

# Turkey And Greece Continental Shelf Issue

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## ABSTRACT

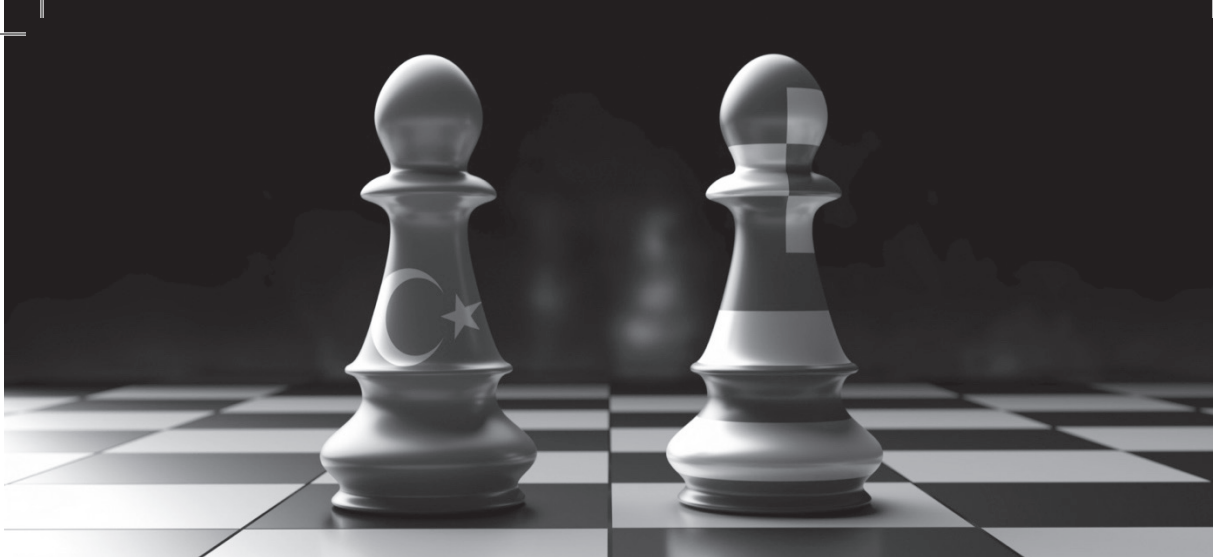
Turkey and Greece had a disagreement about their continental shelves between the years of 1960 and 1975 for the first time. In this research, Turkish-Greek relations from 1960 to our day, other incidents on Aegean Sea and how it affected both sides periodically, political views of the parties on the issues, what was done to have an agreement, contributions and views of EU and NATO on the case were examined. Qualitative and quantitative methods were used on this research. The aim on this research was to find out how the international relations of these two counties got affected from the dispute and to see the case from both sides' view.

Keywords: Turkey, Greece, Continental Shelf, Aegean Sea

## 1. INTRODUCTION

When the Greece's activities started in Aegean Sea in early 1960's, so started a series of conflicts and an unsolvable issue. Both countries' claim on the Aegean to show activities led to the case of Continental Shelf. This issue was unsolvable because several meetings were already made and there was no consequence or an agreement. After the pointless meetings the Greek government applied to the ICJ hoping it would conclude the dispute. But the Court's decision was pointing that the case should be solved by mutual agreements by the sides. After the decision, parties agreed on "Bern Declaration" as a "cease-fire". A year later, the Greeks violated the terms and the case re-emerged. As the years were passing, the governments and politics of the sides were changing with it.

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New political party in Greece, named PASOK came to power and its leader made it hard to find a common ground. In the period of 1975-2000, the sides came to the brink of war with the Cyprus Peace Operation and Crisis of Kardak. These incidents raised the tension between Turkey and Greece and affected their relations. But with the interventions of NATO and higher authorities alike, issues were solved but the dispute of the Aegean Sea left unsolved to our day. So in this research, to examine the case deeply and approached the states' internal and external affairs in a detailed way to understand the relations, analysed the issues historically, read and translated articles from both Greek and Turkish sources and worked on the articles by EU, UN, and NATO to see the issue on a more global level and to get a better grip on the case were aimed.

The research questions are that "How does Turkey and Greece affected by the continental shelf issue and what is the perspective of EU and NATO?" and "What are the perspectives of

Turkey and Greece according to their interests?". A hypothesis for these questions and "We say that Turkey, who lost its property in Aegean Sea in any case and Greece's perspective is usually about protect its own interests but Turkey's perspective is more peaceful" was created. In this report, States impose sanctions on each other background was determined. Articles of various authors for qualitative methods, case study of Turkey-Greece and historical analysis. Information of important news sources; images, containing tables, statistical data for quantitative sources were included.

## **2. THE EMERGENCY AND PROGRESS OF THE PROBLEM**

### **2.1 What is Continental Shelf ?**

Continental Shelf, is a broad, relatively shallow submarine terrace of continental crust forming the edge of a continental landmass. A continental shelf typically extends from the coast to depths of 100-200 metres. The average width of continental shelves is about 65 km (40 miles). Almost everywhere the shelves represent sim-

ply a continuation of the continental landmass beneath the ocean margins (Rafferty, 2012).

## **2.2 How did the issue occur ?**

According to various articles, the main reason of the case of Aegean Sea continental shelf is both Turkey's and Greece's claims on the Aegean sea to seek oil. In 1961, the Government of Greece, allowed companies to seek oil in the western and northern shores of the Aegean Sea and gave them the oil exploration license. Afterwards, in early 1970's, Greece expanded its area of exploration to the Eastern Aegean and this act led to a crisis between Turkey and Greece for the maritime borders. Upon this events, Turkey also gave oil exploration license to TPAO and Greece objected this situation so after all, the "The Dispute of Continental Shelf" emerged. (Oran, 2015).

