

## POST-TRUTH AND ALTERNATIVE FACTS IN TURKEY'S POLICY CONCERNING GREEK-TURKISH RELATIONS

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### 1. Introduction

In the current paper I argue that Turkey's policy on Greek-Turkish issues, over time and during Erdoğan's rule, includes and reflects the concept and function of post-truth and alternative facts.<sup>1</sup> These supported positions are substantiated on the basis of International Law and on the basis of Philosophy.

Undoubtedly, International Law sets the framework, indicates and dictates the peaceful settlement of international disputes, including bilateral and multilateral issues. In this paper, through Philosophy, I attempt to further strengthen the relevant framework of International Law as well as International Law as a whole, aiming to the empowerment of its philosophical foundations, and to the promotion of the philosophical dimensions of Greek-Turkish Relations. Following the proper legal assessment, the suggestion of post-truth and alternative facts' features at the heart of the policy of Turkey's President Recep Tayyip Erdoğan and the long-standing Turkish policy on Greek-Turkish issues, highlights the committed violations of International Law.

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<sup>1</sup> For further analysis: Virginia Balafouta, "Post-truth and alternative facts in Erdoğan's policy and in the long-standing Turkish policy concerning Greek-Turkish issues. Legal, Political and Philosophical Dimensions of Greek-Turkish Relations.", («Μετα-αλήθεια και εναλλακτικά γεγονότα στην πολιτική Ερντογάν και στη διαχρονική Τουρκική πολιτική επί των Ελληνο-Τουρκικών ζητημάτων. Νομικές, Πολιτικές και Φιλοσοφικές διαστάσεις των Ελληνο-Τουρκικών Σχέσεων.») Policy Paper 3/2021, Cyprus Center for European and International Affairs, University of Nicosia, Nicosia, Cyprus, February 2021, p. 43.

[http://cceia.unic.ac.cy/wp-content/uploads/Policy-Paper\\_3-2021.pdf](http://cceia.unic.ac.cy/wp-content/uploads/Policy-Paper_3-2021.pdf)

## 2. Philosophical analysis of the concepts of post-truth and alternative facts

According to the Oxford Dictionaries,<sup>2</sup> the term “post-truth” is an adjective defined as “relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief”. It is worth noting that Oxford Dictionaries Word of the Year 2016 was post-truth. The concept of post-truth has been in existence for the past decade, but Oxford Dictionaries has seen a spike in frequency the year 2016, in the context of the European Union referendum in the United Kingdom, and the election campaign of the candidate and then President-elect Donald Trump in the 2016 Presidential Election in the United States of America.

The concept of post-truth is related to the concept of alternative facts. The term “alternative facts” is defined as “a statement intended to contradict another more verifiable, but less palatable statement”,<sup>3</sup> or as “falsehoods, untruths, delusions”.<sup>4</sup>

The term post-truth implies the transcendence, the set-aside, the degradation and finally the underestimation and contempt of the truth. Therefore, there is a deviation from the usual meaning and dimension given by the prefixes post- (temporal meaning) and meta- (second order).

If we look deeper into the concept of post-truth, we find out that it consists of the relativization and retreat of the differentiation between truth and falsehood, between right and wrong, between fact and opinion/belief. As constituent elements of post-truth we could indicate the following: i) the indifference and contempt for the truth, ii) the prevalence/dominance of emotions over rationality, truth and facts, and iii) the attempt to influence or force people to believe it and adopt it despite the lack or inadequacy of relevant evidence.

## 3. Post-truth and alternative facts in Turkey’s policy concerning Greek-Turkish Relations

The central axes, aspects, actions and arguments of Turkey's policy on Greek-Turkish issues -among others- are related to: i) International Law of the Sea, ii) International Air Law, iii) the Cyprus issue, iv) the Muslim minority in Greece, and v) the Greek minority in Turkey. This paper argues that these axes contain and reflect the concepts and constituents of post-truth and alternative facts.

First of all, it should be noted that Turkey, while invoking International Law, in general and in the context of Greek-Turkish Relations does not act on the basis of its provisions, does not implement it, and violates it. Turkey’s invocation of International Law attempts to distort its terms, concepts and rules.

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<sup>2</sup> <https://languages.oup.com/word-of-the-year/2016/>

<sup>3</sup> <https://www.collinsdictionary.com/dictionary/english/alternative-fact>

<sup>4</sup> <https://www.dictionary.com/e/slang/alternative-facts/>

This policy could be associated with the concepts of post-truth and alternative facts, as it aims to relativize the distinction between truth and falsehood, between right and wrong, and uses arguments which are untrue but more “palatable” for Turkish policy. This policy attempts to shape public opinion not on the basis of objective facts but on the basis of emotions and personal beliefs, reflecting the aforementioned definition of the concept of post-truth. It should be emphasized that International Law is solid, clear and rational, and invocations to it are legally verifiable.

