Confrontation over Continental Shelf Rights in Aegean Sea - Decisions of UN security Council and International Court of Justice

A military confrontation arose during the months of July and August 1976 between Greece and Turkey as a result of Turkish geological exploration for oil carried out in areas of the Aegean Sea in which Greece claimed the sole right to resources of the continental shelf of its islands. This claim was disputed by the Government of Turkey.

There were a number of areas of conflict between the two countries[see also 26667 A; 27011 A], and they were differently defined by the two sides in May 1975.

In a statement issued by the Greek Press and Information Office in London on May 19 the matters in dispute were listed as:

(1) Rights to the continental shelf in terms of the 1958 Geneva Convention on the Continental Shelf, ratified by Greece, but not by Turkey, whereby, in the Greek view, the Greek islands off the Turkish coast had their own rights to the seabed and subsoil "to a depth of 200 metres or, beyond that limit, to where the depth of the superadjacent water admits of the exploitation of the said areas".

(2) The flight information regions agreed upon by member-states of the International Civil Aviation Organization (ICAO), Turkey having declared in July 1974, in connexion with its invasion of Cyprus[see 26621 A], that parts of the eastern Aegean airspace should be considered dangerous zones for all air traffic, and having subsequently extended her control of flights to and from Turkey "to the middle of the Aegean", with the result that Greek islands were overflown by Turkish aircraft, and aircraft flying from Athens to Ankara had to fly via Bulgaria.

(3) Turkish threats to annex some of the Greek islands off the Turkish coasts.

In an interview published in Le Monde on May 20 Mr Suleyman Demirel, the Turkish Prime Minister, referred to six areas of dispute with Greece as follows:

(1) The conflict over Cyprus.

(2) The militarization by Greece of Aegean islands in contravention of the 1923 Lausanne Peace Treaty and the 1947 Treaty of Paris A].
(3) The Greek intention of extending Greece's territorial waters limit from six to 12 miles, which would, in Turkey's view, make the Aegean Sea a "Greek lake".

(4) The continental shelf claim, under which oil, minerals and other resources of the shelf would belong to Greece, and which Turkey would not accept.

(5) The "ban on flights over maritime areas which separate us and which the Greeks see as frontiers".

(6) The problem of "150,000 Turks in Western Thrace and their ill-treatment".

Statements on their attitude to the matters in dispute were made by the two sides on various occasions between November 1975 and March 1976.

The Turkish Government reiterated on Nov. 18, 1975, that it wished to find a solution to the dispute over the Aegean Sea through bilateral negotiations, and that only unsolved differences should be referred to the International Court of Justice for arbitration, while on Dec. 5 it proposed periodic meetings between the two countries' Foreign Ministers to resolve all outstanding bilateral problems—a proposal which was, however, rejected as unacceptable by the Greek Government on Dec. 11.

On March 21, 1976, it was disclosed in Ankara that Turkey had proposed the formation of a joint company with Greece to exploit and share the resources of the Aegean Sea. A week later, however, Colonel Alparslan Turkesh, Turkish Deputy Prime Minister, declared that all Greek islands within 50 kilometres (about 31 miles) from the Anatolian coast, including the Dodecanese and Lesbos (Lesvos), should belong to Turkey.

Greek Offer of Non-Aggression Pact

Mr Karamanlis, the Greek Prime Minister, declared in the Greek Parliament on April 17 that his Government was willing to end the "costly and destructive" arms race with Turkey and to sign a non-aggression pact with that country; this announcement was made in connexion with an agreement concluded in Washington on April 15 involving Greek purchases of US arms worth $700,000,000, to offset the US-Turkish agreement of March 26 covering inter alia US military aid to Turkey worth over $1,000 million.

Mr Demirel said later on the same day that Turkey had "no aggressive intentions" and wished to "find without delay peaceful solutions by way of negotiations", and Mr Ihsan Sabri Caglayan of the Turkish Foreign Minister, called on April 19 for a meeting with his Greek counterpart, Mr Dimitrios Bitsios, to discuss the Greek proposal.

According to a report from Ankara on April 19, the US-Greek agreement had been preceded by a letter from Dr Henry Kissinger, the US Secretary of State, to Mr Bitsios on April 9, stating that the United States would "actively and unequivocally
oppose" military moves either by Greece or Turkey in the Aegean area and would make every effort to prevent such a development.

