



# **Maritime Boundary Delimitation in the Eastern Mediterranean Legal & Political Framework – Recent Developments**

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MFA - ANKARA**





## MARITIME ZONES

**Territorial Sea**  
Up to 12 n.miles

**Internal Waters**

**Contiguous Zone**  
Up to 24 n.miles

**Continental Shelf**  
Up to 200-350 n.miles

**Exclusive Economic Zone**  
Up to 200 n.miles



## EASTERN MEDITERRANEAN

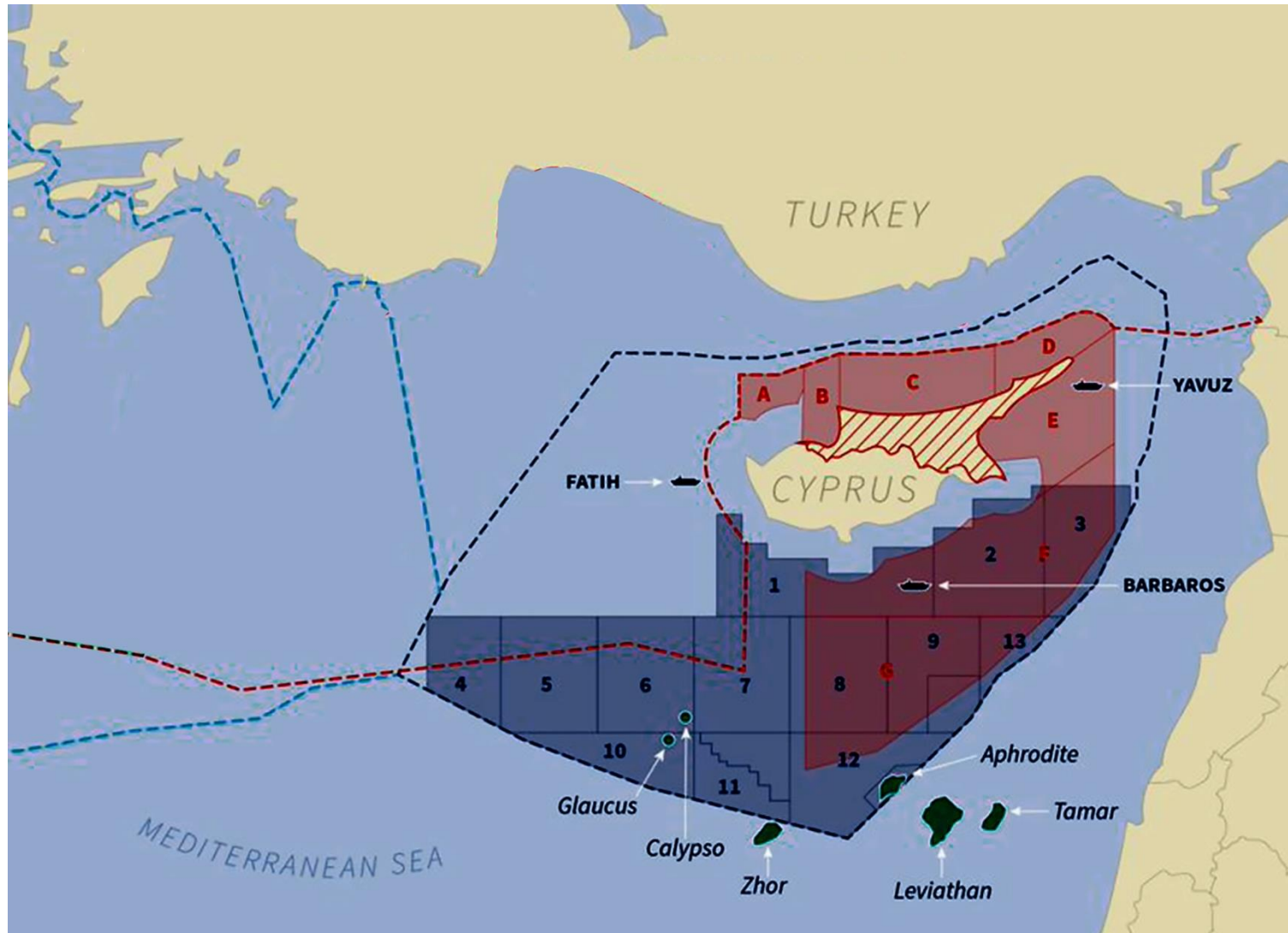
**Multiple coastal states / 12 nm TS limit /  
Overlapping EEZ-CS Claims / Cyprus – Middle East Issues /  
Energy Flashpoint**





## EASTERN MEDITERRANEAN

# OVERLAPPING MARITIME CLAIMS





## EASTERN MEDITERRANEAN

# Turkey's CS/EEZ





## EASTERN MEDITERRANEAN

# Greek Cypriot CS/EEZ Claim







## Greek CS/EEZ Claim



**Generally CS/EEZ delimitation issues remain dormant until coastal states compete for off-shore resources (fisheries-oil-gas) in the same maritime region**

### **1976 Aegean Continental Shelf Crisis**

World Petroleum Resources Project

### **Assessment of Undiscovered Oil and Gas Resources of the Levant Basin Province, Eastern Mediterranean**

**T***he U.S. Geological Survey estimated a mean of 1.7 billion barrels of recoverable oil and a mean of 122 trillion cubic feet of recoverable gas in the Levant Basin Province using a geology based assessment methodology.*

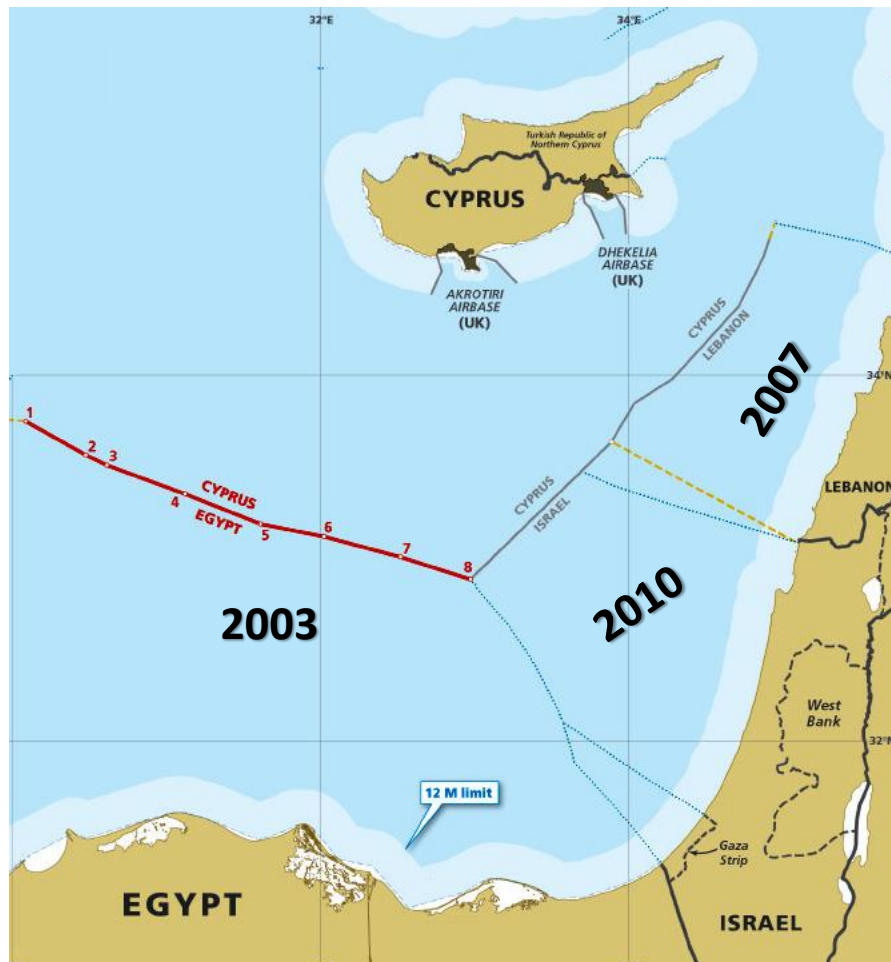




## EASTERN MEDITERRANEAN

# How did it start ?

Unilateral actions of GCs before the settlement of Cyprus Issue violating Turkey's and TCs rights



**2003** Delimitation Agreement with Egypt

violated Turkey's  
CS rights

CYPRUS Issue  
violated TCs rights

**2007** Delimitation Agreement with Lebanon

CYPRUS Issue  
violated TCs rights

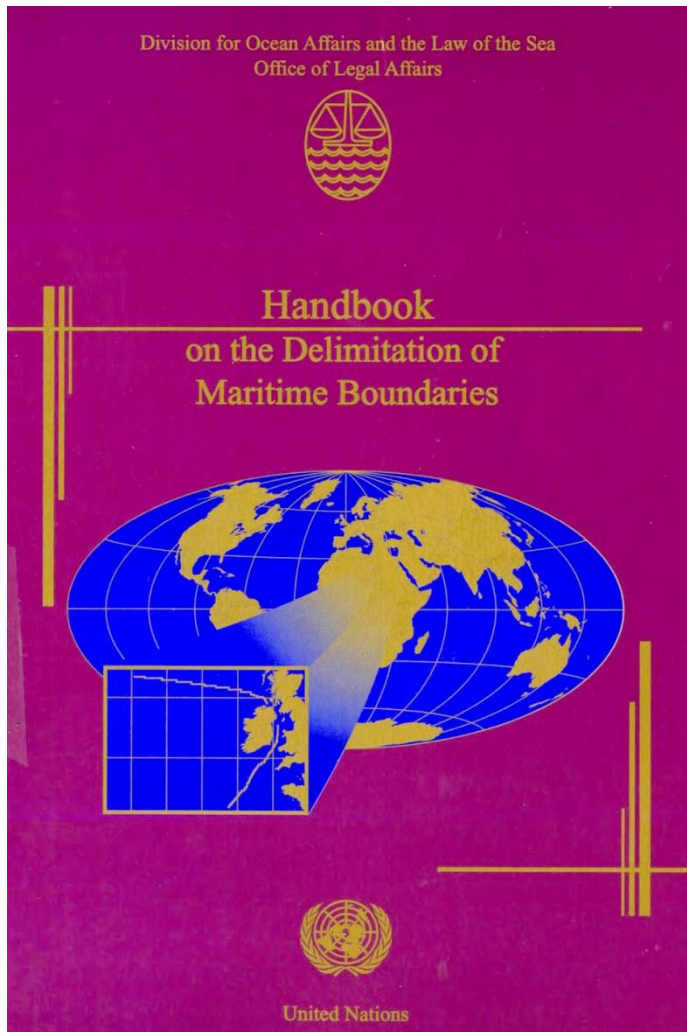
**2010** Delimitation Agreement with Israel

