

## The Critical Role of the Exclusive Economic Zone in the Greek-Turkish Dispute

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The legal regime for the Exclusive Economic Zone (EEZ) is enshrined in the United Nations Law Convention of the Law of the Sea (UNLOS) on December 10, 1982. Part V of that Convention (more precisely, articles 55 to 75) provides for an EEZ “extending 200 nautical miles seaward from the coast.” If all coastal states thus exercised their jurisdiction over their own EEZs, some 38 million square nautical miles would become their “economic patrimony.” The oceans represent 71 percent of the total surface of the earth, and 32 percent of that area falls under the jurisdiction of coastal states. Inside these economic zones would lie 90 percent of global fishing, 87 percent of oil deposits, and 10 percent of polymetallic nodules.<sup>1</sup> The provisions of the EEZ constitute new law. As Bernard Oxman indicates, “Measured by any yardstick—political, military, economic, scientific, environmental, or recreational—the overwhelming proportion of activities and interests in the sea is affected by this new regime.”<sup>2</sup>

Article 56 of the Convention provides the following rights of the coastal state in its economic zone:

1. Exclusive sovereign rights for the purpose of exploring, conserving, and managing living and nonliving natural resources of both the waters and the seabed and subsoil.
2. Exclusive sovereign rights to control other activities such as the production of energy from the water, currents, and winds.
3. The right to control dumping of wastes.
4. The right to be informed of, participate in, and to withhold consent in proposed marine scientific research projects.
5. The right to board, inspect, and arrest a merchant ship suspected of discharging

pollutants in the economic zone.

Within the exclusive economic zone, the coastal state does not have sovereignty, but sovereign rights over the natural resources both in and on the seabed and in the ocean areas above. This means that the coastal state has the sovereign right to exploit, preserve and manage resources such as oil, gas and fish.

Article 58 of the convention provides the following rights of other states in the economic zone:

1. The high seas freedoms of navigation, overflight, and right to lay submarine cables and pipelines
2. Other lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft, and submarine cables and pipelines

One can easily see why the EEZ is a superior concept to that of the continental shelf in terms of international relations, because it includes both hydrocarbons and fisheries. Additionally, Articles 55 and 86 of the convention make it clear that the EEZ is neither a part of the territorial sea nor the high seas; it is a zone *sui generis*, with a statute of its own.<sup>3</sup> Today, 138 countries had claimed 200-mile EEZs or had established a 200-mile Exclusive Fishing Zone (EFZ). The countries benefiting the most from the EEZ concept are, in order of the size of their zones, the United States, France (including its islands in the Pacific Ocean) Australia, Indonesia, New Zealand, and Canada.<sup>4</sup> If this concept were to be applied by all coastal Mediterranean states, the entire sea would be covered by EEZs of the littoral countries. The countries of the Mediterranean that would benefit most from an EEZ are Greece, Cyprus, Italy, and Malta.

UNCLOS was a package deal among states with substantially different interests not only on maritime issues, but also on matters such as the common heritage of mankind, how global economic relations should be organized in the future, and the extent to which international relations should be governed by international law. The Convention was signed by 119 delegations (Greece and Cyprus being two of them) on the final meeting of the UN Law of the Sea Conference on December 10, 1982 in Montego Bay, Jamaica. When UNCLOS was signed, only four countries opposed it because they objected to specific provisions that appeared to damage their national interests. The countries were the United States, Israel, Venezuela, and Turkey. The United States opposed the Convention because of seabed mining provisions, but in July 1994, the UN General Assembly overwhelmingly approved a new Agreement which had, basically, amended the seabed mining provisions. After this development, the United States government requested the U.S. Senate to ratify the Convention, something that it has not

done to this day. Israel opposed the Convention because it had conveyed some benefits to the Palestinian Liberation Organization.

