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**1993-2020** TWENTY SEVEN YEARS OF POLICY FORMULATION AND ANALYSIS

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## THE IMPORTANCE OF THE GREEK EXCLUSIVE ECONOMIC ZONE (EEZ)



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By the end of 2018, 138 countries have declared a 200-mile EEZ. The countries benefiting the most from the EEZ concept are — in order of the size of their EEZ — the United States, France, Australia, Russia and Indonesia. 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.

One of the most important events in the 50-year history of the Republic of Cyprus took place April of 2004 when the President of Cyprus, Tassos Papadopoulos, proclaimed an Exclusive Economic Zone with Law 64/2004. The government of Greece immediately welcomed this Cypriot initiative without giving an explanation why Greece did not do the same thing. Furthermore, on the same day, the headlines of the Greek press heralded this important event without explaining to their readers what an EEZ is, since no one had explained to the Greek people this concept. The only thing the Greeks knew was that the Greek-Turkish dispute is related to that of the continental shelf and nothing else.

Fifteen year have passed from the day that Cyprus had declared its EEZ and all the Greek governments have refused to declare and then delimit the Greek EEZ with that of Cyprus. It is time for this mistake to be corrected.

Having ratified the United Nations Convention on the Law of the Sea (UNCLOS), Greece should take the initiative to proclaim an EEZ adhering strictly to the provisions of UNCLOS. 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. What Turkey fails to understand is that a country cannot make a convincing argument by selectively choosing the parts of the Convention it likes.

As Ambassador Byron Theodoropoulos, in a brilliant article, has stated:

*"Against this background of relatively low stakes at a relatively high cost one wonders if the Turkish foreign policy has got its priorities right. What started as diversionary tactics in the context of the Cyprus problem has now become an end in itself and has created in Ankara the impression, not to say the fixation, that the Aegean is a promising bounty worth all the cost involved. This is regrettable from the Greek point of view. It is even more regrettable that the western community seems to choose an attitude of "equidistance" which in last analysis only encourages Turkey to push the half-way mark progressively more and more toward the Greek side. Is this attitude of the West due to short-sighted anticipation of commercial or investment advantages for the West in Turkey? Is it the perception of Turkey as a staunch ally of the West? Is it the lack of a clear-headed assessment of the situation? Or a lack of a strong political will? Or a little of everything?"<sup>1</sup>*

But, suddenly, it appears that the government of Turkey is interested in discussing the jurisdiction of the International Court of Justice. For the first time the foreign minister of Turkey Mevlut Tsavusoglu, in an interview to the Greek newspaper To Vima declared:

*"The choice to hear the differences between Turkey and Greece at the International Court of Justice in The Hague was not openly discussed at our President's meeting with Prime Minister Mitsotakis in London, as it is an issue at a later stage. We do not automatically recognize the mandatory jurisdiction of the Court of Justice and Greece has reserved the jurisdiction of the Court for maritime delimitation. However, we remain open to all options that are acceptable to both sides, but we must have a dialogue process to reach a mutually acceptable outcome."<sup>2</sup>*

Therefore, if the "Aegean Dispute" finally reaches the ICJ, a request should be made by Greece that the Court's judgment should be directed to the delimitation of both the continental shelf and the EEZ. Greece should not allow Turkey to bring to the discussion table any other issues.

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<sup>1</sup> Byron Theodoropoulos. "The So-Called Aegean Dispute: What are the Stakes? What is the Cost?" in Greece and the Law of The Sea, ed. Theodore C. Kariotis (*The Hague*: Martinus Nijhoff Publishers, 1997), 325-331.

<sup>2</sup> Sunday VIMA, December 22, 2019.

## TAYYIP ERDOĞAN'S NEO-OTTOMANISM IN RELATION TO GREECE, CYPRUS AND EUROPE



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In order to understand the Cyprus problem and the Greco-Turkish relations, it is necessary to analyze the institutions and structures of the Ottoman-Turkish society and state, as well as the position of Hellenism within them. In fact, from the 15th up to the early 20<sup>th</sup> century the relationship between Greeks and Turks remains essentially unchanged. Its political modality is antagonistic in nature superimposed by the Turks.