## **2.3 How did it proceeded to our day ?**

While the crisis was still unsolved, there was another issue beside the continental shelf, the violence and oppression against the Turkish citizens in Cyprus was growing more and more since the past decade. On July 20 1974, the Turkish Prime Minister of that era, Bülent Ecevit, declared the Cyprus Peace Operation by his own words of "We are not going to the island for war, infact we are doing this to bring peace and not only for the Turkish, also for the Greeks." but the operation made the tension between the two countries rise even more.

In the very next year, 1975, both two parties still wasn't having a mutual agreement on the case of the continental shelf so both Turkey and Greece accepted to forward this issue to the International Court of Justice. Then again, the meeting had no outcome.

After several dead end meetings, Greece applied to UN Security Council and International Court of Justice once again because in 1976, Turkish research ship "Sismik I" started its activities in the Aegean. And the issue surfaced once again. UN Security Council decided the sides to solve the problem by bilateral negotiations. In the other hand, Greece asked the ICJ in particular to declare that the Greek islands were in its lawful portion of the continental shelf and asked for the delimitation of Turkish activities in the area on August 10 1976. Also it requested that neither State should do activities on the shelf without the other's consent while pending for the Court's judgement. On September 11 1976, the Court found that there is no need of such measures and ordered that the proceedings should first concern the question of jurisdiction. (ICJ, 1976).

Two months later from the decision of the ICJ, on November 20 1976, with Bern Declaration, both sides agreed on not to engage any activities on the Aegean and not provoking each other in their relations until the issue is solved.

Right after when PASOK (Panhellenic

Socialist Movement) came to power in 1981, the ideals of Greek foreign policy was expected to be different than the past governments. It criticized the former governments for being too dependent to the West and accused them for putting the Greece's sovereignty and territorial integrity to danger in international relations. Although the promises of the PASOK were enough to take the support of the public, its governance didn't quite meet the expectations and the Greek policy shifted to a conservative way once more. Between 1981 and 1987, the PASOK government kept its nationalist approach in relations with Turkey and stated that the only solution to the disputes is taking the case to the ICJ and refused any further negotiations because the public opinion was supporting this attitude. In that period, almost every statement made by Turkey upon the mutual disputes, was pointing that all accusations against the Turkey, was only because of the rigid and pragmatist ideas of Papandreu. (Aksu, 2018).

With the years of growing tension, in early 1987, the two countries came to the brink of war once again. Greece stated that it don't recognize the Bern Declaration and they are engaging exploration and drilling activities in Northern Aegean. Upon this declaration Turkey too gave permission to TPAO to continue its activities on the controversial waters but to lower the tension, Prime Minister Özal stated that if the Greece stays away from

the controversial area, the Turkey will stay away too. And with the contributions of the ambassador of the US and NATO General Secretary, crisis was taken under control. (Şihmantepe, 2015).

When the crisis was solved and Cold War finally ended, it went quiet for a few years but the main case of continental shelf still had no solution. In 1994 PASOK was re-elected as the ruling party again. Yorgo Papandreu came to power once more and his thoughts on the Aegean dispute wasn't changed. While Turkey was stating that it can be solved by mutual negotiations, Papandreu was still insisting it can only be solved by the International Court of Justice and still claiming the islands as their national territory. Two years after, in January 1996 another crisis emerged for the Cliffs of Kardak. A Turkish boat named "Figen Akat" sat on the shores of cliffs between Bodrum and the Greek island Kalimnos and refused the aids of Greek rescue ships. But whom the islands belonged to was the main point. The boat was saved and delivered to Turkish coast by the Greeks but the whole debate was far from over. A group of Greeks went to the cliffs and planted their flag there as provocation. Upon this situation, Turkish Prime Minister of that time Tansu Çiller shown harsh reaction to this act and Turkey launched an operation to the cliffs. With a night operation, Turkish forces disembarked on the Western Kardak and planted

their flag too. Getting afraid of these events, US' President Bill Clinton and NATO intervened to prevent a possible war. After the intense discussions that took all night, on February 1 1996, both sides agreed on to retreat from the cliffs and descended their flags.

After all that conflicts and agreement attempts, there were still some minor issues in the early 2000's. Although it seems calm and still this day, the case of Continental shelf is left unsolved and how and when will it re-emerge is a question.

### **3. HOW THE TWO COUNTRIES ARE AFFECTED BY THIS INCIDENT AND HOW IT LOOKS AT IT AND PERSPECTIVES OF EU AND NATO**

#### **3.1 Turkey Perspective**

Turkey the issue of the continental shelf as is evident from the developments seen as a political issue substantially and was founded in Lausanne problem dwell on it should be resolved taking into account the balance in this direction he believes that there is a solution acceptable to both sides through negotiations to the problem.(Ari, s.175, 1992)

Turkey's Aegean continental shelf to limit opinion by agreement, besides being a way of solving the conflicts, also because of the complexity of a continental shelf delimitation, accepted the principles of delimitation aris-

es as a limiting principle of self-detecting in a way. Turkey can show a team in this regard as the basis of international agreements.(Pazarci, s.86, 1986)

