allied forces are trained. Use of Souda Bay by the US is expected to increase as a result of the renewal of the Mutual Defense Cooperation Agreement (MDCA) between Greece and the US.

#### Straits used for international navigation

As mentioned in the relevant entry, the right of innocent passage was not considered enough to meet the needs of travelling ships. For this reason, a new regime was created in the Convention on the Law of the Sea, which applies in parallel

with that of innocent passage. It is the regime of “transit passage” and it applies only to straits used for international navigation.

Straits used for international navigation belong to the territorial sea of a state and connect one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. In the straits used for international navigation, the transit of vessels is exercised without being impeded by the coastal state, which generally cannot prohibit the transit of ships. The only restrictions concern the obligation of traveling vessels to not navigate in a manner that could endanger the security of the coastal state, to not pollute the sea, to comply with the rules of navigation, and finally to not engage in fishing and research activities or smuggling. It is accepted that submarines can transit international straits submerged. In addition, the UNCLOS gives aircraft the right to fly over and transit international straits freely, a right which is not provided by the regime of innocent passage through territorial waters. Finally, no prior permit from, or even notification of, the coastal state is required.

In the case of the Aegean, straits used for international navigation are those that are located within territorial waters and connect one part of the high seas with another, i.e. virtually all the areas connecting the northern with the southern Aegean and the passages around Crete. The geography of the Aegean, with its large number of islands, in combination with the 6-mile territorial sea, create a large number of straits, many of which could potentially be considered as straits used for international navigation. For this reason, Greece submitted a statement in 1982 claiming the right to limit the number of straits used for international navigation in the Aegean, and to specify which of the many alternative straits could be used for “transit passage”. Despite the statement, the issue of establishing the routes where the right of “transit passage” can be exercised remained dormant.

## T

### The Theory of Two-and-a-Half Wars

In 1996, an article by a senior Turkish diplomat Sukru Elekdag was published on the subject of the “Two-and-a-Half-War Strategy”, in the March-May issue of the Turkish journal *Perceptions*. This quarterly journal was published by the Strategic Studies Center, which was funded by the Ministry for Foreign Affairs. Mr. Elekdag was one of the two experts appointed by Turkey for the “wise men dialogue” with Greece, and someone with significant influence in the Ministry of Foreign Affairs. Below are excerpts featuring the key points made in the article:

“In order to cause social and political chaos in Turkey’s internal affairs, and so as to be able to impose a state of *fait accompli* in the Aegean, Greece is providing significant financial support to the Kurdistan Workers’ Party (PKK). Moreover, it sends PKK terrorists, who have settled in its territory, to Turkey, so that they may carry out attacks against the Turkish tourism industry”.

“Athens seeks to change the balance of power in the Aegean to its own benefit as regards naval and air forces. It

does this on the premise that the US and the Europeans will not allow a prolonged clash between Turkey and Greece. Therefore, air and naval operations will be of decisive importance during the early stages of hostilities”.

“Peace with Greece depends exclusively on maintaining unquestionable military superiority on the Turkish side. The key for stability in the Aegean is Turkey’s power of deterrence”.

“In a second phase, after the extension of national territorial waters to 12 nautical miles, Greece intends to declare that the triangle demarcated by Rhodes, Crete and Cyprus constitutes its own exclusive economic zone. In this manner, it will enclose Turkey inside a “strategic zone” extending from Lemnos, opposite the Dardanelles, to the Gulf of Iskenderun, and it will place under its control all supply routes to Anatolia”.

“Turkey deems that the creation of a political crisis with Syria that will culminate in a conflict will provide Greece with the opportunity to realize its designs in the Aegean, and force Turkey to fight on two fronts”.

“From now onwards, Turkey must not rely on the collective defense of NATO. Turkey must rely exclusively on its own powers”.

“In the event of a military conflict between Turkey and a neighboring state, foreign support for the PKK will increase and this internal threat will require the engagement of a far greater military force”.

“The potential attackers against Turkey [i.e. Greece and Syria] will coordinate their moves”.

