

# The Legal and Political Dimensions of the Eastern Mediterranean Crisis: What Is at Stake?

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**ABSTRACT** *The main challenge in relation to Mediterranean gas is the distribution of potential gas reserves which inevitably entails delimitation of maritime borders. However, in the context of the Eastern Mediterranean, this is highly problematic mainly due to the status of the Greek islands along with their close proximity to the Turkish mainland and the failure in resolving the ‘Cyprus issue.’ There are two key questions in relation to the Eastern Mediterranean crisis: (i) What are the contesting claims over maritime border delimitation between Turkey, Greece, and the Greek Administration of Southern Cyprus with reference to the international law? (ii) Why has the Eastern Mediterranean dispute been politicized so much that it has drawn in countries far from the region? This article examines the legal and political dimensions of the Eastern Mediterranean crisis by analyzing the respective countries’ standpoints through the lens of international law along with the implications of earlier such disputes. The article also investigates the political dimensions of the crisis by looking into alliance formation and how existing political tensions in the region came to the surface in the Eastern Mediterranean.*

**Keywords:** Eastern Mediterranean, Energy, Crisis, Maritime Border, Delimitation, Natural Gas

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## Introduction

**T**he Eastern Mediterranean, which has been a cradle to civilizations and of great geostrategic significance, has witnessed political disputes among the myriad political forces throughout history. The region's geopolitical importance lies in its serving as a crossroads between Asia, Europe, and Africa, being located on critical trade routes connecting the East to the West and connected to the Atlantic Ocean, the Black Sea, and the Red Sea through the Straits of Gibraltar and Dardanelles, and the Suez Channel respectively.<sup>1</sup> Hence, the region has also acted as a basin for constant cultural and economic interactions.

With the successful operation of offshore drilling rigs, political struggles over the seabed have intensified adding to the geostrategic significance of the semi-enclosed seas such as the Eastern Mediterranean. In 2009, Israel discovered three major offshore natural gas fields –Tamar, Dalit, and Leviathan– which are estimated to represent over 200 years' worth of Israel's current natural gas consumption.<sup>2</sup> Since then, the discovery of these vast reserves has sparked interest from other coastal states to explore their boundaries for potential oil and natural gas reserves.

The coastal states' exploration efforts paid off. In 2015, Italy's state-controlled oil and gas company ENI discovered a vast gas field off the Egyptian coast, the largest ever found in the Mediterranean Sea. Zohr field is predicted to become one of the world's largest natural gas finds and ensure Egypt's natural gas demand for decades.<sup>3</sup> In 2018, the Greek Administration of Southern Cyprus (GASC) found Calypso gas field. The increasing discoveries of impressive amounts of natural gas in the Eastern Mediterranean Basin fueled the coastal states' dreams of being energy-independent and the prospects of becoming engaged in the lucrative gas export business.

Driven by these discoveries, Turkey joined the race for hydrocarbon exploration by sending the first seismic vessel, the Barbaros Hayrettin Paşa, and two drilling vessels –Fatih and most recently Yavuz– claiming the right of Turkey and the Turkish Republic of North Cyprus (TRNC) to the potential resources of the region.<sup>4</sup> Turkey's deployment of research vessels protected by warships of the Turkish Navy has been severely opposed by Greece and the GASC on the ground that the research area fell into their own continental shelf. On the other hand, Turkish officials assert that the areas where hydrocarbon exploration activities are carried out entirely fall into its maritime jurisdiction as the area is a part of the continental shelf that Turkey declared to the United Nations (UN).<sup>5</sup>

As a result of the disputes over maritime borders, the Eastern Mediterranean is facing one of the most intense crises the region has ever witnessed.

The crisis escalated to a point where the three North Atlantic Treaty Organization (NATO) allies –Greece, Turkey, and France– came to the brink of military confrontation soon after Turkey sent its Oruç Reis survey vessel to the Eastern Mediterranean waters, a move called illegal by Greece.<sup>6</sup> France sent its fighter jets and a naval frigate to increase its military presence siding with Greece in its stand-off with Turkey.

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From the European standpoint, Turkey’s “unilateral” exploration activities in contested waters are “illegal” and breach the sovereignty of the GASC by extending its exclusive economic zones (EEZs).<sup>7</sup> On the other hand, Turkey claims that Greece and the GASC took unilateral steps with regards to the Eastern Mediterranean issue and the GASC shouldn’t have the right to auction its surrounding seabed to international energy companies as Turkish Cypriots should be entitled to an equal share of any finds in these waters.<sup>8</sup> Turkey also argues that the proximity of Greek islands to the Turkish coastline necessitates their: that they are being granted limited EEZs.