Venezuela and Turkey were the only two countries that opposed the Convention because of the existence of islands close to their coasts that did not belong to them. These islands were given the same rights as a mainland, namely, the rights of having their own territorial sea, exclusive economic zone, and continental shelf. Venezuela opposed the Convention because it realized that there are islands close to its coastline that had long belonged to it and, therefore, would lose a large part of its future exclusive economic zone. But Venezuela did not argue, as Turkey does, that those islands do not have the same rights as a continent. On the other hand, Turkey, in complete violation of the Law of the Sea, has from the beginning argued that islands do not have the same rights as a continent. Turkey did not sign or ratify the Convention of 1982, or the Agreement of 1994, and does not plan, in the near future to accede to the Convention. Greece did sign the Convention, the Agreement of 1994, and indeed ratified the Convention on June 1, 1995. Cyprus has also, signed the Convention and ratified it on December 12, 1988. This simple fact speaks volumes about the position of these three states as related to the new international law of the sea. Finally, the European Union ratified UNCLOS on September 10, 1998.

Although Greece has a strong legal position concerning delimitation of its continental shelf, delimitation of an EEZ is an equally viable method of resolving its dispute with Turkey in the Aegean Sea. A Greek EEZ in the Aegean Sea is justified by the following:

1. With its EEZ, Greece would safeguard the economic unity of its continental and archipelagic space. Greece has a total of 3,100 islands, of which 2,463 are in the Aegean. By comparison, Turkey has only three islands in the Aegean. A reason that most coastal states have unilaterally adopted the 200 n.m. EEZ is to counteract overexploitation of their coastal fish stocks. A large part of the Greek fishing fleet has traditionally operated in waters outside the Greek coasts and especially in the Mediterranean Sea and the Atlantic Ocean. Now that many states are establishing EEZs of their own, Greek fishermen have lost access to traditional fishing grounds. A Greek EEZ, therefore, would be beneficial to the fishing sector of the country, which, despite its small contribution to Gross Domestic Product (GDP), has a substantial role in the nourishment of the Greek population, supplying protein of high nutritional value at a relatively low cost. There are today 134 nations that already possess either an EEZ or an EFZ of 200 nautical miles. The 1982 UNCLOS provides for an EEZ regime in which there are no restrictions prohibiting islands from

having an EEZ.

2. On March 10, 1983, the President of the United States signed a proclamation establishing an EEZ extending 200 nautical miles from the US coastline. The area of this particular EEZ encompasses 3.5 million square nautical miles of ocean, an area 1.67 times larger than the land area of the United States and its territories.<sup>5</sup> This EEZ contains vital natural resources, both living and nonliving, in the seabed, subsoil, and overlying water. Most important, this US presidential proclamation gave an EEZ to all the islands of the United States, in accordance with the 1982 UNCLOS. The United States, therefore, would be in a difficult position to argue against a Greek EEZ similar to the one it itself has established. Furthermore, Cuba is only 90 miles from the coast of Florida, but the United States did not argue that Cuba, because it is an island, does not have any rights to an EEZ. In fact, the United States and Cuba came to an agreement for the delimitation of their respective EEZs using the method of equidistance, which Turkey immensely dislikes. Recently, the government of Cuba decided to start oil exploration in its own EEZ, and this exploration is taking place less than 50 miles from the coast of Florida.
3. When the President of the United States proclaimed an EEZ, the Soviet Union initially objected to such a move. On February 28, 1984, the presidium of the supreme soviet of the USSR adopted a decree on the economic zone of the USSR, also taking into consideration the relevant provisions of the UNCLOS. The first article of the Soviet Decree stated:

In maritime areas beyond and adjacent to the territorial waters (territorial sea) of the USSR, including areas surrounding islands belonging to the USSR, there shall be established an economic zone of the USSR, the outer limit of which shall be situated at a distance of 200 nautical miles measured from the same baseline as the territorial waters (territorial sea) of the USSR. The delimitation of the economic zone between the USSR and states with coasts opposite or adjacent to the coast of the USSR shall be affected, taking into account the legislation of the USSR, by agreement on the basis of international law, in order to achieve an equitable solution.<sup>6</sup>