Studying the masterpiece of Neocles Sarris, *"Ottoman Reality"*, it turns out that the old stereotypes and socio-political structures of Ottoman power that were maintained for four centuries, are similar, if not the same, to those that constitute Tayyip Erdoğan's "New Ottomanism".

These political and social structures had as a fundamental characteristic the fear of the ruled towards the ruler. The man in the Ottoman state had to submit to power. Fear, suspicion, concealment, denunciation were systematically cultivated, as well as torture for the extraction of information and confessions. *Submission through terror was the supreme rule of the Ottoman system, whose survival depended on the ability of the Sultan to punish or reward his subjects so that they could live in fear and hope.*

These elements shaped people with authoritarian personality, who ruled the Ottoman administration, since the authoritarian person is obedient to his superiors and tyrannical to the ruled. Even the famous tolerance for the particular characteristics of each ethnic group, through the milliet system, had a profoundly divisive basis, since religious communities were not treated equally by political power. *Essentially, the central institutional political structure maintained a series of divisions to perpetuate its power, indifferent to establish an ideal around which the conquered peoples would unite.* It "ghettoized" all its peoples, so that when in the mid-19th century it attempted to create an Ottoman political identity with Islam, this attempt failed, as Islam did not inspire as a hegemonic narrative and did not offer anything more than fear, state violence and terrorism. Kemal Atatürk realized this failure and he

upgraded the Army to the guarantor of social and political stability and justice, a constant that Turkish nationals began to accept. This constant has been abolished by T. Erdoğan, who is trying to establish a Neo-Ottoman institutional political structure, through Islam and aggressive tactics both at home and abroad, by the principle of submission through terror of everyone towards him, whether individuals or peoples, while retaining the right to punish or reward his own nationals only for himself (within and outside Turkey). [See the recent facts in Libya].

It is noteworthy to bring to the fore an event on "*Turkey's Neo-Ottoman policies in Cyprus, Europe and elsewhere*" held in the European Parliament. Guest speaker Şener Elcil, Secretary-General of the Turkish Cypriot Teachers' Guild, gave examples of Turkey's neo-Ottoman policy in the occupied areas such as: the change of Greek toponymy in the occupied north, the continuous construction of mosques and conversion of churches to mosques, the continued transfer of settlers from Turkey and their registration in the «TRNC», sending 400 imams to accelerate the islamization process, etc. He condemned the policy of demoralizing the demographic character of Cyprus by Turkey, pointing out that the oppression of the Turkish Cypriot community by Turkish occupation is the best example of modern Neo-Ottomanism. He emphasized that colonization in Cyprus is a crime against humanity.

In the present case, the question is whether northern Cyprus is under martial law and therefore the law of martial law applies, including the prohibition of colonization under Article 49 (6) of the Fourth Geneva Convention or not.<sup>1</sup> The theory unequivocally recognizes that northern Cyprus is under Turkish military occupation and indeed this law can be applied, regardless of whether the 1974 invasion was legal or not; its application does not depend on whether the use of force was legal or not. In any event, even if there was reason to justify the Turkish invasion in July 1974, it was eliminated by the reestablishment of constitutional order in Cyprus.

The European Court of Human Rights has recognized the existence of military occupation in northern Cyprus, highlighting the effective control of Turkey there.<sup>2</sup> Consequently, the law of war occupation is applied in northern Cyprus, so that the colonization which took place and is carried out therein, constitutes a gross violation of Article 49 (6) of the Fourth Geneva Convention.<sup>3</sup>

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<sup>1</sup> International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, Article 6.

<sup>2</sup> EUROPEAN COURT OF HUMAN RIGHTS, Case of *LOIZIDOU v. TURKEY*, (Merits), (40/1993/435/514), Application nr. 6950/75.

<sup>3</sup> International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907;

Turkey's ultimate goal is, through the demographic alteration of the northern part of Cyprus, to create a "people" who, as such, will claim its right to self-determination. Turkey's responsibility for illegal settlement is also founded on the principle of *nemo dat quod non habet*, in which the occupying power cannot establish puppet states in it.

Consequently, the imperative for the European acquis to be applied throughout the territory of the Republic of Cyprus is politically quite urgent. After the withdrawal of the Protocol, any outstanding issues between the Communities could be resolved within the unified Republic of Cyprus by the institutions based on European law, the Constitution and the European Convention on Human Rights.