There are ways to deal with the problem solution based on the principle of Turkey both in 1969 and in the north with your Continental Shelf Case's results were supported by the United Nations Security Council resolution No. 395. On the other hand, the Bern Declaration shows that a solution is possible through negotiations. Indeed, Turkey, offers the path towards finding solutions to the problems are negotiations, has reiterated on several occasions since 1974. Moreover, Turkey on this issue, Article 6 of the 1958 Convention, as well as the 1982 United Nations Convention on the Law of the Sea draws attention to Article 83. Article 6 of the 1958 convention states that the restriction between the adjacent or reciprocal states shall be made by agreement between the states concerned, and if there is no agreement and special circumstances do not justify any other limitation, will be drawn. 83/1 of the 1982 Convention. "that the limitation of continental shelf between the adjacent or reciprocal states shall be made by agreement in accordance with international law in accordance with Article 38 of the status of the International Court of Justice in order to achieve an equitable settlement made is located.(Ari, s.175-176, 1992)

According to the Turkish view, when

this principle is applied in the Aegean, a significant part of the seabed constitutes the natural extension of the Anatolian Peninsula and the islands do not have a continental shelf in their own right. Turkey's opinion, you are also in a general way in.de during a conference of law, both located in a single or joint proposal as presented.(Pazarci, s.86,1986)

The seabed of the Aegean Sea is divided into two parts on a axis closer to the main continental country, from the North to the South, in the form of an "S, with a natural interruption called" Aegean Gutter ve, and this interruption limits the "natural extension altındaki of the continental states of both states. form. The islands above this natural extension and most of which belong to Greece are nothing but the protrusions of this natural extension. Therefore, there will be no continental shelf rights.(Başeren, s.151, 1995)

Turkey's legal opinion from one another as well as create exceptions in terms of the presence of a continental shelf delimitation of the island and is the view that in particular they should be evaluated depending on their geographical location and other characteristics.(Pazarci, s.87,1986) In the view of Turkey's Aegean islands, curbing the Aegean Sea continental shelf, which requires consideration of the characteristics and unique situations constitute a special case. (Pazarci, s.110, 1990)

Due to the fact that Greece has around 3,000 large and small islands in the Aegean Sea, the subject of the islands constitutes an important point of the problem of limiting the continental shelf of the Aegean Sea. Greece, 1982, the United Nations III. Maritime Law Following the ratification of the Convention on the Law of the Sea, created by the Greek Parliament on 1 June 1995, the problem gained a new dimension. However, Greece does not need territorial waters from 6 miles to 12 miles unless needed.And to the United Nations and NATO. If Greece increases its territorial waters to 12 miles, the situation in the Aegean is as follows.(Arı, s.55, 1994) (See Table1),(- See Table2)

Table 1

6 Milles Territorial Waters and the Division	of the Aegean Sea
Turkish Territorial Waters	% 7.47
Greek Territorial Waters	% 43.68
International Waters	% 48.85

Table 2

The Situation in Aegean Sea When 12Milles	Application is Applied
Turkish Territorial Waters	% 8.76
Greek Territorial Waters	% 71.53
International Waters	% 19.71

Indeed, increasing the territorial waters of the Aegean to over 6 miles will diminish the open sea areas to a great extent, and almost all the resources of this sea will remain in Greece. It will become impossible, and this will be no rights for Turkey's airspace over the sea. (Gürel, s.76,1992)

### 3.2 Greece Perspective

The Continental Shelf between Turkey and Greece issue between the parties was effective in the emergence of two separate disputes :

- Conflict over the essence of continental shelf restraint
- Dispute regarding the ways in which this dispute should be resolved.

However, despite the insistence of Turkey in talks on this issue, Greece has tried to take the issue to international forums and judicial way and have also been found in a number of initiatives to this day. However, with the decision of the International Court

of Justice in 1978, Greece's continuation of this attitude was hampered. (Pazarci,1986)

As for the views on the essence of continental shelf restraint, the views of the two sides are as follows: According to Greece, both the 1958 Convention and III. As stated in the Maritime Law Convention, the islands also have their own continental shelf. On the other hand the Greek islands in the Aegean piece of land is in the form of a continuation of political and Greek landlocked country in the region with the rest of the continental shelf between the islands Giving Turkey to threaten the sustainability of sovereign rights in question. Therefore restrictions should be based on the principle of equal distance from the end to pass the Greek islands and Turkey. (Ari, s.178 ,1992)

Greece and Turkey on licenses given in the Aegean to TPAO on November 1, 1973 according to the claims Located on the first note of the February 7, 1974 dated notes sent to Turkey, the island opposite the Turkey is an integral part of Greek territory. It is necessary to consider these Greek-dominated islands as a whole without separating them from the continental country. (Pazarci, s. 80, 1984) This opinion of Greece dated 22 May 1976 It was also repeated during the First Bern Talks held on 31 January-2 February 1976. This claim of Greece was also included in its unilateral application to the ICJ on 10 August 1976.(Başeren, s. 147-148, 1995)

Greece bases this view on two different concepts of international law. The first of these is the principle of "country integrity.. According to this principle, the country of a state should be handled without distinction between its mainland and its islands. Accordingly, maritime zones belonging to other states should not create interruptions between various parts of a state's country. The second concept that Greece applies is about the archipelago. Greece wants the archipelago and the islands belonging to the mixed states of mainland and archipelago to be combined with a line passing through the main lines as in the archipelago state and evaluated as a whole.(Ari, s. 180, 1992)