As Turkey extended its gas exploration mission and sent new navy drills to the region, the EU repeatedly called Ankara to halt its exploration activities off Cyprus and deescalate the crisis. To defuse the ongoing tension, Germany opted to take a constructive approach and mediated talks between Greece and Turkey. As a good-will gesture, in late July, Turkey suspended oil drilling in the Mediterranean to maintain negotiations with Greece.<sup>9</sup> Yet, tensions re-escalated when Greece signed a maritime border deal with Egypt in August.

On the surface, the crisis seems to have stemmed from the contesting claims over maritime zone boundaries and distribution of potential resources in the Eastern Mediterranean. However, the political disputes surrounding the drilling operations of Turkey, Greece, and the GASC and the engagement of third parties manifest that the crisis is not a simple rivalry over energy resources and there are far-reaching implications of the crisis; be it legal, economic, and political. This article first investigates the legal dimensions of the Eastern Mediterranean crisis by referring to maritime border disputes between Greece, Turkey, and the GASC with reference to international law and the case law. Second, it highlights the political dimension of the crisis and seeks to answer why the Eastern Mediterranean has turned into a political playground that goes beyond the borders of the Mediterranean and has drawn in several actors aligning themselves with one of the parties.

## Legal Dimensions of the Eastern Mediterranean Crisis

There are two legal areas of dispute with regards to the conflicting claims in the delimitation of maritime zones in the Eastern Mediterranean: (i) the maritime dispute between Turkey and Greece, (ii) the Cyprus issue and the status of the island. The former one concerns the conflicting claims of both sides on the entitlement of islands to maritime zones while delimiting maritime borders and the geographical circumstances of the Eastern Mediterranean Sea which further complicates the border limitation issue. The latter is a result of the Cyprus issue that has remained unresolved until now and the Turkish position that asserts Turkish Cypriots should have equal rights over potential hydrocarbon finds. Other states such as Libya, Egypt, France, and United Arab Emirates are rallying around them according to their political interests, ideological considerations, and relations with the respective governments.

### *Turkish-Greek Maritime Dispute in the Eastern Mediterranean*

According to the international law of the sea, the 1982 UN Conventions on the Law of the Sea (UNCLOS), the 1958 Convention on the Continental Shelf, International Customary Law (ICL), and bilateral and multilateral international treaties are the main sources that are referred to while delineating maritime borders.<sup>10</sup> The UNCLOS is regarded as customary law with binding effects on all states due to its widespread acceptance by the international community.

The 1982 UNCLOS defines the exclusive economic zone (EEZ) as a sea zone that extends up to 200 nautical miles (370 km) from the baseline of the territorial waters (Article 57). The coastal state has sovereign rights for the purpose of exploring and exploiting, conserving, and managing the natural resources, and other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents, and winds (Article 56).<sup>11</sup> Every state is entitled to claim its sovereign rights on its exclusive economic zones.

While both coastal states and islands are entitled to claim their exclusive economic zones, the neighboring coastal states' claims over EEZs can overlap due to the location of some islands very close to another coastal state, as is the case with the Turkish-Greek dispute on maritime boundaries. The resolution of maritime border disputes entails treating each case on the basis of the applicable international law in compliance with principles such as 'equitable solution,' 'respect to geography,' 'non-cut-off effect' (or 'avoiding cut-off effect'), and 'proportionality.'

### *The Principle of 'Equitable Solution'*

Regarding the delimitation of the exclusive economic zone, Article 74(1) and 83(1) of UNCLOS state that delimitation of the EEZ between states with op-

posite or adjacent coasts should be based on an agreement between the respective coastal states on the basis of the principle of 'equitable solution'.<sup>12</sup> However, the main problem with the delimitation of maritime zones is the high open-endedness and relativity of the principle of 'equitable solution' and the methods used for delimitation. For one thing, what seems like an equitable solution for one state could be a violation of its exclusive rights for the other.

To achieve equitable solution, the most common method employed in maritime border disputes is taking the median line between the two coastal states as the boundary. Article 6(1) of the 1958 Convention on the Continental Shelf states that the boundary of the continental shelf between the two or more states whose coasts are opposite each other is determined by agreement and in the absence of agreement, and unless another boundary line is justified by special circumstances, "the boundary shall be determined by the application of the principle of equidistance or median line from the nearest points of the baselines from which the breadth of the territorial sea of each state is measured."<sup>13</sup>

On the other hand, when the median line of delimitation is drawn between the two coastal states' mainlands, islands belonging to one state but located on the wrong side of the median line won't be able to generate their own maritime zones. In relation to the delimitation for EEZs between the two countries, the question is whether islands should be given full effect or limited effect while delineating delimitation. In that regard, the status of the islands in the Eastern Mediterranean has been the origin of the dispute between Turkey and Greece. The Turkish coastline in the Eastern Mediterranean is surrounded by some Greek islands which are in a very close proximity to the mainland. Entitlement of full maritime zones to those islands would restrict Turkey to a very narrow maritime zone, which it believes would not lead to equitable solution considering it has the longest continental coast in the Eastern Mediterranean.

