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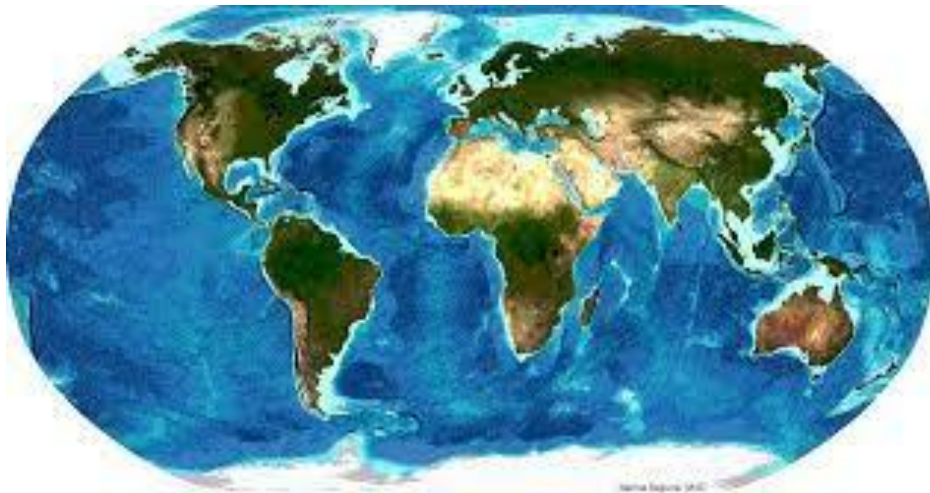

Master Thesis:

"Navigating Disputed Waters: Legal Frameworks and Strategies for Maritime Boundary Resolution"

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(υπογραφή)

To everyone who supported me along the way towards completing this thesis, I would like to share my sincere gratitude.
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Table of Contents

LIST OF FIGURES 6

ABBREVIATIONS 7

ABSTRACT 8

CHAPTER 1 9

INTRODUCTION 9

CHAPTER 2 11

THE CONCEPT OF STATE SOVEREIGNTY 11

CHAPTER 3 17

THE MARITIME ZONES 17

3.1 The Exclusive Economic Zone 17

3.2 The Continental Shelf 19

3.3 Similarities and differences between continental shelf and EEZ as regards the legal nature of the sovereign rights 23

3.4 The Territorial Sea Zone 26

3.5 Contiguous Zone 31

3.6 High Seas 31

CHAPTER 4 34

THE METHOD OF DELIMITATION OF MARITIME ZONES 34

4.1 Baselines 34

4.2 Methods and Principles for the Delimitation of Maritime Zones 36

4.3 Delimitation of the Territorial Sea 39

4.4 Regarding the delimitation of the Continental Shelf & the EEZ 41

CHAPTER 5 48

ABUSIVE EXERCISE OF STATE SOVEREIGNTY OVER MARITIME ZONES UNDER THE PRISM OF THE LAW OF THE SEA CONVENTION 48

CHAPTER 6 54

THE ROLE OF THE EEZ IN THE EASTERN MEDITERRANEAN 54

CHAPTER 7 ..... **60**

THE ESTABLISHMENT OF MARITIME ZONES AS A MATTER OF NATIONAL PRIORITY BY GREECE (ESPECIALLY WITH REGARD TO THE EEZ AND THE CONTINENTAL SHELF) 60

CHAPTER 8 ..... **63**

THE DECISIONS OF THE ICJ ON THE ISSUE OF DELIMITATION OF THE MARITIME ZONES OF GREECE 63

8.1 Assessing the Influence of ICJ Rulings on Greece's Maritime Claims *63*

8.1.1 The Influence of the ICJ's 2023 Ruling on Nicaragua-Colombia on the Greece-Turkey Continental Shelf Dispute *68*

CHAPTER 9 ..... **71**

SOVEREIGNTY AND INTERNATIONAL LAW: GREECE'S RESPONSE TO TURKISH AGGRESSION IN THE AEGEAN 71

CHAPTER 10 ..... **75**

THE INSTITUTIONAL "PHYSIOGNOMY" OF THE CONTINENTAL SHELF AND THE EXCLUSIVE ECONOMIC ZONE 75

CHAPTER 11 ..... **79**

JURISPRUDENTIAL DEVELOPMENT OF MARITIME ZONING ISSUES 79

CHAPTER 12 ..... **89**

CONCLUSIONS 89

BIBLIOGRAPHY **91**

List of Figures

Figure 1:

Maritime Zones. The right to regulate navigation of ships varies between the maritime zones, as defined in the UN Law of the Sea Convention.

Figure 2:

Normal Baselines meaning on the law of the sea and LOSC. IILSS – International institute for the Law of the Sea Studies.

Figure 3:

Straight Baselines meaning on the law of the sea and LOSC. IILSS – International institute for the Law of the Sea Studies.

Abbreviations

CLCS	Commission on the Limits of the Continental Shelf
EEZ	Exclusive Economic Zone
EU	European Union
FFZ	Exclusive Fishing Zone
FIR	Flight Information Region
ICJ	International Court of Justice
ICZM	Integrated Coastal Zone Management Protocol
ILC	International Law Commission
IOC	Intergovernmental Oceanographic Commission
ITLOS	International Tribunal for the Law of the Sea
LOSC	Law of the Sea Convention
MoU	Memoranda of Understanding
MSR	Marine Scientific Research
NATO	North Atlantic Treaty Organization
nm	nautical miles
PD	Presidential Decree
RES	Renewable energy sources
UN	United Nations
UN Charter	Charter of the United Nations
UNCLOS	United Nations Convention on the Law of the Sea

Abstract

The purpose of this study is precisely to demonstrate the mutual obligations of the states in the disputed maritime areas until the final settlement of their boundary dispute, the importance of natural resources both for the economic development of the states and for the protection of the natural environment, proposing cooperative methods for the sustainable exploitation of these resources. At the same time, the aim is to highlight the need for energy investment, provided that an area of security and stability is established which will act as an incentive for investors. My aim is to provide a detailed analysis of the processes involved in the disputed maritime areas until the final delimitation of the continental shelf and the exclusive economic zone in accordance with international law, but also to encourage further research on this critical issue. Recent developments in the Eastern Mediterranean and other maritime areas have underscored the significance of maritime delimitation, both in terms of regional stability and international legal frameworks and its various geostrategic and geological details make it challenging to analyse from both a legal and strategic standpoint. The purpose is to draw attention to those features of the agreements that do not undermine diplomatic relations but encourage them, enhancing security and economic development in the region concerned.

Chapter 1
Introduction

The sea serves not only as a vital medium for communication between states but also plays a crucial role in the economic prosperity of coastal nations. It has multiple uses and functions, both in terms of natural resources and its use as a source of energy through waves. For these reasons, there has been a growing interest from a very early stage in making the best and most efficient use of the sea and its marine wealth. The ongoing exploitation of the sea, coupled with significant technological advancements, has raised concerns and led to disputes among states over maritime zones, has led to the gradual demarcation of the sea into various maritime zones of national sovereignty or jurisdiction and to disputes between States as to the identification of clear and verifiable criteria for the delimitation of these maritime zones.

In the contemporary geopolitical landscape, the issue of national sovereignty remains a cornerstone of international relations and law. Among the various dimensions of sovereignty, the delimitation of maritime zones has become increasingly prominent, particularly due to the growing significance of maritime resources and strategic sea routes. As states strive to assert their sovereign rights over territorial seas, continental shelves, and Exclusive Economic Zones, tensions frequently arise, especially in regions where overlapping claims exist. These tensions are further compounded by the evolving framework of international maritime law, most notably the United Nations Convention on the Law of the Sea, which attempts to provide guidelines for the equitable resolution of such disputes.

This thesis explores the intricate relationship between state sovereignty and maritime zone delimitation, with a special focus on the legal frameworks and geopolitical dynamics that govern these issues. In recent decades, disputes over maritime boundaries have emerged as critical concerns for many coastal nations, particularly in regions with rich natural resources and strategic importance. The Eastern Mediterranean, for instance, has seen numerous confrontations between neighboring states over the delimitation of their maritime zones, specifically concerning the continental shelf and the EEZ. Such disputes not only challenge national sovereignty but also highlight the need for effective international cooperation and adjudication mechanisms.

The first part of the thesis delves into the conceptual underpinnings of state sovereignty in the context of international law, outlining how traditional notions of absolute territorial control have evolved in response to the growing complexity of global governance and international cooperation.

By reviewing the relevant jurisprudence and international agreements, this research seeks to offer a comprehensive understanding of the legal, political, and economic factors that influence maritime delimitation.

