

AU/ACSC/011/2001-04

AIR COMMAND AND STAFF COLLEGE

AIR UNIVERSITY

DISPUTE IN THE AEGEAN SEA  
THE IMIA/KARDAK CRISIS

by

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A Research Report Submitted to the Faculty

In Partial Fulfillment of the Graduation Requirements

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Maxwell Air Force Base, Alabama

April 2002

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# Report Documentation Page

*Form Approved  
OMB No. 0704-0188*

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1. REPORT DATE <b>00 APR 2002</b>	2. REPORT TYPE <b>N/A</b>	3. DATES COVERED <b>-</b>	
4. TITLE AND SUBTITLE <b>Dispute In The Aegean Sea The Imia/Kardak Crisis</b>		5a. CONTRACT NUMBER	
		5b. GRANT NUMBER	
		5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)		5d. PROJECT NUMBER	
		5e. TASK NUMBER	
		5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>AIR COMMAND AND STAFF COLLEGE AIR UNIVERSITY Maxwell Air Force Base, Alabama</b>		8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)	
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release, distribution unlimited</b>			
13. SUPPLEMENTARY NOTES <b>The original document contains color images.</b>			
14. ABSTRACT			
15. SUBJECT TERMS			
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>	<b>UU</b>
			18. NUMBER OF PAGES <b>50</b>
			19a. NAME OF RESPONSIBLE PERSON

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## **Acknowledgments**

I would like to thank, and I must acknowledge my very great debt to Lt. Col. Robert M. Algermissen, my research paper advisor, for his guidance and help.

## **Abstract**

The Greek-Turkish dispute over the Aegean Sea encompasses four distinct, yet interrelated, issues: 1. Sovereign rights over the Aegean continental shelf; 2. Territorial waters limits within the Aegean Sea claimed by each side; 3. Jurisdiction over airspace zones; 4. Sovereignty over certain or unspecified (gray areas) Aegean islands.

The last issue came to the surface after the Imia/Kardak crisis, which brought the two countries one step away from war. Apart from the first three issues, it was the first time when each country saw that her territorial sovereignty was under dispute. However, after the crisis was resolved (with U.S. intervention), the Turks initiated the issue of sovereignty over certain or unspecified (“gray areas”) Aegean islands.

This thesis maintains that this issue is related with the other disputes and its resolution will secure the stability in the region. However, there are different opinions about how the issue can be resolved. I believe that the best feasible resolution can be achieved through the application of international law, and namely by the International Court of Justice.

## **Chapter 1**

### **Introduction**

For centuries, relations between Greece and Turkey have been tumultuous. Periods of peace have existed, yet longer periods of conflict have dominated their affairs. With exception a period of relative harmony from 1920 until 1950, the previous century, and especially since 1974, there has been a lot of tension, mistrust, anger, hatred, threats of war, and even conflicts. The disputes are related to two separate issues: first, Cyprus and second, the Aegean Sea. The disputes in the Aegean Sea are quite complicated and will be the focus of this paper, and especially the dispute over the Imia/Kardak islands.

These disputes have caused have caused the unnecessary build up of armed forces over the years and have even caused threats of war to be made. In some incidents the two countries came to the brink of war. The disputes not only hold the potential for disastrous war between the two countries, who also are allies and members of the North Atlantic Treaty Organization (NATO), but also hold the potential to pull other countries into this conflict destabilizing the whole region. Stability in the region and, consequently Europe as a whole is therefore at risk, and must be restored through resolution of these disputes.

This paper examines the Aegean dispute and focuses on the dispute over the Imia/Kardak islands. Chapter 2 presents the main issues of the Aegean dispute. Chapter 3 details the Imia/Kardak dispute, while Chapter 4 discusses the positions of Greece,



Turkey, the European Union and the United States over the Imia/Kardak issue. Finally, Chapter 5 examines the various positions of the above players about resolution and presents a recommendation for a resolution.

## **Chapter 2**

### **The Aegean Dispute Issues**

The Aegean dispute is centered on four main issues: 1) delimitation of the continental shelf and, therefore, rights to any natural resources in the continental shelf, 2) the breadth of territorial waters, 3) control of the Aegean airspace and 4) ownership of various islands, islets, and rocks in the Aegean. All are separate disputes but at the same time are inter-related.

#### **Continental Shelf**

The continental shelf issue surfaced as a main dispute in 1973, only after Greece discovered oil off the coast of Thassos, a northern Aegean island. This discovery coincided with a steep rise in oil prices due to the Arab oil embargo. On 1 November 1973, Turkey published a map<sup>1</sup> (Figure 1) indicating the limits of its continental shelf rights as being to the west of Greece's easternmost islands and awarded mineral exploration licenses in the eastern Aegean to the Turkish State Petroleum Company. In most places these areas were in international waters but were above areas of the continental shelf already claimed by Greece. Greece consequently protested, and the Turkish response, on 28 February 1974, was to propose negotiations. Greece accepted the negotiations "in accordance with international law as codified in the Geneva Convention" – a step described by the Turkish Prime Minister, Mr. Ecevit, as a "positive

development<sup>22</sup>. However, three days later Turkey announced that a survey ship, the *Candarli*, was to make magneto-metric studies in the Aegean in preparation for oil drilling. The *Candarli* entered the Aegean on 29 May, accompanied by thirty-two warships, and made studies along the western limits of the Turkish claim. Greece protested, but Turkey rejected the protest. In addition, a month later Turkey extended her claims, extending further west and south including the waters around the Dodecanese islands (Figure 2).



**Figure 1 Map published by the Turkish Official Gazette**

In 1976 Turkey sent another ship, the *Sismik I*, for explorations into the disputed area. This incident brought the two countries close to an armed conflict. Greece attempted to justify her claims and fears by appealing to the UN Security Council and the

International Court of Justice (ICJ). The Security Council tried to maintain a impartial position by calling the two countries to strive to reduce tension in the area and seek a solution through negotiations. The ICJ eventually decided in January 1979 that it lacked the jurisdiction to rule on the Aegean Sea Continental Shelf case.



**Figure 2 The limit of continental shelf claimed from Turkey (source: “Status quo in Aegean”, Hellenic Air Force edition, June 1999)**

In March 1987, a new Turkish announcement for explorations in the disputed continental shelf area brought about a vigorous Greek reaction. The Greek Prime Minister, Mr. Andreas Papandreou, declared this action *casus belli* (cause of war), while

he put the Greek armed forces at a high alert status. Through U.S. and NATO mediation, Turkey canceled the survey.

According to the Turks, the Turkish continental shelf line runs roughly down the center of the Aegean. Turkey's main argument is based on the assumption that much of the Aegean is a prolongation of the Anatolian landmass. Also Turkey, which is not a party to the 1958 Geneva Convention (UNCLOS I) and the UN Convention on Law of the Sea (UNCLOS III) (see Appendix A), believes that the eastern Aegean islands do not possess their own area of continental shelf. Turkey claims that Aegean is a special case and that UNCLOS III laws may not be applicable to the Aegean since it is a semi-enclosed sea.

On the other hand, the Greek position is founded on the 1958 Geneva Convention on the Continental Shelf, which was signed and ratified by Greece. Subsequently, Greece signed and ratified the UN Convention on Law of the Sea (UNCLOS III), as confirming and lending further support for its position on the drawing up of maritime boundaries.