One of the Aegean in Greece against Turkey also relates to the applicant alleged to have distributed evenly over the continental shelf of the islands and continental countries. Greece, which dominates a large number of islands in the Aegean Sea, has consistently repeated this claim at all international forums starting from its first note of 7 February 1974 on the Aegean Sea Continental Shelf Dispute. Greek representatives III. From the speeches at the Maritime Law Conference to the unilateral application of Greece to the International Court of Justice of 10 August 1976, this claim is found everywhere.(Pazarci, s.146, 1986) (Ari, s.82, 1992)

According to the allegations of Greece, limiting the continental shelf

between the Greek islands, Turkey, considering these islands closest to the coast of Turkey it should be based on principles of equal distance. Greece based this claim on Article 6 of the 1958 Geneva Continental shelf agreement. According to Greece, the issue is confirmed by the article of the 1958 Geneva Convention.(Harp Akademileri Komutanlığı Yayınları, 1974) This article; "The limitation of the continental shelf is by agreement. If no agreement is made, the principle of equal distance applies.

The applicant claims that the Greek Aegean third against Turkey, located on the continental shelf between the nearest coast of Turkey and the Greek Islands and Turkey, should be done according to the principles of equal distance from the limitation. Greece asserts this claim in many documents starting from the note dated February 7, 1974. As a matter of fact, Greece made this claim III. During the Law of the Sea Conference in the note to Turkey, and repeats the unilateral application to the International Court of Justice.(Pazarci, s. 84, 1986)

This view of Greece is based on two different concepts of international law. One of them is the principle of country integrity. According to this principle; The country of a state should be handled without distinction between its mainland and its islands.(Harp Akademileri Komutanlığı Yayınları, 1974)



According to this; The maritime zones belonging to other states should not create interruptions between various parts of a state's country. The second concept that Greece applies is related to the archipelago. Greece does not make a distinction between the archipelago state, the mainland and the archipelago, and seeks to unite the islands of the mixed states with a line passing through the main lines, as in the archipelago state, and to evaluate them as a whole. (Ari, s.180, 1992)

Despite all this, Greece's continental shelf delimitation with Turkey, the agreement did not give consent, then claiming that the principle must be applied equidistant is without completely baseless. Moreover, this shows that the principle of equal distance between our countries is to ask for the implementation of the closest islands of Greece in the Aegean to Turkey's expansionism is devoid of all sizes. Indeed, if Greece found if the continental shelf delimitation between Turkey and Greece over the limit this claim made in the inter-islands with Turkey would not be anything else. Indeed, Greece unilateral application August 10, 1976 International Court of Justice, all the Aegean open sea areas with him have started as assume that the only it's actually territorial limit after requesting the Court to continental shelf delimitation based on equidistant between the extreme islands with Turkey It is also reported that with. (Pazarci, s.85, 1986)

Continental Shelf Perspective of Greece from Greek Sources: The arguments are shared by each other borderline principles and adopt maximalists seats. The Greek state claims the principle of equality distance and the fact that the islands have maritime zones such as continental territories. The Turkish state claims its principle fairness, the presence of experts and relatives circumstances and that because of these islands do not are entitled to a continental shelf. The Turkish State's argument that the The Aegean is an extension of the geologically define its continental shelf is weak as the continental shelf is legal sense. (University of Chios, 2005)

The prevailing view in Greece is a maximalist view of positions that is based on selective reading of international law. They are similar for the Turkish state. It is a symptom of nationalism that is spreading throughout the political system. The sovereignty and form that nationalism takes prevents any peace resolving the issue of the expansion of Greek state sovereignty; and of the Turkish state without the category of "treason". The issue of the aggressiveness of native expansionism / nationalism in the state form. (University of Chios, 2005)

### **3.3 Interpretation of Territorial Waters of 1982 UN Convention on Law of the Sea**

According to the 1982 UNCLOS adopted by many countries within

the UN today, territorial waters are defined as follows: The sovereignty of the coastal state extends to the adjacent sea region called territorial waters in front of the waters of the country and inland islands. This domination extends to the bottom, bottom and bottom of the air layer above the territorial waters.(Bilge, s.224, 2000)

This definition confirms that the islands are also territorial waters. According to Article 121 of the Convention, the territorial waters of the islands are limited as in the land countries. By definition, the island is a natural land area surrounded by unobstructed water when the sea rises. Under international law, a country can exercise its right to sovereignty in the seabed beneath the territorial waters in the soil mass beneath the seabed and in the airspace over it. A country that extends its territorial waters would expand its sovereignty area at the same rate.(Apatay & Çetinkaya, s.514, 1995)

Greece; claims that it has the authority to increase its territorial waters to 12 miles under Article 3 of the UN Convention on the Law of the Sea, which was ratified by a large majority. Since Greece has signed the agreement, it has the right to increase its territorial waters to 12 miles in the Aegean.

Greece is Turkey's response to this has presented a thesis replied: territorial waters and there is no general rule to be applied uniformly everywhere

and should not be related. In 1936, Greece increased its territorial waters to 6 miles in violation of the Lausanne Treaty. The currently applied 6-mile blackwater has reached its final limit. Greece's 12-mile request contradicts the principle that the right under Article 300 of the Marine Law Convention, which it has signed, cannot be abused.(Başdemir, 2007)

### **3.4 The EU's Approach to the Problems From Greece in Aegean Sea**

According to EU legislation, for Turkey's EU membership, "Turkey's border disputes with their neighbors" There troubleshooting liability. In this way, the Greek-Turkish disputes in the EU has become a way of Turkey's interlocutor. In the 1999 Helsinki Declaration, which could be considered the beginning of the negotiation process, Greece also included these dispute issues. In this way, the EU's follow-up was confirmed at the beginning of the candidacy process and Greece began to solve the Aegean problems in this way.

