

Forum: GA4 Legal Committee

Issue: Maritime delimitation in the Eastern Mediterranean

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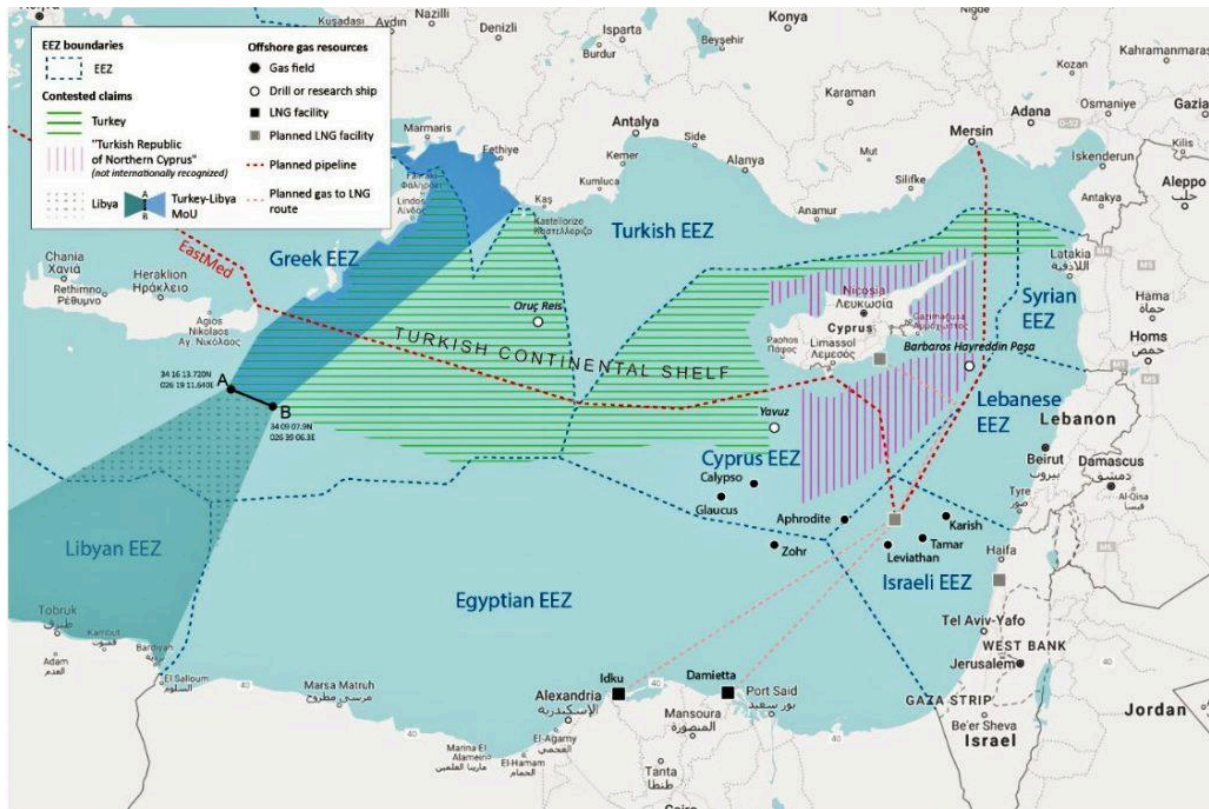
Introduction

Maritime borders have been a major problem for not only Mediterranean countries but the whole world in general. Throughout the course of history, many Member States that had borders to distinct seas and islands claimed sovereignty over certain zones to which they believed they should have rights. Similar to the world, the East Mediterranean region has been a region of dispute for around 20 years. To understand the nature of disputes, the significance of Mediterranean regions must be established. The Eastern Mediterranean is considered to be one of the most essential regions with regard to its energy resources. This region not only is subject to recognition due to the United Nations Convention on the Law of the Sea (UNCLOS), but it also stands out as a product of its strategic geopolitical location and tendency to carry out successful transportation of hydrocarbon resources through the Middle East and Europe routes (Ediger, 73).

