



TEIMUN 2021

NATO COUNCIL

TOPIC B: THE GREEK-TURKISH MARITIME DISPUTE

Introduction

The Greece-Turkey Eastern Mediterranean maritime dispute, competing over the narrative of national sovereignty is not something surprising. The two nations indeed have a long feud history since the military intervention in Cyprus back them in 1974 and the ongoing maritime dispute between the two can be seen as an extension of the longstanding tension (Dalay, 2021). With the discovery of over 3,5 trillion cubic meter natural gas deposits in the Eastern Mediterranean sea, it is no surprise that countries are fighting to have claim over this territory, particularly Greece and Turkey which are geographically close to the area. In regards to this, Cyprus, Greece and Israel have previously signed an agreement for the construction of Eastern Mediterranean pipeline aiming to carry offshore gas from the Eastern Mediterranean to South-eastern European countries. This agreement was later opposed by Turkey as not only Ankara was excluded from the agreement, it was also deemed unnecessary due to the existence of the trans-Anatolian pipeline (Koutantou, 2020). Regardless, the agreement is planned to reach its final investment in 2022 and have the pipeline completed by 2025 for the purpose of energy diversification in Europe (Koutantou, 2020).

The maritime dispute between the two countries focuses on several issues. The first one being the disagreement over the boundaries of territorial waters and the ownership of certain islands or isles in the Aegean Sea. The second one being the question of the two countries' exclusive economic zones (EEZs) in the eastern Mediterranean and the differing interpretations of the maritime law, noting the fact that Turkey has yet to sign the Convention on the Continental Shelf and its superseding United Nations Convention on the Law of the Sea, both of which Greece has signed up to; as such, Turkey does not acknowledge a legal continental shelf and the EEZ around the Greek islands.. And the last one being the unresolved nature of the Cyprus crisis. Additional concern will also circle the issue such as the impact the dispute might have on the ongoing EU-Turkey refugee management.

The dispute is now an interlocking geopolitical tension and energy dispute between Turkey and European countries. As such, the number of countries involved in the crisis has grown significantly over time. One thing to be noted is that this is not only a crisis of Europe's neighbourhood, but also a crisis within Europe itself, given the involvement of other EU member states, namely Greece, Cyprus, France, and Germany particularly to deter Turkey from further energy exploration. In regards to this, the EU is split on how to tackle the crisis, while some countries are in favour of a conciliator approach, some others have preferred a more assertive approach.

Germany has involved themselves by conducting mediation for both parties through trilateral meetings as the resumption of Ankara-Athens negotiations ground to a halt in 2016 (Cengiz, 2020). Though the mediations have yet to break the ice between the two countries, it has been quite successful in keeping the communication channels between them. Contrary to the conciliatory approach by Germany, France has previously joined military exercises with Italy, Greece, and Cyprus in the Eastern Mediterranean as well as sending ships and planes to the region to urge Turkey to halt its exploration in the disputed areas (Erlanger, 2020). France's assertiveness to this dispute is also caused by Turkey's support over the United Nations-backed government in Tripoli, Libya, in which Turkey has provided troops in return for a maritime energy deal that would extend Turkish drilling rights in the eastern Mediterranean (Erlanger, 2020).

Seeing that the dispute is closely related to both countries' national sovereignty, it is inherently difficult to have a compromise to reach a resolution. The two countries seem to have a hard time agreeing on a similar framework with Greece that favours the option of international arbitration and Turkey for bilateral negotiations (Dalay, 2021).

Since Turkey dispatched a vessel accompanied by warships to do exploratory research, Greece's armed forces have been placed on alert. Turkey's go it alone attitude over the illegal explorations has been considered illegal. Greece has previously warned Turkey that it will sink the ships that Turkey is planning to send for exploration purposes. The attitude shown by both countries has worried the European Union (EU) leaders about the ongoing cooperation between the union and Turkey in regards to refugee management. The European Union could no longer count on Turkey's cooperation in stemming the flow of migrants to Europe if it continues with plans to sanction Turkey over its operations in the eastern Mediterranean.

Historically speaking, Turkey has been working hand to hand with the European Union since the refugee crisis hit the union in early 2015. In 2016, the EU came up with a Turkey agreement that marked EU cooperation with Turkey as a country that has been receiving large numbers of asylums. European Commission had proposed a plan to accept one person who is registered as a Syrian refugee in Turkey into Europe for every Syrian sent back from Greece (Carrera et al., 2015). On the contrary, Turkey should take back any illegal refugee who entered Greece and Europe (Carrera et al., 2015). Additionally, the EU also gave financial aid to Turkey by donating over

€3 billion to help fund the management of over 2 million Syrian refugees (Kanter, 2015).

In early 2020, thousands of migrants gathered at the Turkey-Greece border after Turkish president announced that the EU border would be available for migrants wanting to head into European countries. Turkey claimed it could no longer implement the previous 2016 deal as the country already hosted approximately 3,6 million refugees and it could not deal with another wave of refugees after the escalation of Syrian conflict (BBC News, 2020). This action made by Turkey was not being well received by Greece, despite being one of the main routes to enter the EU. Greece on the other hand is implementing a protectionist measure by strengthening their borders and threatening to return refugees who try to cross their borders from Turkey. Additionally, Greece also announced it was sending police and army reinforcements to its land border and reinforcing controls along the sea border, where coast guards and navy vessels were patrolling.