EU approach on the issue is not very positive for Turkey. Naturally, it protects Greece, which it accepts as a member, against third countries. Even after the Imia crisis before 1999 in the following statement issued by the European Parliament on 15 February 1996, this attitude is evident: "The European Parliament, regarding the Eastern Aegean Imia islands is concerned at Turkey's provocative mil-

itary operations. Imia Island Treaty of Lausanne in 1923, according to the protocol and the 1947 Treaty between 1932 Italy and Turkey are included in the Dodecanese group and Turkish forum in 1960 even shows these islands as Greek territory.

European Parliament Turkey, Greece's sovereign rights of an EU member the violation in a dangerous manner and the increasing military tension in the Aegean takes seriously concerns. He stresses that Greece's borders are also part of the EU's external borders. European Parliament from Turkey in the Aegean, in particular as regards the determination of the boundaries of Imia islands and the continental shelf, respect for the principles of international law seeks to study the elimination of differences.(ASAM, s.25, 2002)

There has been no change in the EU's attitude today. Under the EU to Turkey on Dec. 17 and October 3 process similar to the above expression of the attitude of the written notification clearly in each border disputes and has put to good neighborly relations since Greece. Even the most recent progress report published in November 2006 in which reference is made to this topic Turkey's "casus belli" it is stated that the declaration should give up. The European Union, in support of the general thesis of Greece and Turkey in the Aegean problem is threatened.(Manisalı, s.193, 2001)

European Parliament several times, Turkey's European Union member state that Greece's sovereign rights to the violation in a dangerous manner, they heard seriously concerned about the increasing military tension in the Aegean and Greece's borders are also European Union's external borders of it.(Başdemir, 2007)

### **3.5 North Atlantic Treaty Organization**

In 1957, the NATO Military Committee Inde favorably voted for an approved document, leaving the sea control of Egelde forces to Greece. Accordingly, control of the section up to the Turkish territorial waters in the Aegean to Greece, was allowed to control the Black Sea with Turkey as Turkish territorial waters. In addition, during the detection operation of the structures, responsibilities border between Greece and Turkey as a result of being unable to see the future of the Turkish side, before the Aegean Sea, the NATO Air Defense Area of Responsibility within through the center has slowly been said shifting towards the Turkish territorial border.(Birand, s.72, 1985)

All these developments continued until the departure of Greece from the Nato military wing as a result of the Turkish - Greek conflict that arose with the 1974 Cyprus Peace Operation. However, Greece was quick to understand the illusion that NATO had fallen out of leaving the military wing and initiated initiatives to re-

turn to the military wing. When Ecevit, the Prime Minister of the period, made statements that he did not need Greece, NATO was responsible in the Aegean to break the de facto Greek sovereignty in the Aegean.(Güldemir, s.72, 1985)

Greece against Turkey entry During the printing pursuits and the US embargo decision, within the NATO framework under the pressures directed against Turkey in international bodies, several initiatives to ensure the return of Greece has started to become concerned. This initiative has been created in the center of Turkey intensity of the relationship. Because, Turkey, Greece's return to NATO in terms of the national interests of the elimination of some bilateral problems follow a political path to connect to the requirement.

Attempts to reintegrate Greece into NATO within the framework of NATO were attempted to be led by the then NATO Commander-in-Chief Alexander Haig. "The return plan, carried out by Alexander Haig, was welcomed by the Turkish side, while Greece reacted greatly to this plan. parts of the Aegean Sea, which are vital for the defense of Greece, will be under NATO's special protection. (Güldemir, s.65-85, 1985)

Bernard Rogers was appointed NATO Commander - in - Chief in June 1979. Thus, the re-integration of Greece into NATO, which was carried out

within the framework of NATO, was initiated by Rogers. General prepared by Rogers "Rogers Plan" given to a plan called party and the parties are working on this plan reconciliation Garnish, it was found in 1980 along with sound management of the soldiers confiscated in Turkey.

Rogers Plan in terms of Turkey's acceptance, as Horizons Güldemir refer to it in detail, is based on several reasons. Military authorities of the international community, and particularly the acceptance in the US before, enhancing NATO's anti-left party's efforts to prevent the rupture with Greece the whole of NATO Concerned about the possibility of coming to power and the pressure to be in Greece, Turkey's defense needs the US more aggressively bending, etc. factors can be handled within this framework.

Rogers Plan, accepted between Greece and Turkey was signed in October 1980. Although little was known about its content until 1985, Mehmet Ali Birand published the text of the Rogers Treaty in November II. The text is composed of four items and carries very vague sentences and has a content that both parties can interpret in their own interests. After the signing of this agreement, Greece, the problem with Turkey has been moving with a wide field. With the Papandreou Government coming to power, Greece has shown that it will not fulfill the provisions of this trea-

ty. with an enforcement mechanism provisions of this Agreement performed, Greece fails to comply with the requirements and conditions of the agreement resulting from the lack of guarantee to be given to Turkey. Turkey, Greece and across the trump card that had previously failed to benefit from freedom of movement.

