

# University of Piraeus Department of International & European Studies MSC in Energy; Strategy, Law & Economics



# Master Thesis:

"International Maritime Law in the Mediterranean Sea; Challenges & Special Cases"

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This Thesis is a fruit shaped and created by many people, ideas, and points of view.

I dedicate it to all these people, family, friends, colleagues that were there for me, along this journey with all their passion and warmness.

Thank you!

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#### 1. Abstract: Author's Notes & Review

At the beginning of my undergraduate studies, I was really fascinated by the sea and the implementation of laws and firms on its basin, as the sea, in general terms, is considered a vast body of water with the only limitations being the coastlines. Through my experience in the master's lectures, this interest was deepened even further and specifically on the aspect of geopolitical and geoeconomic dynamic of the boundaries set by the international firms both on land and as in sea. All this led me to start wondering how the Mediterranean Sea, my homeland, has been affected by all these decision-making frameworks.

When the research and writing of the thesis begun, I realized that the topic would be quite vague and generic, that is why I decided to focus upon two more specified fields, the special cases housed in the Mediterranean and the progress that has been made in the sea, throughout the years and their development. From the ancient Greeks to modern time history, the Mediterranean has been an area of dispute over many topics, from countries' borders to recently discovered energy fields, there is an up-to-date endless boiling of cross-interests.

In the beginning I wanted the reader to familiarize themselves with the basic terminology, so I started from analytically explaining the main maritime law terminology and showcasing the already implemented decisions of international justice, on different cases. Moving on to a light break with a short description of the Mediterranean history, and then proceeding with the definition of the players<sup>1</sup>; The reader will afterwards, understand the connection between geopolitics and energy interests. This, along with the analysis of the maritime law's implementations in the area will assist with the showcase of the existing maritime international agreements and the in-between coasting nations relations, which lead to pinpointing and briefly outlining the most impactful problems of the ongoing issues in the region.

All the above, come down to the point of deciphering the importance of the sea delimitations in the region. As so, through this thesis it is proved that constant development, cooperation and understanding the Mediterranean Sea may not be an area of disputes but a sea of possibilities that are not yet disclosed or considered.

<sup>&</sup>lt;sup>1</sup> players = different state and geographical groups

# 2. Introduction: "Like Frogs Around a Pond"<sup>2</sup>

Since ancient times, the Mediterranean has been characterized as the womb of all civilization. If the twists, knots, and crossings of human history are observed, the realization that more has happened in this enclosed sea, than any other part of the world, is a given. The first city-states as well as the first social structures were built and developed on the shores of this sea. Thus, the development of a law system that defined and protected human lives in these constructed societies was a matter of time.

From ancient Mesopotamia to the dawn of modern time history, laws, and frameworks, stabilized, constructed, and formed, one way or another, the nowadays existing environment of diversity and freedom, which still breathes, evolves and changes alongside human societies.

Considering the above, one can assume that when it comes to living in a well-structured social environment of any scale, this would eliminate the possibilities of humanitarian conflicts. Yet history can prove this utopic view a false lie. Through different social structures, the creation of many frameworks, each based on each state's needs and culture were made, reaching the nowadays existing mosaic of sociocultural diversities.

The conflicts of interests in the Mediterranean are widely known on a global scale since the times Ancient Greeks and Phoenicians soared through this pond on the map. More specifically when focusing on modern time history, the movements of states, the financial, socioeconomic and energy issues are the moving factors of this never-ending boiling cauldron that is surrounded by almost twenty (20) nations each with their own history, views, and aspects.

The way these states are divided but at the same time dependent on one another, is the key to understanding the complexity of the situation and the entangled conflicts of political interest in the area. The surrounding states can be divided in three separate groups based on the continental topography of each one, the European, the Asian, and the African states. These groups are uniquely harmonic in sharing the same attributes and aspects but chaotically in cooperating and coexisting with one another.

<sup>&</sup>lt;sup>2</sup> The Great Sea: A Human History of the Mediterranean, David Abulafia. Allen Lane, 783 pp., £30, May 2011, 978 0 7139 9934 1

# 3. Useful Legal Terms and Keywords:

#### 3.1 General Glossary

<u>-Arbitration</u>: Along with negotiation, mediation, inquiry (Fact-Finding), conciliation, and judicial settlement, Art. 33 UN Charter identifies arbitration as a means for the pacific settlement of inter-State disputes. More specifically, arbitration represents a consensual procedure for the final settlement of disputes between States on the basis of law by adjudicators of their own choosing. States are obligated to implement the Arbitral Award.

<u>-Baselines:</u> the lines connecting all the points along a coastal State's shoreline or other accepted marker points such as bay closing lines. Baselines determine where the land ends and where the sea begins under international law.

<u>-Basepoints:</u> the nearest points of the baseline of one State which are selected in order to draw the median/equidistance line with another State with adjacent or opposite coasts.

<u>-Coastal State</u>: A State which has a seacoast, and which enjoys sovereignty, sovereign rights, or jurisdiction over maritime zones, including the territorial sea, the continental shelf, and if applicable, the contiguous zone and the Exclusive Economic Zone (EEZ).

<u>-Conciliation:</u> a method for the settlement of international disputes of any nature according to which a commission set up by the parties, either on a permanent basis or on an ad hoc basis to deal with a dispute, proceeds to the impartial examination of the dispute and attempts to define the terms of a settlement susceptible of being accepted by them, or of affording the parties, with a view to its settlement, such aid as they may have requested. The Reports of the Conciliation Commission are not binding upon the parties. UNCLOS provides for (even compulsory) conciliation in several provisions.

<u>-Contiguous zone</u>: it is the zone contiguous to the territorial sea which may not extend beyond 24 nautical miles (n.m.) from the baselines and in which coastal States may exercise certain enforcement powers.

-Continental Shelf: The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the

natural prolongation of its land territory, at least, to a distance of 200 nm from the baselines, over which the coastal State enjoys sovereign rights of exploration and exploitation of natural resources.

<u>-Customary Law:</u> unwritten rules of international law arising from established State practice accepted as law. As subsidiary means for the determination of such rules we look at judicial decisions (mostly by international courts and tribunals), international legal doctrine (e.g., the works of the International Law Commission), and, arguably, General Assembly Resolutions.

<u>-Cut-off effect:</u> it is one of the relevant circumstances that may be taken into consideration at the second stage of the delimitation process of areas of continental shelf/EEZ, i.e., that a State's coastal projection into its maritime territory would be 'cut off' by the application of a strict equidistance line, and thus an adjustment of the provisional equidistance line may be required.

<u>-Delimitation:</u> The act of apportionment of maritime areas over which two States with adjacent of opposite coasts have overlapping claims, either by an agreement or by a judgement of the International Court of Justice or other courts and tribunals.

<u>-Dispute</u>: under international law, a dispute is 'a disagreement on a point of law or fact, a conflict of legal views or of interests "between parties." In order for a dispute to exist, '[i]t must be shown that the claim of one party is positively opposed by the other and that the two sides must 'hold clearly opposite views' concerning the question of the performance or non-performance of certain international obligations<sup>3</sup>.

<u>-Exclusive Economic Zone (EEZ):</u> The EEZ is an area beyond and adjacent to the territorial sea not exceeding beyond 200 nautical miles (nm) from the baselines, in which the coastal State enjoys certain sovereign rights and jurisdiction, while other States enjoy the freedoms of navigation, overflight, and the freedom of laying submarine cables and pipelines. All these rights and freedoms of both the coastal State and the other States are governed by the relevant provisions of the UN Convention on

<sup>&</sup>lt;sup>3</sup> ALL Case Law IDS - international dispute settlement case law table, https://www.studeersnel.nl/nl/document/maastricht-university/international-dispute-settlement/all-case-law-ids-international-dispute-settlement-case-law-table/37765164.

the Law of the Sea (UNCLOS) and customary international law. (A more thoroughly explanation is given in chapter 2.2)

<u>-Flag State:</u> The State of the nationality of a vessel. The jurisdiction of the flag State is the primary jurisdiction that operates on board any vessel flying that State's flag. Landlocked States may also be flag States.

<u>-Flight Information Region (FIR):</u> is an aerial term used to describe a specific airspace where a Flight Information Service and a warning service are provided. It is the largest regular airspace separation in use worldwide today. Each part of the atmosphere belongs to a specific MAGP. The airspace of the smaller states is a MAGP, while the airspace of the larger countries is divided into regional MAGPs.

<u>-High Seas:</u> all parts of the sea that are not included in the EEZ, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.<sup>4</sup> High seas are open to all States and no State may validly purport to subject any part of the high seas to its sovereignty.

<u>-Innocent passage:</u> ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea, i.e., the right to navigate through the territorial sea without stopping or anchoring, provided that this navigation is not prejudicial to the peace, good order, or security of the coastal State.

<u>-Internal waters:</u> waters landward of the baselines of the coastal States, such as harbors, river mouths, or bays, are designated as 'internal waters,' and are fully subject to the sovereignty of the coastal State.

<u>-International Court of Justice, Jurisdiction:</u> Jurisdiction is the channel through which a court or tribunal, here the ICJ, receives its power to decide a case with binding force for the parties. Without jurisdiction to cover the particular case before it, any court or tribunal is powerless. In particular, for jurisdiction to exist, it has to be established that each party has given its consent that the Court should decide the dispute that has been brought before it and that the dispute comes within the terms on which the respondent has accepted the jurisdiction.

<sup>&</sup>lt;sup>4</sup> PART VII: THE UNITED NATIONS CONVENTION ON THE LAW OF THE ... - Chan Robles, https://www.chanrobles.com/unclos/part7.php.

<u>-International Tribunal for the Law of the Sea (ITLOS)</u>: ITLOS is an international tribunal established by the UN Convention on the Law of the Sea in order to adjudicate disputes between the parties to the Convention concerning its interpretation and its application. The judgments of the Tribunal are final and binding upon the parties to the dispute. ITLOS has also an advisory jurisdiction, namely it may render (non-binding) advisory opinions addressing questions related to the Convention.

<u>-Median Line/Equidistance Line:</u> the line every point of which is equidistant from the nearest points of the baselines of the territorial sea of the adjacent or opposite States.

-Reservation: as for treaties, 'reservation' means a unilateral statement, however phrased, or named, made by a State, when signing, ratifying, accepting, approving, or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State<sup>5</sup>. When it comes to optional clause declarations under Article 36 (2) ICJ Statute, by which a State accepts the compulsory jurisdiction of the ICJ for any future dispute with any State having accepted the same jurisdiction, reservations appended to such declarations serve to exclude some categories of dispute from the jurisdiction of the ICJ.

-Single Maritime Boundary: the method of the international courts and tribunals when delimiting areas of continental shelf and EEZ to draw a 'single,' i.e., a unique boundary line for both of these maritime zones by following the same methodology. Often, courts and tribunals are called to draw a 'single maritime boundary' for all maritime zones of the litigants (territorial sea, continental shelf and EEZ). However, the applicable law for the delimitation of those zones differs.

<u>-Sovereign rights:</u> Rights of exploration and exploitation of natural resources, which the coastal State enjoys over the continental shelf and in the EEZ.

<u>-Territorial sea:</u> The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea, which is up to a limit not exceeding 12 nm, measured from baselines. The sovereignty of the coastal State extends to both the airspace above and seabed and subsoil below the territorial sea.

<sup>&</sup>lt;sup>5</sup> The Law of Treaties, https://lawexplores.com/the-law-of-treaties/.

<u>-Transit Passage</u>: the right of transit passage is acknowledged through 'straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.' It consists of the exercise in accordance with the relevant Part of the UNCLOS of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone (Article 38 (2) UNCLOS).

#### 3.2 EEZ; A more In-Depth Analysis

#### EXCLUSIVELY ECONOMIC ZONE (EEZ)

The end of the Second World War marked the abandonment of the hitherto dominant pre-war and long-held notion that the basic use of the seas coincided with navigation and secondarily with fishing. This view had given priority to the principle of the freedom of the seas, limiting the many coastal states to coastal zones, which stretched a few miles from the coast, within which they exercised sovereignty almost equivalent to that of land. In this way, the states ensured their security and the exclusive use of maritime wealth.

Gradually, this perception was revised, resulting in the creation of new legal regimes in the Law of the Sea, thanks to the finding that the sea hides resources at the seabed and its subsoil in combination with the existing technological advances that have made it possible to exploit them. These new regimes extend the jurisdiction of the states at sea, beyond the coastal zone, by enabling the coastal states, but also the international community in some cases, to legitimize the exclusive exploration and exploitation of their seabed and subsoil resources. In essence, it can be said that they are trying to reconcile the maintenance of free navigation with the rights of use of the seas. The first zone formed by these new perceptions is the continental shelf, which first appeared in 1945 with the so-called "Truman Doctrine".

#### 3.2.1 The aspect and the legal nature of the Exclusive Economic Zone (EEZ).

The Exclusive Economic Zone (hereinafter referred to as the EEZ) has its inspiration to Latin American countries. The systematic and organized fishing of the US in Pacific Oceans had deprived the coastal states of South America of their valuable fish stocks,

causing economic consequences and at the same time leading to changes in the ecosystem of the region. In order to cope, these coastal states came together and adopted a common position on the proposal for a new offshore area of maritime jurisdiction, which granted exclusive fishing rights to these states. Their initiative was soon embraced by countries outside Latin America, with the result that the Third Conference on the Law of the Sea, which led to the new 1982 Convention on the Law of the Sea, found the international community more mature in envisioning a new maritime zone, the one established by the Convention as an EEZ.

The 1982 Convention devotes part of it to the EEZ, namely Section V. It sets out the legal character and functions of the zone, as well as the limits of the jurisdiction and competence of States. According to Articles 55, 56 and 57 of Section V, the EEZ is a maritime zone beyond, but adjacent to, the coastal zone, which includes the seabed, its subsoil, the "column" and the sea surface, as a distance of two hundred nautical miles from the coast but reduced according to the width of the adjacent coastal zone.

In this zone, the coastal state exercises sovereign rights for the purpose of exploration, exploitation, conservation, and management of marine resources, living or other in the area, but also other activities related to the economic exploration and exploitation of the zone, such as for example the production of energy from water, currents, and winds. The coastal state also has jurisdiction to construct and use artificial islands, facilities, and other structures to serve the uses of the zone, to conduct scientific research, to protect and preserve the marine environment. These rights are functional, do not constitute territorial sovereignty, and must be exercised in a way that takes into account the rights and obligations of other States exercising the same maritime area, especially when. At this point it should be emphasized that for rights which do not clearly indicate that they belong to the EEZ, the maritime area is governed by the seas. The addition of this new zone to state jurisdiction, in addition to the seashore, provides an added value to the existing coastal state's ability to exploit the marine wealth of the seabed and subsoil, through the institution of the continental shelf, by adding the seabed and sea level. Its new uses mainly concern fishing and exploitation of the natural soft energy resulting from the movement of water and winds. As for the seabed and subsoil, they are still governed by the legal regulations of the continental shelf, which is explicitly specified in paragraph 3 of Article 56 of the Convention.

In conclusion, it can be said that the institution of the continental shelf is not absorbed by the EEZ, it remains active and determines with its legal regulations the use of the seabed and its subsoil by the coastal states. The Convention provides that in the EEZ of a State the neighboring States have the right to participate in the living resources of that maritime area, provided that they are designated as "geographically disadvantaged States". Finally, the landlocked countries are given the opportunity to reap the benefits of the EEZ located in their geographical area.