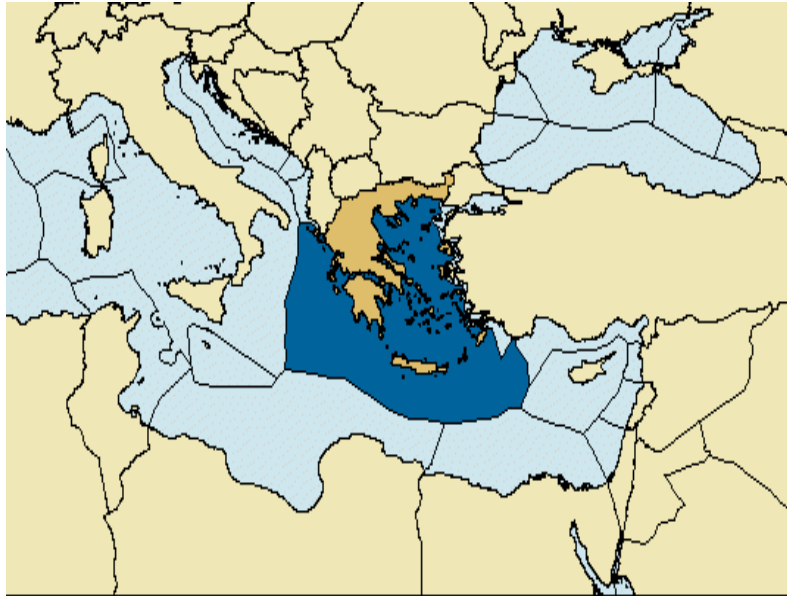
At the end of 1986, Turkey unilaterally proclaimed a 200-mile EEZ in the Black Sea. This move was in accordance with the provisions of UNCLOS, which ironically Turkey has never signed or ratified and has always opposed. Concurrently, Turkey reached an agreement on delimitation of the EEZ with the Soviet Union. Turkey agreed

that the continental shelf boundary, which was established by the Soviet-Turkish Delimitation Agreement of 1978, was also valid for delimitation of their EEZs. This agreement used the equidistance method; there were no provisions of special circumstances or any reference to enclosed or semi-enclosed seas. Thus, Turkey, by accepting the concept of the EEZ as developed through UNCLOS III, has weakened its position vis-à-vis Greece. This represents a fatal mistake for Turkey, a veritable Achilles heel in its dispute with Greece. The Black Sea is a semi-enclosed sea similar to the Aegean Sea, thereby putting Turkey in a difficult position should Greece use the method of the median line. Later on, Turkey came to similar agreements with Bulgaria and Romania concerning delimitation of their respective EEZs in the Black Sea. In the discussions between Turkey and Bulgaria, the Turkish side argued that no special circumstances apply to the Black Sea. Therefore, Turkey contended that applying the equidistance principle to delimit the Turkish-Bulgarian boundary would lead to an equitable position, although Bulgaria believed exactly the opposite. Turkey's attempt to implement a double standard position regarding the treatment of two semi-enclosed seas (Black and Aegean) is difficult to defend; it is simply an attempt to make a clear differentiation between delimitation of its maritime boundaries in the Black Sea and the Aegean Sea.

A country cannot make a convincing argument by selectively choosing the parts of the convention it likes or dislikes. Tommy Koh of Singapore, the last president of UNCLOS III, very wisely took note of such an eventuality by observing the following:

Although the Convention consists of series of compromises, they form an integral whole. This is why the Convention does not provide for reservations. It is therefore not possible for States to pick what they like and disregard what they do not like. In international law, as in domestic law, rights and duties go hand in hand. It is therefore legally impermissible to claim rights under the Convention without being willing to assume the correlative duties.<sup>7</sup>