Finally, this study will evaluate the broader implications of these disputes on international law and regional stability. The delimitation of maritime zones is not merely a technical legal process but a matter of national interest that often carries significant geopolitical and economic consequences. As such, the resolution of these disputes through peaceful means remains vital for the promotion of international security, regional cooperation, and the sustainable management of ocean resources.

Chapter 2
THE CONCEPT OF STATE SOVEREIGNTY

Sovereignty as a concept lies at the core of statehood. Today, its content is constantly being challenged, as it is a fact that the traditional concept of sovereignty has been replaced by more flexible and less absolute concepts. The right of continental or island territories to maritime zones is defined by the sovereignty question, which makes it essential. In fact, it is common practice for the International Court of Justice (ICJ) or other judicial authorities to review cases that raise concerns about which maritime zone delimitation rules and principles apply to a bilateral dispute, starting with the initial matter of establishing sovereignty as stated by the parties[1]. The term sovereignty is embodied in and identified with the existence of the state, since without it, it would be a meaningless concept. Using the term sovereign state refers to a state that is autonomous, independent, and capable of managing its own affairs and territory.

Sovereignty can be divided into two categories: internal and external. Internal sovereignty relates to the governance of a state, so that either an individual or a group of individuals, depending on the prevailing constitution, can exercise executive and legislative power, ensuring the proper functioning of the state. External sovereignty, on the other hand, relates to the exercise of all the powers enjoyed by any sovereign and independent state, such as the conclusion of agreements of all kinds, the conclusion of peace, the declaration of war, etc[2].

Sovereignty is characterized by several essential features, including:

- Permanence, as long as a state exists, so does its sovereignty.
- Exclusivity, which denotes that no other entity has equal jurisdiction on a state's territory. As Judge Max Huber stated in the arbitration ruling for the Island of Palmas, exclusivity—which, in its most basic form, corresponds to the idea of independence—is a fundamental component of the territorial dimension of sovereignty. In his own words: "*Sovereignty in the relations between states signifies independence. Independence in regard to a portion of the globe is the right to exercise therein, to the exclusion of any other state, the functions of a state*"[3].

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[1] P. Liacouras, "*Sovereignty and delimitation of maritime zones: Law and politics",* In S. Rizas (Ed.), One hundred years since the Treaty of Lausanne (special edition for TO VIMA newspaper), Athens, 2023, p. 6

[2] Prachi Juneja, 'What Is Sovereignty', https://www.managementstudyguide.com/what-is-sovereignty.htm

[3] M. Gavouneli, *Offshore Energy Installations*, 2016, p. 7.

-Completeness, which means that the sovereign power is not subject to any kind of discrimination, on the contrary it is universally applied, and all are obliged to be subject to sovereignty.
- Inalienability, no one can take away the sovereignty of a state.
- Unity, which is the quintessence of the concept of sovereignty and derives from the extent to which the members of a state are united.
- Indisputability is another characteristic, as the strength of sovereignty is not endangered as long as there is a state.
- Another characteristic is indivisibility, the fact that it cannot be divided but is presented as one and unified.
- Sovereignty is absolute and is not subject to any other authority; Originality, by this term we mean that it is the sovereign who chooses how to exercise and use sovereignty.

Treaties, such as the Lausanne Treaty of 1923, establish borders and allocate territorial sovereignty, ensuring stability and permanence in a region. Even if such treaties cease to be in effect, the borders they establish remain valid, as reaffirmed by the ICJ in the Libya/Chad case in 1994[4].

In modern philosophical thought, we find numerous perspectives, contradictory or even consensual, on the question of sovereignty. *Jean Bodin* was the first to use the term in the 16th century, wishing to reinforce the authority and power of the French king over the feudal lords and thus to advocate an easy transition from a feudal regime to a nationalist one. *Grotius* considers it to be inherent in the creation of the state and not dependent on the parties. But the thinker who attributed the term sovereignty, as we know it today, is *Thomas Hobbes*, who commented that in a state of affairs, in a city or state, the individual or group of individuals who undertake to enact laws and proceed to the separation of powers, what they usually succeed in doing is to eliminate the unity of the state. A little later in the 17th and 18th centuries, the concepts of *John Locke* and *Jean Jacques Rousseau* are seen to converge and introduce the basis for the genesis of popular sovereignty, articulating the view that citizens freely decide to appoint a government which they themselves have chosen to defend their interests and ensure the harmonious coexistence of its people. This latter view is reflected in the text of the Declaration of American Independence on July 4, 1776.

In conclusion, the interest focuses on the fact that popular and national sovereignty are terms that are inevitably linked to each other, as both the existence of a nation, i.e., a set of

[4] E. Roukounas, Public International Law, 2015, p.199.

people linked by common characteristics such as language, race, religion, origin, and the existence of an organised state are necessary.

The institution of state sovereignty is facing significant, occasionally welcome, challenges in our times. The need for more effective international cooperation can occasionally lead to states willingly ceding their constitutionally established authority to international organisations. One such instance is the Greek state's recognition of its sovereign powers to international organisations under Article 28 par.2 of the Constitution of 1974/1986/2001, primarily as a result of Greece's membership in the EU. But nowadays, we imply multiple statements when we are referring to a "*sovereign state*." We would like to highlight that there are legally equal entities in the international community. This is where it becomes challenging to accept the idea of sovereignty in contemporary times based on outdated standards, which claimed that a sovereign was someone who exercised authority over others[5].

In conclusion, contrary to the self-centred adherence to antiquated notions of state sovereignty in the international arena, the development of the international community's organisational structure and its strengthening of the global protection of human rights represent positive factors for international cooperation.

It is imperative for Europe to strengthen its position and role in the global political arena to regain the trust of its constituent states on global issues, such as economic and migration issues and in particular on the issue of sovereignty. It is necessary to transfer sovereignty from the level of the states to the level of the organisation of the Union, not in the form of coercion, but on the basis of the accession treaties. What is being demonstrated is that if the EU is to be able to deal effectively with any threat, whether external or internal, it will have to improve its internal organisation through greater vertical, federal, national, regional integration.

More generally, what is a major obstacle to the effectiveness of the EU is the transposition of legislation, which would clearly make it easier to deal with economic and immigration issues. What needs to be emphasised is the need for the EU to become more involved in international affairs, to increase its resources through the conclusion of trade and economic agreements and, in general, to bring its smaller states to the negotiating table to determine its own and its smaller states course[6].

With the establishment of global governance structures at the level of trade and economic transactions, one realises that there is a transfer of state power. It is particularly

[5] Roukounas, op. cit., p.22-23
[6]M. Aggelidis, Theories of politics and the state, Savvalas Publications 2005, p. 21.

common for states to cede a significant part of their national sovereignty by participating in international organisations. This does not necessarily mean that the state and sovereignty are faltering, but that they may be taking on new responsibilities. The main advantage of the prevalence of globalisation is the liberalisation of markets on the one hand and the progress of the information society and technology on the other, which have led to lower transaction costs and the establishment of the global market. There has been a gradual shift in the sphere of competence from state power to other spheres of influence and the development of transnational relations and relations between states and other international actors from all corners of the globe. In the now globalised environment, sovereignty is changing form and from being an institution that denotes the autonomy and independence of a state, it is becoming an institution that is now embedded in transnational structures.

Certainly, these transnational structures have a certain degree of autonomy since there is no direct and extensive control by governments. However, even if states operate in this context, they have a unique ability to be able to exercise some of their powers and continue as individual units to play a dominant role in the global political arena.

The above version is the positive development in this ever-changing environment, the negative one presents the state as a completely weakened entity. The new issues that arise and pose a risk to all are better dealt with at the global level than at the national level. It is worth noting, of course, that there are many examples of states such as Somalia, Zimbabwe, Congo, etc. that are unable to control both their borders and their internal affairs, even though they are sovereign[7].

Moreover, the fact that a state can participate in global governance either through an international organisation or through some other body does not automatically imply permanent commitment. A worth mentioning example is England, which with Brexit decided to sacrifice its participation in a shared governance with other states on the altar of its national sovereignty and governance[8].

Multi-level governance aims to break down any wall that is raised between international and domestic politics. Indeed, according to Hooghe and Marks[9], there are three key features of multilevel governance:

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[7]Vayrynen Raimo, ´International Relations of the Asia-Pacific' (2001) p.227-246.

[8]Z. Bauman, Globalization: The Consequences for Man, 2004, p. 92.

[9]L. Hooghe and G. Marks, Multi-Level Governance and European Integration, (2001), p.3-4, https://www.researchgate.net/publication/246883870_Multi-Level_Governance_and_European_Integration/link/5c461f8d299bf12be3d8f7d8/download?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19

- The centre of decision-making is gradually shifting from the national level to other actors, even of global reach.
- Complementing the previous feature, since decisions are no longer taken at the national level alone, this de facto implies a reduction in the influence of national governments and possibly even a loss of control.
- The concept of policy-making has begun to be undermined and the center of gravity is shifting from the national to the global level. It is supranational bodies that are now playing an increasingly prominent role and are increasingly involved in the formulation of national policy and in the external representation of states.