#### 3.2.2. Declaration & Delimitation of the Exclusive Economic Zone (EEZ).

In contrast to the continental shelf, which exists as a "fundamental right", regardless of the coastal state's desire to acquire it, in the case of the EEZ, the state must express its desire to acquire the zone through a national proclamation; From the moment the state expresses this, it will acquire all the rights granted to it by International Law in an area, which extends up to two hundred nautical miles from the coast, provided that the width of the sea in its area can provides such a possibility. However, in the case of geographical narrowness and there are adjacent states at a distance of less than four hundred nautical miles, then there should be a delimitation of the EEZ in accordance with the Convention.

Article 74 of the Convention stipulates that "the delimitation of the exclusive economic zone between States with objective or neighboring coasts shall be carried out in accordance with international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to reach a just solution. According to paragraph 2 of the same article "if it is not possible to reach an agreement within a reasonable time, the States concerned shall apply the procedures provided for in Section XV of the Convention".

These procedures are to be followed in cases where both parties seek delimitation and have ratified the Convention on their ends. If two States are not parties to the Convention, or in the event that one of them has not ratified it, then the obligation of paragraph 2 mentioned above does not exist. However, the method of delimitation provided for in paragraph 1 of Article 74 remains, "as an obligation for every state, regardless of its participation in the Convention, due to the fact that this provision has acquired a customary character through a long practice of delimitation and is binding

as a custom". In case an agreement between two states cannot be achieved the case is to be appealed to an international tribunal.

The delimitation provisions of both the EEZ and the Continental Shelf contained in the Convention do not clearly clarify the rules of international law applicable in cases of geographical proximity, so that States are well aware of the conditions laid down by law for concluding a delimitation agreement. In essence, the states are free to seek the content of their agreement, with the sole restriction that the delimitation conducted under this agreement should lead to a just solution. Over time, with the development of international practice and international case law, there is now a wealth of delimitations that "reflect the International Law of delimitation and establish its rules". International case law, and in particular the case law of the two main international courts, the International Court of Justice in Hague, and the International Court of Justice in the Sea of Hamburg, has reflected the practice of states and the rules governing the delimitation of the EEZ and the continental shelf.

The principles of delimitation derived from international case law are the following:

- As mentioned above, the principles set out in Articles 74 and 83 of the Convention constitute customary international law and therefore their content is binding on both the Parties to the Convention (States which have ratified the Convention) and the non-Parties (States which have not ratified the Convention).
- In most cases there is no difference between the delimitation of the EEZ and the continental shelf. There is now a common delimitation of these two maritime zones, without however taking on generalizing dimensions.
- The delimitation methodology that has prevailed in case law includes a qualifying stage, and three main stages for the finalization of the delimitation.

The qualifying stage is the research on the coasts related to the delimitation, i.e., coasts whose sea leg overlaps with the coast of the neighboring state. Determining the length of the coasts involved in the delimitation is a critical one as it determines the numerical relationship between the two coasts which is a relative circumstance of significant importance for the delimitation and essentially determines the relevant sea area to be delimited as an EEZ or continental shelf.

The main stages of delimitation that come after the qualification are the following, and relative examples of implementing cases:

- 1. STAGE ONE: The Court establishes a temporary line between the territories concerned, including the islands. This line is the middle line for the objective states or the middle-distance line for the neighboring states. (In the case of Nicaragua v. Honduras, however, due to geographical specificities, it was not possible to demarcate the middle line and the Court resorted to another delimitation method.)
- 2. SECOND STAGE: The Court examines whether there are relevant circumstances which require the adaptation and amendment of the provisional midline or line of equal distance in order to achieve a fair delimitation effect. If it is found that there are relevant circumstances that affect the delimitation then the middle line or line of equal distance is modified, adapted to the particularities of these circumstances.
- > At this point it is important to note that the concept of 'relevant circumstances' is not precisely defined in international case law, but it is clear from court rulings that it refers to "all those peculiarities in the delimitation area which affect its outcome and alter the drawing of the middle line." The Court has accepted as relevant circumstances, for example, the length of the coasts of the states and their proportional relationship(s), the existence of islands in the delimitation area and the general geographical conditions in the area. They have also described as unusual circumstances, but without generalization, certain rights of coastal states, which precede the request for delimitation, such as state security.
- > At the same time, it is important to note that the Court has consistently rejected arguments concerning geological or geomorphological conditions, emphasizing that the criterion of delimitation is that of 200 nautical miles, and not a specific criterion of natural land-to-sea ratio. Guided by this, the Court rejected the position of Nicaragua, which argued that the Colombian islands are located on its continental shelf.
- 3. THIRD STAGE: It is the stage of verifying the achievement of a fair result.

From the rulings of the Court one can conclude that "it does not accept the strict ratio of coasts and rendered sea area, using absolute arithmetic and mathematical data, but insists on a relaxed relationship that does not cause a serious disproportion between the lengths of the coasts of each example in the case of Nicaragua v. Colombia, where

the Court found that the ratio of the coasts of the two countries was 8.1 to 1, however the extent of the sea zones assigned, by adding other parameters to the judgment of the Court, significantly reduced this ratio to 1 to 3 Nicaragua".

Another crucial element in the delimitation process is the role of the islands in the delimitation area and their calculation in the delimitation process. The islands have the right, like the mainland, to enjoy all the maritime zones provided for in the Convention, and in general the Law of the Sea, excluding in accordance with paragraph 3 of Article 121 rocky islets which are uninhabitable and have no economic life. They do not have the privilege of creating an EEZ and a continental shelf but have the right to a coastal zone. It can be said that the islands falling under the provisions of Article 121 of the Convention, enjoy maritime zones, therefore have both EEZ and continental shelf. A typical example of this is the ruling of the Court in the case of *Qatar v. Bahrain*. Pursuant to Article 121 (2) of the 1982 Convention on the Law of the Sea, which reflects customary law, islands, irrespective of their size, enjoy the same status and therefore produce the same maritime rights as the other land territories.

While the Court in its relevant decisions has accepted that the islands are entitled to EEZs and the continental shelf, however "the extent of their right varies". In most of the cases before the Court, the existence of islands in the delimitation area coincides with a wider environment, where the continental territories of the adversaries are included in the delimitation, the islands are therefore not the sole source of rights, but only part of it, and so the Court is obliged to seek the effect that they exert on the overall final delimitation. In such cases, the Court considers that the islands should be considered along with the mainland, usually not as individual entities, but as a territorial part of the delimitation process. This inclusion may in some cases lead to a reduction in the absolute right to the continental shelf and the EEZ, to a mitigation of the extent of the right, determined by what the Court has called an influence (i.e., an island in the overall final delimitation).

"It is indisputable that the Court gives a delimitation weight, first, to the continental territories, which enjoy full rights, while their parts, the islands, may, in some cases, have limitations in the delimitation function."

The influence of each island on an overall delimitation usually depends on two factors: the location of the island in the delimitation area, and its size. Regarding the location of the island, its geographical relation with the mainland is of paramount importance, i.e., if it is located near or far from the mainland, and belongs to the same state as the mainland, or is close to the mainland of the other or a third state, but politically belongs to the other neighboring state.

The most typical example of the latter case is found in the *Channel Islands* case, in which the ad hoc Arbitration Court, delimiting the continental shelf of the two states, had to decide the fate of the British islands closest to the French mainland. The Arbitration Court, which favored the application of the middle line, viewed as "harassment" an otherwise relatively simple delimitation of the respective coasts of the two countries; according to the Arbitration Court these islands are on the wrong side of the continental shelf, a thought that led it to apply a middle line between the mainland of France and the central United Kingdom, enclosing the British Channel Islands with a 12 nm zone, representative of all their rights in the maritime area.

In a recent case, in the *Bangladesh v. Myanmar* case, the Court of the Law of the Sea ignored the island of St. Martin, on the grounds that if the island had been "*affected by the delimitation of the Exclusive Economic Zone and the mainland continent, the result would have been a line obstructing the sea view of the coast of Myanmar, thus causing an unjustified boundary line*". Similar views have been expressed in previous judgments of the Hague Tribunal, particularly in the Black Sea case.

The case law has also provided answers to two other cases that differ from the previous examples: (a) in the case where islands are close to the mainland of the state to which they belong, and (b) in the case where they are isolated and remote from the mainland of the state.

In the first case (a), proximity affects the full development of the islands' right to EEZs and continental shelf and leads to a reduced impact, in the sense that the coasts of the islands cannot be independent baselines from which the measurement of the distance of the outer boundaries begins of the EEZ or the continental shelf, but offset by the mainland coast, the result is that this category of islands only marginally affects the final delimitation, but in order to comply with the requirements of the Law of the Sea, which applies to all maritime zones on the islands, compromise is a partial inclusion.

In the latter case (b), the distance may allow the full development of the right, provided, of course, that the size of the archipelago justifies the assignment of a zone to the area,

the Court of Justice in *Nicaragua v. Colombia* highlights this issue, as the Colombian Islands, which were the only part of Colombian territory to be affected by the delimitation dispute, were a considerable distance from both the mainland of Colombia and that of Nicaragua, in this case the Court considered that these islands could in principle enjoy full rights, and that the final result of the delimitation, which favored Nicaragua rather than Colombia is a consequence of the significant difference in the length of the Colombian islands.

It should be emphasized at this point that the distance of an island from the territory of an objective state cannot, of course, affect the delimitation, if the island, is the only land territory that is identified with the state (e.g., Malta, Cyprus). Regarding the size of an island, the jurisprudence has been shaped in the direction of accepting that only very small islands can be excluded from the delimitation and not calculated, otherwise the size of an island has no other effect than the effect related to the length of its coasts and always with its geographical location. At this point it should be taken into consideration that the delimitation principles arising from international case law on the delimitation of the EEZ and the continental shelf of the islands do not provide absolute certainty of their recurrence in all future cases. In any given time, most of the cases are dealt by international justice, the islands have been treated as relevant circumstances requiring special treatment, which may affect the engraving of a definitive delimitation line; At the same time, it should be mentioned that international case law has linked the role of islands to an additional factor influencing the final outcome, and that is the geographical continuity. "International jurisprudence has embraced the notion that a delimitation must facilitate the undisturbed relationship between the coasts of a State and the maritime area that extends to them, in a way that is maintained as far as possible, a unity of space, so that the rights of the state in its maritime zones are distinguished for the clarity of their spatial exercise and do not suffer from the existence of complex maritime formations that divide them".

As a last issue concerning the delimitation of the EEZ, and the continental shelf is the possibility of unilateral delimitation; Articles 74 and 83 of the Convention do not mention such a possibility in cases of geographical narrowness, the absence of such a possibility becomes more apparent if the delimitation method which provide for these two articles to be compared with the wording of Article 15 of the Convention which refers to the determination of the shoreline boundaries.

# 4. Influence of the Mediterranean History

"I loved the Mediterranean with passion and in return I hope a little of the joy and light of this sea illuminate the pages of my book." These are the words of the leading historian and scholar Fernand Braudel<sup>6</sup>, who highlights with unparalleled brilliance the emotion caused by the Mediterranean world, to which, he devoted much of his research. The Mediterranean was and is a crossroad of people, a crossroad of cultures<sup>7</sup>. On its banks the Greek culture flourished and dominated the area until the founding of the Roman Empire. The Roman culture, which developed during the years of Pax Romana<sup>8</sup>, and later on the Byzantine<sup>9</sup> culture, which transmitted to the Greek-Christian ideals to Central Europe afterwards, formed the "western" culture by colliding and synthesizing the formation of the European states in the West with the "eastern" civilization, whose main body was the Arabs. It would not be an exaggeration to highlight that the Mediterranean is a meeting point of the western and eastern world(s), a shining historical example of the peaceful coexistence of peoples and cultures. The spiritual and cultural paths followed by the Mediterranean countries, the uninterrupted and close cooperation of their peoples and the influence of the thousand-year-old cultural tradition played a decisive role in shaping today's European culture. This kind of cultural coexistence would certainly not be possible without preserving the national wealth, identity, and particularities of each country, which derive their legitimacy from the depths of history. The Mediterranean countries, while maintaining their national identity, participate in a wonderful way in the overall cultural creation of the Mediterranean, in which scholars identify common spiritual pursuits and common expressive characteristics. This, of course, is not random or accidental.

The morphologically and climatically unified Mediterranean space is, as in any intellectual search, a determining factor. The Mediterranean basin is characterized by

<sup>&</sup>lt;sup>6</sup> Fernand Braudel, like many other historians, saw the Mediterranean as a single space, as a complex whole, which with its diversity, its "majestic and turbulent life" and its "extremely great human wealth" was a historical place of fermentation of civilizations.

<sup>&</sup>lt;sup>7</sup> K. A. Dimopoulos Rector of the University of Athens November 24, 2008.

<sup>&</sup>lt;sup>8</sup> Pax Romana (Latin phrase translated as "Roman Peace") was the great period of relative peace and negligible expansion through military operations of the Roman Empire, in the 1st and 2nd centuries AD. As Caesar Augustus established it, it is sometimes called Pax Augustus. It lasted from about 27 BC. until 180 AD.

<sup>&</sup>lt;sup>9</sup> Byzantium, or Byzantis, was an ancient Greek colony founded in the innards of the Horned Gulf and the Bosphorus Straits, in the area where Constantinople is today. The name of the city refers to a Thracian nomenclature, while according to Pliny the Elder, the site was formerly called Lygos

an astonishing homogeneity in terms of geological morphology, climate, sunlight exposure and especially the sea currents, whether it is the Aegean, the African, the Spanish or any other coast. These elements inspired the spiritual creators and connected the peoples with a common destiny.

Looking back at the spiritual creation of the Mediterranean people, one can see the existence of a wider network of writers, who have in common the sea and the light, which includes the Mediterranean coast. The same transparent and bright light emerges from the pages of Andre Zid<sup>10</sup>, Paul Valerie<sup>11</sup> and Odysseas Elytis<sup>12</sup>.

Of course, when talking about the coexistence of the eastern and western world around the Mediterranean basin, we must not ignore the contradictions that separate the two cultures. Especially the end of the second world war, brought to light these differences that were sculpted mainly with the inevitable cultural and religious conflict between Islam and Christianity. In many points in history, the two cultures turned their backs on each other and highlighted their differences, in the name of a religious and nationalist separatism. This division led to rivalry. What is now characterized as fundamentalism is constantly growing deeper roots in the Mediterranean Islamic world. Violence becomes a daily phenomenon, atrocities that mainly hurt the innocent. In addition to religious differences, the socioeconomic inequalities create a rift between the states.

