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**DISSERTATION TITLE:**

“THE DELIMITATION OF THE EXCLUSIVE ECONOMIC  
ZONES BETWEEN GREECE AND TURKEY”

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## **DECLARATION OF AUTHENTICITY**

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Markianos Nikolaos

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## **ABSTRACT**

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) is the principal international treaty that oversees the formation of maritime zones such as the continental shelf (CS) and the Exclusive Economic Zone (EEZ), as well as any difficulties that may arise during their delimitation. Maritime delimitation issues are governed by state agreements or legal proceedings before authorized international bodies. The goal of this study is to highlight the disparities in EEZ delimitation with neighboring Turkey, as well as the larger discrepancies in the Aegean. The investigation focuses on disparities in the Aegean and Eastern Mediterranean areas, notably between Greece and Turkey. Furthermore, an attempt is made to critically compare the conclusion of this case with the outcomes of important international court judgments, noting not only the similarities but also any disparities and complications.

**Keywords:** Continental Shelf, Delimitation, Aegean Sea, Greece, Turkey, UNCLOS

## CONTENTS

ABSTRACT.....	4
CONTENTS.....	5
INTRODUCTION .....	7
METHODOLOGY .....	10
CHAPTER 1: THE LEGAL FRAMEWORK OF EXCLUSIVE ECONOMIC ZONE (EEZ) DELIMITATION .....	11
1.1 Definitions, Zones of Maritime jurisdiction.....	12
1.1.1 Base Lines.....	12
1.1.2 Territorial Sea .....	13
1.1.3 The Contiguous Zone .....	15
1.1.4 Archipelago and Archipelagic Waters.....	15
1.1.5 Straits of International Navigation .....	16
1.1.6 Continental Shelf .....	17
1.1.7 Exclusive Economic Zone (EEZ) .....	18
1.1.8 High Seas .....	24
1.1.9 Engraving Methods EEZ .....	25
1.2 Legislative Framework.....	26
1.2.1 The Delimitation of the Continental Shelf between Objective or Adjacent States .....	28
1.2.2. The Demarcation of the EEZ Between Objects or Adjacent Coasts.....	30
CHAPTER 2: THE HISTORICAL EVOLUTION OF THE EEZ .....	33
2.1 The practice of demarcating states .....	33
2.2 Cases Studies of EEZs around the World .....	36
2.2.1 Case of Rockall.....	36
2.2.2 Case of Malta.....	37
2.2.3 Case of Beaufort (USA-CANADA) .....	39
2.3 Case Study of the Exclusive Economic Zones between Greece and Turkey.....	41
2.3.1 Facts and Events.....	42
2.3.2 Turkish CASUS BELLI and EEZ.....	46
2.3.3 The Demilitarization of the Eastern Aegean Islands.....	48

2.3.4 Greek Approach.....	51
2.3.5 Turkish Approach.....	55
2.3.6 The presence of the Great Powers in the Greek Territory during the Cold War era.....	57
2.3.7 The Greek-Turkish differences in the light of the International Factor .....	59
<b>CHAPTER 3: ENERGY RESERVES IN THE EASTERN MEDITERANEAN .....</b>	<b>63</b>
3.1 The current state of offshore gas exploration and development in the eastern Mediterranean.....	64
3.2 The tripartite cooperation Greece-Cyprus-Israel.....	65
3.3 The Turkish-Libyan Memorandum.....	68
3.4 Challenges in the exploitation of the gas reserves of the Eastern Mediterranean.....	71
3.5 The Turkish finding of "co-exploitation" .....	73
<b>CHAPTER 4: CONCLUSION .....</b>	<b>77</b>
<b>BIBLIOGRAPHY.....</b>	<b>81</b>
Primary Sources .....	81
Secondary Sources .....	81
Online Sources .....	84

## INTRODUCTION

Due to the different uses, functions, and benefits the sea offers in terms of natural resources (animal and plant organisms, catches, mineral wealth) as well as its value as a source of energy through the waves, a means of communication through shipping, a means for recreation, and a source of wealth and prosperity for coastal states and riparian populations, the sea is rightfully considered a source of wealth and prosperity for coastal countries. In addition, it is a natural limit of defense of their territorial integrity but also of economic use by almost all states. From an early age, people became more interested in the best and most efficient way of using the sea and its resources.

The continued exploitation of the sea, accompanied by significant technological developments, has raised issues of claims by states in wider maritime areas and has led coastal states to seek the establishment of different maritime zones of national sovereignty or jurisdiction in their favor; this has led to disputes between states for the delimitation of these maritime zones. Besides exploiting marine resources, these sea borders were also created to enable the extraction of valuable hydrocarbons and other resources of the seabed and subsoil, which required some kind of jurisdiction over this area to take place. Several countries have begun declaring new areas of maritime jurisdiction and defining borders with other states to maximize their exclusive areas of jurisdiction.

From the beginning, the states demanded from each other their demarcation of borders. This very often led to conflicts with neighboring states where there were disputed areas. Gradually, after the demarcation of the land borders due to the existence of financial resources at sea that could be exploited by the coastal states, the demarcation of the sea zones was required. With the technological development beyond the marine resources, the exploitation of hydrocarbons along the coasts of many states has developed and has helped the coastal states significantly economically, industrially, and technologically. From a very early age, an attempt was made to define a single way of defining maritime borders.

Boundary procedures combined with the energy security of countries are an integral part of each country's energy policy. The fact that any country constantly strives for the uninterrupted availability of energy resources of various forms, in sufficient

quantities and at reasonable prices on a stable future basis is the effort of the country to survive in the international system. Security of energy supply at reasonable prices, protection, and reliable access to affordable energy is a few of the issues covered by post-Cold War energy security.<sup>1</sup>

In particular, focusing on the Eastern Mediterranean region, recent energy developments are observed, with the discovery of two basins rich in hydrocarbon reserves. In addition, the fact that one of the biggest humanitarian tragedies is taking place there, with the uncontrolled refugee and migration flows, which are at the same time the biggest threat to Europe's security, the Mediterranean is one of the main points of interest. Finally, Turkey's behavior, in the search for new alliances provokes the reflexes of the US and its neighbors in the region, creating a strong network of interdependencies and relations of friendship and confrontation between the actors, which rightly highlights the Eastern Mediterranean as a field of conflict, and interests of the countries of the region. This grid of interdependence extends beyond the narrow geographical context of the Eastern Mediterranean, which cannot be considered independent of the strategy of the United States and other international actors such as Russia and China.

This dissertation tries to present these interactions and analyze this complex geopolitical environment and how this affects the relations and the delimitation of the EEZ. In particular, the role of Turkey in the region is analyzed. The implications of Turkey's policy on its relations with its neighbors and with the West are examined both in the analysis of Davutoglu's doctrine, which for years guided the foreign policy of political Islam, with the Justice and Development Party (Adalet ve Kalkınma Partisi - AKP) came to power in 2002, as well as with the application of this doctrine by Erdogan, who already in 2012 and clearly after the failed coup of July 15, 2016, became the absolute ruler of power in the country.

Studying the strategic paths and relations with Turkey but also with Greece, of the Eastern Mediterranean states, which even if they do not have military capabilities such as Cyprus or geographical bases such as Israel or have just emerged from an identity crisis such as Egypt, they pursue international politics. The role of Greece in the subsystem of the Eastern Mediterranean, the Greek strategy and its produced results

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<sup>1</sup> Parisis, J. (2013). *Our own sea: a geostrategic analysis of the Mediterranean*, Athens, Livani. p.285. (In Greek)



are an integral part of the work. The dissertation concludes with the consideration of the elements that compose the issue and the drawing of conclusions that emerge from the analysis.

## **METHODOLOGY**

Instead of clinging to a coherent theoretical framework, this literature study highlights several issues related to the delimitation of Maritime Sovereignty Zones and the problems that arise. The main concern of this dissertation is to explore the importance of defining Marine Exploitation Zones for each country and addressing problems that arise and hinder their demarcation. The Aegean Case Study is used as an example to present the framework followed in similar cases internationally. It is necessary to go beyond a simple approach to examine the relations and issues that arise in the way of the implementation of the Sea Law and to understand the conflicting forces that are developing and the effort that must be made to balance the system. This particular case study demonstrates to us how to balance the system that, although acrobatic on a tightrope, is maintained in the area.

## **CHAPTER 1: THE LEGAL FRAMEWORK OF EXCLUSIVE ECONOMIC ZONE (EEZ) DELIMITATION**

The international law of the sea is generally divided into three main periods, each of which presents important and key features as well as a distinct evolutionary course, the result of which was the wide-ranging adoption of the exclusive economic zone. The first period has its beginnings in Roman law, where the first historically recorded reference to a sea 'free and common to all, Roman and non-Roman', spans several centuries and extends to the end of World War II. The principle of free navigation on the high seas in this period was shaped by the practice of shipping of the great powers and had a customary character since all the seas beyond the territorial sea belonged to everyone. There was also a rule of complete sovereignty of the states in their territorial sea, that is, in a strip of the sea along their coast with a defined width of 3 nautical miles.

During the second period of the development of the law of the sea, which includes the period from the end of World War II until 1958, the law was codified for the first time with the signing of the four fundamental Geneva Conventions and thus a written result emerges; not customary law, but formal, written text of law. As a result of these developments, the first claims and trends of the practice of the states appear, which relate both to the extension of the national, and state jurisdiction over maritime resources, living and non-living organisms, as well as the extension of state control over coastal areas. The most significant developments of this period were the establishment of the continental shelf, the regulation of fishing claims, which led to the subsequent third and last period of maritime law, and the development of the idea of the Exclusive Economic Zone.

President Truman, during his administration, implemented a new offshore fishing and offshore fishery policy that created fishing protection zones within 3 nautical miles of the territorial sea, which were regulated and controlled exclusively by the US. The other states also demarcated similar zones and demarcated their continental shelf defined as the seabed beyond the territorial sea and its subsoil to a depth of 200

meters or even beyond this point to the extent that they can exploit natural resources (seabed resources).<sup>2</sup>

The third and final phase of the evolution of the law of the sea was formed under the pressure of the states for radical changes. In particular, the rapid development of science and technology has made it possible to explore the oceans for the most part. It was possible to extract oil from very great depths, while huge quantities of 'black gold' were discovered in the subsoil. Along with this technological development that allowed the intensive exploitation of the natural resources of the sea, the pressure of the developing countries to acquire the exclusive exploitation of these new important sources of wealth and economic development provided by the sea, to their greatest extent, thus intensified the need to prevent its exploitation by the technologically developed countries and the incentive was created to protect and safeguard coastal wealth from the over-exploitation of the great powers of the world.

The UNCLOS III Convention specifies that the Exclusive Economic Zone (EEZ) consists of an area within 200 nautical miles of the baseline of the territorial sea and starts at the outer limit thereof. In this new zone, the coastal state exercises the rights of the Continental Shelf, i.e. the exploitation of the natural resources of the seabed and subsoil of its adjacent sea areas, as well as new sovereign rights concerning the exploration, exploitation, and conservation of the natural resources of the above waters, as well as additional jurisdictions concerning the installation and use of artificial islands and other structures and the conduct of scientific research, and the protection of the marine environment from pollution.<sup>3</sup>

## **1.1 Definitions, Zones of Maritime jurisdiction**

### 1.1.1 Base Lines

To determine the area of the territorial sea and the other maritime zones of the coastal state, it is necessary to determine from which parts of the coast the measurement

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<sup>2</sup> Tsaltas, G., and Kladou, M. (2003). *The International Regime of the Seas and Oceans*. Athens: Sideri Publications. (In Greek)

<sup>3</sup> Karakostanoglou, B. (1998). *The Exclusive Economic Zone in the New Sea Law: The Legal Regime Focusing on Fisheries*. Diss. Aristotle University of Thessaloniki (AUTH). School of Law, Economics and Political Science, Department of Law

of their width will begin. These points are determined by finding the baselines. The baseline is therefore the line from which the outer boundaries of the spatial, contiguous, and exclusive economic zone are determined. The waters from this line to the land are the inland waters and therefore the baseline is the boundary between inland waters and the territorial sea. The Geneva Convention of 1958 deals with Articles 3-11 and 13 and the Montego Bay Treaty almost literally repeats these provisions in Articles 4-14 and 16. If all the coastlines were straight the issue would be simple, since the high tide or low tide should be determined.<sup>4</sup> There are, however, many bays, islands, and port facilities along the coast, making the coastlines relatively heterogeneous. Coastal State official charts identify it as the bottom shallow line along the coast, which is shown in Montego Bay. Any of the methods provided by the Coastal State may be used to establish baselines based on the different conditions and circumstances. The different conditions may refer to coasts with bays, estuaries, port facilities, islands, reefs, etc. Article 7 (1) refers to areas where the coastline has deep crevices and indentations or exists along it and near this, a cluster of islands so that the method of straight lines connecting appropriate points can be used to draw the baseline from which the width of the territorial sea is measured. Of course, the reference to the "possibility" of plotting leaves the choice to the coastal state. The existence of bays has always been recognized by international law as being related to land, but customary law has failed to define clear legal rules for the criteria for recognizing a fold of land as a bay and for the maximum length that a line could have. The definition of a bay in Article 10 of the Treaty is an area whose shoreline is confined by an enclosed sea whose width is greater than or equal to the width of the mouth of the bay. However, such a recess of the shore shall not be considered a bay unless its surface is equal to or greater than that of a semicircle having a diameter perpendicular to the width of the mouth of the recess. For measurement purposes, a recessed surface lies between the bottom shallow line around the recess shore and the line connecting the bottom shallow points of its natural entrance.

### 1.1.2 Territorial Sea

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<sup>4</sup> The phenomenon of the periodic fluctuation of the sea level. The maximum value of the elevation is called high tide and the minimum low tide or shallow.

A coastal state has complete sovereignty over the waters within a distance of 12 nautical miles. These waters are called the Coastal Zone (or territorial sea or territorial waters). Measurement of the 12 nautical mile territorial zone shall be based on the baselines of the inland waters of the coastal state. States have no rights in the territorial waters of other states except innocent passage through their territorial waters.<sup>5</sup> Hence, this area can be considered the maritime border of the coastal state since it has the legal jurisdiction for security and defense, for the advancement of economic, commercial, and political interests, and for the exclusive rights to explore, exploit, and protect maritime wealth.<sup>6</sup>

In the above definition, we referred to inland waters. These are the waters that are included between the shoreline and the straight bases from where the measurement of the spatial waters begins.<sup>7</sup> Coastal states have full sovereignty over these waters, but the mooring of foreign ships is subject to international law's restrictions as laid out in Convention II of 1982. Examples of such waters are the coves, the seashore, the beach, the ports, the historic bays of a state, etc. The coastal State has absolute legislative jurisdiction over inland waters and activities such as fishing or marine exploration are carried out under the laws of the coastal State. The innocent passage is not carried out in inland waters but in territorial waters, under international law, unless exceptionally requested by the coastal State.<sup>8</sup>

It is established by Article 3 of the 1982 Convention of the International Law of the Sea that each nation has the right to define the size of its coastal zone, but not greater than twelve nautical miles, which are measured by the defined baselines. Consequently, the coastal zone of most countries reaches 12n.m. in contrast to Greece which, according to its legislation with law 230 of 1936, it has a coastal zone of 6n.m. Both Greece and other countries, countries with coastal zone that does not exceed 12n.m, according to international law are entitled to delimit their coastal zone up to 12n.m. However, in those cases where the distance between two neighboring or

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<sup>5</sup> Innocent passage is the right of ships to cross the territorial waters of other countries. When crossing, they should be careful to avoid actions that could harm the coastal state such as contaminating the water by dumping ballast or engaging in illegal activities such as smuggling. In particular, for the warships of other countries, the passage is provided with a constant course and speed and with their guns fixed and covered.

<sup>6</sup> According to Article 2 UNCLOS Convention (1982).

<sup>7</sup> According to Article 8 par. 1 UNCLOS Convention (1982) the waters that are inside the straight baselines of the coastal zone.

<sup>8</sup> According to Article 2 par. 1 UNCLOS Convention (1982).

opposite states does not exceed the sum of the area of the coastal zone, then the sea limit is set in the middle of the distance between the two countries.

### 1.1.3 The Contiguous Zone

The Contiguous Zone is an open sea area bordering the coastal zone and is defined in such a way as to be controlled by the coastal state with powers to prevent and suppress violations of customs, tax, immigration, and health legislation that have taken place or country in its territory or its coastal zone. This is an open sea zone, which cannot exceed 24 nautical miles from the baselines of the coastal zone, while the waters of the border zone are part of the open sea. If a state has a coastal zone of 12n.m. is entitled to have a Contiguous zone of 12n.m. In this area, the powers of the coastal State are very limited.<sup>9</sup> Regarding its delimitation, it was considered that the Continuum Zone delimitation rule was not necessary as this zone was part of the EEZ, so its delimitation would automatically lead to the delimitation of the Continuum zone as well. Although such a rule remains necessary if the states concerned or one of them decides not to adopt an EEZ.

### 1.1.4 Archipelago and Archipelagic Waters

An archipelago is a geological formation that consists of a chain or a developed cluster of islands and we can usually find such formations on the high seas, although in some cases they are adjacent to large volumes of land. The term is legally defined as "a group of islands, including parts of islands, interconnected waters and other natural features which are so closely intertwined as to form an independent geographical, economic and political unit, or which are historically regarded as forming such unity".<sup>10</sup> The "archipelagic state" is defined as "a state consisting entirely of one or more archipelagos and, possibly, other islands".<sup>11</sup> Such states allow islands located within closed waters to join the extreme points of the outermost islands and reefs of the archipelago on condition, with archipelagic baselines and in particular "that the trace of

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<sup>9</sup> According to Article 33 UNCLOS Convention (1982).

<sup>10</sup> According to Article 46 UNCLOS Convention (1982).

<sup>11</sup> Ibid

these baselines includes the main islands and defines an area in which the ratio of water area to land area, including coral atolls will be between 9 to 1".<sup>12</sup> The definition of the archipelagic state shows that states with the continental territory but also clusters of islands, such as Greece, are not legalized to enclose the island complexes with archipelagic baselines. In drawing the baselines, it must not deviate significantly from the general configuration of the archipelago; it must be located at a distance from the nearest island that does not exceed the width of the territorial sea. An archipelagic State may not apply the baseline system in such a way as to cut off another State's territorial sea or exclusive economic zone from the high seas. Regardless of the depth and distance from the coast, archipelagic waters are those enclosed within archipelagic baselines and are under the sovereignty of archipelagic states. However, all ships have the right to pass with innocent passage through these waters.

#### 1.1.5 Straits of International Navigation

The International Maritime Law (IML) that applies to straits and their passage specifies that foreign ships must not be hindered concerning their innocent passage through straits used for international navigation between the straits.<sup>13</sup> The issue of transit about the established territorial sea of 12n.m. significantly increases the number of straits. From the provisions emerge categories of straits that also set different criteria for crossing. The straits that connect two sections of the Offshore or Exclusive Economic Zone with other sections of the Offshore or Exclusive Economic Zone are provided with the status of "transit passage". The free and continuous voyage of merchants and warships and the passage of submarines for diving, starting at the high seas or the Exclusive Economic Zone and ending in the high seas or the Exclusive Economic Zone, shall be provided for.<sup>14</sup> The coastal States shall not obstruct navigation and shall give due consideration to any danger to navigation or overfishing in or above the close, whom they know. Additionally, it stipulates that the right of navigation may not be suspended and that third countries shall be allowed to travel in transit, so that both the requirements of international navigation and aviation through

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<sup>12</sup> According to Article 47 (1) UNCLOS Convention (1982).

<sup>13</sup> According to Article 16 (4) UNCLOS Convention (1982).

<sup>14</sup> Part III for international navigation "and in particular Articles 36, 38, 41 and 42 UNCLOS Convention (1982).



the area in question are met and that both the minimum safety standards of both passing ships and aircraft and coastal states are met.<sup>15</sup>

#### 1.1.6 Continental Shelf

The continental shelf is a geological definition. The land continues below the surface of the sea and forms the seabed. The continuation of the land within the sea is called the continental margin and is divided into three parts. The Continental Shelf consists of the section of the bottom that begins at the shoreline and continues to a depth of about 130-200 meters, where the bottom slopes steeply. At the point where the continental shelf ends, the continental margin's second part begins, called the continental slope. This section is characterized by a steep slope and its depth is usually 1200-3500 meters. Finally, the third part of the reef, which has a slope smoother than the other two parts and is called the continental rise, reaches a depth of 3500-5500 meters. From the end of the continental rise begins the ocean abyss, which is a relatively flat area of great depth.