These new conditions open multifaceted avenues of interest-seeking. The concept of multilevel governance does not seek to undermine the state in its traditional sense and to transcend it, but to spread governance beyond it. At this point, a distinction should be made and the crucial difference between intergovernmentalism and supranationalism should be noted; in the first case, states voluntarily cede part of their sovereignty and their national interests to formations such as the EU, while in the second case of supranationalism they give up sovereignty completely in the context of establishing a supranational structure. But essentially what the EU does not have in this case and cannot completely abolish the sovereignty of a state are repressive mechanisms, i.e., a European police force or a European army to use in case of non-compliance with its laws.

On the contrary, Hooghe and Marks point out that it is not necessary for these mechanisms to exist but that the political control they are able to exercise is sufficient. The effects of globalisation on the structure of the socio-political system of the nation state have only begun to become visible in recent years. A typical example of this current situation is, that the restriction of state sovereignty implies a restriction of popular sovereignty. Moreover, globalisation and increasing competition tend to exacerbate the economic and social inequalities which the welfare state has managed to successfully mitigate in recent years. Another danger is the constant development of 'individualism', which profoundly undermines the cohesion of the political community and the principle of solidarity for individuals to live in harmony. The pressures on the constitutional state and its sovereignty from the consolidation of globalisation are therefore intense, both for the exercise of national policy and for the fulfilment of the objectives for which the state was created.

States choose to keep their energy production within the scope of their exclusive jurisdiction. This approach aligns with the Declaration of Permanent Sovereignty over Natural Resources, as per United Nations General Assembly Resolution 1803, which has already

evolved into a customary rule and a component of the pursuit of sustainable development. The true proof of this principle lies in states' complete refusal to tolerate any intervention by the international community in the internal management of their energy resources. The Energy Charter Treaty states, "*The Contracting Parties recognize state sovereignty and sovereign rights over energy resources. They affirm that these rights must be exercised in accordance with, and subject to, the rules of international law*"[10].

Territorial sovereignty is crucial in disputes over maritime delimitation, because it determines which state has the right to claim and exercise sovereign rights over maritime zones, such as the territorial sea and the EEZ. In many cases, the first step toward resolving these disputes is recognizing sovereignty, establishing which state has the right to claim a specific area. The territorial sea, which can extend up to 12 nautical miles from a state's coast, grants the state full sovereignty, while the continental shelf and the EEZ provide sovereign rights over the exploitation of natural resources. Areas beyond the territorial sea are considered the high seas, where freedom of use applies to all states[11]. This distinction between a state's absolute sovereignty and its sovereign rights is essential, as full sovereignty over a territory encompasses broad rights and responsibilities recognized by other states, while sovereign rights in maritime zones, such as the EEZ, provide limited entitlements focused on resource exploitation rather than comprehensive territorial control[12].

Disputes over sovereignty are typically managed through international law and mechanisms designed for peaceful conflict resolution. The United Nations Convention on the Law of the Sea (UNCLOS) offers a legal framework for handling these disputes. UNCLOS sets out principles for determining maritime boundaries, including the equidistance principle, which promotes equal division between neighboring states, and considers geographical features, special circumstances, and the impact of delimitation on the involved states.

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[10] Gavouneli, op.cit., p. 11-12.
[11] Liacouras, op.cit., p.9.
[12] B. Pratnashree, Sovereignty Vs. Sovereign Rights: De-escalating Tensions in the South China Sea, 2023, https://www.orfonline.org/research/sovereignty-vs-sovereign-rights-de-escalating-tensions-in-the-south-china-sea

Chapter 3
THE MARITIME ZONES

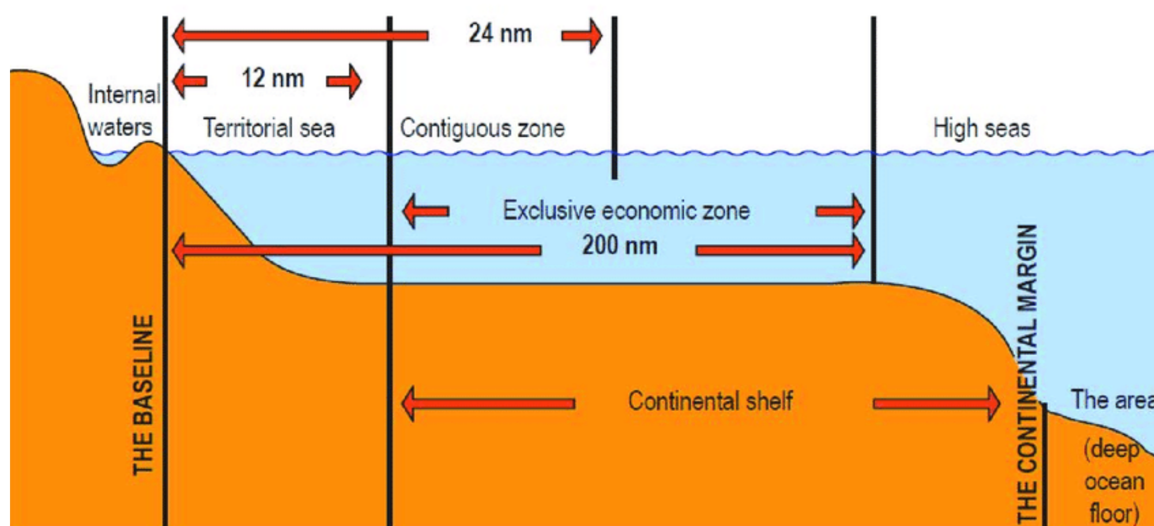

Figure 1: Maritime Zones. The right to regulate navigation of ships varies between the maritime zones, as defined in the UN Law of the Sea Convention. Source: Norwegian Polar Institute, retrieved from https://www.researchgate.net/figure/Maritime-Zones-The-right-to-regulate-navigation-of-ships-varies-between-the-maritime_fig9_273756694.

3.1 The Exclusive Economic Zone

The Exclusive Economic Zone (EEZ) is a concept in international maritime law that gives a coastal state special rights over the exploration and use of marine resources, including energy production from water and wind, within a specific maritime area. The concept of the EEZ emerged during the Third United Nations Conference on the Law of the Sea (1973-1982), as coastal states wanted greater control over the resource-rich waters near their shores, particularly given the advances in offshore oil drilling and deep-sea fishing technologies[13]. The EEZ extends up to 200 nm from a coastal state's baseline and beyond the territorial sea which extends up to 12 nm from the coast and includes the contiguous zone. If the maximum breadth of the territorial zone (12 nm) is considered, then the EEZ as such is 188 nm[14].

The EEZ, envisaged by Part V and other provisions of the LOSC, thus emerges as *a sui generis* and *sui juris zone,* subject only to selected sovereign rights and powers of the coastal State in coexistence with some remaining freedoms of the high seas. As it does not exist ipso facto and ab initio, it is claimable (a contrario by Article 77(3)) and it must be declared and

[13] D. Rothwell & T. Stephens, The International Law of the Sea, 2023, p.82
[14] Roukounas, op. cit., p.324

delimitated pursuant to Article 74(1). It is an intermediate ocean space between the mare liberum and the mare clausum. Article 55 of the LOSC defines the EEZ as '*...is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention".*

Despite being the most significant claim at the time, the maximum extension of 200 nm was permitted without any evident scientific or legal basis. This restriction is still in place thirty years after LOSC was concluded, although the water column above it may also be impacted by the outer continental shelf's extension. Nearly all 143 coastal states have claimed their EEZs, and 166 states are currently party to the LOSC[15].

The rights of coastal states in the EEZ, as specified by the LOSC, are widely acknowledged to have been integrated into customary international law. It is nevertheless possible, nonetheless, that state practice may vary regarding particular clauses. It is more challenging to determine whether and to what degree the obligations of coastal governments within the EEZ have become customary. When geographical constraints prevent a state from claiming the maximum EEZ extension, states with opposite or adjecent coasts must agree on the delimitation of overlapping zones, as stated in Article 74. The envisaged delimitation method, aimed at the achievement of an equitable solution without fixing any prevailing criteria, was another important milestone achieved by the LOSC, but, at present, it can be considered a further element in the complexity of the EEZ legal regime. One important accomplishment of the LOSC was the suggested delimitation approach, which seeks an equitable solution without enforcing particular criteria. But it has also made the legal framework governing the EEZ more intricate[16].