Bearing in mind that the East Mediterranean is a strategic region, conflicts began between states in terms of sovereignty over the region. The major members of the conflict appear as Türkiye, Greece, the Greek Cypriot Administration of Southern Cyprus (GCASC), and the Turkish Republic of Northern Cyprus (TRNC). However, it is important to note the TRNC is not a country that is recognized by the United Nations; rather, it is just acknowledged by the Republic of Türkiye. Between states that have coastal borders to the Mediterranean Sea, the idea of having sovereign rights over the sea and resource extraction in explored and potential exploration areas have sparked tensions evident in international discussions. Following the discovery of hydrocarbon reserves, an intensified competition for maritime sovereignty had evolved, leading to the formation of international alliances based on various agreements. Even though the essential members of the agenda at hand appear to be Türkiye and Greece, other states with a coastline in the relevant region are also indirectly or directly concerned with the decisions taken. To exemplify, the process of the maritime delimitation issue in the East Mediterranean has an impact on Egypt, Israel, Syria, and so on. Additionally, the economic and political interests of important nations such as the United States of America (USA), Russia, and the United Kingdom (UK) are triggered. Hence, the abundance of potential oil and gas resources in the region transforms this conflict into a major one, touching upon the sovereignty and freedom of oiling actions of states that share waters in the East Mediterranean. (Shaffer, 2).

Maritime border issues depend on negotiations between states, especially the appropriate adoption of

the UNCLOS and its articles aid in terms of coming upon a consensus. The theme of the conference being “International Reconciliation: Resilience in the face of Shifting Power Dynamics,” the delegates must be reminded that resolving the maritime dispute is a matter of agreement between the states. As power dynamics are shifting, the future of Member States is changing heavily. The Member States may claim sovereignty over certain regions for touristic, economic, or even political purposes. As the sovereignty of a region is given to one Member State in a legally rightful manner, it is essential for other parties to abide by international law and follow the guidelines its provides.



Picture 1: The delimitation of the Exclusive Economic Zones (EEZs) in the Eastern Mediterranean and the Turkish Claims, European Parliament

Definition of Key Terms

United Nations Convention on the Law of the Sea (UNCLOS): A United Nations Convention in order to determine Member States’ sovereignty, and actions, and establish a legal framework for marine activities. (United Nations)

Maritime Boundary: The conceptual determination of lines between more than one coastal state in a maritime region, often establishing one nation's exclusive rights over resources by also encompassing various features and zones through international agreements. (United Nations)

Exclusive Economic Zone (EEZ): A maximum of 200 nautical miles of area, according to the United Nations Convention on the Law of the Sea, of a sea which allows a state to have sovereignty and

exclusive rights on, such as but not limited to exploration of marine resources and production of energy through means of water usage. (United Nations)

Territorial Sea: The area of water that extends up to 12 nautical miles from a coastal State's baseline in which the coastal State has complete sovereignty over the airspace above the sea, as well as the seabed and subsoil beneath. (United Nations)

Continental Shelf: The submerged extension of a coastal territory that covers the seabed and the subsoil in underwater areas that go beyond its territorial sea, reaching up to 200 nautical miles based on the outer edge of the continental shelf. (United Nations)

Equidistance Principle: An article under UNCLOS which states that coasts of two states that are adjacent or opposite to each other, who fail to reach an agreement with a disputed region, are entitled to draw a line equidistant from nearest points on the baselines that function to extend the territorial sea.

Hydrocarbon Resources: Consisting of hydrogen and carbon elements and also known as fossil fuels, hydrocarbon resources carry high energy in their carbon-hydrogen bonds and release them when burnt. (Energy Education)