These geological distinctions do not necessarily coincide with legal terms. The Continental Shelf, legally, is a zone of sovereign rights of a coastal state. This zone includes "the seabed and its subsoil beyond its coastal zone, the entire extent of the natural extension of its terrestrial territory to the outer edge of the shelf or 200 nautical miles from the baselines from which the width of the seashore zone is measured where the outer edge of the shelf is at a shorter distance".<sup>16</sup> The continental shelf can reach up to 350 nautical miles when the outer limit of the Continental Shelf of the coastal state extends beyond 200 nautical miles.<sup>17</sup>

Natural resources found on a continental shelf are generally the property of the state exploring and extracting them. The Continental Shelf does not have to be declared by a state, in contrast with the rest of its zones. According to the International Court of Justice's case law, it exists by the existence of the state itself. This is one of the main differences with the EEZ. Another important difference between the Continental Shelf

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<sup>15</sup> Pursuant to Articles 41 and 42 UNCLOS Convention (1982)

<sup>16</sup> Ibid

<sup>17</sup> Asonitis, G. (1997). *The United Nations Convention on the Law of the Sea*. Athens: Papazisi. (In Greek)

and the EEZ is that the former covers the seabed and the subsoil, while the EEZ also covers the water column above the seabed.

As referred to in Article 38 of the Statute of the International Court of Justice in The Hague, it is essential that states with adjacent coastlines or objects for the delimitation of their continental shelf reach an agreement with each other, concluded by international law.<sup>18</sup> A State may resort to the procedures outlined in detail in the settlement of disputes if no agreement can be reached within a reasonable period of time.<sup>19</sup>

### 1.1.7 Exclusive Economic Zone (EEZ)

The official legal position of the EEZ is primarily included in Part V of the 1982 Montego Bay Convention on the Law of the Sea, which comprises of Sections 55-57, with some other articles touching the EEZ spread across other Parties of the Convention, as well as restrictions on environmental preservation, marine scientific research, and conflict resolution.

Aspects of the EEZ are defined in detail in the Convention, including its general legal status, its territory, rights, and obligations for both coastal and non-coastal States, and also a mechanism for resolving disputes regarding EEZ rights and uses. In the EEZ, artificial islands, structures, and facilities are regulated, as well as determining the geographic coordinates of the area, conducting marine scientific research, protecting the marine environment, regulating the status of islands within the EEZ, and regulating particular provisions of the Convention, such as the principle of good faith, the use of the seas peacefully in peaceful circumstances, and regulating highly migratory species.<sup>20</sup> Furthermore, the fishing regime up to 200 nautical miles offshore is discussed in detail as it pertains to the conservation and exploitation of living natural resources.

The EEZ, in particular, is described as a territory "placed outside the territorial sea and is continuous with it, and extends up to 200 nautical miles from the territorial sea's baseline, and is administered by a specific legal system." In the EEZ, the coastal

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<sup>18</sup> In accordance with Article 83 UNCLOS Convention (1982)

<sup>19</sup> Part XV UNCLOS Convention (1982)

<sup>20</sup> Tzimitras, H., G. (1996). *Entitlement v. Delimitation: The Continental Shelf of Islands in International Jurisprudence*. Diss. Panteion University of Social and Political Sciences. (In Greek)

State has sovereign rights over the natural resources of the aquifer, seabed, and subsoil, as well as other activities connected to the zone's economic exploitation and exploration."<sup>21</sup> Each coastal state has exclusive authority over all of these concerns, including the construction and use of artificial islands and floating infrastructure, as well as enforcing measures to preserve and defend the maritime environment and other rights and responsibilities established by the Convention.<sup>22</sup> It is critical to underline that nations in the coastal zone must consider, and in any case respect, the freedoms and rights of other states in the zone as they exercise their rights and execute their duties. Apart from the coastline states, every state within the exclusive economic zone has the right to unrestricted navigation, overflight, underwater cable installation and pipeline laying.

However, in the coastal States, because their territorial sea varies and is often defined as less than or more than 12 nautical miles, the range of the EEZ varies from case to case and may be more or less than 180 nautical miles. It should be noted that some coastal states, due to their special geographical features, are unable to take full advantage of the EEZ. These states are widely characterized as geographically disadvantaged states and a typical example is the states that are washed by closed or semi-closed seas. The majority of the states that have established the EEZ have established it within the maximum permissible limit of 200 nautical miles from the spatial sea baselines and no state has been observed to establish an EEZ with a range greater than 200 nautical miles.<sup>23</sup>

More specifically, the approximately 90 states that have established EEZs have adopted the maximum threshold as well as the method of measurement provided for in the Convention. It is also crucial that most of the states that have defined and adopted the EEZ maintain at the same time the distinct and pre-existing status of the continental shelf since the second period of international law, which in most cases may extend beyond 200 nautical miles. In these cases, the sovereign rights of the states regarding natural resources on the Continental Shelf are extended in the same way.<sup>24</sup>

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<sup>21</sup> Rozakis, C. (2015). *The exclusive economic zone and international law*. Athens: Papazisi. (In Greek)

<sup>22</sup> Karakostanoglou, B. (1998). *The Exclusive Economic Zone in the New Sea Law: The Legal Regime Focusing on Fisheries*. Diss. Aristotle University of Thessaloniki (AUTH). School of Law, Economics and Political Science. Department of Law

<sup>23</sup> Rozakis, C. (2015). *The exclusive economic zone and international law*. Athens: Papazisi. (In Greek)

<sup>24</sup> Tzimitras, H., G. (1996). *Entitlement v. Delimitation: The Continental Shelf of Islands in International Jurisprudence*. Diss. Panteion University of Social and Political Sciences. (In Greek)

Simultaneously, the same limit was acknowledged as the overall limit of the autonomous idea of the Continental Shelf, but alternative limitations were feasible depending on the size of the Continental Frame. Most governments, in particular, assert rights to both living and non-living seabed resources up to 200 nautical miles, but even beyond this limit in circumstances when the continental margin extends beyond this limit.<sup>25</sup>

International law does not require coastal states to claim their state's EEZ up to a certain limit, not even that of 200 nautical miles, which is simply the maximum claim allowed by international law. It is therefore understood that the coastal State may establish a smaller EEZ than that of 200 nautical miles or even not establish an EEZ at all. That is, a special declaration of the coastal state is required for the establishment of the EEZ. Until the coastal State makes this declaration, it has no rights over the EEZ, contrary to what applies under the Continental Shelf regime, where the rights of the coastal state pre-exist and exist automatically, without requiring any formalization.<sup>26</sup>

In addition, the Convention stipulates that the EEZ of islands and non-independent areas that cannot sustain human settlement or their own economic life will not have an EEZ or a Continental Shelf. However, some countries have established EEZs around islands that are uninhabited rocks, and typical examples are France, which has established EEZs around several small uninhabited islands in the Pacific and Indian Oceans, and Venezuela, which has demarcated EEZs around the Aves.<sup>27</sup>

Additionally, those regions which have not yet achieved full national independence or a similar amount of self-rule recognized by the United Nations, as well as those areas that are subject to colonial rule, are not entitled to an EEZ. The 1982 Convention explicitly states that in the case of such areas "the provisions concerning the rights and interests under the Convention shall apply to the benefit of the people of the region solely to promote their prosperity and development."<sup>28</sup>

In many areas, where states are unable to make full use of the entire 200 nautical mile area due to the existence of neighboring countries with overlapping EEZs, the

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<sup>25</sup> Strantzali, C. (2021). *The agreements on the delimitation and joint exploitation of energy resources in the Mediterranean*. Diss. Democritus University of Thrace (DUTH). School of Law

<sup>26</sup> Karakostanoglou, B. (1998). *The Exclusive Economic Zone in the New Sea Law: The Legal Regime Focusing on Fisheries*. Diss. Aristotle University of Thessaloniki (AUTH). School of Law, Economics and Political Science. Department of Law

<sup>27</sup> Ibid

<sup>28</sup> According to Article 33 UNCLOS Convention (1982)

issue of delimitation of either adjacent or EEZ objects arises. When such cases arise, the demarcation will be done by agreement, by international law. States should resort to the dispute settlement procedures in the Convention if they are unable to reach a mutually acceptable agreement within a reasonable time frame.

In addition, as long as this agreement is pending, the States concerned are obliged to make every effort to conclude temporary arrangements for the settlement of practical matters and, in addition, for the duration of this transitional period, both undertake not to undermine the procedure of the final agreement, based on the principles of good faith and user ethics.<sup>29</sup>

However, the wording of these provisions does not show sufficient clarity, which leads to their flexible and varied application, with the result that there may be a differentiation between the boundaries of the Continental Shelf and the EEZ. This situation of differentiated borders can be the root cause of conflicts between states. For example, even if a state wishes to make effective use of its continental shelf, which lies beneath the overlying water column of the EEZ of a neighboring state rich in catches, then a vital problem arises as a result of the non-legislative provision for imposition of a single demarcation line between the Continental Shelf and the EEZs of the states.<sup>30</sup>

The possibilities that may arise in such a case are two:

There may already be a delineation between the Continental Shelf of the two countries, as the Continental Shelf status preceded the adoption of the EEZ, so on the occasion of the subsequent establishment and delimitation of the EEZ by one or both of the countries, other limits may be drawn, provided that the Convention does not require the imposition of a common boundary between the seabed and the surface waters.

The second reason for establishing separate boundaries is because issues arising on the seabed and subsoil of the EEZ are regulated by reference to regulations governing the continental shelf and the two distinct boundaries can be established even if overlapping EEZs are demarcated for the first time, i.e. without an existing continental shelf.<sup>31</sup>

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<sup>29</sup> Rozakis, C. (2015). *The exclusive economic zone and international law*. Athens: Papazisi. (In Greek)

<sup>30</sup> Ibid.

<sup>31</sup> Tzimitras, H., G. (1996). *Entitlement v. Delimitation: The Continental Shelf of Islands in International Jurisprudence*. Diss. Panteion University of Social and Political Sciences. (In Greek)

It should be emphasized, however, that in practice the vast majority of EEZ delimitations already agreed upon, the EEZ limit is strictly the same as the Continental Shelf limit, with the sole exception of the 1978 agreement between Australia and Papua - New Guinea Prefecture. It should also be noted that, although it is generally desirable to achieve the absolute coincidence of the EEZ and continental shelf boundaries, these boundaries should in any case be a 'fair solution', making agreeing on a common boundary a particularly difficult task in many cases.<sup>32</sup>

This difficulty stems from the indication that a limit that is probably fair for the EEZ waters may not be fair for its seabed, i.e. the Continental Shelf, due to the different considerations associated with achieving a just solution in each case. The location of the fish stocks in the case of the EEZ can be mentioned as such a criterion on the one hand, and the geological characteristics of the seabed and the mineral resources of the subsurface in the case of the Continental Shelf. It follows from the EEZ delimitations that have been agreed to date that the majority uses the principle of the mean line distance with minor modifications as a basis, sometimes to take into account specific circumstances.

In addition, the provisions of the Montego Bay Convention for the Coastal State provide for other rights which do not arise directly from the EEZ arrangements but derive from other regimes, such as the right of continuous pursuit, of the freedom to deploy underwater cables, and pipelines, the right to carry out drilling for various purposes and the exploitation of subsoil by constructing tunnels regardless of the depth of the surface water.<sup>33</sup>

The particularly large extent of the powers exercised by the coastal State within the spatial area in which the EEZ extends has a direct impact on the rights and freedoms of third States, respectively, about what was in force under the previous zones. There arises, therefore, the need to find a method that will ensure the right balance between the rights of the coastal state and the institutionalized freedoms of third states. Third countries within the EEZ have access only to freedoms of communication and transit.<sup>34</sup>

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<sup>32</sup> Hellenic Society of International Law and International Relations. (2005)

<sup>33</sup> Karakostanoglou, B. (1998). *The Exclusive Economic Zone in the New Sea Law: The Legal Regime Focusing on Fisheries*. Diss. Aristotle University of Thessaloniki (AUTH). School of Law, Economics and Political Science. Department of Law

<sup>34</sup> Article 58 of the UNCLOS III Convention (1982)

The above characteristics of the EEZ have as a result, in contrast to the other functional zones, a serious questioning of its legal status. EEZs have multiple functions, and their implementation has necessitated a definition of their rights, as well as their obligations. The EEZ regime is therefore a manifestation of a shifting paradigm from state functions to state duties and represents the balance between the exclusive use of the maritime zone by the coastal State and the permitted uses of third countries in that zone.<sup>35</sup>

The highest obligation of the States is to recognize and respect each other's rights and obligations. This reflects the principle of equal access to the sea within the Exclusive Economic Zone by its various users and competitors.

The emphasis on the duties of states is a remarkable feature of the new international law of the sea, as evidenced by the careful analysis of the Convention, in which for each right a provision of corresponding weight and importance is provided. Additionally, the general provisions of the Convention require the signatory states to fulfill in good faith the obligations imposed upon them by the Convention and to exercise the international rights, jurisdiction, and freedoms that are granted in it.<sup>36</sup>

The EEZ is the result of a compromise reached between states that sought little or no coastal state powers beyond their territorial sea, and those states that promoted and supported the 200-nautical-mile territorial sea. This compromise proved to be quite effective in practice as many states from the group of those who wanted a territorial sea of 200 nautical miles accepted the Convention and ratified it, while some established EEZs of 200 nautical miles.<sup>37</sup> The EEZ's ability to prevent the extension of the territorial sea to 200 nautical miles, however, depends largely on how these rights and responsibilities are exercised and complied with by the coastal state, as reflected in the wide range of rights and jurisdictions of the coastal state. The practice of the coastal States in their EEZ, as well as the manner that this jurisdiction is applied in practice, largely determine the success of the EEZ regime.

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<sup>35</sup> Karakostanoglou, B. (1998). *The Exclusive Economic Zone in the New Sea Law: The Legal Regime Focusing on Fisheries*. Diss. Aristotle University of Thessaloniki (AUTH). School of Law, Economics and Political Science. Department of Law

<sup>36</sup> Hellenic Society of International Law and International Relations. (2005).

<sup>37</sup> Karakostanoglou, B. (1998). *The Exclusive Economic Zone in the New Sea Law: The Legal Regime Focusing on Fisheries*. Diss. Aristotle University of Thessaloniki (AUTH). School of Law, Economics and Political Science. Department of Law

The sovereign rights of the coastal state in the EEZ are not the same and should not be confused with the homonymous rights deriving from the full sovereignty exercised by the state on its land or in its territorial sea.<sup>38</sup>

The sovereign rights granted to the EEZ are limited and apply only for financial uses. Essentially, these are economic sovereign rights, e.g. operational rights oriented strictly and restrictively to the economic uses of maritime space.

In addition, it should be emphasized that for the exploration and exploitation of natural resources "rights ... are exclusive, in the sense that, unless the coastal state does not explore the continental shelf or exploit its natural resources, no one can carry out such activities or to claim the Continental Shelf"<sup>39</sup>, without the explicit consent of the coastal state. In this case, the exact content of the sovereign rights that the coastal state has at the bottom and the subsoil of the EEZ is clarified, provided of course that it is demarcated by the coastal state.

The essential difference stems from the fact that the exploitation of the resources of the Continental Shelf does not require their establishment, as is required for the rights of the EEZ. It is therefore concluded that the sovereign rights over the natural resources of the overlying waters are different, as the establishment of the EEZ by the respective coastal state is required for the exclusive exploitation regime to apply to the coastal state and to grant it all the consequences of its enactment of the EEZ rights.<sup>40</sup> The status of the seabed, regulated by the provisions for the Continental Shelf, stems from the fact that the Continental Shelf is an underwater continuation of the land terrestrial state, which is not the case in the EEZ.<sup>41</sup>

### 1.1.8 High Seas

A high seas region covers all marine terrain that is not considered part of a state's Exclusive Economic Zone, territorial sea, interior waterways, or archipelago waters. The Montego Bay Convention and other international law standards govern offshore

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<sup>38</sup> Rozakis, C. (2015). *The exclusive economic zone and international law*. Athens: Papazisi. (In Greek)

<sup>39</sup> Tzimitras, H., G. (1996). *Entitlement v. Delimitation: The Continental Shelf of Islands in International Jurisprudence*. Diss. Panteion University of Social and Political Sciences. (In Greek)

<sup>40</sup> Tzimitras, H., G. (1996). *Entitlement v. Delimitation: The Continental Shelf of Islands in International Jurisprudence*. Diss. Panteion University of Social and Political Sciences. (In Greek)

<sup>41</sup> Rozakis, C. (2015). *The exclusive economic zone and international law*. Athens: Papazisi. (In Greek)



freedom. The high seas are open to all states.<sup>42</sup> This freedom includes, among others, coastal and landlocked States' freedom to (a) navigate freely, (b) overfly freely, (c) build artificial islands and other facilities allowed by international law and (d) install underwater cables and pipes,<sup>43</sup> (e) freedom of fishing,<sup>44</sup> (f) freedom of scientific research<sup>45</sup> of other States as well as the rights granted by the Convention relating to activities within the Region. No state can claim any part of the high seas as its own territory under international law since the high seas are for peaceful purposes.

#### 1.1.9 Engraving Methods EEZ

According to the 1982 United Nations Convention on the Law of the Sea, a state is not required to use a certain technique for establishing its exterior boundary. The methods are the same as those used to draw the outer boundary of the coastal zone. The methods of drawing up the EEZ are analyzed below:

##### *Method of parallel engraving*

In this method, the delineation is a parallel line that follows the coastline of the state and is usually applied to coasts where the coastline is continuous. The coast and its parallel create a sea area that depends on the width of the coastal zone defined by the state, which is the inner boundary of the EEZ, and based on this its outer boundary are drawn.

##### *Polygonal engraving method*

In this method, the alignment is done with straight lines parallel to the baselines which connect the capes of the state and, based on these, the external boundary of the EEZ is created.

##### *Semicircle method*

In this method, specific points are selected which are used to draw the line. These points are as far from the shore as the width of the coastal zone set by the state. With the center of each of them and with a radius equal to the width of the EEZ the regions of the circles intersecting each other are drawn. When the points of intersection of the circles are joined, the zigzag is created, which is the outer limit of the EEZ.

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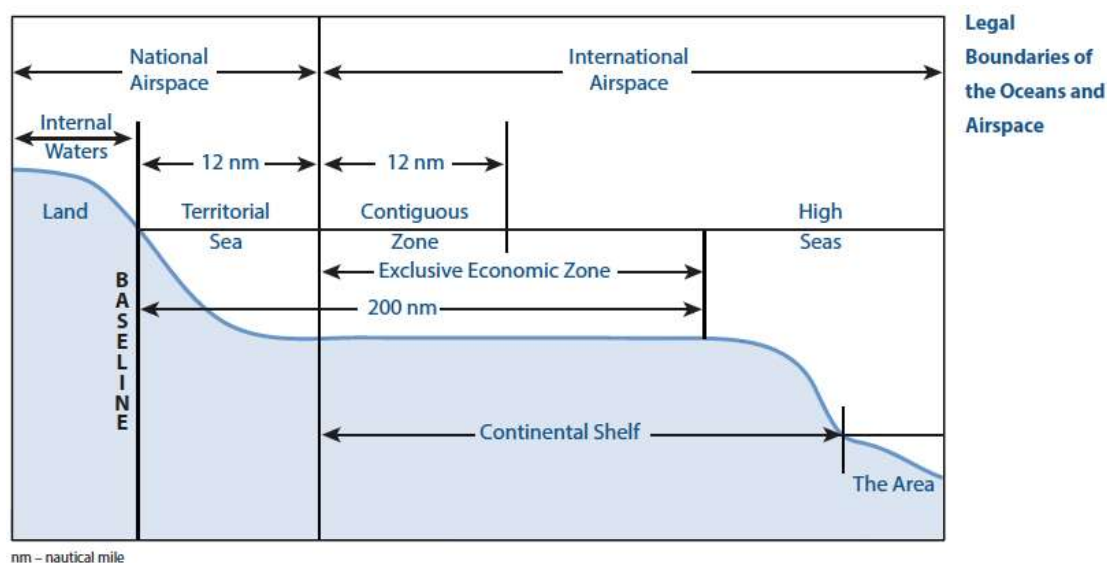
<sup>42</sup> Articles 87 - 89 UNCLOS Convention (1982)

<sup>43</sup> Subject to the provisions of Part VI UNCLOS Convention (1982)

<sup>44</sup> Subject to the conditions set out in Section 2 UNCLOS Convention (1982)

<sup>45</sup> Subject to the provisions of Parts VI and XIII UNCLOS Convention (1982)

Generally, the principle of equal distance is applied, which when applied to neighboring states gets done as the lateral line, and when applied to states whose coasts are opposite each other, it gets done as the middle line. More specifically, the lateral line is a vertical line on the coast that separates the two states, with each point being the same distance from the nearest locations from which the inner limit (baseline) of each state's coastal zone is measured. The center line is a line that is equidistant from the baseline lines of each state's coastline zone.