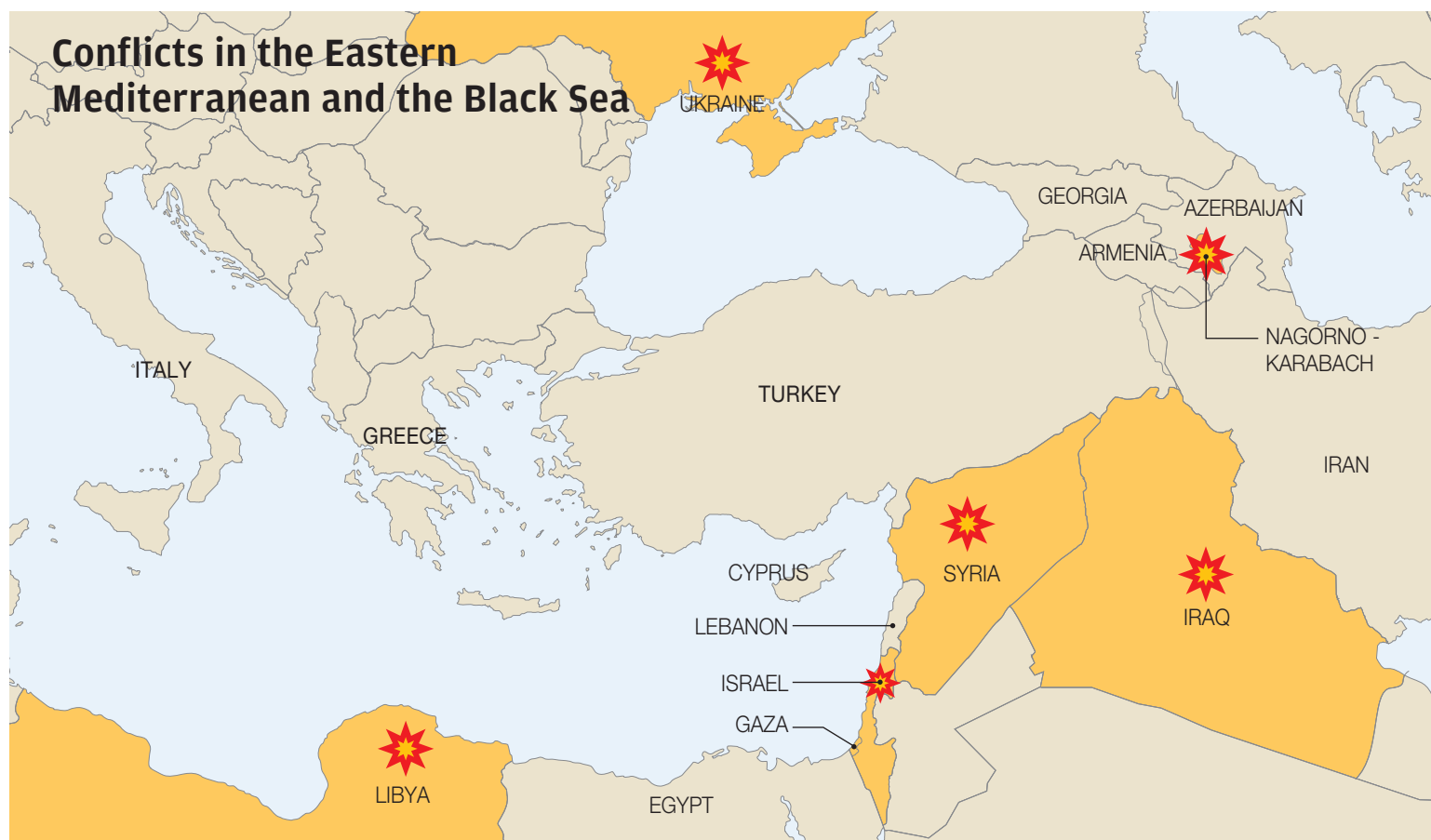
“For the above reasons, Turkey must adopt a strategic policy of ‘two-and-a-half wars’, that is to say of two simultaneous large-scale operations in the Aegean and on its southeastern borders, and to be prepared for a ‘half war’ in the country’s interior, against the PKK”.