### ***Respecting Geography***

During the UNCLOS III conference, the delegations of Greece and the GASC asserted that islands are the same as continental territories in that they are entitled to maritime zones of their own including the territorial sea, contiguous zone, exclusive economic zone, and the continental shelf.<sup>14</sup> Greece grounds its argument on Article 121(2) of UNCLOS which states that "the territorial sea, the exclusive economic zone and the continental shelf of an island are

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determined in accordance with the provisions of this Convention applicable to other land territory.”<sup>15</sup> Hence, Greece asserts that the median line of delimitation must be drawn between the Turkish mainland and the Greek islands so that the islands would be entitled to maritime zones of their own.

On the contrary, Turkey argues that geographical factors such as size, location, contiguity to mainland, being located on the continental shelf of another state and population should be taken into account in the entitlement of islands to maritime zones.<sup>16</sup> To Ankara, the mainlands of the two countries should be taken as base points in the delimitation of maritime zones. To this end, Turkish Foreign Ministry Spokesman Hami Aksoy stated that “the islands which lie on the opposite side of the median line between two mainlands can’t create maritime jurisdiction areas beyond their territorial waters and that length and direction of the coasts should be taken into account in delineating maritime jurisdiction areas.”<sup>17</sup>

The complexity of the Greek-Turkish delimitation context also stems from the very unique geographical structure of the Eastern Mediterranean consisting of both islands that are tiny and uninhabited or with a very little population that wouldn’t affect maritime entitlements such as Kastellorizo (*Meis*) and some very big islands that shelter large populations such as Crete and Rhodes.<sup>18</sup> In addition, Greece argues that the vast majority of its islands are closely-knit and form geographical unity, which is another factor why it argues that islands should be taken as base points for delimitation.<sup>19</sup>

Another problem regarding the Greek-Turkish delimitation is that the Eastern Mediterranean is both a semi-enclosed sea and has quite a narrow sea zone. The distance between two opposing coasts even on the longest point of the Eastern Mediterranean is around 300 nautical miles, which means that declaration of one coastal state’s EEZ and continental shelf would naturally overlap the other coastal state’s EEZ and continental shelf and thus, mean the breach of the other state’s exclusive rights for maritime zones.<sup>20</sup>

### ***The Principle of “Non-Cut-Off Effect” and “Proportionality”***

Evidently, the dispute between Greece and Turkey cannot be resolved on the basis of the application of certain articles in UNCLOS without considering the specificities of the Eastern Mediterranean. In such cases where the existing legal documents can’t provide a clear answer about the treatment of islands in the delimitation process, the widespread practice is to look at the case





law which would provide precedents for such cases with the relevant previous court rulings. In this regard, the North Continental Shelf Case is one of the first and the most reputed delimitation cases of the International Court of Justice (ICJ). The case is noteworthy in that the court decided the contesting parties are only bound by reaching an equitable solution by considering the exclusive geographical circumstances and the court ruling stated that “in certain geographical circumstances, the equidistance method, despite its known advantages, leads unquestionably to inequity.”<sup>21</sup> Therefore, the court ruled not only on the principle of equitable solution but took into account exclusive geographical characteristics of the North Sea including the length of coastlines and the shape of coasts-straight, convex, or outwardly curving and the proportionality of continental shelf area to the length of its North Sea coastline.

There are other delimitation cases where contesting parties could not agree on an equitable solution on their own and resorted to the ICJ. In these cases, the treatment of islands in maritime delimitation indicates great diversity. There are cases where islands are completely disregarded such as the Channel Islands Arbitration Case in 1977 on the ground that the United Kingdom’s Channel Islands are located on the other side of the median line and thus, are not entitled to a maritime zone beyond their territorial waters.<sup>22</sup> In a similar vein, in the Eritrea-Yemen delimitation case in 1998 Yemen’s Hanish Islands were given no effect as the court established an equidistance line and decided the Hanish islands could not generate more maritime zones than their territorial waters in delimitation as they lie on the wrong side of the equidistance line.<sup>23</sup>

Delegations from the 7 founding members of the East Mediterranean Gas Forum (EMGF), together with France and the U.S., gather in Cairo to establish its status as an international body, on January 16, 2020.

KHALED DESOUKI / AFP via Getty Images

## Any delimitation solution including equidistance should rely on equity which can only be defined considering the specific circumstances of the area for delimitation

Libya-Malta Continental Shelf Case of 1985 provides an important precedent for the Turkish-Greek dispute over maritime zones. Given the semi-enclosed nature of the Mediterranean Sea constituting a special circumstance and the individual states' coastal lengths, the ICJ rejected the equidistance line between Libya and Malta, and instead, Malta was granted only one-fourth of the concerned area.<sup>24</sup> This decision was

taken despite the fact that Malta is an independent island state. The length of the coastline played a critical role in Libya's entitlement to more continental shelf and EEZ. Similarly, in the Tunisian-Libyan Continental Shelf Case of 1982, the ICJ attributed only "half-effect" to the Kerkennah islands that were in close proximity to Libya's coast on the grounds that there were other considerations that prevailed over the effect of islands.<sup>25</sup> Other example decisions by the ICJ that support Turkey's thesis in the Eastern Mediterranean include the Maritime Delimitation Case in the Black Sea between Romania and Ukraine in 2009, the Canada-France Maritime Boundary Case of 1992, and the Maritime Delimitation Case between Qatar and Bahrain in 1991.