**Figure 1:** Maritime Zones (Source: <https://sites.tufts.edu/lawofthesea/chapter-two/>)

## 1.2 Legislative Framework

The International Court of Justice stated in paragraph 133 of its decision in the Tunisia / Libya Continental Shelf Case (1982): "described by the same term - continental shelf - in other sciences." The legal idea of the continental shelf has evolved to include "any portion of the seabed that is in some connection to the shores of a neighboring state, regardless of whether it bears the exact qualities that a geographer would assign to a continental shelf." As a result, the Geneva Conference of 1958 determined that the continental shelf extends to the point where the water depth surpasses 200 meters, but that if seabed exploitation occurs at a depth more than 200 meters, the continental shelf extends to this point as well.

The Truman Declaration, issued in 1945, signaled the start of state claims and disputes over the continental shelf.<sup>46</sup> The delimitation of national sovereignty zones between states with nearby or adjoining beaches has arisen as a key political and legal issue in international relations. The Second Conference on Limiting the Size of the Coastal Zone in Geneva failed in 1960. The development of the idea of the continental shelf in the 1950s and 1960s, as well as the creation of huge fishing zones and EEZs by virtually all coastal nations under the 1982 UNCLOS, resulted in worldwide demarcation concerns. Similar concerns would occur if most nations extended their shorelines to the legal 12nm border; nevertheless, a significant number of continental shelf and shoreline demarcation agreements, as well as fisheries demarcation agreements, have been negotiated.

According to the 1982 Convention on the Law of the Sea, all coastal governments must have a continental shelf that extends at least 200 nautical miles from baselines, regardless of the breadth of their geological continental shelf. A sophisticated method of delimiting the continental shelf was added in the 1982 Convention, which does not adhere to the geological notion of the continental shelf or other scientific facts, but instead combines political agreements aimed at maximizing the exploitation of governments' underwater resources. If the geological continental shelf extends up to 200 nautical miles, the seabed overlaps with the EEZ seabed at this distance. As a result, for continental shelves less than 200 miles long, the EEZ coincides and only the EEZ delimitation is necessary. However, if the continental shelf extends beyond 200 nautical miles, the sea above the continental shelf beyond 200 nautical miles is open sea.

As a result of the formation of the continental shelf legislation, the coastal state now enjoys all of the rights that allow for the exploitation of the continental shelf under the Geneva Convention 1958, the LOSC Convention 1982, and customary law.

Differences in demarcation are the price that coastal governments pay for extending national sovereignty zones. Such disagreements have resulted in significant judicial rulings. Furthermore, because of wide maritime areas with significant offshore industries, such as the South China Sea, the eastern Pacific, and the Caribbean, it is

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<sup>46</sup> According to Professor C. Rousseau, the Truman Declaration established the foundation for a theory that supported coastal states' claims over the continental shelf. According to her, there was a need to safeguard, conserve, and sensibly use the natural richness of the seabed as a result of the finding of oil and other minerals on the US continental shelf. The Truman Declaration did not assert full territorial sovereignty over the continental shelf, but rather referred to jurisdiction and control based on the fact that the coastal state viewed the continental shelf to be a natural extension of the land.

clear that demarcation issues will continue to be a source of consternation for busy state officials, international law experts, and geographers for many years to come.<sup>47</sup>

### 1.2.1 The Delimitation of the Continental Shelf between Opposite or Adjacent States

From the beginning of the notion of the continental shelf, it was assumed that physical characteristics were so diverse that it would be difficult, if not impossible, to develop clear and explicit standards for the delimitation of marine zones and the establishment of maritime borders between nations. The arbitral tribunal stated in the Guinea-Bissau Arbitration Case (1985): "The specified causes and procedures are the consequence of legal regulations, even though they emerge from physical, mathematical, historical, political, economic, or other considerations. They are not, however, limited in number, and none of them are binding on the court since, as the International Court of Justice has stated, each delimitation case is unique. Where variables have an impact, the court must gather and identify them. It is the outcome of the circumstances of each instance, particularly the unique qualities of the place".<sup>48</sup>

The principle of equal distance (middle / lateral line) was established as the basic method of delimitation in Article 6 of the Geneva Convention, except in special circumstances: states whose coasts are opposite to each other, the boundaries of the continental shelf are determined by agreement between these states. In the absence of agreement, and unless specific circumstances necessitate a different definition of these boundaries, they shall be established by the midline, each point of which is equidistant from the nearest baseline locations from which each of these States' coastal zone is measured. If the same continental shelf is near the borders of two neighboring States, the continental shelf's limits should be set by agreement between those states. In the absence of agreement, and unless extraordinary circumstances warrant a different definition of the borders, this decision shall be determined using the concept of equal distance from the nearest points of the baselines from which the breadth of each of these States' coastal zone is measured. The practice of States Parties to the Convention was prescribed by the Convention, but the practice of non-Contracting Parties did not end

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<sup>47</sup> Lagoni, R. (1984). Interim measures pending maritime delimitation agreements. *American Journal of International Law*, 78(2). pp.345-368

<sup>48</sup> Evans, M., D. (1994). Delimitation and the common maritime boundary. *British Yearbook of International Law*, 64(1). pp.283-332.

in custom.<sup>49</sup> In the case of the continental shelf, international jurisprudence supported the principle of the uniqueness of each maritime border. The Court stated in *Tunisia / Libya* (1982) that "each dispute on the continental shelf must be considered based on its components about its circumstances." As a result, there is no need to make an extra effort here to establish concepts and laws about the continental shelf."<sup>50</sup>

The delimitation of the continental shelf between nations with near or neighboring coasts has resulted in heated debates and confrontations, as well as a plethora of contractual agreements and case law. A considerable proportion of disagreements were settled by consensus.

- North Sea Continental Shelf Case (1969), Franco-British Dispute over the English Channel (1977),

- Case of demarcation of the Continental Shelf between Libya and Malta (1985) and Tunisia and Libya (1982),

- Gulf of Maine case between Canada and the United States (1984) and

- The Guinea-Guinea-Bissau case (1985) has occupied the International Court of Justice and other arbitration and judicial bodies and committees for several years.

- Iceland-Norway dispute over the Jan Mayen (1993) continental shelf resolved by compromise.

The provisions of the 1958 Geneva Convention for the Continental Shelf are similar to those in the 1958 Geneva Convention for the Seaside and Border Zone, which provided for a midline and equal distance the triple rule agreement / equal distance-special circumstances with only distinction the emphasis should be given to the demarcation by agreement and still no reference should be made in the case of a historical title as a special occasion.

The middle line and the line of the equal distance vary in that one is a line that divides in half the sea area between the object coasts, whilst the second is a line that extends perpendicular to the baseline from which the coastal zone is drawn. In this situation, the equal distance refers to the baseline rather than the regions to be apportioned on the surrounding coastlines.

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<sup>49</sup> Many nations have been discussing the delimitation of their marine zones since the adoption and entrance into effect of the 1958 Geneva Conventions. Attempts to negotiate bilateral demarcation agreements have not always been successful, and subsequent disputes began to be addressed to the Court in the late 1960s.

<sup>50</sup> Koh, T., B. (1987). The territorial sea, contiguous zone, straits and archipelagoes under the 1982 Convention on the Law of the Sea. *Malaya Law Review*, 29(2). pp.163-199.

The line of equal distance can have variable consequences on the partition of the continental shelf depending on the orientation of the coast. If an intermediary line connecting the object states offers equal amounts of the continental shelf to each state, the exceptional circumstances' corrective function may be restricted. However, if a line of a similar distance between adjacent states provides unequal segments, the exceptional circumstances' corrective effect may be more extreme.

These views can be limited solely in the case of neighboring states, leaving some privileged position in the case of object states at an equal distance. Any reference to the notion of equal distance was dropped in the Third United Nations Conference on the Law of the Sea, which adopted a single lenient criterion for demarcating the continental shelf and the EEZ between nearby and object nations.<sup>51</sup> Nonetheless, equal distances can continue to play an essential role in talks on interim boundary delineation and the delimitation of EEZs and fishing zones, which have fewer grounds for contention than the continental shelf.<sup>52</sup>

#### 1.2.2. The Demarcation of the EEZ between Opposite or Adjacent Coasts

Although the concept of extending a coastal state's rights beyond the confines of the coastal zone is not new, the focus on the construction of an Exclusive Economic Zone (EEZ) was placed by governments that did not have a geologically defined continental shelf. A short distance from their beaches, seafloor variation is fairly considerable.

Even before the 1982 LOS Convention, international case law recognized the EEZ as a customary international law organization. The EEZ encompasses a network of rights and duties of coastal and other governments based on the acknowledgment of sovereign fishing rights and the safeguarding of marine riches in favor of the coastal state. At the same time, on the high seas, there must be a balance between the interests of the various parties and the international community.

EEZ delimitation concerns were among the most contentious topics brought before the Third United Nations Conference on the Law of the Sea. There was a clear

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<sup>51</sup> Articles 74 and 83 UNLOS Convention (1982)

<sup>52</sup> O'Connell, D., P. and Shearer I., A. (1982). *The international law of the sea*. Vol. 1-2. Oxford: The Clarendon Press. pp.635-639

fear that these concerns, which indicated fierce competition between states promoting the approach of equal distance and those advocating trust in the principles of leniency, would go unsolved and threaten the Conference's overall effectiveness.

Finally, the 1982 LOS Convention regulations governing the delimitation of the EEZ between states with close or near coasts are identical to those governing the delimitation of the continental shelf. The language used by the International Court of Justice in many of its rulings is meant to address a wide range of delimitation disputes. Its content is distinguished by three elements: a) agreement-based delimitation, b) the content of the delimitation agreement complies with the rules of international law, primarily custom and conditions, and c) the delimitation agreement, and thus the application of the rules of international law to which the agreement is adopted, result in a just solution.

The LOS Convention adopted the distance requirement for interpreting the continental shelf. "The continental shelf of a coastal state consists of the soil and subsoil of the submarine areas that extend beyond the coastal zone through the natural extension of the land to the continental shelf's outer boundary or at a distance of 200 nm, from which the width of the seashore zone when the continental shelf's outer frame does not extend beyond this distance."

In general, the concepts of demarcation are similar, especially when the coastlines involved are fewer than 400 miles apart. However, there are discrepancies in the balance of leniency elements, particularly when the regions to be defined in the EEZ are more significant due to rich catches than for exploitation of oil or minerals. Both concepts, the continental shelf and the EEZ, coexist within the framework of customary law and the LOS Convention system. They are based on multiple degrees of the idea of the neighborhood and the distance requirement and are aimed at regulating financial resources.

The EEZ is of interest for a continental shelf at its bottom in a 200-nautical-mile zone. However, there are substantial variations between these two legal regimes in terms of natural resource exploitation and extraction rights, as well as the degree of each zone's sovereign rights.

In this context, state practice and international court rulings on the delimitation of specific maritime boundaries are critical. As in the Gulf of Maine, such a barrier divides areas of distinct regimes, such as an EEZ and a 200-mile fishing zone (1984). The Department's ruling in this instance used leniency criteria that were essentially

comparable to those used on the continental shelf. Simultaneously, he emphasized the need of using criteria that are particular to a multidimensional demarcation, such as cumulative regulation for the continental shelf and above waters.



## CHAPTER 2: THE HISTORICAL EVOLUTION OF THE EEZ

Many of the most significant economic, military, and diplomatic exchanges in contemporary's multipolar international environments happen at the provincial level. This is not for a reason that is complicated to explain, but because at the regional level, neighborhood and proximity between states play a more important role than in the international system. Thus, countries that do not have much weight at the global level have a much greater impact on their neighbors, at the regional level. At the same time, they are equally affected by their neighbors.<sup>53</sup> After the collapse of the Soviet Union some thirty years ago, which marked the end of the bipolar world, and after a brief break in US monopoly power, the multipolarity of the international system seems to have taken hold.<sup>54</sup> This in turn increases the importance of peripheral security clusters as well as their subsystems.

The Eastern Mediterranean belongs to such a frame of reference, which is a distinct regional subsystem and occupies international news, attracting global interest as few places in the world. But things were not always like that. The subsystem that for centuries has been the focus of international fermentation was the Middle East and the rest of the neighboring regions were defined by it as a reference base. The most recent example is North Africa, which gained special geopolitical value after the Arab Spring in 2011 and the rise of jihad. The political developments in North Africa were not examined independently but the region was considered as the MENA subsystem (the Middle East and North Africa), as an extension of what is happening in the Middle East. Even then, the Eastern Mediterranean was nothing more than a geographical division of the Mediterranean, characterized by a high degree of cohesion.

### 2.1 The practice of demarcating states

Maritime delimitation agreements are a representation of states' practice in delineating limits between items and neighboring states. Governments' systematic

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<sup>53</sup> Haass, R. (2018). *A world in disarray: American foreign policy and the crisis of the old order*. Penguin. p.151

<sup>54</sup> Litsas, S. N. and Tziampiris, A. (2016). *The Eastern Mediterranean in transition: Multipolarity, politics and power*. Routledge

practice on maritime border delineation was noted after 1940 when states made substantial declarations of the continental shelf and exclusive fishing zones.

Coastal governments have sought to delimit more than 130 nations since 1940, but some remain unresolved. Furthermore, several disputes were resolved in international courts, arbitrations, and commissions, which did not give much weight to state practice, despite the parties submitting to the International Court of Justice excerpts from their memorandum containing the text of several agreements and maps.

Delimiting EEZs and obtaining an agreement among governments entails political, strategic, and historical concerns. Some of the factors that influence the negotiation or delimitation of the EEZ are political and economic factors, bilateral agreements between the parties, security issues, military or geopolitical constraints, relations between the parties and national interests, navigation security, and hydrocarbon deposits. Furthermore, topics of national importance: If the delimitation of the EEZ or a fishing zone, for example, might modify the maritime borders. The delimitation procedure also includes economic and environmental studies based on scientific data. Another major factor is the shoreline and the characteristics of the parties' coastlines. The utilization of islands, rocks, and islets is a significant aspect of the final delineation. Finally, consider how maps, baselines, and surface and underwater measurements are created.

In its application to coastline delimitation, international courts and tribunals have strengthened the notion of leniency by rejecting economic factors unless in cases when such rejection would have disastrous consequences for the governments involved in existence and economic success. Demarcation agreements, on the other hand, do not play such a limited role in economic conditions and should not be overstated as the single determining factor. Politicians have an important role in determining whether a maritime border will be debated or decided in court. However, there is no evidence that judges consider political factors when limiting such. Historical events can have an impact on both given and traded borders.

Geological and geomorphological aspects were taken into account by the parties in one-third of the agreements where they were present but neglected in the other two-thirds. In terms of how the islands have been treated, they have received full, partial, or no results, and in some cases, the same island has been treated differently in various accords. There is a range of alternatives, including equal-distance solutions, regardless of the relative coastline links between the islands and the mainland.

Because state governments might agree on a suitable line and base the agreement on any visa, they think appropriate, it is impossible to determine the precise function of geographical visas in demarcation agreements as a whole. All agreements that establish an equal distance line, either by name or by designating a sequence of equidistant sites, are deemed geographically inspired by definition. This function is clear in agreements based mostly on equal distance, but in others, the geographical component is one among a collection of circumstances that occur. Numerous layouts that form a line of equal distance between items of comparable size on the coast are examples. Furthermore, in other circumstances, the deviation from the equal distance line is due to a unique and complex geographical environment.

Each situation must be thoroughly examined in light of the historical significance, the problem of security, as well as the political, geographical, and economic implications, which must be considered or not. Equal distance solutions appear to predominate between objects that are more or less parallel and have comparable morphology and length. Between coastal objects of varying form and length, solutions that are not dependent on equal distance are discovered.

An equal distance border is frequently seen between adjacent coasts of equivalent shape and length, either as such or as a vertical in the general direction of the shore. Some boundaries, however, are drawn parallel to the junction of the land boundary and the shore. This line is frequently far from equal in length. In contrast to nearby coastlines with differing morphology, uneven distance solutions occur.

Newer statements are worth mentioning, such as the conversion of Iran's 50-mile fishing zone into an EEZ, the outer boundary of which would be set by bilateral agreement, and in the absence of a line, each point would be equivalent to the distance from the nearest point of the two states' baseline. It is also worth noting that one of the eight pieces of legislation issued in 1996 to implement the 1982 Convention and the 1994 Implementation Agreement for Part XI called for the use (if not agreed) of a midline when Japan's border zone meets the border zone of another state.

It has been suggested that the aspects of state practice are so diverse that the practice has not resulted in the development of an imperative norm. Because there are an infinite number of topographical and other factors that influence demarcation, it does not appear safe to derive a set rule that permits one to reliably forecast a maritime line. Furthermore, an *opinio juris* leading to the development of a distinct customary norm appears to be lacking, at least in circumstances where the Contracting States have

embraced the middle line without derogation since it benefitted them. On the other hand, it is clear that in the majority of the agreements, the parties opted to settle the marine delimitation along the equal distance line (middle / lateral line), after carefully considering all relevant facts, because it had a lenient impact. As seen by the later conduct of the states, these agreements were regularly honored and were not broken by any of the participants, indicating the formation of a system of customary law. According to the preceding analysis, ignoring case law developments, state practice has lowered equal distance to a basic norm of delimitation.

## **2.2 Cases Studies of EEZs around the World**

### 2.2.1 Case of Rockall

Concerning the islands' legal status, the contentious topic is whether the islands' legal status should be determined by socioeconomic reasons. Article 121 (3) of the LOSC states in this regard:

"Rocks that can not sustain their human habitation or economic life will not have an exclusive economic zone or continental shelf."<sup>55</sup>

As a result, the rocks only have the spatial sea and the contiguous zone.<sup>56</sup> The preceding rule, however, does not apply where a rock constitutes part of a baseline from which the nautical regions under national authority, namely the territorial sea, the EEZ, and the continental shelf, are measured. The article's evident goal is to prohibit excessive claims on the EEZ and continental shelf by restricting the capacity of "rocks" to generate such claims.

Because the phrasing is ambiguous, the meaning and implementation of the article may vary depending on the state. Rockall is an exemplary case. This islet, a small island less than a kilometer long, is located in the sea between Ireland and Iceland, but it is technically part of the United Kingdom. In 1974 and 1977, the United Kingdom declared a continental shelf and an exclusive fishing zone near Rockall. Ireland,

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<sup>55</sup> Article 121 (3) UNLOS Convention (1982)

<sup>56</sup> Van Dyke, J. M. (1989). The Role of the Islands in Delimiting Maritime Zones: The Case of the Aegean Sea 1. *Ocean Yearbook Online*, 8(1). pp.44-69.

Denmark, and Iceland have all expressed their displeasure. As a result, when the UK joined the LOSC in 1997, it abandoned the 200-mile fishing zone.<sup>57</sup>

The UK EEZ's exterior limit has been changed to reconcile the EEZ's restrictions with the LOS Convention. The UK no longer counts its fishing line from Rockall Island and instead counts it from the baseline from which St Kilda's territorial sea is measured, including the region into national legislation. This legislation limits UK fisheries to LOS Convention compliance on rocks that cannot sustain human habitation or economic life. The abandoning of a vast offshore route from the United Kingdom is of special relevance.<sup>58</sup>

In reality, coastal states are uncommon in incorporating the LOSC article into national policy. According to the article, with the noteworthy exception of Rockall, coastal nations seldom forgo the development of EEZs or continental shelves around marine formations because they are rocks. A prominent example is the ruling of Norway's Supreme Court on May 7, 1996. In this case, the Supreme Court found that Abel Island, which encompasses 13.2 square kilometers, was too vast to be considered a "stone" in the sense of the article, and therefore the island could sustain a significant polar bear hunt provided it was not prohibited for conservation reasons.<sup>59</sup> Overall, proof of "extensive and largely consistent" government behavior respecting the article is difficult to come by. As a result, it is dubious if it represents customary international law.

