

THE GREEK EXCLUSIVE ECONOMIC ZONE

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For more than 30 years now, Greece has been insisting in a monotonous way that its only dispute with Turkey is of a legal nature and is related to the delimitation of the continental shelf of the Aegean Sea. But, for more than 25 years, the concept of the continental shelf has been overshadowed by the concept of the Exclusive Economic Zone (EEZ). Since the beginning of the new Convention of the Law of the Sea (CLOS) in 1982, not a single country on Earth has requested the delimitation of its continental shelf along with the simultaneous delimitation of the EEZ.

The Turks are delighted because they hear the Greek government and all the Greek political parties discussing only the continental shelf without ever mentioning the EEZ. The main reason, of course, for this great elation is that they know Greece can gain much from the delimitation of the EEZ in the Aegean Sea. Figuratively speaking, the Turks are putting their heads in the sand while the Greeks have blinders on and continually mention only the continental shelf.

Of course, we should not be surprised by the position taken by Turkey because we can recall how opposed the Turks were to the creation of the EEZ, as well as its inclusion in the final document of the Convention. On the afternoon of Friday, April 30,

1982, a final vote took place in New York for the new Convention of the Law of the Sea (COLS). The results of the voting were 130 in favor, 4 against, and 17 abstentions. One need not be an expert in International Law to understand that Turkey was upset with this Convention. She was one of the four countries that voted against it. Greece, on the other hand, was almost completely satisfied with the benefits of the new Constitution of the Oceans and voted in favor of the Convention.

During the United Nations deliberations for the new Law of the Sea, a very interesting development took place that is not known at all in Greece. Some Latin American countries had suggested that with the creation of the EEZ, the concept of the continental shelf had no reason to exist any longer. Incredibly, the delegation of Greece did not support that position.

By the end of 2009, 137 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 U.S.A., Australia, Indonesia, New Zealand, and Canada. 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.

THE ROLE OF THE EUROPEAN UNION

The Community not only became a signatory of the 1982 Convention, but also ratified the Convention on January 1, 1998, a fact which should enhance its competence in all the areas in which Part V of the Convention confers rights and duties

upon coastal states. Additionally, since the signing of the 1992 Maastricht Treaty the Community has undoubtedly transformed itself into a European Union with considerable powers and jurisdiction. Lately, the position of Turkey has become more difficult because the EU is insisting that Turkey, in order to become a full-member of the EU, should ratify the CLOS as soon as possible.

It is obvious that the creation of an EEZ by Cyprus has forced the government in Athens to reconsider its position on the concept of the EEZ and it has already started discussions with its other neighbors, Albania, Italy, Libya and Egypt. Unfortunately, these discussions have not produced any good results for Greece so far.

Egypt is refusing to give an EEZ to Kastelorizo. Libya is refusing to give an EEZ to Gavdos, an island on the south side of Crete and Italy does not want to delimit its EEZ with Greece based on the already existing delimitation of their respective continental shelves. Even the excellent agreement we had signed with Albania was thrown out on a technicality by the Albania Supreme Court after an obvious intervention of the government of Turkey.

The refusal of the Greek government to define its own EEZ with that of Cyprus is not only an act of great omission, but also of great recklessness. One hopes that the PASOK government will correct this omission soon. Key to this definition is Kastelorizo, which is an inhabited the island, not, say, an uninhabited islet, and therefore no one can dispute that has an EEZ. If Greece agrees to proceed with the delimitation of the EEZ with Egypt without taking into account Kastelorizo, the apparent result will be the fact that Greece would not have a maritime border with Cyprus!

The cooling down of Turkish-Israeli relations in the last couple of years seems to open the door not only for better relations between Greece and Israel but also between Cyprus and Israel. If the main reason for such a relationship is based on the way of thinking that says “the enemy of my enemy is my friend”, then this is going to be an unsuccessful experiment.

Although Israel has not signed and has not ratified the Convention on the Law of the Sea, it is not excluded from using the provisions of the Convention and create an EEZ. But what is tragically sad is the fact that Papandreou wanted Israel and Cyprus to delimit their maritime areas but he is refusing, until today, to come to an agreement with Cyprus in order to delimit the EEZs of the two countries! Cyprus and Israel have signed an agreement delimiting their EEZs which was immediately denounced by Turkey.