In respect of article 56 para. 1 of LOSC *"In the exclusive economic zone, the coastal State has: (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations and*

[15] Gemma Andreone, The Oxford Handbook of the Law of the Sea, 2016
[16] Roukounas, op. cit., p.324

structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment; (c) other rights and duties provided for in this Convention".

Accordingly, the coastal state has sovereign rights within the EEZ to explore, exploit, conserve, and manage the natural resources (living and non-living) of the seas superjacent to the seabed, the seabed itself, and its subsoil. Fish, oil, natural gas, minerals, and activities involving the generation of energy from water, currents, and wind are some examples of these resources. Furthermore, the construction and usage of artificial islands, installations, maritime scientific research, and the maintenance and safeguarding of the marine environment are among the activities within the zone that fall under the jurisdiction of the coastal state[17].

Although the coastal state has rights regarding resources and certain activities within its EEZ, other nations are still allowed to fly over the EEZ, travel through it, and build pipelines and submarine cables—so long as they don't interfere with the rights of the coastal state. Crucially, a state's territorial seas do not include the EEZ, therefore the coastal state does not have complete jurisdiction over it. Rather, it has exclusive rights over certain commercial activities and resource management, but for the purposes of international navigation, the region is still regarded as part of the high seas.

Establishing the EEZ was mainly intended to give coastal states the ability to better manage the natural resources in the nearby marine areas, particularly in terms of fishing and resource exploitation. Additionally, it maintains the freedom of the seas for navigation and other non-resource-related activity, striking a balance between the rights of the coastal state and the international community. Since then, most coastal states have claimed their 200nm EEZ, and the EEZ has gained widespread acceptance as a component of international law[18]. It stands for a crucial balance in international law between the rights to national resources and the freedoms of the sea.

3.2 The Continental Shelf

The interest and systematic involvement in the sea have emerged at the point in time when scientific and technological progress has allowed the exploration and exploitation of the natural resources of the seabed at great depth and on a large scale. The continental margin is an important factor in the economy of the sea, since it contains rich biological resources and important deposits, (a) the continental shelf, which is the continuation of the land beneath the

[17] https://www.sciencedirect.com/topics/engineering/exclusive-economic-zone
[18] Rothwell & Stephens, op. cit., p.82

sea, starting from the coast and ending where the slope of the seabed becomes steep, usually at a depth of 150 to 200 metres, (b) the continental slope, that part of the seabed which descends to a depth of more than 200 metres from the sea surface, sloping from 30° to 45° and extending from 200 metres, i.e. from the outer limit of the continental shelf, to a depth of approximately 3000 to 4000 metres, which, together with the continental shelf, falls within the more general category of the shelf; (c) the continental rise created by precipitation or other geological phenomena at the base of the shelf; and (d) the oceanic abysses, subdivided into abyssal plains (2. 500-5,700 metres below sea level) and abyssal pits (from 5,700 metres and beyond)[19]. The continental margin represents the physical extension of a coastal State's landmass, consisting of the above-mentioned three main parts: the continental shelf (a relatively shallow platform), the continental slope (where the shelf descends toward the deep ocean floor), and the continental rise (the region beyond the slope that gradually merges with the deep ocean floor)[20].

However, the geological distinctions of the seabed do not necessarily coincide with the legal approaches related to the continental shelf. The need for equal treatment between coastal states, some of which have no continental shelf in a geological sense or have a narrow continental shelf, has forced jurists to move away from the geological definition[21]. For this reason, the 1958 Geneva Conference defined in Article 1 that the continental shelf extends to the point where the depth of the water reaches 200 metres, but if the exploitation of the seabed takes place at a depth of more than 200 metres, the continental shelf extends to that point[22]. In addition, the continental shelf includes the seabed and the subsoil of the respective areas adjacent to the coasts of the islands. The seabed and subsoil of the submarine areas that extend beyond a coastal state's territorial sea during the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nm from the baselines used to measure the territorial sea's breadth in cases where the outer edge of the continental margin does not extend that far. The outer limits of the continental shelf may therefore be subject to change. The 1958 Geneva Convention was a major attempt by States to resolve fundamental problems associated with the law of the sea[23].

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[19] Ibid, p.100-101.

[20]T. McDorman,The Contine tal Shelf, The Oxford Handbook of the Law of the Sea, 2016, https://eclass.unipi.gr/modules/document/file.php/EBI196/TheLawOfTheSea.CS.oxfordhb-9780198715481-e-9.pdf

[21]M. Koulouris, The International Law of the Continental Shelf and the Trends in the Law of the Sea, Ant, Sakkoula Publications, Athens 1976, p. 41-54.

[22] Rothwell & Stephens, op. cit., p.101.

[23]As the International Court of Justice stressed in the Tunisia/Libya Continental Shelf Case (1982) in para. 133 of its Judgment: "*the continental shelf is an institution of international law which, although it remains linked to a natural fact, must not be identified with the phenomenon described by the same term - continental shelf - in other*

Since the Truman Declaration in 1945[24], a doctrinal basis that established the rights of the coastal state on geological and economic grounds, the beginning of state claims and contests over the continental shelf zone has been noted.

The delimitation of zones of national sovereignty between states with subject or adjacent coasts became an important political and legal issue in international relations[25]. The development of the concept of the continental shelf during the 1950s and 1960s as well as the establishment of extensive fishing zones and EEZs by almost all coastal states under the 1982 Convention gave rise to delimitation problems around the world. Similar problems arose if most states extended their territorial sea zone to the permissible limit of 12 nm; however, many delimitation agreements for the continental shelf and the territorial sea zone have been concluded and agreements on the delimitation of fishing zones have been reported.

The Third Conference on the Law of the Sea introduced into the 1982 Convention a complex system for defining the outer limits of the continental shelf that does not correspond to geological or other scientific data but reflects political compromises that aim to maximise the extent of the continental shelf of naturally favoured states. Having introduced two new criteria, one of distance and the other geological, which sets aside the criterion of exploitation, the 1982 Convention provides that all coastal States, irrespective of the width of their continental shelf in the geological sense, have a continental shelf extending at least 200 nm from the baselines from which the coastal zone is measured. In this case, the seabed is the same as the seabed of the EEZ. However, if the seabed of the coastal State - which geophysics describes as the continental shelf plus the continental rise, i.e. the continental shelf - is more than 200 nm wide, then the continental shelf extends to the extremity of the continental rise, except that the waters beyond 200 nm and above the continental shelf constitute the high seas[26].

As the law on the continental shelf has been developed through the 1958 Geneva Convention, the 1982 Convention and customary law, the coastal state has inherent in

sciences. From the very first stage of its development, the legal concept of the continental shelf has acquired a broader conceptual dimension, so that it includes any area of the seabed which is in some connection with the coast of a neighbouring State, irrespective of whether it exhibits the specific characteristics which a geographer would attribute to a continental shelf'

[24] Dominic Roughton, Colin Trehearne, The IMLI Manual on International Maritime Law: Volume I: The Law of the Sea, Oxford Public International Law, 2014, https://global.oup.com/academic/product/the-imli-manual-on-international-maritime-law-volume-i-the-law-of-the-sea-9780199683925?cc=us&lang=en&

[25] As Professor C. Rousseau states, the Truman Declaration laid the foundations for a theory of the justification of the rights of the coastal State over the continental shelf. According to this theory, because of the discovery of oil and other minerals on the US continental shelf, there was a need to secure, conserve and rationally exploit the natural wealth of the seabed. The Truman Declaration did not claim full territorial sovereignty over the continental shelf, but referred to jurisdiction and control, basing the rights of the coastal state on the fact that the continental shelf was considered to be the natural extension of the land.

[26] Roukounas, op. cit., 2015, p.315-316.

sovereignty all the rights allowed. Disputes over delimitation are the price coastal states pay when they extend zones of national sovereignty. Such disputes have led to important court decisions. Moreover, since vast maritime areas with large offshore industries remain undefined, e.g., in the South China Sea, the Eastern Pacific and the Caribbean, delimitation problems will continue to keep state representatives, international law scholars and geographers busy exploring and exploiting the continental shelf for several years to come.

From the initial conception of the continental shelf, the prevailing view was that the geographical features were so diverse that it was difficult, if not impossible, to formulate clear and specific rules for the delimitation of maritime zones and the establishment of maritime boundaries between states. In the Guinea-Bissau Arbitration Case (1985) the arbitral institution stated: *"the factors and methods referred to are the result of legal rules, although evolving from physical, mathematical, historical, political, economic or other factors. However, they are not limited in number and none of them are mandatory for the tribunal since each delimitation case is unique, as the ICJ stressed. Where there is an influence of factors the tribunal must bring them together and identify them. It is the result of the circumstances of each particular case and in particular the peculiar characteristics of the area"*.