In correlation to the Mediterranean dispute, in late 2020 NATO claimed that Turkey and Greece have started discussion to reduce the tension they created over the offshore energy resources in the eastern Mediterranean (Daily Sabah, 2021). However, the discussion has yet to reach an agreement from the military point of view. This unabated tension will also be bad for other European countries. Given that in previous years Europe was overwhelmed by the number of incoming refugees, it will be ascertained that if the relationship between Greece and Turkey does not immediately improve, the possibility of overcrowded asylum seekers and burden sharing will be as high as the previous period.

NATO as a regional defence alliance, feared the potential of security threats to the region as a result of this long standing dispute. NATO has taken several initiatives particularly to reduce tensions between Turkey and EU countries in general. One of the most prominent actions has been facilitating the deconfliction mechanism aimed to reduce the risk of incidents and accidents in the Eastern Mediterranean. As NATO works based on the principle of solidarity, NATO's intervention to the dispute would stabilize the power vacuum and eliminate the security competition between its two member countries. However, since NATO's purpose based on its founding Washington Treaty is to ensure the collective defence of its members, it has never been designed to adjudicate disputes between its members thus it should not be a surprise that NATO is struggling to de-escalate the dispute (Dempsey, 2020).

QARMA 1 – What position should NATO take on the issue of maritime delimitation?

History/Background of the Problem

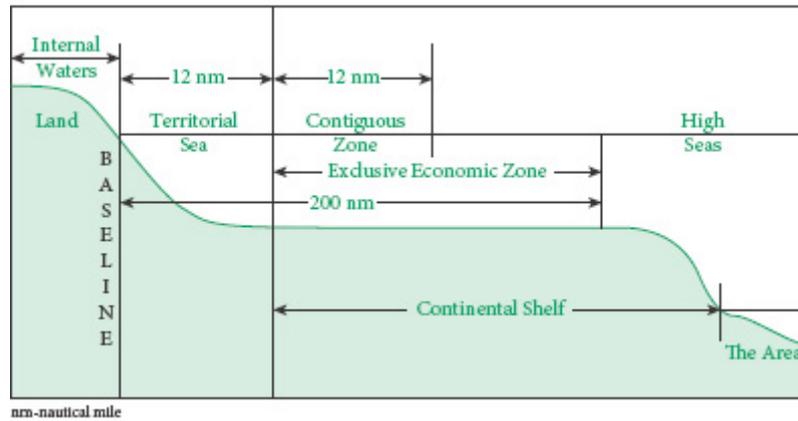
Introduction

Three issues arise in the Aegean dispute relating to maritime delimitation; these are the breadth of the territorial sea; the delimitation of the Exclusive Economic Zone (EEZ) and the use of the continental shelf. These disputes arise out of differing interpretations of international maritime law which have as a consequence the lack of recognition of rights of Greece by Turkey and vice versa. In order for NATO to take a position on these disputed zones an understanding of the international law governing the Seas and these disputes must be gained; therefore, firstly a brief overview of the Law of the Seas while focusing on the relevant parts of it shall be given; secondly, an overview of the different legal arguments and their political positions presented by both parties shall enable NATO to tackle the issues at hand whilst taking into account the differing interests at stake.

Law of the Seas

UNCLOS

The maritime regime governing claims of states on boundaries and rights with respect to the Seas is codified within the UN Convention on the Law of the Sea (UNCLOS). This treaty follows the foundations laid down by Hugo Grotius (the father of international law) within his treatise *Mare Liberum* (The Free Sea). The latter approached the issue of whether states may appropriate the seas for their own with opposition. Hence, the seas were divided and conceptualized within two broad categories: 1) the territorial sea – to which a state may lay claims over jurisdiction and consequently exercise it and control that part as integral to its territory and 2) the high seas – the area to which no state may lay claims or appropriate. The latter division underlies the existing law of the seas (including that of UNCLOS) governing any disputes relating to that regime. However, beyond the former broader categories UNCLOS delineates between different maritime zones to which states have either a right or may lay claim to such rights within the seas; these are for the purposes of the Aegean dispute: 1) the territorial waters, 2) the Exclusive Economic Zone (EEZ) and 3) the Continental Shelf. (Hernandez, 2019)



nm-nautical mile
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Territorial Waters

Limitations exist for all defined zones and the limits of the territorial waters/sea have been extended through history from claims of 3 nautical miles (based on the cannon-shot rule) to today's 12 nautical mile rule codified in art.3 UNCLOS.

The significance of this limitation is that within the territorial sea depending on the agreed upon limitation, where the 12 nm rule is disregarded, the coastal state is exclusively sovereign and may exercise full jurisdiction over these territories without needing to lay claim to them. Such exercise of jurisdiction and legal control enables as per art.21 of UNCLOS the coastal state of prescribing legislation on any vessels within these territorial waters with respect to a number of legal issues. However, it is important to note that the sovereignty of the coastal state on territorial waters is not absolute, meaning there are limitations on the exercise of prescription and enforcement of the state's legal capacity. The latter is reflected most notably in the legal principle of innocent passage wherein the coastal state may not impede the innocent passage of foreign vessels through its territorial waters (art.17 UNCLOS).