Considering all those delimitation cases where specific circumstances are taken into full account by the ICJ, Greece's argument that the island of Meis has rights of the continental shelf and exclusive economic zone just as a continental territory seems groundless. Based on this argument, the island would create a maritime zone 4,000 times larger than itself, which is illegitimate in terms of international law.<sup>26</sup> By respecting the principle of non-cut-off effect and proportionality, an equitable agreement can be reached either through no maritime jurisdiction generated by the island or it will be quite delimited considering the 2 km proximity of the island to the Turkish coast.<sup>27</sup> As a result, Turkey has consistently objected to Greek efforts to declare its continental shelf and EEZ based on tiny islands near the Turkish coast, neglecting that Turkey has the longest coastline in the Mediterranean which would inevitably limit Greek islands' cut-off effect in the area to be delimited. In that regard, the Turkish Foreign Ministry's spokesman stated: "The argument that an island of ten square kilometers, located only 2 kilometers away from Anatolia and 580 kilometers from the Greek mainland should generate a continental shelf area of 40.000 square kilometers is neither rational nor in line with international law."<sup>28</sup>

An island's cut-off effect in the Turkish-Greek delimitation context needs to be determined in relation to its size, population, proximity to the neighboring coastal state, and length of coastlines to avoid a grossly disproportionate out-



come. Given the geography at hand, both Turkey and Greece should make equitable adjustments and concessions where necessary and reach a reasonable balance between their competing claims. Any delimitation solution including equidistance should rely on equity which can only be defined considering the specific circumstances of the area for delimitation.

### ***Cyprus Issue and the Turkish-GASC Maritime Dispute***

The tension between Turkey, the TRNC, and the GASC over maritime delimitation is indeed the revival of a decades-old conflict in a new context. It dates back to 1974 when Turkey intervened militarily as one of the guarantor countries following a coup aimed at the annexation of Cyprus to Greece. Since the early 1930s, aspirations of Greek Cypriots to annex with Greece had become widespread witnessing the birth of the ENOSIS (Union) movement and an underground nationalist organization EOKA (*Ethniki Organosis Kyprion Agoniston* / National Organisation of Cypriot Fighters) which fought for the end of British rule in Cyprus, the island's self-determination, and its annexation with Greece. In response to the rise in violent acts against them, Turkish Cypriots also started to organize and Turkey showed its determination to support their resistance.<sup>29</sup> Against this background, a series of negotiations were initiated between Greece and Turkey leading to the Zurich Agreement of 1959.<sup>30</sup> Thereafter, the Republic of Cyprus was founded based on Turkish and Greek Cypriots' partnership and equality while Turkey, Greece, and the United Kingdom became the guarantor states.

Since its onset, the treaty was a challenging project to implement. The ultra-nationalist agenda of ENOSIS gained more ground among Greek Cypriots and the racist acts increased in the island substantially. When the coup staged by the pro-EOKA Greek military junta raised the prospect of Greek control of Cyprus, in 1974, Turkey sent troops to Cyprus to protect the rights of Turkish Cypriots citing Article 4 of the 1960 Treaty of Guarantee as a legal basis for its intervention. The intervention turned into a wide-scale military operation and only ended after the cease-fire under the auspices of the UN. The Turkish, Greek, and British officials who met in Geneva soon after the cease-fire agreed on the two de facto autonomous entities along with a buffer zone dividing the North and the South of the island, and those negotiations would take place between these two entities.<sup>31</sup>

The decades since then have witnessed several attempts to resolve the Cyprus issue, all of which ended in failure. Reunification negotiations which began in 2014 stalled and resumed several times without bearing fruit. Today, TRNC is a sovereign entity that lacks international recognition while the GASC enjoys both international recognition and EU membership, which leaves the Greek Cypriot authorities with little incentive to make concessions for resolving the conflict. Greek Cypriots claim that the Cyprus problem stems from

(L-R) Ersin Tatar, new leader of TRNC, Elizabeth Spehar, Deputy Special Adviser on Cyprus to the UN Secretary-General and Nicos Anastasiades, President of GASC, at their first meeting in the buffer zone of Nicosia airport, Cyprus, on November 3, 2020.