General Overview

For years, the Member States that have maritime boundaries in the East Mediterranean region have acknowledged the importance of the waters when it comes to the idea of energy consumption and market advantage of high oil and gas resources. Regardless of the limitations in terms of oil drilling activities in the region, maritime research stands as a piece of evidence for the potential abundance of hydrocarbon resources (Hodgson, 35). Therefore, conflicts between states began emerging as a result of endeavoring to establish dominance and activity over the potentially resource-abundant region. Additionally, nations without a coastline in the region became a triggering factor of the disputes since they closely monitored the maritime activities of coastal states. Furthermore, conflicts among coastal states arose from bilateral agreements on maritime areas, declared Exclusive Economic Zones (EEZs), and military operations. It is not only the resources that spark a matter of conflict, but the history of the region and the distance principles when it comes to determining continental shelves and EEZs further cause Türkiye and Greece to fall into battles. One attempt to solve the dispute was the 1976 Berne Agreement. The Bern Agreement, signed by Türkiye and Greece on November 11, 1976, was an attempt to create a framework for negotiations aiming at obtaining an agreement on the delimitation of the two nations' continental shelves. Both sides agreed to reserve their respective positions on the delimitation problem and to refrain from referring to any proposals made during the negotiations outside of the negotiation context. Furthermore, they agreed to keep the negotiations quiet and to refrain from taking any acts that could disrupt or discredit the opposing side. The agreement also calls for the formation of a mixed commission to investigate international practices and rules regarding continental shelf delimitation. Still, efforts are lacking to resolve the dispute at

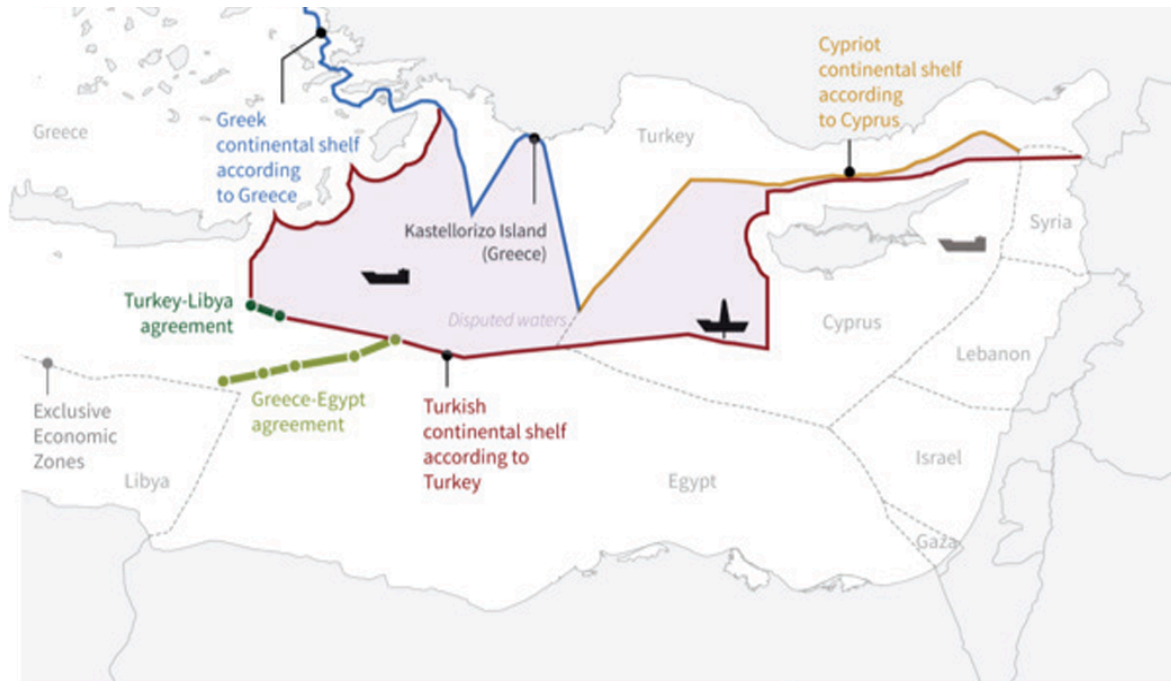
hand.