Exclusive Economic Zone (EEZ)

The EEZ recognized under customary international law and in Part V of UNCLOS enables the coastal state to lay claim to a certain set of right and duties from the baseline to an area beyond and adjacent to the territorial sea which may extend up to 200 nautical miles. Laying claim to an EEZ allows the coastal state to exercise sovereign rights "for the purposes of exploration, exploitation, conservation, and management of living and non-living natural

resources found within the zone whether suprajacent (above) the seabed, in the seabed itself, or in its subsoil". In contrast to territorial waters however, other states' rights in relation to the freedoms of the high seas such as passage and communications are preserved. Detailed rules with respect to the rights and freedoms of the coastal state in laying claim to an EEZ are laid down in Part V of UNCLOS. Notably, such rights of the coastal state include the right to utilize enforcement measures such as "boarding, inspection, arrest and judicial proceedings" to safeguard their rights.

Continental Shelf

A further maritime zone that is contested in our dispute is the continental shelf; this zone unlike the others does not start from the baseline but to "the ledges that project from the continental landmass into the seas". The significance of the continental shelves lay in what they contain: oil, gas and mineral resources and their suitability as habitats for exploitable species of fish. Owing to their exploitability continental shelves have been considered since the twentieth century as belonging to the coastal state without the latter needing to lay claim to them, unlike the EEZ, as confirmed in the ICJ's judgment in North Sea Continental Shelf.

Maritime Delimitation in the Context of the Aegean Dispute – Differing Interpretations and Different Interests

The Territorial Sea

As is clear from the above every coastal state has a right to claim 12 nautical miles from the baseline of its coasts as part of its territorial waters. Greece however has claimed since 1936 a 6 nautical mile territorial sea around the Aegean islands whilst insisting that it has a right to claim the 12 nautical mile breadth since the ratification of UNCLOS. Turkey being a non-state party to the latter Convention is not treaty bound by this 12 nautical mile rule; nevertheless, the rule is considered to be reflecting customary international law which would therefore bind Turkey even if it were a non-state party. However, the latter is not the case since Turkey has been a persistent objector to the formation of such a customary norm and therefore it is not legally bound to recognize the universality of the norm. Furthermore, claims by Greece of an entitlement to extend to 12 nautical miles have been considered by Turkey as a justification for war (casus belli). The reason for such aggressive political statements is that an extension by Greece to 12 nautical miles would disproportionately increase Greece's sovereign control over Aegean waters

and decrease Turkey's position significantly whilst also threatening navigation and overflight freedoms and resource exploitation by Turkey only allowing innocent passage for the latter. Other questions to consider is whether the unique geography of the Aegean Sea would be considered a special circumstance that would permit deviation from the 12 nautical mile rule taking into account art.15 UNCLOS which gives recognition to historic titles or special circumstances (also of relevance are articles 122, 123, 300 UNCLOS).

The EEZ and Continental Shelf

With respect to the EEZ Turkey views that all Aegean islands may not have a full zone of 200 nautical miles and should be reduced to 12 nautical miles. This is in line with Turkey's equity-based point of view that no island (in particular taking into account that many Aegean islands are considerably small) should have maritime border that extend beyond their own size significantly. Turkey's views stand again in opposition with UNCLOS (see art.121 UNCLOS)

For reflections on the Continental Shelf dispute, one must take into account the unique geographical configuration of Greek islands and the Turkish coastline where the former may be very close to the latter and where claims for the continental shelf were to be made by Greece for each island that would entail that Greece would have exclusive exploitative rights over most of the Aegean thereby disproportionately encroaching upon Turkish rights.

Recent Developments

Turkey Blue Homeland Claims

In 2019 Turkish President Erdogan appeared in a photograph with a map which depicts half of the Aegean Sea and the area enclosed as belonging to Turkey and disregarding any territorial waters of Greece. This area labelled as "Turkey's Blue Homeland" is an expansionist doctrine developed by a high-ranking Turkish military commander and endorsed by top ranking officials within the Turkish government. (Ekathimerini 2019). In line with the latter doctrine Turkey has lodged an official series of claims in the United Nations on the EEZ in the Eastern Mediterranean that conflict with Greek claims. These claims were rejected and condemned by the Greek government.

Turkey-GNA Maritime Agreement

Furthermore, Turkey signed a Memorandum of Understanding (MoU) with Tripoli-based Government of National Accord of Libya delimiting maritime zones in the

Eastern Mediterranean where the Greek island of Crete is practically deleted from the agreed upon map. (Foreign Policy, 2019) The latter agreement faced international condemnation from several governments as a violation of the Law of the Sea.