In sum, only in this way will Erdoğan realize that the principles and values of the European culture have not changed since the siege of Vienna until today, while at the same time, the European embrace of the Cyprus problem would be potentially achieved. The European Union will be called upon to take an active position in the event of the illegal occupation of the territory of a European state, any threat of annexing the northern part of Cyprus to Turkey will cease and the Turkish Cypriot community's demand for a future within the European Union will eventually materialize.

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International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287.

**DIALOGUE WITH YOUNG PEOPLE ABOUT A ROBUST EUROPE:  
MOVING FROM LISTENING TO THE VOICES OF YOUNG PEOPLE TO  
ACTIVE CITIZENSHIP AND DIRECT ACTION**



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Over the last year, the presence of 16-year-old Greta Thunberg, who has shaken the stagnant waters of our widespread dislike for public and socio-political affairs, has been a major concern for the media. What has the 'Greta effect' taught us? Whether we belong to the supporters or opponents of her approach, we are all recognising the fact that Greta's push for active youth involvement in direct action around the world has elevated the 'voice of young people' for social action to another level. Greta is not here to become today the leader of the future, nor is she claiming to be herself the solution to the problem. On the contrary, she is an indication of the power underlying the self-motivated youth-driven effort to give the youth voice as a step to put key issues high on the agenda of political leadership, who in turn are called upon to seek out and provide solutions. However, if we envisage the development of an agenda by youth themselves, then we should clearly invest in education for active citizenship in order to cultivate the skills necessary to practice participatory democracy.

In this context, it is no coincidence that in 2018, the European Union placed particular emphasis on boosting dialogue with children and young people. It is worth noting that in November 2018, the European Parliament chose World Children's Day to launch a fruitful dialogue with children and young people on the 'Europe we want'. Just recently, the European Union Agency for Fundamental Rights (FRA) has launched research into promoting the participation of children and young people in decision-making, to ensure that young people's voices are actively heard. According to the United Nations Convention on the Rights of the Child, every child and young person has the right to be heard. However, many policies and practices in various member states of the European Union seem to deliberately ignore the views of children and young people, thus deciding on their future in their absence. For the aforementioned reasons, in April 2018, Eurochild launched the 'Child Participation Strategy' which aims to bring youth to the heart of Europe, give voice to children and young people, create a community for the protection of



children's rights, and give young people the right to co-decide with adults about the future of Europe (i.e. economic, social, ecological, etc.).

But what is Europe's desirable future for young people? On the one hand, the threat of Brexit, the prolonged and continuing economic turmoil of the South, the widespread refugee crisis and fundamentalist terrorism appear to threaten the European edifice. On the other hand, however, the current situation creates the momentum for the transition to a new model of European governance that will not only build on, but also guarantee, sustainable development. It is no coincidence that, just last year, the first report of the European Union on sustainable equality (2019-2024), launched by former Greek Minister Mrs Katseli, focuses extensively on the finite and unsustainable nature of development, with particular reference to the issues daunting Europe today, such as the financial crisis, unemployment, and ecological disaster, while the same report calls for a new paradigm of governance. It is precisely this new paradigm of governance that can be achieved through 'action for action', consultation of policy makers with young people for decision-making, and youth active citizenship.

On this basis, as part of efforts to strengthen dialogue with young people, the Council of Europe conducted in 2016 a survey of young people's views on the challenges of safeguarding their rights. Initially, young people seem to place particular emphasis on issues of poverty and austerity. They often trace the causes of poverty and socio-economic exclusion of young people as well as of adults, to the lack of opportunities, and their negative social image. With regards to their limited opportunities for integration into the labour market, they focus both on the limited opportunities for quality education and professional development, and the discrimination and stereotypes (based on gender, ethnic origin, sexual orientation and any form of disability) that they continue to prevail in modern European societies. In addition, young people appear to be deeply concerned that they are likely to be trapped themselves as adults in the vicious cycle of poverty due to high unemployment rates and large numbers of low income jobs. Therefore, they believe that both Europe and the individual states in which they live should take these issues as a priority. Lastly, it is noteworthy that young people express a desire to participate in public spending and investment decisions.