### Treaty of Lausanne (1923)

This is the basic treaty governing Greek-Turkish relations. With the Treaty of Lausanne, Turkey reclaimed Eastern Thrace, which the Treaty of Sevres had ceded to Greece. Turkey also took back the area of Smyrna (Izmir). Greece retained the Aegean islands, except for two at the entrance of the Dardanelles: Gökçeada (Imbros) and Bozcaada (Tenedos). Finally, Ankara recognized the annexation of Cyprus by Great Britain and of the Dodecanese by Italy. Also, the mandatory exchange of populations between Greece and Turkey was agreed, while the Muslims of Western Thrace and the Greeks who were settled before 1918 in Constantinople (Istanbul) were excluded.

No wonder that Tayyip Erdogan’s statements about the revision or modernization of the Lausanne Treaty have caused concern and apprehension in Greece. Even if one accepts the explanation that it was addressed to an internal audience and challenging the existing regime in the Aegean and Thrace may have not been his (primary) motive, how should one interpret the frequent declarations concerning Turkey’s interest (*droit de regard*, in the language of diplomacy) – or perhaps right to openly intervene? – in a vast region starting from the Balkans and reaching as far as Central Asia and beyond?

The mixture of pan-Turanism and neo-Ottomanism with Islam as a cohesive force is the spiritual child of Turgut Özal, a prime minister and later president of Turkey (1983-1993).



Erdogan's statements also show touches of Russian influence, as President Putin, for whom Erdogan has openly expressed his admiration, has adopted a doctrine bearing his name that refers, among other, to the protection of Russian minorities in the former Soviet Union.

#### **Tripartite cooperation between Greece and Cyprus with Israel and Egypt**

In turbulent times and/or periods of limited financial resources for the exercise of an active foreign policy, cooperation with neighboring states and the establishment of alliances at a tactical and strategic level may constitute an extremely useful tool for the promotion of national interests. This is precisely the logic behind the evolving "triangular" cooperation between Greece and Cyprus with Israel and Egypt respectively. A common factor in both cases is the difficult to poor relations of Cairo, Tel Aviv, Nicosia and Athens with Ankara. Of course, the existence of a common adversary does not by itself constitute a solid basis for building a relationship of strategic cooperation. Cooperation should be based on common interests, and this is what the states mentioned above are trying to accomplish.

Examining the stance of all Greek governments since 2010, it is positive that there has been remarkable continuity on this matter. Continuity and consistency are key prerequisites for a successful foreign policy. In the case at hand, there exist important common interests between the countries involved, including the exploitation of potential energy resources, the exchange of information on security matters, the need for broader political, military and economic cooperation, as well as the containment of state and non-state actors that act in a destabilizing manner.

The importance of Israel for the US, and Egypt's key role in the Arab world and the Middle East in general, make these efforts for strategic cooperation even more attractive and potentially beneficial for Greece and Cyprus. The EU also benefits indirectly from closer cooperation between two member states and two important regional players.

The strategic relationship with Israel will remain one of the key elements of Greek foreign policy. Of course, Greece will have to walk a fine line between strategic interests on the one hand, and historical ties and a sense of justice (but also the potential impact on regional stability) on the other, when it comes to the Palestinian problem.

Now that the tripartite cooperative relationships have been established, the priority must be on the deepening of relations with Israel and Egypt. Exchanges of visits at the level of heads of state and senior ministers are certainly important, but the creation of institutional and personal links between mid-level officials who will remain in positions of responsibility for quite some time – and will therefore ensure the necessary continuity – is also of high significance. In this framework, in addition to the extremely useful military exercises, one should explore various ideas, including student exchanges in English-language programs at Military Academies, the creation of joint working groups for information analysis, crisis management exercises and simulation-based wargaming; joint seminars at diplomatic academies and military schools, parliamentary working groups, cooperation on combatting Islamic terrorism, etc.

It is expected that the tripartite cooperative relationships will contribute to the creation of an 'axis of stability' in the troubled Eastern Mediterranean. Such cooperation could be expanded to include Jordan, Lebanon, the UAE, as well as

the US (which has expressed its interest for a “3+1” format), and France. The effort for the creation of a regional security architecture – in a region where there are no such institutions – should be open-ended in terms of joint activities and also open to the membership of other countries from the region, provided they behave in a non-aggressive manner and respect a basic code of conduct.