Despite the invocation of International Law, Turkey does not sign and ratify international and regional conventions, many of which are the product of the broadest consensus of a large number of states, have been signed and ratified by many or even by almost all the states of the international community. For example, Turkey has not signed or ratified the United Nations Convention on the Law of the Sea (UNCLOS). It should be mentioned that Turkey applies selectively UNCLOS in the Black Sea, but not in the Aegean and the Eastern Mediterranean; such a conduct expresses bad faith (*mala fide*) and abuse.

At the same time, it is a general practice of Turkey not to recognize the jurisdiction of and not to participate in international courts. Indicatively, Turkey has not recognized the general mandatory jurisdiction of the International Court of Justice, nor has it signed and ratified the Rome Statute of the International Criminal Court.

I will henceforth present axes of policy, attitudes and actions of Turkey, concerning Greek-Turkish Relations, that reflect the concept of post-truth and alternative facts.

Initially, in the field of International Law of the Sea, Turkey’s “casus belli” in case Greece extends its territorial sea to 12 nautical miles constitutes a clear violation of International Law. From a legal point of view, there is a threat of use of force by Turkey against Greece, a behavior that violates article 2§4 of the Charter of the United Nations, article that constitutes a norm of peremptory law (*jus cogens*). Greece has the right to establish the breadth of its territorial sea up to 12 nautical miles measured from baselines, according to article 3 of the Convention, which also crystallizes a customary rule.

From a philosophical point of view, the aforementioned Turkish policy could be included in the conceptual field of post-truth and alternative facts. Turkey disputes the legal truth of the provisions of the UNCLOS and its validity, and in particular the fact that its international customary law provisions are binding on Turkey as well. In addition, it identifies the existing -widely accepted and highly binding- legislative framework with the opinions, beliefs and “emotional approaches” of Turkish politicians and military officials. Turkey also bypasses the fact that almost all the states of the international community have extended their territorial sea to 12 nautical miles, as long as this action is allowed by Geography.

An alternative narrative of Turkish foreign policy, which is related with Ankara's stance on the issue of Greek territorial sea, are the Turkish disputes over the breadth of Greek national airspace. According to the Convention on International Civil Aviation, the breadth of national airspace over the sea shall not exceed 12 nautical miles. Greece, as a sovereign state, has defined its national airspace and exercises its sovereignty in the air within 10 nautical miles of its coasts. In this case, Greece applies the principle "The beneficiary of the major is also entitled to the minor".

Furthermore, Turkey's dispute about the sovereignty of Greek islands and islets violates the fundamental principles of national sovereignty, territorial integrity, national independence, and the principle of "uti possidetis juris". Greece exercises lawful, continuous and undisturbed, sovereignty over its islands and islets, in accordance with International Treaties.

The Lausanne Treaty defines that Imbros, Tenedos, and Rabbit Islands belong to Turkey, and -unless otherwise provided in the Treaty- the islands situated at less than 3 miles from the Asiatic coast remain under Turkey's sovereignty. In addition, it provides that Turkey renounces in favour of Italy all rights and titles over the Dodecanese islands and their dependent islets. The Paris Peace Treaty of 1947 defines that Italy hereby cedes to Greece in full sovereignty the Dodecanese islands as well as the adjacent islets.

It becomes clear that Turkey's policy of "grey zones" is an extreme case of post-truth, as it seeks to transcend and despise an indisputable and legally substantiated truth. It is a policy that also gathers elements of propaganda, as it uses "gross" lies and is characterized by an extreme degree of exaggeration and unreliability, seeking massive national manipulation.

Another issue that is philosophically related to post-truth and alternative facts is Turkish dispute concerning the rights of the Aegean islands to have continental shelf and Exclusive Economic Zone (EEZ).

According to article 121§2 of the UNCLOS, the territorial sea, the contiguous zone, the EEZ and the continental shelf of an island are determined in accordance with the provisions of the Convention applicable to other land territory. Consequently, it is well-defined that islands have full rights in maritime zones. Article 121§3 defines that rocks which cannot sustain human habitation or economic life of their own shall have no EEZ or continental shelf. However, they may have territorial sea.

Therefore, it could be argued that, from a legal point of view, Turkey's relevant disputes express bad faith, and from a philosophical point of view reflect the elements of post-truth.