What are the suggested ideas for solutions to the challenges faced by Europe that are put at the table by young people themselves? First and foremost, young people recommend the development of European and national labour market repositories. Consequently, vocational guidance for children and young people in schools should be structured on the basis of these repositories of information in order to be directly linked to market needs. In addition, young people are advocating the development and implementation of education policies and practices that promote work-based training with a view to enhancing employment opportunities for young people. Therefore,



the need for continuous professional development, which must be in line with the principles of lifelong learning and education, as well as skills-based training, is emphasised. Finally, young people emphasise the need for developing anti-stereotyping and social-justice policies that threaten social cohesion and improve education systems across Europe.

## A CRISIS OF INSTITUTIONS AND THE NEED FOR CHECKS AND BALANCES



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Cyprus is a comparatively young democracy with almost 60 years of independent life. In this period both political and state institutions have struggled to find their place and a balance between them due to the political unrest before 1974 that culminated in the Greek-junta-led coup and the Turkish invasion that followed. Since then, the Republic of Cyprus (RoC), although operating without the Turkish Cypriots, it has developed a rather resilient cluster of state and political institutions that seemed to work relatively efficiently.

However, the economic crisis and the changes affected after the 2013 bail-in revealed a number of shortcomings in their operation and the relations between them. These limitations and inefficiencies touch upon several aspects of their functioning; for example, issues of institutional culture, practices of clientelism that run through them, insufficient structures to cope with change and new challenges, relations between them, etc. All these have created several nests of tension between them. Moreover, the overall context within which politics take place in Cyprus in recent years has made it extremely difficult for institutional politics to continue performing as they did, i.e., unquestioned by the people and the media.

People are very suspicious of politicians and political institutions in particular. Levels of trust in political parties, the government, the president and the parliament to name but a few are constantly very low. Other independent institutions such as the Attorney General, the Governor of the Central Bank and the General Auditor were until recently untouched by the criticism that swept the entire political system. These institutions were seen as bedrocks against inefficient, unreliable and often corrupt politicians and government officials, something like an oasis in a desert of inefficiencies, bad practices and corruption.

However, this is now changing too. All the above-mentioned independent institutions are now caught in the wider crisis of legitimation. Independent institutions and more precisely the persons holding the offices are now

portrayed by part of the media and the political elite as part of a wider political game with their own personal agendas, much like the politicians. To be fair, this perception is not unrelated to the fact that some of these independent officials clashed with other entrenched interests and institutions (e.g., part of the media, the civil service, the President of the Republic himself, etc.). This has made them a target for their practices from some in the media, politicians and government officials. All the latter argue that independent officials have an agenda of their own since the control they exercise is allegedly selective.

Despite the fact that the motives behind the attacks against independent institutions might not be entirely noble in nature they do point to an existing problem: most of these institutions operate in an environment almost free of any type of control. This state of affairs is largely due to the fact that independent institutions derive their authority directly from the constitution which does not provide for effective mechanisms of accountability and control. Once they are appointed there are no effective checks and balances to their authority.

However, there are public voices now calling for some degree of control and accountability for independent institutions. These voices became louder in recent months as Cypriot society witnessed a number of conflicts between the various institutions and on various grounds revealing the lack of checks and balances between them. This has created a sense of a generalized institutional crisis. For some analysts this institutional crisis is the outcome of the personal characteristics of the people holding the offices who vie for personal attention and a political career. However, a deeper look reveals structural inefficiencies, institutional shortcomings and a lack of a proper institutional culture of self and also mutual control. Whatever the reasons though, polls in recent years repeatedly indicate that society has lost faith in the workings of our entire institutional setting which seems unable to respond the multifaceted challenges facing Cyprus in the aftermath of the economic crisis and the need to find a solution to the persisting Cyprus problem. The sense of a generalized crisis is also the result of a chronic impunity of those who brought the country on the verge of economic destruction.

At the same time Cyprus faces an international outcry because of its questionable practice of providing Cypriot (and therefore EU) citizenship to wealthy people from countries outside the EU. This 'citizenship industry' not only brings Cyprus at the knife's edge of foreign auditing authorities and international institutions but it is also seen by many Cypriots as a way for the political and economic elite to profit whereas the majority of the people faces a harsh time in their personal lives.