#### **Turkey-Saraj Memorandum**

On November 27, 2019, Turkey and the UN-recognized Saraj government of Libya (also known as the Government of National Accord/GNA) signed two memoranda. The first concerns the delimitation of maritime zones between the two countries, and the second deals with the provision of Turkish military assistance to Libya. The content of the first – highly favorable to Turkey – memorandum was largely determined by the dependence of the Saraj government on Ankara. As one analyst summed it up, “Saraj breathes with Turkish lungs.”

The memorandum on the delimitation of maritime zones not only ignores the relevant provisions of the international law of the sea convention as it recognizes only territorial waters of six nautical miles and not the right to a continental shelf and EEZ for Greek islands such as Crete, Rhodes and Karpathos, but also defies logic and common sense (something that is immediately apparent from a simple glance at the map).

The memorandum on maritime delimitation is a direct challenge and threat to Greek sovereign rights and national interests, as if acted upon, as Turkey threatens to do in the form of hydrocarbon exploration and drilling, it will completely cut off Greece from the Eastern Mediterranean. Greece’s aim is to delegitimize this memorandum, mainly through a (partial) delimitation agreement it signed in July 2020 with Egypt. At the political level, once the Turkey-Libya memorandum was signed, the Greek government had no choice but to support [through diplomatic means] the rival faction, that of the Libyan National Army (LNA), led by General Haftar. Greece has also developed good relations with Angila Saleh, the Speaker of the internationally recognized Libyan Parliament, based in Tobruk, which opposes the Saraj government. Europe’s inability to play a decisive role in its immediate neighborhood and the limited interest of the United States have opened the door for other actors (Turkey, Russia, UAE), turning the Libyan civil war into a complex international conflict. Egypt is deeply concerned, not wanting to see a neighboring country dominated by the Muslim Brotherhood and becoming a pawn of Turkey. An attempt by the GNA to seize additional territory (especially oil-rich areas) is likely to provoke an Egyptian military intervention.

Ankara has made a major political and military investment in Libya as part of its bid to become a dominant power in the Eastern Mediterranean. It has even sought to acquire permanent military bases in Libya. It is, however, too early to judge the success or failure of Turkey’s Libya policy.

#### **Turkish foreign policy and “Strategic Depth” (the “Davutoglu doctrine”)**

According to the architect of the AKP’s foreign policy, Ahmet Davutoglu, Turkey is striving to build its foreign policy along alternative strategic axes (“strategic depth”), as opposed to

its previous solely Western-oriented approach. This does, of course, entail a risk of strategic overextension, particularly if diplomatic and military activity is not backed by the necessary economic strength.