### 2.2.2 Case of Malta

The International Court of Justice issued its decision on the matter of the Libyan Jamahiriya-Malta continental shelf on June 3, 1985. For a fair outcome, a center line should be drawn so that it is equidistant from every point on the coasts of Malta and Libya. The Court is asked to assess which principles and norms of international law apply to the delimitation of the Malta continental shelf and the Libyan continental shelf,

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<sup>57</sup> Anderson, D. H. (1997). British Accession to the UN Convention on the Law of the Sea. *International & Comparative Law Quarterly*, 46(4). pp.761-786

<sup>58</sup> Barston, R. (1999). The Law of the Sea and Regional Fisheries Organisations. *The International Journal of Marine and Coastal Law*, 14(3). pp.333-352

<sup>59</sup> Churchill, R. (1996). Norway. *The International Journal of Marine and Coastal Law*, 11(4). pp.576-580

as well as how such principles and rules might be used in practice by both parties in this region.

The parties agreed on the Court's responsibility to explain the principles and norms of international law applicable to the case, but they disagreed on how the Court should indicate how those principles and rules should be applied in practice. Malta believes that the present principles and norms should be put into reality by drawing a specific line (in this case, a middle line), but Libya contends that the Court's role does not include drawing the borderline.

Concerning the ruling's scope, the Court notes that the delimitation called for in the judgment applies exclusively to sections of the continental shelf "belonging" to the parties, except places where third States may also be engaged. Despite the party's request that the Court not limit its judgment to an area where they are the only competing countries, the Court decided that it was not free to do so, given Italy's involvement in the proceedings in 1984, which sought an intervention order that the Court could not accept. Thus, the Court gives Italy the protection it sought by interfering.

In terms of geological conditions, which were previously considered by international courts to be related to the continental shelf, the International Court in Libya / Malta ruled that because the title on the continental shelf is now based on a distance criterion of the continental shelf within 200 miles, the geological and geomorphological conditions were irrelevant in the case of the continental shelf delimitation within 200 miles.<sup>60</sup> This is especially true when the delimitation comprises not only a continental shelf border but also an economic zone boundary.<sup>61</sup>

In contrast to the zone of 200n.m, the International Court of Justice rejected the concept of natural expansion in connection to all claims of the continental shelf. The court also dismissed Libya's contention that Malta's size was superior, adding that it could not accept it as a significant condition because the country's size was never considered the basis of the continental shelf title. The capacity to gain continental shelf rights is determined by authority over the land rather than its size; particularly from the land's marine projection, where territorial sovereignty activates rights on the continental

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<sup>60</sup> Brown, E. D. (1997). Dispute settlement and the law of the sea: The UN Convention regime. *Marine Policy*, 21(1). pp.17-43.

<sup>61</sup> Churchill, R. and Ulfstein, G. (2005). *Marine management in disputed areas: the case of the Barents Sea*. Routledge

shelf. As a result, the concept of neighboring as defined by distance is purely focused on the coastline and not on the size of the land.<sup>62</sup>

However, the Court concluded in this case that the presentation of the distance criterion did not result in the attribution of any particular validity to the method of equal distance as a general rule, a mandatory delimitation method, or a method whose application must be checked on a case-by-case basis.

### 2.2.3 Case of Beaufort (USA-CANADA)

The topic of a single sea border was highlighted in the arbitral decision for the Gulf of Maine delimitation (1984), in which the International Court of Justice was urged to draw a single delimitation line for the continental shelf and overland waterways. There is no rule of international law that prohibits the marine delimitation of two distinct elements with a single line, and keep in mind that this can be accomplished by employing a criterion or combination of criteria that does not favor one of the two (continental shelf and surface waters).<sup>63</sup>

The geographical requirements were also deemed critical in the Gulf of Maine Case (1984) between the United States and Canada over Georges Bank's<sup>64</sup> rich fishing grounds and hydrocarbon potential. The major point of contention was the two countries' competing claims to the resources of the large fishing area of Georges Bank in the Gulf of Maine.

The Court rejected both the states' previous behavior, as well as geological factors relating solely to the seabed and ecological factors relating to the waters above and thus the American position proposed as a natural limit by the Northeast Channel, which attributed the Georges Bank on the US side. The US contended that the biological features of the delineated region should be considered and that they should be granted the full area of the Georges Bank fishery, whilst Canada supported the median line. In rejecting the limit of a fishing zone other than the continental shelf, the Court selected customary law as the appropriate law for both zones. In light of the principles of leniency, the Court endeavored to find the parameters that would allow it to achieve the

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<sup>62</sup> Churchill, R. and Nordquist, M. (1977). *New Directions in the Law of the Sea*. p.284

<sup>63</sup> Quince, C. (2019). *The Exclusive Economic Zone*. Vernon Press. p.137

<sup>64</sup> Georgia Bank is considered one of the richest fisheries in the world and is considered one of the most important suppliers of oil and gas. The Gulf region has been the subject of controversy for decades.

parties' agreed limit. This indicated the selection of a single dual-character border, which precludes the adoption of any criterion that would be in formal and exclusive relevance to the special features of one of the two sides (continental shelf and EEZ) that had to be delineated. As a result, the Court sought impartial criteria that would fit better into a multi-objective delineation and came up with topographical data about the structuring of the two states' beaches to arrive at a zigzag line.<sup>65</sup>

According to the Court, demarcation must be done by agreement and with the genuine goal of achieving a favorable result. If no agreement can be achieved, the demarcation must be mediated by a third party with the required expertise. The delineation must adhere to leniency principles and employ realistic approaches that assure a fair outcome. Geographical configuration and other essential factors must be considered for this purpose. The demarcation line was also thought to be influenced by the topography of Maine's Gulf Coast. The Court determined that socioeconomic conditions such as reliance on fisheries, exports, and scientific research might be political and economic, but only if a demarcation line was formed based on these factors. At this point, the Court may transfer the burden to additional factors related to the rule of law that might be considered to guarantee a fair decision.<sup>66</sup>

After evaluating all these essential conditions, verification of all of the necessary circumstances of Georges Bank's fair separation would follow. Both the concept of natural extension and the geological and physical structure of the land and its natural resources were deemed unnecessary to consider.

The court relied on objective factors such as evidence unrelated to the continental shelf or the EEZ. The Court resorted to geographical variables that were important. In this case, the United States and Canada concluded, persuaded by the Court's decision, that the Gulf bottom was a distinct, homogeneous, single continental shelf and that the Northeast Channel was not a geologically significant feature of the seafloor. The Department established the Northeast Channel as a recognized barrier to the maritime environment.

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<sup>65</sup> Trendl, T. J. (1987). Maritime Delimitation and the Gulf of Maine Case: A Guide for the Future or Merely Slicing The Pie." *Southern Illinois University Law Journal*, 12. p.599.

<sup>66</sup> Icj-cij.org. (1984). Latest developments | Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)| International Court of Justice. [online] Available at: <https://www.icj-cij.org/case/67>.



As a result, while the Court did not dispute that a boundary line may follow a distinct natural boundary, the Court took the opinion that in this situation, there were not enough evident and irrefutable geological, geomorphological, biological, or other criteria to define a unique, unobtrusive border. The Commission emphasized that the United States and Canada had effectively handled fisheries management challenges through international agreements in the past.<sup>67</sup>

### **2.3 Case Study of the Exclusive Economic Zones between Greece and Turkey**

Greek-Turkish relations have always been characterized by a tension between them, except in intermediate periods of de-escalation. Issues such as the demilitarization of the Eastern Aegean islands, the Greek minority in Turkey and the issues of the Patriarchate of Constantinople, the Muslim minority of Thrace, the Cyprus issue, the dispute over airspace, the issue of the EEZ and the continental shelf, have not allowed the two countries to build a relationship of good neighborliness and mutual trust. Of the above points of contention, although all are levers of pressure at the diplomatic level, the ones that pose significant challenges and are directly linked to the modern energy map of the Eastern Mediterranean are the issues concerning airspace control and the exercise of EEZ rights and continental shelf.<sup>68</sup>

With the emergence of the EEZ as a legal concept following a relevant report by US President H. Truman within the newly formed UN, many states, including Greece, have decided to exercise their rights under it, mainly in the form of licensing for the exploration and exploitation of hydrocarbons. Greece had shown interest in granting licenses since 1969, without any sign of protest from Turkey, but this situation gradually changed in the 1970s, when Turkey showed a similar research interest, in the years 1973, and 1974, at a time when the attention of Greece was monopolized by the Cyprus issue.<sup>69</sup>

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<sup>67</sup> Churchill, R. and Nordquist, M. (1977). *New Directions in the Law of the Sea*. p.284

<sup>68</sup> Syrigos, A. (2015) *Greek-Turkish relations*. Athens: Patakis. (In Greek)

<sup>69</sup> Alexandris A., Veremis, T., Kazakos, P., Koufoudakis V., Rozakis C.L. and Tsitsopoulos, G. (1989) *Greek-Turkish Relations 1923-1987*. Athens: Gnosis Publications. p.276. (In Greek)

### 2.3.1 Facts and Events

The Mediterranean, geographically, is a special marine group, which includes sub-maritime areas, Gibraltar, Alboran Sea, Balearic Sea, Ligurian, Tyrrhenian, Adriatic, Ionian, Aegean Sea, relative to the oceans, it covers an area of 21 independent states. The Mediterranean is divided, into two submarine zones, by the submarine mountain range between Sicily and Tunisia. The most important part is the one that is developing between the coastal states of the SE Basin, Greece, Turkey, Syria, Lebanon, Israel, Egypt, Libya, and Cyprus. The presence of Greece in the region is recorded due to the complex of the SE Sporades (Dodecanese), with emphasis on the coasts of Rhodes, the island of Megisti (Kastelorizo, Ro, Strongili), Kasos, Karpathos, as well as Crete and Gavdos.

The Mediterranean is one of the most important geopolitical regional seas, of great strategic importance, as it connects Europe, Asia, and Africa with the main oil production and distribution countries between the Caspian-Caucasus and the Middle East.<sup>70</sup> In addition, Greece and the mentioned region have always played a significant geopolitical role in the planning of naval forces, which treated them as countries of geopolitical interest for the Mediterranean, the Dardanelles Straits, and the crossing of the Aegean.<sup>71</sup> It is a fact that these forces, the area between the 30th and 36th Parallel, have always been considered an area of interest to them. This is the so-called "intermediate area" which includes Suez, Lebanon, Syria, Israel, Iran, the Strait of Hormuz, Turkey, Cyprus, and Greece, through which the oil routes pass.

In terms of natural resources in the region in recent years, significant amounts of hydrocarbons have been discovered, at the point where the Greek, Cypriot and Egyptian EEZs meet in the so-called "Herodotus Basin" which is considered one of the richest energy regions in the planet. The discovered quantities of natural gas have catalyzed the geopolitical correlations in the region. Nowadays, the progress of technology and the elaboration of valid studies have made it easier to determine the

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<sup>70</sup> Tsaltas, G. and Kladou, M. (2002). Underwater Natural Resources in the SE Mediterranean with Emphasis on the Area Between Greece-Cyprus-Turkey. *Military Inspection*. pp.72-80. (In Greek)

<sup>71</sup> Mazis, I. (2013). Geopolitics of Hydrocarbons in the Southeastern Mediterranean: Greece-Israel-Cypriot Relations and the Importance of the EEZ of Kastelorizo. *Civitas Gentium*, 3(1)

existence of such deposits, both in terms of the exact location and in terms of exploitable quantity.<sup>72</sup>

But when it comes to wealth-producing resources, certainly, we should not be referring exclusively to the present or the immediate future. Although oil has been dominating the international chessboard for decades, and gas has also taken a prominent place in strategic energy planning, we must not forget that a relatively new mineral potential will play an important role in the future. These are hydrates, or hydrated hydrocarbons, which contain significant amounts of methane, which in turn can produce huge amounts of natural gas. The US has included hydrates in its strategic plans to cover possible reductions in gas production between 2020 and 2040. Between Cyprus and Rhodes, chemical measurements in the framework of international research projects have confirmed the existence of three independent volumes with hydrate deposits at a very shallow depth.

Historically, Greece, until July 1974, had made concessions in the exploitation of areas of the NE Aegean to international oil companies such as TEXACO, CHEVRON, and CONOCO. However, after the escalation of tensions with Turkey over the Aegean continental shelf, all existing agreements were frozen after the signing of the Verne Protocol in 1976. Under the Protocol, the two countries would limit oil exploration within their respective territorial waters until the resolution of the continental shelf dispute. For this reason, Greece, so far, has exploited only the exploitation of hydrocarbon deposits in the Prinos basin.

In particular, Turkey granted the Turkish State Petroleum Company (TPAO) permission to conduct oil exploration in 27 areas of the Aegean continental shelf on November 1, 1973. These areas are located east of a line drawn from the mouth of the Evros River to the south and west of the Greek islands of Chios and Psara. These regions' territory extended onto the continental shelves of several Greek islands. The Greek government responded verbally to the Turkish government on February 7, 1974, questioning the decision's legality. On February 27, 1974, Turkey responded by developing the view that there are vast underwater areas along and off the Turkish coast that constitute the natural extension of the Anatolian coast and therefore its continental

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<sup>72</sup> Tsaltas, G. and Kladou, M. (2002). Underwater Natural Resources in the SE Mediterranean with Emphasis on the Area Between Greece-Cyprus-Turkey. *Military Inspection*. pp.72-80. (In Greek)

shelf while the Greek islands lying very close to the Turkish coast they do not have their own continental shelf.

After a series of counter-appeals and mutual disputes and the extension by Turkey of the investigation area west of the illegal initial line and also deliberate delays on the part of Turkey for the meeting of experts from the two sides to draw up the disputes that would be settled by the International Court, it finally happened the meeting of delegations and experts of the Governments of Greece and Turkey in Bern on June 19 and 20, 1976.

The following summarizes Greece's position:

(a) the geographic and political cohesion of the Greek State's continental and insular regions.

(b) that the concerned Greek islands are connected to a continental shelf;

(c) the establishment of a demarcation line between the Turkish territories and the Greek islands on the seabed using the rule of the median line between opposing coasts.

The Greek position further claims that, aside from the application of the median line rule, there is no specific rule of customary international law requiring states on opposing sides of a common continental shelf to negotiate a boundary.

While the Turkish side contended that because the Greek islands were merely protrusions of the Turkish continental shelf, they could not have a separate continental shelf. The two nations had deployed forces in the Aegean Sea concurrently with their correspondence, and hostilities were on the verge of starting. Particularly, the Greek side had a naval force in the area from May 29 to June 4, 1974, while the Turkish hydrographic vessel Candarli and 32 Turkish Navy warships sailed along the western limits of the region that included the exploration licenses granted to the Turkish Oil Company.

The Turkish research vessel Seismic 1, along with a Turkish minesweeper and, at various times, Turkish aircraft, conducted surveys within the Greek continental shelf on August 7 and 8, 1976, when tensions between the two nations were at their highest. On August 9, the Greek government formally reaffirmed its reservation of its legal rights to the Greek-owned continental shelf in the Aegean Sea and urged the Turkish government to cease these activities and any other provocative post-war behavior. By conducting exploration on Greece's continental shelf, Turkey is infringing on Greece's sovereign rights, its exclusive right under international law to explore and exploit its

continental shelf, to preserve knowledge of its geophysical properties, to grant exploitation and exploration licenses, or to grant a license to conduct scientific research, and it is endangering the peace and security of the region.

Greece asked the UN Council to hold an emergency meeting on August 10, 1976. The same day, Greece filed a complaint against Turkey with the Secretary of the International Court of Justice over a disagreement over the boundaries of the continental shelves of Greece and Turkey in the Aegean and the parties' respective rights thereto. Greece submitted a request for temporary sanctions against Turkey on the same day as well. While the Court rejected Greece's request for temporary measures, it was able to partially satisfy the Security Council with this action. On the other hand, Turkey was successful in having the Greek application rejected as on December 19, 1978, the Court issued a ruling concluding that it lacked jurisdiction to consider the Application. This was Turkey's stance from the beginning of the Court proceedings, which was highlighted by her absence throughout the proceedings.<sup>73</sup>

For the process of exploitation of the deposits in the Aegean to proceed, the EEZ with Turkey must first be demarcated. In this context and for the final settlement of the disputes between the two countries in 2009, G. Papandreou proposed to the Turkish side the issues of continental shelf delimitation, the right to exploit hydrocarbons, access to the high seas and the "gray zones" to be submitted for arbitration at the International Court of Justice.<sup>74</sup> Although the Turkish response was initially positive, it nevertheless insisted on a bilateral settlement of the issues, a proposal that is viewed with distrust by the Greek side, as the process is based more on enforcement. The following year, the two sides agreed to set up a Supreme Council to resolve the issues, but to no avail. Law 4001/2011 was issued in 2011, which, as mentioned above, sets as a delimitation method the principle of an equal line, which, however, is rejected by Turkey, insisting on the arguments about "special conditions and a semi-enclosed sea".<sup>75</sup> Since then, there has been stagnation in Greek-Turkish, partly attributed to the economic weakening of Greece. The two countries focus more on issues of economic cooperation and maintaining a dialogue on the Cyprus issue.

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<sup>73</sup> Icj-cij.org. (1978). Latest Developments | Aegean Sea Continental Shelf (Greece v Turkey) | International Court of Justice. [online] Available at: <https://www.icj-cij.org/case/62>.

<sup>74</sup> Litsas, S. N. and Tziampiris A. (2016). *The Eastern Mediterranean in transition: Multipolarity, politics and power*. Routledge. p.124

<sup>75</sup> Syrigos, A. (2015) *Greek-Turkish relations*. Athens: Patakis. p.739. (In Greek)

Despite the stability of bilateral relations, developments in the energy sector in the Southeastern Mediterranean foreshadow future developments in the political field as well.

In addition, the economic weakening of Greece in the last decade, the refugee crisis, and the reduction of military spending in the years 2008 and 2013 from 3.1% to 2.1% of GDP respectively are perceived by the prevailing revisionist perception of Turkey as a weakness. After all, since it entered into the EU, Greece has made an effort to "Europeanize" the Greek-Turkish problems, playing on the one hand the role of mediator in the negotiation of a possible entry of Turkey into the EU and pursuing a policy of identifying Greek and European borders, responsibilities for safeguarding the integrity and stability of the region. Regarding the delimitation of the Cyprus EEZ, Greece has taken a neutral stance, supported the sovereign rights of the Republic of Cyprus, and called on Turkey to respect the rules of international law.<sup>76</sup>

### 2.3.2 Turkish CASUS BELLI and EEZ

In addition to its positions on the EEZ and the continental shelf, Turkey has also raised objections to the extension of Greek territorial waters from 6 to 12 nautical miles, stating, following a decision by the Turkish National Assembly, that it will consider the move to extend territorial waters as a cause of war (*casus belli*).<sup>77</sup> According to Turkey, such a move would severely restrict the freedom of the seas for itself. In particular, according to Turkey, the expansion of Greek territorial waters would reduce to 20% the Aegean Sea area that is now available. Greece firmly replies that it reserves every right of expansion, which it chooses not to exercise, except when it deems it appropriate.

It should be noted that the two sides also disagreed on the issue of negotiation on these issues, as the Greek side wanted a solution for each issue separately and Turkey a comprehensive solution for all issues, as mentioned above, which always burdened the bilateral relations. Besides, it should be clarified that Greece as an issue essentially recognizes only the delimitation of the continental shelf, while all other issues are the subject of the Greek-Turkish dialogue because Turkey raises them. The divergence of

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<sup>76</sup> Dimitsa, A. X. (2012). *Greek-Turkish Bilateral Disputes on the 21st Century: The Issue of the EEZ*. Piraeus: University of Piraeus (In Greek)

<sup>77</sup> Syrigos, A. (2015) *Greek-Turkish relations*. Athens: Patakis. p.254. (In Greek)

views between the two countries has been reflected throughout the bilateral contacts on Aegean issues, to this day.