CYPRUS Issue  
violated TCs rights



# How did it start ?

BILATERAL MBD AGREEMENT SHOULD NOT VIOLATE 3RD PARTIES RIGHTS



A MARITIME BOUNDARY  
DELIMITATION AGREEMENT BETWEEN  
THE TWO STATES SHOULD NOT  
VIOLATE THE RIGHTS AND INTERESTS  
OF A 3RD STATE

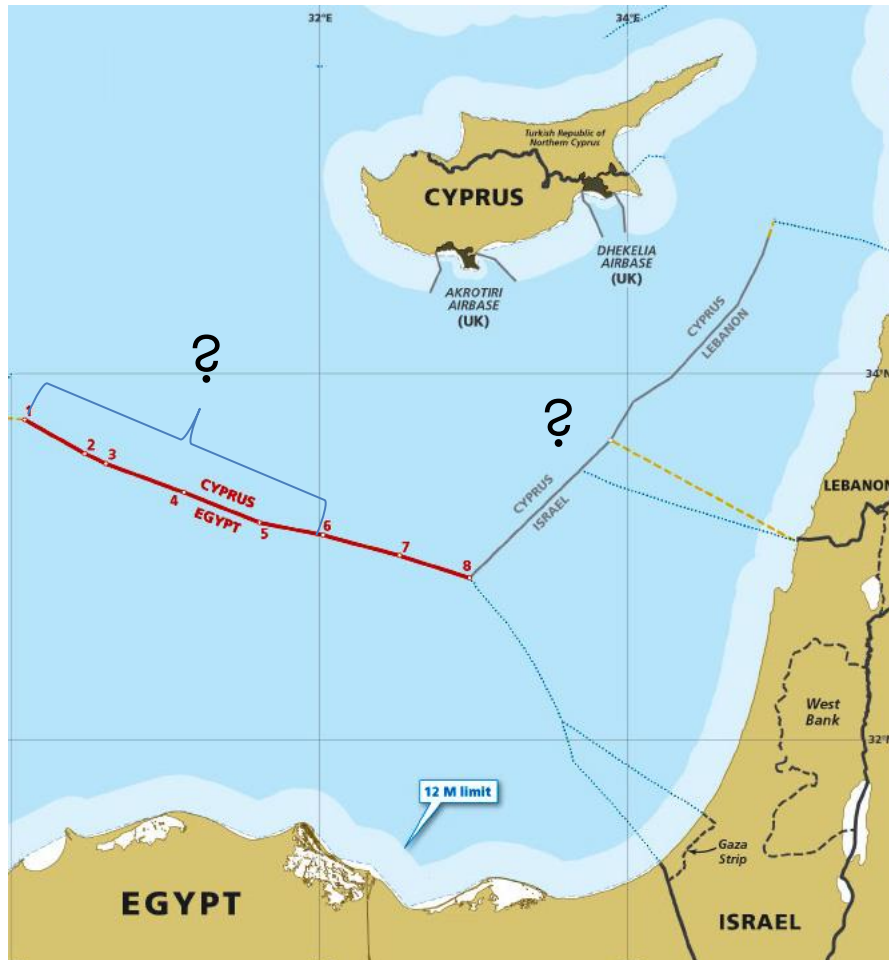
**The delimitation line in the  
agreement should be ended  
before it reaches the area of  
overlapping potential claim  
of a third state.**



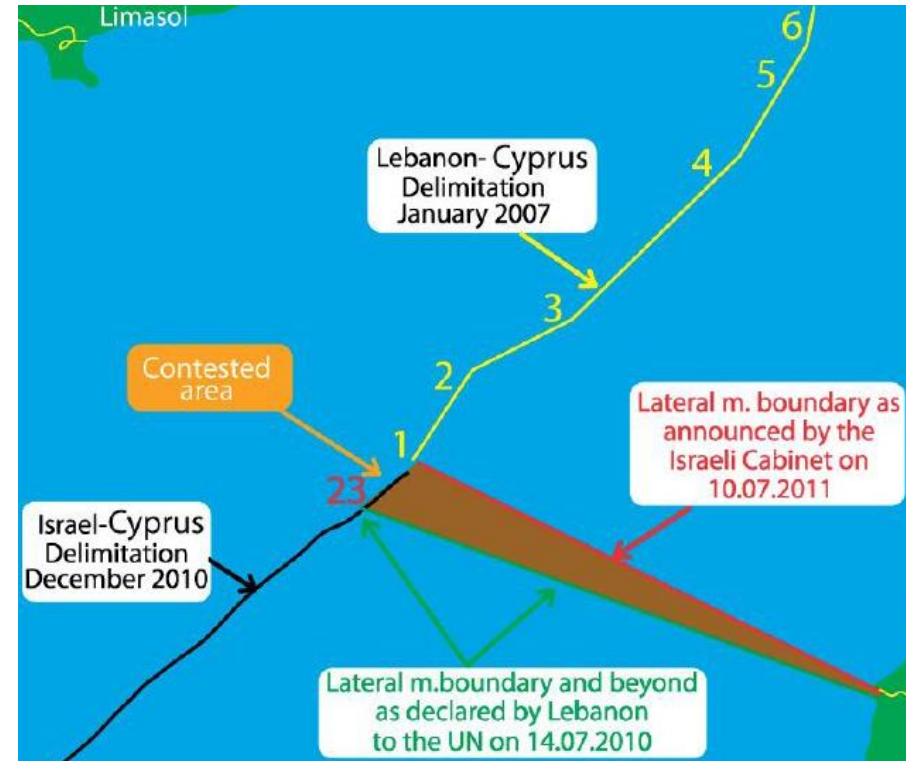
## EASTERN MEDITERRANEAN

# How did it start ?

BILATERAL MBD AGREEMENT SHOULD NOT VIOLATE 3RD PARTIES RIGHTS



2003 Egypt-GC EEZ Agreement  
VIOLATED Turkey's rights

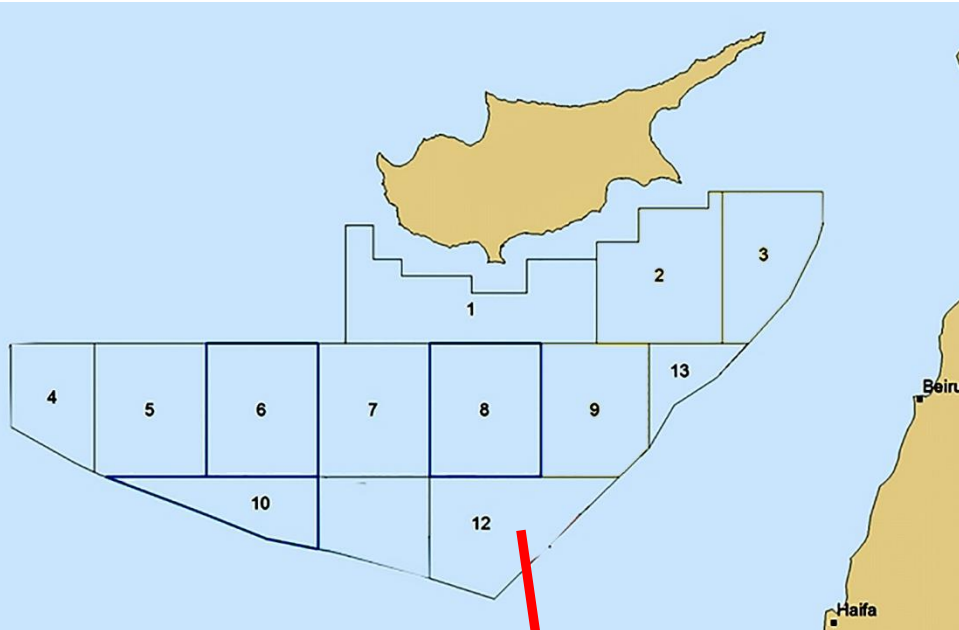


2010 Israel-GC EEZ Agreement  
VIOLATED Lebanon's rights



## EASTERN MEDITERRANEAN

# How did it start ?



**2006-2007**

**Launched 2D-3D Seismic Surveys**

**2007**

**Draw off-shore blocks**

**Announced first licencing round**

**19 September 2011**

**Started off-shore drilling**

**Turkey & TRNC objected all of these unilateral actions and asked GCs to cease their off-shore activities until the comprehensive settlement**