Today, Greece from joining NATO's military wing, especially with the arrival of Papandreou's government, on the one hand Aegean Leather 'n the existing Turkey-Greece to resolve their disputes. On the other hand, Turkey does not follow the guidance as a continuous threat to the national security and it aims to make it the mainstay of domestic and foreign policy. In the framework of NATO relations, a possible Soviet threat of the alliance. Despite being raised against, members of the same alliance as he wants to be assured against Turkey. This situation contradicts both the requirements of the alliance and the search for solutions towards the Turkish-Greek relations.(Aksu, 1986)

#### **4. WHAT HAS BEEN DONE TO SOLVE THIS PROBLEM AND WHY THIS EVENT CONTINUES AS A PROBLEM**

##### **4.1 Turkey's Views Regarding The Settlement Of The Aegean Sea**

Turkey seeks to live in peace with bordering countries. It's not just Greece. Turkey wants to stay in good

shape in terms of neighborly relations with Greece and supports the steps required. Turkey, the problems between the two countries, including in particular the Aegean Sea, to reach a permanent solution is ready to provide every kind of support. The Aegean Sea should be a sea of friendship between Turkey and Greece and also should be a sea of cooperation. The solution of the problems of the Aegean Sea will only be functional and permanent if the two countries meet in a common ground and show mutual respect for their rights and interests.

According to Greece, there is no problem in the Aegean Sea between Turkey and Greece. Continental shelf should be resolved only to be sourced to ICJ. This situation of Greece means that 'one problem - one solution' does not reflect the reality. Therefore, it is not enough for a permanent solution to claim that there is only one problem, to ignore the problems and to mention the existence of a solution. The implementation of such a move will leave other important interrelated issues unresolved. Turkey argues that all problems should be addressed as a whole and the Aegean Sea in accordance with international law to resolve their problems through peaceful methods will continue to work. Turkey does not reject any peaceful solution method is said in Article 33 of the UN Charter. If necessary, through the International Court of Justice or including any third party

solution to which each country will reach a joint settlement. To this end, Turkey is focused on concrete ideas. Turkey together with these initiatives, the Turkish-Greek relations is making efforts for the continuation of positive relationships. (MFA, 2019)

'The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.' (UN,1945)

#### **4.2 News And Recent Developments**

Problems between Turkey and Greece still continues. Turkey's proposal on talks between Greece and Turkey have been made on Confidence Building Measures in 2000. The Confidence Building Measure process, which is still ongoing, aims to reduce the risk of conflict in the Aegean and to increase mutual trust. A total of 29 Confidence building measures have been agreed to date. In addition, the Turkish and Greek Foreign Ministers in New York on February 1, 2002, and during talks in Istanbul on February 12, 2002, between Greece and Turkey regarding the Aegean issue "exploratory contacts" was to be made.

In this context, the first 60th meeting was held on 1 March 2016 in Athens during the 12 exploratory contacts "process in Ankara on 12 March 2002. Turkey these efforts can be accepted by both sides of the Aegean problem is just, lasting and hopes that a comprehensive solution could prepare the ground. (MFA,2019)

The problem that comes to light from time to time, finally, as a result of the agreement signed between Turkey and the Libyan national government at the end of 2019, which includes the delimitation of maritime jurisdiction areas, the issue of the Aegean Sea continental shelf between Turkey and Greece has again been hotly on the agenda. A process with high tensions between the two states continued. (Berberakis, 2020)

#### **4.3 Turkey's Perception Of The Aegean Sea**

According to Turkey, on the Aegean Sea, Greece and Turkey relations should be based on some basics. One of the principles, the Aegean Sea between Greece and Turkey should be a common seas. Both countries should respect each other's rights and interests. These freedoms in the open sea and in the open air, which both coastal states and third countries enjoy at the moment, should not be disturbed. The acquisition of new marine areas should be based on mutual consent and should be fair and equal. (MFA, 2019)

#### **4.4 Between the Chronic Continental Shelf Greece and Turkey**

According to Greece, one of the reasons for the dispute, located across the country and an integral part of the Greek island separated from continental countries of Turkey, the Greek island territory that should be addressed as a whole. There is also a continental shelf on the islands. This is stated in the Maritime Law Convention (1982). Therefore, while limiting the continental shelf, the islands should be treated on an equal footing with the continental country.

Considering the Greek islands, the closest point to limit the continental shelf between Greece and Turkey. This was achieved by Article 6 of the 1958 Geneva Continental Shelf Convention, which won an international customary rule. This problem was resolved as a result of the advocated negotiations. Natural extension is essential to limit continental shelf. When this principle is applied in the Aegean, it is seen that a significant part of the sea floor is the natural extension of the Anatolian Peninsula and the islands are not continental shelf. The presence of islands in a region creates special conditions for the limitation of continental shelf and should be assessed based on their geographical location and other characteristics. Therefore, the equal distance principle cannot be applied in the Aegean. In addition, the principle of "equal distance-special circumstances" is

understood as a single principle in international law and in international judicial and arbitration decisions. (Alkan,2015)

If the problem is the Aegean shelf, it can become a problem that determines the right. To solve this problem in Turkey, defended the agreement reached through negotiations and Greece; and tried to bring the problem to international forums and the judiciary. However, the decision of the International Court of Justice in 1978 on the lack of jurisdiction has diminished the power of Greece's activities. (Balkaç,2019)

#### **4.5 Greek - Turkish Dispute Over The Delimitation Of The Continental Shelf**

Greek-Turkish conflicts on the Aegean continental shelf date back to November 1973, when the Turkish Government Newspaper issued a decision allowing the Turkish national oil company to investigate the Greek continental shelf to the west of the Greek islands in the Eastern Aegean. Since then, Greece's attempts to violate sovereign rights on the continental shelf have become a major source of friction in the bilateral relations of the two countries, and even closer to war. Inability to find common ground within a reasonable time, Greece is designated as a prerequisite for stable place completely equivalent, and Turkey's participation in the solution of international law, is to bring the issue to the ICJ.