In addition, Turkey demands the demilitarization of the islands in the Eastern Aegean. According to the relevant Treaties, i) for some islands mentioned by Turkey demilitarization status is not provided, ii) for some other islands specific restrictions are provided -but not demilitarization status-, and iii) for other islands

there is an obsolete provision of the Paris Peace Treaty, which Ankara is not entitled to invoke, as it constitutes a *res inter alios acta* for Turkey.<sup>5</sup> In any case, Turkish claims concerning the demilitarization of Greek islands violate the principle of national sovereignty.

Philosophically, the characteristics of post-truth and alternative facts are met, as the reality of national sovereignty is bypassed, and the distinction between right and wrong is relativized.

It should be emphasized that the only dispute between Greece and Turkey in the field of the International Law of the Sea is the delimitation of the continental shelf and the EEZ of the two states in the Aegean and in the Eastern Mediterranean.

Regarding the issue of the continental shelf, it is pointed out that, in the years 1973-75, Turkey applied infringing behavior, by granting research permits and conducting research in non-delimited areas, which according to the principle of the median line belong to Greece. At the same time, Turkey pursued a delaying and contradictory policy concerning the process of resolving the issue.

It could be argued that Turkish foreign policy on this issue reflects post-truth and alternative facts, as it sets aside the objective facts and the legal framework, and proceeds to tangible unilateral acts, attempting to serve more “beneficial” for Turkey though legally unfounded aspirations.

Regarding Erdoğan's contemporary policy, it should be mentioned that, from July 2020 onwards, Turkey issued a series of illegal Navtexes (navigational telex), announcing research operations in areas within Greek continental shelf and calling for the demilitarization of Greek islands. For certain periods of time, Turkey sent the research vessel Oruc Reis to conduct research in areas within Greek continental shelf in the Aegean and the Eastern Mediterranean, accompanied in some cases by warships.

These are serious and repeated violations of Greek sovereign rights. Greece responded in a legal and diplomatic manner, internationalizing the issue, and obviously not allowing the creation of a *fait accompli*.

From the point of view of Philosophy, we find elements of post-truth and alternative facts in Erdoğan's aforementioned policy, as he attempts to set aside international legitimacy, international practice, rationality and objective facts, by using more “palatable” arguments, that exclusively derive from the Turkish rhetoric.

A typical case of post-truth and alternative facts is the Turkish-Libyan Memorandum of Understanding (MoU), signed by Turkey with the Government of National Accord of Fayed al-Sarraj of Libya, in November 2019, for the

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<sup>5</sup> For further study: Virginia Balafouta, *Greek-Turkish Relations. International Law and Diplomacy. (Ελληνο-Τουρκικές Σχέσεις. Διεθνές Δίκαιο και Διπλωματία.)*, National and Kapodistrian University of Athens, Athens, 2020.

delimitation of the continental shelf and the EEZ of the two states. This MoU: i) is manifestly unlawful, and unsubstantiated in the light of Law, Logic and Geography; ii) is related to circumstances in which personal gain outweighs objective facts; iii) is connected with falsehoods and delusions, iv) attempts to force the actors of the international community (states, international and regional organizations, individuals, etc.) to adopt it despite its lack of any legal, rational and geographical basis.

Furthermore, from 2014 onwards, Turkey has committed a series of violations against the EEZ and the continental shelf of Cyprus, by sending Turkish vessels to carry out illegal research and illegal drilling activities in maritime zones of the Republic of Cyprus. In addition, it has violated the territorial sea of Cyprus. These are obvious and systematic violations of sovereign rights and of the sovereignty of the Republic of Cyprus. The Republic of Cyprus implements the UNCLOS in an exemplary manner, therefore there is no basis for any dispute.

The distorted invocation of the undisputed right of the Turkish Cypriots to the natural resources of their state proves the bad faith of Erdoğan's policy. Turkey distorts a correct and fully accepted by the Republic of Cyprus argument, bypassing the fact that Turkey itself, through the international crimes it has committed, has imposed and maintained the isolation of the Turkish Cypriots. In this case, the violation of the legal principles of good faith (*bona fide*) and estoppel is philosophically connected with post-truth and alternative facts.

An extreme case of post-truth and alternative facts is the Turkish theory called "Blue Homeland" ("Mavi Vatan"), which violates the International Law of the Sea and defies Geography. It opposes basic purposes of International Law, namely the maintenance of international peace and security, the peaceful settlement of disputes, and the harmonious relations between states. This theory bypasses and despises truth, objective facts and verifiable positions, and attempts to influence the Turkish public opinion through the manipulation of personal beliefs and emotions.