Legal Aspect of the East Mediterranean Continental Shelf Disputes

The fundamental issue with the dispute is the delimitation of maritime areas of the coastal states. Under normal circumstances, the conflicts that specifically deal with the determination of maritime borders and waters that belong to several states depend on the articles and terms of international law. To exemplify, the International Court of Justice (ICJ) has faced multiple contentious cases upon disagreements and sovereignty claims overseas, islands, and energy resources of certain regions. The countries that faced territorial disputes often came to the ICJ due to a breach of international law, which tends to be UNCLOS. In the realm of international law, every dispute concerning a continental shelf is classified as a distinct incident. This, therefore, poses difficulties in developing a uniform method to address such conflicts. For example, one dispute that is special to itself is the "Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)" case. This case, filed to the International Court of Justice (ICJ), highlights the complexities of a long-standing territorial and maritime dispute between the two West African countries. The dispute, which was based on colonial-era agreements and differing interpretations of international law, revolved around ownership of the Bakassi Peninsula and the delimitation of maritime limits in the Gulf of Guinea. Notably, Equatorial Guinea interfered in the proceedings, stating its own claims to the disputed territory. The case had far-reaching regional ramifications, considering the Gulf of Guinea's strategic importance for oil deposits and maritime trade. The ICJ's decision emphasized the court's function as a forum for peaceful resolution, providing legal clarity and a foundation for the complicated dispute to be settled peacefully. Finally, the case demonstrates the difficulties of international boundary conflicts, the significance of legal concepts, and the role of judicial institutions in promoting global peace and stability. Even when similar disputes in a certain region are considered, specific circumstances may complicate the application of binding jurisprudence or precedent rules. It's important to highlight that according to Article 59 of the Statute of the International Court of Justice, the court's decisions lack binding authority beyond the parties involved and are applicable solely to the specific case at hand. Thus, the legal application of the agreement on maritime boundaries becomes a problem.

In the case of Greece and Türkiye in terms of East Mediterranean activity, UNCLOS does not apply. According to the convention, Greece asserts that the islands it has sovereignty over have their own continental shelves. However, Türkiye appears to disagree with Greece's claims. In fact, Türkiye is not a signatory party to UNCLOS; therefore, Türkiye stands out as a strictly opposing Member State upon the insertion of continental shelves to Greek islands. Additionally, Türkiye is a Türkiye that claims sovereignty over the Greek islands due to them being closer to Turkish borders. Türkiye implies that the Greek islands located near the Turkish mainland fall within the Turkish continental shelf and should not possess distinct continental shelves. Essentially, the Greek islands in close proximity to the Turkish mainland are viewed as belonging to the wrong nation, having a constrained territorial sea

without an extended continental shelf. Specifically, the Crete Island, which belongs to Greece, is said to interrupt the continental shelf which lies between Libya and Türkiye. Upon this matter, Greece has a similar perspective with the GCASC, as both aim to grasp the jurisdiction areas shared by Libya and Türkiye, which were determined by an agreement named “Memorandum of Understanding between Türkiye and Libya on Delimitation of the Maritime Jurisdiction Areas” (Kırcal, 17). Bearing the complexity of the problem in mind, an understanding of a median line might be proposed by several member states to resolve it.



Picture 2: The Overlapping Claims of Greek and Turkish Continental Shelf, NATO

As a fundamental principle of international law, the idea of drawing a median line becomes important in determining the continental shelf and thus the exclusive economic zone of a nation. Nevertheless, international law also makes it an obligation to adjust the median line depending on special circumstances. The consideration of these circumstances aims to achieve equity among countries in the continental shelf delimitation and eventually leads to changes in the median line. In the current dispute between Türkiye and Greece in the Sea of Islands, Türkiye argues for the recognition of certain "special circumstances" to attain an equitable solution. Conversely, Greece seems to disregard the allowance for special circumstances in international law, treating it as automatic and conclusive in favor of the median line (Başaran, 10). Such major disagreement shapes the stance of a regional conflict.

Legal Aspects of the East Mediterranean Territorial Sea

Another problem that especially concerns Greece and Türkiye emerges as a result of the disagreement in territorial seas. Greece seeks to extend its territorial sea around the islands it has sovereignty over from 6 to 12 nautical miles, which appears as a move contested by Türkiye. While

the UNCLOS allows states to expand their territorial waters up to 12 nautical miles, the objections raised by Türkiye in terms of applying UNCLOS articles upon the matter of continental shelf question also is a part of the territorial sea issue. Notably, acknowledging a 12 nautical mile limit for Greek islands would impede Türkiye and other nations from freely navigating the Sea of Islands. This change would disrupt the current status quo, where international waters enable unrestricted navigation. The expanded jurisdiction of Greece over a significant portion of international waters between the Turkish and Greek mainland would violate principles of equity and proportionality in international law.