## Turkey & TRNC reaction

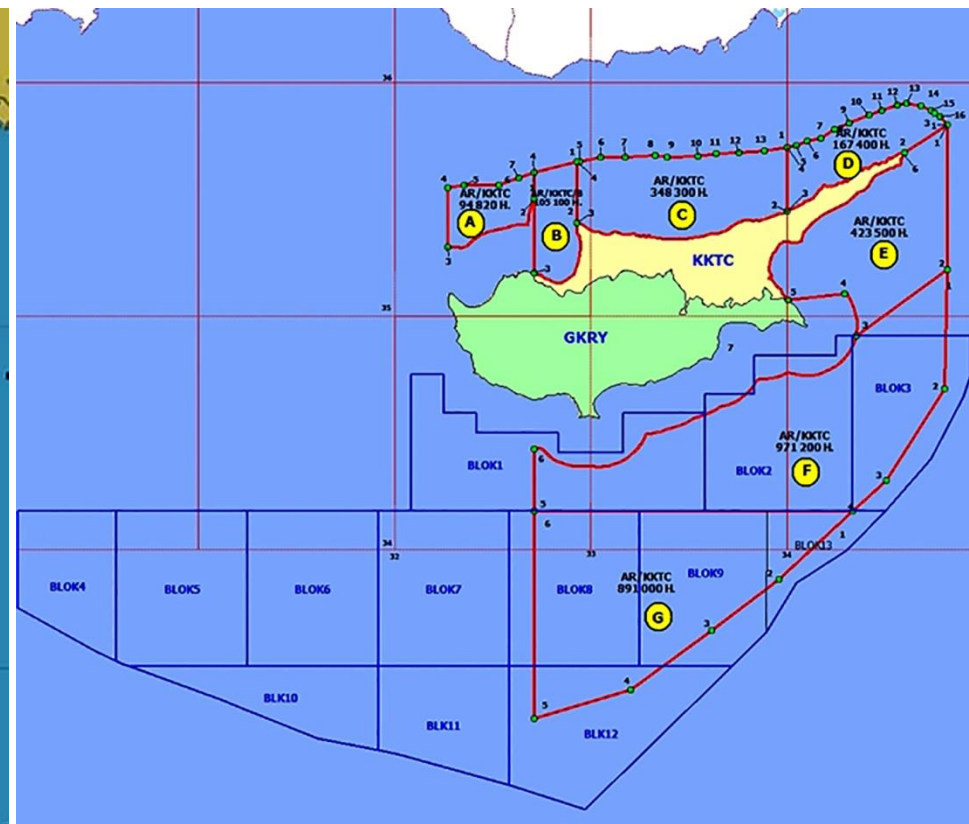
### TURKEY-TRNC

**CS Delimitation Agreement**  
**21 September 2011**

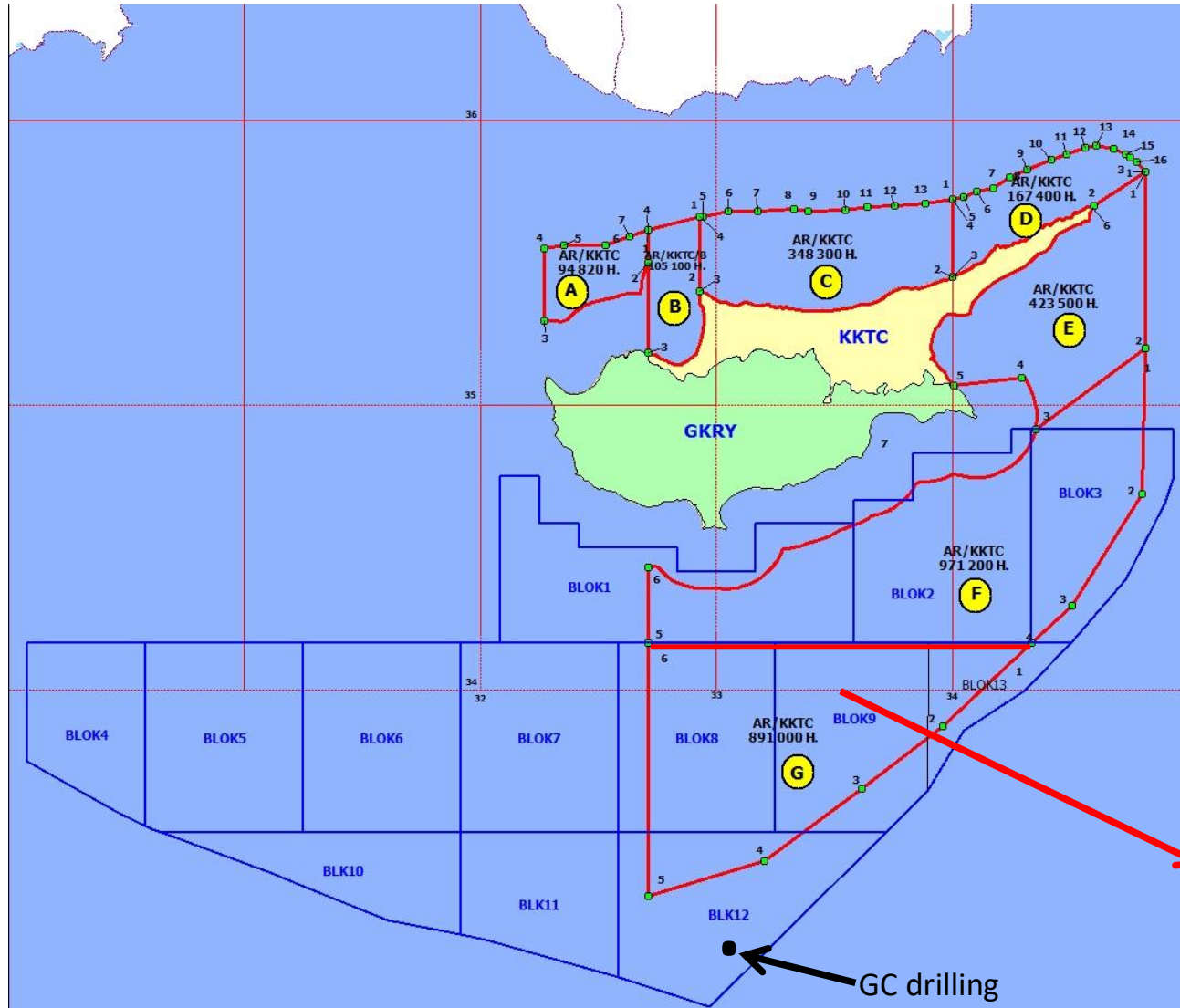


### TRNC

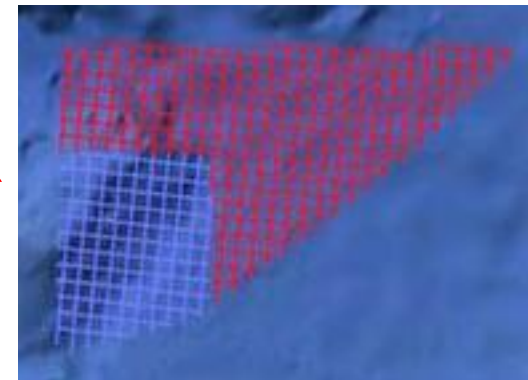
**Draw off-shore blocks - Licenced TP**  
**22 September 2011**



## Turkey & TRNC reaction



R/V Piri Reis conducted 2D  
Seismic Survey  
27 Sept.-1 Nov 2011.







## Turkey & TRNC reaction

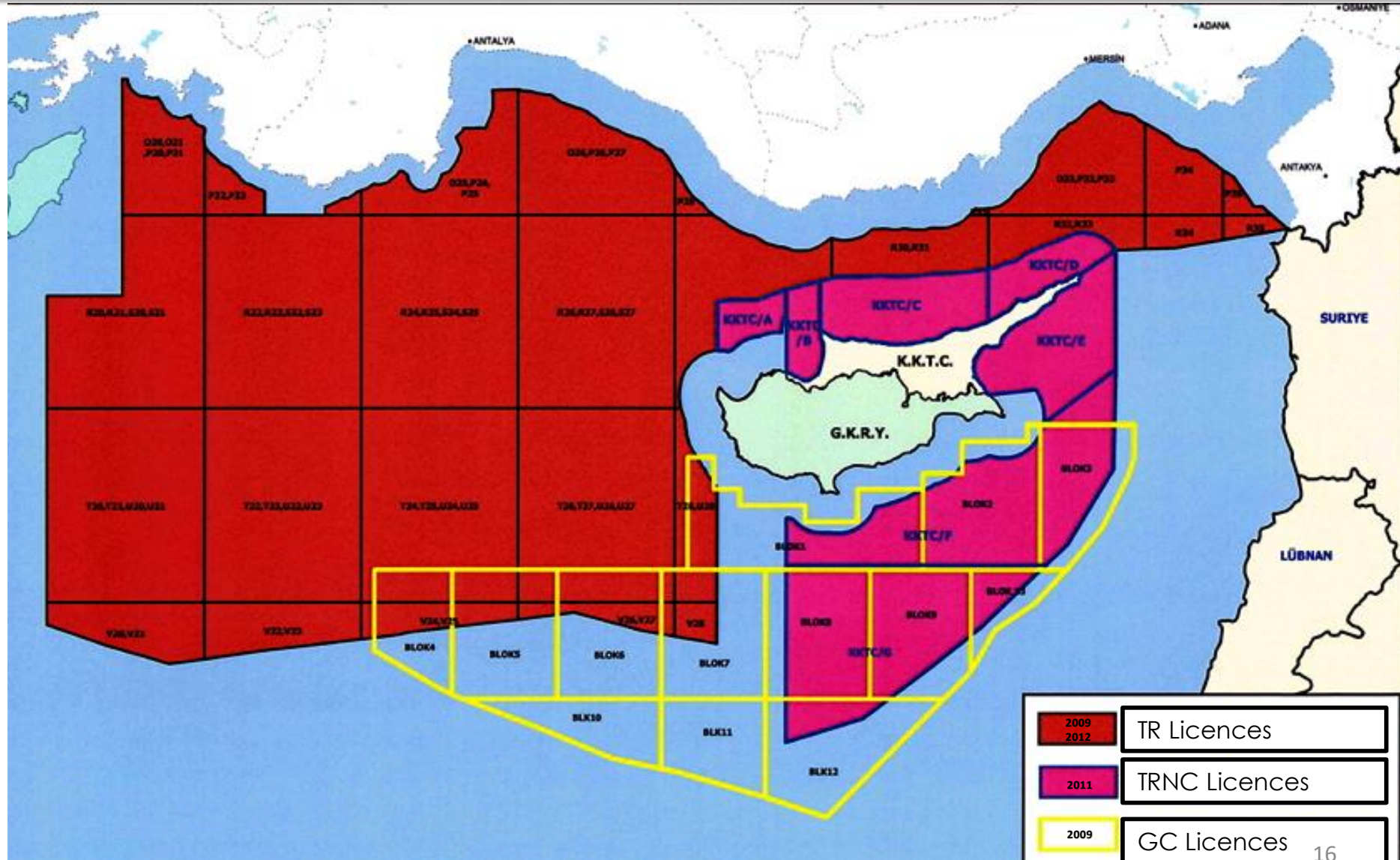
**TRNC COOPERATION**  
**24 SEPTEMBER 2011**

- ☐ off-shore activities of TCs & GCs be ceased simultaneously until the settlement
- ☐ OR both sides should determine jointly the future course of off-shore oil/gas activities, including revenue sharing and funding of a possible settlement.