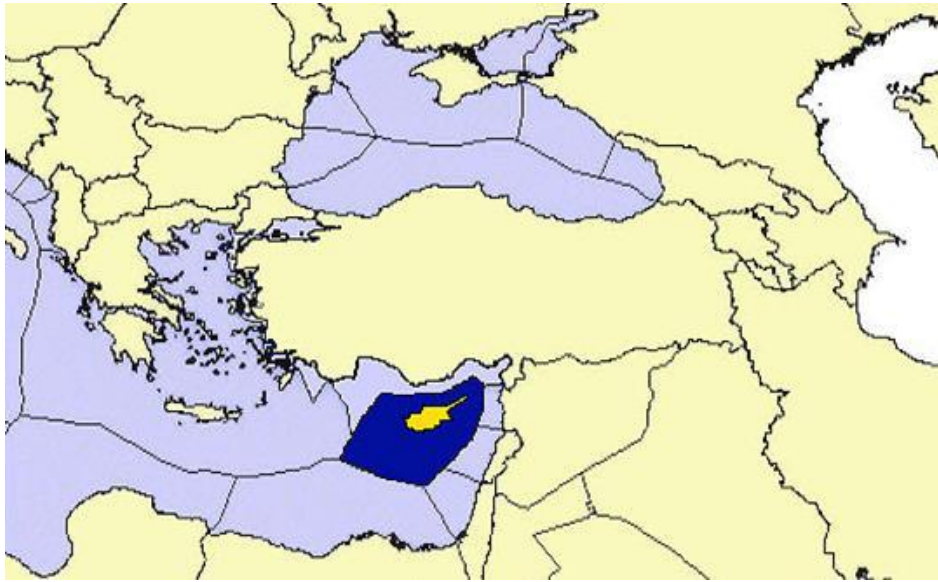
Figure 1: The EEZ of Greece



*Source: Courtesy of Global Marine Boundaries Database, General Dynamics Advanced Information Systems (GDAIS), Herndon, Virginia, MaritimeBoundaries.com. Reprinted with the permission of GDAIS, copyright 1998 – 2007.*

### **The Exclusive Economic Zone of Cyprus**

One of the most important events in the fifty-year history of the Republic of Cyprus took place in April 2004, when then President Tassos Papadopoulos proclaimed an exclusive economic zone (EEZ) under the provisions of Law 64/2004. The government of Greece immediately welcomed this Cypriot initiative without giving an explanation as to why Greece did not do the same thing. The headlines of the Greek press heralded this important event in Cyprus without explaining to readers what an EEZ is. No one, in fact, had explained this concept to the Greek people. The only thing most Greeks took from the news was that the Greek-Turkish dispute is related to the continental shelf, and nothing else.

**Figure 2: The EEZ of Cyprus**

*Source: Courtesy of Global Marine Boundaries Database, General Dynamics Advanced Information Systems (GDAIS), Herndon, Virginia, MaritimeBoundaries.com. Reprinted with the permission of GDAIS, copyright 1998 – 2007.*

### **The Turkish Position on Cyprus**

The approach that Turkey is taking toward the EEZ of Cyprus is based on the following issues:

1. The present government of Cyprus does not represent the entire island because it is contrary to international conventions founding the Republic of Cyprus in 1960.
2. The license zones that Cyprus has declared and the EEZ delimitations with neighboring countries violate international law and the maritime rights of Turkey in the area.
3. The agreements that Cyprus has signed with Egypt and Lebanon are against international law, and they do not take into account the fact that the eastern Mediterranean is a “semi-enclosed sea” that has “unique” conditions.
4. Turkey did not become a party to UNCLOS in 1982 because it objected to the problems of territorial waters and the new concept of the EEZ.

5. Turkey objects to the creation of an EEZ of Cyprus for purposes of oil exploration and at the same time is trying to show that the existing oil deposits are in a very deep area, with a depth of about twenty-five hundred to three thousand meters, and, therefore, the extraction of oil with present technology will be unprofitable.
6. Turkey objects to the maneuvering of the government of Cyprus, not only in its attempt to dominate the eastern Mediterranean but also in its efforts to bring into the picture both the EU and the United States, which do not oppose the concept of the EEZ. The EU and the United States not only have accepted and use the concept of the EEZ but they have also recognized the EEZ of Cyprus.
7. Turkey estimates that its EEZ in the Mediterranean is approximately 145,000 square kilometers. If Greece also declares an EEZ in the eastern Mediterranean, Turkey will lose 71,000 square kilometers to Greece and 33,000 square kilometers to Cyprus.
8. Turkey's position does not give any rights of EEZ to the southern islands of Greece such as Crete and the Dodecanese. The concept has created maritime borders with Egypt, in complete violation of the provisions of the Law of the Sea, since Turkey does not have such a border with Egypt.<sup>8</sup>