In addition to the definition of sovereign rights, the 1958 Geneva Convention attempted for the first time to regulate the delimitation of the continental shelf of the coasts of states. It is worth noting that the text of the Convention contained in part at least an exposition on the progressive development of the law. As per article 6 stipulates, the principle of equidistance was established as the basic method of delimitation except for special circumstances: *'In the case where the same continental shelf adjoins the territories of two or more States whose coasts lie opposite each other in relation to each other, the limits of the continental shelf shall be determined by agreement between those States. In the absence of agreement, and unless special circumstances justify a different determination of the limits, they shall be determined by the median line, each point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each of those States is measured. In the case where the same continental shelf adjoins the territories of two adjacent States, the limits of the continental shelf shall be determined by agreement between those States'*[27].

[27]Following the adoption and entry into force of the 1958 Geneva Conventions, many States entered into negotiations on the delimitation of their maritime zones. Attempts at the bilateral level to reach delimitation agreements were not always successful and the resulting disputes began to be submitted to the Court towards the end of the 1960s.

In the absence of an agreement and where special circumstances do not justify a different determination of the limits, such determination shall be made by applying the principle of equal distance from the nearest points of the baselines from which the extent of the territorial sea of each of these States is measured[28]. The practice of States for Contracting Parties to the Convention was dictated by the Convention, while for non-Contracting Parties the practice did not result in a customary rule. Indeed, the idea of the uniqueness of each maritime boundary found support in international jurisprudence: in the Tunisia/Libya Continental Shelf Delimitation Case (1982) the Court declared: *"it is clear that each case of a dispute over a continental shelf must be assessed on its own merits with reference to its own particular circumstances. It is therefore unnecessary here to make a special effort to specify principles and rules relating to the continental shelf"*[29].

The delimitation of the continental shelf between states with opposite or adjacent coasts has given rise to fierce disputes and conflicts and led to an abundance of treaty arrangements and judicial practice. A significant number of conflicts have been resolved by agreement. A whole series of disputes - the North Sea Continental Shelf Case (1969), the Franco-British Dispute concerning the Delimitation of the Continental Shelf of the English Channel (1977), the Case concerning the delimitation of areas of the Continental Shelf between Libya and Malta (1985) and the Tunisia-Libya Case (1982), Gulf of Maine Case between Canada and the United States (1984) and Guinea-Bissau Case (1985) have been before the ICJ and other arbitral and judicial institutions and commissions for a number of years. A dispute between Iceland and Norway over the Continental Shelf of Jan Mayen Island (1993) was resolved by compromise.

3.3 Similarities and differences between continental shelf and EEZ as regards the legal nature of the sovereign rights

The continental shelf and the EEZ are two of the most significant maritime zones, as they carry considerable implications for coastal states in terms of sovereign rights, jurisdiction, and resource management. While these zones share some similarities, they also exhibit notable differences. Apart from cases where the continental shelf extends beyond 200 nm, the relationship between the continental shelf and the EEZ is complex due to the concurrent application of two distinct legal regimes. These regimes reflect customary international law,

[28] Delimitation of the Maritime Boundary between Guinea and Guinea-Bissau (1985), p. 294 para.102.
[29] ICJ Rep. 1982 in Tunisia/Libya Continental Shelf Delimitation Case (1982), p.18, par. 29.

both characterized by the coastal state's exercise of sovereign rights over the exploitation of natural resources, rather than full sovereignty.

Under the continental shelf regime, the coastal state has exclusive sovereign rights over the seabed, its subsoil, and non-living resources such as minerals. In contrast, the EEZ regime governs the management of living and non-living resources within the water column, including biological resources. One key distinction lies in the legal treatment of the sea surface, the water column, and the airspace above the continental shelf, which continue to fall under the legal regime of the high seas, meaning that no state can claim possession over these areas. Conversely, the EEZ confers on coastal states the exclusive right to explore, exploit, and conserve natural resources in the water column, seabed, and subsoil, along with jurisdiction over the construction of artificial islands, scientific research, and the protection of the marine environment from pollution. Nevertheless, the surface of the sea and the airspace in the EEZ also remain subject to the high seas regime, maintaining freedom of navigation and overflight for all states.

The ICJ**,** in the Netherlands and Denmark v. Germany case (1969)[30], established the principle that coastal states' rights over the continental shelf exist ipso facto and ab initio[31]**.** This means that a coastal state's entitlement to the resources of the continental shelf arises automatically, without the need for any formal declaration or action to acquire sovereign rights. These rights exist as soon as the continental shelf exists and there is no need for any legal intervention by the coastal state[32].. In practice, exploration activities often involve seismic surveys conducted by research vessels to identify potential hydrocarbons, followed by more complex drilling operations.

While rights over the continental shelf exist ipso facto and ab initio, the declaration of an EEZ is a unilateral act. As it does not exist ipso facto and ab initio, it is claimable (a contrario by Article 77(3)) which asserts that a coastal state's rights over the continental shelf are independent of any occupation or express declaration, and it must be declared and delimitated pursuant to Article 74(1). However, once declared, the rights within the EEZ are similarly inherent and exclusive, akin to the rights over the continental shelf. In both the continental shelf and the EEZ, sovereign rights are, by their nature, entitlements, but for these entitlements to be fully realized as enforceable rights, the relevant maritime boundaries must be delimited.

[30] https://www.icj-cij.org/sites/default/files/case-related/51/051-19690220-jud-01-00-enc.pdf
[31] Roukounas, op. cit., p. 322.
[32] Ibid, p. 319.

The delimitation process for the continental shelf does not require a formal declaration; it follows automatically from the geographical extent of the shelf. However, for the EEZ, delimitation requires a declaration by the state. Thus, while both zones grant sovereign rights over natural resources and activities, the formal establishment and enforcement of these rights differ procedurally, adding to the complexity of their legal regimes. This thorough comprehension of the relationship between the continental shelf and the EEZ is essential for analyzing coastal state entitlements under international maritime law, particularly in the context of resource management, jurisdictional conflicts, and the application of customary legal principles. It is notable that, the delimitation of the EEZ and the continental shelf are both governed by the United Nations Convention on the Law of the Sea. Although these zones are distinct, Articles 74 and 83 require that their boundaries be determined through agreements based on international law, as outlined in Article 38 of the Statute of the ICJ, including relevant treaties between the parties. As the ICJ stipulates in the Libyan Arab Jamahiriya – Malta case (1985), the principles and rules underlying the regime of the EEZ cannot be left out of consideration in the present case, which relates to the delimitation of the continental shelf *"The two institutions are linked together, and one of the relevant circumstances to be taken into account for the delimitation of the continental shelf of a State is the legally permissible extent of the EEZ appertaining to that same State. The institution of the exclusive economic zone, with itsrule on entitlementby reason of distance, is shownby the practice of States to have become a part of customary law; and although the institutions of the continental shelf and the exclusive economic zone are different and distinct, the rights which the excl~lsiveconomic zone entails over the sea-bed of the zone are defined by reference to the dgime laid down for the continental shelf. Although there can be a continental shelf where there is no exclusive economic zone, there cannot be an excilusive economic zone without a corresponding continental shelf"*[33].

The legal framework for the continental shelf existed before the establishment of the EEZ and operates independently from it. **A coastal State can have a continental shelf without an EEZ, but it cannot have an EEZ without a continental shelf**. Since the widespread acceptance of the EEZ, in cases where the maritime boundary between two States is less than 400 nm, States and legal rulings have often treated the two regimes as compatible. This is reflected in the practice of establishing a single maritime boundary that applies to both regimes. In the 1985 Libya v. Malta case, the ICJ noted that, although the continental shelf regime was

[33] ICJ, Judgment of 3 June 1985, Continental Shelf Libyan Arab Jamahiriya – Malta Case, Reports 1985, p. 148, para. 26-35, https://www.icj-cij.org/case/68

distinct from the EEZ, both were defined by a common element of distance. However, some bilateral agreements have maintained separate boundary lines for the continental shelf and the water column. Although the relationship between the continental shelf and EEZ regimes generally does not create significant issues, conflicts can arise. For example, one State may claim a seafloor area within 200 nm of its coast as part of its EEZ, while another State claims the same area as part of its continental shelf extending beyond 200 nm. This situation arose in the Bangladesh/Myanmar case, where the Tribunal's delimitation method led to an overlap between one State's continental shelf and the other State's EEZ. The Tribunal resolved the dispute in favor of the continental shelf rights, noting that the LOSC envisions a "single continental shelf" concept, without distinguishing between areas within and beyond 200 nm. It further clarified that the existence of a continental shelf beyond one State's EEZ does not limit another State's rights within its EEZ, especially concerning the waters above. As a result, the area was divided, with one State holding rights to the continental shelf and the other to the water column. The Tribunal highlighted that such zones are acknowledged in international maritime law, as seen in Article 78(1) of the LOSC, which allows for the coexistence of high seas (overlying waters) and continental shelf (seabed) areas beyond 200 nm.