All the above bring to the fore important issues of institutional and also political nature the most important of which is the need to develop an efficient system of checks and balances for all institutions and between institutions

which is now lacking; this will allow them to work efficiently and restore the lost confidence of society in them.

## FROM CREATIVE DESTRUCTION TO DESTRUCTIVE CREATION

*(A crooked system that serves the few without regard to the collateral damage it causes to the real economy)*



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Schumpeter (1942) put forward the concept of «creative destruction» which has become core in neoclassical economic thinking. It is argued that destruction is the essential and necessary fact about capitalism. The idea is that through a process of destruction the old gets replaced by the new and this serves economic development and social welfare.

Let me start by saying that there is no such thing as “*creative destruction*”. Destruction is always *destructive*. There is nothing creative about it. There is however such thing as *change for the better*. Not all change is good nevertheless. Only change that *creates real wealth* and adds to the *welfare* of society is good. Indeed, counter-productive change that misdirects resources from the real economy towards wealth mining is bad. And when this is done by design and executed systematically by the few and powerful on the many, it is a cause of grave concern.

A banking culture that promotes lending based on collateral rather than productivity and the ability to repay in a largely unregulated financial world market has two detrimental consequences. One, which is well documented, is that it serves the interests of the rentiers and the few who seek to gain from the predicament of the many. The other which is equally important, but not often referred to is that it also impairs the real economy (Savvides 2019). It diverts funding from wealth creating capital investment projects towards the needs of those who seek to use their amassed wealth for personal gain by taking advantage of the many who suffer from their inability to pay their accumulated debts.

Adam Smith is frequently sighted as the father of the laissez-faire economic system. His teachings are often presented by those who claim to be his disciples to provide the moral ground for implementing neo-classical thinking. But more often than not they pick and choose from the writings and positions of Adam Smith to suit their own purposes and needs. Adam Smith and most of the classical economists were fully aware and kept warning of the dangers

looming from those who constantly seek to gain an advantage in their pursuit of their special interests. This is manifested in what nowadays is described as “crony capitalism” and which has come to mean “lobbying, rent-extraction, very high pay, growing inequality” Norman (2018) and I would add cartel building particularly in the banking sector. This is not to say that there is a better system however to allocate economic resources into their most productive uses than the free market. Indeed, all centrally planned economies not only proved beyond doubt that they do not improve the welfare of the people, but also that they suppress their democratic and human rights. But polarising the discussion between the two extremes only serves the purposes of those who, for their own reasons, do not want to see positive changes for the general good take place.

When debt escalates to the point that the cumulative total cannot be paid, as Michael Hudson (2018) writes “debts that can’t be paid won’t be paid, the question is how they won’t be paid”. Hudson further argues that unlike the mounting debt deadlocks we are currently led into, in ancient times “credit was issued by the local government” rather than private institutions. Because of this “bad debts could be periodically forgiven rather than compounding until they took the whole system down, a critical feature that allowed for its remarkable longevity”.

As Brown (2019) writes “mainstream economic models leave this problem to “the invisible hand of the market,” assuming trends will self-correct over time. But while the market may indeed correct, it does so at the expense of the debtors, who become progressively poorer as the rich become richer. Borrowers go bankrupt and banks foreclose on the collateral, dispossessing the debtors of their homes and their livelihoods. The houses are bought by the rich at distress prices and are rented back at inflated prices to the debtors, who are then forced into wage peonage to survive”. Ellen Brown further remarks that by comparison “when the banks themselves go bankrupt, the government bails them out. Thus, the market corrects, but not without government intervention and [in order] to rescue the creditors, whose ability to buy politicians gives them the upper hand”. Hence, this comes mainly at the expense of the less wealthy and the taxpayers who eventually pick up the bill of such bail outs.

Uncontrolled and wasteful debt is the main culprit for a system that not only makes inequality in the world methodically more extreme, but which also systematically misdirects economic resources. The order of the day is asset and wealth transfer for the few rather than the creation of new wealth and the welfare of the many. The only cure for extreme debt as Hudson says is debt deflation and forgiveness. But this is not sufficient. In extreme financial/economic crises, an enlightened Government acting on the interests of the people of its country should:



- stimulate domestic demand,
- provide the funding for new capital investment projects,
- create the institutions which will enable the competent and independent assessment of productive investments,
- reform the regulatory authorities so that they can effectively monitor and control the granting of new loans by banks ensuring that unproductive loans are contained.