**Figure 3 The EEZ of Turkey**



*Source: Courtesy of Global Marine Boundaries Database, GDAIS, Herndon, Virginia, Maritime Boundaries.com. Reprinted with the permission of GDAIS, copyright 1998 –2007.*



Figure 3 depicts the size of the EEZ of Turkey in the Aegean and the Mediterranean Seas. This map clearly indicates that Turkey does not have any sea boundaries with Egypt.

### **The Incredible Story of Hydrocarbons**

Cyprus signed an agreement on February 17, 2003 for the delimitation of the EEZ with Egypt, but it was a strange agreement in that Cyprus had not yet created the EEZ. The problem was overcome by making the 2004 law retroactive to March 27, 2003, which was the date the Cypriot parliament ratified the agreement of the EEZ between Cyprus and Egypt. Turkey immediately reacted to the agreement between Cyprus and Egypt, particularly by refusing to recognize it. At the same time, Turkey made claims on the maritime areas that Cyprus and Egypt had delineated, although Turkey does not have any maritime borders with Egypt. Some press reports coming out of Egypt have indicated that a member of the Egyptian Parliament is planning to pass new legislation nullifying the EEZ agreement between Cyprus and Egypt that has, already, been ratified by both countries. Such an unprecedented move is in complete violation of international law and there is no precedent for such an action. Later, in 2007, Cyprus made a similar agreement for the delimitation of the EEZ with Lebanon. Turkey immediately objected to the signing of this maritime agreement and alleged that Lebanon should ask for Turkey's opinion before signing any agreement with Cyprus, since it should contain "a Turkish part," according to Ankara. Both of these agreements were based on the internationally accepted principle of the median line and in accordance with UNCLOS.

The latest agreement took place in December 2010 when Cyprus and Israel signed a bilateral agreement defining their sea boundaries. The agreement, signed in Nicosia, delimits the EEZ between the two countries, but as usual it will require ratification by the parliaments of the two countries. The distance from Israel to Cyprus is 230 nautical miles, and the median line method was used. That means that Cyprus and Israel have agreed that each will have 115 nautical miles of EEZ. Although Turkey has no claim to the area delimited between the two countries, it fiercely criticized the agreement, saying it didn't consider "Turkish-Cypriot" rights and jurisdiction over the maritime areas of the island. But, recently, Turkey has made claims on the entire Eastern Mediterranean maritime area that includes part of the EEZ of Syria, Lebanon, Israel, Egypt and even Libya!

Cyprus has issued three types of permits for oil exploration. The first permit is for one-year tests, and the second is for three years. The third is a twenty-five-year development license by which companies will be able to produce and process oil and gas. The issue of Cypriot oil seems to be gathering importance, and interested parties are trying to place themselves in a position of advantage. Large oil companies from the United States, Britain, China, Russia, Norway, France, and Germany seem to be interested in investing in the prospect of hydrocarbon deposits in Cyprus's EEZ. One of the plots

that Cyprus has created in its EEZ was licensed to US-based Noble Energy in October 2008 for exclusive exploration rights. This plot (number 12) lies directly south of the island of Cyprus and close to a sea boundary with Israel. Noble Energy is an independent energy company that is engaged in the exploration, exploitation, and marketing of crude oil and natural gas and has operations in the North Sea, the Gulf of Mexico, West Africa, and Israel. Noble Energy is the same company that recently found large amounts of oil and gas deposits in the maritime area of Israel. The company has done exploration in two maritime areas of Israel called Leviathan and Tamar. The Tamar field is close to plot number 12 of Cyprus, and it is estimated to contain approximately 9 trillion cubic feet of gas, a quantity that would meet the needs of 5 million Israelis over the next forty years. Reports from Noble Energy indicate that the natural gas reserves at the Leviathan site could be three times as large as the gas resources at Tamar, and a representative of the company told Reuters that the company planned to begin exploratory drilling in October of 2010. Earlier estimates had put the volume of gas at the Leviathan site at double the Tamar reserves.