Economic (and financial) growth has not solved the problem of redistribution of wealth on a basis of justice and social honesty. The more science and technology advance, the deeper the dividing line between the people of different social scales (wealth and

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<sup>&</sup>lt;sup>10</sup> André Gide (November 22, 1869 - February 19, 1951) was a French novelist, essayist, and playwright. In 1947 he was awarded the Literature Nobel Prize. His writing had a major influence on world literature and gave rise to great and long topics of discussion. Through his works he opposed any conventionality and proclaimed his belief in absolute sincerity. With his novels "Narrow Door", "Pastoral Agreement" and "Immoral" he expressed the uncertainty of spiritual trends and events, as well as the concerns of his time. He published his first works under the pseudonym *Andreas Walter* and remained unknown to the general public for several years.
<sup>11</sup> "Sea Cemetery" is not only the most famous poem by Valery, but also one of the most emblematic

<sup>&</sup>quot;Sea Cemetery" is not only the most famous poem by Valery, but also one of the most emblematic poems of the 20th century. Odysseus Elytis considered it one of the twenty-two most important poems of all time of those that will remain our property ("ours forever"). The poet gazes, bathed in the sun of the Mediterranean noon, the seaside cemetery of his birthplace and attempts a magnificent reflection on existence and non-existence, on the living and the dead - an elegiac poem of rare purity, a study of death contrast to life.

<sup>&</sup>lt;sup>12</sup> Odysseas Elytis (real name: Odysseas Alepoudelis) (Heraklion, Crete, November 2, 1911 - Athens, March 18, 1996), was one of the most important Greek poets, a member of the literary generation of the '30s. He was awarded the State Prize for Poetry in 1960 and the Nobel Prize for Literature in 1979, the second and last Greek to be awarded the Nobel Prize. His most famous poetic works are "Axion Esti," "The Sun the First and Orientations." He formed a personal poetic idiom and is considered one of the renewers of Greek poetry. Many of his poems have been set to music, and his collections have been translated into many languages.

poverty) becomes. Class inequality and unemployment are rising around the world, even in the most developed countries.

In modern times, the people of the Mediterranean must play their catalytic role in the direction of peace, solidarity, and the alleviation of social inequalities. Especially in the southern Mediterranean coasts, where, despite the endemic political crises, there is a remarkable spiritual development; This is the hope of a cultural meeting between the two cultures which emerges, and which will facilitate human and spiritual contacts between the two separate religious groups. The swords spoke for a long time in the language of their bloody horror. Putting this ideology in romantic words, we could say that: It is time now to let the pens of the writers of peace and good neighborliness speak and to remember the logo of the international literature organization PEN<sup>13</sup>, which states that "the pen is stronger than the sword."

Drawing examples from the historical past, the peoples of the Mediterranean now have the obligation but also the interest to strengthen common ties and to promote, through constant exchanges of ideas and solutions, the example of good neighborliness and cooperation in the field of solidarity and culture and to play an important role in the general case of peace and solidarity of the people.

<sup>&</sup>lt;sup>13</sup> PEN Greece ("Panhellenic Literary Association and Friends of Pen Greek Literature"), the Greek branch of PEN International, a global support network for book dissemination, copyright protection and freedom of expression.

# 5. Geopolitical Diversification

#### 5.1 Southern Europe and the European Union

Southern Europe is a geographical term for the southern part of the European continent. In Southern Europe, (according to the United Nations (UN)) the countries included are the states bordering and or lying the Mediterranean Seabed. These nations are Albania, Vatican, Bosnia and Herzegovina, Greece, Spain, Italy, Cyprus, Malta, Montenegro, and Monaco.

An enhanced relationship in the Mediterranean remains a strategic imperative for the European Union, which is still active, 25 years after the Barcelona Declaration<sup>14</sup> and 10 years after the beginning of the so-called Arab Spring<sup>15</sup>. A great concern of the EU is that of the respect for human rights and that of the rule of law, which is an integral part of the relationship with the Southern Mediterranean countries and a prerequisite for ensuring citizens' trust in the institutions and the security they provide. The modern development of EU relations with these countries includes good governance and the rule of law with a common commitment to democracy and a sustainable economy, peace, and security by providing support to countries to meet the challenges. Irregular Migration from the challenges of forced displacement and facilitating safe and legal migration while prompting mobility routes along with climate protection and resilience, energy and environment cooperation and a special economic investment plan for southerners.

The greatest example of this willingness is the creation of a proper environment for such works and actions, and thus the Union for the Mediterranean<sup>16</sup> was established. An organization of international aspect with adopting the purpose that was created for, the continuous communication and cooperation of the nations of the Mediterranean basin. Currently, the Union is comprised of forty-two (42) states and has assisted and elaborated on many issues of the region, from humanitarian to political issues and internal conflicts, always striving for a better Mediterranean future.

<sup>&</sup>lt;sup>14</sup> The Barcelona Declaration. https://eeas.europa.eu/archives/docs/euromed/docs/bd en.pdf

<sup>&</sup>lt;sup>15</sup> Joseph Borrell is a Spanish politician, High Representative of the European Union since 1 December 2019

<sup>&</sup>lt;sup>16</sup> Union for the Mediterranean, https://ufmsecretariat.org/who-we-are/history/

#### 5.2 Western Europe and Western Mediterranean

The Western Mediterranean derives from the combination of the South-Western European states and the North-western states of North Africa. Namely the states that are included in the Western Mediterranean are Italy, France, Monaco, Spain, Morocco, Algeria, Tunisia, and Malta.

This specific region is quite peculiar as it can be characterized as the most peace-keeping sea in terms of maritime disputes, as all the above-mentioned states have either ratified or agreed upon (in-between themselves) maritime agreements<sup>17</sup> regarding seaborders and their usage.

Because of this peaceful coexistence, the nations in this area are mainly focused upon other issues regarding their sea borders, these are the growing immigration routes and the concern of maritime life and environment and its sustainability. Due to the heavy fishery <sup>18</sup> of the sea and its exploitation of natural resources in terms of food and routes, the flora and the fauna have been heavily impacted resulting in the declining quality of the sea's waters sustainability.

The states of Western Europe (France, Spain, Italy) have ratified through the EU's institutions<sup>19</sup> and with cooperation with international organizations, agreements regarding both of these matters and enhancing the cooperation with each other in order to achieve a sustainable and safer environment. While the states of the African continent strive to cooperate and amplify the same goals and aspects from their Northern counterpart resulting in a continuously ongoing cultural and diplomatic dialogue.

<sup>&</sup>lt;sup>17</sup> Caffio, F., 2016. The Maritime Frontier between Italy and France: A Paradigm for the Delimitation of Mediterranean Maritime Spaces in. Maritime Safety and Security Law Journal, p.90.

<sup>&</sup>lt;sup>18</sup> Lizaso, J.L.S., Sola, I., Guijarro-García, E., Bellido, J.M. and Franquesa, R., 2020. A new management framework for western Mediterranean demersal fisheries. Marine Policy, 112, p.103772.

<sup>&</sup>lt;sup>19</sup> Maritime SPATIAL Planning, EU directives, <a href="https://maritime-spatial-planning.ec.europa.eu/sea-basins/west-mediterranean">https://maritime-spatial-planning.ec.europa.eu/sea-basins/west-mediterranean</a>

#### 5.3 North Africa

The North African region has been and still is of particular interest in international relations, as it has rich oil and gas reserves, and is directly interdependent from the Middle East, sub-Saharan Africa, and the European Union<sup>20</sup>.

The northern part of the African continent, is geopolitically, culturally, and sociologically separated from the so-called Sub-Saharan Africa, a term mainly used to distinguish between the two extensive geographical areas. The states of North Africa, as defined by the United Nations (UN), include Egypt, Algeria, Western Sahara, Libya, Morocco, Sudan, and Tunisia. The people of North Africa are generally divided into the main geographical regions of North Africa, which are: the Maghreb, the Sahara Desert, and the Nile Valley. Northwest Africa is believed to have been inhabited by Imazighen since the beginning of history, while Egyptians, various Eritrean ethnic groups, Abyssinians, and Nubians inhabited northeastern Africa. In the 7th century, after the Arab domination, the region went through a period of Arabization and Islamization, which radically defined its cultural identity. Many North Africans identify themselves more as Arabs or Arab-Muslims than Africans, and it is a fact that "sub-Saharan Africa" has long been considered authentically 'African', while northern countries are considered Mediterranean, Middle Eastern, or Islamic<sup>21</sup>.

Nowadays, in the center of the region, the nation of Libya is undergoing many internal conflicts<sup>22</sup> and divides, as forces of different views fight for dominance and political stabilization of the area and the state. These conflicts are given to destabilize the greater area as many regional players have already picked a side in these conflicts, resulting in even more conflicts and diplomatic rifts. At the same time, the neighboring states strive to maintain their own balance and stabilized political environments as more and more aspects of the issue are entangled and worsening any possible outcome of this regional storm.

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<sup>&</sup>lt;sup>20</sup> The EU remains the largest donor of aid to Africa. Development cooperation goes through various financial instruments. Most important is the European Development Fund (EDF), which is based on the Cotonou Agreement and is not part of the EU general budget. Thematic bulletins on the European Union. European Parliament. Rok Kozelj 10-2020.

<sup>&</sup>lt;sup>21</sup> Shahira Amin, "Are Egyptians Africans or Arabs?", 2012, dailynewsegypt.com, https://dailynewsegypt.com/2012/09/06/are-egyptians-africans-or-arabs/

<sup>&</sup>lt;sup>22</sup> Roth Kenneth, Libya Events, Human Rights Watch, <a href="https://www.hrw.org/world-report/2021/country-chapters/libya">https://www.hrw.org/world-report/2021/country-chapters/libya</a>

#### 5.4 The peculiarity of the Eastern Mediterranean

The Southeastern Mediterranean has long been the cradle of cultural, political, and economic development, if not of all humanity, surely of what we call nowadays the "West". In modern times it is a geostrategic hub, a field of expansion and power assurance. In the 19th century the Mediterranean came to the forefront of the World Market.

The opening of the Suez Canal in 1869 made it the main route for transporting goods from East to West and vice versa, as it is connected to the Indian Ocean. The Eastern Mediterranean starts in the Ionian Sea and reaches up to the Suez Canal. The Eastern Mediterranean is part of the Mediterranean that stretches from southern Italy to the shores of the Middle East. It is considered a very important strategic and geostrategic area due to the presence of hydrocarbons in the EEZs of Egypt, Israel, and Cyprus. The region is claimed by Greece, Turkey, Cyprus, Syria, Israel, Lebanon, Egypt, Libya, and the USA, which have an important influence in the Eastern Mediterranean through the Souda's Base<sup>23</sup>, but also Russia, which is always present in the geostrategic policies of the Mediterranean.

Due to the great strategic importance of the Eastern Mediterranean region, every state has been claiming and is still claiming vigorously its own part of this area, to stabilize and establish a "safe zone" of its own interests. The Europeans (especially the French) nowadays realize and express their concerns of maintaining a stabilized environment in the Eastern Mediterranean especially when it comes to the expansionistic views of third states.

At the same time, they also note the fruitful cooperation with new gas exporters and regional traders that would reduce their dependence on existing natural gas supplement routes and their potential of political use, especially after the notable example of ongoing history with the Northern Black Sea<sup>24</sup> area.

renews sanctions for a further year", 2021, https://www.consilium.europa.eu/en/press/press-

<sup>&</sup>lt;sup>23</sup> The Souda Base is an American military base in Crete. Souda is under the Greek government, but the Americans have their own personnel, materials, offices, and ammunition. The Souda base is a valuable strategic point because from that area the US can control the eastern Mediterranean, the Black Sea, the Red Sea, the Middle East, and Israel, where the US maintains a friendship different from the others.

<sup>24</sup> Council of Europe, Press Release, "Russia's illegal annexation of Crimea and Sevastopol: Council

# 6. Geo-politics, to Geo-economics & to Energy-politics

The terms "Geopolitics" and "Geoeconomics" are both terms which are commonly used but their meanings tend to be interluded, thus a confusion regarding both is created and a clarification is in order. At present day, more than ever, both of them are quite often tangled with "Energy-politics," a term that stands on its own, yet is quite close to the aforementioned.

Diving deeper into these terms G. Evans and J. Newnham, tried to define Geopolitics as "a method of foreign policy analysis that seeks to understand, explain, and predict international political behavior, mainly in terms of geographical parameters such as: location, size, climate, topography, demographics, natura resources, technology and development and their potential"<sup>25</sup>. A definition that is quite widespread and often used by many scholars and educational readings.

On the other hand, Geoeconomics were given a definition by E. Luttwa who determines it as "a new form of primitive conflicts between states, through which only financial and economic means are used" This specific definition is quite interesting as it translates the military/weapon strength of a state into the economic and financial means and its possibilities as an international entity. A more typical and widely known example of this statement/theory is the financial and commercial penetration of in-state companies to the international markets (third states' market) with state support, which can be characterized as an equivalent of the creation of military bases aboard. Furthermore, development and the production of products backed-up by state subsidies equals the innovation and development of the industrialized development of arms/weaponry systems.

When it comes to "energy-politics," its definition as per the writer of this thesis can be derived by the definition of geopolitics as they are quite close. More specifically as energy-politics is defined the methodology which analyses the foreign policy and the

<sup>&</sup>lt;u>releases/2021/06/21/russia-s-illegal-annexation-of-crimea-and-sevastopol-council-renews-sanctions-for-a-further-year/</u>

<sup>&</sup>lt;sup>25</sup> Evans, Graham & Newnham, Jeffrey, "The Penguin Dictionary of International Relations" (Penguin Books, 1998)

<sup>&</sup>lt;sup>26</sup> Luttwak, Edward, "The Endangered American Dream" (Simon & Schuster, 1993), p. 35-6, Edward Luttwak, Turbo Capitalism: Winners and Losers in the Global Economy (HarperCollins, 2000)

strategic movements of states, based on different energy needs and aspects, a means to predict and understand thoroughly the ongoing international movement. But in contrast to geopolitics the reference indexes are the natural resources and the capability of having access to them, which are commonly referred to as the parameter of "Energy Security." While both aspects (politics and security) share the same ideology and really close definitions, it has to be highlighted that energy security also derives from two major international factors: geography and the state's relations with the rest of the international community. At the same time, the ongoing circumstances of certain areas cannot be overlooked as they could affect directly or indirectly the energy interests of a state. The conceptual core of energy politics is the unhindered and continuous transfer of energy wealth (resources) from producing states, to transit and consuming states.

# 7. Energy Resources & Utilities

#### 7.1 The gas fields

For decades, the global gas and oil market has not been operated by political influence but by financial movements and interest. More precisely, the discovery of giant gas fields (in addition with great chances of discovering new gas fields in the Eastern Mediterranean, even in Greece), have dramatically increased the global interest, of states and companies, for the wealth of the Mediterranean seabed.

To date, the known (discovered) deposits are:

- <u>The Aphrodite deposit of Cyprus</u>, which has reserves up to 140 billion cubic meters of natural gas (with annual gas consumption of Greece and Cyprus at about four and less than one billion cubic meters respectively)
- <u>The Tamar and Leviathan fields in Israel</u>, have reserves of 280 and 640 billion cubic meters of gas respectively (with Israel's annual gas consumption being about six to seven billion cubic meters)
- <u>The Zor field in Egypt</u>, with reserves of 850 billion cubic meters of natural gas (with an annual gas consumption of about fifty billion cubic meters)

Focusing on the rich energy resources of the wider Mediterranean basin, regional and international actors engage in fierce geopolitical competition to achieve geographical diversification of their energy imports to reduce their dependence on the volatile Middle East. These forces, as well as large international companies, are seeking control of both the region's energy resources and their transit. In addition, the control of both the important energy sources of the region and the energy transit pipelines, make the region in question a focus of interest of the above actors which plays a vital role in the global balance.

