

**XLVII. Geopolitics of Hydrocarbons in the South-Eastern
Mediterranean: Greek-Israeli-Cypriot Relations and
the Importance of the EEZ of Kastellorizo**

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Back in 2010, during my presentation at the Conference of the Institute of Energy of South East Europe (IENE) on 8 February 2010, I had stressed the importance for Greece to proclaim an EEZ, and clarified the pertinent diplomatic arguments, together with its geopolitical and geostrategic advantages. Later, this communication was published in the Press («*Estia*», 8 January 2011) and on the Internet (skai.gr). Also, the weekly *Epikaira* published a complete study, co-authored by me and Dr. G.-A. Sgouros, in the form of a special insert entitled *The Greek EEZ and Kastellorizo: Principles of a Geopolitical Analysis* (issue 82, 12-18.5.2011). There are comparative demarcations, using Turkey's baseline, in two ways: one using the Voronoi method and one using the median line principle, as applied also by competent international organizations). The arguments expressed in these documents are still valid, considering there has been no change, on the part of Greece, on the practicalities of the EEZ. There have been, of course, many promises and declarations from politicians, as there have been "extremely good intentions". In the meantime, many views were also circulated, which were extremely dangerous, on "how far is Kastellorizo located", as well as relevant, equally unfortunate views. We tend to forget, as my colleague Th. Karyotis also points out, that "there are 137 states having a 200 nm EEZ". Most probably, all these governments are naive, while the only intelligent approach is here in Greece!

I. Definition of the EEZ, of the continental shelf and of the median line

Before referring to this aspect of the EEZ and to its geopolitical importance, we should be aware that, starting from the natural coastline (or its substitute, the baseline), Greece, as a coastal state, is able to proclaim an EEZ. This is true, even without pursuing the unproductive discussion on the continental shelf, given that it is legally acknowledged that the width of the continental shelf coincides with the space of the EEZ beneath the underwater seabed that is within the sovereign exploitation of the coastal state. This is true, because, subject to the 1982 UN Convention on the Law of the Sea, the continental shelf has a minimum breadth equal to the extent of the seabed of the Exclusive Economic Zone (EEZ), i.e. up to 200 nautical miles. It can also surpass this limit, when the continental margin of the coastal state extends beyond 200 nautical miles, in which case the continental shelf extends up to the end of the continental margin, or up to 350 nautical miles, or even extends to 100 nautical miles beyond the 2,500 m. isobath.

In order to demarcate the overlapping territorial waters (territorial seas), as in the case of Greece and Turkey, the median line principle is adopted, with very few exceptions (article 15). There are three cases, legal precedents, of EEZ delineation based on the median line principle in SE Mediterranean: (a) between the Republic of Cyprus and Egypt (February, 2003); (b) between the Republic of Cyprus and Lebanon (January, 2007); and (c) between the Republic of Cyprus and Israel (December, 2010). The cumulative application of the Median Line principle in the region covers, to a significant extent, any residual “creative ambiguity” in the Greek-Turkish dispute that might be created by the selective reading of article 74, in which the new Convention of 1982 provides for an agreement “on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution”. Examining further the equity principle, which incorporates also the principle of “special cases”, evoked by Turkey, inconsistently and unjustifiably from a legal point of view, it should also be taken into consideration that the case of the “equitable solution/equity” should, legally, be derive from the in-

ternational law and be consistent with it. To fully clarify the issue, the following should also be noted: (i) according to the 1982 Convention (article 121), the islands have full rights of continental shelf and EEZ. Only rocks “which cannot sustain human habitation” are excluded. It is stressed that the wording of the above clause is not of “uninhabited” rocks, but of rocks “which cannot sustain [...] habitation or economic life of their own”, which can only have a territorial sea and a contiguous zone. In other words, such rocky islands can have a territorial sea with a breadth of up to 12 nautical miles, and a further 12 nautical miles of contiguous zone! It should be noted in this respect that Turkey does not acknowledge similar rights for Kastellorizo! Greece’s neighbor does not acknowledge the existence of neither territorial waters, and naturally nor of a contiguous zone for these rocky islands, or even for the islands of the coastal state within whose sovereignty such islands are, and refuses to comply with the principles of the Law of the Sea. However, this law requires that any solution proposed, including the one of equity, should abide clearly with the rules specified therein! Consequently, any deliberation with Ankara on the issue at hand would be fruitless. In any case, according to the UNCLOS, there is a clause of compulsory mechanism for resolving such disputes, by resorting to the procedures of the International Tribunal for the Law of the Sea. This Tribunal, seated in Hamburg of Germany, was set up in 1996, two years after the 1982 UNCLOS entered into force. It would be therefore purposeful for the various analysts and commentators, to refer primarily to the Hamburg Tribunal and then to the International Court Justice in Hague.