The Question of Cyprus

The main problem with Cyprus is the presence of two different nations and their distinct claims on the delimitation of EEZs. To exemplify, the GCASC attempted to determine its maritime boundaries through collaboration with Israel and Egypt. Türkiye argues against the legitimacy of such agreements on several grounds, emphasizing the "special circumstances." The argument of special circumstances brings a new light to the issue as it seeks international recognition of the dispute matters. The circumstance explains the extensive length of the coastline as a pivotal factor that should take precedence in delineating the continental shelf in the semi-closed Eastern Mediterranean. Another source of dispute appears through the acknowledgment of the legal government in Cyprus, as Türkiye refuses to recognize the Greek administration in the southern part of the island. In addition to asserting its own continental shelf rights, Türkiye also brings the rights of the Turkish Republic of Northern Cyprus (TRNC) into play. Türkiye has engaged in agreements for oil and gas research and exploitation with TRNC. Türkiye claims that, until there is a bilateral agreement between the two communities in Cyprus, the Southern Cyprus Administration which solely represents the Greek community lacks the authority to engage in exclusive economic zone agreements with other nations on behalf of the entire island. Therefore, the delimitation of the maritime zones in the Eastern Mediterranean and, in particular, in the Sea of Islands is a challenge to resolve.

Resource Search and Excavation Activities

The Eastern Mediterranean's economic and geopolitical landscape has become more reliant on resource exploration and drilling activities. With massive hydrocarbon deposits beneath its waves, littoral states, particularly Greece and Turkey, are boosting their investments to secure access to these precious resources. Both countries have begun exploring efforts along their maritime borders, with Turkey in particular conducting seismic surveys and drilling in contested areas, escalating tensions with neighboring countries such as Greece and Cyprus. These acts have aroused worries about sovereignty issues, territorial claims, and the possibility of military escalation. Greece, on the other hand, continues to conduct exploration activities in collaboration with foreign energy firms, with the goal of leveraging its maritime resources for economic growth and energy security. Overlapping maritime claims and competing interests between Greece and Turkey have resulted in diplomatic tensions and generated concerns about regional stability. Furthermore, the involvement of landlocked nations such as Hungary and Bulgaria complicates the energy dynamics of the Eastern

Mediterranean. They are helping to shape the evolving geopolitical landscape by engaging in diplomatic endeavors, investment initiatives, and regional cooperation frameworks to obtain access to the region's resources.

Major Parties Involved and Their View

Türkiye:

Türkiye believes that the UNCLOS does not constitute international law and, since it is not a signatory, contends that other nations cannot invoke its provisions to justify their claims, since that would be a violation of the bona fide principle in international law. Türkiye rejects that islands' continental shelves be considered for the delimitation of a nation's EEZs. Furthermore, Türkiye argues that the TRNC constitutes a sovereign state while the GCASC does not. As Türkiye does not recognize UNCLOS, Türkiye has made a separate agreement with Libya, the Memorandum of Understanding, formally called: "Memorandum of Understanding Between the Government of the Republic of Türkiye and the Government of National Accord-state of Libya on Delimitation of the Maritime Jurisdiction Areas in the Mediterranean" which it used to conduct further exploration into the Eastern Mediterranean.

Greece:

Greece's beliefs on the issue stand directly opposing Türkiye's. It recognizes the GCASC as the sole government of Cyprus and does not recognize the TRNC, instead claiming it to be a terrorist breakaway state from the GCASC which is in their eyes the rightful owner of the whole island. Greece is a signatory of the UNCLOS and the firmest supporter of the GCASC. It claims that the excursions of Turkish maritime vessels into the gas deposits are violations of international law and the territorial integrity of the GCASC.

Libya: Libya is one of the nations that had agreements with the Turkish side of the dispute. The Memorandum of Understanding, signed by Türkiye and the Government of National Accord gave Türkiye extensive rights in the Mediterranean energy resources as the continental shelf was extended in favor of Türkiye.