In response to the agreement the GNA Ambassador to Greece was summoned by the Greek government and given an ultimatum to disclose the contents of the latter agreement to Greek authorities or he would be declared persona non grata and expelled from the country (Khatimerini, 2019). Furthermore, the Greek Foreign Minister had received reassurance from his GNA counterpart that no illegal agreements would be signed with Turkey that would jeopardize Greek sovereignty. At the end of the year the Greek government expelled the GNA ambassador to Athens causing condemnation from both the Turkish and GNA side (The Guardian, 2019). Moreover, the Libyan Navy received a mandate in late 2019 to sink any Turkish vessels or drill ships that may attempt to conduct research south of Crete as part of the GNA agreement (Ta Nea, 2019).

Greece-Italy EEZ Agreement

As a possible countermeasure to the GNA Agreement Greece signed an Exclusive Economic Zone demarcation agreement with Italy in compliance with UNCLOS rules which had been disregarded by Turkey thereby strengthening the Greek political position in the dispute by setting a legal precedent in its own practice towards maritime disputes (Huffington Post, 2020).

Another development that occurred was a French and Austrian call for sanctions to be placed on Turkey such as the suspension of Turkey's Accession negotiations in July of 2020. Subsequent to the latter the EU Foreign Affairs Council agreed on a framework of sanctions to be used in case of further Turkish violations of Greek sovereign rights (Euractiv, 2020). In the same vein of utilizing EU powers Greek Prime Minister Dendias made a statement emphasizing Greece's readiness to activate the Mutual Defence Clause of art.42 of the Lisbon Treaty granting military assistance by the Union to the Member State in question (Protothema, 2020).

International Approaches that Have Been Undertaken

Most recent international approaches that have been undertaken with respect to the dispute have been underlying a support for Greek claims in tandem with a will to comply with International Law and condemnation of Turkish expansionist attitudes and measures that may have conflict with international law. These can be reflected in talks mediated by Germany in 2020 with the consultation of the USA between

Turkey and Greece which Turkey withdrew from to continue scientific exploration beyond maritime boundaries with Greek island Kastellorizo (Associated Press, 2020). Other responses were voiced by Members of the European Parliament such as Manfred Weber who called for EU sanctions against Turkey (Kathimerini, 2020). Furthermore, former US secretary of state Mike Pompeo criticised Turkey for disregarding NATO's security and cohesion by escalating tensions with Greece. (Reuters, 2020)

QARMA 2 - How can NATO address active conflict areas between Greece and Turkey in Cyprus?

History and Background

Premodern Background

In 1571 the mostly Greek-populated island of Cyprus was conquered by the Ottoman Empire, following the Ottoman–Venetian War (1570–1573) (Carrera 2015). After 300 years of Ottoman rule the island and its population was leased to Britain by the Cyprus Convention, an agreement reached during the Congress of Berlin in 1878 between the United Kingdom and the Ottoman Empire. Britain formally annexed Cyprus (together with Egypt and Sudan) on 5 November 1914 as a reaction to the Ottoman Empire's decision to join the First World War on the side of the Central Powers; subsequently the island became a British Crown colony, known as British Cyprus (Carrera 2015). Article 20 of the Treaty of Lausanne in 1923 marked the end of the Turkish claim to the island. Article 21 of the treaty gave Turkish nationals ordinarily resident in Cyprus the choice of leaving the island within 2 years or to remain as British subjects (Carrera 2015).

At this time the population of Cyprus was composed of both Greeks and Turks, who identified themselves with their respective homeland (Carrera 2015). However, the elites of both communities shared the belief that they were socially more progressive and therefore distinct from the mainlanders. Greek and Turkish Cypriots lived quietly side by side for many years (Carrera 2015).

Broadly, three main forces can be held responsible for transforming two ethnic communities into two national ones: education, British colonial practices, and insular religious teachings accompanying economic development (Carrera 2015). Formal education was perhaps the most important as it affected Cypriots during childhood and youth; education has been a main vehicle of transferring inter-communal hostility (Carrera 2015).

British colonial policies also promoted ethnic polarisation. The British, many believe, applied the principle of "divide and rule", setting the two groups against each other to prevent combined action against colonial rule. For example, when Greek Cypriots rebelled in the 1950s, the colonial office expanded the size of the Auxiliary Police and in September 1955, established the Special Mobile Reserve which was made up exclusively of Turkish Cypriots, to crush EOKA. This and similar practices contributed to inter-communal animosity (Carrera 2015).

1950s

In the early Fifties a Greek nationalist group was formed called the Ethniki Organosis Kyprion Agoniston (EOKA, or "National Organisation of Cypriot Fighters"). Their objective was to drive the British out of the island first, and then to integrate the island with Greece. EOKA wished to remove all obstacles from their path to independence, or union with Greece (Carrera 2015).

British rule lasted until 1960 when the island was declared an independent state under the London-Zurich agreements. The agreement created a foundation for the Republic of Cyprus by the Turkish Cypriot and Greek Cypriot communities, although the republic was seen as a necessary compromise between the two reluctant communities (Carrera 2015).

The 1960 Constitution of the Cyprus Republic proved unworkable however, lasting only three years. Greek Cypriots wanted to end the separate Turkish Cypriot municipal councils permitted by the British in 1958, made subject to review under the 1960 agreements (Carrera 2015). For many Greek Cypriots these municipalities were the first stage on the way to the partition they feared. The Greek Cypriots wanted enosis, integration with Greece, while Turkish Cypriots wanted Taksim, partition between Greece and Turkey (Carrera 2015).