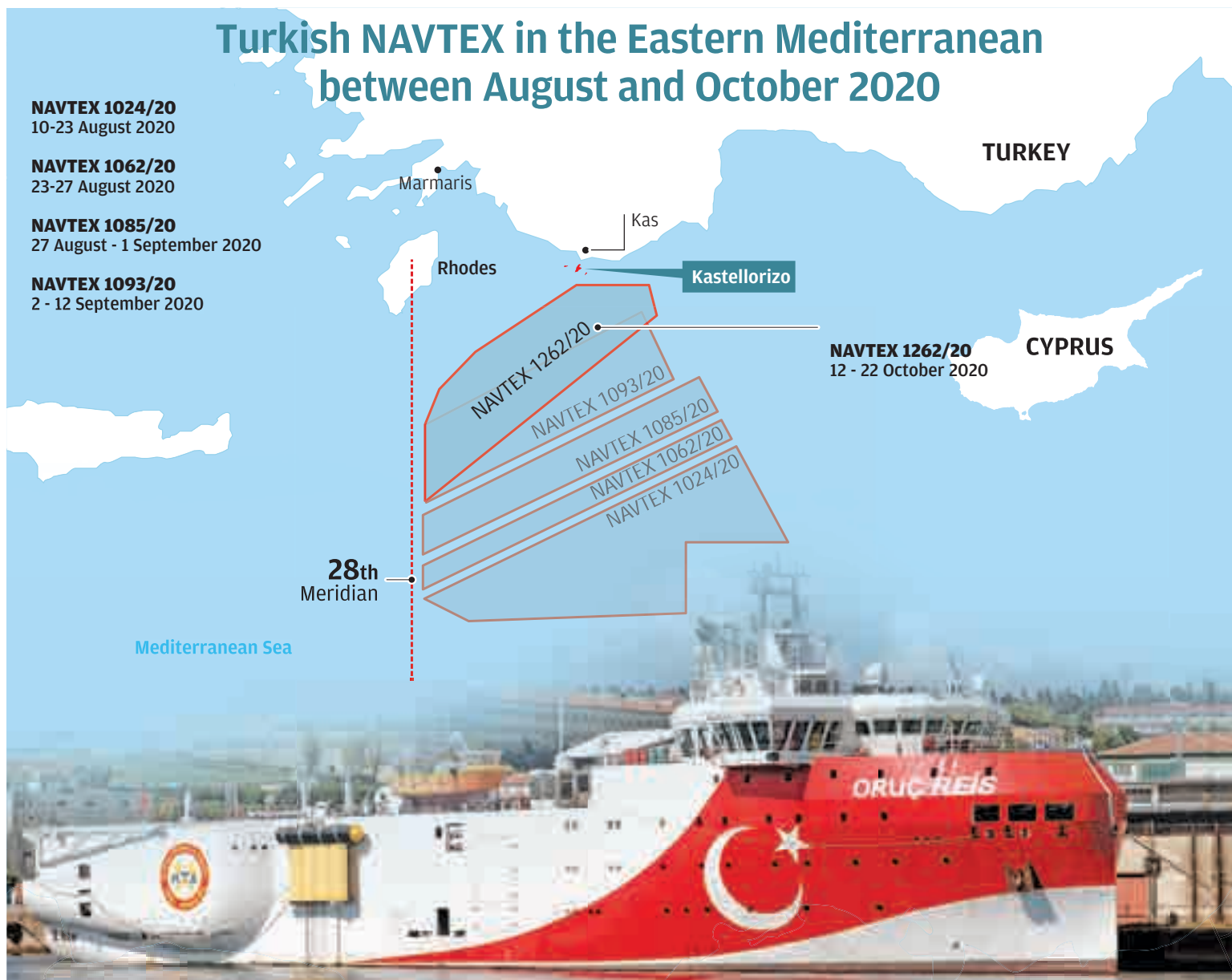
According to Davutoglu, Turkey should endeavor to implement a multi-level, multi-dimensional foreign policy, making overtures in all directions. If these efforts are successful, the benefits will certainly be considerable. However, as analysts have pointed out, it is by no means easy to succeed in simultaneously satisfying different partners that on certain issues have conflicting interests. And in today’s circumstances, a number of questions arise: Can Turkey successfully integrate these multiple dimensions: independent, nationalist, Islamic, pan-Turkist/neo-Ottomanist, global and Western? Do Turkey’s ambitions continue to be compatible with the strategic objectives of the West? Indeed, analysts and officials in the US have for some time been asking the question, “Who lost Turkey?”, concerned that the country has clearly been moving away from the West.

One should note the role of the powerful lobby of the Eurasianists, who promote the idea of Turkey making a strategic shift towards Asia, as they believe the West has entered a period of decline. However, it appears that the influence of this school of thought has waned recently, as the Turkish president has engaged in to an effort to “square the circle”, by maintaining close ties with Russia but also avoiding sanctions from the US, returning to the F-35 jet fighter program and securing some form of support for the ailing Turkish economy.

Generally speaking, Erdogan has managed to strengthen his country’s international role and influence, partly by exploiting international circumstances. Of course, the policy of “zero problems with neighbors” – the brainchild of then foreign minister Ahmet Davutoglu – has not been successfully implemented. Despite Turkey’s perceived importance for the US, there are clearly visible “dark clouds” over US-Turkish relations. Relations between Turkey and the EU have been at an impasse for a number of years, with no progress in accession negotiations in part due to the Cyprus problem, but also – and more importantly – due to Turkey’s failure to meet accession criteria.