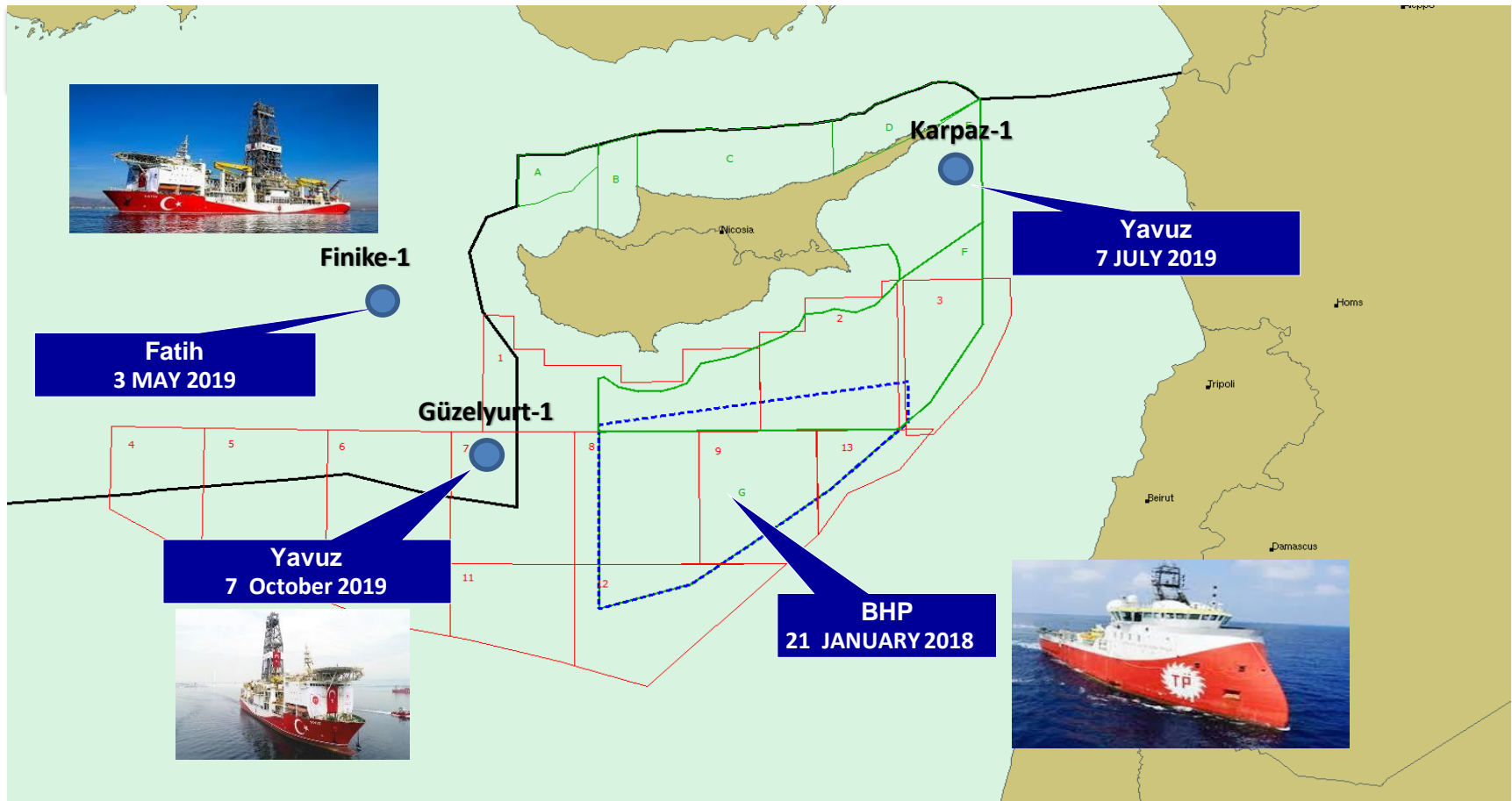
## EASTERN MEDITERRANEAN

# TURKEY & TRNC & GC OFF-SHORE LICENCE AREAS





## TURKEY'S AND TRNC'S OFF-SHORE ACTIVITIES





## EU's BIASSED POSITION

EU Statement - 4 May 2019

We express grave concern over Turkey's announced intention to carry out drilling activities **within the exclusive economic zone of Cyprus.....illegal action.....**

US Statement - 5 May 2019

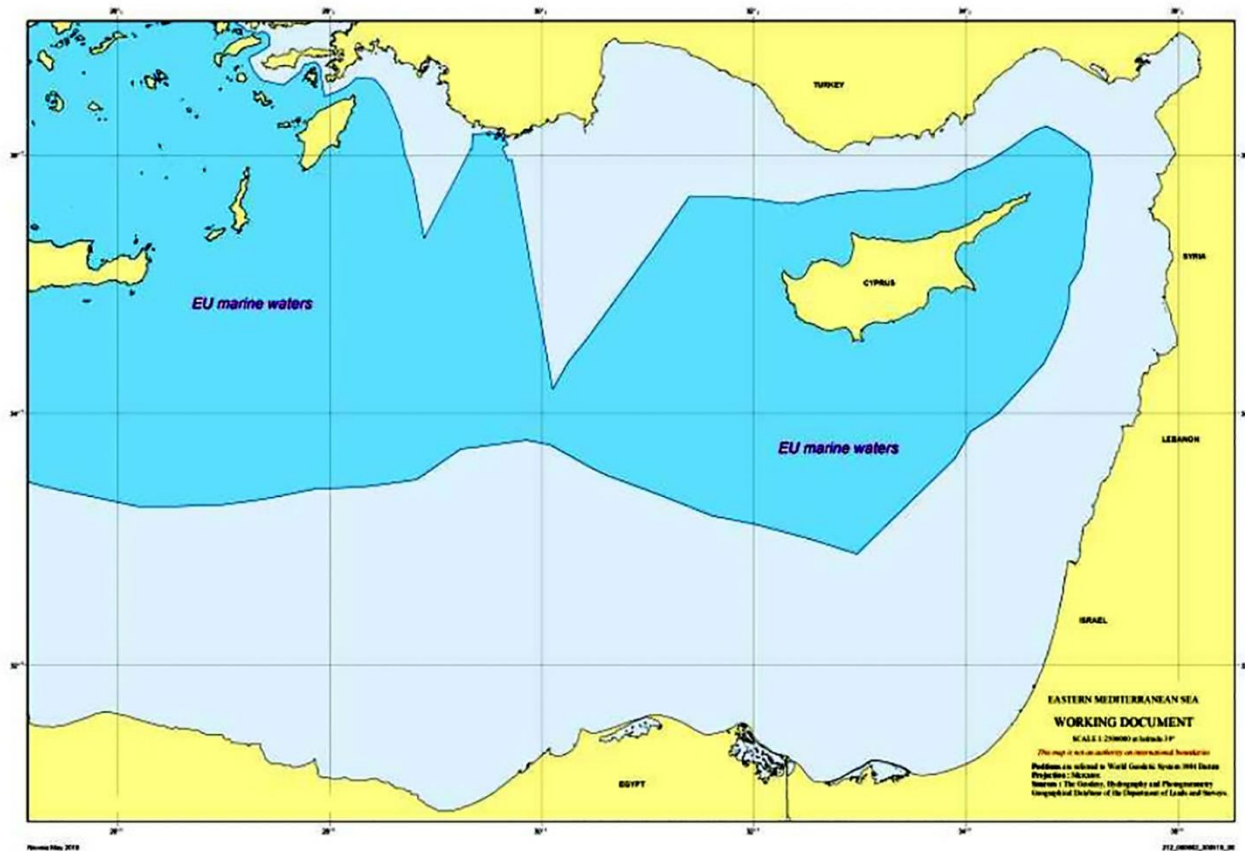
**Turkish Drilling in Cypriot-Claimed Waters**

.....offshore drilling operations **in an area claimed by the Republic of Cyprus as its EEZ.....**



## EU's BIASSED POSITION

European Union marine waters



Greek & GC  
Claim of  
EU  
marine  
waters

???

attempt to  
make national  
claims as EU  
claims



## EU's BIASSED POSITION

EU solidarity to support national boundary claims ???

- ☐ Does EU has any competence in delimiting maritime boundaries?
- ☐ Can EU qualify Turkey's off-shore activities illegal under international law ?
- ☐ Can EU take the boundary claim of one side and try to impose it to the other?
- ☐ What is the EU position vis-a-vis overlapping maritime jurisdiction claims between its members?





# How to settle overlapping maritime claims

**What are the legal means of maritime boundary delimitation?**

## **(UN Charter – Article 33)**

-Negotiation -Enquiry -Mediation

- Conciliation
- Arbitration.
- Judicial Settlement

## **JOINT DEVELOPMENT**

may be devised in the absence of agreed boundaries



# What does UNCLOS say?

### UNCLOS

1982 UNCLOS - EEZ (art. 74) and CS (art. 83)

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by **agreement** on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into **provisional arrangements of a practical nature** and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

**Agreement**

**Equitable Solution**

NO METHOD IS INDICATED  
Equidistance—Median Line

**3rd Party Solutions**

UN Charter Art. 33

**Provisional arrangements**

JOINT DEVELOPMENT



### WHAT ARE THE FACTORS TO ASSESS WHETHER A MARITIME DELIMITATION LINE IS EQUITABLE OR NOT?

- ☐ A number factors may be taken into account. In bilateral negotiations, there is no limit to the factors which States may take into account.
- ☐ As for the Courts, not all factors may be taken into consideration.
- ☐ Courts tend to take into consideration factors or circumstances which they have a direct bearing or directly relevant to the delimitation.