KATIA CHRISTODOULOU / POOL / AFP via Getty Images



the landing of the Turkish troops in 1974 and the solution remains in the withdrawal of the troops from the island, which is a serious misconception from the Turkish perspective as “the landing of Turkish troops was the consequence, not the cause, of the problem.”<sup>32</sup> The issue results from the existence of two distinct communities on the island and their relationship, as there has never been a ‘Cypriot nation’ due to the distinctly national, religious, and cultural characteristics of two communities who, additionally, speak different languages. It is also important to note that inter-marriage was rare and no commercial partnership was set up between the two communities.<sup>33</sup> Turkish Cypriots aspire for a ‘two-state solution’ to the Cyprus issue, each community securing its own sovereign territory, identity, customs, and traditions.<sup>34</sup> Being a minority on the island, Turkish Cypriots view it as a reliable safeguard for their future.

In the context of maritime delimitation, the most important issue concerns the international acceptance of the GASC and the refusal by the international community to recognize the right of Turkish Cypriots to establish their own state. While Turkish Cypriots have a right to stake a claim on the hydrocarbon reserves in the EEZs of the TRNC, its non-recognition makes it extremely hard to defend its exclusive rights legally and internationally. The root of the Eastern Mediterranean crisis lies in the fact that the GASC views itself as the sole legitimate authority seeking to represent the whole island. As a guarantor state, Turkey has consistently rejected the GASC’s unilateral agreements with third countries and issuing of licenses to international companies.

The Greek Cypriot authorities claim that the island is entirely surrounded by EEZ, which puts Turkey's right to maritime boundaries, and potential hydrocarbon resources as well as the status of the TRNC at stake. The failure to resolve the Cyprus dispute intensified the crisis especially when the GASC signed delimitation agreements with Egypt in 2003, Lebanon in 2007, and Israel in 2010 unilaterally without paying regard to the rights of Turkey and the TRNC in the contested areas. Moreover, the GASC also granted

off-shore licenses to some international oil companies for hydrocarbon exploration and exploitation in waters in the South of the island. Turkey has objected to these moves from the onset on the grounds that these activities violate Turkish Cypriots' equal and inherent rights, contradict with the spirit of the comprehensive settlement negotiations conducted under the UN auspices, and escalate the tension in the region.<sup>35</sup> In addition, certain sections of the hydrocarbon blocks licensed to oil companies by the GASC are overlapping with Turkey's continental shelf areas in the Eastern Mediterranean.<sup>36</sup>

**The GASC contests the agreement and the licenses since the areas for which licenses were granted are overlapping with the areas delineated by the GASC as its own EEZ**

In 2011, as a response to the GASC's offshore drilling activities, Turkey signed a continental delimitation agreement with the TRNC. Following the agreement, the Turkish Petroleum Corporation (*Türkiye Petrolleri Anonim Ortaklığı* / TPAO) was issued a license to explore and exploit oil and gas reserves by the TRNC. The GASC contests the agreement and the licenses since the areas for which licenses were granted are overlapping with the areas delineated by the GASC as its own EEZ. The GASC further argues that the TRNC has no right to make any delimitation agreement and declare a continental shelf as it lacks international recognition as a state.

On the other hand, the GASC, Greece, and Egypt issued a joint statement condemning the Turkish actions in the EEZ of the GASC and its territorial waters and calling these actions a violation of international law.<sup>37</sup> The governments of the Southern European countries –Malta, the GASC, France, Italy, Greece, Portugal, and Spain– issued the Valletta Declaration defining Turkey's activities in the Eastern Mediterranean as 'illegal' and calling the EU to take appropriate measures in full solidarity with Cyprus.<sup>38</sup> Besides, the European Council decided to take certain steps such as suspending negotiations on the Comprehensive Air Transport Agreement, ending high-level meetings, calling for reducing the pre-accession assistance, and a review by the European Investment Bank on lending to Turkey.<sup>39</sup> Turkish officials denounced the EU resolution accusing the EU of being "prejudiced" and "disconnected from realities" giving the signal that it would remain firm in its policies vis-à-vis the Eastern Mediterranean.<sup>40</sup>

## Bilateral Agreements with Contesting Claims in the Eastern Mediterranean

The GASC's hydrocarbon exploration activities in its unilaterally declared EEZ, along with the lack of support from the EU and the U.S. to its calls, pushed Turkey to make a delimitation agreement with Libya. In November 2019, Turkey and Libya's UN-recognized Government of National Accord (GNA) signed an agreement that defines the boundaries of the continental shelf and the Turkish and Libyan EEZs with an approximately 30 km long borderline in the Mediterranean Sea.<sup>41</sup> The Turkish-Libyan deal has been a strategic move that has acted as a game-changer in the region's energy puzzle.