Egypt: Egypt is one of the Member States that appears as a coastal state in the Mediterranean Sea. Egypt has signed agreements with the Republic of Greece in terms of the delimitation of maritime boundaries. Egypt and Türkiye's views contradict when it comes to the establishment of the EEZs: Egypt and GCASC have signed an agreement that asserts claims on the maritime jurisdiction areas of Türkiye and the middle of the Mediterranean, causing a more heated dispute. Since the Cyprus Island is located between Egypt and Türkiye and the EEZ agreement occurred solely between the Greek side of Cyprus, Türkiye is placed in a difficult position.

Timeline of Events

1960s	Exploration studies to find hydrocarbon resources in the Eastern Mediterranean started.
10 August 1976	On 10 August 1976, the Hellenic Republic of Greece instituted proceedings against Türkiye in a dispute over the Aegean Sea continental shelf.
11 November 1976	The Berne Agreement was signed between Türkiye and Greece to promote negotiations between the two nations. Both parties are a signatory of this agreement even though Greece has not ratified it.
19 December 1978	The judgment of the case of <i>Greece v. Turkey</i> was released. The court declared that it did not have jurisdiction over the matter.
1982	The United Nations Convention on the Law of the Sea (UNCLOS) was adopted. The convention laid down the orders and decisions in the world's seas by bringing rules governing the resources and maritime activities.
15 November 1983	The Turkish Republic of Northern Cyprus was established as an independent State.
2000s	Tensions began to rearise in terms of the delimitation of the East Mediterranean.
13 November 2019	The United Nations received a chain of claims regarding the Exclusive Economic Zones in the East Mediterranean submitted by Türkiye, contradictory to Greece's claims.
6 August 2020	An agreement regarding the determination of EEZs in Cairo was signed by Greece and Egypt. The agreement delimits their maritime boundaries in the East Mediterranean.

1 October 2020	The Government of National Accord in Libya and Türkiye Memorandum of Understanding was registered by the Secretary General of the United Nations, Antonio Guterres.
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UN Involvement

International Court of Justice

ICJ is the principal judicial organ of the UN. It has previously resolved multiple maritime disputes between Member States. Similarly, a case was filed to the ICJ by the Hellenic Republic of Greece in the matter of the Aegean Sea and its continental shelf. However, the court declared that it did not have jurisdiction at the time. Hence, the disputes remain between the two states. Since the Aegean Sea dispute, no ICJ cases have been filed regarding East Mediterranean maritime delimitation between Greece and Türkiye.

Relevant UN Documents

Judgment of 19 December 1978 – Jurisdiction of the Court

This document addresses the past Mediterranean dispute between Greece and Türkiye, showing that before the presence of UNCLOS, the International Court of Justice did not have jurisdiction over the matter.

Treaties and Events

United Nations Convention on the Law of the Sea (UNCLOS)

This is the convention that is signed and ratified by 168 Member States, including Greece. It is the convention that determines the maritime boundaries and activities of its parties. However, the Republic of Türkiye neither signed nor ratified the convention.

Evaluation of Previous Attempts to Resolve the Issue

There were only limited previous attempts to resolve the issue, including the ICJ application and agreements between coastal states, due to the Turkish perspective of going against UNCLOS and providing bilateral agreements favoring all sides of the dispute. Greece and Türkiye have ongoing tension regarding this matter while other nations like Libya and Egypt intervened with several aspects to benefit from the hydrocarbon resources.

Possible Solutions

The possible solutions may arise from reasonable frames of bilateral agreements and collaboration between coastal states. The encouragement and involvement of the UN are crucial since the issue at hand has been a dispute for a long time. Additionally, calling Member States to draw the borders of international law in terms of the sea might be a feasible solution when it comes to preventing future maritime disputes. However, it is up to Member States to decide and become a part of UNCLOS as Member States that haven't signed the convention act accordingly with their policies and intentions. Still, recognizing the scope and importance of UNCLOS and its articles in terms of providing provisions for maritime boundaries, exclusive economic zones (EEZs), and continental shelf delimitation attempts to establish a fair, just, and internationally recognized framework.

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