II. Enclosed or semi-enclosed sea and Turkish claims

There is a further point, elaborated in Articles 122 and 123 of the 1982 Convention that introduce specific exceptions to the commonly accepted solutions of the Law of the Sea, related to the cases of the so-called “enclosed or semi-enclosed seas”. Yet, these clauses relate simply to co-operation in the fields of (a) fisheries, and (b) environmental protection and, further, their character is non-binding.

Consequently, any arguments on the part of Turkey about the “semi-

enclosed sea of the Aegean” are not extendible to sectors of co-exploitation of underwater resources (hydrocarbons), nor do they support the cession of national sovereignty in terms of continental shelf. Definitely, such an approach does not derive from the new 1982 Convention. Besides, while Turkey was never a signatory or has never ratified the new 1982 Convention, it has inconsistently pro-claimed an EEZ in the Black Sea at the end of 1986, and has agreed with the then Soviet Union to use the... median line principle! It followed the same approach also with regard to its relations with Bulgaria and Romania, having concluded an agreement with a similar content. Consequently, Turkey exhibits an absolute inconsistency, in relation to its declarations on the legal background of its relations with Greece!

III. Turkey and its European obligations with regard to the signing of the new Convention on the Law of the Sea

In relation to the European obligations of Turkey with regard to the application of the 1982 Convention, our neighboring country has once again proven unreliable, exhibiting a behavior inconsistent with its commitments. Typical examples of this inconsistency are the following:

(i) In the 1999 “Helsinki Agreement” Turkey signed and accepted, vis-a-vis the EU, that (a) it would sign the new Convention on the Law of the Sea of 1982; (b) it would resolve all the outstanding issues between Greece and Turkey by 2004 or it would accept to refer these issues to the Inter-national Court of Justice in Hague, together with Greece; and (c) it would comply with all the Copenhagen criteria. To date, Turkey has failed to abide by any of these criteria; on the contrary, it has turned towards Islamist orientations that are based on “Davutoğlu’s doctrine”, consciously abandoning its European course, under the aegis of Davutoğlu’s conceptual coverage.

(ii) The 1982 UN Convention has been ratified by the European Union (on December 10, 1998) and, by extension, forms part of the “Community acquis”. All countries in the course of accession, including Turkey, should apply these legal precedents by the time of their accession.

(iii) The EU Council of June 2, 2005 made clear that the “The United Nations Convention on the Law of the Sea is a mixed agreement, i.e. concluded by both the Community and its Member States. Under Article 6 of the Act concerning the conditions of accession of the new Member States, the latter undertook to accede to the agreements or conventions concluded by the then Member States and the Community, acting jointly”.

(iv) On April 2, 2007, the EU Commissioner for Enlargement Oli Rehn stated clearly that “The Convention on the Law of the Sea is indeed part of the Community acquis which Turkey is expected to take over and enforce at the moment of its accession to the European Union. The Commission will continue to monitor the implementation of the acquis in Turkey”.

IV. The failed and ridiculed “Madrid joint communiqué” of 1997

The “joint communiqué/press statement” of July 1997, which was the result of unofficial talks at the NATO Summit in Madrid, following strong intervention by the US Foreign Minister Madeleine K. Albright, between Süleyman Demirel and Constantine Simitis is not an obstacle any more, in relation to the issue of proclaiming a Greek EEZ. The text of the communiqué includes the following statement:

“the two countries undertake to promote bilateral relations that will be based among others also on [...] (d) respect for legal vital interests of each other’s legitimate, vital interests and concerns in the Aegean which are of great importance for their security and national sovereignty; (d) commitment to refrain from unilateral acts on the basis of mutual respect and willingness to avoid conflicts arising from misunderstanding [...]”

These two oral declarations are without any diplomatic significance, albeit, they are the ones being used and/or subsumed by the Islamic government of Ankara as the basis of legitimization of its claims in the Eastern Aegean, and, of course, in Kastellorizo. A sample of this Turkish approach was given, already in June, 2007, by the Turk President Mr.