The agreement has three important dimensions for Turkey. First, Turkey concluded its western and southern boundaries in the Mediterranean and moved from being a demurrer to a country that builds and implements its arguments on a solid legal base. Second, Turkey prevented a potential agreement that could have been signed between the Libyan GNA with the GASC, Greece, Israel, and Egypt against Turkey's interests.<sup>42</sup> Third, on several occasions, Turkey has called for actions to be according to international law, whose main principle is that states having coasts on closed and semi-enclosed seas have to collaborate with each other while exercising their rights and fulfilling their obligations. In response to the coastal states' attempts to ignore Turkey's exclusive rights in the Mediterranean, with this agreement Turkey manifested that it wouldn't turn a blind eye to *fait accompli* policies by Greece, the GASC, and Egypt on maritime issues that directly impact its interests.<sup>43</sup>

Two articles are highly important in the context of future delimitation agreements and potential disputes surrounding maritime zones in the Mediterranean. Article 4(2) of the Turkish-Libyan maritime delimitation agreement states that parties could conclude agreements for the purpose of jointly exploiting potential resources should any resource be found in the area starting from the EEZ of one party extending to the EEZ of the other. Second, according to Article 4(3), if any of the parties start talks concerning the delimitation of its EEZ, it has to inform and negotiate with the other party before concluding an agreement.<sup>44</sup> With this agreement, Turkey and the Libyan GNA made it clear that any future agreement or partnership would be bound by mutual negotiations.

The agreement put Turkey and Libya at odds with other coastal states. Egypt and Greece, along with France and Cyprus, declared the agreement "null and void" and stated that it undermined regional stability.<sup>45</sup> Greece labeled the agreement as "geographically absurd" since it ignored the presence of the island of Crete between the coasts of Turkey and Libya.<sup>46</sup> As a response to the

Turkish-Libyan maritime deal, almost 8 months later, Greece signed a deal with Egypt on the delimitation of maritime jurisdictions. The agreement obviously seeks to block Turkey's maritime territorial claims. The Turkish Foreign Ministry declared the deal "null and void" stating that Greece and Egypt share no sea borders.<sup>47</sup> In addition, Turkey reported to the UN that the demarcated area in the Greek-Egyptian deal is located on Turkey's continental shelf.<sup>48</sup> The deal prompted Turkey to renew its exploration efforts and naval deployments, leading to a climax in tensions.

## **To its Western allies, the purchase of the Russian missile defense system signals a major shift in its strategic orientation and alignment with Putin's Russia**

### **Political Dimensions of the Eastern Mediterranean Crisis**

Though tensions in the Eastern Mediterranean seem to stem from contesting claims on the delineation of continental shelves and EEZs among coastal states, a deeper look into the policies of coastal states vis-à-vis each other and the engagement of third parties in the dispute manifest that political disputes are at least as central as legal ones to the crisis. From various initiatives among which the EastMed Gas Forum and the EastMed Project stood out, it is evident that the coastal states –Greece, the GASC, Israel, Egypt– seek to isolate Turkey to the Gulf of Antalya and devoid it of any share in the potential hydrocarbon resources.

In early 2019, the EastMed Gas Forum (EMGF) was founded as an international body by seven founding members –Egypt, Italy, Greece, Israel, GASC, Jordan, and the Palestinian Authority. The declared goal of the EMGF, nicknamed the OPEC of Mediterranean Gas, is to "serve as a platform that brings together gas producers, consumers, and transit countries to create a shared vision and establish a structured systematic policy dialogue on natural gas."<sup>49</sup> However, in the background, the countries allied under the EMGF aim to counter Turkey, attempting to leave it and the TRNC out of the energy equation in the Eastern Mediterranean.<sup>50</sup>

In a similar vein, recently, the GASC, Greece, and Israel signed a deal for the EastMed Project which is an undersea pipeline project designed to deliver Israeli natural gas to Europe. Though it is far from being certain whether the project will materialize due to its astronomical costs, European officials state the project is important for geopolitical reasons. Nonetheless, the project is planned to run on the areas that overlap with the EEZs delineated in the Libyan-Turkish deal.<sup>51</sup>



## Today, hundreds of MB members and leaders who have fled from Egypt and other countries are taking refuge in Turkey and Qatar

In solidarity with its member states, the EU one-sidedly supported the attempts of Greece and the GASC to conduct exploration and drilling activities in their unilaterally declared EEZ via several companies and partners while officially threatening Turkey with severe punitive measures unless it puts an end to drilling and energy exploration activities.<sup>52</sup> Likewise, the U.S. also supported the gas pipeline agreements between the GASC and Israel and some European countries against Turkey. The U.S. also decided to lift its arms embargo on the GASC<sup>53</sup> putting an end to its decades-long policy of impartiality in the Cyprus issue.