As far as the oil reserves of Cyprus, although they have not yet been verified, they are estimated to, at present market prices, have a value of between \$400 and \$600 billion. As a measure of comparison, the GDP of Cyprus is less than \$20 billion.

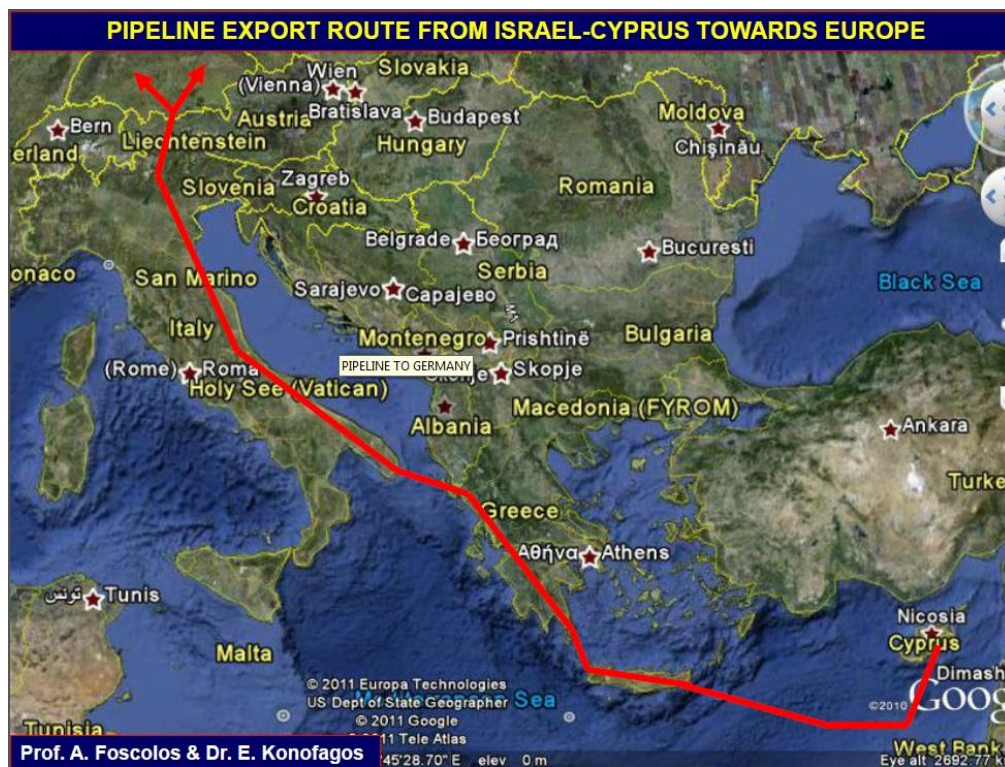
In a research paper that was written in 2012, the author<sup>9</sup> made the following conclusions:

1. The Eastern Mediterranean is attracting international interest in hydrocarbon exploration and production investments based on recent giant natural gas discoveries of about 3 tcm. According to 2010 USGS reports, an additional 9.5 tcm possible natural gas reserves in the Nile Cone and Levant Basin could be present along with another potential of 1.3 tcm offshore Cyprus (Sept., 2009).
2. Due to the recent natural gas findings by Shell and BP in areas adjacent to the Greek portion of the Herodotus Basin and the active exploration taking place in the Cypriot portion of the Herodotus Basin, as well as the recent publication by Krois et. al., 2009, where cross sections inside the Greek Herodotus basin indicate the presence of hydrocarbon reservoirs, the Greek government should investigate its potential by acquiring from TGS-NOPEC all the geophysical survey lines, tagged as GR lines, which have been already executed inside the Greek Herodotus Basin. It is necessary to acquire the above seismic lines having a total length of 1.500 km, which already took place in 2007 inside the Greek EEZ. The lines are sold by TGS-NOPEC at prices of about €60.000 per seismic line. The data will clarify the subject of hydrocarbon accumulations.
3. The existence of active mud volcanoes in Southern offshore Crete is a very serious indication of hydrocarbons presence and possible petroleum systems