3.4 The Territorial Sea Zone

On 20 October 2018, the former Foreign Minister Nikos Kotzias announced the extension of the territorial sea zone in the Ionian Sea from 6 nm, which was then to 12 nm, stating during the handover ceremony to his (temporarily) successor in the Ministry of Foreign Affairs, then Prime Minister Alexis Tsipras, that the presidential decrees for the extension of the territorial waters in the Ionian Sea are ready and that the latter should actually proceed with the issue he himself initiated[34]. The issue was not finally taken forward by the then Government, because according to a radio interview of the later Foreign Minister George Katrougalos, the procedure of extending the territorial sea zone that his predecessor had proposed by presidential decrees was not in accordance with Article 27 para.1 of the Constitution, even requesting an opinion from the Legal Service of the Ministry of Foreign Affairs[35]. Subsequently, the debate on the ratification of the Prespes Agreement by the

[34]During his departure from the Ministry of Foreign Affairs Kotzias announced the extension of the coastal zone - The opposition reacts - Source: iefimerida.gr 20.10.2018 - https://www.iefimerida.gr/news/452725/epektasi-aigialitidas-zonis-exiggeile-o-kotzias-antidra-i-antipoliteysi

[35] This view was reiterated recently by former Foreign Minister G. In view of the discussion of the draft law on the extension of the coastal zone in the Parliament, the Minister of Foreign Affairs, "SYRIZA is making water":

Parliament, the change in the political scene with the withdrawal of the ANEL from the government and the elections of July 2019, with the result that the then Government did not proceed with the issue. The new Government revived the issue in alignment with its broader policy on maritime zones and agreements with our neighbouring states. Prime Minister Kyriakos Mitsotakis announced on Wednesday 26 August 2020 in the plenary session of the Parliament, during the debate on draft laws for the ratification of the bilateral agreements with Italy and Egypt, which delimit the EEZ with these countries (with Egypt only partially), the extension of the width of the territorial sea zone from 6 nm to 12 nm in the Ionian Sea and the submission of the relevant draft law.

The territorial waters or territorial sea[36] is a maritime zone extending from the end of the land or inland waters, i.e. the baselines of the continental and/or island coast to the high seas[37]. It is considered to be the extension of the land territory of a country to the sea and belongs, together with the land territory and the waters thereon (lakes, rivers), the subsoil, the marine internal waters and the airspace overlying the land and sea space, territory in a broad sense (territorium, territory, territoire) or Territory of a country[38] as one of the three (together with People and Power) components of the concept of State according to the classical theory of Georg Jellinek. The territorial sea zone also includes the submarine space of the sea surface together with the seabed and the subsoil of the seabed. Within the territorial sea the State exercises full sovereignty (Article 2), limited only in its sovereignty by the right of innocent passage of foreign ships under international law (Articles 19). However, the territorial sea zone does not include new institutions of the International Law of the Sea, such as the EEZ, the continental shelf, the contiguous zone, etc., in which the coastal state, unlike the territorial sea,

disagreements on the extension of territorial waters in the Ionian Sea, article published in ToManifesto on 13.1.2021.

[36] The terms are used interchangeably as identical or synonymous - see. A. Syrigos, Aegean zone, what we need to know, KATHIMERINI 29.10.2018. Greek law uses alternatively sometimes the term Aegilitida zone - only article AN 230/1936 (Government Gazette A 450/13.6.1936 "On the determination of the Aegilitida zone of Greece") - sometimes the term territorial waters. The UN Convention on the Law of the Sea uses the term territorial sea which translates as territorial sea and has been translated into Greek in those provisions of the Convention where it is used. This term was apparently adopted by its ratification in the domestic legal order in Law 2321/1995. The last law on the extension of the coastal zone in the Ionian Sea, Law 4767/2021, as well as Article 1 par. 1 PD 107/2020 on the closure of the bays and the establishment of the baselines in the Ionian Sea, use the term "coastal zone".

[37]K. Ioannou & A. Stratis, Law of the Sea, 4th Edition, Athens 2013, K. Hadjikonstantinou, Ch. Apostolidis, & M. Sarigiannidis (Eds.), Fundamental Concepts in International Public Law." Sakkoulas Publications, p. 451.

[38]A. Fatouros, Constitutional protection of territorial sovereignty. The case of article 27 S 1975, in: Carmosynos Aristobulus Manesis, Volume I, Athens-Komotini 1994, p. 239, E. Venizelos, Lessons in Constitutional Law, Third Edition, Athens-Thessaloniki 2021, p. 298, X. H. Apostolidis, The State: Primary Subject of International Law.

does not exercise sovereignty but specific sovereign rights or specific functional powers such as control and jurisdiction[39].

The issue of defining the limits or the extension of the territorial sea , which, like any other issue of the Law of the Sea in general, requires first of all a knowledge of geography[40], is from a legal point of view a complex and two-dimensional issue that is regulated in principle by the International Law of the Sea, particularly since the entry into force of the UN International Convention on the Law of the Sea, signed in Montego Bay, Jamaica, on 10 December 1982[41], which reflects pre-existing or subsequently created customary international law[42], but also by domestic law which, in accordance with Article 28 para.1 should be in harmony with International Law[43].

Even if we were to reverse our legal reasoning and start with domestic law, considering that in the context of the exercise of a State's sovereignty the matter is in principle governed by domestic law, since it is a sovereign decision of the coastal State taken in accordance with its internal rules, i.e. A political decision by the competent body of the executive[44] and subsequently an act by the legislature (formal law) or the regulatory administration (decree or decision) under its authority (if and where this is permitted), and again the internal sovereignty of the state is limited by the rules of the International Law of the Sea[45], conventional and customary, if the sovereignty of a state is relevant and limited within the international legal order by International Law[46]. Otherwise, a State extending its sovereignty over the sea contrary to the rules of international law will not be able to object to the part of the territorial sea beyond the maximum extent provided for by international law (already 12 nm)[47]. At the same time, in

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[39]E. Roukounas, Public International Law, 3th edition 2019, p. 187.
[40] Against the ICJ, Judgment of 3 February 2009, Maritime Delimitation in the Black Sea, Reports 2009, p. 110, para. 149 (Romania/Ukraine), law cannot reconfigure geography.
[41]United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982, available at Overview - Convention & Related Agreements (un.org)
[42]ICJ, Judgment of 19 November 2012, Territorial and Maritime Dispute, Reports 2012, pp. 666, para. 114 (Nicaragua/Colombia). The general (universal) acceptance of the rules of the ICS and consequently the customary international law validity of the ICS was also confirmed by the recent UN General Assembly Plenary Resolution on Oceans and the Law of the Sea - see United Nations General Assembly Seventy-fifth Session, Resolution adopted by the General Assembly on 31 December 2020 75/239.
[43] With the first article of Law 2321/1995 our country ratified in accordance with article 28 par. 1 S and made the Montego Bay Convention on the Law of the Sea an integral part of the domestic legal order with increased formal force compared to ordinary laws.
[44] According to the current constitutional order, the political decision is taken by the Government in the context of the exercise of the general policy of the country in accordance with Article 82 para. 1 of the Constitution.
[45] ICJ, Judgment of 18 December 1951, Fisheries Case, Reprots 1951, pp 132 et seq. (United Kingdom v Norway), with the quote that *"[a]lthough it is true that the act of delimitation is necessariiy a unilateral act, because only the coastai State is comptent to undertake it, the validity of the delimitation with regard to other States depends upon international law*".
[46] X. Sgouritsas, Handbook of Constitutional Law, Volume A, Athens 1962, p. 16
[47]Roukounas op.cit., p. 16.

such a case, it will be internationally liable for any anti-international behaviour towards other states or even foreign private persons, which is something that a legal order such as the Greek one, whose Constitution recognises the primacy of international law over domestic law in principle by the aforementioned provision of Article 28 para.1 of the Constitution and that of Article 2(1) of the Constitution, does not tolerate and wants to prevent.

In this sense, an internal act, legislative or administrative, which extends the extent of the territorial sea zone in a manner contrary to the International Law of the Sea, conventional and customary, is invalid (the law) or void (the administrative act) in view of Article 28 para.1 of the Constitution, which establishes the supremacy of international rules over domestic laws, in conjunction with the sanctioning of the UNCLOS Law 2321/1995 and the direct applicability of generally accepted rules of international law, including in particular international custom, in the domestic legal order. On the one hand, the law must not be applied by the Courts[48] and the legislator must repeal or amend it in a manner consistent with International Law, and the administrative act is subject to administrative revocation or judicial annulment.