Austerity policies that are usually prescribed as the solution in such extreme levels of debt only serve the interests of the bond holders and those who seek to gain from the misfortune of a country that finds itself sunk in debt. Mainstream economic thinking is plainly wrong in such circumstances and it is only used as a veil for the wealthy to become wealthier at the expense of the people of a country. And in the process condemning future generations to servitude and economic misery. Destructive creation for the benefit of the few at the expense of the many is the only result of such flawed economic thinking and the system that puts in place.

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## THE OPTION OF GREECE'S APPLICATION TO THE INTERNATIONAL COURT OF JUSTICE FOR THE DELIMITATION OF THE CONTINENTAL SHELF AND THE EXCLUSIVE ECONOMIC ZONE WITH TURKEY



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Greece should file an application to the International Court of Justice (ICJ) concerning the delimitation of its continental shelf and its Exclusive Economic Zone (EEZ) with Turkey, in the Aegean and in the Eastern Mediterranean. The only dispute between Greece and Turkey in the Aegean and in the Eastern Mediterranean is the delimitation of their continental shelf. Along with the delimitation of Greece's and Turkey's continental shelf, the ICJ should be asked to delimit the EEZ of the two states, given the similarities between continental shelf and EEZ.

The delimitation of the continental shelf and the EEZ between Greece and Turkey is a purely legal dispute, which should be resolved on the basis of International Law of the Sea, and in particular according to the United Nations Convention on the Law of the Sea (UNCLOS)<sup>1</sup>. The fact that Turkey has neither signed nor ratified the UNCLOS is not an obstacle, as most of its provisions constitute International Customary Law. International Customary Law creates *erga omnes* obligations and is binding for all states, whether they accept it or not, whether they have signed and/or ratified the relevant conventions or not.

Indeed -as I have argued in previous papers<sup>2</sup>- by applying provisions of the UNCLOS to the Black Sea, Turkey not only accepts and adopts the Convention but also reinforces and strengthens the customary nature of its

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<sup>1</sup> United Nations Convention on the Law of the Sea (UNCLOS) (1982)  
[http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

<sup>2</sup> - Virginia Balafouta, "Greece, Cyprus, Turkey and International Law of the Sea. Legal and political evaluation of their arguments", Policy Paper, 1/2019, Cyprus Center for European and International Affairs, University of Nicosia, January 2019, pp. 47.  
[https://ccea.unic.ac.cy/wp-content/uploads/Policy-Paper\\_1-2019.pdf](https://ccea.unic.ac.cy/wp-content/uploads/Policy-Paper_1-2019.pdf)  
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arrangements. As a matter of fact, the elements of the International Customary Law are fulfilled: Turkey (i) applies a consistent, uniform and recurring practice in the Black Sea and (ii) follows it *opinio juris*.

Due to the fact that Turkey has not accepted the mandatory jurisdiction of the ICJ, a special agreement between Greece and Turkey to submit the dispute to the ICJ is required. Bearing in mind Turkey's refusal to sign a relevant special agreement, or Turkey's expressed intention to include in the special agreement other matters which have been resolved by international conventions and do not constitute disputes between Greece and Turkey, we should focus on Turkey's consent for such an application.

In particular, it could be argued that there is a presumed consent of Turkey for this Application. Turkey has systematically stated -through its President, its Minister of Foreign Affairs and its Minister of Defense- that it aims to delimit its continental shelf and its EEZ on the basis of International Law and the UNCLOS. High government officials' statements are binding for the state and are indicative of the national governmental policy. The President of the Republic and the Ministers of Foreign Affairs and Defense are undoubtedly high government officials, actually the most competent and responsible for taking decisions on these issues. Therefore, Greece should refer to their repeated public statements, and argue that Turkey's consensus and willingness to submit to the ICJ the delimitation of Turkey's and Greece's continental shelf and EEZ is presumed.