The culmination of the *casus belli* was marked by the Turkish parliament's decision of 8 June 1995, a few days after the ratification of the Law of the Sea by Greece, which gave the Turkish government all powers, including those of military intervention, to defend the interests of the country. At the same time, it had already reacted to the prospect of adopting a fishing zone in the Aegean. In 1990, when it was proposed to create a community-exclusive fishing zone in the Mediterranean beyond 6n.m. reacted by claiming that such a thing would make it difficult to resolve the Greek-Turkish disputes and proposed the exclusion of the Aegean from the common fisheries policy. In another meeting, the Turkish representative requested co-management of fishery resources in the Aegean.<sup>78</sup>

In the Helsinki Agreement (1999), for accession to the EU, Turkey accepted that it would sign the Law of the Sea Convention, that it would resolve the existing Greek-Turkish issues until 2004, or that it would refer them jointly to the International Court of Justice in Hague (although it does not recognize its jurisdiction) and how it will meet all the Copenhagen criteria. So far nothing has been done.

Regarding the joint communiqué of July 1997, issued on the sidelines of the NATO Summit in Madrid (following interventions by then US Secretary of State Madeleine Jana Korbel Albright) and so often cited by Turkey, we must point out the following:

□ "The two countries will undertake efforts to promote bilateral relations, with mutual respect for their legitimate vital interests in the Aegean, which are of great importance for their security and national sovereignty [...]", but also "... a commitment to avoid unilateral actions to prevent conflicts due to misunderstandings".<sup>79</sup>

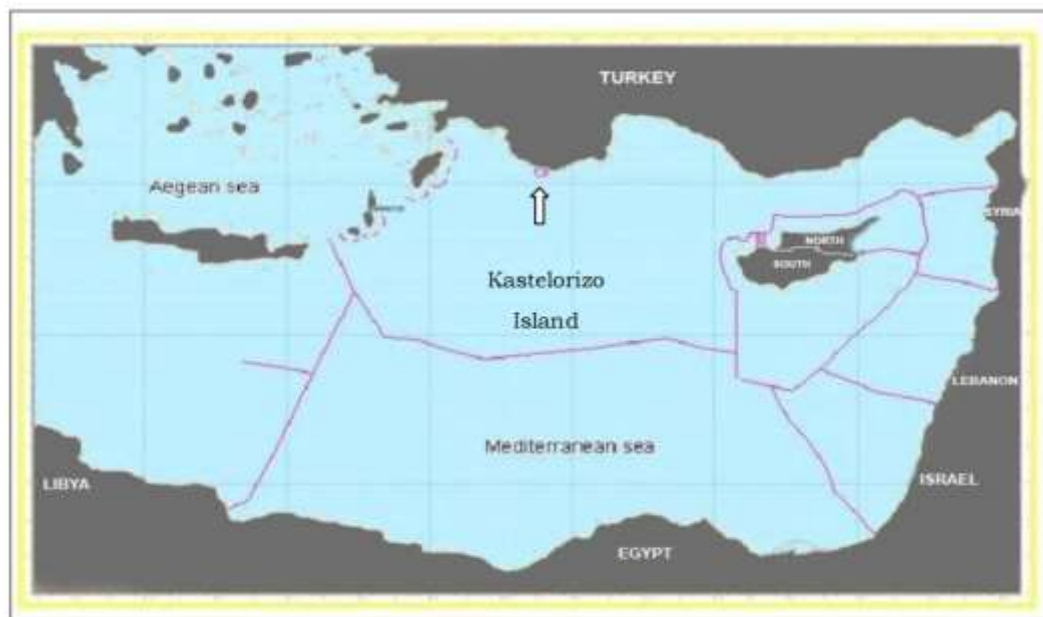
These two non-diplomatic reports are used by Turkey to legitimize its claims in the Aegean. The first paragraph talks about legitimate vital interests whose claim stems from the Law of the Sea and the next paragraph has long been violated by the Turkish provocations throughout the Aegean area, and the existence of the threat of war.

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<sup>78</sup> Rozakis, C. and Dipla C. (2004). *The Law of the Sea and its application in Greece*. Athens: Sideri Publications. p.24. (In Greek)

<sup>79</sup> Mazis, I. and Sgouros, G. (2013). The Greek EEZ: Principles of a Geopolitical Analysis. *Civitas Gentium*, 3(1). pp.109-132.

As Turkey signs a commitment to peace, security and the settlement of disputes by peaceful means, one wonders what the meaning of *casus belli* is.<sup>80</sup> According to the Turkish view, "peace with Greece depends solely on Turkey's policy of maintaining an undisputed dominance in the military balance between the two countries." "The key to balance in the Aegean lies in Turkey's deterrent." "For Cyprus in particular, the view is that "the presence of Turkish forces is a deterrent to Greece." Thus the "balance", i.e. the non-exercise of fundamental sovereign rights by Athens, depends entirely on Ankara's military power in the Aegean and Cyprus.<sup>81</sup>



**Figure 2:** The Turkish claims for the EEZ ignoring the Kastelorizo island (Source: Sioussiouras, P., & Chrysochou, G. 2014)

### 2.3.3 The Demilitarization of the Eastern Aegean Islands

Turkey has recently brought up the subject of the eastern Aegean islands' demilitarization again, alleging that Greece is in violation of this policy and stating that it wants to discuss it "along with other disputes in the Aegean, with a view to resolving them through dialogue." In essence, the islands' status is not constant; instead, it is determined by three distinct factors, allowing for the differentiation of the islands into at least three distinct groups.

<sup>80</sup> Mazis, I. (2007). EEZ Key for the future of Greece. *Epikaira*. p.127. (In Greek)

<sup>81</sup> Filis, K. (2010). Kemalian and Neo-Ottoman maritime imperialism and EEZ. *Anti*. July 30, 2010. (In Greek). [http://anti-ntp.blogspot.com/2010/07/blog-post\\_55.html](http://anti-ntp.blogspot.com/2010/07/blog-post_55.html)



The Treaty of Lausanne, which stipulates that no naval bases may be established but that they may maintain military units to police them, is the first treaty to mention limitations on militarization for the islands of Mytilene, Chios, Samos, and Ikaria. The treaty does not, however, impose any limitations on the use of air bases or other military support infrastructure, such as radars and monitoring stations,<sup>82</sup> while there are no demilitarization restrictions for nearby islands like Agios Eustratios, Psara, Oinousses, or Fourni, Greece is free to erect as many forces and facilities as it likes there without violating any agreements. Additionally, the same treaty mentions that Turkish air force overflights of the designated islands are forbidden, a provision that Turkey itself disregards.

In fact, Turkey is continually bolstering its armed forces and infrastructure along Asia Minor's coasts, all the while repeatedly challenging Greece's right to self-determination. Syrigos A. (2013) writes that "the Greek side should request the proportional establishment of a corresponding demilitarization of the opposite coast of Asia Minor, at a depth equal to the distance of the westernmost end of the above islands from the Greek-Turkish border" (i.e., at least 60 kilometers).<sup>83</sup>

While Turkey successfully revised the Treaty of Lausanne on the Straits and replaced it with the Montreux Convention, it nevertheless armed and fortified the Straits and sought the other contracting states' acceptance of this fact in the future (July 20, 1936). With it, the requirement to demilitarize the Straits was eliminated, and in accordance with the agreement, Turkey fortified the Propontis islands of Imbros and Tenedos while Greece fortified Lemnos and Samothrace. After thirty years, Ankara has reversed course and now asserts that the Lausanne Convention's previous demilitarization regime still holds for the Greek islands.<sup>84</sup>

The third treaty deals with the Dodecanese Islands, which Italy granted Greece full sovereignty over in the Treaty of Paris (February 10, 1947), following the signing of the Lausanne and Montreux Treaties, but with the condition that they be demilitarized. These islands were given to Greece as compensation for its involvement in World War II. Since the early 1970s, Turkey has questioned the legitimacy of the

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<sup>82</sup> Syrigos, A. and Dokos, T. (2020). *Atlas of Greek-Turkish Relations: With 63 maps, a comprehensive glossary and the latest key developments*. Kathimerines Ekdoseis. (In Greek)

<sup>83</sup> Syrigos, A. (2012). *Greece-Turkey relations: from Lausanne to the present*. Greece-Turkey relations: from Lausanne to the present. Class lecture at Panteion University, Athens. (In Greek)

<sup>84</sup> Pazarci, H. (1985). *Has the Demilitarized Status of the Aegean Islands as Determined by the Lausanne and Paris Treaties Changed?*. General Directorate of Press. p.31

Dodecanese Islands' transfer to Greece, arguing that the Treaty of Paris does not apply to it because Turkey is not a party to it. Even though Turkey was not a signatory to the treaty, it is still required to abide by its provisions regarding the transfer of Dodecanese sovereignty to Greece. The entirety of Turkey's Asian borders could be called into question if Greece accepts the Turkish position, i.e., that the treaties it did not sign were non-binding. This is because Greece was not a party to the agreements that established these borders.<sup>85</sup>

The Soviet Union, which wanted to restrict Western military forces in the eastern Mediterranean as part of its Cold War strategy, sought to limit the threat they could pose to its own forces in the region, which is why the demilitarization of the Dodecanese was not anticipated at the request or pressure of Turkey.

The demilitarization of the eastern Aegean islands appears to be Ankara's attempt to establish a "security zone" between its territory and mainland Greece. This would allow Turkey to effectively advance its economic and political interests in the area in times of peace, but it would also severely restrict Greece's capacity to fight back or defend itself in times of war.

Greece argued that due to the geographic circumstances of the Aegean (i.e., the islands' great distance from the mainland and their close proximity to the Turkish coasts), it must take legal defense measures corresponding to the threat it faces before the Turkish attack occurs. Greece gradually started to strengthen the military forces stationed on the eastern Aegean islands, and in some cases the facilities where they were based.<sup>86</sup> The Turkish side objects that the defending state must have experienced an armed attack in order to exercise the right to legitimate defense guaranteed by the UN Charter.

Turkey has made strides in recent years toward the concentration of military personnel and equipment in areas of the Asia Minor coast that face the islands in the eastern Aegean, all the while questioning the rights and sovereignty of Greece in this region almost every day. The 4th Army's formation in April 1975, which resulted in the

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<sup>85</sup> Syrigos, A. and Dokos, T. (2020). *Atlas of Greek-Turkish Relations: With 63 maps, a comprehensive glossary and the latest key developments*. Kathimerines Ekdoseis. (In Greek)

<sup>86</sup> Rozakis, C. (2015). *The exclusive economic zone and international law*. Athens: Papazisi. (In Greek)

enlistment of 35,000 combatants, and its location in the west of the nation attest to its intended use.<sup>87</sup>

#### 2.3.4 Greek Approach

The delimitation of the Coastal zone from the mouth of the Evros river to the island complex of Kastelorizo has not been determined because it conflicts with the different perceptions between the two countries regarding the extent of territorial waters. Our country maintains that the scope of the Coastal Zone is provided by the provisions of the Convention and based on Customary Law, is sovereign and unilateral and therefore is not subject to any kind of restriction, exclusion, or dispute by third states.<sup>88</sup>

An exception to the rule followed by Greece can be considered the case of the Coastal Zone between the Dodecanese and the coasts of Asia Minor and up to the area of Kastelorizo where it follows roughly, a middle line under the Italian - Turkish agreements of 4 January and 12 December 1932,<sup>89</sup> which apply today, given that Greece was ceded to the Dodecanese by the 1947 peace treaty (Article 14), it succeeded Italy in the rights and obligations arising from these agreements. Greece maintains that the middle line is the limit according to the practice that has been followed and tacitly recognized by both countries.

A different approach between the two countries is observed in terms of sovereignty on dozens of islands. It is very clear that according to international treaties, except Imvros, Tenedos, Lagouss, and some islands near the coasts of Asia Minor, all others belong to Greece. Turkey reacts strongly to this issue, questioning Greek sovereignty. Turkey argues that Article 121 (3) is not a rule of International Law. Our country firmly maintains that the fundamental principles of International Law that have been incorporated in Article 121, remain unchanged.<sup>90</sup> For the semi-enclosed seas - and the islands located on them, Greece supports that there is no special and different

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<sup>87</sup> Tsitsopoulos, G., Veremis, T. (1991). Greek-Turkish defense relations, 1945-1987 in *Greek-Turkish relations, 1923-1987*. Athens: Gnosis Publications. p.196. (In Greek)

<sup>88</sup> Rozakis, C. (2015). *The exclusive economic zone and international law*. Athens: Papazisi. p.27. (In Greek)

<sup>89</sup> The agreement defines the sea border between the Dodecanese and the coasts of Asia Minor without making explicit reference to a coastal zone or landfill. Following is a line consisting of 37 points which are equidistant from specific points on the coasts of the two countries

<sup>90</sup> Rozakis, C. and Diplas, C. (2004). *The Law of the Sea and its application in Greece*. Athens: Sideri Publications. p.24. (In Greek)

regime for them about the issue under regulation, while Turkey in this matter insists on arguing for the special (alleged) status of the semi-closed seas.<sup>91</sup>

The Greek-Turkish difference in the Aegean continental shelf lies in the demarcation between the two countries with opposite coasts. Our country supports the principle of the middle line, while Turkey claims that the islands do not have their continental shelf and that the proximity of the islands to the coasts of Asia Minor creates a "special circumstance", therefore considers that the deviation from the middle line, seeking to achieve a "fair solution", ie the delimitation of the continental shelf between the Greek mainland and the coasts of Asia Minor with the ultimate goal of sharing the Aegean. Greece insists that the islands have normal EEZs and continental shelf, especially since in many cases they are large, inhabited islands, a key point of contention by Turkey, which has expressed objections such as the proximity of the islands to the Turkish coast and the non-extensive listing of all the islands and islets of the Aegean in the Treaty of Lausanne, resulting in an attempt to "gray" some areas in the Aegean. As noted above, the right to the continental shelf exists independently of the declaration of an EEZ, although in practice states do so to exploit the hydrocarbon reserves at their bottom.<sup>92</sup>

The International Court of Justice does not impose any restriction on the right of a coastal State to establish an EEZ, nor are there any special arrangements for the establishment of sea zones in closed or semi-closed seas.<sup>93</sup> For both the EEZ and the coastal zone there is no special regulation or special treatment for states bathed by closed or semi-enclosed seas. The fact that Turkey is not a party under the 1982 Convention does not change the situation, since the right of the EEZ is also based on customary law.<sup>94</sup>

In these Turkish arguments, the Greek side responds over time that the Aegean is no exception to the provisions of the law of the sea, but to settle the delimitation of the EEZ, the principle of equal distance between the islands of the Eastern Aegean and the Turkish coast. The proclamation and establishment of the EEZ are considered an

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<sup>91</sup> Eleftheriadou, N. (2013). *The Exclusive Economic Zone of Greece: Boundaries and the Economic Importance of its Maritime Borders*. Piraeus: University of Piraeus (In Greek)

<sup>92</sup> Litsas, S. N. and Tziampiris, A. (2016). *The Eastern Mediterranean in transition: Multipolarity, politics and power*. p.124. Routledge

<sup>93</sup> Article 123 UNCLOS Convention (1982)

<sup>94</sup> Rozakis, C. and Diplas, C. (2004). *The Law of the Sea and its application in Greece*. Athens: Sideri Publications. p.24. (In Greek)

inalienable right of Greece provided by the provisions of the Convention on the Law of the Sea, but it is also a reality that directly affects the security environment of our country.<sup>95</sup> Greece's vital interests extend through the EEZ to the Eastern Mediterranean region. However, this institutional ratification of Greek interests meets and in the future will meet even greater reaction, on the part of Turkey, which dates back to the mid-1950s. Moreover, what makes the exercise of these rights more difficult is that the manipulations so far by the Greek side were not appropriate, since a long-term plan was lacking.

Assessing the management of EEZ, continental shelf, and territorial waters issues by Greece, the following is observable. The policy of waiting has benefited Greece, to the extent that it has avoided adverse developments and has managed to build cooperation with Turkey in areas of soft policy, such as the economy and tourism, which allow it to cultivate a relationship of trust. In the same context, the effort to resolve disputes in the Aegean can continue to be a stable economic relationship of mutual benefit. In a sense, insofar as Greece is capable of averting Turkish provocations, it is not in danger of losing its real and diplomatic power. However, according to another view, the attitude of Greece has been very submissive, resulting in the escalation of Turkish claims in the Aegean and Cyprus. This view expects a more dynamic stance from Greece, with a more dissuasive and less reassuring approach.<sup>96</sup>

In particular, Greece can take advantage of its membership in the EU, which allows it to safeguard its interests in the implementation of EU policies. As it is at the forefront of tackling the problem, as the EU's natural border, its contribution to a substantive European issue could help to claim the Union's support for resolving the Greek-Turkish dispute.

Apart from the EU, Greece could use regional alliances to ensure the smooth proclamation of its EEZ, as Cyprus has done. Cyprus managed to agree with Israel and Egypt on the demarcation of their EEZs, without having to secure the approval of Turkey, which was forced to accept the situation de facto. Cyprus managed 36% of its territory under Turkish occupation to achieve the exploitation of Aphrodite. Greece

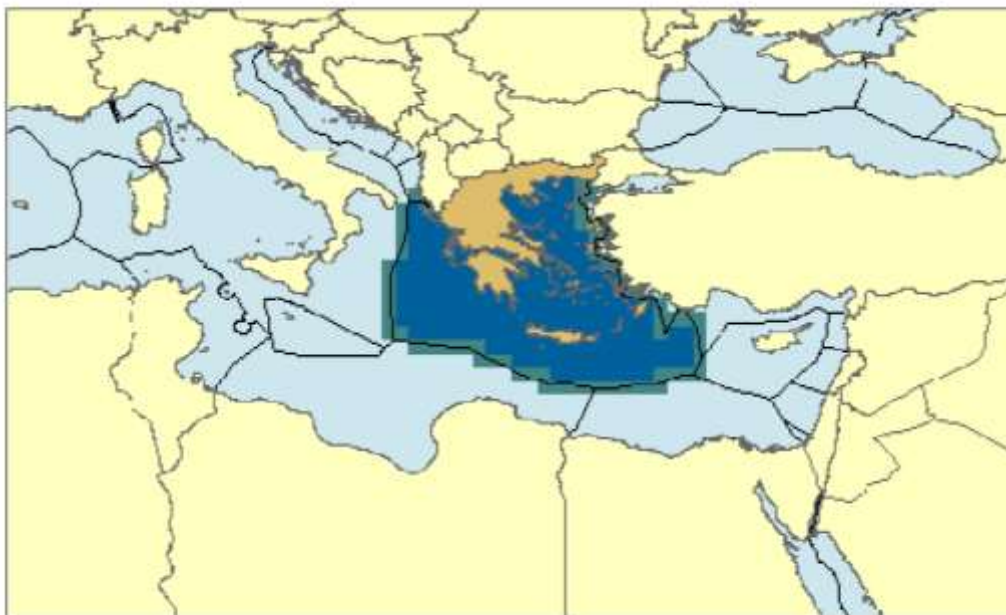
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<sup>95</sup> Ligeros N., Kassinis, S. and Kariotis, K. (2012). *EEZ-Exclusive Economic Zone: from Strategic Movement to the Economic Solution*. Athens: Kastaniotis Publications. p.4. (In Greek)

<sup>96</sup> Heraclides, A. (2019). The unresolved Aegean dispute: Problems and prospects. In *Greece and Turkey in Conflict and Cooperation* (pp. 89–108). Routledge. p.89. <https://doi.org/10.4324/9780203732151-6>

could move accordingly.<sup>97</sup> In this sense, regional power balance can be of particular value in current energy issues, establishing stable legal regimes in the Eastern Mediterranean basin.