in this region. This is the case throughout the world, e.g. Caspian Sea, Gulf of Mexico, Western African Basin, Trinidad-Tobago and the Nile Cone, where active mud volcanoes are strongly correlated with the presence of hydrocarbon deposits. The acquisition of exploration data south and around the island of Crete is absolutely necessary and urgent in order to further evaluate the presence of a working petroleum system with reservoirs, seals and structures in the region.

4. The necessity to export surplus natural gas to Europe requires either the building of CNG or LNG ships or the construction of a pipeline(s) which will start from Haifa, Israel or Limassol Cyprus (Trans-European Natural Gas Pipeline). Due to the expected possible enormous quantities of natural gas to be discovered in Eastern Mediterranean this pipeline(s) could be more economical than the proposed Nabucco Pipeline which will carry Azeri natural gas, (of only about 1 tcm), to Europe. This development will benefit Greece immensely and could open the way for starting hydrocarbon exploration in Southern Crete, the Western Greece and the Ionian Sea.

#### Pipeline Israel-Cyprus-Greece-Italy



Source: Anthony Foscolos, "Implementation of the Greek Exclusive Economic Zone and its Financial and Geopolitical Benefits", Unpublished Paper, 2012

**Fisheries: The Forgotten Part of the EEZ**

One of the most important outcomes of the of the Third United Nations Conference on the Law of the Sea negotiations was agreement on a comprehensive set of new international law rules dealing with marine fisheries. Many analysts in Greece that oppose the concept of the EEZ, obviously, do not comprehend and tend to ignore the importance of fisheries.

Many countries, that have created an EEZ, had in mind fisheries rather than hydrocarbons when the declared their own EEZ. Although the EEZ is legally based on the authority and jurisdiction of the individual member states, which derives from UNCLOS, the EEZ cannot be seen as individually attached to each member state. The national rights that are derived from International Law are exercised by the EU as far as those competencies were conferred to the EU by member states such as the case of fisheries.<sup>10</sup> This is one of the main reasons that Turkey never wanted to discuss the concept of the EEZ with Greece.

When the Commission proposed that all member states, simultaneously, adopt 200-mile fishing zones, it took also into consideration the traditional fishing rights of coastal and inshore fishermen by establishing an exclusive 12-mile zone for local fishermen around the entire coastline of the Community, and the continuation of such a limit for an indefinite period of time to be re-examined by December 31, 1982.<sup>11</sup> Then, Council regulation No. 170/83 of January 25, 1983, which established the new Common Fisheries Policy (CFP) of the Community, contained in Article 6(1) the following paragraph:

As from 1 January 1983 and until 31 December 1992, Member States shall be authorized to retain the arrangements defined in Article 100 of the 1972 Act of Accession and to generalize up to 12 nautical miles for all waters under the sovereignty or jurisdiction the limit of six miles laid down in that Article.<sup>12</sup>

Clearly, this article envisioned that after January 1, 1993, every single member state of the Community will have a 12-mile fishing zone. This was a great opportunity for Greece to extent its fishery zone to 12 miles after that date, but it was lost when the Greek government of Constantine Mitsotakis did not pressure its partners in the Community not to give an extension to the above mentioned date. As a result, the Community finally decided not to enforce this policy, for another 10 years, until 2002. (This deadline has passed and the policy has not been enforced). The Turkish government, of course, seeing how dangerous such a regulation would be for Turkey's maritime interests, immediately reacted by inviting to the Turkish Ministry of Foreign Affairs all the ambassadors of the EC member states, except the