Differences in maritime borders resulting from conflicting claims by states regarding the natural resources of the oceans are often a source of threats to peace and security as explained in the chapters below.

#### 7.2 The sea pipelines (Construction - Utility – Risks).

From 1897 the first attempts for extraction and transportation of products began oil at sea. Offshore oil exploration and production began in Summerland in California. The first submarine pipeline was built in Summerland, southeast of Santa Barbara. Since then, submarine pipelines have been an efficient means of transporting fluids, that is, oil, natural gas, and water. Some important offshore pipeline projects in its wider area Nord Stream, the Trans Adriatic Pipeline (TAP), the pipeline Nabucco, the South Stream, the Trans-Med gas pipeline, and the pipeline system Turkey-Greece-Italy Interconnection (ITGI).

The design and operation of submarine pipelines are complex and complex processes, due to the nature of the marine environment. The advantages of maritime transport pipelines are linked to geopolitics as well as environmental issues. In relation to the geopolitical dimension, the offshore pipelines, in contrast land, do not pass through different national territories, thus avoiding unwanted international political conflicts. Marine pipelines can be used for either production (e.g., production, transport, and hydrocarbon storage) or exclusively for transport, and in many cases constitute integrated channel sections, consisting of land and sea sections. The pipes used exclusively for transport are deposited on its bottom sea, connecting two land points. Emphasis is placed on Steel Catenary Risers (SCRs), which have proven to be very attractive solutions in the marine manufacturing industry hydrocarbons. At present, such pipelines are designed and installed on platforms Spar type TLPs for floating semi-submerged structures in the Gulf of Mexico and Brazil, in TLPs platforms in Indonesia and FPSOs facilities in West Africa.

The transport of natural gas depends on its condition. In the gas state is transported by pipelines under high pressure, while in the liquid state it is transported in tanks with special ships. The gas pipelines are distinguished depending on the pressure in high pressure transfer pipes (40 - 100 bar), pipes medium pressure transmission (~ 20 bar) and low-pressure distribution pipes (4 - 7 bar). High and medium pressure pipelines carry economically large volumes of gas, provide balance to the transmission system, and provide relative elasticity to transport system as they serve as temporary storage areas of the natural gas. Low pressure distribution pipes are used to supply gas to the cities because they offer greater security, have lower costs and end use gas is made

under atmospheric pressure. It is a fact that the most important risks and the main causes of failures for networks hydrocarbon pipelines are derived from seismic actions. An earthquake can affect the duct in several ways, such as, e.g., soil liquefaction, landslide, the passage of the pipeline through a seismic fault. Every one of the above phenomena, if it occurs under certain conditions can bring pipeline failure. The internal pressure of a pipe, the external pressure exerted on it, corrosion and temperature changes are particularly key factors that for risk reasons determine the ratio of diameter to wall thickness, but also the condition of the coating of a hydrocarbon pipe. One of the most important risks a pipeline can face hydrocarbons is the formation of gas hydrates in the pipeline. Environmental impacts are usually expressed as the estimated time it will take required to achieve complete recovery of affected populations / areas. The financial consequences of any damage to a large pipeline can be classified depending on the slowdown in the production of the pipeline. The cost of production delay usually exceeds the actual cost of damage recovery.

# 8. Existing Maritime Frameworks

#### 8.1 The Existing Maritime Frameworks of the Mediterranean

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides the main framework for most maritime activities and on many issues reflects customary international law. All the Mediterranean coastal states, except Turkey, Syria, Israel, and Libya, have ratified the convention. The majority of the maritime space of the Mediterranean is a high sea. About 16% of the maritime area is territorial waters and 31% consists of various maritime zones, which are often disputed by other coastal states due to the extent of its claim or validity<sup>27</sup>. From the above distribution it follows that a large part of the Mediterranean waters is outside the jurisdiction or sovereignty of the coastal states. These states therefore have no regulatory or law enforcement powers to regulate human activities outside these areas, including the protection of the marine environment and the way in which fishing, and the exploitation of energy resources are to be conducted. Outside these areas, states can only adopt measures concerning their nationals and vessels. Some joint action may be taken within the limited framework of regional conventions for the protection of the marine environment and the conservation and management of living resources, although the problem of enforcing decisions remains, including with parties.

This situation is due to the fact that in the Mediterranean, border delimitation problems are linked to complex and politically sensitive disputes in an area of up to four hundred (400) nautical miles. This contrasts with other semi-closed seas surrounding the EU, such as the Baltic Sea, where most countries have resolved delimitation issues under the United Nations Convention on the Law of the Sea (UNCLOS) and have agreed on their maritime zones. Regarding multilateral cooperation, with a few exceptions, international and regional agreements governing maritime activities usually focus on a

Mediterranean / \* COM / 2009/0466 final.

<sup>&</sup>lt;sup>27</sup> As for the water column, five coastal states have enacted legislation establishing a 12-nautical-mile border zone adjacent to their coastal zone to enforce customs, tax, immigration and health legislation and regulations. Five coastal states have established an archeological zone adjacent to the territorial waters to protect the underwater cultural heritage. Four coastal states have established fisheries protection zones and three states have established environmental protection zones. Five coastal states have established Exclusive Economic Zones (EEZs) in which the coastal state enjoys sovereign rights over living and non-living marine resources. Communication from the Commission to the Council and the European Parliament - Towards a unified maritime policy for better governance in the

single area. Achieving a cross-sectoral approach to maritime issues requires a more transparent overview of the work of these bodies, including whether the provisions adopted or promoted by these bodies are systematically monitored and fully implemented. Similarly, greater clarity is needed on the role and responsibilities of coastal states, more particularly, on the management of maritime zones with a view to sustainable development.

On the other hand, the Western Mediterranean can be characterized as "a paradigm for the delimitation of Mediterranean Maritime spaces<sup>28</sup>," because of the existing stable nature of the region's exploitation and cooperating nature which allows the nations of the region to focus on more Humanitarian issues, such as the issues of food resources sufficiency. Even more concerning for the area is the issue of immigration as the sea routes from Northern Africa to Southern Europe, which is quite dangerous for the people wishing to cross aboard and due to the human-lives drowned in their attempts to cross the sea, the Mediterranean has been characterized as a big water grave<sup>29</sup>.

Because of these issues, in total the Mediterranean states are always on the move and in diplomatic talks in order to achieve and align upon major agreements. Along with them, international organizations are mobilized and established<sup>30</sup> in the area to ensure a protective and sustainable future for all coastal states and their people, not only on delimitation issues but humanitarian<sup>31</sup> issues as well.

# 8.2. Barcelona Treaty for the protection of the marine environment and the coastal areas of the Mediterranean

The marine environment is a valuable heritage that must be protected, preserved and, if possible, be restored so that eventually biodiversity is preserved, and its diversity and dynamics are ensured. The marine environment does not follow existing geopolitical boundaries. It is by nature cross-border and therefore requires cooperation and commonalities principles. In these circumstances, any attempt to deal with the marine

<sup>&</sup>lt;sup>28</sup> Caffio, F., 2016. "The Maritime Frontier between Italy and France: A Paradigm for the Delimitation of Mediterranean Maritime Spaces" in. Maritime Safety and Security Law Journal, p.90.

<sup>&</sup>lt;sup>29</sup> Nadhem Yousfi, Assafir Al-Arabi, 06.04.2020, <a href="https://assafirarabi.com/en/30281/2020/04/06/the-mediterranean-sea-a-graveyard-for-humans-and-hopes/">https://assafirarabi.com/en/30281/2020/04/06/the-mediterranean-sea-a-graveyard-for-humans-and-hopes/</a>,

<sup>&</sup>lt;sup>30</sup> Union for the Mediterranean and other Organizations in the area, <a href="https://ufmsecretariat.org/who-we-are/partners/">https://ufmsecretariat.org/who-we-are/partners/</a>

<sup>&</sup>lt;sup>31</sup> European agency on protecting the lives of immigrants that travel via sea-or-land routes. https://frontex.europa.eu/about-frontex/who-we-are/origin-tasks/

environment exclusively at national level is condemned. The European Union and the countries surrounding the Mediterranean are parties to this Convention, which is implemented through the Mediterranean Action Plan (Mediterranean Action Plan) and formulates policies and strategies for the protection of biodiversity and the marine and coastal environment. In recognition of the importance of climate change for the Mediterranean region, in 2008 the countries of the Barcelona Convention signed the Protocol on Integrated Coastal Zone Management of the Mediterranean, prioritizing adaptation to climate change. The Marrakesh Declaration, adopted by the Barcelona Convention in November 2009, highlights the need for immediate action to address the effects of serious climate change on ecosystems and resources. Oil spills. The element that is usually most associated with pollution from ships is oil slicks. Although less common than pollution from daily activities, oil spills have a devastating effect. In addition to being toxic to marine life, polycyclic aromatic hydrocarbons (PAHs), the components of crude oil, are difficult to purify, and last for years in sediments and in the marine environment. Marine species that are constantly exposed to PAH can have growth problems, disease susceptibility, and abnormal reproductive cycles.

### 9. Mediterranean Disputes over the Law of the Sea

#### 9.1 Historical Disputes over the last Century

#### 9.1.1 Libyan-Malta, continental shelf (1985).

In the case of the Libyan-Malta continental shelf (1985), the ICJ applied the "fair" criterion of "proportionality criterion", according to which, there is consideration of the factor "length of coasts of the respective states (length of relevant coasts), in relation to the assigned areas (relevant areas) in each state ", the length of the coasts can be taken into account in a relevant case, while the question is not answered whether there is an exact mathematical relation between the total length percent and final delimitation as a percentage. It was preceded on 24/2/1982, the decision of the ICJ, for the delimitation of the continental shelf between Libya and Tunisia. The difference between the two states was mainly due to the presence of the Kerkennah Islands and the Tunisian island of Djerba off the coast of Libya, and the refusal (of Libya) to take them into account when demarcating, because the border line would shift to its detriment. The court ruled that the exclusion of Djerba and the Kerkennah Islands was not fair in the calculations of the continental shelf, because the former did not alter the general direction of the coast, while the latter was an "important event". However, he did not accept the connection of the Kerkennah Islands in a straight line with their nearby Tunisian coasts, but eventually shifted the delimitation line to the west, in favor of Libya, and even indicated an indicative delimitation line.

#### 9.1.2 Tunisia - Libya (1982).

The Case of the Tunisian-Libyan Continental Shelf (1982). The existence of island units and clusters was considered by the parties and the Court as one of the relevant circumstances to be taken into account, the Court ended up in a zigzag line consisting of two parts of which the first completely ignored the island of Djerba (which fell close to the coast) and the latter yielded only half the result on the Kerkennah Islands off the Tunisian coast, because in any case a full result would give too much weight to these islands. The Court has cited a substantial number of cases from the practice of demarcating states in which only a partial result could be given to islands off the coast.

Tunisia and Libya had already signed an agreement in 1977 to resolve the issue of delimitation of the continental shelf by the ICJ. The parties in this case had asked the ICJ to reach a conclusion in accordance with the principles and rules of international law, examining the principles of leniency and the circumstances inherent in the region, as well as the trends which had been accepted<sup>32</sup>, from the Third Conference on the Law of the Sea<sup>33</sup>.

Tunisia and Libya had already signed an agreement in 1977 to resolve the issue of delimitation of the continental shelf by the ICJ. The parties in this case had asked the ICJ to reach a conclusion in accordance with the principles and rules of international law, examining the principles of leniency and the circumstances inherent in the region, as well as the trends which had been accepted. from the Third Conference on the Law of the Sea8<sup>34</sup>. Moreover, the procedures of the 1982 ICJ Treaty had just been completed, the impact of which was particularly significant both in the Tunisian-Libyan case and in subsequent cases involving maritime delimitation. Since the negotiations of the Third Conference had proceeded at the same time, at the time of the Tunisia / Libya crisis, the ICJ had already proposed the final form of the continental shelf and EEZ delimitation articles of the draft Convention, which was adopted following in December 1982. Influenced by the findings of the 1969 decision, in the Tunisia / Libya case, which the two countries submitted to the ICJ in 1978 on a joint and several bases, they sought to resolve the issues in accordance with the principles of justice and the relevant circumstances that characterize the region, but and according to the new trends which have been accepted at the Third Conference. In this case, too, the applicable law was customary law<sup>35</sup>.

In the Tunisia / Libya case, the ICJ was confronted with the concept of natural extension and was forced to acknowledge that in this case, the seabed characteristics proved useless for locating a natural continental shelf boundary, followed by the natural extension of the lands of the states under the sea, as well as in the various cracks in the

<sup>&</sup>lt;sup>32</sup> United Nations Convention on the Law of the Sea - Wikipedia,

 $https://en.wikipedia.org/wiki/United\_Nations\_Convention\_on\_the\_Law\_of\_the\_Sea.$ 

<sup>&</sup>lt;sup>33</sup> Roukounas E., "A Landscape of Contemporary Theories of International Law," p. 261.

<sup>&</sup>lt;sup>34</sup> "DIPLA X., The International Court of Justice, Its Position in the International Court of Justice and his Contribution to the Modern Law of the Sea," volume A', published by Ant. N. Sakkoula, Athens-Komotini 2003, p. 284.

<sup>&</sup>lt;sup>35</sup> Same as Reference 28

seabed which are not significant enough to constitute a real rift of one natural extension in relation to the other<sup>36</sup>.

The ICJ acknowledged that although the idea of natural land extension broadly defines the physical object or location of coastal state rights, it is not necessarily sufficient or even appropriate to define the exact extent of one in relation to those of the neighboring state<sup>37</sup>.

Due to the inability of geology and the depth gauge to contribute substantially to the present case, the ICJ abandoned the seabed and land to rise to the surface and resort to geography. It will do so by introducing into the delimitation process the investigation of the relevant circumstances of the area, which will be called upon to help, in order to achieve fair delimitation. The ICJ examined the geographical context and especially the area which is located on the coasts of the two states and is called the "pelagic bloc", while at the same time it included in the area the map, which shows the delimitation that had already been done between Italy, Tunisia, and Malta. That delimitation took into account the small Italian islands of Pantelleria, Linosa, Lampione, Lampedusa, which are closer to Tunisia than to Sicily. In fact, they maintained a proportion of the continental shelf that belongs to them<sup>38</sup>.

Finally, the ICJ considered that it could take into account the provisions of the Convention only if they crystallized a "rule of international law pre-existing or under development". Furthermore, the parties have appeared in the Court with different interpretations as to the implication. Tunisia and Libya did not agree on the content of Article 1 of the Commonwealth, i.e., on the mission of the Court. The latter considered that it should have reached the point where the experts of the parties could determine the boundary line, without negotiating any elements of the dispute89. In addition, the ICJ found that its invitation to examine the latest acceptable trends, as explained above, did not authorize it to judge ex aequo et bono, that it was fair and equitable, and that it was more important to examine the positions. of the parties and the circumstances in view of the specific dispute each time.

<sup>&</sup>lt;sup>36</sup> Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Judgment, I.C.J. Reports 1982, p. 57, §66.

<sup>&</sup>lt;sup>37</sup> Continental Shelf (Tunisia/Libya), p. 46, §43.

<sup>&</sup>lt;sup>38</sup> Continental Shelf (Tunisia/Libyan Arab Jamahiriya), p. 46, §43.