However, there is the opposite view. The unilateral drawing of a middle line for the EEZ and the continental shelf is possible insofar as the sovereign right of a state should not be able to be exercised due to the oligarchy of the state in question. According to this argument, the possibility provided by Articles 74 and 83 of the Convention on the Law of the Sea for unilateral demarcation of the middle line, after a failed negotiation, with the prospect that the parties may have recourse to the judicial mechanisms provided for in resolving cannot be applied in the case of Greece and Turkey. This is because Turkey is not a party to the International Law of the Sea Convention and in addition, the procedural provisions are not transposed into customary law. Therefore, even without this possibility of appeal, Greece should be entitled to declare an EEZ and a continental shelf.<sup>98</sup>



Source: Sea around Us Project.

**Figure 3:** Greek EEZ (Source: Siousiouras, P., & Chrysochou, G. 2014)

<sup>97</sup> Syrigos, A. (2015) *Greek-Turkish relations*. Athens: Patakis. (In Greek)

<sup>98</sup> Tolliu, A. (2018) *Energy and Exclusive Economic Zones in the Eastern Mediterranean*. (In Greek)

### 2.3.5 Turkish Approach

If we now try to approach the Turkish tactics in the past, we would say that it is moving, for more than six decades, in the spirit of a complete overthrow of the Lausanne Treaty. Its plan is the constant challenges that will force Athens to wrap up and negotiate for the Aegean.

Kemal had created comprehensive strategic thinking for the Aegean and the Eastern Mediterranean. From the 1920s, when the Aegean was under Greek control, the Dodecanese were under Italian and Cyprus was under English. For a Turkey surrounded in the Aegean by foreign-occupied islands, the only way out and supply corridor is the south, where the Cypriot coast is opposite. And if Cyprus is under the control of a hostile force towards Turkey, then all the supply corridors of Asia Minor will be banned, thus endangering the security of Turkey. Before World War II, Ankara felt calm as it was surrounded by three powers (Greece, Italy, and England) without common interests.<sup>99</sup>

During WWII, Turkey aimed at the safe recapture of the Aegean islands. However, the integration of the Dodecanese in Greece and combination with the start of the EOKA Struggle in Cyprus, with a purely Greek orientation, led Ankara to a syndrome of "strategic encirclement" implemented by Greece. Greece's success in controlling the Aegean and, to a large extent, the Eastern Mediterranean, through Cyprus, revived "Sevrophobia" and, combined with the nationalism of the time, led to the events in Istanbul in 1955, which are considered to be the starting point for the effort to the overthrow of the Treaty of Lausanne. Almost sixty years later, things are very different. Turkey strengthens the concept of the geographical area and not the island group for the islands of the Eastern Aegean, arguing that it is far from mainland Greece, to strengthen the view that socially and economically they depend on Anatolia.

Since 1958, Turkey has made its position on the Aegean issues clear. At that time, in a document he had submitted to the UN, he referred to the issue of 12 n.m. in the Aegean while with special laws and Decrees it proceeded to sign an agreement with the Soviet Union (17 Apr 1973) for the range of 12 n.m. of the coastal zone in the Black Sea. It does not recognize the International Regime in the Straits, it does not recognize

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<sup>99</sup> Filis, K. (2010). Kemalian and Neo-Ottoman maritime imperialism and EEZ. *Anti*. July 30, 2010. (In Greek). [http://anti-ntp.blogspot.com/2010/07/blog-post\\_55.html](http://anti-ntp.blogspot.com/2010/07/blog-post_55.html)

the Treaty of Lausanne by which it renounced the Aegean Islands, nor the Treaty of Rome by which it renounced territorial waters beyond 3 n.m. from its shores.<sup>100</sup>

At the 3rd Conference, Turkey presented a package of proposals aimed at ad hoc consensus solutions for the countries surrounding the Semi-Closed Seas. These proposals were rejected while at the same time attempting to include the Aegean in a regime of seas for which the consent of the neighboring state with a special demarcation regime and a small limit of the coastal zone (3 nm) had to be obtained. This is because the Aegean is a Semi-Closed Sea with special geographical and geological features. Of course, something she did not do for her interests in the Black Sea, which is purely a Closed Sea.

In addition, Greek-Turkish relations with the EEZ have been characterized as problematic from the outset, as Turkey has for the first time raised doubts about the size of the Greek continental shelf, claiming that the Eastern Aegean is a "natural extension" of Anatolia and "special conditions "semi-enclosed sea". It is therefore an exception to the provisions of the Convention on the Law of the Sea. In particular, and with Turkey's refusal to resolve the dispute by arbitration at the International Court of Justice in The Hague, a difficult relationship was formed, which regardless of the content and correctness of the arguments of the two stigmatized by a climate of mutual suspicion and the perception that each party must protect its rights from the other.

In parallel with the issues of the EEZ and the continental shelf, in 1974 Ankara questioned the boundaries of Greek airspace, which Greece had set at 10 nm. in 1931. Turkey has pursued a steady review policy, asking the Greek Civil Aviation Authority to limit the area of air traffic control jurisdiction to 6 nm, in proportion to territorial waters, and to proceed with frequent violations.<sup>101</sup> Greece argues that it is not obliged to have the same area of the coastal zone and airspace, as to properly perform its duties in regulating air traffic, it is necessary to have jurisdiction at 10 nm, regardless of whether it chooses to does not to extend its coastal zone, although it retains this right. Its arguments are legally based on the 1919 Paris Convention (no. 1, par. 2), as well as the 1944 Chicago Convention on International Aviation. As both countries are members

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<sup>100</sup> With the Treaty of Montreux (1936) the Aegean islands are entitled to have troops to defend their territory

<sup>101</sup> Alexandris, A., Veremis, T., Kazakos, P., Koufoudakis, V., Rozakis, C.L. and Tsitsopoulos, G. (1989) *Greek-Turkish Relations 1923-1987*. Athens: Gnosis Publications. (In Greek)



of NATO, issues of poor membership in the alliance are raised because of this disagreement.<sup>102</sup>



Source: Hellenic National Hydrographical Service.

**Figure 4:** The Turkish claims for the EEZ in the Aegean (Source: Siousiouras, P., & Chrysochou, G. 2014)

### 2.3.6 The presence of the Great Powers in the Greek Territory during the Cold War era

The Mediterranean status quo is unlikely to change because the United States and Western Europe have already demonstrated a willingness to support Greece's interests vis-à-vis Turkey. After all, Greece is a reliable partner that ensures security and stability, particularly in the troubled Eastern Mediterranean. Protecting oil interests, avoiding a crisis that may threaten relations with Saudi Arabia, and limiting Russian influence are among the Western concerns in the area. The Sixth Fleet and US outposts in coastal states served as policymakers and deterrents to the Soviet presence.

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<sup>102</sup> Sazanidis, C. (1987). *Greece, Turkey, NATO and the Aegean Airspace 1974-1986*. Thessaloniki. (In Greek)

The Hellinikon Air Base in Athens, the Nea Makri Communication Station near Marathon, the Heraklion Air Station, and the Souda Bay complex in Crete were the principal US outposts in Greece during the Cold War.

One of the most significant of the preceding installations is the Souda Bay complex, which currently exists for supplies, fuel, and ammunition for US and NATO naval forces. Souda Bay Base offers port facilities, an anchorage that can accommodate nearly the whole Sixth Fleet, and an airstrip where our forces undertake military reconnaissance activities. The NATO missile launcher in Namfi, where training and testing activities are taking place, is linked to the Souda complex. Heraklion Airport helps the allied troops' aviation reconnaissance flights and supply operations. A US Air Force Security Services (USAFSS) electronic surveillance station is also linked to Heraklion. This hearing was held to monitor Soviet activity in the eastern Mediterranean. Other US forces in Greece used Elliniko Air Base as a headquarters and support facility. C-130s carried out video and digital image reconnaissance flights from this location, which also served as a resting point for US Air Force activities and offered aid to the US Air Force (MAC). Five NATO early warning facilities were also set up in critical areas around northern mainland Greece to monitor Soviet and Warsaw Pact military movements.<sup>103</sup> Nea Makri was a vital communication hub that served as part of the worldwide US defense communication system, supplying the necessary communication infrastructure for the Sixth Fleet and bases in Naples and Spain.<sup>104</sup>

The bases, particularly those on Crete, sparked heated debate during the 1974 Cyprus crisis because many Greeks believed they played a role in Turkey's occupation of Northern Cyprus, and they were a source of contention during Andreas Papandreou's rule when he declared their closure before the elections.

The Soviet Union, on the other hand, was more concerned with minimizing US threats to its security than with vying with the US for Mediterranean supremacy. The Soviets had gained access to the Mediterranean via the Dardanelles, as well as development in the Aegean, by utilizing deep anchorages near Mediterranean crossings and facilities at Tartous and Latakia (Syria).<sup>105</sup> Moorings and repair facilities had been

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<sup>103</sup> Veremis, T. (1982). An overview of Greek security concerns in the eastern Mediterranean and the Balkans. *International Spectator*, 17(4). pp.339-345.

<sup>104</sup> Ibid

<sup>105</sup> Cremasco, M. (1979). NATO's Southern flank in the east-west balance. *Lo Spettatore Internazionale*, 14(1). pp.13-23. <https://doi.org/10.1080/03932727908459121>

established ten to eleven nautical miles off the coasts of Antikythera, Agios Efstratios, and Crete by the Soviets. That is one of the reasons why Greece did not extend its territorial waters to 12 nautical miles in the past. In such a case, how would the US and NATO respond to an official "coexistence" of their bases on Greek territory alongside Soviet anchorages?<sup>106</sup>

The postwar defensive posture of Greece was largely focused on an internal and external communist threat. Its northern borders with Albania, Yugoslavia, and Bulgaria have received special military planning priority, and its security concerns have been tied into the greater Western collective security framework through its partnership with the United States and NATO. The Greek-Turkish conflict over Cyprus, which culminated in the Turkish invasion of the island in 1974, had, nevertheless, significantly changed Greece's defensive stance. Aside from Cyprus, three other significant topics have been major causes of friction between the two NATO allies:

- a) the Greek islands' continental shelf;
- b) Greece's ten-mile airspace; and
- c) the allocation of operational duties in the Aegean and its airspace within NATO.

However, neither Athens nor Ankara assumed that the Alliance did not regard the Eastern Mediterranean theater as critical as the Central European theater. The majority of war scenarios created by NATO and the United States focused on the Central European battlefield.

### 2.3.7 The Greek-Turkish differences in the light of the International Factor

In the post-war era, the international system determined the geostrategic importance of Greece. As the polarization between the two superpowers increased, the strategic importance of Greece in the international system depended directly on its developments in it. Thus for the US and NATO Greece played a special role in the confrontation of the western world with the Soviet Union and its allies. Greece, bordering on the north with the countries of the Warsaw Pact, served as a bulwark against the Soviet Union's passage to the warm seas. Thus, Greece served in the

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<sup>106</sup> Veremis, T. (1982). An overview of Greek security concerns in the eastern Mediterranean and the Balkans. *International Spectator*, 17(4). pp.339-345.

development of US and NATO military bases around the defense environment of the Soviet Union.

Until 1989, our partners in the Atlantic Alliance considered the Greek-Turkish space as a single one. Greece and Turkey were the obstacles to Soviet expansion into the Eastern Mediterranean. Of course, according to NATO defense planning, the priority was the Central European front, and the southern wing had a secondary role.

After the end of the Cold War, the geopolitical position of Greece was strengthened due to the relocation of the center of international security from Central Europe to the perimeter of the European continent and especially to the Eastern Mediterranean and the Middle East.

The special geographical position of Greece as a connecting link between Europe and Africa secures it a central position in the control of the land, sea, and air communication lines on the axis South - Eastern Europe - Eastern Mediterranean - Black Sea region, placing it at the critical endpoint of important energy networks and gives it significant geostrategic value. This in combination with the fact that Greece is, on the one hand, an integral member of the processes of European Political Integration as a member of the EU and, on the other hand, an important factor of regional security as a member of the Atlantic Alliance, highlights Greece as an important geopolitical factor in the strategic developments in the wider region.<sup>107</sup>

In the early 1990s, Greece faced a strategic dilemma: preserve the privilege of full participation in the process of European integration as exclusive or share the wealth and benefits of this position by supporting the involvement of all surrounding nations in this procedure. The relevant reference to the possibility of Greece pursuing a policy of mild power, by Joseph Nye himself, is typical. Greece is urged to seize the opportunity because "it has a frightening advantage over its neighbors in terms of soft power."<sup>108</sup>

In terms of Greek foreign policy, our traditional priorities focus on national issues. Leading is the Turkish challenge that involves maintaining sufficient defense forces for the convincing operation of Greece's deterrent strategy. In recent years, however, we have invested in the prospect of a historic compromise, supporting, on

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<sup>107</sup> Chorafas, E. (2001). "The international security environment at the beginning of the 21st century and Greece: Challenges and policy options." In *Modern International System and Greece*. p.22. (In Greek)

<sup>108</sup> Nye, J. S. (1990). Soft power. *Foreign policy*, 80. pp.153-171. <https://doi.org/10.2307/1148580>

strict terms, Turkey's accession to the European Union. An agreement, for example, on a reciprocal and balanced reduction of offensive weapons in the Aegean and Thrace will allow both countries to focus on their development goals. The top challenge for the shapers of the new Greek foreign policy doctrine will be to prepare the ground for the peaceful resolution of our national issues.<sup>109</sup>

Indicatively, the country's manipulations for the resolution of the Aegean issues and in particular for the delimitation of the continental shelf went through three periods of negotiations with Turkey. The first was held during New Democracy from 1976 to 1980, the second against PASOK from March 1987 to October 1988, and the third against PASOK (2000-2004 & 2010-2011) and New Democracy (2004-2009) for exploratory conversations. All three periods were barren. In parallel with the negotiations and since 1975 Greece has requested the appeal to the International Court of Justice in The Hague for the only issue that it accepts that is pending between the two countries: the delimitation of the Aegean continental shelf.

The appeal to the International Court of Justice was used from one point onwards for regular reasons by the Greek side. When the international community strongly pressed for a settlement of Greek-Turkish relations, the Greek side used the argument of the International Court of Justice. It was not a move that created problems in Greek foreign policy, nor did it open new fronts. On the opposite, it directed a limited amount of worldwide pressure on Turkey, which appeared to reject what is generally self-evident for Western countries: dispute resolution through the International Court of Justice.<sup>110</sup>

After the crisis of Imia, the Greek line that accepted the appeal to the International Court of Justice only for the continental shelf changed. Regarding the issues, we accept the referral to The Hague was added to the issue of the dispute over the ownership of Imia. In a statement, the then Minister of Foreign Affairs Th. Pangalos on February 14, 1996, said: "appeal, the legal rules he invokes and we will deal with it". This statement does not make it clear whether this means accepting the appeal not only for Imia but also for any rocky islets that the Turks consider gray areas. The ambiguity regarding the exact Greek position concerns not only the issue of Imia but

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<sup>109</sup> Kouloumpis, T. (2010). About doctrines of foreign policy. *Kathimerini*. October 3, 2010. (In Greek). <https://www.kathimerini.gr/opinion/722082/peri-dogmaton-exoterikis-politikis/>

<sup>110</sup> Syrigos, A. (2012). *Greece-Turkey relations: from Lausanne to the present*. Greece-Turkey relations: from Lausanne to the present. Class lecture at Panteion University, Athens. (In Greek)

also other "gray zones". In an interview with Th. Pangalos in the newspaper Milliyet of Constantinople on January 25, 1998, did not place any restrictions on the issues that could be appealed. The continental shelf, the airspace, the territorial waters, and the equipment of the islands were listed with priority.

Pangalos's move, insofar as it has been Greece's official position ever since is essentially a shift in Greek foreign policy on an issue on which from 1974 to 1997 there was almost complete identification of all Greek governments for two reasons:

a. The proposal to refer to The Hague for all bilateral issues is another form of agreement package of Greek-Turkish disputes and

b. The referral of all issues to The Hague, including the demilitarization of the eastern Aegean islands, contradicts the Greek declaration of acceptance of the jurisdiction of the International Court of Justice in 1994. Based on this statement, any dispute related to military defense measures had been excluded from Greece for reasons of national defense<sup>111</sup>

The model that the country follows in the formulation of its foreign policy has been described over time by P. Ioakeimidis. The lack of a systemic institutional structure leads to the predominance of individuals over institutions. This, in turn, results in irrational decisions that force Greece to come into conflict with its European partners, the international community, strong economic interests, and members of the respective government. Thus, the country isolates itself and seeks compromises at a lower level, thus strengthening public opinion about retreating to national issues.<sup>112</sup>

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<sup>111</sup> Ibid

<sup>112</sup> Ioakeimidis, P. (2003). *Contemporary Greek Foreign Policy: A comprehensive approach* (Vol. 1). Sideri Publications. p.98. (In Greek)

## CHAPTER 3: ENERGY RESERVES IN THE EASTERN MEDITERANEAN

The European Commission considers natural gas to be the cleanest alternative fuel that may aid in the transition to renewable energy sources. As a result, Europe's energy policy is centered on transitioning all Member States straight to this fuel as the primary source of energy, reducing energy dependency on other species such as coal and lignite, both of which are very polluting.

Russia continues to supply more than a third of total yearly gas consumption in Europe, followed by Norway, Algeria, and other minor suppliers. The issue for European nations is that Norway's natural gas reserves are fast depleting as they near their peak, and additional extraction will no longer be economical.<sup>113</sup> As a result, EU gas imports, which are critical to the EU gas market, are excessively reliant on a single provider. Russia is predicted to be the primary source of supply by 2025, accounting for 40% of consumption.<sup>114</sup>

The many Member States, including Greece, rely significantly on Russia since, as previously said, other energy sources such as coal and lignite have been ignored. This disadvantages Russia in its commercial dealings with European nations, mostly in gas, but also, to a lesser extent, in oil and coal. As a result, the EU is experiencing issues with Russia, which can interrupt supply by using gas as a tool to exert pressure on geopolitical crises or enforce its policies or trade conflicts. Finally, infrastructure breakdowns or other circumstances can disrupt gas circulation. Even though this reliance on a single source has existed since the 1990s, the European Commission has so far failed to reduce it and make EU energy policy independent.<sup>115</sup>

With the discovery of fresh deposits in the Eastern Mediterranean, the potential of completing new deals, even with countries that are members of the EU and operate based on shared values and interests with the rest of the EU, opens up new avenues for European energy security. The additional resources might increase the energy supply

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<sup>113</sup> The peak oil point is the point at which the cost of extracting natural gas is equal to the selling price of the same quantity. So mining from there and beyond becomes unprofitable. Council, Atlantic. "Surging Liquefied Natural Gas Trade."

<sup>114</sup> Pisca, I. (2016). Outlook for EU gas demand and import needs to 2025. *CIEP Perspectives on EU Gas Market Fundamentals*, The Hague: Clingendael International Energy Programme (CIEP). pp. 25-27

<sup>115</sup> Grätz, J. (2011). Common rules without strategy: EU energy policy and Russia. In *Toward a Common European Union Energy Policy*. Palgrave Macmillan. pp.61–86

to Europe's crowded markets while boosting diversification options for single-provider countries. The Eastern Mediterranean is presently a key route for EU gas and oil imports, accounting for around 35% of EU gas consumption and 50% of EU oil consumption.<sup>116</sup>

According to the US Geological Survey, the geological formation covering the undersea areas of Israel, Gaza, Lebanon, Syria, and Cyprus might hold 120 trillion cubic feet (3.4 billion cubic meters (bcm)) and 1.7 billion barrels of renewable oil.<sup>117</sup> More than 340 trillion cubic feet of gas can be discovered in the Mediterranean area, which comprises current and future oil and gas resources, comparable to confirmed US reserves, which are among the largest in the world after Russia, Iran, and Qatar.<sup>118</sup> These estimations are very optimistic, but they demonstrate the importance that the nations of the Eastern Mediterranean area will have as equal interlocutors with the EU on energy matters in comparison to Russia.