# EASTERN MEDITERRANEAN

jurisprudence on Maritime Boundary Delimitation

## SPECIAL/RELEVANT CIRCUMSTANCES

### GEOGRAPHICAL CIRCUMSTANCES

- **Regional Geography** ✓  
(including general characteristics and particular features of the region -ocean, enclosed, semi enclosed sea etc.)
- **Configuration of the Coasts** ✓  
(including adjacency and oppositeness, **direction, comparative lengths**, concave or convex shape)
- **Basepoints** ✓  
(including presence of ports, roadsteads, bays, river mouths, low-tide elevations, reefs)
- **The presence of islands and rocks** ✓  
(including their size and position in the context of general geographic configuration)

### NON-GEOGRAPHIC CIRCUMSTANCES

- **Geological and geomorphological factors** ?
- **Economic factors** ?  
(Hydrocarbon resources, fisheries)
- **Navigation** ?
- **Socio-economic and demographic factors** X
- **Defence and security** ?
- **Environment** ?
- **Historical rights** ✓
- **Presence of Third States** ✓

### OTHER FACTORS AFFECTING DELIMITATION

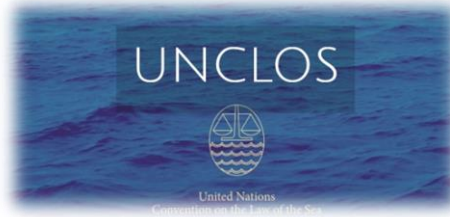
- \* **Proportionality** ✓
- \* **Proximity** ✓



# The Role of Islands in Maritime Boundary Delimitation



# Treatment of Islands in Maritime Boundary Delimitation



### *Article 121*

#### *Regime of islands*

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.





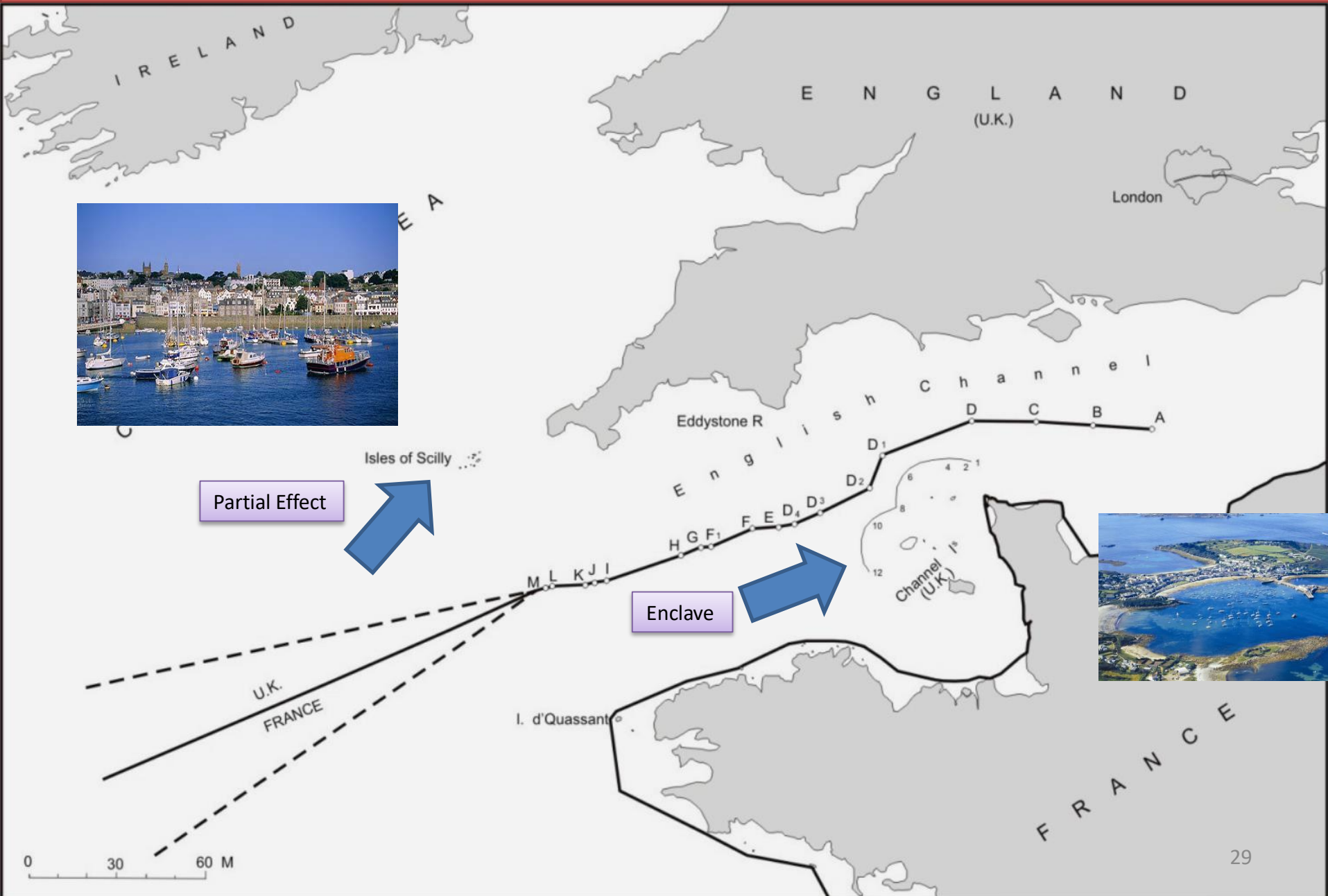
# Treatment of Islands in Maritime Boundary Delimitation

**ENTITLEMENT OF ISLANDS TO CS/EEZ AREAS  
AND THEIR EFFECT TO MARITIME BOUNDARY  
DELIMITATION ARE TWO DIFFERENT ISSUES.**

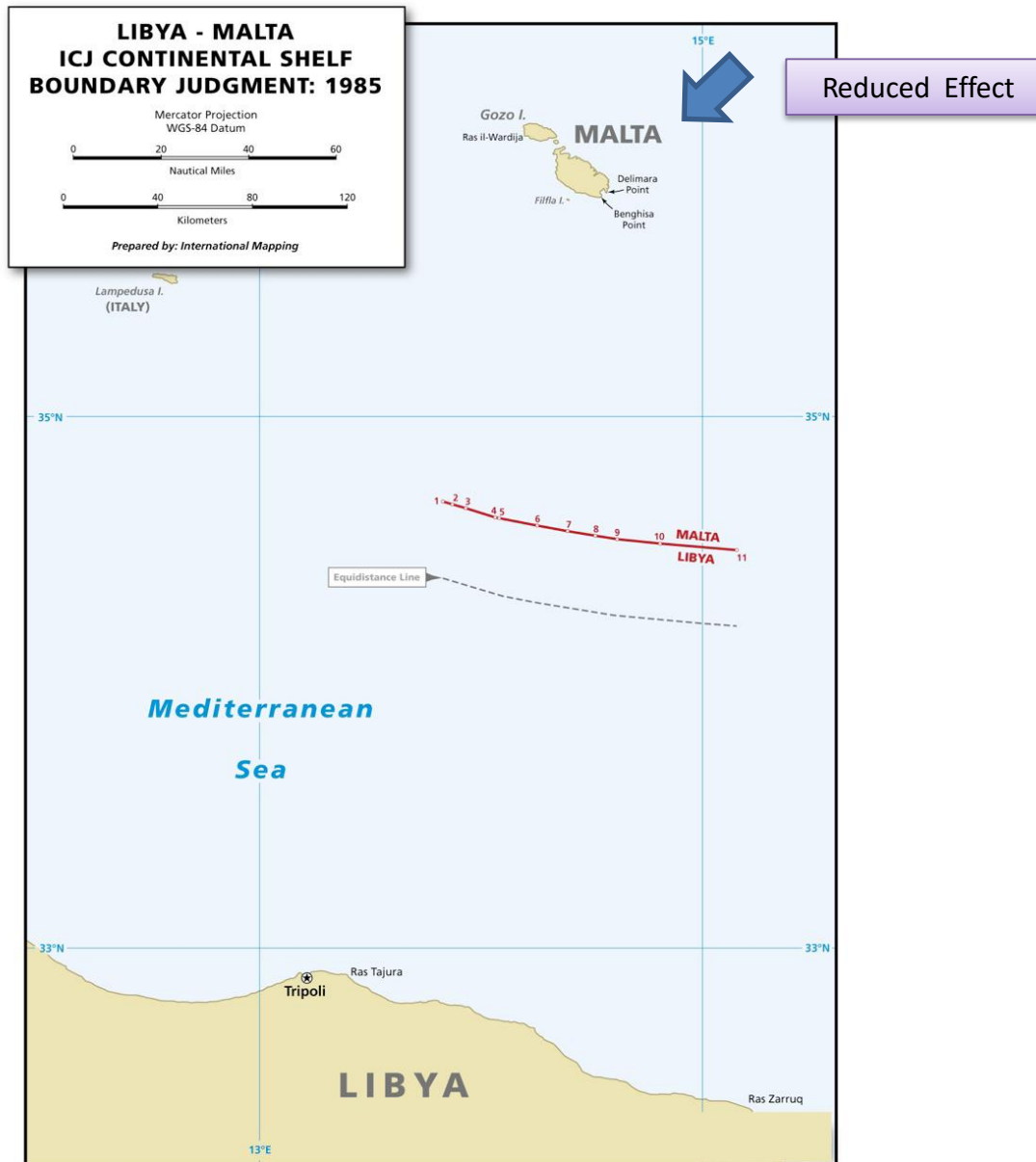
**Islands in delimitation may be given no  
or partial weight if they have distortive  
effect on equity**

**Some examples of jurisprudence and state practice where islands have received a reduced effect or been partially or wholly enclaved or even completely ignored.**