For this reason, he continued to evaluate these elements that are principles of leniency and stressed that it is important for the application of the principles of leniency to reach a result of leniency. The principles of leniency must therefore be applied not as corrective principles of international law, but as principles which form an integral part of it, in order for the Court to reach a just result. every time. For this reason, he continued to evaluate these elements that are principles of leniency and stressed that it is important for the application of the principles of leniency to reach a result of leniency. The principles of leniency must therefore be applied not as corrective principles of international law, but as principles which form an integral part of it, in order for the Court to reach a just result.

## 9.1.3 Greece-Turkey (1970-today)

As a disclaimer from the writer, we cannot analyze so thoroughly the disputes between the two, as this case is an ever-ending cycle of cross-fighting aspects. In order to satisfy the reader's peculiarity below are analyzed the main points of the ongoing argument between the two nations:

a. While there is no Turkish continental shelf / EEZ, there is no legally demarcated Greek continental shelf / EEZ in this area. According to the Law of the Sea (1982), a country has an ipso facto and ab initio continental shelf (not an EEZ, it wants a declaration), but in order to do so, it must be preceded by delimitation between adjacent or object states by agreement after negotiations. The Convention on the Law of the Sea could not have been clearer on this point (art. 83). And delimitation, as you know, does not exist. Without delimitation it is just a "supposed continental shelf". And at the heart of the process is international justice (ICJ)<sup>39</sup>.

b. And if a continental shelf (or EEZ) is applied, the country does not exercise sovereignty. It exercises certain sovereign rights explicitly defined by the Convention on the Law of the Sea (art. 76) mainly for the exploitation of resources (energy, etc.). In other words, unlike the territorial waters where it exercises sovereignty and is part of the territory of the country, the continental shelf and the EEZ are not part of the territory. Therefore, a research ship such as the "Oruc Reis" violates - to the extent that

<sup>&</sup>lt;sup>39</sup> P.K. Ioakimidis. Emeritus Professor of the University of Athens, former Ambassador, Adviser to the Ministry of Foreign Affairs.

it does - sovereign rights on the supposed continental shelf, but not the sovereignty of Greece<sup>40</sup>.

c. The upper sea of the continental shelf (or EEZ) is international waters, high sea. Therefore, the voyage is completely free. So, even if a ship like the "Oruc Reis" just sails in the area, it is not illegal. It is illegal to conduct searches on an illegally delimited continental shelf, EEZ.

d. The Greece-Egypt agreement is a completely legal and balanced agreement. But the timing of her signing, a few days before the start of the exploratory dialogue with Turkey, was rather misguided. Derail the process first and these will be seen sequentially.

e. The European Union "fights" - as it is allegedly or even spelled out - Turkey, but also sends some strong messages to Athens such as "not unilateral actions and enter into dialogue to solve problems<sup>41</sup>».

## 9.2 Trilateral Disputes in the Mediterranean

## 9.2.1 Greece - Libya - Turkey

In a letter sent on February 27, 2020, by the Turkish Permanent Representative F. Sinirlioğlu and published on March 2, he asked the Secretary General of the UN to publish both the letter and its annex as a document of the UN General Assembly and to be published on the website of the Department of Oceanic Affairs and the Law of the Sea as well as in the periodical Law of the Sea Bulletin. The annex specifically mentions the coordinates defining the delimitation line between Turkey and Libya southeast of

<sup>&</sup>lt;sup>40</sup> In August, Greece and Egypt signed another memorandum of understanding that partially delimits its maritime zones. As some of the zones defined in the agreement are incompatible with those in the Turkish-Libyan agreement, Ankara responded by sending the research ship Oruts Reyes to the Eastern Mediterranean. Although the mission lasted more than four weeks, Oruts Reyes did not enter the EEZ set out in the Greek-Egyptian agreement. the ship moved south from Kastelorizo, through waters that Greece and Turkey consider their own. The position of Athens, in accordance with the Convention on the Law of the Sea, is that all its islands have the right to a continental shelf.

<sup>&</sup>lt;sup>41</sup> Joseph Borrel 9/8/20

Crete and points out that this outer boundary of the Turkish continental shelf emerged after the Turkey-Libya delimitation agreement which entered into force on 8 December. The e-mail address of the Turkish Government Gazette that published the Turkish Gulf Memorandum is quoted, while so far, the specific Agreement has not been registered with the competent UN Office.

This is a bilateral agreement which has many formal obstacles, due to the problematic legitimacy of the Sarraj government for its signing, but also in terms of content as a number of basic provisions of the Law of the Sea are violated. In addition, letters stating that they do not recognize this Agreement or its possibility to produce legal effects, have already been submitted by two countries directly involved, Greece and Egypt, while Cyprus, Israel, with official statements, consider this Agreement invalid, along with France, Italy, the EU, and the USA.

This action by Turkey is a move of strategic importance, as it offers it the right to overturn Greek plans for hydrocarbons throughout the Eastern Mediterranean. <sup>42</sup> In search of new allies to lift it out of its diplomatic impasse, it has found a supporter in Libya, to support the ideology of the Blue Homeland. <sup>43</sup>. The Turkey-Libya memorandum marks the beginning of an effort to change the legal status of the Eastern Mediterranean. The attempt to overturn the agreements of Cyprus with its neighboring states strengthens the stability of the entire Eastern Mediterranean and is a clear violation of international law of the sea, as Turkey is not geographically adjacent to the demarcated area and has no rights, while the Greek islands in the area are many and remarkable <sup>44</sup>.

It is difficult to pronounce a stable decision on the EEZ by the existing government. Libya's present governance is based on a delicate balance not only between the opposing factions but also with third-state actors acting as protectors of their own international interest in the area.

<sup>&</sup>lt;sup>42</sup> Syrigos A. (22/07/2019), "*Demarcation of Turkey - Libya; A strategic move*", The Daily, <a href="https://www.kathimerini.gr/1034923/article/epikairothta/politikh/orio8ethsh-toyrkias---livyhs-mia-strathgikh-kinhsh">https://www.kathimerini.gr/1034923/article/epikairothta/politikh/orio8ethsh-toyrkias---livyhs-mia-strathgikh-kinhsh</a>

<sup>&</sup>lt;sup>43</sup> Karagianis M. (29/11/2019), "*The agreement between Turkey and Libya opens the bag of Aeolus*", Liberal, <a href="https://www.liberal.gr/apopsi/manos-karagiannis-H-sumfonia-tourkias-libuis-anoigei-ton-asko-tou-aiolou-stin-an-mesogeio/276215">https://www.liberal.gr/apopsi/manos-karagiannis-H-sumfonia-tourkias-libuis-anoigei-ton-asko-tou-aiolou-stin-an-mesogeio/276215</a>

<sup>&</sup>lt;sup>44</sup> Same as reference thirty-six [36]

The election of Joe Biden<sup>45</sup> as President of the United States has served as a catalyst for a process of overall adjustment of Turkish foreign policy. Without giving up on its claims and projections of power, Turkey is trying to re-establish relations with a number of countries, especially those considered to be traditional US allies. This has been reflected in the effort to restore a level of reconciliation with Israel but also in the effort to reconcile with Egypt. The reason is that, among other things, Egypt is a wider reference point of the Arab world and for Turkey it is a critical hub for its overall presence in the region. For Turkey, Egypt highlights the possibility of cooperating with wider forces in the Arab world, weakens US arguments that Ankara is moving away from the "West", strengthens its position in the overall international negotiation for the next day of Syria and secures it as a power with which everyone talks. In particular, Turkey needs countries that accept, at least partially, their own view of how the EEZ should be shared in the Southeastern Mediterranean. In particular, Egypt has given permission for hydrocarbon exploration in a marine "plot" southeast of the zone where Athens and Cairo have concluded an Exclusive Economic Zone. The "W18"<sup>46</sup> plot in question is adjacent to the area where Ankara claims sovereign rights and has identified as the boundary line of the hypothetical Turkish continental shelf, a boundary line that completely challenges the Greek sovereign rights secured under the Kastellorizo complex. However, after the intervention of the Greek side, it was agreed that the delimitation of the specific plot will be such that it will not constitute legalization of the Turkish claims.

However, it is clear that the Egyptian government is seeking on this basis to maintain certain balances in the new landscape as a whole. Let us not forget the transitional phase we are in in relation to the developments in Libya where there is a broader effort to maintain the fragile balances around the new government and the peace process. The

<sup>45</sup> Joseph Robinette "Joe" Biden (born November 20, 1942) is an American politician and lawyer who has served as the 46th President of the United States since 2021. He was also the 47th Vice President of the United States (2009- 2017). He is a member of the Democratic Party.

<sup>&</sup>lt;sup>46</sup> The revised map of plot 18 was published, which now stops at the 28th meridian, where the demarcation with Greece ends and does not extend eastwards as the previous map provided. Something that had given the Turkish leadership the opportunity to almost celebrate that Egypt recognized its own demands in the Eastern Mediterranean.

visit of the new Libyan Prime Minister Abdul Hamid Dbeibeh to Cairo to give assurances to the Egyptian leadership given his relations with Ankara is also indicative.

Reaching a partial agreement on the delimitation of the EEZ between Greece and Egypt, created expectations since according to the Prime Minister Mr. Kyriakos Mitsotakis "the agreement on the Greek-Egyptian EEZ is based on the Law of the Sea. It recognizes that Greek islands have continental shelf and sovereign rights in the maritime zones, and in practice cancels other illegal ones. The criticism is that although it seems to weaken the Turkish-Libyan agreement, it does not cross the "red" lines of Turkey, as the delimitation starts at the 28<sup>th</sup> meridian and leaves Kastellorizo out. At present, this is a partial delimitation against the Egyptians, where Greece is the opposite state and based on the Law of the Sea, it is entitled to delimit all zones with the opposite states. This is not the case with Turkey and Libya as Turkey is not a state against the latter and therefore what had been established was completely illegal.

In the first phase, the influence of the islands in all areas of national jurisdiction is recognized, in this case in the continental shelf and in the Exclusive Economic Zone (EEZ), which seems to be included in this agreement. "In an area that is half Mediterranean, because the other half has no problem recognizing the influence of island territories in areas of national jurisdiction, we see that the view of all countries is in line with international law." The only objection in this case is Turkey, which carried out the memorandum with Libya.

In addition to the already agreement with the Egyptians, other states are intervening in this area, that is, Cyprus and Egypt, and of course, if Turkey wants, which has coasts above. On the other hand, it also seems that two pockets have been left which have not been integrated and from what seems to be rightly not integrated, I am talking about the south of Crete. In the first phase, a small part that essentially intersects the continental shelf of Greece, Libya, and Egypt, i.e., where some delimitation needs to be made, so this is left for later in case Libya enters into an agreement with Greece and of course and with Egypt. Also, it seems that the northern part of Rhodes is left out, where the case of Turkey is directly opposite, and a specific delimitation is needed there as well.

Turkey could agree with Greece on all these points in order to be able to move forward, and not only for what it is most interested in and that is the case of the Aegean. When there are bilateral agreements but there are also third countries involved, bilateral

agreements do not always go beyond what could be reached by third countries and this is legitimate under international law. That is, "any agreement cannot be to the detriment of a third party. These boundaries are therefore of a technical nature and are legitimate".

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<sup>&</sup>lt;sup>47</sup> Emeritus Professor of International Law and former Rector of Panteion University Mr. Grigoris Tsaltas

## 10. States & Peculiar Relations in the Mediterranean

## 10.1 Cyprus

Cyprus has always been an important part of Eastern Mediterranean, precisely because of its geographical location, as a passage<sup>48</sup>. Cyprus is a crossroad of three continents, as it lies between Europe, Africa, and Asia. Historically, Cyprus is located on the major historic maritime highway near the three major sea points of the world. (In this area, European-Christian and Middle Eastern-Islamic, had their border areas and participated in periodic conflicts for over a millennium<sup>49</sup>) A fitting example of the historic value of the island can be seen even in the middle-ages during the period of the crusades<sup>50</sup> as this period marked the beginning of English influence on the island.

The advantageous geographical position of Cyprus between these three makes it an ideal cross-point for sea and air transport, as well as its significant role towards the Middle East and specifically to Egypt, Lebanon, Israel and Libya, states of critical importance for the Middle East and their influence in the wider region. At the same time, it is geopolitically and culturally connected with Greece and geographically with Turkey<sup>51</sup>. Cyprus, as a state, has excellent relations, both with the West (EU / USA) and the region's states (with some exceptions). This advantageous geostrategic position of Cyprus, as it is in the Eastern Mediterranean and the Middle East, is an ideal strategic location for any major player wishing to assert its presence and power in the region.

In addition, the geostrategic value of Cyprus, is of crucial importance for controlling the Eastern Mediterranean, and its international trades that pass though, was always huge and remarkable. Proof of this is that Cyprus was geostrategically a point of interest for major powers and regional actors in international politics for all modern time history

<sup>&</sup>lt;sup>48</sup> Grigoris Tsaltas, Geography in International Studies, A Geographical Approach to the Contemporary International Community (Athens: I. Sideris, 2011).

<sup>&</sup>lt;sup>49</sup> James Leign and Predrag Vukovic, "A Geopolitics of Cyprus," Rubin Center Research in International Affairs, 2011, online: <a href="http://www.rubincenter.org/2011/12/a-geopolitics-of-cyprus/">http://www.rubincenter.org/2011/12/a-geopolitics-of-cyprus/</a>

<sup>&</sup>lt;sup>50</sup> Nicholson, H., 1993, April. *"The Kingdom of Cyprus and the Crusades,"* 1191-1374. In History Workshop (No. 35, pp. 225-227). Oxford University Press.

<sup>&</sup>lt;sup>51</sup> Francis Henn, "Cyprus: The Geo-strategic Dimension," Contemporary Review 1, no. 1 (Summer 2007): 289.

because of its position and the influence on international politics with all the economic, energy and broader strategic parameters.

More specifically Cyprus' nature and history to the West<sup>52</sup> can be quite easily understood via researching the island's military relations with major western states such as France and United Kingdom, which are of great concern in the area as influential players, along with the aspects of NATO and its member states. This fact comes as a given due to the interest of NATO in the Eastern Mediterranean but also this interest includes all the volatile but critical areas of the Middle East, North Africa, and the Persian Gulf.

Nowadays, the strategic position of Cyprus is of particular importance in the modern economic and geopolitical environment. Arab Spring, the developments that followed, especially the Syrian crisis, and other issues such as religious fanaticism & energy security, brought about shifts of balance, geopolitical upheavals, threats, and challenges and have created new conditions in the strategic environment of the Eastern Mediterranean<sup>53</sup>.

In this context and according to current geopolitical data, Cyprus is once again geostrategically very important. At the same time, at a time when global markets are undergoing multiple crisis, the need to create new data that will stimulate markets is crucial. In this context, the recent discovery of hydrocarbons in the seas of the Eastern Mediterranean (Egypt, Israel, Cyprus), has drawn attention and interest to the role that these countries in this region can play on the global energy map<sup>54</sup>.

Summing up, the position of Cyprus is by nature a strategic point in the map since it is located between three continents and in the center of Eastern Mediterranean. In view of the above, the fact that Cyprus is a member of the EU and the fact that Cyprus, resides in an area of intense instability, leads to the conclusion that the geostrategic position of Cyprus is crucial for implanting the Union's external aspects of politics in the region.