### **3.1 The current state of offshore gas exploration and development in the eastern Mediterranean**

In 2009, the US-led Noble Energy consortium discovered enormous natural gas deposits off the coast of Israel in Tamar, transforming Israel's economic and geopolitical position in the Eastern Mediterranean.<sup>119</sup> With estimated proved and prospective reserves ranging from 9 to 11 trillion cubic feet, it was the biggest gas field found in the Mediterranean (280 bcm). A US business presented an even bigger tank (Leviathan) in 2010, storing around 16 trillion cubic feet or 620 billion cubic meters.<sup>120</sup> The volume of gas in the Tamar field was estimated at 11.2 trillion cubic feet, with an extra 14.6 million barrels of concentrate (a very light combination of liquid

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<sup>116</sup> Szöke, D. (2016). *Geopolitics, Gas and Grand Ambitions: The Outlook for Petroleum Production in the East Mediterranean*, Institute for Foreign Affairs and Trade (IFAT)

<sup>117</sup> Schenk, C. J., Kirschbaum, M. A., Charpentier, R. R., Klett, T. R., Brownfield, M. E., Pitman, J. K., Cook, T. A., & Tennyson, M. E. (2010). *Assessment of Undiscovered Oil and Gas Resources of the Levant Basin Province, Eastern Mediterranean*. *U.S. Geological Survey Fact Sheet 2010–3014*

<sup>118</sup> BP, British Petroleum. *BP statistical review of world energy 2018*. June 2018). <https://www.bp.com/en/global/corporate/energy-economics/statistical-review-of-world-energy.html>

<sup>119</sup> The Arab world's oil resources, in particular, influenced Israel's international position in 1947, when the US oil industry opposed partition of Palestine for fear of alienating Saudi Arabia, and in 1973, following George W. Bush's war with OPEC, many Western countries demanded Israel's complete and unconditional withdrawal from all territories occupied in 1967 in order to appease the Arabs.

<sup>120</sup> Stergiou, A. (2019). *Geopolitics and Energy Security in the Eastern Mediterranean: The Formation of new 'Energy Alliances'*. In *The New Geopolitics of the Eastern Mediterranean*, edited by Zenonas Tziarras. p.13.



hydrocarbons), a 13 percent increase from the previous estimate.<sup>121</sup> Furthermore, agreements for the exploration and extraction of deposits in the Cyprus EEZ, which is divided into 13 blocks, have been signed, and oil companies from France, the Netherlands, Italy, Israel, and the United States have acquired oil and gas exploitation rights and made significant investments based on estimates of existing resources.

Exxon Mobil and Qatar Petroleum have also been granted drilling permits in Block 10 (Delfini area), which is near the Egyptian Zohr deposit and the finding of the Cypriot Calypso 2 deposit. The find may represent 5 to 8 trillion cubic feet of gas, according to preliminary assessments (142 to 227 billion cubic meters).<sup>122</sup> Despite its great significance for Eastern Mediterranean gas production, the discovery does not appear to be substantial enough to warrant the development of an LNG facility in Cyprus. As a result, exports to Egypt continue to be the most plausible scenario for the circulation of Cypriot gas.

### **3.2 The tripartite cooperation Greece-Cyprus-Israel**

In 2010, Israel intended to strengthen its ties in the Eastern Mediterranean, with an emphasis on Greece and Cyprus. The three nations have extended their collaboration on low-level policy concerns in several sectors, overcoming political preconceptions and entanglements from the past. The Eastern Mediterranean's impetus is shifting from Turkey to the tripartite, which is drawing additional regional nations such as Egypt, Jordan, and Lebanon, as well as the Palestinian Authority.

The US participation in the tripartite is seen as the cornerstone of security in the Eastern Mediterranean for the remainder of the century. On the other hand, when fresh reserves are discovered, Russia will attempt to acquire some influence over the area by aligning its strategy with Syria and Iran and increasing connections with Turkey, which triggers US reflexes and enhances regional cooperation. Given the European Union's potential future independence from Russia's gas reserves, Russia is expected to try to sabotage cooperation if it does not accomplish its aims of dominating the participating nations.

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<sup>121</sup> Ibid

<sup>122</sup> Newsroom | ExxonMobil

Washington has opted not only to expand diplomatic ties with Greece but also to create the Greece-Cyprus-Israel trilateral arrangement in the Eastern Mediterranean, aligning it with the US position in the area. The battle against terrorism is at the top of this scheme's agenda, but defense and energy are also prioritized. The defense industry is especially important to Cyprus, which cannot protect its interests. Talks with France about establishing a naval station for its warships and talks with the US about easing the arms embargo, together with projected profits from its hydrocarbon riches, look to be strengthening its defensive character. This state is quite tiny.<sup>123</sup>

The concept of a defense-energy strategy in the area is not novel on the side of the United States. The map, which was issued in the spring of 2019, confirms this, with potential energy resources in the Eastern Mediterranean and US intentions to construct an energy scheme competitive with Russia, which would encompass nations such as Greece, Turkey, Israel, Cyprus, and Lebanon. This proposal was supposed to entail the establishment of a Turkish military post in Cyprus to appease Turkey, but the geopolitical situation has shifted. While the US is committed to establishing permanent structures in the area, Turkey appears to be opting for a hazier road to achieving its regional goals.<sup>124</sup>

The Eastern Mediterranean Security and Energy Collaboration Bill, or "East Med Act," as it is colloquially known, underlines the strategic importance of the United States cooperation with the triangle of Greece, Cyprus, and Israel, as well as the implications for its security. Furthermore, it strengthens US collaboration with the Republic of Cyprus on security matters, while simultaneously emphasizing the need to deter Russian influence in the wider area. It supports the construction and implementation of the two main power pipelines, TAP and East Med, while at the same time underlining the necessity to set up liquefied natural gas facilities in the region, which are desired by the United States. It also mentions Cyprus's potential to host an Energy Crisis Center, which may provide assistance and emergency services in the case of a disaster. Most crucially, the East Med Act maintains the pseudo-state embargo while lifting the arms embargo on the Republic of Cyprus. In terms of Turkey, the law

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<sup>123</sup> Nedos, V. (2019). Concern in Athens and Nicosia over the Turkish expansion of activities within the Cypriot EEZ. *Kathimerini*. June 10, 2019. (In Greek). <https://www.kathimerini.gr/politics/1028369/anisychia-se-athina-kai-leykosia-gia-tin-toyrkiki-epektasi-ton-drastiriotiton-esa-stin-kypriaki-aosz/>

<sup>124</sup> Ibid

requires a report on infractions and conflicts in Cyprus's EEZ and Greek airspace. However, it should be noted that there are significant voices in the US arguing that there should be no absolute rupture with Turkey, but rather that a balance should be achieved in terms of geopolitical concerns as well as energy resource exploitation.<sup>125</sup>

The tripartite Greece-Cyprus-Israel relationship is viewed as a product of systemic geopolitical constraints that compelled the three states to move closer together. It is a bulwark against Turkey's aspirations, which confront Greece and Cyprus, as well as Iran's threats to Israel. This tripartite agreement extends beyond energy cooperation, which adds to the region's energy security and diversification, to concerns of democracy, which Erdogan Turkey appears to disdain both internally and by its disruptive activities in Syria and Cyprus. In the case of the latter, it expects that the discovery of energy resources would ultimately produce geopolitical benefits while keeping the danger of escalation in the region to accomplish the phenomena of national rallying (rally round the flag effect). Furthermore, with a whole new generation being converted to Islamic ideas, it is seen improbable that Turkey will modify its policy post-Erdogan. Turkey's strategic partnership with authoritarian Russia isolates it farther from the West, emphasizing the significance of cooperation among these three democracies.

The three nations' energy cooperation is also being turned into an Eastern Mediterranean security cooperation vehicle, with the Souda base and Cyprus serving as the West's alternative to the Incirlik facility. Cooperation in counter-terrorism and the spread of weapons of mass destruction, search and rescue, and marine security may not grow into a defensive alliance, but it will defend the region's energy corridors. The strengthening of its institutions, such as the Eastern Mediterranean Gas Forum and the permanent secretariat formed in Cyprus, might help the tripartite alliance. The establishment of the Eastern Mediterranean Gas Forum in 2019 is regarded as a significant international development because it is a regional organization that, in conjunction with the tripartite partnerships, creates a strategic architecture and a strategic alliance of forces in the Eastern Mediterranean, which is important for both

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<sup>125</sup> American Subversion in the Mediterranean - What the East Med Act Will Mean if Passed. *in*. June 27, 2019. (In Greek). <https://www.in.gr/2019/06/27/world/amerikaniki-anatropi-sti-mesogeio-ti-tha-simainei-east-med-act-ean-egkrithei/>

Israel and Greece and Egypt. Greece, Israel, Cyprus, Italy, Egypt, Jordan, and the Palestinian Authority are among those involved.<sup>126</sup>

So far, the tripartite has dealt with low-level policy concerns, whereas energy cooperation has yet to be put into effect. The formation of the Eastern Mediterranean Gas Forum is a step in the right direction, but the security discussions are insufficient to identify the shared issues and dangers that the triumvirate is expected to tackle. Without the essential strengthening of relations, the three states' collaboration will be put to the test by any new systemic developments in the Eastern Mediterranean. The main issue of the tripartite is its consumption in conversations and debates, even though Turkey and Russia have already constructed the TurkStream pipeline and wish to extend it further. At the same time, despite widespread condemnation, Turkey continues to threaten Cyprus's EEZ and publicly promote its regional goals.

### **3.3 The Turkish-Libyan Memorandum**

The head of the Libyan "government of national unity," Fayeze Al-Sarraj, and Turkish President Erdogan signed a "Memorandum of Understanding" on maritime demarcation on November 27, 2019. The Agreement's content clearly violates maritime law. Turkey and Libya established a maritime boundary south of Crete. It is a region that is not physically adjacent to it. Additionally, it removes the continental shelf from Crete, Kasos, Rhodes, and Karpathos. Despite the fact that there are many of these islands and that they are notable in terms of size and population, only a littoral zone of six nautical miles remains.

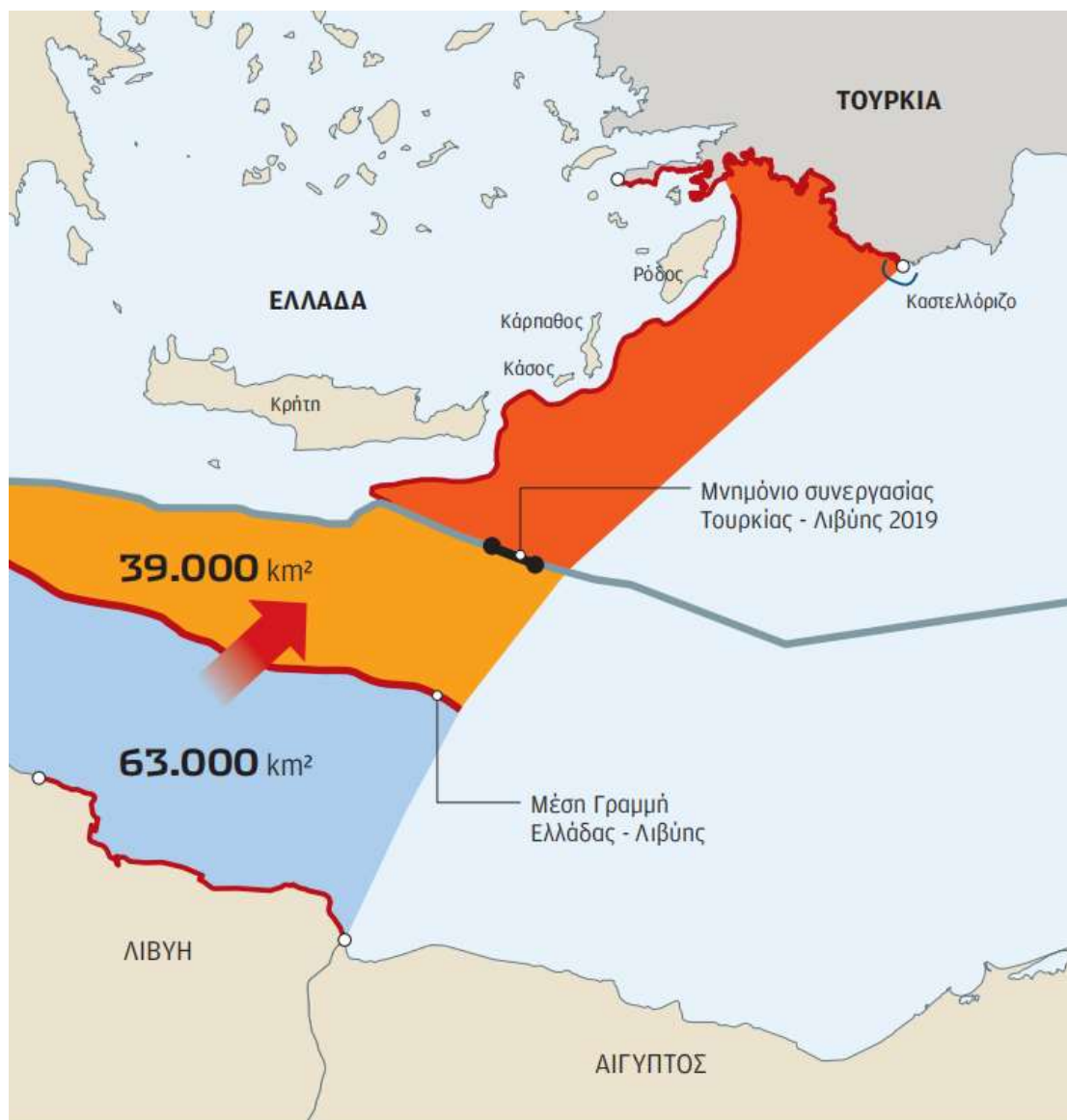
Libya is at war, and Fayeze Al-Sarraj's "government of national unity," based in Tripoli, rules in western Libya and is recognized by the UN. The Libyan parliament, on the other hand, backs Marshal Khalifa Haftar in Eastern Libya, based in Tobruk. Egypt, the Russian Emirate, and France all lend him support in different ways. The most significant backers of the Al-Sarraj administration are Turkey and Qatar, both of which provide mercenaries and military supplies to the Tripoli government. In order to convince the "government of national unity" to sign the agreement, Turkey offered to

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<sup>126</sup> The strategic alliance of forces in the Southern Mediterranean will brake Erdogan. *Liberal*. January 25, 2020. (In Greek). <https://www.liberal.gr/apopsi/i-stratigiki-symmahia-dynameon-stin-mesogeio-tha-frenarei-ton-erntogan>

support the Sarraj government, which fell in November 2019, in exchange for military assistance.

By entering into such an agreement, Turkey gains a flimsy pretext for intervening in the region, builds a barrier preventing Greece from asserting its sovereignty over the Eastern Mediterranean continental shelf, and gives some credence to the long-held belief that islands are "special circumstances" with little to no continental shelf, particularly when they are "on the wrong side of the demarcation line." Finally, it moves the problem of conflict from the Kastellorizo continental shelf to the Cretan continental shelf.<sup>127</sup>



<sup>127</sup> Syrigos, A. and Dokos, T. (2020). *Atlas of Greek-Turkish Relations: With 63 maps, a comprehensive glossary and the latest key developments*. Kathimerines Ekdoseis

**Figure 5:** Map of Turkey's claims based on the Turkish-Libyan memorandum (Source: Syrigos, A. and Dokos, T. (2020). *Atlas of Greek-Turkish Relations: With 63 maps, a comprehensive glossary and the latest key developments*. Kathimerines Ekdoseis)

In terms of International Law, Turkey maintains that the demarcation of maritime borders between adjacent and subject states in areas where maritime areas overlap or converge must be carried out by agreement based on international law; an opinion that it does not adopt for the Aegean between Greece and Turkey.

Turkey has never asserted that islands cannot have maritime claims such as coastal zones, contiguous zones, continental shelves, and EEZ in the same manner as the other land territories of the coastal state. Instead, its steadfast stance is that islands are "special circumstances" and might not have much, if any, impact, particularly if they are "on the wrong side of the demarcation line." It asserts that in some regions, such as the Aegean, islands rise above another state's continental shelf and should be treated as "special circumstances" for purposes of demarcation.<sup>128</sup> Turkey's official position is that (a) islands cannot cut off its coastal projection, which is the longest in the Eastern Mediterranean; and (b) islands situated on the incorrect side of the median line between two continental areas cannot establish maritime zones of jurisdiction outside of their territorial waters.<sup>129</sup>

Regarding the method of delimitation, Turkey consistently rejects the middle ground and insists that the delimitation of the continental shelf and the EEZ should be done in accordance with the principles of equality or fairness, taking into account the pertinent circumstances in order to arrive at a just conclusion.<sup>130</sup> According to Turkey, these pertinent circumstances include the region's geography, including its unique features (a semi-enclosed sea), the presence of islands, including their size and location within the overall geographical formation, non-geographical conditions, such as historical rights and the presence of third states, as well as other factors affecting demarcation, such as proportionality and non-encroachment (or non-cut-off).<sup>131</sup>

However, in retaliation, Greece asserts, among other things, in the Turkey-Libya Memorandum that "Turkey and Libya do not have object or adjacent coasts and,

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<sup>128</sup> Papastavridis, E. (2020). The Greek-Turkish Maritime Disputes: An International Law Perspective. *ELIAMEP Policy papers*, 36.

<sup>129</sup> *Ibid* p. 26

<sup>130</sup> Outstanding Issues in the Eastern Mediterranean and the Aegean Sea: Turkey's Views and Policies. Available at: Slide 1 (mfa.gov.tr). p.25

<sup>131</sup> *Ibid* p. 26

therefore, do not have a common maritime border. As a result, there is no geographical justification and consequently no legal justification for reaching a maritime delimitation agreement; in particular, because Greek territory's Dodecanese and Crete islands lie in the space between Turkey and Libya. As a result, the two nations do not have territorial disputes with one another, but rather with Greece, and the memorandum is entirely non-territorial.<sup>132</sup>

The principle of the median line, according to which the boundary should be established on a line whose points are equally distant from the closest points of the baselines along the coasts of each state, forms the basis of Greece's main argument for the delimitation of the continental shelf / EEZ. According to Greece, this principle is supported by international law and governs all delimitation disputes. Greece's main defense is that all islands, regardless of location, have their own continental shelf or Exclusive Economic Zone (EEZ), and can thus form the pertinent coastlines against which the median line will be drawn.<sup>133</sup>

### **3.4 Challenges in the exploitation of the gas reserves of the Eastern Mediterranean**

The major problem for found gas resources, as well as future predicted reserves, is its circulation and disposal in energy markets. The issue is that both Israel and Cyprus have very low domestic energy needs. As a result, the majority of the stocks should be exported. This is a severe barrier to deposit extraction since huge expenditures in the billions of dollars are necessary to keep them until they are placed on the market, as well as additional large investments if they must be transported from their extraction location. Storage facilities and the conversion of natural gas into liquefied gas will be necessary for it to be loaded onto ships. Pipelines are a more cost-effective method for gasoline disposal in Israel and Cyprus. Countries with pipeline infrastructure, like as Russia or Azerbaijan, can negotiate contracts at a lower price, giving them an advantage against the competition from Mediterranean deposits.<sup>134</sup>

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<sup>132</sup> Papastavridis, E. (2020). The Greek-Turkish Maritime Disputes: An International Law Perspective. *ELIAMEP Policy papers*, 36. p.23. (In Greek)

<sup>133</sup> Syrigos, A. M. (1997). *The Status of Aegean Sea According to International Law*. Aristide D. Caratzas Publisher.

<sup>134</sup> Thrassou, A., et al. (2016). The Cyprus oil and gas industry's indirect business effects—A predictive real-time analysis. *Journal of Transnational Management*, 21(3). pp.115-141.

Because these gas sources are so close to one another, collaboration on their circulation is almost unavoidable, and several means of transferring gas from Israel and Cyprus to developed European markets have already been examined. Gas markets based on pipelines differ from oil and LNG markets. Because pipeline crossings over small distances are desired, most gas markets are regional. LNG enables far greater distances to be traveled. The pipes' running expenses are reasonable. The more expensive the infrastructure, the greater the upfront cost of the contracts. As a result, contracts and agreements that are stable and long-term are required.<sup>135</sup>

Israeli gas reserves plans include a pipeline that would bypass Turkey by passing through Cyprus and Greece. An international gas pipeline project poses a significant financial risk since it necessitates the signing of long-term contracts that commit the price of fuel to a level sufficient to pay the expenditure (i.e. at a high enough price). Furthermore, both parties to the deal must agree to uphold their pledges while they invest billions of dollars in creating the pipeline infrastructure. Furthermore, the pipeline infrastructure will take at least 20 years to build, and contracts will have already been signed with a provision for the price of gasoline. As articulated, the problem is highly concerning in terms of its financial feasibility. The project's fulfillment necessitates, in addition to economic prudence, the political stability supplied by Greece and Cyprus, which are more stable than Turkey. To collaborate with the Israeli government, energy corporations require political stability. Companies would be unable to invest the \$ 2 billion required to develop the pipeline without the requisite assurances. If the pipeline is completed, Greece and Cyprus will receive considerable special weight in the EU, increasing their influence and negotiating ability, while Israel, despite its long history of bilateral and multilateral connections with the EU, would gain more geopolitical significance.