Greece claims that because she owns the majority of the islands in the Aegean (thus forming a Greek political continuum to the easternmost island in the Aegean), she also has sovereignty over the continental shelf on the above definitions from the text of UNCLOS III<sup>3</sup>. Therefore, according to the Greek interpretation, the Greek continental shelf would extend from the Greek mainland to the median line between the Greek islands and the Turkish mainland, thus denying Turkey any continental shelf west of the Greek islands and resulting in about two thirds of the Aegean continental shelf being awarded to Greece.

The Greek response to the Turkish position is that the median line proposed by Turkey would, in effect, enclave Greece's eastern Aegean islands in a Turkish jurisdictional zone. In addition, because of the Turkish behavior in Cyprus in 1974 as well as a number of statements by successive Turkish leaders<sup>4</sup> suggesting dissatisfaction with the territorial status quo in the Aegean, Greece believes that any such solution would simply open up the road toward more Turkish revisionism in the area.

Greece believes that Turkish claims threaten its sovereignty over her islands, while the same time her claims do not, in accordance with UNCLOS III, threaten Turkey's use of the high seas or airspace above the continental shelf that is outside Greek territorial waters.

Greece proposes that both countries jointly petition the ICJ for the delimitation of continental shelf limits. Turkey refuses to accept the jurisdiction of the ICJ because of a belief by Turkish officials that the ICJ will not take into consideration the fears and arguments of the Turkish government in the same way it did with other various cases.

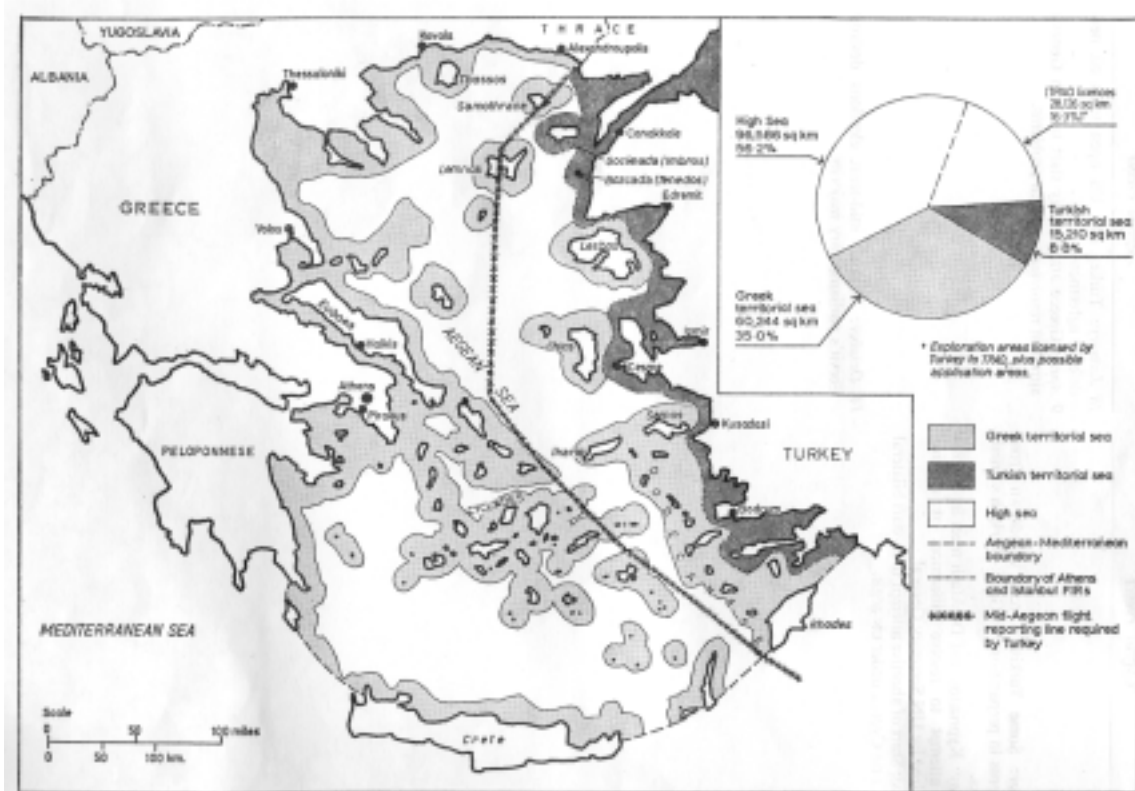
As we saw, while Greece's claims are based on legal arguments, namely based on the UNCLOS III which Greece signed but Turkey didn't, Turkey claims "special characteristics" to justify its continental claims.

### **Territorial Sea**

Another important disagreement over the Aegean concerns Greece's territorial sea. Greece and Turkey currently claim a territorial sea of six nautical miles. Turkey, however, maintains a 12 nautical-mile limit on the Black Sea and her south coasts. On the other side, Greece reserves the right to claim a 12 nautical-mile limit and codified this right. On 31 May 1995, the Greek Parliament ratified the U.N. Convention on the Law of

the Sea (UNCLOS III)<sup>5</sup>, which includes the provision that states have the right to a territorial sea up to 12 nautical miles. In response, on 8 June 1995, the Turkish Parliament authorized its government to take any necessary measures, including military ones, if Greece exercises its right.

Under present arrangements (six mile territorial sea limit), about 35 per cent of the Aegean Sea is designated as Greek territorial sea, about nine per cent as Turkish territorial sea and 56 per cent as high seas (international waters).(Figure 3) Extension to the 12 nautical-mile limit would change the territorial sea to 64 per cent to Greece, 10 per cent to Turkey with the remaining 26 per cent as international waters.<sup>6</sup> (Figure 4)



**Figure 3. Possible Distribution of Territorial Seas in the Aegean (6 nautical miles)**  
source: Adelphi Paper No 155

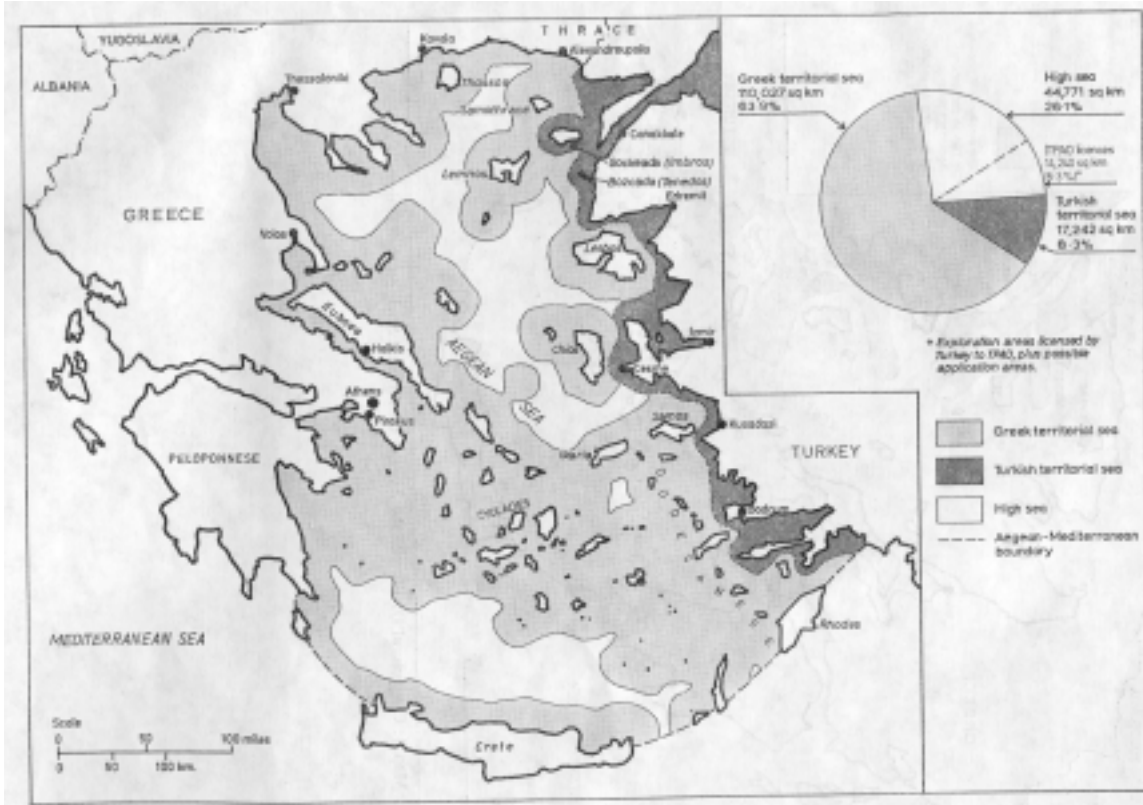
The Turks fear that Aegean would be turned essentially into a Greek lake and would limit their access to Mediterranean Sea through Dardanelles Straits, because ships would be obliged to pass through Greek waters.