The regulation under international law follows from Article 3 of the UNCLOS which states that "*Each State has the right to determine the extent of its territorial sea. Such breadth shall not exceed 12 nautical miles measured from baselines established in accordance with this Convention.*" The delimitation of the territorial sea is therefore, according to this provision of the Convention, in principle a sovereign right of the coastal State, which it exercises by unilateral act of State under international law in accordance with its domestic law[49], without the approval or consent of third States, including neighbouring[50], or international organizations.

The extension up to 12 nm is a right and not an ex conventione obligation. This means that the coastal state can define the territorial sea to a shorter extent, but it cannot exceed 12 nm. The provision of Article 3 of the Convention reflects international custom[51], which means that as such it also binds countries that have not signed or ratified the Convention, such as Turkey[52]. The extension can be made into parts or only parts of the maritime territory[53].

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[48] For the judicial review of the compatibility of a law with an international convention, which constitutes, according to Article 28 para. 1 S, an integral part of domestic law with increased formal force B. Boukouval, Judicial review of the compatibility of laws with international and EU law as an autonomous form of review for the removal of conflicts of law in their application, constitutionalism.gr 24.3.2018.
[49] ICJ, Judgment of 18 December 1951, Fisheries Case, Reprots 1951, p. 132 (United Kingdom v Norway).
[50] C. Rozakis, The Greek coastal zone, tour and periodization, KATHIMERINI, 28.10.2018.
[51] Ioannou and Stratis, op. cit.
[52] Ibid.
[53] Gavouneli M. Article 27. In F. Spyropoulos, X. Kontiadis, X. Anthopoulos, & F. Gerapetritis (Eds.), *Article-by-article interpretation of the Constitution*. Sakkoulas Publications, 2017, p. 8.

When the maritime zone within which the definition, extension or delimitation of the territorial sea zone takes place, as in the present case of the eastern side of the Ionian Sea which borders the western coast of our country and includes the Ionian Islands, contains islands, the definition or extension of the zone also concerns the islands to which Article 121 par. 2 of the Convention, which stipulates that, among other maritime zones, the territorial sea of an island shall be determined in accordance with the provisions of the Convention applicable to other continental areas. It is understood that the existence of islands within the extent of the territorial sea from the continental shores adds an equal area of the territorial sea from the outer side.

For the correct measurement of the extent of the territorial sea zone, the provisions of Articles 4, 5 and 7 of the Convention are crucial, since it is necessary to identify the critical points from which the measurement will start. In particular, pursuant to Article 4, '*the outer limit of the territorial sea is the line whose perpendicular is as far from the nearest point of the baseline as the breadth of the territorial sea*'. According to Article 5, '*except as otherwise provided in this Convention, the natural coastline for measuring the breadth of the territorial sea shall be the line of the lowest shoal along the coast as shown on the large-scale nautical charts officially recognised by the coastal State*'. These provisions are supplemented by the provision of Article 7(7)(a) of the Convention which states that '*in areas where the coastline is deeply indented and indented, or where there is a cluster of islands along it and in its immediate vicinity, the method of straight lines connecting suitable points may be used to establish the baseline from which the breadth of the territorial sea is measured*'.

It follows from the combination of the above provisions of the Convention that the measurement of the extent of the territorial sea starts, in principle, from the coast, as defined in Article 5. In this case, and always in accordance with the same provision, the coasts should be in a straight line. If, however, there are bays etc. enclosing inland waters, as defined in Article 8 para.1 of the Convention, the measurement shall be made from the baselines of the bays and not from the coasts. The baseline is therefore the boundary between inland waters and the territorial sea.

The determination of the extent of the territorial waters, but also of the maritime jurisdictional zones in general, requires the establishment of points along the coastline from which the outer limits of these zones will be measured. The line, physical or imaginary, joining those points and from which the extent of the territorial sea is measured is called the baseline. The way in which the baseline is drawn to calculate the extent of the territorial sea is the basic

starting point for the calculation of the remaining maritime zones[54]. The normal baseline according to Article 5 of the Convention is defined as the natural coastline, i.e. the line of the lowest shoal along the coast. In cases, however, where the coastline is cut off abruptly, penetrates deep into the ground or where there is a multitude of islands along the coast, international law is aware of the possibility for the coastal State to draw straight baselines[55].

3.5 Contiguous Zone

Immediately following the territorial sea is the contiguous zone, in accordance with Article 33 of the Convention, defined as a maritime area adjacent to the territorial sea, the breadth of which may not exceed 24 nm from the baselines. It is understood that the extent of the contiguous zone depends on the extent of the territorial sea. If, for example, a State has defined its territorial waters at 12 nm, then the contiguous zone has a width of 12 nm, whereas if another State has a territorial sea zone at 6 nm, then the contiguous zone in that State will have a width of 18 nm. In any case, 24 nm is the maximum limit of the zone.

The contiguous zone is not an area of full sovereignty but rather a maritime zone where a coastal state can enforce its administrative laws and regulations. Within this zone, the state can take measures to prevent violations of its customs, fiscal, immigration, or health laws in its territory or territorial waters, and can also penalize any violations of these laws that occur within its territory or territorial sea[56]. In the case of outbound ships, the contiguous zone confers upon the coastal state the capacity to "*punish infringement*" of laws and regulations[57].

The institution of the contiguous zone eventually came as a result of extensive negotiations during the second session of the UNCLOS conferences in 1974[58]. Coastal states sought more control over maritime areas without claiming full sovereignty, especially for enforcement and security purposes. The resulting agreement sets a balance between the freedom of the high seas and the need for coastal states to safeguard their interests.

3.6 High Seas

[54]Ann. Stratis, Greek maritime zones and delimitation with neighbouring states, Nomiki Vibliothiki, 2012, p. 8.
[55] Ibid, p.8.
[56]https://www.noaa.gov/maritime-zones-and-boundaries#:~:text=In%20its%20contiguous%20zone%2C%20a,its%20territory%20or%20territorial%20sea
[57] Rothwell & Stephens, op. cit., p.81
[58] Ibid, p.78.

The high seas have historically been central to the development of international law of the sea. In the 17th century, when international law of the sea began to take shape, the high seas were a primary focus for both state practices and academic thought, a trend that continued until the mid-20th century. During this period, the territorial sea gradually gained recognition as a maritime zone, but its limited extent meant that the high seas retained a dominant role. This dominance began to diminish only after 1945 the establishment of new maritime zones, such as the continental shelf, fisheries zones, and the EEZ. While these new zones granted coastal states rights to resources and management within certain boundaries, they did not eliminate high seas freedoms entirely, maintaining many of the key principles tied to Grotius's idea[59] of the freedom of the seas. Even within the EEZ, where coastal states hold sovereign rights over resources, key high seas freedoms—such as navigation, overflight, and the laying of submarine cables and pipelines—are preserved[60]. Similarly, while coastal states have exclusive rights to the resources of the continental shelf, the water column above remains open to these traditional high seas freedoms if it lies beyond the EEZ.

Over time, the high seas have become more regulated, particularly following the adoption of the LOSC (1982) and other efforts aimed at improving ocean governance in areas beyond national control. Since the high seas are beyond state sovereignty, they have seen significant changes in terms of legal regulation through various treaties focused on biodiversity, fisheries, whaling, navigational safety, pollution, and maritime security. As a result, the high seas are now more of a managed common area rather than a zone where traditional freedoms can be exercised without restrictions[61].

Part VII of LOSC refers to high seas as *"…all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State."*[62]. The superjacent waters and the corresponding air space are included in the high seas' regime. In terms of the seabed and the high seas subsoil, these are included in the continental shelf regime of the coastal state or, if the continental shelf extends beyond the 200 nm boundary, inside the Area[63]. This becomes clear when one considers that Article 86 UNCLOS supports a "negative" determination of the high seas[64],

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[59] The Grotian idea about the high seas stems from the 17th-century Dutch jurist Hugo Grotius, who argued in his seminal work *Mare Liberum* (1609) that the seas should be free for navigation and trade by all nations. Grotius contended that no nation could claim sovereignty over the high seas because they were inherently too vast and indefinite to be owned. Ibid, p.157.
[60] Ibid, p.155.
[61] Ibid, p.156.
[62] LOSC, art. 86, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
[63] Rothwell & Stephens, op. cit., p.164.
[64] Roukounas, op. cit., p. 289.

meaning that the applicable rules apply objectively to the marine zones that are not under the sovereign rights of the coastal nations. The ambiguous "negative" shape stems from two factors: first, the LOSC does not specify the precise size of each coastal state's territorial sea; and second, the width of the high seas varies depending on whether the coastal state has adopted an EEZ or not.