In a letter delivered to Mr Demirel on May 21 Mr Karamanlis stated that a non-aggression pact should be signed before the two countries tried to settle their disputes over Cyprus and the Aegean, as the object of such a pact was "to defuse existing tensions in our relations; to discuss our differences in calm and serenity; and to rid our peoples of the crushing burden of unnecessary armaments". He also criticized the Turkish view that a practical step-by-step normalization of relations was necessary before a nonaggression pact was signed. It was, he said, the concentration of Turkish forces on the Anatolian coast, the creation of a special Turkish army of the Aegean and repeated threats by Turkish officials which had forced Greece to organize the defence of its islands off Turkey's coast.

Oil Exploration In the Aegean Sea begun by Turkey

Earlier, however, it had been announced in Ankara on April 21 that the Turkish Government had granted the (state-owned) Turkish Petroleum Corporation (TPAO) licences covering 2,000,000 hectares for oil exploration within the continental shelves and beyond Turkish territorial waters, including areas contested by Greece.

Mr Demirel announced on July 15 that the 1,200-ton seismic research vessel MTA Sismik I (formerly the Hora) would prospect for oil in the Aegean Sea before the end of the month, and that Turkey would react to any Greek attempt to interfere with the ship's mission. A request by the Greek Government to the Government of Turkey on the following day to reconsider its decision was unsuccessful.

When the MTA Sismik I left Istanbul on July 23, Mr Selahattin Kilic, the Turkish Minister of Energy and Natural Resources, stated that the ship's work would not affect the ownership of the continental shelf, that Turkey wanted to solve the problem through negotiations and peaceful means, and that there was no obstacle standing in the way of jointly resolving the Aegean issue.

It was reported in the press on July 27 that under US pressure a possible compromise had been discussed under which the Turkish research vessel would confine its activities to seismological investigations and would not drill for oil; it would keep within international waters and would not violate Greek sovereignty over Aegean islands; and the Greek Navy would take no action against it as long as the Turkish Navy did not escort it. However, talks on such a compromise broke down on July 28 after Greece had requested advance notification of the ship's itinerary and an undertaking that the ship's findings would be published, to which the Turkish side did not agree.

Armed Confrontation - UN security Council Resolution

On July 29 the Greek Government sent several warships to patrol the Aegean Sea, while the 1,800-ton Greek oceanographic research vessel Naftilos was already shadowing
the *MTA Sismik I*, and on Aug. 7 Greece protested to Turkey against the alleged violation of Greek jurisdiction by the Turkish vessel carrying out seismic soundings between the Greek islands of Lemnos and Lesbos (in the northern Aegean). The Turkish Government, however, rejected the protest, arguing that there was neither a Greek nor a Turkish continental shelf as long as the issue was in dispute.

The Greek Government thereupon asked on Aug. 9 for an emergency meeting of the UN security Council and indicated at the same time that it would refer the issue unilaterally to the International Court of Justice.

It also delivered "a solemn and energetic protest" to Ankara, asking Turkey to end all "illegal" activities between Lesbos and Lemnos and to refrain from provocative actions. Mr Demirel, however, said on the same day that the MTA Sismik I would continue its soundings despite Greek protests.

At the same time Greece and Turkey each deployed troops along their common frontier and also naval vessels in the Aegean Sea, and on Aug. 10 the North Atlantic Treaty Organization (NATO) asked the two countries (who were both members of the alliance) to exercise the utmost restraint in their dispute.

On Aug. 11 the Greek Government placed its armed forces on alert while the Turkish Government protested against harassment" of its research vessel by Greek naval and Air Force units.

The Greco-Turkish confrontation was discussed on the same day between Dr Kissinger and Mr Max van der Stoel, the Dutch Foreign Minister and President of the Council of Ministers of the European Community (with which both Greece and Turkey had association agreements).

The UN security Council met on Aug. 12 to hear the views of both parties to the dispute.

Mr Bitsios emphasized that he was not asking for a discussion of the subject of sovereignty over the continental shelf, as Greece had submitted this question to the International Court of Justice. What the Council should decide, he said, was whether the activities of the *MTA Sismik I* constituted a threat to peace. He added "The UN was not in time to stop the tragedy of Cyprus; it must now prevent a new tragedy in the Aegean."

Mr Ilter Turkmen, the permanent representative of Turkey at the UN, said in a preliminary reply that, if there was any threat to peace, it came from the Greek Government and its "impossible dream" of turning the Aegean Sea into a "Greek lake".