Furthermore, Turkey maintains that if Greece extended its territorial sea to twelve nautical miles unilaterally, this would constitute a *casus belli*. Since 1974, many Turkish officials have repeated that an extension of Greece's territorial sea would lead to war.<sup>7</sup> Moreover, in 1997 the commander of the Turkish Naval Forces, Admiral Govan Erkaya, indicated that if Greece made such a move, "Turkey would seriously consider seizing some of the Greek islands close to the Turkish mainland."<sup>8</sup>

If this issue were resolved peacefully, under the international law codified by the UNCLOS III, it would remove the continental shelf issue from the Greek-Turkish Agenda, because most of the disputed areas would become Greek territorial waters. Under the 12-mile status, Turkey could only utilize the "innocent passage" right or the right of "transit passage through international straits".

Turkey therefore, chose not to sign the UNCLOS III. Turkey participated in all phases of the Third Conference, but refused to sign it, even though signing the Convention would merely imply acceptance of the authenticity of the text in question, and not necessarily committing to its provisions. In addition, the Turkish representative declared that his country's objections were not taken into consideration and that, consequently, any article of the new Convention, which Turkey rejected in its entirety, did not bind her.





**Figure 4 Possible Distribution of Territorial Seas in the Aegean (12 nautical miles)  
source: Adelphi Paper No 155**

Turkey is not opposed to 12 nautical mile territorial limits per se, as we can see by her own claims in the Black and Mediterranean seas, but rather views the Aegean as case of “special circumstances”. Turkey refuses to acknowledge the right of Greece to extend her territorial limits beyond six nautical miles, holding that any extension would constitute an abuse of her rights under Article 300 of the UNCLOS III. This article provides that parties to the treaty “shall exercise the rights, jurisdiction and freedoms recognized in this convention in a manner which would not constitute an abuse of right”, an argument that ironically acknowledges that the Greeks have such a right in the first place. More fundamentally, because Turkey is not a party to the UNCLOS III, its desire to benefit from the abuse of rights provision is somewhat questionable as a matter of law.

In the territorial sea issue, as was the case with the continental shelf, Greece emphasizes its rights and responsibilities under International Law, while Turkey claims “special circumstances”.

## **Airspace**

The dispute over airspace control is similar to that of continental shelf delimitation in that both relate to Turkey’s desire to extend its jurisdiction over the Aegean area and Greece’s opposition to these attempts.

In 1931 Greece, for the control and policing of air navigation<sup>9</sup>, claimed a ten nautical mile national airspace vice a six nautical mile limit of territorial waters, because of aircraft speeds. In 1952 and 1958, regional conferences of the International Civil Aviation Organization (ICAO), with both Greece and Turkey participating, decided that except for the narrow band of Turkish national airspace along the Turkish coasts, controlled airspace over Aegean would be part of Athens FIR (Flight Information Region). Placing the FIR boundary further to the west would oblige Greek aircraft flying to eastern Greek islands to pass through a Turkish control zone. It was thus consistent with geography and worked well until the Turkish invasion in Cyprus in 1974.

On 4 August 1974, fifteen days after the invasion in Cyprus, Turkey unilaterally issued NOTAM<sup>10</sup> 714 demanding “all aircraft approaching Turkish airspace to report their position and flight plan on reaching the Aegean median line, which lay considerably to the west of the FIR line. The purpose, according to later Turkish explanation, was to enable Turkish military radar to distinguish between innocent flights and potential attackers bound for targets to Asia Minor.”<sup>11</sup> Greece rejected this unilateral action, first because it contravened with ICAO decision, and second because the choice of the

“Aegean median line” seemed to have a political character since the Turkish proposed line coincided with the claim to the continental shelf.

Therefore, on 13 September 1974, Greece issued NOTAM 1157 declaring “the Aegean air routes to Turkey to be unsafe because of the threat of conflicting control orders.”<sup>12</sup> Subsequently, all international airlines suspended flights in the area, directly affecting flights to Middle and Far East.

These NOTAMs were withdrawn in 1980, when Turkey recalled her demand, probably as a result of the badly damaged Turkish tourism due to the flight restrictions<sup>13</sup>. Greece subsequently recalled its notification as well.

However, Turkey still refuses to submit flight plans for her military aircraft that are operating in the Athens FIR, although she does inform the NATO control center at Naples. She routinely sends military aircraft to fly into disputed areas (and sometimes even Greek national airspace inside six nm over various islands). This results in Greek protests and Greece’s reacting by scrambling her own fighter aircraft to intercept and identify these officially “unknown aircraft”, leading to numerous confrontations. In one of the more famous recent such incidents, in October 1997, a C-130 transporting the Greek Minister of Defense was buzzed by Turkish F-16 both en route and while returning from Cyprus. Greece accused Turkey of provocation and the UN Secretary General expressed “concern over rising tension between Greek and Turkish forces operating in the Aegean theatre.”<sup>14</sup>

Turkey feels that the FIR boundary is too close to her land border, and for security purposes, desires a system giving balanced control as well as sufficient mutual early warning of military operations. Greece sees the Turkish claims as a purely political

attempt to link the airspace issue with the continental shelf issue and to gain more control over the Aegean for her benefit.

### **Disputed Islands, Islets, And Rocks**

The final major issue on which Greece and Turkey disagree is the sovereignty of some small Aegean islands and islets. This is, perhaps, the most explosive issue of the whole spectrum of Aegean disputes. While it seems that such minor pieces of land would not be of major concern, the issue has explosive potential as witnessed in the 1996 Imia/Kardak crisis.

The next chapter will address the sovereignty issue, as well as the Imia/Kardak crisis in detail giving a timeline of the crisis and the international legal framework pertaining to this issue.

### **Notes**

<sup>1</sup> Turkish Official Gazette, 1 November 1973

<sup>2</sup> Andrew Wilson, *"The Aegean Dispute"*, Adelphi Paper No 155, p.6

<sup>3</sup> UNCLOS III Article 121 "...the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory."

<sup>4</sup> "Turkey will never allow the Aegean to become a Greek sea, neither will it allow others to usurp Turkish rights in this area" (Defence Minister, Hasan Isik, 1 Jun 1974)

"Do not call these islands Greek islands but Aegean islands. It is preferable to call them Aegean islands." (Turkish Prime Minister, Suleyman Demirel, 19 Aug 1976)

"For six hundred years the Aegean islands were ours and in the hands of the Ottomans." (Turkish Prime Minister, Suleyman Demirel, 24 Aug 1976)

<sup>5</sup> Turkey didn't dign the U.N. Convention on the Law of the Sea, although she attended the conference.