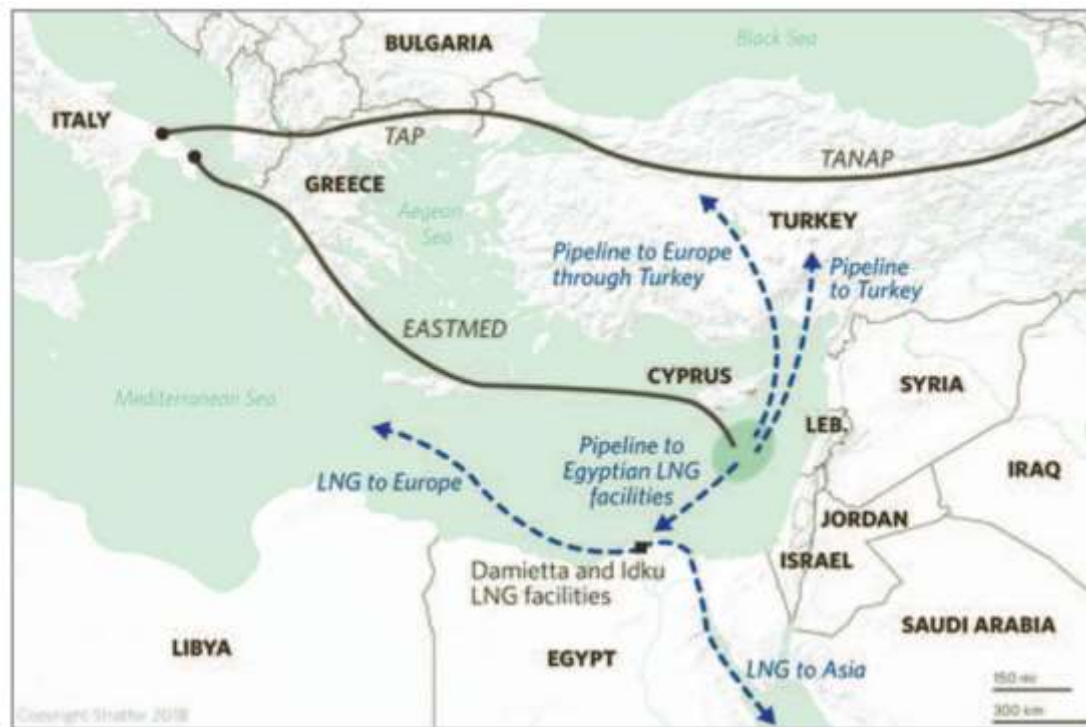
In this regard, the fact that the Eastern Mediterranean's new hydrocarbon resources may provide an alternative source of energy to the EU's ever-increasing energy demands has made it highly appealing to pick the one that, if constructed, would be the world's biggest submerged pipeline. With a capacity of up to 20 billion cubic meters per year, the pipeline will traverse about 1900 kilometers (700 kilometers on land and 1200 kilometers undersea) to Greece. The pipeline project might be expanded

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<sup>135</sup> Forman, P. J. (2017). *Securing Natural Gas: Entity-Attentive Security Research*. Durham: Durham University. pp.225-230



to link to the Trans-Adriatic Pipeline, allowing it to reach European markets through Albania and Italy. If the EU agrees to a long-term gas-selling deal, it might improve project trust and make obtaining the first capital investment necessary to link the pipeline to the grid simpler.<sup>136</sup> Furthermore, the continuing energy crisis caused by the Russia-Ukraine war promotes the plan's execution, as the EU will certainly seek energy independence from Russia.



**Figure 6:** The alternative transportation options of the Israeli-Cypriot LNG. (Source: Stratfor)

### 3.5 The Turkish finding of "co-exploitation"

Turkey understood in 1975 that international maritime law was not serving its interests in the Aegean. Because of the enormous number of Greek islands that formed lengthy chains throughout the Aegean, Turkish claims were confined to a zone along the shores of Asia Minor. Ankara has proposed a fresh concept for cooperative exploration and exploitation of the Aegean continental shelf to remove the hurdle. The two countries would have the sole right to utilize wealth-generating resources found inside their territorial waters, which would extend up to six miles from their respective borders. However, outside of territorial seas, the Aegean subsurface would be a zone of

<sup>136</sup> Baconi, T. (2017). A flammable peace: Why gas deals won't end conflict in the Middle East. *European Council on Foreign Relations Policy*. pp.9-10

cooperative exploitation for Greece and Turkey. Profits in this zone would be split evenly between the two countries.

In this approach, while Turkey has a tiny portion of the Aegean continental shelf, it intended to obtain 50 percent or a considerable portion of it through cooperation. Furthermore, it would obtain rights to any hydrocarbon resource found anywhere on the Aegean continental shelf, whether between Lesvos and Lemnos, in the Thermaic Gulf, or the Cretan Sea. In essence, co-exploitation would result in Aegean co-ownership.

The Turkish suggestion was quickly rejected by Greece. When the issue was debated in the Greek Parliament in September 1976, the following three conditions were set for joint exploitation: first, the two countries would delimit the Aegean continental shelf; second, after the demarcation, a limited joint exploitation zone of the two continental shelves could be created, which would include continental shelf sections from both countries; and third, the wealth-generating resources discovered in this zone would be pre-divided based on nationality. The three Athens requirements represent current worldwide practice. First, the continental shelf (or, more recently, the EEZ) is defined. If reserves are discovered that are nearing their limit, one approach is collaborative exploitation. Cyprus and Egypt, for example, have signed an agreement for the cooperative exploitation of minerals located in the region on both sides of the boundary of the two governments' EEZs.

Turkey offered their idea as practical, realistic, and sensitive to the particular geographical constraints of the Aegean, which it described as an "equitable solution." Turgut Ozal was the last Turkish politician to publicly advocate cooperation in 1988. Since then, the problem has been inactive.

Turkish interest in hydrocarbons switched to the Eastern Mediterranean in the early 2000s. Turkey formally claimed the whole territory west of Cyprus to the south of Rhodes in April 2012 (from the 28th to the 32nd meridian). The claim took the form of transferring the whole territory to the Turkish state oil corporation, TRAO, by customary Turkish practice. Then, at the end of another Greek-Turkish summit in March 2013, Erdogan used the words "Kazan-Kazan." It is the Turkish version of the American expression "win-win," which is used in situations when both parties profit. The purpose of a negotiation is for both parties to profit.

Erdogan reintroduced continental shelf cooperation in his address. It was, however, no longer restricted to the Aegean, where large hydrocarbon deposits are

unknown. He was particularly interested in the Eastern Mediterranean, which has been shown to have exploitable resources. The message was clear: the claims of Greece and Turkey on both sides will not enable either of the two countries to continue exploitation. Co-exploitation or co-management may be used instead of conflict. Of course, demarcation is unneeded if there is such cooperation. This contains the "cauldron-cauldron" message. According to Turkish opinion, both nations will win in such a circumstance.

Erdogan's proposal properly illustrates the Turkish philosophy of the blue homeland. This is a large territory that encompasses half of the Eastern Mediterranean. In addition to the Turkish continental shelf, it encompasses the whole EEZ of Cyprus as well as the continental shelves of Kastellorizo, Rhodes, Karpathos, Kasos, and the eastern half of Crete. In several of these areas, Turkish claims are totally nonsensical in terms of international law. Turkey is not contiguous to these locations nor has a sea front. However, he cites them because he is looking forward to co-exploitation or co-management.

Surprisingly, Turkey eliminates all of the regions it claimed in April 2012 from its plan (28th to 32nd meridian). It does not, for example, consider the cooperative exploitation of the Anatolian continental shelf or even Kastellorizo. It views the particular places to be its own. It proposes cooperation for the territories south of Cyprus or Crete, which is suited for countries with limited sovereignty.<sup>137</sup>

According to its advocates, the subject of Aegean co-exploitation is breaking the two nations' impasse and, like the co-exploitation of North Sea oil deposits by the United Kingdom and Norway, would bring Greece and Turkey to enduring peace via mutually beneficial collaboration. But is it what Erdogan means when he talks of a win-win or cauldron proposal in his language?

Any ideas for collaborative deposit exploitation with Turkey are deemed meaningless since "there can be no economic collaboration with the fear of a gun in the temple."<sup>138</sup> Turkey has publicly announced its revisionism, which includes the regime of rocky islets, the demilitarization of the islands of the Eastern Aegean and the

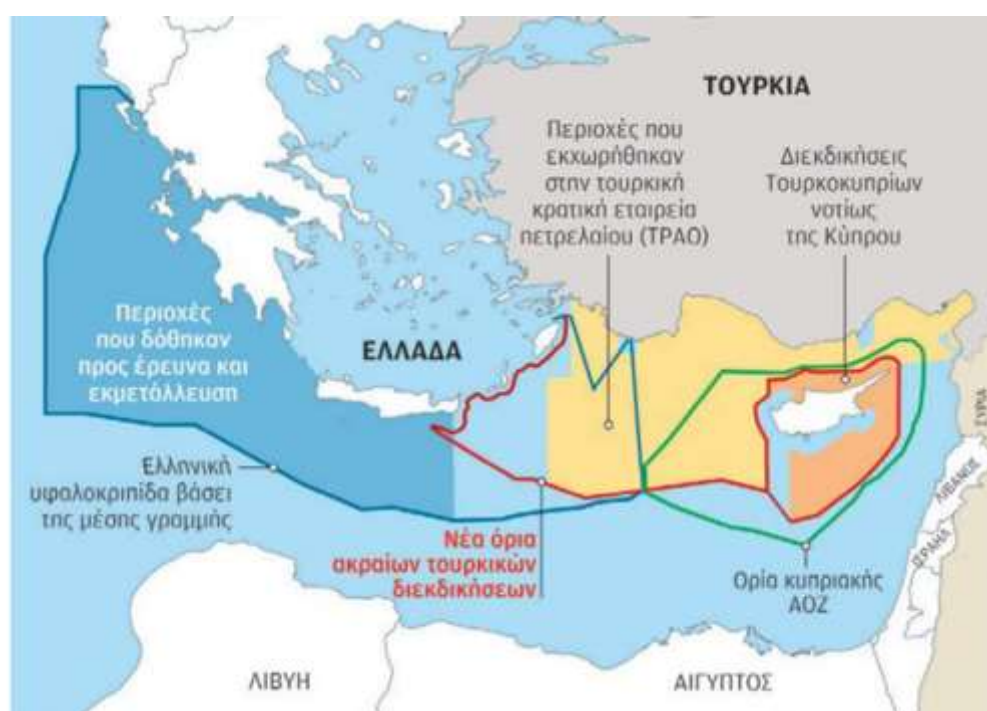
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<sup>137</sup> Syrigos, A. (2019). *Joint exploitation? Kathimerini*. August 19, 2019. (In Greek). <https://www.kathimerini.gr/politics/1038835/synekmatalleysi/>

<sup>138</sup> Karagiannis, M. (2019). The Turkey-Libya agreement opens the bag of Aeolus *Liberal*. November 28, 2019. (In Greek). <https://www.liberal.gr/apopsi/manos-karagiannis-h-symfonia-toyrkias-libyis-anoigei-ton-asko-toy-aioloy>

Dodecanese, the questioning of our national airspace, and many other issues. Its rejection of the International Court of Justice's jurisdiction at The Hague and preference for direct bilateral discussions reveals its revision and preference for the language of coercion and threats over that of International Law.<sup>139</sup> Thus, the co-exploitation relationship is not a marriage of two happy husbands, but rather a typical Islamic marriage in which the wife has few rights and is obligated to carry out her husband's desire.

However, co-management of Aegean resources with Greece is not Turkey's primary priority. It is one of its ambitions, but the discovery of massive energy resources in the Eastern Mediterranean has driven Turkey to the point of using Cyprus as a distraction to achieving its Aegean goals.<sup>140</sup>



**Figure 7:** The red line denotes the boundaries of Turkey's "blue homeland" for cooperative exploitation. The territories that Turkey relinquished to TRAO in 2012 (28th-32nd meridian) are highlighted in yellow and are not subject to cooperative exploitation. Source: (kathimerini.gr)

<sup>139</sup> Sotiris, P. (2019). How feasible is the logic of sharing the energy wealth in the Aegean? *In.gr*. July 4, 2019. (In Greek). <https://www.in.gr/2019/07/04/politics/poso-efikti-einai-logiki-tis-synekmetalleyisis-tou-energeiakou-ploutou-sto-aigaio/>

<sup>140</sup> Fotaki, A. (2019). Turkey's bargains in the Mediterranean and co-management scenarios in the Aegean. *Ta Nea*. July 6, 2019. (In Greek). <https://www.tanea.gr/2019/07/06/opinions/ta-pazaria-tis-tourkias-sti-mesogeio-kai-ta-senaria-syndiaxeirisis-sto-aigaio>

## CHAPTER 4: CONCLUSION

Marine zone delimitation is a complicated, political, and usually contentious issue that is intricately linked to concerns about sovereignty and economic interests. Despite the particular contractual conditions and the vast number of instances, it was impossible to talk of unambiguous demarcation criteria since the International Court of Justice declined to give any force to the rule of equality "Article 6 of the 1958 Geneva Convention".

The 1982 LOSC retained the "equal distance-special circumstances" criteria exclusively for the marine delimitation of the coastal zone. [LOSC Article 15] Formalized paraphrase International case law and practice have given force to customary law in this norm. It was also thought that the delimitation of the coastal zone, like that of the continental shelf and the EEZ, should result in a fair outcome.

The Court appeared to prioritize the study of all unusual and important facts, not withstanding its cautious attitude toward equal distance (middle / lateral line). The international courts prioritized the principles of leniency, which had a catalytic role in deciding the direction of the demarcation line during its final delineation due to a range of relevant and unusual situations. The line of equal distance was used less frequently by the Court, in contrast to its broad usage in state practice, because it did not lead to a fair decision in the instances considered by the Court. By saying in its case-law that the line of equal distance is not required by law, the Court has contributed to the freedom of law and practice from any requirement or case in favor of equal distance. As a result, the Court and coastal States are free to use the same distance as a demarcation line or a starting point for maritime demarcation without being required to do so by a legislative rule of law.

This criterion appeared to be undermined by the weight of many important and exceptional circumstances, which were decisive in each case, culminating in the condemnation of equal distance. Because a fair solution for delimiting the continental shelf may result in an unfair conclusion for delimiting the EEZ, the consistency of the methods for delimiting the continental shelf and the EEZ does not necessarily result in similar delimitation lines. The foregoing points imply that firstly, any delimitation solution must be based on international law (unless the states concerned decide

differently), and secondly, the ultimate purpose of the demarcation process is leniency and justice.

The Court paid particular attention to the characteristics and unique geographical realities of each case, which required a modification in the midline in order for the demarcation to reach a tolerable limit. Coastal geography has been emphasized and researched by international courts using rigorous and systematic procedures.

When called upon to resolve disputes about access to catches, the Court may consider the overall legality of the outcome. Simultaneously, it must manage the risk that its policies will have disastrous effects for the survival and economic well-being of the people of opposing states.

Physical extension has been contested, and its influence on practice is now limited because a liberal delineation does not necessarily correspond with natural extension borders. The court's views appear unclear in the context of recognizing a clear effect of natural growth in the delimitation procedure.

The presence of islands in the region to be designated produced significantly disparate results, making the path of predictability in island demarcation difficulties unfeasible. Small islands, reefs, and shallows were not considered in a semi-closed sea with significant oil deposits. Accepting the individualism of each case of delimitation related islands and taking into account exceptional circumstances, the Court proceeded with the delimitation, granting the islands full, partial, or no continental shelf and changing the demarcation line inappropriately to fit the idea of leniency.

In reality, most agreed-upon maritime boundaries are the product of bilateral agreements. The investigation of state practice reveals that the double formula dominates in the delimitation of maritime zones on the one hand of international law, namely the notion of equal distance, and the other hand of delimitation, meaning the application of the principles of leniency. The previous practice of states appears to support the use of a single border by establishing a common boundary for more than one maritime zone.

As previously mentioned, most nations, including Greece and Turkey, may benefit from a single maritime border. Negotiating a settlement via a difficult maritime settlement might be a nightmare. As a result of the coastal state's jurisdiction being extended to the resources of the EEZ and the jurisdiction being linked with the pre-existing rights on the continental shelf, the solution of the single maritime boundary

looks to be an acceptable conclusion. For example, in its decision in the Libya-Malta conflict, the International Court of Justice stated, "In present law, the continental shelf and the exclusive economic zone are closely intertwined." Because a state's rights on its continental shelf encompass the seabed and subsoil of any exclusive economic zone it may proclaim, the legally allowed extent of the same State's exclusive economic zone is one of the necessary conditions to be examined for delimitation of the continental shelf."<sup>141</sup> The possibility of combining the continental shelf and the EEZ from a single boundary is not unreasonable, especially given that the 1982 Convention establishes that the legal basis for jurisdiction over the continental shelf and the EEZ within 200 miles is based on geographical proximity rather than any geophysical concept of measurement of distance. Furthermore, the court stated that "the distance standards should now apply to both the continental shelf and the exclusive economic zone for legal and practical reasons."<sup>142</sup>

The EEZ, unlike the continental shelf, must be declared, and the proposal to delimit the EEZ includes the delimitation of both portions. The Status of Island Coastal Fronts and an Aegean Coda: Equity, Equidistance, and Proportionality at Sea As a result, if the Aegean question comes before the Court, Greece must propose that the - address the delimitation of both the continental shelf and the EEZ. This criteria should be put on a future agenda for the delimitation of sea zones between Greece and Turkey, whether by bilateral agreement, arbitration, or recourse to the relevant International Courts. Assuming that the Greek-Turkish issues are within the legal framework, as they are, they should be resolved before a competent court or other relevant institution in accordance with international experience, practice, and, most significantly, international law.<sup>143</sup>

Negotiations, for example, might lead to departures from the execution of international law standards. Because of the long-standing tension between Greece and Turkey, the history of such discussions, such as the agreement on the continental shelf between Italy and Greece, does not apply in the situation of the Aegean. Tensions created not just by maritime difficulties, but possibly most crucially by Turkey's

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<sup>141</sup> Blecher, M. D. (1979). Equitable Delimitation of Continental Shelf. *American Journal of International Law*, 73(1). pp.60–88. <https://doi.org/10.2307/2201298>

<sup>142</sup> Icj-cij.org. (1985). Latest developments | Continental Shelf (Libyan Arab Jamahiriya/Malta) | International Court of Justice. [online] Available at: <https://www.icj-cij.org/case/68>.

<sup>143</sup> Ioannou, K. (1989) *International Law and Hellenic foreign policy*. Athens: Sakkoulas. (In Greek)

unjustified claim to sovereignty over several Aegean islands. Furthermore, despite criticism of its problematic judgments and the suspicion of many governments of political motive, the ICJ's contribution to international peace and security is noteworthy. As a result, Greece's national interest coincides with the backing of international justice and its institutions. We must not lose sight of the international judicial system's involvement in the situation of the Republic of Cyprus at this moment. On the other hand, Turkey's prolonged unwillingness to agree to resolving the continental shelf issue with Greece before the ICJ for almost 40 years demonstrates a dangerous state conduct in legal and diplomatic terms. The ongoing stalemate in the discussions that may lead to a settlement of the case at The Hague may reflect Turkey's intention to trap Greece in unending dialogues and negotiations, as well as an ever-expanding agenda of disputes, in order to reap a lot of collateral advantages.<sup>144</sup>

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<sup>144</sup> Siouziouras, P. and Chrysochou, G. (2014). The Aegean Dispute in the Context of Contemporary Judicial Decisions on Maritime Delimitation. *Laws*, 3(1). pp.12-49. doi: <https://doi.org/10.3390/laws3010012>



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