However, Turkey does not recognize the compulsory jurisdiction of the court is usually the case, a special agreement will form the legal basis of the ICJ's jurisdiction (to express agreement to referee a dispute) is required. In this framework, limited to the issue of the continental shelf between Turkey, generally appear towards the coast of Turkey to the Greek islands coast. As regards the method of restraint, Greece's precise position is that this restraint must be based on international law governed by the equality / median line principle. In this context, in accordance with Article 156 of Law no. the outer boundary of the continental shelf is the midline between the Greek coast and its opposite or adjacent coast. (MFA, 2019)

#### **4.6 Aegean Disputes Between Turkey and Greece**

Aegean Sea, is an important issue between Greece and Turkey. According to the results of December 1999 Helsinki International Court of Justice the summit could lose the case against Greece. Therefore, Turkey the instrument of the bilateral negotiation process to resolve the Aegean Sea conflicts; otherwise Turkey will lose the case before the ICJ in whole or in part.

In other words, Greece-Turkey Aegean Sea dispute resolved by the Court of Justice of the request rather than Turkey's in accordance with the Bern Agreement. In 1999, the Helsinki Eu-

ropean Council of Turkey to the European Union candidate state. Academy, friendly settlement of disputes between the parties. In fact, based on the above reasons, the Aegean Sea dispute is the most difficult enigma for both countries and the world. After all, for the sake of peace, prosperity and stability in the Aegean Sea, both countries should seek solutions either through bilateral negotiation or by referring to the ICJ as soon as possible. (Avar, 2019)

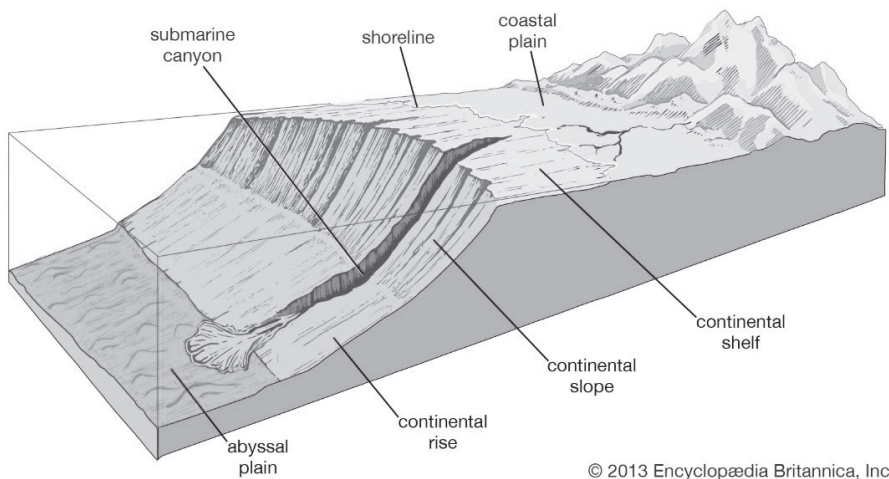
#### **CONCLUSION**

Aegean Sea is an important issues between Greece and Turkey. In this study, the continental shelf in the Aegean Sea between Turkey and Greece, the problems have discussed in detail. Like Kardak and surrounding islands are not given to Greece by an official agreement. According the Turkey, there are lot of islands with no legal status like Kardak and their status needs to be determined within the framework of International Law. Turkey and Greece need to be shared in line with their economics interest. But Greece does not look warmly because it predominates its expansionist policies. NATO, UN and the EU within the framework of trying to evaluate the issue gives Greece some advantages. So, this situation confronts two NATO countries. Therefore, this situation postpones the solutions of the crisis. The current continental shelf problem is an issue that needs to reach a permanent solution for both countries. Both countries should



reach a compromise in line with their interests and mutual interests and the continental shelf issue should be shelved.