<sup>6</sup> Andrew Wilson, *"The Aegean Dispute"*, Adelphi Paper No 155, p.5

<sup>7</sup> "It has often been said that should Greece attempt to extend her territorial waters to 12 miles Turkey would consider this act as a cause for war. Greece would not risk such a thing." (Message from the Turkish Foreign Minister I. Caglayangil to the Greek Premier, Constantine Karamanlis, 24 Oct 1979.)

## Notes

“We do not like to use the word “war”. This matter (extension of Greece’s territorial waters) is of vital importance to Turkey. Whoever wishes to understand what we mean. On no account will we accept a 12 mile limit in the Aegean. In such areas there are ways and means for mutual agreement. It is a matter of great interest to Turkey. We are categorically decide not to accept a fait accompli” (Statement by Turkish premier B. Uluşu, Jan 1982)

<sup>8</sup> Greek newspaper, “*TA NEA*”, 13 June 1997.

<sup>9</sup> Presidential Directive of 18 September 1931, published on the Governmental Paper Sheet A’ 325/1931.

<sup>10</sup> Notice To Airmen and Mariners.

<sup>11</sup> Andrew Wilson, “*The Aegean Dispute*”, *Adelphi Paper* No 155, p.6

<sup>12</sup> Andrew Wilson, “*The Aegean Dispute*”, *Adelphi Paper* No 155, p.6

<sup>13</sup> “Greece: Aegean Air Dispute Ended,” *The Times*, 29 February 1980.

<sup>14</sup> “Instability in the Eastern Mediterranean”, *Jane’s Intelligence Review*, Special Report No 17, March 1998, p.8

## Chapter 3

### The Imia/Kardak crisis

#### A Timeline of the Crisis

The question of the sovereignty of Aegean islands and islets emerged on 25 December 1995 when a Turkish freighter, the “*Figen Akat*”, ran aground on Imia/Kardak (Imia in the Greek language and Kardak in Turkish), a rocky islet, which is located approximately 5.5 miles from the Greek island of Kalymnos and 3.8 miles off the Anatolian coast of Turkey. (Figure 5) The captain of the ship radioed for help but refused to be towed by a Greek tug, which arrived first, claiming that he was aground on Turkish territory and was expecting help from a Turkish tug. The Greek captain insisted on helping because of the salvage fees, and finally the Turkish captain accepted to be towed to the nearest Turkish port. However, the freighter captain protested the Greek’s salvage claim, arguing that the freighter had been in Turkish territory and was waiting for a Turkish tug.

The dispute over the salvage fees between the Turkish freighter captain and the Greek tug captain led to a routine request to the Turkish Ministry of Foreign Affairs, asking to whom did Imia/Kardak belong. On 29 December 1995, the Turkish Ministry of Foreign Affairs contacted the Embassy of Greece, questioning the status of the islets asserting that the islets of Imia/Kardak constitute part of Turkish territory. On 10 January

1996, the Greek Embassy answered to the Turkish Ministry of Foreign Affairs rejecting the Turkish claims on the grounds that Turkey had clearly recognized the Imia/Kardak islets as belonging to Italy by virtue of a bilateral agreement concluded in 1932; the islets were subsequently ceded by Italy to Greece with the rest of the Dodecanese island chain by the Paris Peace Treaty of 1947.



**Figure 5 Imia/Kardak islets, source: USAF Pilotage Chart, PC G-3B (the circle indicating the islets was added for emphasis)**

When Greek newspapers discovered the story, they raised nationalistic questions of sovereignty over the islets. On 25 January 1996, the Mayor of nearby Kalymnos (capital city of the Kalymnos District, of which the Imia islets are part) raised a Greek flag on his own initiative in order to stress that the islets are Greek territory. A day later, during a radio news conference, the Greek Minister of Foreign Affairs Theodoros Pangalos

mentioned that Ankara was raising the level of confrontation in the Aegean by claiming that Imia/Kardak was in Turkish territorial waters.

Although it was a small comment in a large interview, Turkish journalists picked up the comments. On 28 January 1996, a team of journalists of the Turkish newspaper “*Hurriet*” rented a helicopter, flew to Imia/Kardak, removed the Greek flag and replaced it with a Turkish one in front of the cameras of a private Turkish television channel.

The next day the Greek flag was raised again, and this time twelve Greek commandos were placed on the largest of the two Imia/Kardak islets in order to protect the national symbol. But Turkey had plans to overrun the Greeks. Turkey re-contacted the Greek Embassy, arguing that the Protocol of 1932 was never validated. Meanwhile, Turkish naval forces were assembling in the waters near the islets, soon to be met by Greek naval units. Among the forces Turkey sent were three frigates, three attack craft, and a destroyer; among the forces Greece sent were two frigates, a destroyer, three attack craft, and fighter aircraft.

Tension rose dramatically during the night of 30 to 31 January, when a small contingent of Turkish commandos landed on the smaller of the two Imia/Kardak islets. Opposing armed forces were stationed only a few hundred meters apart.

The dangerous military situation was eventually diffused via intense pressure from high U.S. diplomats – including the President Bill Clinton – to both sides. A compromise was reached where both countries withdrew their forces and flags and returned to the “status quo ante”.

The Greek government’s decision to de-escalate was contrary to an aroused public which favored a more militant reaction. The Greek government viewed the withdrawal as



a victory. Prime Minister Constantinos Simitis said, “Turkey failed in its effort to force Greece to negotiate the legal status of the islets... The islets of Imia is [sic] and will remain Greek....”<sup>1</sup> But he received hard criticism, especially from political opponents, because Greek sovereignty was not defended.

“You have agreed to lower the Greek flag, to pull back Greek armed forces from Greek territory and you have tolerated the landing of Turkish forces on a Greek island. Turkey stayed as long as it wished on this island and left when they themselves judged it necessary, the Conservative opposition leader Miltiades Evert said. “The Greek government failed to understand the trap laid by Ankara, which wanted to challenge the legal status of the Aegean Sea”, he said. Simitis answered: “We have succeeded in avoiding a conflict between Greek and Turkish forces ... and reduced tension with no negotiation with Turkey over the legal status of the Greek islets. We were ready to go to war and we would have done so if it had been necessary. We did not want to fall into Turkish trap of forcing negotiation over the status of our Aegean islands... After five, six or seven days of war, we would have been forced to sit down at the negotiating table, which was what the Turks wanted. Greek sovereignty is not negotiable. Nothing has changed about the status of Imia.”<sup>2</sup>

The Turkish government viewed the compromise and subsequent withdrawal of the armed forces as a victory, because their planned commando action forced Greece to withdraw off the islets and not defend her supposed sovereignty. Also, the Turkish claims to the islets were still very much justified.

“... The government of Prime Minister Tansu Ciller characterized the outcome of the incident as a triumph. ‘We expressed our decisiveness very clearly,’ she said. ‘We said ‘this flag will come down, these soldiers will go. There is no other solution,’ and we got our result.’”<sup>3</sup>

But nevertheless, some nationalistic journalists, politicians, and commoners were upset that their government had given in and looked at the compromise and withdrawal as a national defeat.