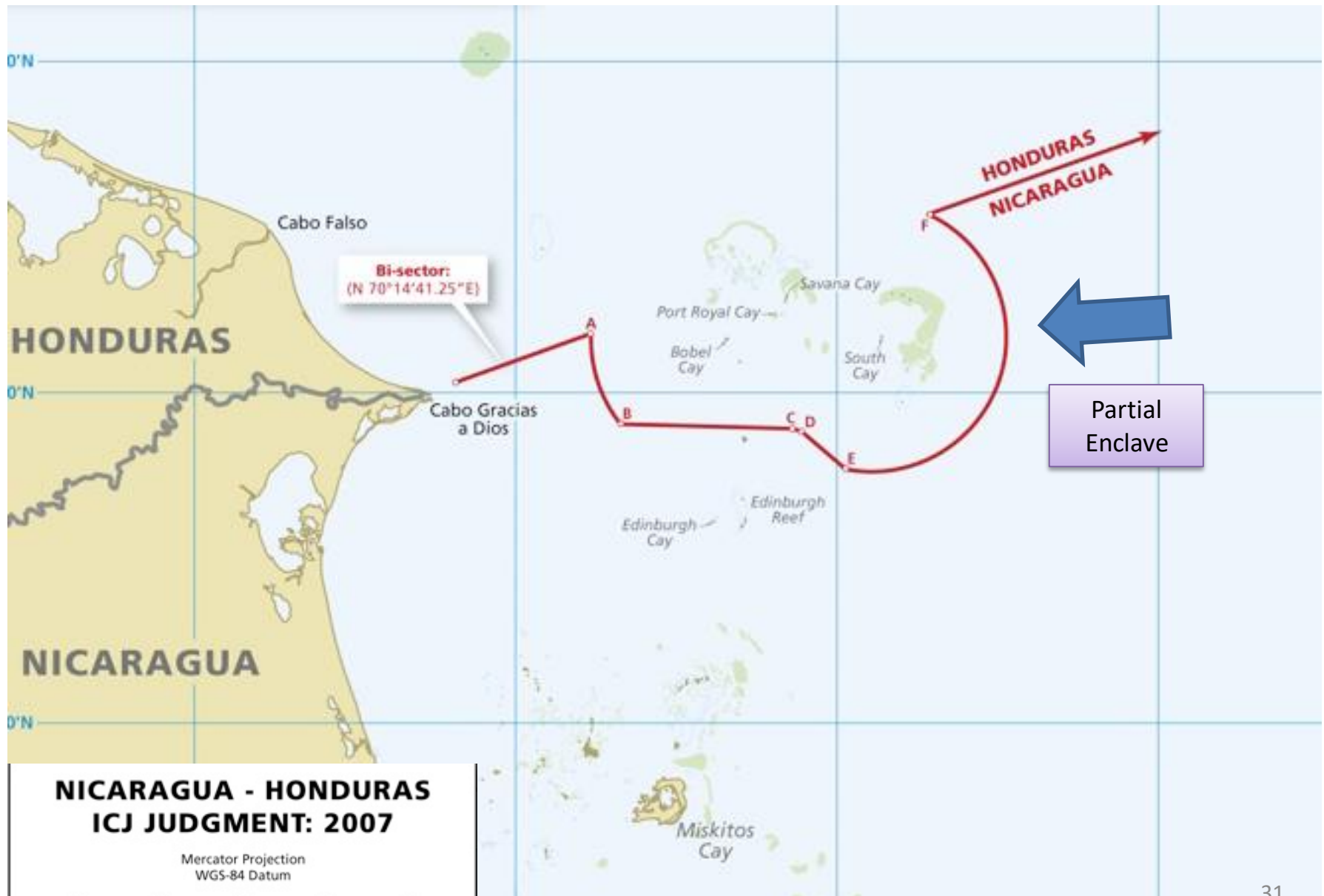
# Cases - 1977-78 UK-France



# CASES - 1985 *Libya-Malta*

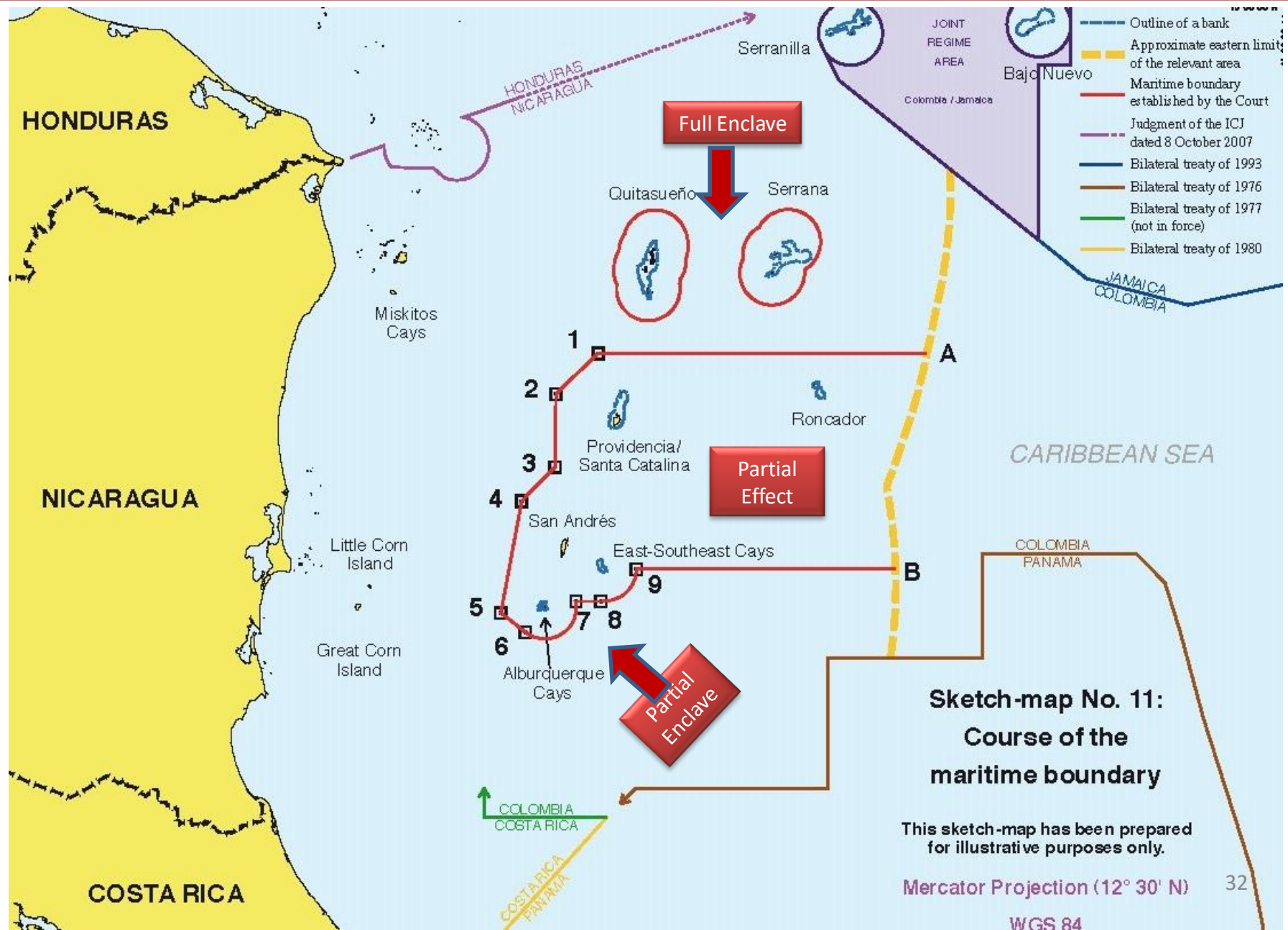


# CASES – 2007 *Nicaragua–Honduras*

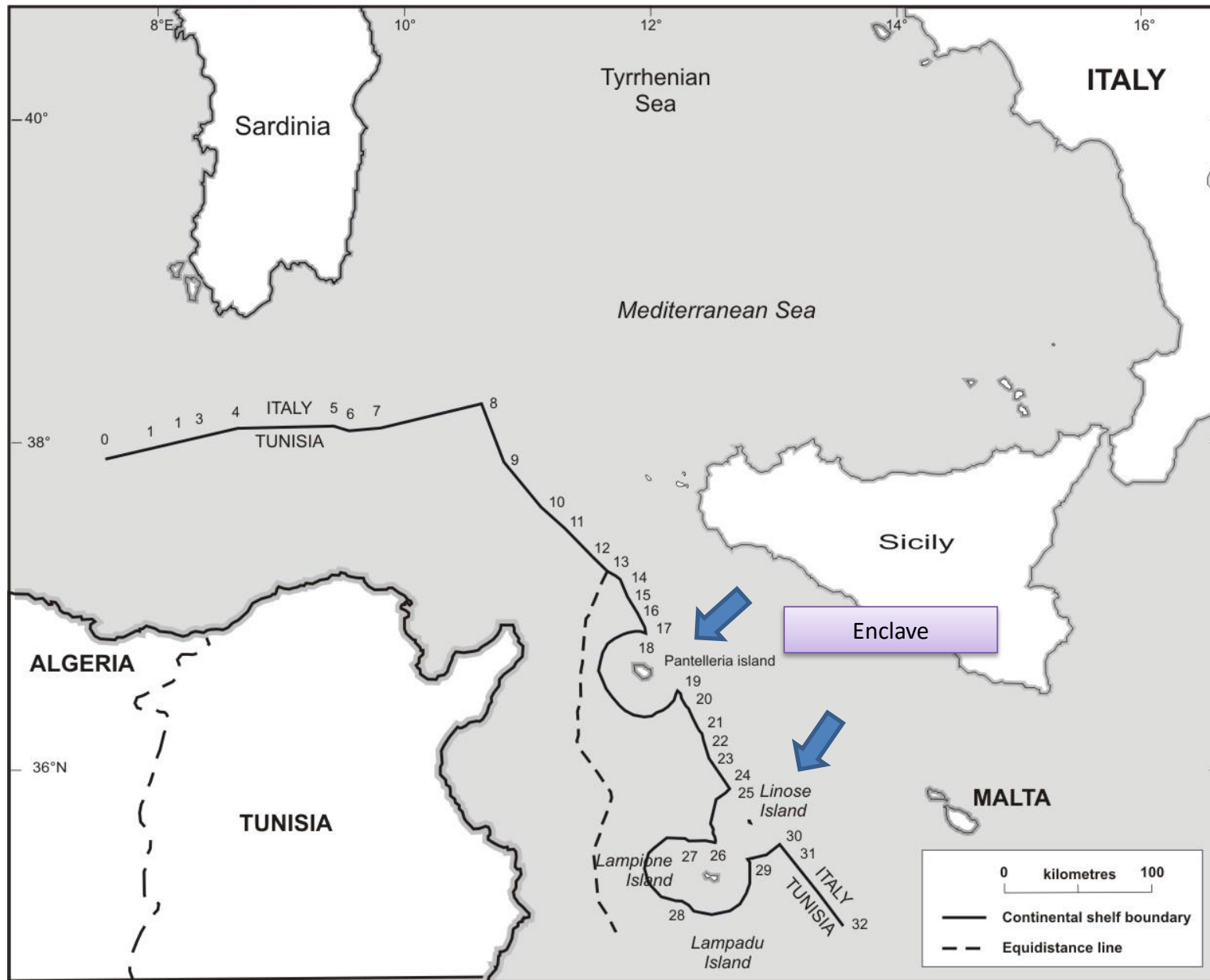




# Cases – 2012 *Nicaragua-Colombia*



# State Practice – 1971 Tunisia-Italy Agreement



# State Practice – 1978 Papua New Guinea and Australia



- ❖ TS and CS boundary established
- ❖ Territorial sea limit fixed for 3NM
- ❖ Islands lying on the wrong side encalved
- ❖ Agreed on joint fisheries management
- ❖ Established a Joint Protection Zone