Resentment also rose within the Greek Cypriot community because Turkish Cypriots had been given a larger share of governmental posts than the size of their population warranted. In accordance with the constitution 30% of civil service jobs were allocated to the Turkish community despite being only 18.3% of the population (Carrera 2015). Additionally, the position of vice president was reserved for the Turkish population, and both the president and vice president were given veto power over crucial issues (Carrera 2015).

1960s and 70s

In December 1963 the President of the Republic Makarios proposed thirteen constitutional amendments after the government was blocked by Turkish Cypriot legislators. Frustrated by these impasses and believing that the constitution prevented enosis, the Greek Cypriot leadership believed that the rights given to Turkish Cypriots under the 1960 constitution were too extensive and had designed the Akritas plan, which was aimed at reforming the constitution in favour of Greek Cypriots, persuading the international community about the correctness of the changes and violently subjugating Turkish Cypriots in a few days should they not accept the plan (Kiralp 2019). The amendments would have involved the Turkish community giving up many of their protections as a minority, including adjusting ethnic quotas in the government and revoking the presidential and vice presidential veto power. These amendments were rejected by the Turkish side and the Turkish representation left the government, although there is some dispute over whether they left in protest or whether they were forced out by the National Guard. The 1960 constitution fell apart and communal violence erupted on 21 December 1963 (Kiralp 2019).

In 1974 the Greek Military Junta plotted a military coup of the Cypriot government. Nikos Sampson was declared provisional president of the new government (Acikmese, 2012). Sampson was an ultra-nationalist, pro-Enosis combatant who was known to be fanatically anti-Turkish and had taken part in violence against Turkish civilians in earlier conflicts (Acikmese, 2012).

The Sampson regime took over radio stations and declared that Makarios had been killed; but Makarios, safe in London, was soon able to counteract these reports. In the coup itself, 91 people were killed. The Turkish-Cypriots were not affected by the coup against Makarios; one of the reasons was that Ioannides did not want to provoke a Turkish reaction (Acikmese, 2012).

Turkey invaded Cyprus on Saturday, 20 July 1974. The Turkish government said that it was invoking its right under the Treaty of Guarantee to protect the Turkish Cypriots and guarantee the independence of Cyprus (Acikmese, 2012). By the time the UN Security Council was able to obtain a ceasefire on 22 July the Turkish forces were in command of a narrow path between Kyrenia and Nicosia, 3% of the territory of Cyprus, which they succeeded in widening, violating the ceasefire demanded in Resolution 353 (Heraclides, 2010). On 23 July 1974 the Greek military junta collapsed mainly because of the events in Cyprus. Greek political leaders in exile started returning to the country. On 24 July 1974 Constantine Karamanlis returned

from Paris and was sworn in as Prime Minister. He kept Greece from entering the war, an act that was highly criticised as an act of treason (Heraclides, 2010).

A series of peace talks were held in Geneva, with the USA, UK, Turkey, Greece and representatives of the 2 Cypriote communities. These quickly fell apart, due to differing objectives and demands of evacuation of Turkish troops from the island (Acikmese, 2012). On 14 August Turkey launched its "Second Peace Operation", which eventually resulted in the Turkish occupation of 37% of Cyprus (Heraclides, 2010). Britain's then foreign secretary (later prime minister) James Callaghan later disclosed that U.S. Secretary of State Henry Kissinger "vetoed" at least one British military action to pre-empt the Turkish landing. Turkish occupation reached as far south as the Louroujina Salient (Acikmese, 2012).

In the process, many Greek Cypriots became refugees. The number of refugees is estimated to be between 140,000 and 160,000 (Moustakis, 2003). The ceasefire line from 1974 separates the two communities on the island, and is commonly referred to as the Green Line. The United Nations Security Council has challenged the legality of Turkey's action, because Article Four of the Treaty of Guarantee gives the right to guarantors to take action with the sole aim of re-establishing the state of affairs (Moustakis, 2003). The aftermath of Turkey's invasion, however, did not safeguard the Republic's sovereignty and territorial integrity, but had the opposite effect: the de facto partition of the Republic and the creation of a separate political entity in the north (Moustakis, 2003). On 13 February 1975, Turkey declared the occupied areas of the Republic of Cyprus to be a "Federated Turkish State", to the universal condemnation of the international community (see United Nations Security Council Resolution 367). The United Nations recognises the sovereignty of the Republic of Cyprus according to the terms of its independence in 1960 (Moustakis, 2003). The conflict continues to affect Turkey's relations with Cyprus, Greece, and the European Union.

Recent Developments

EU Ascension

In 1997 the basic parameters of the Cyprus Dispute changed. A decision by the European Union to open up accession negotiations with the Republic of Cyprus created a new catalyst for a settlement. In December 1999 tensions between Turkey and the European Union eased somewhat after the EU decided to declare Turkey a candidate for EU membership, a decision taken at the Helsinki European Council (Laulhé Shaelou, 2010). At the same time a new round of talks started in New York.

These were short lived. By the following summer they had broken down. Tensions started to rise again as a showdown between Turkey and the European Union loomed over the island's accession (Laulhé Shaelou, 2010).