## APPENDIX



*Figure 1: Continental Shelf Edge*

*Source: <http://cache.eb.com/bimageid=3173&rendTypeId=4.jpg>*



*Figure 2: Aegean Sea Satellite View*

*Source: <http://image.haber7.com/haber/48457.jpg>*

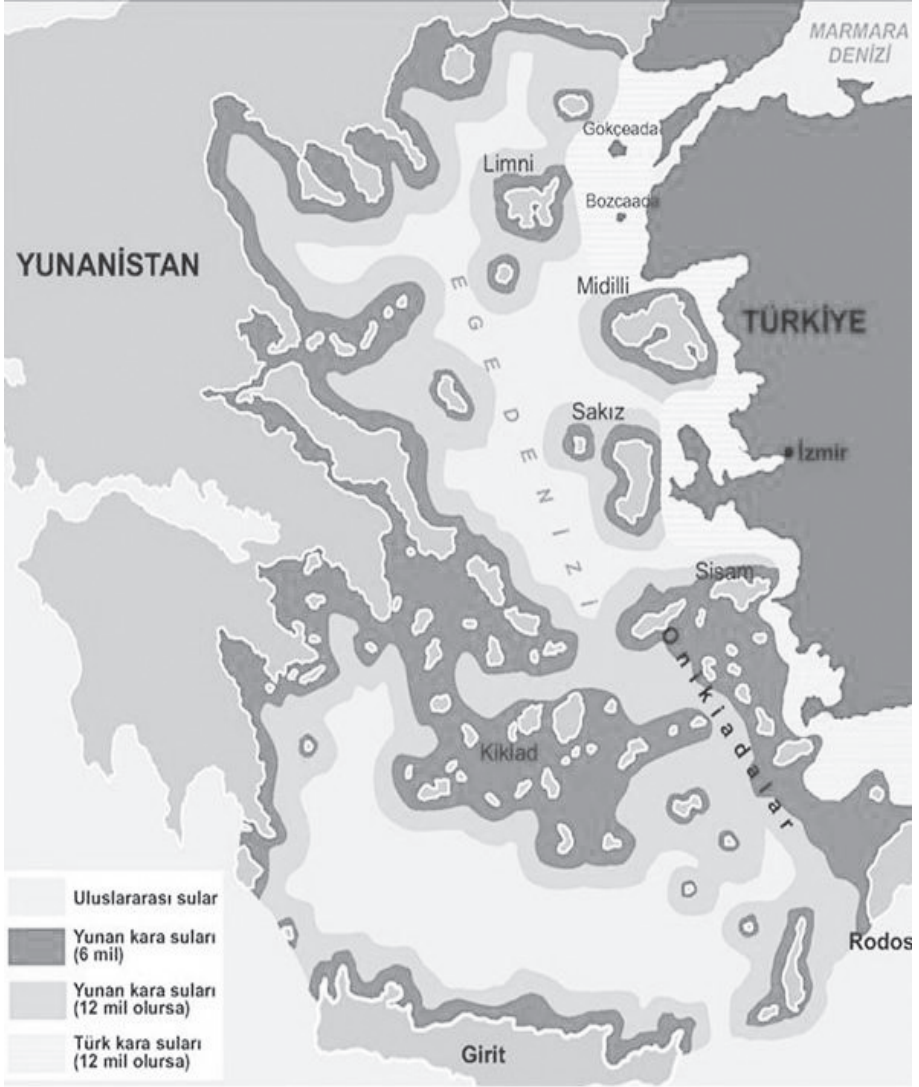


Figure 4: 6 Miles Territorial Waters in Aegean Sea



Source: <http://www.foreignpolicy.org.tr/images/6%20Mil.gif>

*Figure 5: If Greece Make Accepted the 12 Miles, The Overall outlook in the Aegean Sea will be as shown on the map*



*Source: <http://www.foreignpolicy.org.tr/images/12%20Mil.gif>*

Figure 6: The Aegean Sea Reference Documents

MEMORANDUM OF UNDERSTANDING EK-II

The two parties have agreed on the following confidence building measures:

1. Both parties recognize the obligation to respect the sovereignty and the territorial integrity of each other and their rights to use the high seas and international airspace of the Aegean.
2. In conducting national military activities in the high seas and the international airspace, the two parties shall endeavour to avoid interfering with smooth shipping and air-traffic as ensured in accordance with international instruments, rules and regulations. This would contribute to the elimination of unwarranted sources of tension and reducing the risks of collision.
3. The two parties have agreed that, the planning and the conduct of national military exercises in the high seas and the international airspaces which require the promulgation of a NOTAM or any other notification or warning should be carried out in such a way as to avoid also to the maximum extent possible the following :
  - a) The isolation of certain areas.
  - b) The blocking of exercise areas for long periods of time.
  - c) Their conduct during the tourist peak period (1 July-1 September)\* and main national and religious holidays.

It is understood that the planning and execution of all national military activities will be carried out in accordance with the existing international rules, regulations and procedures.

4. With a view to achieving the above, and without prejudice to the existing international regulations and procedures, the two sides will proceed, when required, to due communication through diplomatic channels.
5. The provisions of this memorandum of understanding shall have effect and be implemented in full conformity with the provisions of the Davos joint Press Communique.

Athens, 27 May 1988

The Minister for Foreign Affairs of the Hellenic Republic	The Minister of Foreign Affairs of the Republic of Turkey
Karlou Papoulias	Mesut Yılmaz

\* For 1988, 7 July - 1 September

Figure 7: The Aegean Sea Reference Documents

EK - 12

GUIDELINES FOR THE PREVENTION OF ACCIDENTS AND INCIDENTS  
ON THE HIGH SEAS AND INTERNATIONAL AIRSPACE

1. The military and other activities carried out by the ships and aircraft of both countries on the high seas and international airspace will be conducted in accordance with international law and international custom, instruments, rules, regulations and procedures.
2. In accordance with the above;
  - A. The naval units of the parties will abide by the following guidelines:
    - a) They will refrain from acts of harassment of each other while operating in the high seas in accordance with international law and custom.
    - b) They will act in full conformity with international law, rules, regulations and procedures as well as military custom and courtesy.
    - c) Naval units engaged in the surveillance of ships of the other party during firing operations and other military activities in accordance with international law, instruments, rules, regulations and procedures, shall maintain a position which would not hamper their smooth conduct.
  - B. The air force units in conducting military activities in the international airspace will abide by the following guidelines:
    - a) They will act in full conformity with international law and in particular international custom, instruments, rules, regulations and procedures.
    - b) Pilots of the aircraft of the parties shall display utmost caution when in proximity of aircraft of the other party and shall not manoeuvre or react in a manner that would be hazardous to the safety of the flight and/or affect the conduct of the mission of the aircraft.
3. To promote the climate of confidence, whenever there are claims of acts contrary to the above, the sides will in the first place inform each other through diplomatic channels prior to releasing official statements.

Istanbul, September 8, 1988

A. Mesut YILMAZ  
Minister of Foreign Affairs  
of the Republic of Turkey

Karolos PAPOULIAS  
Minister for Foreign Affairs  
of the Hellenic Republic

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