# Treatment of Islands in Maritime Boundary Delimitation

**According to international law, as supported by these examples,  
there is no automaticity in claiming that islands  
generate full maritime jurisdiction areas.**

**Islands are ignored or given limited effect in maritime boundary  
delimitation if their location distorts equitable delimitation or if there  
are other special / relevant circumstances.**

**Based on international law, Turkey has made its position clear since  
2004 and registered it in the UN.**

**Turkey is of the legal opinion that the Island of Cyprus in the west and the  
Greek Islands in the area including Castellorizo cannot generate full  
EEZ/CS under international law as they distort the equitable delimitation.**





## EASTERN MEDITERRANEAN

### UNEQUITABLE CS/EEZ CLAIMS OF GREECE & GREEK CYPRIOTS BASED ON THE ASSUMPTION THAT ALL ISLANDS GET FULL EFFECT IN MARITIME BOUNDARY DELIMITATION

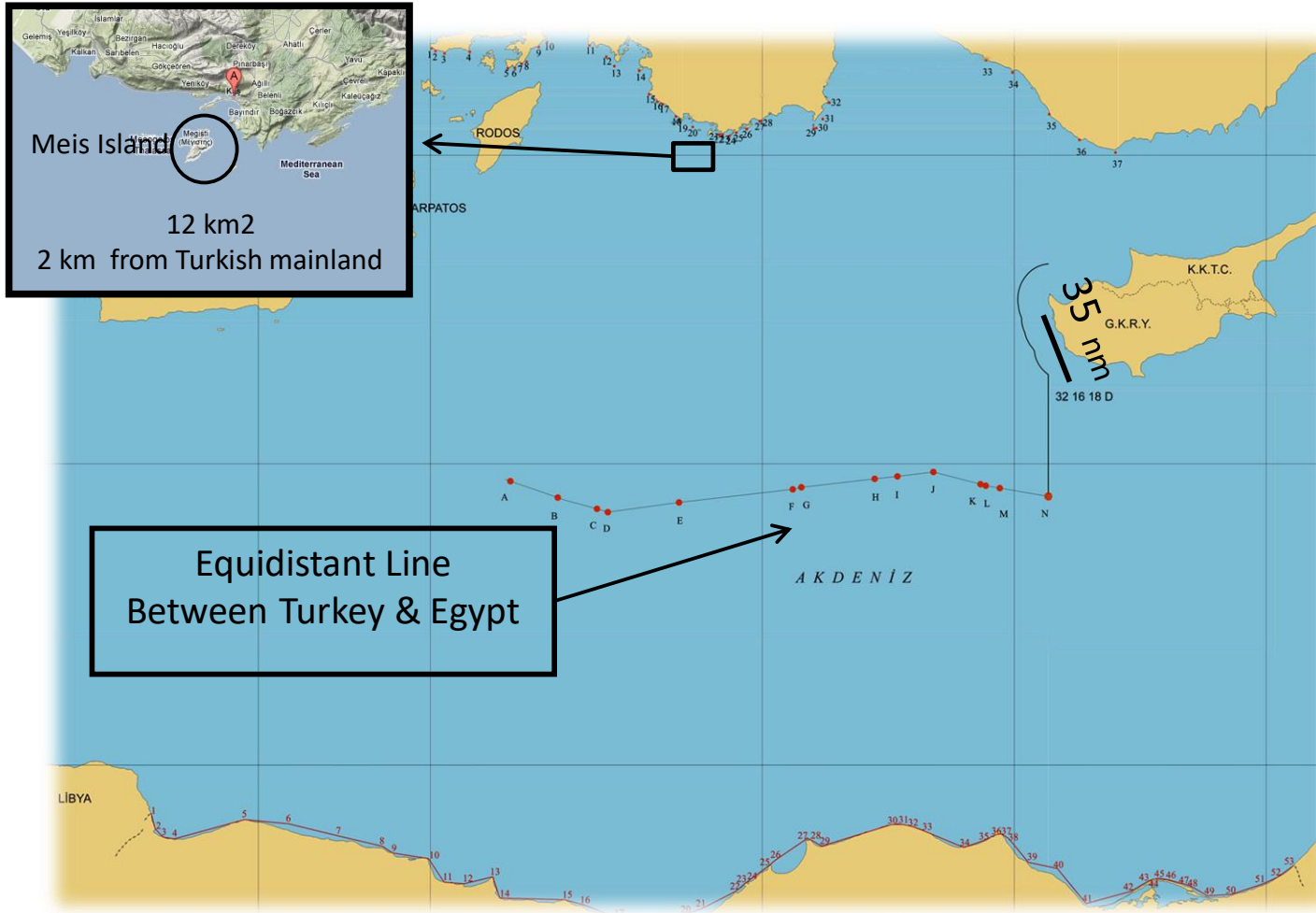






# EASTERN MEDITERRANEAN

## TURKEY'S CS CLAIM



**Coastal Lengths :** TURKEY 1792 km EGYPT 1062 km (Total)  
TURKEY 969 km EGYPT 850 km (West of Cyprus)



## EASTERN MEDITERRANEAN

# Turkey's CS/EEZ





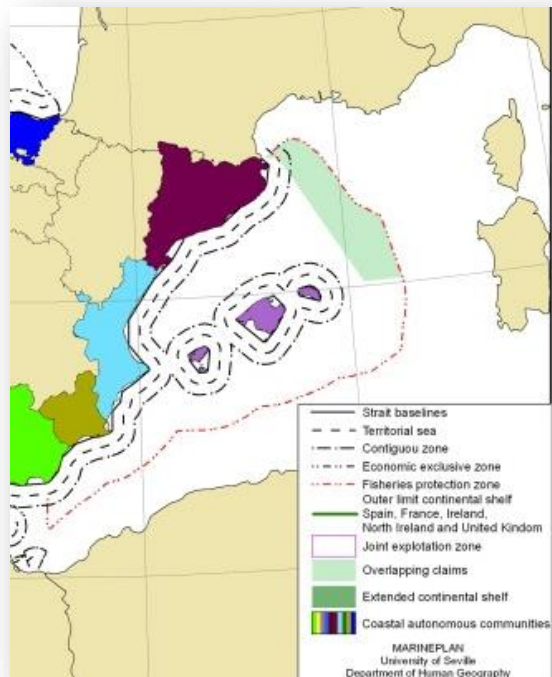
## EU's BIASSED POSITION

EU solidarity to support national boundary claims ???

- ☐ Does EU has any competence in delimiting maritime boundaries? NO
- ☐ Can EU qualify Turkey's off-shore activities illegal under international law ? NO
- ☐ Can EU take the boundary claim of one side and try to impose it to the other? NO
- ☐ What is the EU position vis-a-vis overlapping maritime jurisdiction claims between its members? **Neutrality**



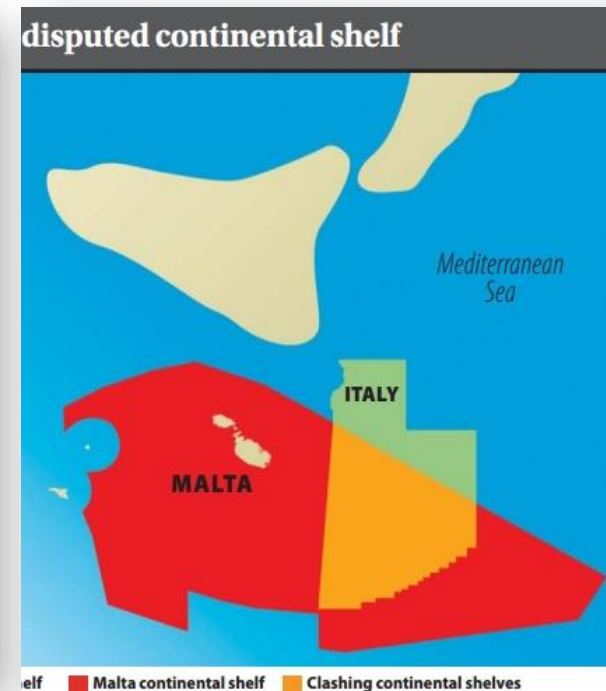
## EU's BIASSED POSITION



Spain-France



Slovenia-Croatia



Malta-Italy



## EASTERN MEDITERRANEAN

# TURKEY'S POSITION



REPUBLIC OF TURKEY  
MINISTRY OF FOREIGN AFFAIRS

**No: 206, 16 July 2019, Press Release Regarding the Conclusions Adopted by the EU Foreign Affairs Council**

The conclusions adopted by the EU Foreign Affairs Council yesterday (15 July) will in no way affect Turkey's determination to continue its hydrocarbon activities in the Eastern Mediterranean.

These conclusions demonstrate how prejudiced and biased the EU is with regard to Cyprus as they make no reference to the Turkish Cypriots, who have equal rights over the natural resources of the Island, in total disregard of their existence in Cyprus.