Perhaps realising the gravity of the situation, and in a move that took observers by surprise, Rauf Denktaş, president of Turkish Northern Cyprus wrote to Glafcos Clerides, president of the republic of cyprus on 8 November 2001 to propose a face-to-face meeting (Laulhé Shaelou, 2010). The offer was accepted. Following several informal meetings between the two men in November and December 2001 a new peace process started under UN auspices on 14 January 2002 (Laulhé Shaelou, 2010). At the outset the stated aim of the two leaders was to try to reach an agreement by the start of June that year. However, the talks soon became deadlocked. In an attempt to break the impasse, Kofi Annan, the UN Secretary-General visited the island in May that year. Despite this no deal was reached. After a summer break Annan met with the two leaders again that autumn, first in Paris and then in New York (Laulhé Shaelou, 2010). As a result of the continued failure to reach an agreement, the Security Council agreed that the Secretary-General should present the two sides with a blueprint settlement. This would form the basis of further negotiations (Laulhé Shaelou, 2010). The original version of the UN peace plan was presented to the two sides by Annan on 11 November 2002.

The Annan Plan

Under the final proposals, the Republic of Cyprus would become the United Cyprus Republic. It would be a loose federation composed of two component states. The northern Turkish Cypriot constituent state would encompass about 28.5% of the island, the southern Greek Cypriot constituent state would be made up of the remaining 71.5% (Varnava 2011). Each part would have had its own parliament. There would also be a bicameral parliament on the federal level. In the Chamber of Deputies, the Turkish Cypriots would have 25% of the seats. Under the final proposals, the Republic of Cyprus would become the United Cyprus Republic (Varnava 2011). It would be a loose federation composed of two component states. The northern Turkish Cypriot constituent state would encompass about 28.5% of the island, the southern Greek Cypriot constituent state would be made up of the remaining 71.5%. Each part would have had its own parliament (Varnava 2011). There would also be a bicameral parliament on the federal level. In the Chamber of Deputies, the Turkish Cypriots would have 25% of the seats (Varnava 2011).

One of the most controversial elements of the plan concerned property. During Turkey's military intervention/invasion in 1974, many Greek Cypriots were forced to

abandon their homes (Varnava 2011). Since then, the question of restitution of their property has been a central demand of the Greek Cypriot side (Varnava 2011). However, the Turkish Cypriots argue that the complete return of all Greek Cypriot properties to their original owners would be incompatible with the functioning of a bi-zonal, bi-communal federal settlement. Apart from the property issue, there were many other parts of the plan that sparked controversy. For example, the agreement envisaged the gradual reduction in the number of Greek and Turkish troops on the island. After six years, the number of soldiers from each country would be limited to 6,000. This would fall to 600 after 19 years (Varnava 2011). Thereafter, the aim would be to try to achieve full demilitarisation, a process that many hoped would be made possible by Turkish accession to the European Union. The agreement also kept in place the Treaty of Guarantee – an integral part of the 1960 constitution that gave Britain, Greece and Turkey a right to intervene militarily in the island's affairs (Varnava 2011).

Under the terms of the plan, the Annan plan would only come into force if accepted by the two communities in simultaneous referendums (Varnava 2011). These were set for 24 April 2004. In the weeks that followed there was intense campaigning in both communities. However, and in spite of opposition from Rauf Denktaş, who had boycotted the talks in Switzerland, it soon became clear that the Turkish Cypriots would vote in favour of the agreement (Varnava 2011). Among Greek Cypriots opinion was heavily weighted against the plan.

The United Kingdom (a Guarantor Power) and the United States came out in favour of the plan. Turkey signalled its support for the plan. The Greek Government decided to remain neutral. However, Russia was troubled by an attempt by Britain and the US to introduce a resolution in the UN Security Council supporting the plan and used its veto to block the move (Varnava 2011). This was done because they believed that the resolution would provide external influence to the internal debate, which they did not view as fair. In 24 April referendum the Turkish Cypriots endorsed the plan by a margin of almost two to one (Varnava 2011). However, the Greek Cypriots resoundingly voted against the plan, by a margin of about three to one.

Post Referendum Cyprus

On 1 May 2004, a week after the referendum, Cyprus joined the European Union. Under the terms of accession the whole island is considered to be a member of the European Union (Laulhé Shaelou, 2010). However, the terms of the *Acquis Communautaire*, the EU's body of laws, have been suspended in Northern Cyprus (Laulhé Shaelou, 2010).

After the referendum, in June 2004, the Turkish Cypriot community, despite the objection of the Cypriot government, had its designation at the Organisation of Islamic Cooperation, of which it has been an observer since 1979, changed to the "Turkish Cypriot State" (Laulhé Shaelou, 2010).