Turkish-American relations are tense after their divergent policies in Syria, and the deepening of the Turkish-Russian relations as reflected in pipeline projects such as Turkstream and Nordstream, Turkey's declared intention to become a member of the Shanghai Cooperation Organization (SCO), and most importantly, its purchase of S-400 Russian missile defense systems which came as a serious blow to the U.S. and NATO allies. Disillusioned by the lack of cooperation from the U.S. and the EU in various areas, Turkey is seeking to engage in balancing with Russia on defense and security. To its Western allies, the purchase of the Russian missile defense system signals a major shift in its strategic orientation and alignment with Putin's Russia.<sup>54</sup>

The bloc against Turkey is not limited to the West, yet it also includes Middle East countries like Egypt, Saudi Arabia, and the United Arab Emirates (UAE), who have recently become close allies of the GASC. The Saudi regime, for the first time in history, sent its Minister for Foreign Affairs to the GASC showing a signal of solidarity against Turkey.<sup>55</sup> Recently, the UAE dispatched fighter jets to be deployed to Crete for training with the Greek military.<sup>56</sup>

As countries coalesce in their opposition to Turkey, Turkey perhaps feels itself more isolated than ever. While the dispute over maritime zones is the immediate cause, the roots of the problem lie much deeper. The formation of a large opposition bloc against Turkey first and foremost stems from the policies pursued by Ankara in the countries swept by the Arab Uprisings in 2011, namely, Syria, Egypt, and Libya.

The first turning point in relations between Turkey and the West was the Turkish Syrian policy that was not in line with that of the EU and the U.S. Since



2016 Turkey has carried out a number of military operations in Northern Syria to fight against the YPG, an extension of PKK in Syria, an organization considered a terrorist organization not only by Turkey but also by the U.S. and the EU. For Turkey fighting against the YPG is among its top security priorities to prevent the formation of a zone where PKK-affiliated terrorist groups could take shelter in Northern Syria. Nonetheless, the U.S. and the EU support the YPG on the ground that the group acts as a shield against ISIS, and fighting against YPG might lead to the resurgence of ISIS and thus, threaten European security.<sup>57</sup> Therefore, the EU condemned Turkey's Syrian policy and urged it to withdraw its forces to respect humanitarian law while member states called for halting arms exports licensing to Turkey.<sup>58</sup>

Turkey's policy towards the Muslim Brotherhood in Egypt was a focal point of contention with el-Sisi regime and the Gulf States –Saudi Arabia, the UAE, Kuwait and Bahrain. The AK Party (Justice and Development Party) has long regarded the Muslim Brotherhood (MB) as a fraternal organization due to their ideological kinship. The electoral victory of the MB was welcomed by the Turkish government who quickly stepped in to provide political, financial and technical assistance to Egypt as well as development aid worth \$2 billion.<sup>59</sup> Therefore, the Turkish government reacted very negatively and launched a campaign for the release of Morsi when Egypt's first democratically elected government was overthrown by a bloody military coup. Turkish-Egyptian relations have become very tense as Turkey has been a vocal critic of the military coup.

A Greek navy boat is moored close to the tiny Greek island of Kastellorizo, just two kilometers off the South coast of Turkey (seen in the background), August 28, 2020.

LOUISA GOULIAMAKI / AFP via Getty Images

## The one-sided and partial stance by the EU and the U.S. does not bode well either for settling disputes between Greece and Turkey or for closer integration in the transatlantic security alliance

The Turkish support to the MB has also strained Turkey's relations with Saudi Arabia, Bahrain, Kuwait, and the UAE which declared the MB as a terrorist organization. The Gulf States with the exception of Qatar viewed the electoral victory of the MB as a threat to the survival of their own regimes since the MB has offshoots and enjoys unprecedented public support in these countries.

Thus, they heavily supported the military coup and provided a combined aid package of \$12 billion to the military-backed government in Egypt.<sup>60</sup> Today, hundreds of MB members and leaders who have fled from Egypt and other countries are taking refuge in Turkey and Qatar. Moreover, the Khashoggi murder further tested the Turkish-Saudi relations after the Turkish government leaked results of the investigation to the media, suggesting that the murder of the opponent journalist had been ordered by the highest level of the Saudi government.<sup>61</sup> Since then, Saudi Arabia has been carrying out a defamation campaign against Turkey.

In a similar vein, the proxy war in Libya put Turkey at odds with other external actors, such as France, the UAE, Russia, and Egypt. Following the formation of the General National Council (GNC) in 2012, ideological divisions between moderate or liberal factions of the GNC and representatives from Islamist parties including the elected president Nouri Abusahmain caused political turbulence further deepening the political divides in Libya. In 2014, General Khalifa Haftar launched a militia offensive called Operation Dignity seizing control of Tripoli soon after he called for the dissolution of the GNC and establishment of a presidential council to organize a new constitution and free elections.<sup>62</sup>

The struggle over power between the Libyan House of Representatives together with the so-called Libyan National Army (LNA) led by renegade General Khalifa Haftar and the UN-backed and internationally recognized GNA has dominated Libyan politics resulting in a renewed civil war and failure in creating a national unity government. The latest phase of Libya's civil conflict, known as the War for Tripoli lasting from April 2019 to June 2020, came to an end after Turkey provided extensive military aid to the GNA. Though the LNA had the upper hand with its aerial dominance mainly due to Emirati and Russian military technology transfers for the first nine months of the conflict, Turkey's introduction of its military technology, armaments, and strategic planning turned the tide in favor of the GNA and forced Haftar to propose a ceasefire.<sup>63</sup> These developments pit Turkey and Qatar, who supported the GNA located in western Libya, against France, Egypt, Russia, and the UAE which

provided political and military support to Haftar and his militias located in eastern Libya.