This conflict has since been taken to other areas, for example the island of Gavdos. During the planning of NATO exercise “DYNAMIC MIX 1996” in Naples to take place

in the area of Crete, the Turkish representative submitted a statement (dated 30 May 1996), according to which Turkey opposed the inclusion of Gavdos (an island southwest of Crete) in the exercise “due to its disputed status of property”.<sup>4</sup> The Turkish representative also suggested that NATO officials should refrain from becoming involved in what he termed as a Greek-Turkish dispute. Although the Turkish Ministry of Foreign Affairs said that Gavdos was a technical not a political question, Turkish officials had referred to “gray areas”, islands, islets and rocks, not specifically mentioned in treaties, whose sovereignty may be unresolved. Turkish officials in various statements had raised the number of these islands from hundred to thousands.<sup>5</sup>

### **The International Legal Framework**

The Treaty of Lausanne, signed on 24 July 1923,<sup>6</sup> limits Turkey’s sovereignty – with the exception of Imbros, Tenedos and the Rabbit islands – explicitly only over islands lying within a three-mile limit off the Turkish coast (Article 12). Turkey formally ceded the Dodecanese islands to Italy. Article 15 of the Treaty provides that:

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

Under Article 16 of the same Peace Treaty, Turkey “renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognized by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned.”

Due to a dispute regarding the islets between the island of Castellorizo and the Turkish coast, Italy and Turkey concluded on 4 January 1932 the Convention between Italy and Turkey for the Delimitation of the Territorial waters Between the Coasts of Anatolia and the Island of Castellorizo.

On the same day, through an exchange of letters initiated by Turkey between the Turkish Foreign Minister and the Italian Ambassador to Turkey, it was agreed that the two sides would extend the already established delimitation to cover the whole of the Dodecanese region. A follow-on agreement was signed to this effect on 28 December 1932. It continues the delineation of the borderline between the Dodecanese and the Turkish coast of Anatolia using 37 points and refers explicitly to the islets of Imia/Kardak as belonging to the Italian side. More precisely point no. 30 reads, in the original French text:

"La ligne frontière [...] passe par les points suivants: [...]

.....

30.- à moitié distance entre Kardak (Rks.) et Kato I. (Anatolie)"

Due to its technical nature and undisputed character, which is explicitly stated in the exchange of letters mentioned above and in its preamble, this second Italo-Turkish agreement of 1932 was negotiated and agreed upon at a lower level of representatives.

The islets of Imia (known under the 1932 treaty name "Kardak") became part of Greece along with the rest of the Greek-inhabited Dodecanese islands and islets through the Treaty of Peace with Italy signed by the Allied Powers and Italy in Paris on 10 February 1947. Article 14 of the Treaty provides that:

"Italy hereby cedes to Greece in full sovereignty the Dodecanese Islands indicated hereafter, namely Stampalia (Astropalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misiros

(Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), Cos (Kos), and Castellorizo, as well as the adjacent islets."

Thus Greece formally succeeded Italy in the sovereignty of the Dodecanese islands and inherited the legal status, including the delimitation of the sea frontier, formally established between Italy and Turkey in this area of the Aegean Sea. As is well known, under international law, the successor state automatically assumes all the rights and obligations that have been established by international treaty between the initial possessor state and every third party, namely between Italy and Turkey.

However, Greece and Turkey disagree on the interpretation of the Treaties and even though the military conflict of Jan-Feb 1996 averted war, both countries still claim sovereignty over Imia/Kardak. The next Chapter will discuss the position and arguments the two countries have over the issue, as well as the European Union (EU) and United States (U.S) position.

### Notes

<sup>1</sup> "Charges Fly As the Greeks and Turks Avert a War", *The New York Times*, 1 Feb 1996

<sup>2</sup> Greek newspaper, *TA NEA*, 1 Feb 1996

<sup>3</sup> "Charges Fly As the Greeks and Turks Avert a War", *The New York Times*, 1 Feb 1996

<sup>4</sup> This written statement was made by Captain (TUN) Huseyin Ciftci, the Turkish representative in NATO. Source: Hellenic Ministry of Defense, Document Archives, *NATO Conference Records*, June 1996.

<sup>5</sup> "Turkey said from the beginning that the issue was not merely the ownership of Kardak rocks, which Turkey claims as its own under international law. **There are hundreds of little islands, islets and rocks in the Aegean** and their status remains unclear, due to the absence of a comprehensive bilateral agreement between the two countries." Turkish Foreign Ministry Spokesman Mr. Omer Akbel on 31 January 1996 [*Turkish Daily News*, 1 February 1996; emphasis added]

"The Imia incident highlighted deficiencies in Turkey's position [...] especially among the Turkish foreign ministry's files [...] There are **approximately 1,000 islands, islets and rocky islets such as Kardak or larger**; we shall bring up their status to the

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international legal arena and the fact that they are Turkish territory." Prime Minister Tansu Ciller [*Milliyet and Cumhuriyet*, 4 February 1996; emphasis added]

<sup>6</sup> The Lausanne Treaty was signed on 24 July 1923 by the British Empire, France, Italy, Japan, Greece, Romania, and the "Serbo-Croat-Slovene" State on one part and Turkey on the other. The main objectives of the treaty was to bring to a final close the state of war which has existed in the East since 1914 and to re-establish the relations of friendship and commerce.

## **Chapter 4**

### **The Key Players' Positions**

It has been difficult for other states to understand why Turkey and Greece came to the brink of war over some rocky, uninhabited islets. The strait in which they are located is very narrow, indicating that their possession would have minimal impact on anything of importance. One may not attach too much importance from the economic or geographical aspect to Imia/Kardak islets, which have caused a crisis between the two countries. The political and legal advantages which will be acquired by the acknowledgment of the sovereignty over the islets are much more key.

Therefore, the resolution of the issue has a great importance for both Greece and Turkey. However each country interprets differently the prior international agreements and treaties and looks at the other with suspicion. Also, the other key players in the region, such as the E.U. the and U.S., have their positions.

#### **Turkish Position**

The principal argument on which Turkey bases its claim on the sovereignty over Imia/Kardak islets is the assertion that the legal procedures of the agreement of December 1932, between Italy and Turkey, were not completed and that it was not registered with the Secretariat of the League of Nations.

Furthermore, Turkey claims that Italy has ceded full sovereignty over the thirteen islands namely mentioned and their adjacent islets in the Dodecanese to Greece (Article 14 of Paris Peace Treaty 1947). Apart from these islands, there are numerous islands, islets and rocks in the Dodecanese, and there is no international treaty or regulation envisaging the cession of those separate islands, islets or rocks.

In addition, Turkey through a written statement in mid-March 1996, asserted that, with respect to the Aegean, she abides only by those international agreements that she considers valid, and then only by those that both Turkey and Greece have signed.

So, Turkey claims that numerous islands, islets and rocks of the Aegean were not specifically ceded from Italy to Greece by formal legal treaty, because Turkey (successor of the Ottoman empire) never ceded the to Italy in 1923. Therefore, they are still Turkish territories<sup>1</sup>. Turkey feels that Greece's sudden desire for possession of these "gray areas" further indicates Greece's aggressive expansionistic intentions trying to transform the Aegean Sea into a Greek "lake". Turkey also feels that the Imia/Kardak issue is directly related to the disputes over territorial waters, continental shelf, and airspace in that the more land over which Greece has sovereignty, the more territorial waters, continental shelf, and airspace she could potentially claim. Additionally, Turkey made her claims on Imia/Kardak so strongly due to the proximity of the islets to the Turkish mainland; the more Greece owns near the Turkish coastline, the more easily Greece could act militarily against her. Likewise, the more Greece owns near Turkey's coastline, the more difficult it would be for Turkey to economically exploit the Aegean.<sup>2</sup>

## **Greek Position**

Greece claims that the Turkish allegation that the procedures of the agreement of December 1932 were not completed and that it was not registered with the Secretariat of the League of Nations, is invalid. The December 1932 agreement was supplementary to that of January 1932, and did not aim to settle any territorial difference between Italy and Turkey. This was stated both in the text of the January 1932 agreement itself and in the letters exchanged on 4<sup>th</sup> of January 1932, between the then Turkish Minister of Foreign Affairs and the then Italian Ambassador in Ankara. The two parties declared that there existed no difference as to the territorial sovereignty of each side. For this reason Greece's position is that it did not need separate registration with Secretariat of the League of Nations.