Following the defeat of the UN plan in the referendum there has been no attempt to restart negotiations between the two sides. While both sides have reaffirmed their commitment to continuing efforts to reach an agreement, the UN Secretary-General has not been willing to restart the process until he can be sure that any new negotiations will lead to a comprehensive settlement based on the plan, he put forward in 2004. To this end, he has asked the Greek Cypriots to present a written list of the changes they would like to see made to the agreement. This was rejected by President Tassos Papadopoulos on the grounds that no side should be expected to present their demands in advance of negotiations. However, it appears as though the Greek Cypriots would be prepared to present their concerns orally. Another Greek Cypriot concern centres on the procedural process for new talks. Mr. Papadopoulos said that he will not accept arbitration or timetables for discussions. The UN fears that this would lead to another open-ended process that could drag on indefinitely.

In the 2008 presidential elections, Papadopoulos was defeated by AKEL candidate Dimitris Christofias, who pledged to restart talks on reunification immediately (Laulhé Shaelou, 2010). Speaking on the election result, Mehmet Ali Talat stated that "this forthcoming period will be a period during which the Cyprus problem can be solved within a reasonable space of time – despite all difficulties – provided that there is will" (Laulhé Shaelou, 2010). Christofias held his first meeting as president with the Turkish Cypriot leader on 21 March 2008 in the UN buffer zone in Nicosia (Laulhé Shaelou, 2010). At the meeting, the two leaders agreed to launch a new round of "substantive" talks on reunification, and to reopen Ledra Street, which has been cut in two since the intercommunal violence of the 1960s and has come to symbolise the island's division. On 3 April 2008, after barriers had been removed, the Ledra Street crossing was reopened in the presence of Greek and Turkish Cypriot officials (Laulhé Shaelou, 2010).

At a meeting on 1 July 2008, the two leaders agreed in principle on the concepts of a single citizenship and a single sovereignty, and decided to start direct reunification talks very soon; on the same date, former Australian foreign minister Alexander Downer was appointed as the new UN envoy for Cyprus (Bueno-Lacy 2019). Christofias and Talat agreed to meet again on 25 July 2008 for a final review of the preparatory work before the actual negotiations would start. Christofias was expected to propose a rotating presidency for the united Cypriot state. Talat stated

he expected they would set a date to start the talks in September, and reiterated that he would not agree to abolishing the guarantor roles of Turkey and Greece, with a reunification plan would be put to referendums in both communities after negotiations (Bueno-Lacy 2019).

Talks began to fall apart in 2012, with Ban Ki-moon stating that "there is not enough progress on core issues of reunification talks for calling an international conference". Special Advisor of the Secretary-General Alexander Downer further commented that "If the Greek Cypriot and Turkish Cypriot Leaders cannot agree with each other on a model for a united Cyprus, then the United Nations cannot make them" (Bueno-Lacy 2019). Eroglu stated that joint committees with the Greek Cypriot side had been set up to take confidence-building measures in September that year, but negotiations were suspended in early 2013 because of a change of government in the Greek Cypriot community of Cyprus (Bueno-Lacy 2019).

Renewed Talks

In February 2014, renewed negotiations to settle the Cyprus dispute began after several years of warm relations between the north and the south. These resulted in a shared commitment to new peace talks and a joint declaration of dissatisfaction with the situation (Bueno-Lacy 2019).

In June 2018, in an attempt to jump-start the talks, UN Secretary-General António Guterres appointed Jane Holl Lute as his new adviser for Cyprus. Her mission was to consult with the two Cypriot leaders, Nicos Anastasiades and Mustafa Akinci, and the three guarantor parties (Greece, Turkey, and the United Kingdom) to determine if sufficient conditions existed to resume UN-hosted negotiations and, if so, to prepare a comprehensive "terms of reference" (Bueno-Lacy 2019). Lute conducted her first round of consultations in September 2018, second round in October 2018, third round in January 2019, fourth round in 7 April 2019, and found that both sides were seemingly farther apart (Bueno-Lacy 2019).

In February 2020, Mustafa Akinci, the President of Northern Cyprus, said on an interview to The Guardian that if the reunification efforts in Cyprus failed then the north Cyprus would grow increasingly dependent on Turkey and could end up being swallowed up, as a de facto Turkish province (Harding 2020). Adding that the prospect of a Crimea-style annexation would be "horrible." Turkish officials condemned him. Turkey's vice-president Fuat Oktay said: "I condemn the remarks that target the Republic of Turkey which stands with TRNC in all conditions and protects its rights and interests (Harding 2020)." Communications Director Fahrettin

Altun said that Akıncı does not deserve to be President, adding that many Turkish Cypriots and Turkish soldiers lost their lives (for Cyprus) and that Turkey has no designs on the soil of any country. Justice Minister Abdulhamit Gül criticised Akıncı's remarks, which he said hurt the ancestors and martyrs. In addition, Turkish Cypriot Prime Minister Ersin Tatar criticised Akıncı (Harding 2020).

No Cyprus unity talks breakthroughs were seen in 2020. Nicos Rolandis (foreign minister of Cyprus in 1978-83 and commerce minister in 1998-2003) said a political settlement to the Cyprus dispute is almost impossible for now. Prime Minister Ersin Tatar, who supports a two-state solution, won the 2020 Northern Cypriot presidential election.

QARMA 3 - What should NATO's position be on the issue of demilitarization of Eastern Aegean islands, i.e., should these islands be considered demilitarized?