On Wednesday March 10, 2010, after a visit in Washington, the prime minister of Greece gave a press conference to the Greek journalists in the Greek Embassy. The last question was of Michael Ignatiou of MEGA TV:

Ignatiou: “Mr. Prime Minister, you are continuously talking on the issue of the continental shelf as our only difference with Turkey. Why don’t you connect it with the issue of the exclusive economic zone?”

Papandreou: “Undoubtedly the continental shelf and the exclusive economic zone are related. This is issue is a concern of ours and I will bring it for discussion with Erdogan in his next visit to Athens.”

Many months have passed since this statement of Papandreou and he has seen, at least three times, the Turkish Prime Minister and there is no indication that this issue

has been discussed. Therefore, either Papandreou misleads Ignatiou or he brought the issue for discussion with Erdogan and Erdogan completely ignored the issue. The Greek Prime Minister owes an explanation to the Greek people.

Further more, the leader of the opposition Antonis Samaras made a strong protest in the Greek Parliament for the refusal of Papandreou to proclaim an EEZ for the maritime areas of Greece, but he conveniently forgets that he was the Minister of Foreign Affairs of Greece 20 years ago and the EEZ had already existed for more than 8 years, and he never proclaimed a Greek EEZ and he never brought this issue to the table for discussion with the Turks.

Few months ago the Greek Prime Minister has mentioned the EEZ in the Parliament and he said:

“The EEZ is not a magic card with supernatural characteristics that solves all the problems.” But no one has ever said that the EEZ is a magic card with supernatural characteristics. I suspect that this comment of Papandreou was an attempt to diminish the value of the EEZ in order to justify the fact that he has ignored this issue all the years that he was a Foreign Minister and today as a Prime Minister. But he and any other politician cannot ignore the issue any further.

Recently, the Foreign Minister of Greece attacked, publicly, all these people who believe that the EEZ has become a “fashionable” item and they have ignored purposely the importance of the continental shelf. Mr Droutsas is either incompetent or pretend to be one but in any case certainly he is unacceptable because he maintains that the national sovereignty in the Greek maritime areas can only be accomplished only with

the delimitation of the continental shelf. Not only he ignores the value of the EEZ but he, also, attempts to persuade us that both Israel and Cyprus should not have delimited their EEZs and thus they have abolished their national interest since they have ignore the delimitation of their continental shelf. It is obvious to all of us, with the exemption of Mr. Droutsas, that the delimitation of the EEZ between Cyprus and Israel not only represents an important delimitation but, at the same time, we need to emphasize that these countries have started exploring their maritime zones for oil and natural gas and they **never** plan to delimit their continental shelves because this concept has become obsolete since the creation of the EEZ in 1982. Nevertheless, the Greek Foreign Minister continues to give lessons to the Greeks, the Cypriots, and the Israelis insisting that “The EEZ has no relationship with the mineral wealth of the seas. Only the continental shelf has such a relationship.”!

Turkey knows well that its position is weak as far as the EEZ is concerned. For this reason, it has never mentioned the three words, *Exclusive Economic Zone*, in any conversations it has had with the Greek governments since 1982. The great question is why Greece also avoids mentioning these same three words that Turkey fears so much and does not bring them to the negotiating table.

But finally few months ago we found out why the Greek government does not discuss the EEZ with the Turks. A document from the archives of the British Foreign Office clearly enlightens us. It is a confidential document of the British Ambassador to Athens that was sent to the British Foreign office on the 24th of January 1979. The previous day the ambassador was visited by John Tzounis, who at that time was the

Director-General of the Greek Ministry of Foreign Affairs and he told him that the Greek government is not interested in declaring an exclusive economic zone in the Aegean Sea! This took place when Prime Minister of Greece was George Rallis and Minister of Foreign Affairs was Constantine Mitsotakis. Thirty-two years have passed since that time, and apparently, all Greek Prime Ministers from then until now have followed this position!

Having ratified the Convention, Greece should take the initiative to proclaim an EEZ in the Aegean Sea adhering strictly to the provisions of the CLOS. 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.

Greece should immediately attempt to, simultaneously, delimit its EEZ with that of Cyprus and Egypt and it should ask the European Union to support that delimitation.