As a result of the foreign policies followed by Turkey in a number of countries in the Middle East and its balancing with Russia at times, a large opposition bloc against Turkey arose, which has highly politicized the maritime border disputes in the Eastern Mediterranean. Delineation of maritime zones, which should normally remain as a technical and legal issue has become more of a political conflict in the case of the Eastern Mediterranean driving even far-flung countries like the UAE and France to the waters of the region.

On the other hand, Turkey will alienate itself further from the West unless its longstanding Western allies quit their “double standards” in their relationship with Turkey and Greece. It is noteworthy to mention that Greece, a NATO member state, has Russian S-300 missiles in its inventories, along with some other NATO members which still have Russian-made weapons.<sup>64</sup> In a similar vein, Greece illegally militarized 16 of the 23 islands in the Eastern Aegean Sea, which is a clear violation of the Lausanne Peace Treaty (1923) and Paris Peace Treaty (1947) as both treaties stipulated demilitarization for the Eastern Aegean islands.<sup>65</sup> The one-sided and partial stance by the EU and the U.S. does not bode well either for settling disputes between Greece and Turkey or for closer integration in the transatlantic security alliance.

## Conclusion

The Eastern Mediterranean is witnessing severe political tensions due to the existing and potential hydrocarbon reserves and the centrality of energy independence to all the states in the region. The complexity of the Eastern Mediterranean dispute arises as a result of the highly open-ended and relative nature of international law as well as a series of already existing political conflicts adding another layer to the crisis.

The legal dimension of the crisis has two key challenges: First, the international law is highly open-ended and open to interpretation in relation to the status of islands in maritime border delimitations. According to the UNCLOS, maritime borders should be drawn upon an agreement between the respective coastal states based on the principle of an equitable solution. This highly open-ended article gives way to various disputes between coastal states especially when one coastal state's island is in close proximity to the other state's mainland, as in the case of the Turkish-Greek dispute.

Turkey argues that an equitable solution can be achieved by drawing a median line between two countries and giving little or no-effect to the islands that are



## Resolving the existing disputes necessitates the parties' giving up their maximalist positions to forge common ground

very close to its mainland. The argument is also based on the fact that Turkey has the longest coastline in the Eastern Mediterranean, which is an important factor in maritime border delimitation. However, Greece claims that islands have the right to claim EEZs just like mainlands, thus, an equitable solution entails drawing a median line between the Greek islands and the Turkish mainland. On the other hand, the case law provides various precedents that give no effect or little effect to islands while delineating maritime borders between coastal states especially when a coastal state's islands are very close to another state's mainland and thus, substantially narrows its EEZ.

The legal dimension to the Eastern Mediterranean crisis also involves the Cyprus issue, which remains as a frozen conflict that has not yet been resolved through bilateral and multilateral negotiations. Since the Turkish intervention in 1974, the island has been divided into two entities: the Turkish Republic of Northern Cyprus in the North, a *de facto* state recognized only by Turkey and the Republic of Cyprus (known as the Greek Administration of Southern Cyprus by Turkey) in the South, seemingly the *de jure* owner of the entire island. Turkey opposes the delimitation agreements signed by Cyprus with the third countries on the ground that the GASC can't represent the entire island and Turkish Cypriots also have rights in the gas discoveries.

These decades-long crises between Turkey-Greece and Turkey-GASC have recently been exacerbated by the intervention of other actors in the region such as France, Egypt, the UAE, and Saudi Arabia. The large opposition bloc against Turkey in the Eastern Mediterranean mainly results from the policies Turkey pursued in Syria, Egypt, and Libya following the regime changes in the post-2011 period. Turkish support to the Muslim Brotherhood in Egypt, its military intervention in Syria to the detriment of YPG, and the Turkish intervention in Libya which prevented the fall of the GNA government antagonized several countries putting Turkey against a group of rival states in the Eastern Mediterranean.

De-escalating tensions and brokering a solution in the Eastern Mediterranean will not only help to enhance energy investment and export of potential gas reserves but also strengthen transatlantic security and bring closer integration within NATO. A thorough settlement of the maritime borders dispute could most likely be achieved through dialogue and negotiations between the respective countries supported by international arbitration. Resolving the existing disputes necessitates the parties' giving up their maximalist positions to forge common ground. Mediation by an international organization such as the



UN could bear fruit as both parties are members of the organization increasing its credibility and impartiality. ■

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