In the Balkans, Turkey continues its policy of neo-Ottomanism, centered on Muslim/Turkish minorities and with a particular focus on Bosnia and Herzegovina, Kosovo, North Macedonia (although the normalization of relations with Greece appears to be hampering Turkish plans) and Albania, while its interest in Western Thrace remains undiminished. However, it can be argued that Ankara has clearly overestimated the attractiveness of the Ottoman past for the peoples of the Balkans (and the same can be said of the Middle East), while Turkey’s continuing path of divergence from the EU, which – despite its problems and weaknesses – remains the clear priority for the countries of the Western Balkans, only serves to constrain the expansion of Turkish influence in the Balkan Peninsula.

At the same time, Turkey’s emergence as an energy hub remains a top priority for Ankara, and in this context it continues to actively press ahead on different energy fronts, such as the Southern Gas Corridor and TurkStream, while also seeking to participate in the exploitation of hydrocarbons in the Eastern Mediterranean.



It is also important to point out that present-day Turkey appears to have fallen victim to what has been termed the “arrogance of power”, having lost any sense of moderation and proportion on many foreign policy issues. Historically, strategic overextension (the gap between goals and means) is not an uncommon phenomenon in international politics.

Today, one can see a systematic tendency towards the overestimation of Turkey’s – undeniably considerable – capabilities, coupled with a systematic underestimation of its serious problems.

Finally, from a Greek point of view, the management of Greek-Turkish relations is made even more difficult by the decision-making system in Ankara: all important decisions are being taken by a tight circle of advisors in a closed environment, where dissent is not encouraged, while formerly important actors such as the Foreign Ministry have been marginalized. The whole situation has become even more complicated because of the insecurity of the Turkish president, both personal (following the failed coup in July 2016) and political (his concern about losing domestic political dominance due to economic and other problems), as well as his very ambitious plans for 2023 and his legacy.

#### Turkish strategy in the Aegean

Turkey has a long-term strategy of increasing the part of the Aegean it controls, directly or indirectly. Possible motives include the need for free navigation as that is perceived by Ankara, the desire to participate in the exploitation of the wealth-producing resources in the Aegean (to the extent that they exist in substantial quantities) and in the Eastern Mediterranean, as well as the mindset of a major regional power that seeks to impose its will on neighboring states.

To achieve its goal, it uses a variety of “tools”: airspace infringements/violations, legal arguments about the demilitarization of islands, disputing search and rescue jurisdiction, casus belli threats regarding territorial waters, and the particularly dangerous theory of “gray zones” and the questioning of the sovereignty of a number of islands (including inhabited ones).

## U

#### USA, Greece, Turkey

One could write a great deal about the history of the triangular relationship between Washington, Athens and Ankara. Today,

relations between the US and Turkey are particularly difficult, in contrast to relations between the US and Greece, which are going through their best period in recent history. The Naval Base at Souda Bay (in Crete) is of great significance to American military activities in the Eastern Mediterranean and beyond, and there have occasionally been rumors of plans to transfer some military activities from the air base of Incirlik to military installations in Greece.

In October 2019, the Mutual Defense Cooperation Agreement (MDCA) was signed, which foresees an increased American military presence in Greece and a deepening of the strategic relationship between the two countries. The US has shown a particular interest in the port of Alexandroupolis, both from an energy and a military perspective. The US is also interested in the triangular cooperation between Greece-Cyprus-Israel, and its own participation in the scheme (in a 3+1 format), and it has, moreover, taken the step during the past few months of issuing strong and clear statements of support in favor of the Greek positions on issues such as the memorandum between Turkey and Fayed al-Sarraj, and the right of islands to a continental shelf and an EEZ. This positive stance of the State Department and the broader national security apparatus has been somewhat offset, however, by the close personal relationship between Presidents Trump and Erdogan. It remains to be seen whether US foreign policy vis-a-vis Turkey will be markedly different under President Biden.

In any case, this very good relationship with Washington is particularly welcome in Athens, yet it would be wise not to set expectations too high, given the ever-present objective of the US to not “lose” a country of high geostrategic value such as Turkey.