Regarding the Cyprus issue, it should be underlined that Turkey has committed a number of international crimes in Cyprus. In particular: i) the international crime of aggression, ii) the international crime of military occupation of the northern part of the Island, iii) the international crime of deportation or forcible transfer of population, ethnic cleansing, iv) the international crime of enforced disappearance of persons,<sup>6</sup> v) the international crime of settlement, vi) the international crime of homicide, vii) the international crime of torture, viii) the international crime of rape, and ix) the international crime of the destruction of religious and cultural monuments.

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<sup>6</sup> For further study: Virginia Balafouta, *The right to the truth. Aspects, embodiments and implementations in International Law. (Το δικαίωμα στην αλήθεια. Εκφάνσεις και εφαρμογές στο Διεθνές Δίκαιο.)*, I. Sideris Publications, Athens, February 2018, p. 320.

The unilateral declaration of the so called "Turkish Republic of Northern Cyprus" ("TRNC") in the occupied part of Cyprus and its invocation by the Turkish side as "a new reality on the ground" is an extreme case of post-truth and alternative facts. It is an illegal, internationally unrecognized entity, which is condemned by the entire international community. Moreover, Turkey's non-recognition of the Republic of Cyprus is another extreme case of post-truth and alternative facts. In the two situations mentioned above we find: i) emphatic and provocative contempt for truth, logic, and objective facts, and ii) an attempt to influence or force the actors of the international community to adopt them despite their lack of any legal, logical and factual basis.

The deliberate distortion of the ideals of democracy and equality by Turkey, regarding the settlement of the Cyprus issue, is linked with post-truth and alternative facts, as their universal real meaning is set aside, for the sake of personal beliefs. It is worth emphasizing that the bad faith and delaying invocation of universal ideals by a state and any tolerance or acceptance of it by the international community, could undermine these ideals, and could create profound negative precedents.

It should be stressed that the violation by the Turkish side, from October 2020, of the status of the enclosed city of Varosha, and related mocking statements, express contempt and irony for the Republic of Cyprus, for Hellenism in general, for International Law and for the truth, reflecting the concepts of post-truth and alternative facts.

Regarding the issue of the Muslim minority in Thrace, it should be mentioned that Turkey characterizes it as a national minority and refers to it as a "Turkish" minority, in violation of International Law. Lausanne Treaty sets a Muslim (religious) minority in Greece and a Greek (ethnic) minority in Turkey. It could be argued that, from the point of view of Philosophy, this policy of Turkey is closely linked to post-truth and alternative facts, given their above-mentioned elements.

Concerning the Greek minority in Turkey, in parallel with systematic violations of human rights and crimes of national and International Criminal Law committed by Turkey against it, the following crucial issues have to be resolved. i) The issue of recognition of legal personality in the Greek minority and its organizations, ii) the issue of recognition of legal personality in the Ecumenical Patriarchate, iii) the minority's right to property and the right to manage its property, iv) the religious freedom of the minority and consequently its right to elect religious leaders, to provide religious education (Halki Seminary), to elect the clergy, to regulate issues of internal structure, names, etc., v) the right to education, vi) the freedom of use of the Greek language, and generally vii) the protection and freedom of development and promotion of the particular identity of the minority.

Through the non-recognition of a legal personality in the Greek minority, Turkey intends to draw the attention of the international community to an issue that it presents as legal, but which is actually distorted by the denial of all the

aforementioned -fully established- rights of the Greek minority. In this policy we find elements of post-truth and alternative facts.

#### **4. Conclusions**

Regarding the Greek-Turkish Relations, in parallel with their legal and political dimensions that have been analyzed, this paper also highlights the existence of their philosophical dimensions. Obviously, the focus is on the legal approach of Greek-Turkish Relations. Greece and Republic of Cyprus should adopt legal methods for resolving issues of Greek-Turkish Relations. Greece and Cyprus have been applying International Law in an exemplary manner over time, and their arguments against disputes and claims of Turkey are fully substantiated and enshrined in the framework of International Law.

At the same time, from the point of view of Philosophy, with the emergence of post-truth and alternative facts that reflect arguments, positions, and attitudes of Turkey, additional arguments for Greek foreign policy arise. They have highlighted further the Turkish violations of International Law and the irrationality of certain axes of Turkish foreign policy. In addition, the fact that a state uses post-truth and alternative facts in its foreign policy points out bad faith, abuse, and the absence of any legal and logical basis. After all, truth, which is directly linked to democracy, well-being and knowledge, is the basis for communication between two or more subjects of International Law, and a condition sine qua non for the resolution of their disputes.