Furthermore, Turkey had not expressed any objection regarding the agreements either during the critical period 1932-1947, or thereafter, until the recent crisis. On the contrary, Turkey consistently accepted the frontiers in the region, as witnessed by the Regional Air Navigation Agreement of the Second Middle East Regional Air Navigation Meeting held in Istanbul in 1950. As stated in the agreement, which was signed by Turkey, and adopted by the ICAO Council, the Athens-Istanbul Flight Information Region (FIR) borderline coincides with the Turkish western frontiers in the area.

This is further evidenced by other international agreements and maps of the immediate post World War II period, according to which this delimitation is officially recognized by Turkey as her borderline with Greece. To mention just two, there is the map attached to the 1950 ICAO Regional Agreement adopted by the Council of the



Organization, and also the official Turkish map (Figure 6) included in the 1953 edition of the Turkish Ministry of Foreign Affairs on Navigation through the Straits.



**Figure 6 Turkish Map issued from the Turkish Ministry of Foreign Affairs on Navigation through the Straits (available from <http://www.mfa.gr/foreign/bilateral/moremaps/imia-tr1.jpg>)**

In addition, there are also official maps of other countries such as the United States, the United Kingdom, Russia, and Italy that include the Imia/Kardak islets within Greek territory.

So, Greece views as peculiar that seventy-three years after the Lausanne Peace Treaty, the Turkish Prime Minister questioned, not only Greece's sovereignty over Imia/Kardak islands, but also over island of Gavdos (an island so far from Turkey,

(Figure 7), the legal status of which was defined in 1913, by the Treaty of London.<sup>3</sup> Greek officials argue that this pattern of behavior has become predictable.



**Figure 7 Gavdos island**

Greece believes that since 1973 Turkey is burdening the agenda with new claims so that if bilateral negotiations occur then they will only address Turkish demands. In 1973, Turkey refused to accept that Greek islands are entitled to a continental shelf. In 1974, Turkey invaded the Republic of Cyprus and divided the island; Turkish forces continue to occupy the northern third. Also in 1974, the Turkish aviation authorities challenged the 1952 ICAO decision, according to which most of the Aegean airspace was considered part of the Athens Flight Information Region for air-traffic control purposes. At the same

time, violations of Greece's ten-mile airspace (established in 1931) began in earnest by Turkish aircraft. These violations continue on a regular basis to this day, with Turkish fighter aircraft routinely penetrating the airspace of Greek islands off the coast of Turkey. In 1978 Turkey refused to abide by the 1964 NATO decision that the operational responsibility of most of the Aegean airspace was assigned to Greece. Far from considering the Aegean a Greek sea (since much of it consists of international waters and airspace) the 1964 NATO decision was based on the rationale that flights between Greece and Turkey must go over Greek islands, therefore the sovereignty of Greece ought not to be questioned.<sup>4</sup>

### **E.U. – U.S. Position**

A few months before the Imia/Kardak crisis, the European Parliament had ratified the Customs Union agreement between Turkey and the European Union (EU). The Common Position of the Council, set out at the EU-Turkey Association Council meeting of 6 March 1995, stated that it was “of paramount importance to encourage good neighborly relations between Turkey and its neighboring Member States of EU.”

Moreover, after the crisis, the “European Commission expressed deep concern over recent developments on Imia, in the Aegean Sea...The Commission expressed its full solidarity with Greece, a Member State of the European Union...The Commission reminds that the decisions taken by the Council of Ministers on March 6, 1995, which concern customs union with Turkey and which were ratified by the European Parliament on December 13, were aimed at creating conditions for an upgraded level of relations based on respect for democratic principles, international law, and definitely excluding resorting to force.”<sup>5</sup>

Furthermore the European Parliament, on 15 February 1996, adopted a resolution entitled “On the Provocative Actions and Contestation of Sovereignty Rights by Turkey Against a Member State of the Union” by an overwhelming vote of 342 in favor, 21 against and 11 abstentions. In that resolution the Parliament found that “the islet of Imia belongs to Dodecanese group of islands” pursuant to the 1923, 1932 and 1947 treaties. The Parliament also condemned “the dangerous violation by Turkey of the sovereign rights of Greece”, and called on Turkey to comply “with international treaties” and to abstain from non-peaceful actions or threats of such actions. (see Appendix B)

In addition, after the crisis, the U.S. administration suggested that Turkey’s claims be taken to a peaceful resolution according to the international law. During Greek Prime Minister Simitis’ April 9, 1996, visit to White House President Clinton said

“I hope the United States can be helpful in resolving some of the problems in the Aegean... We believe that all these issues should be resolved without the use of force, without the threat of force, with everyone agreeing to abide by international agreements and to respect the territorial integrity of other countries... We favor the resolution (of the Imia/Kardak situation) by referring the matter to the ICJ or some other international arbitration panel.”<sup>6</sup>

### Notes

<sup>1</sup> On August 1996 the Turkish newspaper *Jumhuriyet*, printed excerpts of a Turkish military academy report according to which any Aegean island under six miles from the Turkish coast “by law belongs to Turkey, a successor of the Ottoman empire” and “Turkey still retains sovereignty over the islands which were not given to Greece under article 12 of the 1923 Lausanne Treaty.” Greece is accused of allegedly “claiming all of the Aegean islands that are not mentioned in the Lausanne Treaty and the 1947 Treaty of Paris” which settled the sovereignty over the Dodecanese islands. [Newspaper *TO VIMA*, 18 August 1996]

<sup>2</sup> Athens News Agency, *Daily Bulletin*, 8 February 1996

<sup>3</sup> Treaty of London 1913, Article 4.

## Notes

<sup>4</sup> Interview of Greek Minister of Foreign Affairs, T. Pagkalos, 22 March 1998, Newspaper "*TO VIMA*"

<sup>5</sup> Athens News Agency, *Daily Bulletin*, 8 February 1996

<sup>6</sup> Transcript, Reuters, April 9, 1996

## **Chapter 5**

### **Prospect For Resolution - Conclusion**

The Imia/Kardak issue is related with the other issues of the Aegean dispute and could have a great impact on them. The owner of the islets could extend the territorial waters around them to 6 or 12 nm, restricting travel through the straits in which they are located, and bringing these international waters under national control. This could then impact the claims of ownership of the continental shelf under the territorial waters and the airspace above.

Moreover, ownership of Imia/Kardak and its ties to the continental shelf and territorial waters could have great impact on each country's sense of national prestige, honor, and inherent mistrust of the other side. Ownership of the rocks themselves would probably not yield much economically, but symbolically they would mean more sovereignty over the Aegean. And the more sovereignty over the Aegean, the more national prestige and honor for each country and the greater that each country can respond to their seemingly innate nationalism and mistrust of the other side. This nationalism, indeed, played a huge role in the Imia/Kardak crisis and brought the two countries one step from war.