History/Background of the Problem

The demilitarization of certain Eastern Aegean islands (Samothrace, Lemnos, Lesvos, Chios, Samos, and Ikaria) had been agreed upon in three different agreements from 1914 till 1923 most significantly the Lausanne Peace Treaty accompanied by the Straits Convention. The agreed upon demilitarization was at the time considered from the Turkish perspective a *conditio sine qua non* to them ceding these islands to Greek sovereignty; the latter is also the basis for the Turkish argument that in case of remilitarization Greek sovereignty over said islands would be put into question.

The Montreux Convention

Furthermore, the dispute concerning demilitarization started with the Montreux Convention which had in its Preamble the purpose of replacing the Lausanne Peace Treaty; however, the latter is viewed as an interpretation that goes beyond the meaning of the text. This is due to the fact that the Montreux Convention had as its focus Turkish Straits and not any specific Aegean islands. Furthermore, the latter Convention does not specifically mention the islands of Lemnos and Samothrace (the two islands demilitarized in the Straits Convention). Hence, some scholars argue for a different interpretation of Montreux's preamble "resolve to replace (Straits Convention)" as to be interpreted more restrictively by only applying it to the Turkish Straits remilitarization and not replacing the entirety of Lausanne and the subsequent demilitarization of the islands.

Historical Developments

Notwithstanding the Montreux issue certain historical developments have caused the dispute to escalate; these started in the 1960s when Greece began to introduce fortifications on its supposedly demilitarized islands. This move was heavily and persistently objected by the Turkish side and viewed as a violation of art.13 of the 1923 Lausanne Treaty; to which Greece responded that the fortifications were not for military purposes but rather the improvement of law enforcement within the islands and that it still abides by its obligations under the Lausanne Treaty. Moreover, following the Turkish troop mobilization to Cyprus in 1972 Greek military activity within the islands increased. This increase was marked by the installation of military bases and an air base on Lemnos equipped with fighter jets, a brigade of 5000 soldiers and a missile system. The latter self-evidently is viewed by the Turkish side as a threat to their security.

Current Status

Taking into account the above mentioned Greek actions on the islands the Turkish viewed them as a violation of their treaty obligations; however, Greece has shifted away from claiming that it still abides by these obligations and now take the position that any demilitarization requirements from the Lausanne Treaty have been nullified, because of "the demonstrated Turkish will to use force and the power-projection capability the Turks now possessed in the region." Hence, Greece has based the abandonment of the Lausanne requirements as being in tandem with their right of self-defence granted by art.51 of the United Nations Charter which negates any other treaty obligations if claimed.

Demilitarization Status under International Law

The legal question that would need to be answered under international law is whether a permanent demilitarization zone is permitted under international law. The most relevant legal basis to answer this question would be as Greece had claimed art.51 of the United Nations Charter which grants an inherent right of self-defence to any Member State. Hence, an argument can be made that permanent demilitarization conflicts with the right of self-defence as it does not take into account the fact that a neighbouring state may take advantage of such demilitarization by increasing its military strength and leaving it open for that state to open hostilities where demilitarized zones would be defenceless in such a situation. Therefore, an increase of military strength within the region by the Turkish state may be considered as a "fundamental change in circumstances" that would nullify any and all treaty obligations with respect to demilitarization.

Greek Arguments for Remilitarization

a. Material breach as a cause for termination or withdrawal from Lausanne Treaty:

Greece claims that actions of Turkish air force, i.e. flying over islands' restricted air-zones violates art.13(2) of the Lausanne Treaty thereby signifying a material breach of the Treaty

b. Fundamental change of circumstance as a cause for termination or withdrawal from Lausanne Treaty:

Greece argues that a fundamental change of circumstance has occurred owing to the growing Turkish military strength and presence since the Lausanne Treaty.

c. Self-defence by virtue of art.51 UN Charter:

Due to Turkey's increasing military growth and presence in the region Greece claims an inherent right of self-defence from a possibly growing threat through remilitarizing the disputed islands.

Recent Developments

No recent developments have been occurring with respect to the issue of demilitarized islands besides strong objections by the Turkish government and legal claims of violations of international law and no concessions from the Greek side to these claims.

International Approaches that Have Been Undertaken

NATO has taken the initiative to reconcile Turkey and Greece over their spat in the Eastern Mediterranean, but tensions are still running high. In February 2021, NATO concluded its ninth technical meeting on Eastern Mediterranean disputes between Turkish and Greek military delegations in Brussels discussing establishing a deconfliction mechanism between the two countries amid disputes about maritime boundaries and related issues (Daily Sabah, 2021). The mechanism is designed to reduce the risk of incidents and accidents in the Eastern Mediterranean (NATO, 2020). It includes the creation of a hotline between Turkey and Greece to facilitate de-confliction at sea or in the air (NATO, 2020). It must be noted, as explained by NATO Secretary General Jens Stoltenberg, that the deconfliction mechanism is to act as a precautionary measure to any possible hostilities or escalations by any of the two sides but it is not a measure aimed at finding long-term diplomatic solutions

to the disputes in question. Hence, NATO takes a hands off approach with regard to dispute resolution in itself and merely acts as a mediator that has as its aim the prevention of hostilities in the region and between its own Members (AP, 2020).

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