Mr Caglayangil said before the Council on Aug. 13 that any tension existing in the Aegean was caused by "unwarranted harassment" of a Turkish civilian ship carrying out research outside Turkish territorial waters; until the shelf was delineated, he said, the respective
claims of Greece and Turkey were equally valid and the question could only be solved by negotiation.

Both the Soviet Union and the United States urged the two parties to seek a peaceful solution to their problems.

The Soviet Government on Aug. 13 called on both Governments to refrain from all acts of violence and to seek a solution by negotiation, emphasizing that "free navigation should not be disturbed in this region of vital importance".

Dr Kissinger had separate talks with the two countries' Foreign Ministers in New York on Aug. 14, after which Mr Caglayangil proposed direct negotiations with Greece and also said "Greece's policy, its attempts to annex Cyprus, to close the Aegean airspace and to monopolize the continental shelf of the Aegean Sea, and the militarization of the islands, constitute dangerous acts aimed at destroying a carefully established equilibrium."

Following consultations a draft resolution proposed jointly on Aug 23 by the United States, Britain, France and Italy, urging the two countries to "do everything in their power to reduce the present tensions in the area", to solve their differences by negotiation and to consider taking the matter to the International Court of Justice, was adopted by the security Council by consensus on Aug. 25.

Although both parties accepted the resolution, Mr Caglayangil stated that his country was not bound by the resolution's clause relating to the International Court of Justice which, he said, was "in total contradiction" to the letter and the spirit of the resolution because it prejudged "the process or the result of the negotiations". Mr Karamanlis, on the other hand, said that his Government would respond to the Council's recommendation and added that it had never claimed that the Aegean was "a closed Greek lake" or denied that Turkey, as a coastal state, had certain rights in it.

Efforts to implement the security Council's recommendation for negotiations were, however, suspended on Sept. 1, after the Turkish side had insisted that Greece should first revoke its appeal to the International Court, the Greek side had declared that it would be willing to do so provided the MTA Sismik I did not operate in international waters above the seabed claimed by Greece, and Turkey had refused to accept this condition.

Moreover, the Turkish Navy announced on the same day that until Sept. 25 the MTA Sismik I (which had meanwhile been active in various eastern areas of the Aegean Sea) would operate in an area extended to the line formed by the deepest points on the Aegean seabed (resulting from a geological fault{corresponding to the extreme Turkish view concerning Anatolia's continental shelf, and not to the previous Turkish claim that the median line between continentalGreece and Turkey should be the boundary of the continental shelf.

Following this announcement the Greek Navy was mobilized for manoeuvres in the western Aegean.
International Court of Justice rejects Greek Application for Injunction

The Greek Government had earlier, on Aug. 10, filed an application to the International Court of Justice for proceedings against Turkey in the matter of the continental shelf in the Aegean Sea, and also a request for an interim injunction directing both the Greek and Turkish Governments to refrain from all exploration activity in the disputed area and from all military actions which might endanger their peaceful relations.

A public hearing of Greece's request for interim measures was held by the Court on Aug. 25.

The Turkish Government was not represented at the hearing, while the Greek Government had chosen Professor Michael Stassinopoulos (who had been interim President of Greece from December 1974 to June 1975) to sit as judge ad hoc; Judges Ignacio-Pinto (Benin) and de Castro (Spain) were unable to take part for health reasons, and Judge Oda (Japan) did not participate in the proceedings on the Greek case.

On Aug. 26 the Turkish Government rejected the Court's jurisdiction in the case in an unofficial note sent to the court.

The Court rejected Greece's request for an interim injunction by 12 votes to one (cast by Professor Stassinopoulos) on Sept. 12.

The Court was unable to find that the granting of oil exploration licences to the TPAO and the explorations of the MTA Sismik I constituted a risk of irreparable prejudice to Greece's rights or warranted interim measures of protection. The Court also referred the two nations to their obligations under the UN Charter and the security Council's resolution to "do everything in their power to reduce present tensions" end to "resume direct negotiations". It added that it was, at this stage, unable to accede to Turkey's request to remove the case from its agenda.

Restoration of Air Traffic over Aegean Sea

Following repeated inconclusive negotiations on the problem of the airspace over the Aegean Sea, agreement was finally reached on Aug. 31 on the resumption of regular fights between Athens, Istanbul and Izmir during September 1976.