A. Gül, during the BSEC Summit, when he declared that “Turkey and Greece have legal and vital interests and concerns in the Aegean which are of great importance for their security and national sovereignty. They have been committed on the basis of the Agreement [N.B. No such agreement was ever signed!] of Madrid in 1997, to respect these principles and to solve their disputes peacefully and with mutual consensus”.

This is of course a false allegation, because: (i) paragraph (d) relates to “legitimate vital interests” of the two countries. In other words, to interests for which a claim may be raised according to the 1982 International Law of the Sea!; and (ii) paragraph (e) has already been assailed on many occasions and indeed totally ridiculed, because of the continuous Turkish provocations in the Aegean, as well as because of the very existence of the *casus belli* clause! Consequently, the non-existence and the nullity of this “agreement”, which was never formally concluded, are basic assumptions for the Greek side, precisely because of these two elements.

Notwithstanding all of the above, precisely because of Turkey’s behavior in the Aegean, this communiqué has ceased to exist, even in the form of a moral commitment, on the part of Athens. Moreover, the existence of the –to date applicable– Turkish *casus belli* annuls the substantial content of paragraphs (a), (b), and (c), respectively providing for “(a) a mutual commitment to peace, security and the continuing development of good neighborly relations; (b) respect for each other’s sovereignty; and (c) respect for the principles of international law and international agreements”, as well as, more importantly, the letter and the spirit of paragraph (f), which ironically provides for the “commitment to settle disputes by peaceful means based on mutual consent and without use of force or threat of force”. If this is so, then what does the *casus belli* stand for? Is it a “peaceful means”, or rather “a threat of force”?

V. Geopolitical conclusions

1. Based on our argumentation above, it is concluded that the EEZ must be proclaimed before its demarcation can be applied. Moreover, it is an integral part of the conventional and traditional Law of the Sea, which is now applicable and functions internationally, and, on the other

hand, is an inextricable and single right of the coastal state interested to proceed to such a proclamation.

2. Moreover, it must be stressed that the European and, more importantly, the Anglo-Saxon geostrategic orientation have changed radically. These two international poles of power, (i) the EU; and (ii) the US and the UK (Special Relationship) aim to eliminate their dependency on the Russian, Iranian and Arab-Islamic energy resources. Also, in the light of this interpretation, the Anglo-Saxons of the said Special Relationship are not positive vis-a-vis the forthcoming dependency of the EU on Russian natural gas, of which the retailer and distributor in the EU will be Germany. It is therefore an opportunity to definitely prevent such an eventuality: The reserves of Israel and Cyprus, together with the Greek natural gas reserves (South of Crete and in the Ionian Sea, up to the Adriatic) is an ideal solution. Consequently, the only international actor that could impede such a geostrategic development in this case would only be Turkey, and it would have to face the strong reaction of the so-called “West”, i.e. of the EU, and of the Special Relationship between London and Washington. Naturally, the Israeli factor, which can definitely influence the Special Relationship, will contribute clearly in the same direction! It should be stressed, however, that Athens should, without delay, proceed to the trilateral delineation of the EEZs between Greece, Egypt and the Cyprus Republic, so as to safeguard the contact between the Greek and the Cypriot EEZ. Otherwise, Turkey would intervene in the interim region, thus excluding the contact of the common maritime boundary, based on the method of the non-calculation of the EEZ of the insular triangle of Megisti (Kastellorizo), Strongyli and Ro (see the maps of Figs. 6, 7, and 8, in: I. Th. Mazis & G.-A. Sgouros. *Exclusive Economic Zone and Kastellorizo: Principles of a Geopolitical Analysis*). Also, using this method, it would create claims on the methane hydrate deposits of the region South and South-east of this insular triangle (see: I. Th. Mazis, Dr. G. Al. Sgouros. 2010. Deposits in the Eastern Mediterranean, *Epikaira* 26 [in Greek]), as well as on the Western flank of the EEZ of Cyprus and on the Eastern flank of the EEZ of Crete, in the region of the Herodotus basin, where there is a Greek share of natural gas in the order of 1 tn. c.m., based on evidence already published (US, France, Norway).

From a legal viewpoint, however, an intervention of a Turkish EEZ would not obstruct the passage of LNG tankers or of cables and pipelines across the seabed of the EEZ, even if this seabed ends up in being Turkish subsoil, following “political manipulations”. However, Turkey’s behavior is by no means re-assuring with regard to the respect for international law. In this sense, such an eventuality should be avoided at any cost, by resorting to a trilateral arrangement.

In other words, there can be no excuse for phobic syndromes in Athens with regard to decisive and targeted actions in the SE Mediterranean.