<sup>53</sup> Ioannis Parisis, "The Cathedral Sea, Geostrategic Analysis of the Mediterranean" (Athens: Lebanon, 2013)15, 16.

<sup>&</sup>lt;sup>52</sup> Leigh, J. and Vukovic, P. (2011), "A Geopolitics of Cyprus, MERIA (Middle East Review of International Affairs)", December, 15, 4, <a href="http://www.gloria-center.org/2011/12/a-geopolitics-of-cyprus">http://www.gloria-center.org/2011/12/a-geopolitics-of-cyprus</a>

<sup>&</sup>lt;sup>54</sup> Erato Kozakou-Markouli, "*The Strategic Position of Cyprus in the Eastern Mediterranean*," diplomatic.gr, accessed October 5, 2018, <a href="http://www.diplomatic.gr/pd/ar-yp-kyp.htm">http://www.diplomatic.gr/pd/ar-yp-kyp.htm</a>

At the same time, Cyprus, which is in the vortex of a constantly unstable regional context, plays a critical role in shaping the geostrategic environment for Europe, North Africa, the Middle East and beyond. Cyprus could serve as a base for military missions, for field exploration, for imports and exports, and for access to the wider Mediterranean region, the Middle East, and the Persian Gulf. With its favorable topography, climate, political and military installations, geographical location and possibly future offshore oil and gas supplies, Cyprus appears to be an interesting ideal geostrategic military deck for powers to contribute to their visions in this key geopolitical part of Mediterranean.

Moreover, despite the status of non-members, Cyprus is a critical point of NATO's Mediterranean operations and plays a leading role in cases of NATO's intervention in the region. In addition, the United States considers Cyprus crucial for its preservation control of Mediterranean waters and ensuring the presence of the United Kingdom Sixth Fleet. In addition, recent developments in the region, with the civil wars in Syria and Iraq, show that Cyprus can be a neutral ground for addressing the emerging threat and consolidating international security and stability in the Middle East<sup>55</sup>.

In General terms, the strategic and geopolitical importance of Cyprus is a key point worth mentioning, but it is exploited mostly by third-state factors. More specifically, examples of this are the UK's bases on the territory of the Republic of Cyprus, France, and Italy, which use the island's airports for missions and supervisory roles in the Middle East, and Turkey, which illegally uses the occupied part of Cyprus to highlight, among others, its geostrategic importance and role, especially in the Middle East and the Southeastern Mediterranean basin.

In conclusion, Cyprus throughout history has been under many political and military changes which define the island as a major stronghold of diplomacy and cultural crossroad. Russia, compared to the West and especially to the UK and the US, seems to have limited and weak influence in Cyprus. Undoubtedly, there is a conflict of interest of the major Western powers on the island with Russia, as the above makes it clear that both the US and the UK, as well as the other major powers, maintain significant interests on the island, which do not want to lose. On the other hand, current

<sup>&</sup>lt;sup>55</sup> Christodoulos Giallouridis, "*The geopolitical value of Cyprus*", Foreign Affairs the Hellenic Edition, accessed October 5, 2018, <a href="http://www.foreignaffairs.gr/articles/70606/xristodoylos-k-gialloyridis/i-geopolitiki-yperaksia-tis-kyproy?page=show">http://www.foreignaffairs.gr/articles/70606/xristodoylos-k-gialloyridis/i-geopolitiki-yperaksia-tis-kyproy?page=show</a>

developments, and the constant strategic importance of Cyprus, give an unexpected degree of geopolitical value to the island, resulting in Russia viewing Cyprus as the only Mediterranean port to regain its regional hegemony in the region<sup>56</sup>.

## 10.2 Turkey - Syria

# (The catastrophic passage of the Arab Spring that made Syria a field of international controversy).

The first major source of friction between Turkey and Syria is the exploitation of the waters of the Tigris and Euphrates by Turkey with its famous dams, which means their reduction in Syria. This is related to their second disagreement which is the support of Syria to the Kurds. A third source of friction is the concession of the Alexandretta area by the French in 1939 to Turkey. Added to all this is the recognition of Israel by Turkey in 1948, its accession to NATO in 1952 and the support of Syria in Greece and Cyprus against the Turkish invasion and occupation. Their relationship began to thaw in 1998 when Syria expelled Ocalan and his Kurdish rebels from the country. During the AKP government, their relations were revived with the signing of a memorandum of cooperation between them in 2007 and especially in 2008 with the mediation of Turkey in Syria's relations with Israel and Iraq. Turkish-Syrian relations culminated in 2011 with the signing of an agreement on the training of Syrian security forces by Turkey and the joint construction of a "friendship barrier" on their borders. Until 2011, the case of Syria was typical of Turkey's attempt to create the impression of a zero-problem policy<sup>57</sup>.

The Arab Spring brought a sharp rift in relations between the two countries. Turkey's open support for the Syrian opposition when the Syrian civil war broke out and the downing of a Turkish reconnaissance aircraft by the Syrian air force on June 22, 2012, led to the closure of the Turkish embassy in Damascus. Under the pretext of Turkey's participation in the fight against the self-proclaimed Islamic State, Turkish forces, on

<sup>57</sup> Kouskouvelis, "Zero Problem Policy with Neighbors or Problematic Policy?" pp. 30-33

<sup>&</sup>lt;sup>56</sup> Kristen Cooper, "*Cyprus' strategic importance*", Stratfor Worldview, 2012, https://worldview.stratfor.com/article/cyprus-strategic-importance-dispatch

August 24, 2016, crossed the border conducting military operations under the name "Euphrates Shield" on Syrian soil<sup>58</sup>.

The Kurdish issue<sup>59</sup>, which has been the subject of co-operation until 2010, has been a major source of friction between Turkey and Syria since 2011. The withdrawal of Syrian security forces from the two countries' borders has led to the Kurdish Democratic Union Party (PYD), which maintains close ties with the PKK, taking control of the region. This created the de facto autonomous region of Rojava, between Turkey and Syria. Thus, a corridor was formed from Mosul to the Mediterranean Sea, which could mean the energy independence of the region and the energy blockade of Turkey. The latter, unable to allow such a development, invaded the Afrin region on January 20, 2018, with the operation that it named "Olive Sector", and managed to prevent the unification of the two Kurdish autonomous regions in Iraq and Syria and the creation of the above corridor.

Turkey is aggressively claiming a role in the post-civil war era in Syria, as its interests are mainly focused on managing the Kurds population (mainly on the Northern lands of Syria), who have been the armed wing of the Democratic Union Party since 2004. At the same time, its goal of overthrowing the Assad regime, establishing itself as a major power in the ongoing conflict and for interfering inside Syrian disputes, raises concerns among other Arab/Islamic states about its intentions. As a result, Turkey is steadily losing ground as a "mediator" state in the region between West and East.

Due to the ongoing circumstances, Turkey experienced a new overflowing immigration flow which in its own way pressured and revealed new possible threats to Turkey's national security. The specific point of interest was the Southern-Eastern borders between Turkey, Syria and Iraq were a new Kurdish-hub was created as a means of protecting Indigenous minorities from the expansionism and the brutality of ISIS operations in the area, while trying to establish itself as a Kurdish zone. Such an action is considered by Turkish policies as a grave danger for its own sustainability and integrity.

https://www.globalsecurity.org/military/world/war/syria-euphrates-shield.htm

 $<sup>^{58}</sup>$  Global Security, Operation Euphrates Shield,

<sup>&</sup>lt;sup>59</sup> Davutoğlu, Strategic Depth: Turkey's International Position, pp. 237-239

This quagmire provoked the Turkish invasion with Operation Peace Source on October 9, 2019, when its troops entered Kurdish-controlled areas, along with Turkish-backed Syrian rebels. Turkey's goal was twofold: to repel YPG fighters at least 30km from its borders and set up a so-called security zone in a part of Syria it would occupy, where it plans to house approximately four million Syrian refugees on the ground. The operation began when the US gave the green light for the planned invasion, announcing that US troops were withdrawing from northeastern Syria. <sup>60</sup>

Turkey's goal was to clear the border area of Kurds, Alevis and Yazidis, and to replace them with Sunni Arabs, with the ultimate goal of splitting the national and geographical unity of the Kurds from Syria to Turkey<sup>61</sup>.

While Turkish outposts and troops remain in place, the 12km-neutral corridor along part of the M4 motorway, which was agreed to be controlled by joint Russian-Turkish patrols, is not the 30km-deep security zone length of the Turkish border, which Turkey wanted. Turkey remains in Syria with the aim of imposing a de facto situation that will allow it to become a regional power. The biggest winners after the latest developments in the region are Russia and Syria. Russia is now the undisputed regulator of developments in the Middle East, possibly extending its ambitions to the Eastern Mediterranean. It is noted that despite the Moscow-Damascus-Kurdish agreement, it is crucial for Russia to keep Turkey in a climate of trust with it and at the same time on a rift with the West<sup>62</sup>. Syria finally recaptured the Kurds and gained control of almost its entire territory.

Russia's strategy against Turkey is similar to the bait and bleed strategy used against regional contenders. While seemingly inviting her to a war of attrition, she does not think she will succeed. On the contrary, it expects its Turkish power to decline and its dependence on the Russian chariot, without risking the severance of their relations, which are working reconstructively for Turkey's<sup>63</sup> western allies. The US seems to be

<sup>&</sup>lt;sup>60</sup> Zia Weise (17/10/2019), Turkey's invasion of Syria explained, Politico, 17/10/19 (upd) https://www.politico.eu/article/8-questions-about-turkeys-incursion-into-syria-answered/

<sup>&</sup>lt;sup>61</sup> Angelos Syrigos (14/10/2019), "*The difficulties for Turkey in Syria begin*", interview with Andreas Zampoukas, Liberal, <a href="https://www.liberal.gr/apopsi/aggelos-surigos-archizoun-ta-duskola-gia-tin-tourkia-stin-suria/270225">https://www.liberal.gr/apopsi/aggelos-surigos-archizoun-ta-duskola-gia-tin-tourkia-stin-suria/270225</a>

<sup>&</sup>lt;sup>62</sup> Konstantinos Filis (20/10/2019), Turkish aspirations and the Syrian reality, in.gr, https://www.in.gr/2019/10/20/apopsi/tourkikes-epidiokseis-kai-syriaki-pragmatikotita/

<sup>&</sup>lt;sup>63</sup> Markos Troulis (29/02/2020), "*Turkey "stung" - Syria justifies the US*", Huffington Post, <a href="https://www.huffingtonpost.gr/entry/e-seria-dikaionei-tis-epa gr 5e591824c5b6450a30bd56cb">https://www.huffingtonpost.gr/entry/e-seria-dikaionei-tis-epa gr 5e591824c5b6450a30bd56cb</a>

following a similar strategy, for its own reasons. The defeat of Turkey serves it, as it is estimated that it will limit its autonomous strategic course, but it will not be so dramatic as to reduce its value as a strategic partner of the West. It is also expected that after that Turkey will turn to them strategically, as it did almost throughout the post-World War<sup>64</sup> II period. Developments in Syria, however, do not disorient Turkey from the power game in the Eastern Mediterranean. The Turkish effort to shape the environment by creating accomplishments concerns the entire region of the Aegean and the Eastern Mediterranean, which remain in its priorities<sup>65</sup>.

## 10.3 Israel – Turkey

Turkey's rapprochement with Israel and cooperation with the US after the Cold War met with the reservations of the EU, Russia, and China, as well as the negative attitude of the Arab countries to the point where it became a burden for Turkey. Davutoglu argues that this relationship is heterogeneous with Turkey a big loser, as it does not allow it to participate in energy planning in the Middle East and should therefore be thoroughly reviewed<sup>66</sup>. Davutoglu criticizes the Kemalist state's policy of internal balance, which has made Turkey inactive in the Middle East and given Israel, which can be characterized as a "young" state, a chance to play a leading role in the region. According to him<sup>67</sup>, Turkey should claim a dominant role in the Middle East because of the huge geopolitical importance of the region, the Ottoman heritage of Turkey that gives it the basis to act, as well as the rich sources of water and energy resources that put the Middle East, at the center of international interest over time.

Turkey's interest, following the latest discoveries of rich hydrocarbon deposits, has now been extended to the Eastern Mediterranean. Israel is one of the states that is the backbone of the Eastern Mediterranean subsystem and the pole of the Middle East subsystem, and for this reason Turkey's relations with Israel are particularly important for the study of the region.

<sup>&</sup>lt;sup>64</sup> Same as reference 58

<sup>&</sup>lt;sup>65</sup> Costas Lavdas (8/10/2019), "*The Turkish "blue homeland" vision and the developments with Syria"*, interview with George Fintikakis Liberal, <a href="https://www.liberal.gr/apopsi/kostas-labdas-isontrofisin-gia-tin-tourkiki-isongalazia-patridasin-oi-exelixeis-me-ti-suria/269457">https://www.liberal.gr/apopsi/kostas-labdas-isontrofisin-gia-tin-tourkiki-isongalazia-patridasin-oi-exelixeis-me-ti-suria/269457</a>

<sup>&</sup>lt;sup>66</sup> Davutoğlu, "Strategic Depth: Turkey's International Position," p. 624-636

<sup>&</sup>lt;sup>67</sup> Davutoğlu, "Strategic Depth: Turkey's International Position," p. 489-508

The basis for the previously good Turkey-Israel relations was their common integration into the structures of the West, their privileged relations with the USA and the historical rivalry with their neighboring countries. During the Cold War, they both benefited from American and British policy choices.

The relationship culminated in 2007, when Presidents Sezer and Peres exchanged visits. In the same year, the Turkish mediation initiative between Israel on the issues of Syria and the Palestinians took place. But Turkey, in order to overcome the problem of trust it was facing from the Arab countries, interfered more than Israel allowed in the Palestinian issue<sup>68</sup>. After all, the cases where Turkey undertakes to cultivate relations with weak Muslim communities in order to place them under its protection are quite common<sup>69</sup>. The countdown to the rupture of the relations between them was on the move. Israel's relations with Turkey began to deteriorate with Israel's Cast Lead operation in the Gaza Strip in 2008<sup>70</sup>, which marked the collapse of Turkey's mediation effort for peace between Israel and Syria. This was followed by a verbal altercation between Erdogan, then Prime Minister and then-President of Israel Shimon Peres, in January 2009 at the World Economic Forum in Davos, where they clashed over the Israeli conflict during a television interview.

The turning point that jeopardized their relations furtherly was the blocking of the humanitarian aid flotilla sent by Turkey to the Palestinians in Gaza, which ended with the intervention of the Israeli security forces on the ship Mavi Marmara, leaving 8 Turkish citizens dead. After that, the Palestinian issue was directly linked to Turkish-Israeli relations. At the same time, additional frictions were caused, after the agreement between Cyprus and Israel for the delimitation of the EEZ between them in 2011, which excluded Turkey from the exploitation of hydrocarbons in the region.