Greek ambassador, on October 25, 1990, and declared its strong displeasure on this issue.<sup>13</sup> The Turkish side believed that the initiative of the Council giving Greece an extra six miles of an exclusive fishery zone beyond its six-mile territorial waters was unacceptable. As we have seen, the Community complied with the Turkish request, while Greece has never reacted to the Turkish memorandum or to the position of the Council.<sup>14</sup>

### **The Future of a Greek EEZ**

The government of Turkey has not accepted the proposal of Greek governments, made in July 1974, to refer the Aegean dispute to the International Court of Justice (ICJ). Greece has a strong position, because the court would probably follow the pattern of arbitration between France and the United Kingdom, in which it awarded a zone of twelve miles around the Channel Islands even though the UK had maintained a three-mile territorial sea since 1878.<sup>15</sup> Although one cannot conclude that a 12-mile zone around islands is the rule of thumb for further delimitations, it is clear that the continental shelf or EEZ of an island cannot be less than its internationally recognized "maximum" territorial sea.<sup>16</sup>

If a zone of 12 miles is given to the eastern Greek islands, Turkey's EEZ would be limited. Turkey would receive only 2 to 4 percent of the total area of the Aegean EEZ under the 1982 Convention. But since the ICJ has lately given emphasis to equity principles, the maximum area that Turkey could receive would be 10 to 15 percent of the total continental shelf area of the Aegean, assuming that the Greek islands are entitled to at least a twelve-mile zone.

The possibility of combining delimitation of the continental shelf and the EEZ by a single boundary is not only reasonable but most countries, with similar delimitation issues, prefer to ask for the simultaneous delimitation of both of them, since the 1982 UNCLOS, clearly, indicates that the legal basis for jurisdiction over the continental shelf and the EEZ within 200 miles rests not on any geophysical concept of prolongation but on geographical adjacency measured by distance. It is, therefore, correctly asserted that it seems appropriate to say that, when an assessment of conflicting shelf rights is made by reference to the distance principle, the delimitation of these conflicting rights will be determined principally by geography (and not by geology or geomorphology), and the method will tend to be some form of modified equidistance. Also relevant is the alignment of the EEZ seabed rights with shelf rights within 200 miles. Both factors seem a fortiori to reinforce the relevance of the distance criterion for delimiting a single maritime boundary.<sup>17</sup>

A single maritime boundary is a very reasonable solution for most states, because

they would not like to reach a settlement through a difficult process of negotiations for one maritime boundary and then start another process in order to negotiate a settlement for the other maritime zone. Therefore, “the single maritime solution seems to be the logical outcome of the extension of coastal State jurisdiction over the resources of the EEZ and the alignment of the jurisdiction with preexisting rights over the continental shelf.”<sup>18</sup>

Having ratified the convention, Greece should take the initiative to declare an EEZ adhering strictly to the provisions of UNCLOS. Since Turkey has argued unsuccessfully that islands are not entitled to a continental shelf, it would be even more difficult for it to claim that islands are not entitled to an EEZ. Unlike the continental shelf, the EEZ does not exist ipso facto but has to be proclaimed, and a request to delimit the EEZ entails the delimitation of both elements.<sup>19</sup> Therefore, if the “Aegean dispute” finally reaches the ICJ, a request should be made by Greece that the court’s judgment should be directed to the delimitation of both the continental shelf and the EEZ.

At the present time, the most important delimitation for Greece and Cyprus should be a delimitation agreement for an EEZ among Greece, Cyprus and Egypt that gives “full effect” to the cluster of islands around Kastelorizo, then this delimitation will have a better outcome in case that Turkey will appeal to ICJ. It is perhaps imprudent to attempt to predict the decision the Court would render, but keeping in mind its previous decisions one could envision the Court applying the “equidistance-special circumstances” rule as a whole, rather than the equidistance principle alone. The Court has, for some time now, revealed a tendency to draw any line the judges perceive to be fair, providing the solution is not radically inequitable to either side. It is obvious that the EU should be involved and support the case of the three countries that had agreed to such delimitation, since two of them are members of the EU and any loss of their EEZ is also a loss for the EEZ of EU.

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- <sup>14</sup> Ibid.
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