These conclusions are the latest examples of how the Greek Cypriot-Greek duo abuse their EU memberships for the sake of their maximalist positions and how other EU countries are instrumental to this end.

As we have repeatedly emphasized in the past, our hydrocarbon activities in the Eastern Mediterranean have two dimensions: the protection of our rights on our continental shelf, and the protection of the equal rights of the Turkish Cypriots, who are co-owners of the Island, over the hydrocarbon resources of the Island.

Within the first dimension, it is not possible for Turkey to start talks with the Greek Cypriot Administration to delimit maritime jurisdiction areas before the settlement of the Cyprus issue. Because the so-called Republic of Cyprus is not a real state in the eyes of Turkey and TRNC, as it has not been representing the Turkish Cypriots since 1963. The Republic of Cyprus, which was founded on the political equality of the Turkish Cypriots and the Greek Cypriots, ceased to exist in 1963. The reason why the Cyprus issue has remained unresolved up until today is the Greek Cypriots' non-acceptance of the Turkish Cypriots' political equality since 1963. The interlocutor of the Greek Cypriot Administration is the TRNC, not Turkey. It is not possible for the EU to understand and make a constructive contribution to the Cyprus issue unless it acknowledges these facts, and regards the Turkish Cypriots, not as a minority, but as the co-owner of the Island.

As to the second dimension, the solution is only possible if the rights of the Turkish Cypriots are guaranteed. In this context, the comprehensive cooperation proposal of Turkish Cypriots, made on 13 July 2019, which is also fully supported by our country, is an important opportunity for a solution.

EU's preference for taking decisions against Turkey, rather than making use of this opportunity and encouraging the two sides to come together on the Island with regard to the hydrocarbon resources, is an ineffective, unrealistic and unconstructive behavior.

Our country will continue to protect both its own rights and the rights of Turkish Cypriots with determination, and will further boost its activities to this end. The EU, who has not kept its promises to the Turkish Cypriots since 26 April 2004, has no word to say to us in this regard.

It is also revealing to observe that these decisions were taken on a very important day for the Turkish people, the third anniversary of the heinous coup attempt of July 15.





# TURKEY'S POSITION

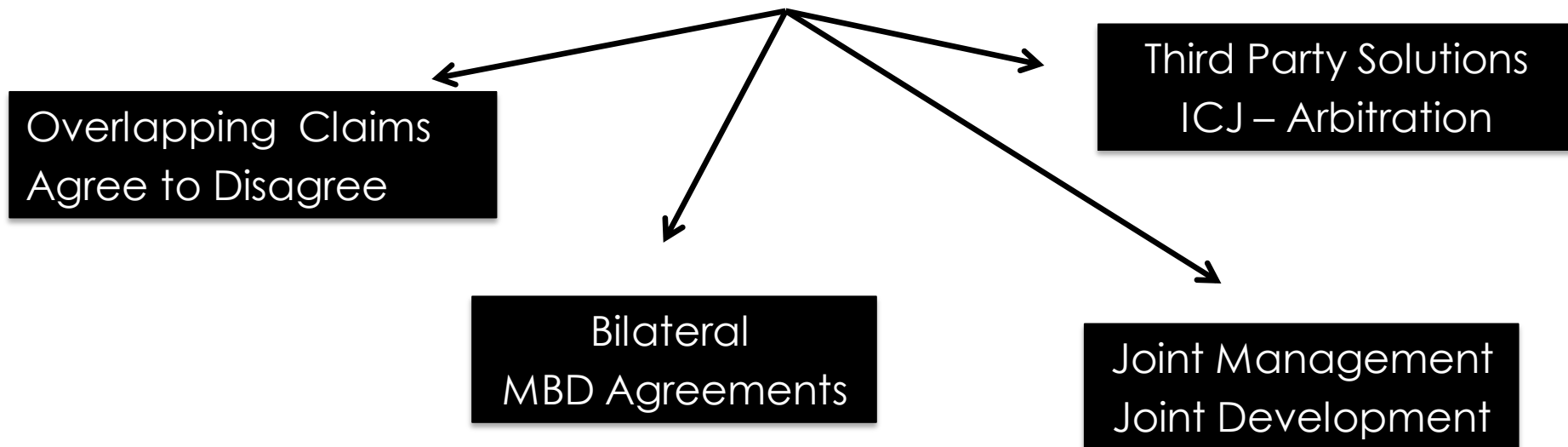
- ✓ **Maritime claims** of EU members, violating the legitimate rights of 3rd countries cannot be portrayed as the external borders of the EU. That's indeed the gross violation of international law.
- ✓ Final maritime boundaries can only be determined through agreements (not violating 3rd parties' possible boundaries) or through litigation. Overlapping maritime claims prevail in the absence of a settlement.
- ✓ Greece's & GC maritime claims are maximalist. They are based on the entitlement of islands to EEZ/CS.
- ✓ Entitlement & Delimitation are not the same thing.
- ✓ Islands may be ignored or given reduced EEZ/CS if their presence distorts equitable delimitation. This is a fundamental international law principle.



# EASTERN MEDITERRANEAN



## THE WAY AHEAD





# TURKEY'S POSITION

Turkey is ready to launch maritime boundary delimitation talks with all the neighbouring countries except the Greek Cypriots

Delimitation in the west of the Island should be effected **after the comprehensive settlement of the Cyprus issue** (Federal, Confederal or 2 state solution)

TCs' equal rights as co-owners of the Island should be guaranteed NOW.

TCs' 13 July 2019 cooperation proposal is on the table and a good basis for a solution.



# TURKEY'S POSITION

**TP will continue its survey and drilling activities in Turkey's continental shelf.**

**TP will continue its survey and drilling activities in the TRNC licenced areas unless the Turkish Cypriots' equal rights over the off-shore resources are guaranteed.**

### JOINT DECLARATION ADOPTED BY THE GRAND NATIONAL ASSEMBLY OF TURKEY ON 18 JULY 2019

*[Unofficial English translation of the original text in Turkish]*

We, as the political parties represented in the Grand National Assembly of Turkey, strongly condemn all attempts to turn a blind eye to, ignore and disregard the legitimate rights and interests of the Turkish Cypriots and the Republic of Turkey, based on international law, by imposing a fait accompli regarding the sharing of hydrocarbon resources in the Eastern Mediterranean, and, hereby state explicitly our objection to all the policies followed to that end, under all circumstances.

We particularly state that we find the sanctions announced recently in the Final Declaration of the Meeting of the European Union Foreign Affairs Council contrary to international law and unacceptable. We call upon the European Union to abide by international law and adopt a fair, equitable and impartial position in this regard.

Those attempting to ignore the rights and interests of the Turkish Cypriots and the Republic of Turkey in all processes and activities conducted by both international oil companies, which have been illegally involved in unilateral hydrocarbon activities by the Greek Cypriots, and by countries which support the Greek Cypriots, should know that their endeavours are futile, contrary to international law; and deeply contradict with the region's social and political realities.

In this sense, we consider right and appropriate the continuation of our State's hydrocarbon drilling activities in the Eastern Mediterranean. It should be known that both Turkey and the Turkish Republic of Northern Cyprus have the strength to protect their legitimate rights, stemming from international law, without bowing to any pressure.

We announce to our grand Nation and to the world public opinion, that we fully support each and every political initiative conducted, measure and step taken by our State, with regard to the protection of the rights and interests of our Nation, which are accordingly based upon ensuring a fair and equitable sharing in the Eastern Mediterranean region, and, that we will maintain resolutely our common stance in any case and under all circumstances.

**Mehmet Muş**  
Group Deputy Chairperson  
of the Justice and Development Party (AK Party)

**Engin Özkoç**  
Group Deputy Chairperson  
of the Republican People's Party (CHP)

**Erkan Akçay**  
Group Deputy Chairperson  
of the Nationalist Movement Party (MHP)

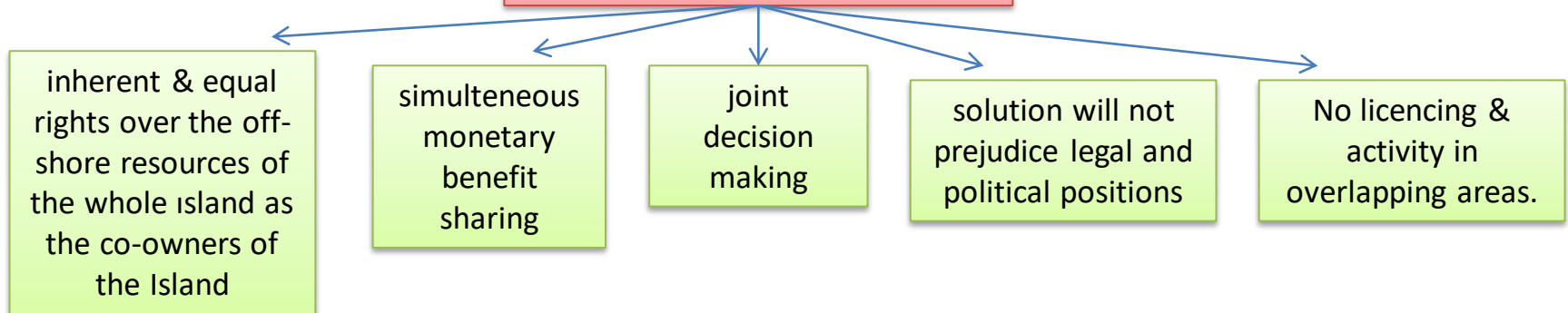
**Lütfü Türkkan**  
Group Deputy Chairperson  
of the Good Party (IP)



# EASTERN MEDITERRANEAN

## TC'S COOPERATION PROPOSAL 13 JULY 2019

### Fundemental Principles



### Joint Committee

under UN auspices & facilitation – EU as oserver  
(2 reps + consensus + upon request of each side) + 2 independent experts

contractual rights of the oil companies shall be protected

**agree on a revenue sharing percantage** on all licence areas  
joint Decision on all future activities

JOINT HYRDOCARBON TRUST FUND

TP to cease its activities on overlapping TC & GC licence areas unless agreed otherwise





## EASTERN MEDITERRANEAN



Thank You