On September 2, 2011, Turkey downgraded its diplomatic relations with Israel, with Foreign Minister Davutoglu declaring that "it is time for Israel to pay for its illegal actions"<sup>71</sup> by canceling all military cooperation with it. In 2013, an attempt was made

<sup>&</sup>lt;sup>68</sup> Kouksouvelis, "Policy of zero problems with neighbors or problematic relationship?" p. 40-41

<sup>&</sup>lt;sup>69</sup> Amicham Nachmani (2013), The Estearn Mediterranean: drastic changes, drastic opportunities, Koliopoulos K. (transl.), from the collective "Strategic, Depth and Turkey", Kouskouvelis & Litsas (ed.), Athens, Poiotita, p. 138

<sup>&</sup>lt;sup>70</sup> Nachmani, Eastern Mediterranean: drastic changes, drastic opportunities, p. 107

<sup>&</sup>lt;sup>71</sup> BBC News (02/09/2019), "Turkey expels Israeli ambassador over Gaza flotilla row", https://www.bbc.com/news/world-europe-14762475

to reconcile the two countries, when after the mediation of the USA, the Prime Minister of Israel partially satisfied the demands of Turkey for the Mavi Marmara incident. However, their relationship never reached pre-2008 levels, due to the fact that Turkey prefers to play the role of leader of the Muslim world over the friendship of Israel - and therefore the United States<sup>72</sup>. The most recent episode that is highlighting the coldness in their relations was in September 2019, when Erdogan from the podium of the UN General Assembly and after appearing as a protector of Muslims everywhere, attacked Israel and Prime Minister Netanyahu for his policy against the Palestinians and presented a series of maps to show how Israel has gradually expanded since its founding to the detriment of the Palestinians<sup>73</sup>. In addition, the fact that Israel is particularly keen on the creation of an independent Kurdistan, which would weaken both Turkey and Iran, is another point of conflict between the two countries.<sup>74</sup>

The deterioration of relations with Israel does not seem to be a goal but a means of Turkish foreign policy to strengthen its position in the eyes of the Arab states<sup>75</sup>. But the main reason behind the dispute between Turkey and Israel is the fact that the Middle East region and the Eastern Mediterranean subsystem are of increasing geographical, strategic, and cultural importance. Ankara is fully aware that, by expanding its influence in the region, its power loads are further enhanced. Turkey's current attitude towards Israel can be interpreted as an application of the AKP's policy in order to increase its popularity among anti-Semitic and Islamist circles both domestically and internationally. However, the deterioration of relations between Turkey and Israel is not a disguised anti-Semitism but is a political choice of Turkey to promote its strategic role in the region, through which it sacrificed its possible cooperative relations with the Arab and Muslim world.

Turkey has chosen to undermine its ties with Israel in a lucrative alliance to maximize its power and advance its strategic review program. This behavior, however, has produced the "Brutus Syndrome", in which the powerful ally of the powerful

<sup>&</sup>lt;sup>72</sup> Arsoniadis, "The High Strategy of Turkey," p. 314-318

<sup>&</sup>lt;sup>73</sup> Nikos Meletis (27/9/2019), "*The faults of Erdogan; Israel-Egypt fend off*", Liberal, https://www.liberal.gr/apopsi/stinei-isonkaugasin-o-erntogan-megalonei-to-chasma-me-israil-kai-aigupto/268247

<sup>&</sup>lt;sup>74</sup> Arsoniadis, "The High Strategy of Turkey," p. 240

<sup>&</sup>lt;sup>75</sup> Nachmani, "Eastern Mediterranean: drastic changes, drastic opportunities," p. 110

geopolitical actor eventually turns against him in order to achieve a first step towards the realization of their revisionist aspirations<sup>76</sup>.

At the same time, the diplomatic and strategic moves Turkey has made towards its goals especially in recent years has polarized it as a state of distrust by the Arab and Muslim world. As it has been defined the modern face of Turkey "is geographically distant and almost foreign to the Muslims of Asia, it is very western to the Sunnis of the Middle East, very Sunni to the Shiites and very Turkish to all the Arabs"<sup>77</sup>.

The AKP's neo-Ottoman policy has exhausted the sources of strategic cooperation with Israel<sup>78</sup>. Although Israel is not a direct neighbor of Turkey, it was the country that had the closest relations with it. In this case we have the complete failure of the zero problems policy<sup>79</sup>.

Israel belongs to a group of states, characterized by the United States as "frontier states," which serve the American strategy of concentrating their geopolitical rivals on the Eurasian continent. US support for these states, however, entails potential strategic costs, as they are on the verge of US power and require repeated US statements of physical support against would-be intruders. To support the independence and security of these states, the United States have for decades built a wide range of support that includes both mechanisms common to alliances (formal or informal security guarantees, military bases, coverage under the US nuclear umbrella). As well as other specific forms of support aimed at meeting the needs of these states, such as military funding, military exercises, military operations, technology transfers, access to specific US weapons systems, and various forms of economic, political, and military assistance. Diplomatically, Washington pays a kind of sponsorship to these states, providing support to regional conflicts in which, inevitably, many actors are involved; and the more exposed an ally such as Israel is, the higher its sponsorship.

In recent history till today, the United States have been raising concerns about how geopolitically sensitive states are competing with regional contenders, especially at a

<sup>&</sup>lt;sup>76</sup> Spyridon N. Litsas (2014), "Bandwagoning for profit and Turkey: alliance formations and volatility in the Middle East", Israel Affairs, 20:1, 125-139

<sup>&</sup>lt;sup>77</sup> Filis K. (2007) "Turkey, Islam, Erdogan". (1<sup>st</sup> ed.). Athens: Papadopoulos, p. 89

<sup>&</sup>lt;sup>78</sup> Banu Eligür (2012), "Crisis in Turkish–Israeli Relations" (December 2008–June 2011): From Partnership to Enmity, Middle Eastern Studies, 48:3, p. 429-459

<sup>&</sup>lt;sup>79</sup> Kouksouvelis, "Policy of zero problems with neighbors or problematic relationship?" p. 42

time when various security concerns over budget cuts are making it difficult to maintain such alliances. For Israel, on the other hand, the declining value of the (extended deterrence)<sup>80</sup> offered by the United States makes it a national security problem that, if left unchecked, could jeopardize not only the well-being of its citizens and the independence of the state but even its very existence.

Thus, the lack of a credible US guarantee of its security is forcing Israel to pursue an aggressive strategy against its conspirators, which is not aimed at territorial gains but at dismantling the capabilities of its in-question rivals before they are fully developed, while at the same time enhancing its attractiveness as a possible ally. Israel has developed an overly aggressive military doctrine that emphasizes the use of disproportionate force applied through surprise strikes deep in enemy territory to prevent or punish attacks against it. The rationale behind this strategy is threefold: Firstly, Israel's small size makes it very vulnerable to human losses to engage in longterm operations and war of attrition. Secondly, Israel's lack of depth (geographic wideness) makes it necessary to take up the fight inside enemy territory with preemptive strikes if required. Thirdly, the need for deterrence requires that each round of hostilities end with an overwhelming blow against its opponents that may continue to be hostile even though the early strikes, as mentioned above. The successfulness of the Israeli strategy is likely to set an example and lead the Middle East and Eastern Mediterranean states to adopt similar offensive strategies, following the US strategic withdrawal from the region, instead of being stuck in a more defensive stance.

<sup>&</sup>lt;sup>80</sup> Extended deterrence consists of preventing hostile attacks against third parties. Precisely because extended deterrence is intended to prevent actions beyond the deterrent, it has the inherent problem of reliability. As the deterrent does not defend its state space, the deterrent may well not consider its deterrent threats credible. Konstantinos Koliopoulos (2008), "Strategic thinking from antiquity to the present", Athens, Quality, pp.24-25

## 11. The Modern Era of the Mediterranean Sea

## 11.1 Immigration

According to the UN High Commissioner for Refugees, 2015 is characterized as a global record of people's movement. For the Mediterranean region alone, one million people crossed the Mediterranean in 2015, either legally or illegally<sup>81</sup>. After all, the Mediterranean is one of the corridors used by the migration waves to Europe and to the rest of the world with the aim of survival and a better tomorrow<sup>82</sup>. Outbreaks appear to be exacerbated in the Middle East: (Iraq, Yemen,) Libya, Eritrea, Somalia, sub-Saharan Africa, and the undoubted war in Syria<sup>83</sup>.

Official figures from Eurostat (European Statistical Office) show that for the year 2018, it was found that 601,500 people remain illegally in the EU within the EU Member States. 68.4% (compared to other EU countries) are Germany (134,000), France (105,900), Greece (93,400) and Spain (78,300). In this regard, it should be noted that the specific number of undocumented immigrants is reduced by 2.8% compared to 2017 and by 72.1% compared to the record level of 2015. In addition to the above figures, it should be emphasized that the number of people who may have entered illegally and not been recorded, the number of those who were prevented from entering illegally at the last minute as well as the number of people who lost their lives trying to enter illegally, which proves that this phenomenon has larger dimensions. As can be seen from the above, the countries that shoulder the largest wave of irregular influx of migrants are the Mediterranean countries and especially those of the Northern Mediterranean basin, as due to their geopolitical position, it makes them vulnerable to this type of activity. In addition, in the five years 2013-2018, according to official Eurostat data, we see that most of the illegal immigrants who are registered as "illegal" in EU Member States and have not been granted refugee or subsidiary protection status come from the following countries: • first is Morocco, followed by Ukraine, third is Iraq followed by Albania and among the last five comes Syria. From the above one can

<sup>81</sup> Konstantinos Filis, "Refugees, Europe, Insecurity" Small Imports. (p.19-28)

<sup>&</sup>lt;sup>82</sup> Ioannis A. Seimenis, Konstantinos N. Seitis, "The Mediterranean at the beginning of the 21st century" (p.164).

<sup>83</sup> Konstantinos Filis, "Refugees, Europe, Insecurity" Small Imports. (p.19)

see that apart from Iraq and Syria which are affected by civil armed conflict, the inhabitants of the other states who entered illegally seem to have purely economic purpose and not to protect the integrity of their lives. As for the Syrians, because of the violence of the Islamic State in imposing its own way of life, they were forced to leave their homes and try to save their lives.

4.8 million Syrians have gathered in the countries around Syria and some of them have been there for at least three years. On one hand, the usually poor living conditions in the refugee camps and the consequent fatigue on the other, and in the case of Turkey, which has accepted the bulk of not granting refugee status other than temporary humanitarian protection, are pushing the Syrians for irregular migration to EU countries. It should be added that due to the Dublin Regulations, the asylum seeker is "tied" to the country in which he has submitted his application, as only there he has the opportunity to work (in the other Member States he can travel for tourist purposes and for a period not exceeding six months). More specifically, the asylum application must be submitted to the first EU member state that receives the potential refugee. So, if someone wants to be granted asylum in Sweden, they must first register and identify themselves, and consequently apply for refugee status within that country and not in another country. Unable to obtain a visa, in order to be in the country of their choice in order to then be able to apply for recognition as a refugee, he resorted to the use of illegal means and channels. A typical example is the so-called "Balkan Corridor" created from April 2015 to March 2016, where many migrants entered Greece illegally, continued through Northern Macedonia and tried not to be registered until they arrived in the countries of their choice, such as Germany, Austria, or Sweden to submit their first formal application.

In order to prevent immigration routes via the Mediterranean, corridors were created to face this issue. The three corridors existing are: The first corridor is the so-called Eastern Mediterranean and concerns the passage by sea from Turkey to Europe. Usually, the citizens who use the above corridor are from Afghanistan, Syria, Turkey, Iraq, and Palestine. The next corridor is the Central Mediterranean and residents from Tunisia, Pakistan, Algeria, Sudan, and Côte d'Ivoire, where they try to enter Europe by sea, through Libya. The last corridor is from the Western Mediterranean and is used by residents of Morocco, Guinea, Mali, Algeria, and Côte d'Ivoire from Morocco in order

to enter EU countries by sea<sup>84</sup>. In response to all of the above, in accordance with Council Regulation 2007/2004 of 26 October 2004, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU, also known as Frontex, is hereby established as of 01 May 2005. The headquarters of the organization, the city of Warsaw and the participating states are what make up the Schengen area.

Some of the key tasks of FRONTEX are: (a) coordinating operational cooperation between Member States on external border management; (b) assisting in dealing with situations requiring enhanced technical and operational assistance at their external borders; and (c) providing in the Member States the necessary support for the organization of joint repatriation operations. In addition, Frontex enables Member States to continue their cooperation at operational level with other Member States and / or third countries at the external borders, provided that such cooperation complements the Agency 's activities<sup>85</sup>. In 2007 the EU, with Regulation 863/2007 and following the founding regulation (2007/2004) establishes a mechanism for setting up rapid intervention teams at the external borders also known as Ra.B.I.Ts (Rapid Border Intervention Teams). Their main mission is to deal with situations that are characterized as urgent in order to prevent a mass influx of undocumented immigrants. In addition, in 2011, based on Regulation 1168/2011, the Frontex Regulation is revised with a special emphasis on the protection of human rights in order to avoid possible violations.

<sup>&</sup>lt;sup>84</sup> The data comes from Frontex and for the nationalities it refers to the period Jan 19 - Jun 19, <a href="https://www.consilium.europa.eu/el/policies/migratory-pressures/">https://www.consilium.europa.eu/el/policies/migratory-pressures/</a>

<sup>&</sup>lt;sup>85</sup> Commission Regulation (EC) No. Council Regulation (EC) No 2007/2004 of 26 October 2004 Council Regulation (EC) No 2007/2004 of 26 October.

Frontex initiatives operating in the wider Mediterranean region are the following 86:

a) Operation "Minerva, Indalo". - It operates in the area between Spain and Morocco, the so-called Western Mediterranean route which is occasionally used by migrants as well as drug trafficking to the EU. Frontex supports national authorities with border control and surveillance, identification and recording as well as through its means contributes to search and rescue operations. Efforts are being made to reduce the transport of drugs, illegal weapons, and documents as well as to stop the trafficking of persons<sup>87</sup>.

b) Operation "Themis" - The field of action of this company is the Central Mediterranean Sea where it supports Italy in matters of border control, surveillance and search and rescue. It started in 2018 and replaced the company "Triton" which has been active in the same area since 2014. Its main objective is to reduce irregular immigration, with an enhanced law enforcement role based on search and rescue. In particular, it is trying to stem the flow of undocumented immigrants from Algeria, Tunisia, Libya, Egypt, Turkey, and Albania. In addition, it supports the Italian authorities in registering migrants and at the same time collects information in order to detect terrorists or other asymmetric threats at the external borders. The above-mentioned company is supervised by the Italian Ministry of Interior<sup>88</sup>.

c) Operation "Poseidon" - This operation supports the Greek authorities by monitoring the Greek maritime border with Turkey and the Greek islands. In addition, it contributes to the rescue of human lives from the sea, the registration and identification of illegally entering persons, as well as to the fight against cross-border crime. Cross-border crime is the fight against smuggling of illicit substances, weapons, and the detection of forged documents. In addition to the above, this company in the field of coast guard contributes to search and rescue, reduction of illegal fishing and marine pollution. In addition, after gathering information, this company is trying to stop the illegal migratory flows that

<sup>&</sup>lt;sup>86</sup> Markos Papakonstantis, "EU Policies: Foreign, Agricultural, Immigration," p. 439

<sup>&</sup>lt;sup>87</sup> Frontex, Main Operations, Operation Minerva, Indalo, Spain, <a href="https://frontex.europa.eu/we-support/main-operations/operations-minerva-indalo-spain-/">https://frontex.europa.eu/we-support/main-operations/operations-minerva-indalo-spain-/</a>

<sup>&</sup>lt;sup>88</sup> Frontex, Main Operations, Operation Themis, Italy, <a href="https://frontex.europa.eu/we-support/main-operations/operation-themis-italy-/">https://frontex.europa.eu/we-support/main-operations/operation-themis-italy-/</a>

start from Turkey as well as their origin while at the same time assisting the Greek authorities in the readmission operations<sup>89</sup>.