## V

### **Vision for 2023**

This is a particularly ambitious plan for the centenary of the Republic of Turkey. Among other goals, it foresees that Turkey will rank among the ten biggest economies worldwide (today Turkey ranks 17th), with a GDP of \$2 trillion (it is about \$850 billion today), exports of \$500 billion, income per capita of \$25,000 and unemployment reduced to just 5%. The plan also includes: the construction and operation of three nuclear energy power plants with a total capacity of 4,700 MWe; the development of ports to be among the top ten largest worldwide; the domestic production of aircraft, unmanned aircraft and satellites; and Turkey becoming the fifth most important tourist destination in the world, with over 50 million visitors each year and \$50 billion of revenue from tourism. In addition, Turkey will be a member of the EU. This “legacy” is very important for Erdogan in his quest to be remembered in his people’s minds and in history books as the most important leader in the history of the modern Turkish state.



# Concluding thoughts

## **The future of Greek-Turkish Relations**

Today's serious difficulties do not necessarily mean that the two countries are doomed to permanently have an unfriendly relationship. The vital interests of the two countries are not by definition incompatible, and their bilateral relations should not be assumed to be a zero-sum game in which the losses suffered by one side translate directly into gains for the other. Clearly there are Turkish demands, such as those regarding "gray zones" (see relevant entry) and the demilitarization of the islands, that no Greek government could ever agree to discuss, and which Turkey should withdraw from the bilateral agenda if it truly wants to improve mutual relations. There are, however, also some differences of a legal nature, such as the delimitation of the continental shelf and the exclusive economic zone, which could be resolved on the basis of international law and in a way that would secure the legitimate interests of both countries. Once these bilateral problems are resolved, Greece and Turkey could work together on various issues as two normal neighbors. Unfortunately, it is by no means certain that there is either the necessary political vision or the political will on the other side of the Aegean.

## **Possible scenarios for Greek-Turkish relations**

There are four possible scenarios for how Greek policy towards Turkey will develop: a policy of "Finlandization" – appeasement or unilateral concessions to Ankara; a more dynamic policy by Greece and a response in kind to the various Turkish challenges, considering that the hitherto "compliant" attitude has encouraged the other side to escalate its claims; a 'freeze' strategy until there is some major change that transforms the strategic landscape; or an attempt to reach a diplomatic settlement, either bilaterally or by appealing to an international tribunal. The solution that will emerge from such a process will be based, as is always the case in negotiations, on the logic of acceptable compromise, without, of course, ignoring the principles of international law.

Most decision and opinion-makers would probably reject the first two options, leaving the last two alternatives as the subject for sober discussion. Theoretically, the two options can be combined: Greece could try to buy time with the aim of strengthening its regional role, building alliances and raising diplomatic capital for future negotiations on relatively favorable terms. On the other hand, windows of opportunity – if there are any – do not remain open indefinitely, and it is not always a given that time flows in one's favor.

## **Greek-Turkish relations: management strategy**

Managing a tense – and often hostile – relationship is an art, not an exact science. It requires a comprehensive approach and a constant review of the relationship, and crafting a policy mix which includes leadership, a basic national consensus, effective diplomacy, military deterrence, and, of course, a strong economy. Optimal use of the "national security toolbox" is required, in an effort to maximize internal and external balancing of the threat.

External balancing, on other hand, involves taking into account the interests of key actors, as well as the high fluidity and the dynamic rather than static nature of the security



environment in the Eastern Mediterranean. Further deepening and strengthening of regional alliances will be essential, and the full utilization of the tools that are already available at the EU level should also be pursued. In this context, it is necessary to have realistic goals and a sense of proportion at the international level; to coordinate various moves in the context of a broader strategy in the field of national security; and to fully understand the need for a serious, consistent and long-term effort to increase the country's international influence in order to upgrade its regional and European role.

As far as Greek-Turkish relations are concerned, excessive reactions can lead to unnecessary conflict, while the opposite can mean gradual loss of sovereign rights (or even territories). How, then, is this extremely difficult balance to be achieved? The immediate steps are to send credible messages to the other side: at the public level, statements should be dispassionate, laconic and absolutely coherent, regardless of the source. At the same time, the confidential message must mirror what then Greek Prime Minister George Papandreou said to US President Lyndon Johnson: "If Turkey opens the door of the insane asylum, we will be forced to enter." And to that we should add that no one will come out unscathed. This message remains credible, despite the consequences of the financial crisis for the Greek armed forces.

In the end, as one looks to the future of Greek-Turkish relations, the advice of the American President Theodore Roosevelt (1901-1908) seems particularly apt: "Speak softly and carry a big stick."