Although the two countries have been at the brink of war and two other times (1974, 1987), they always stop short. Greece is and has been a weaker power militarily and

believes that in the aftermath of a war she would have to negotiate from a disadvantageous position with Turkey. Turkey has not declared war because she would be fighting against the UN if she aligned herself with the Turkish Republic of Northern Cyprus (TRNC)<sup>1</sup> versus Greece and the Republic of Cyprus, a damaging move both militarily and diplomatically. The bottom line for Greece and Turkey is that war would benefit neither and hurt both. But both also claim that they are ready to fight, and it seems that if absolutely necessary they indeed would.

Unfortunately, a war between Greece and Turkey would not only harm the two countries, but more importantly would harm the credibility of NATO and the EU. Peaceful resolution to their dispute would bring more political, military, and social stability and security to the region and, therefore, to NATO and the EU. Both countries would gain more political respectability internationally and political influence than they have right now and would improve their national prestige, despite of the difficulty for the two governments to reconcile their people to the idea that they didn't lose "territorial rights". However, the two countries have a different perspective on how to resolve the dispute.

### **Greek Position**

Greece claims that a legal settlement, such as a ruling of the International Court of Justice, is the proper way to come to a solution. She does not want political negotiations as the single way to decide the outcome; she wants international law to be followed in a decision handed down by a ruling party. Greece prefers a legal settlement because her claims are based mostly on legally existing documents and treaties and feels that politically she would gain the most from such a legal settlement. She would

also most likely have to give greater concessions in bilateral negotiations than in a purely legal decision. Furthermore, she is afraid that negotiations would never be able to accomplish the task of bringing both sides into agreement on all the issues. Finally, and perhaps most importantly, a decision handed down by an outside arbiter, such as the International Court of Justice, would be more acceptable to Greek public opinion than a negotiated decision involving Greek concessions to Turkey.<sup>2</sup> This last reason largely is a result of national pride, the main obstacle (in both countries) to reaching a solution.

### **Turkish Position**

Contrary to Greece, Turkey prefers a negotiated settlement achieved out of dialogue between the two countries. Turkey prefers a negotiated settlement because she is afraid that a decision by an outside legal party (such as the ICJ) would not fully appreciate Turkish interests. Another large factor is that legally the facts support more Greek claims than Turkish claims and do not take into consideration the special and political circumstances of the situation. Furthermore, Turkey is afraid of a bias against her by an outside party and is sure that more favorable terms can be obtained through trade-offs and negotiations. Finally, and most importantly once again, the Turkish public would more rapidly accept a negotiated settlement due to the greater achievement of its objectives.

### **Prospect For A Resolution**

The resolution process can certainly be helped by Turkey's current bid to join the EU. Prior to 1999 Greece, an EU member since 1981, was opposed to Turkey's bid to join the EU and sometimes, much to Turkish fury, even used a veto of Turkey's potential membership as a "bargaining chip" to try to favorably resolve certain aspects of the



Greek-Turkish dispute. Other events, such as the discord brought by the Luxembourg Summit in 1997 and the debate, still ongoing, over how the accession of Cyprus should proceed in light of the Greek-Turkish dispute, increased tensions between Turkey, Greece, and the EU even more. Greece finally realized, though, that prospective Turkish membership would not only benefit Turkey but would also benefit Greece politically and economically. Greece also understood that withdrawal of her opposition would help to integrate Greece more fully into the EU, from which she had been semi-isolated politically due to her stubbornness over the Greek-Turkish dispute. Helped by the amelioration of relations after 1999, Greece formally withdrew her opposition to the Turkish membership application at the EU Summit in Helsinki in December 1999, and Turkey was accepted as a formal candidate for membership.

Turkey has a long road ahead before she will be eventually accepted as a full EU member, but this road to acceptance will act in a cyclic relationship with the Aegean dispute. The more that Greece and Turkey attempt to solve their dispute, the better Turkey's chances are of completely complying with membership conditions and therefore being accepted as a member of the EU. Likewise, the closer that Turkey gets to become a member of the EU, the more that the EU will help solve the Aegean dispute.

On the one hand, one of the requirements for EU membership is resolution of outstanding conflicts with other member-states. "The European Council recalls that strengthening Turkey's links with the European Union also depends on ... the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN on a political settlement in Cyprus on the

basis of the relevant UN Security Council Resolutions."<sup>3</sup> Obviously, the unresolved Aegean dispute still is one of the most detrimental obstacles for Turkey's way to Brussels.

On the other hand, the closer Turkey comes to becoming an EU member, the easier it will (should) be to resolve the Aegean dispute. EU members, in theory at least, are very similar countries; they have similar economies, similar governments, similar cultures and values, or are trying to assimilate all of these. Even the internal borders, though formally existent, are not any longer "dividing lines" due to the Schengen Agreement. Promoting cooperation and lessening hostility are high goals of the EU, and the EU will work hard to try to help a peaceful resolution to the conflict come about. The EU, in fact, set 2004 as the deadline when the EU would examine the dispute with a view to sending them to the International Court of Justice.<sup>4</sup>

In addition, due to the strategic importance of Greece and Turkey, resolving the dispute is also currently a high priority for the United States, a situation that should help the resolution process.

"Tension on Cyprus, Greek-Turkish disagreements in the Aegean, and Turkey's relationship with the EU have serious implications for regional stability and the evolution of European political and security structures. Our goals are to stabilize the region by reducing long-standing Greek-Turkish tensions, pursuing a comprehensive settlement on Cyprus, and supporting Turkey's full integration into European institutions."<sup>5</sup>

The United States has the potential, as seen during the Imia/Kardak incident, to help achieve a solution that the two countries could not reach by themselves.

## **Conclusion**

Turkey does not claim legitimate rights in the Aegean because it simply has none. Neither she is interested specifically in the continental shelf. If that were the case, there

would be no problem. The question would be purely technical one calling for the application of international law and practice. Turkey used the continental shelf question as an excuse or as a starting point for staking claims on Greek territory. This is seen starting from the dispute over the airspace and the limits of the Flight Information Region, continuing with the proclamation of *casus belli* if Greece practices her legitimate right (under the UNCLOS III) to extend her territorial waters to 12 miles, up to undermining Greek sovereignty over the Imia islands and other Dodecanese and eastern islands of the Aegean. By challenging Greece's internationally recognized frontiers, and by using the threat of force to do so, Turkey violates the Charter of the United Nations principles of peaceful settlement of disputes and respect for international frontiers, which as a signatory to the Charter of the United Nations, she has pledged to respect.

Until now Greece and Turkey were far from agreeing on a solution to the disputes, much less a process to get to a solution. But at last, recently Athens and Ankara decided to start a dialogue for a substantial issue: the exploration of the conditions that could allow the resolution of the continental shelf issue from the International Court of Justice. Greece had proposed this procedure since 1973. Turkey in the beginning had accepted this procedure but in 1980 retired from her first decision. Unfortunately, this reversal affected both Greece and Turkey politically and economically. Politically it continued to increase the tension between the two countries, which at times seemed one step from war. Economically it delayed every plan for development in the Aegean.

We have to note that this development on the relations between Greece and Turkey is related with the Turkish request to join the EU and the improvement of the relations between the two governments, especially after the help that Greece and Turkey offered

each to other after the earthquakes in Turkey in August 1999 and in Greece in September 1999.

The chance of the dialogue will be dependent on the willingness of the two governments to dare to do the right thing and to persuade their citizens of that. The current governments of Greece and Turkey are much more open to re-approchement than in the past. Also each are experiencing domestic government stability, and the decision-makers in each country are powerful enough to continue the initial start towards resolution.