According to the latest EU data, the actions of both the specific companies of Frontex and the company "SOPHIA" from 2015 until now (12 Nov 19) have saved 509,882 human lives while 11,671 have been lost or ignored (13 Nov 19)<sup>91</sup>. The above proves to us that without their action, the percentage that would have lost its life would have been much higher, making the Mediterranean Sea a "water cemetery".

<sup>89</sup> Frontex, Main Operations, Operation Poseidon, Greece, <a href="https://frontex.europa.eu/along-eu-borders/main-operations/operation-poseidon-greece-/">https://frontex.europa.eu/along-eu-borders/main-operations/operation-poseidon-greece-/</a>

<sup>&</sup>lt;sup>90</sup> In May 2015, the European Council decided to set up an EU-led naval force, called EUNAVFOR MED, in a joint effort by Member States to tackle illegal immigration and dismantle traffickers and smugglers' networks in the wider region, of the Mediterranean. On June 22, 2015, the aforementioned operation begins, with the main mission of locating, arresting, controlling, immobilizing, and seizing vessels that are used or suspected of being used by smugglers or traffickers, as well as rescuing refugees and migrants from the sea in order to prevent further loss of life in the South - Central Mediterranean. On 28 September of the same year, SOPHIA was renamed EUNAVFOR MED, after the infant born on a company boat, after rescuing his mother off Libya on 22 August 2015. SOPHIA has four (4) phases. The first, which was completed, was to develop the forces in order to identify the activities and methods of the smugglers in order to better understand how they operate. The second phase, which started on October 7, 2015, was aimed at the active and operational part of it with the boarding, search, seizure and diversion of smugglers offshore in accordance with the provisions of international law of the sea This phase may be extended to the coastal zone of the coastal States following a decision by the UN Security Council and the consent of the former. The third phase extends to the previous phase as it is possible to seize ships and related assets suspected of being used for smuggling or trafficking in human beings, arresting smugglers and traffickers within the territory of coastal states, taking into account the mandate of the United Nations and coastal states. Finally, the fourth and last phase concerns the withdrawal of forces and the completion of the operation, which has not yet taken place. Since June 20, 2016, SOPHIA, following a decision of the European Council, has undertaken additional tasks, the training of the Libyan coast guard and navy as well as the implementation of the UN decisions on arms embargo in the international waters off the coast of Libya. In addition, on 25 July 2017, the Council amends the above mission as follows: a) setting up a trainee monitoring mechanism to ensure the long-term effectiveness of the Libyan Coast Guard training. (b) carrying out new surveillance activities and gathering information on the illicit trafficking of oil exports from Libya pursuant to Decisions no. 2146 (2014) and 2362 (2017) of the UN Security Council. (c) strengthening the ability to exchange information on trafficking in human beings with the State Police Services of all members, FRONTEX and EUROPOL. At the Berlin Conference on Libya on 20 January 2020, the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell, raised the issue of the use of this operation in Libya with the 27 EU Foreign Ministers, in an effort to achieve the ceasefire agreement and the UN arms embargo imposed on Libya.

<sup>&</sup>lt;sup>91</sup> Infographic - Lives saved in EU Mediterranean operations (2015-2022) https://www.consilium.europa.eu/en/infographics/saving-lives-sea-february-2018/

#### 11.2 Pandemic

The covid-19 pandemic stigmatized humanity, as it left behind thousands of dead and families mourning their loved ones. Apart from the critical humanitarian dimension of the pandemic and the momentous change it brought, the economic situation of the planet shifted to quite the worst downfalls of recent history.

More specifically, trade, financial exchange and world scale economy halted in many regions of the world due to lockdowns and pause of movement of goods in the international trades. Because of this stoppage, ships, and trade routes full of goods were frozen, and the necessary movements for needs resulted in rising demands and as is widely known, the higher the demand the higher the price.

This demand and pricing relation was and is quite more understandable through the energy products' economic efficiency, as during the high scale of the pandemic, when lockdowns were implicated all over the world, gas and oil prices skyrocketed. At the same time, needs in terms of medicine, technology and even food faced a bigger shortage, especially in states that are highly dependent in imports. Another economic issue arose additionally to countries which are heavily developed in the tourism industry (such as Greece, Italy, Cyprus, etc.) which experienced significant loses in their GDP, because of the travel restrictions applied.

Up to date, humanity is facing a great danger as the pandemic showed how vulnerable humanitarian issues such as healthcare and medicine are, while at the same time how easily distracted and rippled the economy can be, by the actions of regions worldwide.

## 11.3 Conflicts in the area

#### Greece:

The ancient history and heritage Greece has is widely known and written throughout all kinds of historic books in the chapters of the Mediterranean. Through this long history it is a given that there would be both bright and dark moments that would shape and guide the state to its current form and nature. In recent-time history Greece has managed to overcome many tough places, such as the Balkan wars, a civil war, and

more recently a financial crisis. Additionally, significant milestones have been accomplished, its integration with the European Union, the international agreements on diplomatic and strategic fields of energy, cooperation, and trading.

But of course, through all these times one cannot exclude its major neighbor across the Aegean, Turkey. The Greek-Turkish relations can be characterized with many adjectives, but certainly not peace-friendly. In the past decades Greece and Turkey have been to the brink of starting an all-out war at least three times with each other, but thankfully, up to now diplomacy has managed to win and stabilize the frictions. The main points of aggression between the two are the disputing of the Aegean Sea between the two, the partition of Cyprus and the diplomatic competition in terms of cooperation with the neighboring states of the region.

In even more recent times, and more specifically during the past two decades Greece and Turkey have managed to maintain a relation of frenemy (friend and enemy at the same time), as both have good relations to the West via their participation in international organizations but on the other hand, they both desire to expand their sea territorial borders in the Aegean, yet not managing to reach common grounds as described in the above chapters. At the same time, their different visions of the region nowadays is triggering most of the arguments between the two, as Greece is trying to be the mediator between the West (EU, NATO) and regional players of the region, mainly states that are quite close to Greece in diplomatic terms (focusing more on the Arab world and Middle eastern states), while Turkey wishes to be a major regional player and impose its influence to the Mediterranean states, specifically those of the Eastern part.

#### Cyprus:

The island's importance and strategic location has been analyzed thoroughly in the aforementioned chapters, but what is the current status of Cyprian diplomacy? The story of focus starts in the seventies when Greece and Cyprus were ruled by military law and the autonomous government of Cyprus was pandered by the Greek government making the island fall into an unpresented civil turmoil. The Turkish government at the time, worried about the Turk Cyprian population on the Northern part of the island not being exposed and unprotected to any aggressions by the Greek Cyprian part of the island,

invaded in two separate times resulting in the up-to-date illegal occupation of 38% of the island's area.

Even though almost 70 years have passed since then, the island of Aphrodite is still split in two with the Greek-Cyprian side of the island being the major player as it has been internationally recognized as the republic of the island, while the Turkish-Cyprian is only being recognized by Turkey itself. In this meantime, Cyprian Republic has made and achieved many diplomatic agreements, the main highlights are its integration in the European Union and of course the more recent agreements in terms of exploitation of energy resources on the Southern coast of the island along with its growing cooperation with the rest of the Eastern Mediterranean states (except for Turkey).

## Turkey:

Turkey has a long history in the region. Mainly focusing on its recent history, from 1913 onwards, the state has been through many changes internally and in its diplomatic relations. Until 1923, Turkey, was being transformed for its internal players and aspects towards a more modern time state by enhancing and developing democratic institutions and functionalities.

Due to this great geographic position and scope, Turkey is being consisted of many minorities, which with one way or another, they affected the turns and the course of Turkish history. More noticeable is the influence of the Kurds' minority. Kurds being a minority of people living in the South-Eastern part of Turkish region and the area beyond the borders in the area, are considered a thorn to the side of Turkey as their political agendas were always contradictory. A clearer example of their contradiction can be seen via Turkey's actions during the late 2010s when a Kurdish corridor was being formed in the Northern area of civil war-stricken Syria, as Turkey via military ways forced its interests towards this area and partitioned the newly formed corridor which could affect its internal balance.

Even more interesting though are its diplomatic and external relations with third countries of the region. During its first steps as a modern time democracy, Turkey established itself as a western oriented nation. Throughout its many diplomatic actions and strong alliances, it built, Turkey managed to become a powerful mediator between West and East during a crucial time in world history, thus making it a core player in the regional affairs. Because of this the Turkish state is considered a major force in the

Eastern Mediterranean but during more recent times its movements and actions are shadowing the possibilities of an even greater future for its mediator nature.

More specifically, in the latest decades Turkey with its political leadership seems to be focusing more on becoming the core player of the region by enforcing and applying pressure by diplomatic or military means to its neighboring states leading it to become isolated in many modern-time issues of the region. Its greatest and more recent time example is the friction between Turkey and the energy alliance between Greece, Cyprus, and Israel.

#### Israel:

The state of Israel, in comparison with its size, it plays a key role in the Eastern Mediterranean. In the last decade it highlighted that Israel is making steps towards opening and smoothing diplomatic relations with previously hostile Arab states (ex. UAE, Egypt). More specifically during the last years Israel-Egypt relations may be characterized as friendly<sup>92</sup>, fact that has its major source in the common energy aspects of the region as well as the strategic partnerships they have with third states. At the same time, both are moved and aligned when it comes to the political and strategic movements of Turkey, as they both distrust about the true intensions they hide. Moreover, Turkey faces issues with both states, as with Israel even though their relations started smoothly were torn apart as mentioned in the earlier chapters. While with Egypt, Turkey has had a great history of both ups and downs especially during the most recent years due to political instability and movement in Egypt. Up to date both countries have opened diplomatic talks in order to achieve the best outcome for both sides.

## Egypt:

The gift of Nile<sup>93</sup> (as written by Herodotus) is considered as one of the most powerful Arab countries in terms of diplomatic relations, energy, and geostrategic value, as throughout history it has been characterized as the leader and forefront of the Arab world to the west. Even though, Egypt from an economic point-of-view is not the

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<sup>&</sup>lt;sup>92</sup> Sabry Mohammed, "Egypt, Israel expand economic ties", al-monitor.com, 2022, <a href="https://www.al-monitor.com/originals/2022/04/egypt-israel-expand-economic-ties">https://www.al-monitor.com/originals/2022/04/egypt-israel-expand-economic-ties</a>

<sup>&</sup>lt;sup>93</sup> Marie Mustafa, "Egypt, The gift of the Nile", egyptoday.com, 2020, https://www.egypttoday.com/Article/4/89062/Egypt-The-gift-of-the-Nile

greatest due to the great unemployment levels, great inflation rates and constant pricing issues, fact that the UAE are trying to implement so as to replace and relocate the core of the Arab states to themselves, it has one of the greatest military forces in the area. Additionally, as it has been mentioned above, Egypt's relations with Israel, after the instate turmoil that was going on for at least 8 years, are on a quite sufficient level of cooperation on any fields, thus boosting its place as a negotiator in the area between the west and the Arab world. On the other hand, its relations with Turkey could be characterized as typical and clearly diplomatic as the recent government of Egypt (Al Sisi's) highlights the friendly stance Ankara held towards the existing government before the coup d'état took place, but also disapproving of Turkey's willingness to become a major power and Arab leader in the region.

## Libya:

One of the most recent and big in scale civil war that took place in the Eastern Mediterranean is that of Libya<sup>94</sup>. The state, after 2011 (M. Gaddafi's death), is in a constant political turmoil, which is uprisen by multiple militia teams that have taken over resourceful areas (especially the ones with oil and gas), which would give them the upper hand in the talks for the future of the country to come. In 2014, the war broke out with two major players: the Libyan National Army (LNA), led by General K. Haftar, and the Government of National Accord (GNA) led by Prime Minister F. al-Sarraj.

LNA's grounds covered the eastern, central, and partially the western part of the state, while GNA's were most of the west. Even though GNA was recognized by the UN as the official government of the state, LNA was advancing greatly in terms of power and support. Both sides receive constantly external assistance, each from a different group of allies. One of the most remarkable facts in this point of history is the division between allied states taking different sides on this matter. The climax of the war was in 2019-20 when LNA ang GNA confronted heavily each other with LNA having almost all the ground under its control except for the capital of Libya (Tripoli) and some other smaller regions, which were under the influence of GNA. Until today and after the intervention of NATO and other states a ceasefire was established, and a common parliament was

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<sup>&</sup>lt;sup>94</sup> Weise Zia, "*The Libyan conflict explained*", Politico.eu, 2020, <a href="https://www.politico.eu/article/the-libyan-conflict-explained/">https://www.politico.eu/article/the-libyan-conflict-explained/</a>



<sup>&</sup>lt;sup>95</sup> Haftar Khalifa, "Worst Tripoli fighting in a year tests Libya ceasefire", AlJazeera.com, 2021, <a href="https://www.aljazeera.com/news/2021/9/3/worst-tripoli-fighting-in-a-year-shows-limits-of-libya-peace-push">https://www.aljazeera.com/news/2021/9/3/worst-tripoli-fighting-in-a-year-shows-limits-of-libya-peace-push</a>

## 12. Conclusion

Reaching a more solid resolution, the Mediterranean basin is a non-stop cauldron of civilization and cultures. From ancient to modern times, and ancient to modern issues and points of frictions. The people of the Mediterranean have always been on the edge of creating something extraordinary and unique. Even though the modern-time consistency of states has its own hot points, the Mediterranean is a balanced and fragile ecosystem that allows its people to develop and enhance new ways of cooperation.

Focusing more on the now and the future, someone could analyze and observe the nature of law-firms and economic flows of the area as some trends with immense potential and many possibilities. This idea can be more understood by reading all the above-mentioned written words as this sea, the Mediterranean Sea, is one (if not the) greatest example of a modern-time maritime showcase of special conditions and co-existence. From the Straits of Gibraltar to the Suez Canal, states all over the coastline have their own aspects and views on international law frameworks and delimitations, resulting in regional conflicts and differences.

One of the greatest reasons nowadays for these differences are the need of the states for energy resources and their potential existence in their own territory. That is why actually more states on an international level define and map their own territory not only on landlocked areas but on seaside areas as well. As mentioned above the fitting example of the energy fields discovered in the Eastern Mediterranean can be seen as possible points of explosive and aggressive movement in the area if not handled in a proper manner, which would result in catastrophic events for all the Mediterranean Gulf.

But of course, the energy issue is not the only aspect that needs to be taken into consideration. Green development, humanitarian movements, ongoing arm conflicts and sustainability for future generations of the region need to be accounted for if the people of this sea wish to have a long future.

Narrowing down, this thesis leads the reader to this dilemma:

If we could portray the Mediterranean basin as a "stand-alone society" and each State of the area as a member of this society, could we actually assume that the stability of each one of those members rests safely upon the decisions made by the rest?

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