The ICJ -as an international court, with jurisdiction to resolve disputes pertaining to International Law of the Sea, and with particularly extensive and important case law- appears to be the most appropriate option for a state that officially declares the need to resolve a dispute according to International Law. The ICJ resolves disputes on the basis of International Law, whereas in case of a political settlement, the rules of International Law are not always applied necessarily or exclusively. Thus, it could be concluded that Turkey prefers the submission of the dispute to the ICJ, as it states its will to delimit its continental shelf and its EEZ in accordance with International Law.

Furthermore, in light of the recent signing of a Memorandum of Understanding (MoU)<sup>3</sup> between Turkey and Libya on the delimitation of the continental shelf and the EEZ of the two states, it should be highlighted that this MoU is totally illegal; it attempts to abolish maritime zones of islands - such as Crete, Rhodes, Karpathos, Kastelorizo- or even island-states -such as Cyprus-. The islands, pursuant to article 121 (2) of the UNCLOS, have full rights to maritime zones, in accordance with the provisions applicable to other land territory. This arrangement also constitutes customary law. Paragraph 3 of the same article sets an exception for rocks which cannot sustain human habitation or economic life of their own; these rocks shall have no EEZ or

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<sup>3</sup> <https://s.kathimerini.gr/resources/article-files/2-2420.pdf>

continental shelf. Therefore, having in mind the fundamental principle "ex injuria jus non oritur", it is obvious that this MoU does not produce any legal effect.

The internationalization, by Greece and Cyprus, of the issue of the illegal agreement between Turkey and Libya, and its subsequent condemnation by the European Union and by a number of states (United States of America, Russia, France, Italy, Egypt, Israel) weaken further this MoU. It is also noted that Turkey has signed this MoU with the Government of National Accord of Favez al-Sarraj, but it is rejected by the Libyan House of Representatives, which has called on the United Nations (UN) to condemn it.

It is worth noting that in this MoU Turkey declares its commitment to the primary purposes of the Charter of the United Nations<sup>4</sup>. These include *-inter alia-* the maintenance of international peace and security, the peaceful settlement of disputes and friendly relations between states. In contrast, the content of the MoU fully contradicts these fundamental aims of International Law. Special reference is made to Article 33 of the UN Charter, which guarantees the peaceful resolution of international disputes. In addition, Turkey invokes the principle of equidistance, demonstrating that it accepts and adopts that principle.

In conclusion, Greece should file an application to the International Court of Justice for the delimitation of the continental shelf and the EEZ of Greece and Turkey in the Aegean and in the Eastern Mediterranean. The firm commitment to legal resolution of these issues by an international court, and the capitalization and effective utilization of Turkey's official statements to conclude its presumed consent for this Application can act as catalysts. The necessity for the ICJ to deal with this case is imperative, given that this dispute may jeopardize primary purposes of International Law, namely the maintenance of international peace and security, the peaceful resolution of disputes and friendly relations between states.

## LEGAL TEXTS

- Charter of the United Nations (1945)

<http://www.un.org/en/charter-united-nations/>

- United Nations Convention on the Law of the Sea (UNCLOS) (1982)

[http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

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<sup>4</sup> Charter of the United Nations (1945)

<http://www.un.org/en/charter-united-nations/>

## **PAPERS**

- Virginia Balafouta, "Greece, Cyprus, Turkey and International Law of the Sea. Legal and political evaluation of their arguments", Policy Paper, 1/2019, Cyprus Center for European and International Affairs, University of Nicosia, January 2019, pp. 47.

[https://cceia.unic.ac.cy/wp-content/uploads/Policy-Paper\\_1-2019.pdf](https://cceia.unic.ac.cy/wp-content/uploads/Policy-Paper_1-2019.pdf)

- Virginia Balafouta, "International Law of the Sea and Greek-Turkish Relations: Thoughts, Conclusions and Recommendations", In Depth, Cyprus Center for European and International Affairs, University of Nicosia, Volume 15, Issue 2, March 2018, pp. 21-24.

[http://cceia.unic.ac.cy/wp-content/uploads/IN\\_DEPTH\\_2018\\_15\\_2.pdf](http://cceia.unic.ac.cy/wp-content/uploads/IN_DEPTH_2018_15_2.pdf)

## **OTHER SOURCES**

<https://s.kathimerini.gr/resources/article-files/2-2420.pdf>

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