In addition, a successful Turkish integration into the EU will help Turkey to improve her economy via the increased access to European capital markets. The European Council calls for territorial disputes to be settled by the International Court of Justice. In reality, Turkish accession to the EU can only be implemented the moment she manages to solve her disputes with Greece.

The prospects for resolution are thus promising. A fair solution that considers the special circumstances of the Aegean Sea should be attained in the spirit not only of Greece and Turkey's national interests but also international law as set forth in numerous international treaties, resolutions, agreements, and maps.

### Notes

<sup>1</sup> Turkish Republic of Northern Cyprus. The UN as well as the world community, except Turkey, does not recognize the occupied part of Cyprus as a different state.

<sup>2</sup> Andrew Wilson, *"The Aegean Dispute"*, Adelphi Paper No 155, p.7

<sup>3</sup> The European Union, Luxemburg European Council, 12 and 13 December 1997, Presidency Conclusions, available from <http://europa.eu.int/council/off/conclu/dec97.htm#negoc>

<sup>4</sup> "...The European Council will review the situation relating to any outstanding disputes, in particular concerning the repercussions on the accession process and in order

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to promote their settlement through the International Court of Justice, at the latest by the end of 2004....” Conclusions of the Presidency, Helsinki 10 and 11 December 1999, available from [http://www.kypros.org/PIO/docs/euro/european\\_union/european\\_council/concl\\_19991211.htm](http://www.kypros.org/PIO/docs/euro/european_union/european_council/concl_19991211.htm)

<sup>5</sup> The White House, “*A National Security Strategy for a Global Age*”, p. 43, December 2000

## **Appendix A**

### **Overview of the United Nations Convention on the Law of the Sea (UNCLOS III - 10 Dec 1982)**

The United Nations Convention on the Law of the Sea lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole.

The Convention was opened for signature on 10 December 1982 in Montego Bay, Jamaica. This marked the culmination of more than 14 years of work involving participation by more than 150 countries representing all regions of the world, all legal and political systems and the spectrum of socio/economic development. At the time of its adoption, the Convention embodied in one instrument traditional rules for the uses of the oceans and at the same time introduced new legal concepts and regimes and addressed new concerns. The Convention also provided the framework for further development of specific areas of the law of the sea.

The Convention entered into force in accordance with its article 308 on 16 November 1994, 12 months after the date of deposit of the sixtieth instrument of ratification or accession. Today, it is the globally recognized regime dealing with all matters relating to the law of the sea.

The Convention comprises 320 articles and nine annexes, governing all aspects of ocean space, such as delimitation, environmental control, marine scientific research, economic and commercial activities, transfer of technology and the settlement of disputes relating to ocean matters.

Some of the key features of the Convention are the following:

- Coastal States exercise sovereignty over their territorial sea which they have the right to establish its breadth up to a limit not to exceed 12 nautical miles; foreign vessels are allowed "innocent passage" through those waters;
- Ships and aircraft of all countries are allowed "transit passage" through straits used for international navigation; States bordering the straits can regulate navigational and other aspects of passage;
- Archipelagic States, made up of a group or groups of closely related islands and interconnecting waters, have sovereignty over a sea area enclosed by straight lines drawn between the outermost points of the islands; all other States enjoy the right of archipelagic passage through such designated sea lanes;
- Coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to natural resources and certain economic activities, and exercise jurisdiction over marine science research and environmental protection;
- All other States have freedom of navigation and overflight in the EEZ, as well as freedom to lay submarine cables and pipelines;
- Land-locked and geographically disadvantaged States have the right to participate on an equitable basis in exploitation of an appropriate part of the surplus of the living resources of the EEZ's of coastal States of the same region or sub-region; highly migratory species of fish and marine mammals are accorded special protection;
- Coastal States have sovereign rights over the continental shelf (the national area of the seabed) for exploring and exploiting it; the shelf can extend at least 200 nautical miles from the shore, and more under specified circumstances;
- Coastal States share with the international community part of the revenue derived from exploiting resources from any part of their shelf beyond 200 miles;
- The Commission on the Limits of the Continental Shelf shall make recommendations to States on the shelf's outer boundaries when it extends beyond 200 miles;
- All States enjoy the traditional freedoms of navigation, overflight, scientific research and fishing on the high seas; they are obliged to adopt, or cooperate with other States in adopting, measures to manage and conserve living resources;
- The limits of the territorial sea, the exclusive economic zone and continental shelf of islands are determined in accordance with rules applicable to land territory, but rocks which could not sustain human habitation or economic life of their own would have no economic zone or continental shelf;

- States bordering enclosed or semi-enclosed seas are expected to cooperate in managing living resources, environmental and research policies and activities;
- Land-locked States have the right of access to and from the sea and enjoy freedom of transit through the territory of transit States;
- States are bound to prevent and control marine pollution and are liable for damage caused by violation of their international obligations to combat such pollution;
- All marine scientific research in the EEZ and on the continental shelf is subject to the consent of the coastal State, but in most cases they are obliged to grant consent to other States when the research is to be conducted for peaceful purposes and fulfils specified criteria;
- States are bound to promote the development and transfer of marine technology "on fair and reasonable terms and conditions", with proper regard for all legitimate interests;
- States Parties are obliged to settle by peaceful means their disputes concerning the interpretation or application of the Convention;

Disputes can be submitted to the International Tribunal for the Law of the Sea established under the Convention, to the International Court of Justice, or to arbitration. Conciliation is also available and, in certain circumstances, submission to it would be compulsory. The Tribunal has exclusive jurisdiction over deep seabed mining disputes.



## Appendix B

### Resolution of the European Parliament

#### **“On the provocative actions and contestation of sovereign rights by Turkey against a Member State of the Union”**

The European Parliament,

A. having regard to Turkey's provocative military operations in relation to the isle of Imia in the Eastern Aegean,

B. concerned about the dangers of over-reaction if this dispute continues,

C. having regard to Turkey's official statements making territorial claims and contesting the sovereign rights of an EU Member State,

D. whereas the islet of Imia belongs to the Dodecanese group of islands, on the basis of the Lausanne Treaty of 1923, the Protocol between Italy and Turkey of 1932 and the Paris Treaty of 1947, and whereas, even on Turkish maps from the 1960s, these islets are shown as Greek territory,

E. whereas this action by Turkey forms part of a broader policy of questioning the status quo in the Aegean,

F. having regard to the common position of the Council set out at the Association Council meeting of 6 March 1995 which considered it 'of paramount importance to encourage good-neighborly relations between Turkey and its neighboring Member States of the EU,' and whereas these privileged relations between the Union and Turkey should automatically preclude any military aggression,

1. Gravely concerned by the dangerous violation by Turkey of sovereign rights of Greece, a Member State of the European Union and by the build-up of military tension in the Aegean;

2. Deplores the fact that Greece and Turkey appeared to be on the brink of hostilities and calls for an immediate stop to all actions which endanger peace and stability in this area;
3. Stresses that Greece's borders are also part of the external borders of the European Union;
4. Calls for compliance by Turkey with international treaties, and in particular with OSCE, which insists that all disputes be settled by peaceful means in accordance with international law;
5. Deplores the failure of the European Union and its Member States in this crisis, to take effective action within the framework of the common foreign and security policy;
6. Calls on the Council to take appropriate initiatives for the amelioration of the relations between Greece and Turkey;
7. Instructs its President to forward this resolution to the Council, the Commission, the Government of Turkey, the Parliament of Greece and the Grand National Assembly of Turkey."

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