The high seas have come to be recognised as the common legacy of all people, or as a "res communis", representing the idea that the high seas are "*the common heritage of mankind*" available to and intended to benefit all people collectively, independent of the sovereignty of any one country. According to UNCLOS, the high seas are open to all states, whether coastal or landlocked, and no state can claim sovereignty over them. Instead, the high seas are subject to international cooperation and legal frameworks that emphasize freedom and responsibility. Pursuant to article 87, several freedoms are associated with the high seas, including the freedom of navigation, fishing, overflight, construction of artificial islands and other installations, the laying of submarine cables and pipelines and freedom of scientific research[65]. These freedoms are essential for global trade, scientific exploration, and communication. However, with these freedoms comes the obligation to ensure that activities on the high seas do not harm other states, the marine environment, or violate international norms, such as those against piracy, slavery, drug trafficking, unauthorized broadcasting or illegal fishing[66].

[65] LOSC, art. 87, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
[66] Rothwell & Stephens, op. cit., p.174-178.

Chapter 4
THE METHOD OF DELIMITATION OF MARITIME ZONES

4.1 Baselines

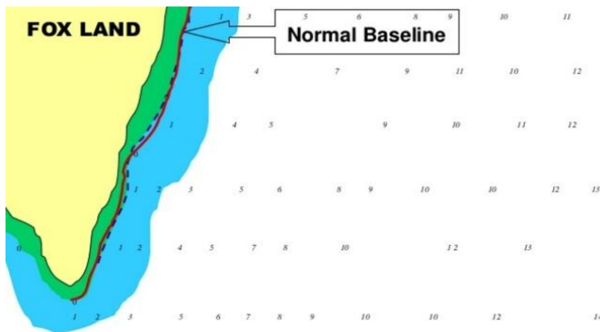

Figure 2: Normal Baselines meaning on the law of the sea and LOSC. IILSS – International institute for the Law of the Sea Studies. Retrieved from: https://iilss.net/normal-baselines-meaning-on-the-law-of-the-sea-and-losc/

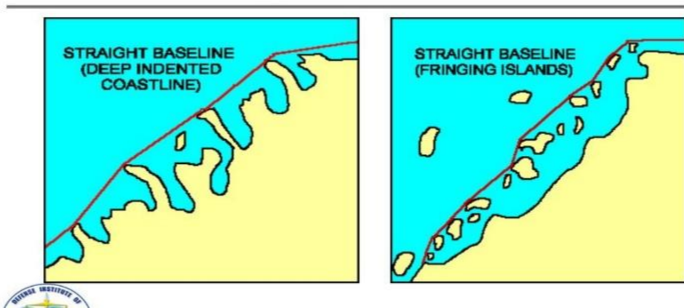

Figure 3: Straight Baselines meaning on the law of the sea and LOSC. IILSS – International institute for the Law of the Sea Studies. Retrieved from: https://iilss.net/straight-baselines-meaning-on-the-law-of-the-sea-and-losc/

The beginning points from which the zone's width is measured must be considered before defining a marine zone. Initially, it may seem that these starting points are the coasts or coastline that are the coasts or the coastline of the coastal state, as depicted in official nautical charts. However, in the Law of the Sea, the "baseline" takes the role of the "coast." According to Article 47 of Part II of the United Nations Convention on the Law of the Sea, the baseline is the legally recognised representation of the coast and is linked to the unilateral delimitation procedure[67].

[67] Roukounas, op. cit., p.371-372.

The natural baseline is the baseline that is measured from the low-water line, or the water level at low tide, and that runs the whole length of the coastline[68]. The coastal state formally recognises these natural baselines, which are shown on large-scale nautical charts. There was a need for an alternative form of baseline given the vast range of coastline configurations. Early state practice highlighted the need for baseline rules to address irregular coastlines and a variety of coastal formations such as fringing island[69]. As the law developed throughout the later part of the twentieth century considerable attention was given to setting rules dealing with straight baselines[70]. These concerns were brought to light in 1951, just seven years before UNCLOS I, when the ICJ handed down its ruling in the Anglo-Norwegian Fisheries case[71]. At that time, the ICL was about to begin its in-depth analysis of the territorial sea regime[72]. The coastal state has the right to draw straight baselines in some circumstances, such as when the coastline is deeply indented, has many islands along it, or is sharply indented; more generally, when the complicated geography of the coast makes it difficult to use the natural coastline as a baseline.

When the coastline exhibits abrupt breaks, deep indentations into the land, or numerous islands along its length—or more generally, when the geographical complexity of the area makes it difficult to use the natural baseline—the coastal state has the option to draw straight baselines[73]. This practice usually involves the 'closing' of bays or the drawing of straight baselines that alter the proportion that would result from the strict application of the equidistance principle. As demonstrated by the International Court of Justice in the Fisheries

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[68] Article 5, LOSC "*Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State*".
[69] Rothwell & Stephens, op. cit., p.29.
[70] Article 7, LOSC "*1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured. 2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baselines shall remain effective until changed by the coastal State in accordance with this Convention. 3. The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters. 4. Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition. 5. Where the method of straight baselines is applicable under paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage. 6. The system of straight baselines may not be applied by a State in such a manner as to cut off the territoria*".
[71] https://www.icj-cij.org/sites/default/files/case-related/5/005-19511218-JUD-01-00-EN.pdf
[72] Ibid.
[73] Article 7, LOSC.

Case between Norway and the United Kingdom in 1951, the norm of straight baselines also has a lot of weight in international jurisprudence. In this ruling, the Court determined that the coastal state may depart from standard baselines, namely natural ones, to make the delimitation process easier in situations where particular natural conditions exist, such as the extremely complicated geomorphology of Norway's western coast.

When asked to address contested straight baselines, the ICJ has adopted a conservative stance, noting that the straight baselines method must be implemented restrictively[74]. The following circumstances necessitate the drawing of straight baselines[75]:

- Where the coastline is deeply indented and cut into.
- Where there is a fringe of islands in the immediate vicinity of the coast.
- Where there is a river which flows directly into the sea.
- Where there is a river delta making the coastline highly unstable.
- Where there are natural conditions which make the coastline highly unstable.
- To and from low-tide elevations with lighthouses or similar installations built upon them, and
- To and from low-tide elevations which have received general international recognition.

Furthermore, closing lines—which the ICJ has deemed to be comparable to straight baselines—may be drawn across bays in the following situations[76]:

- Historic bays.
- Juridical bays which have an entrance of less than 24nm.

Within juridical bays which have an entrance of more than 24nm.

4.2 Methods and Principles for the Delimitation of Maritime Zones

Pursuant to Articles 83§1 and 74§1 of the Convention, which reflect customary international law: *"The delimitation of the continental shelf between States with opposite or adjacent coasts shall be carried out by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, with a view to reaching an equitable solution"*. The three fundamental elements that make up the rule of the delimitation

[74] ICJ, Qatar v. Bahrain, 2001, https://www.icj-cij.org/sites/default/files/case-related/87/087-20010316-JUD-01-00-EN.pdf
[75] Rothwell & Stephens, op. cit., p.40
[76] Ibid.

of the continental shelf and the EEZ between States with adjacent or opposite coasts are: **(i)** delimitation by agreement, **(ii)** delimitation based on international law and **(iii)** delimitation that will constitute an equitable solution.

The obligation to delimit by agreement underlines the fact that, where claims to the continental shelf and to the EEZ between neighbouring States overlap, delimitation cannot be done by a unilateral act by coastal States. The obligation to negotiate a delimitation agreement does not imply an obligation to conclude an agreement[77].

The reference to international law legitimises the application of the customary law of delimitation, as developed by international adjudication or arbitration. The provision introduces into delimitations a discussion of the content of the special circumstances and the principles of equity. It also 'preserves', through the common law, the methodological priority of the principle of equidistance. Reaching a 'fair solution' underlines the result to be achieved by the delimitation efforts. In this context, however, no account will be taken of exogenous factors and no derogation will be made from basic rules of international law, such as, in the case of the Aegean, the rule that islands have rights to maritime zones[78].

Based on the above theoretical formulations, the basic principles of delimitation are:

A) The principle of equal distance: The principle of equidistance was established as the basic delimitation method, with the "special circumstances" escape clause, in the Geneva Convention on the Continental Shelf and the 1958 Convention on the Continental Shelf and the Convention on the Territorial Sea and the Contiguous Zone. The principle of equidistance is not only the basic method of delimiting maritime zones, but also a safe geometrical method, which has been retained in the Convention as a method of delimiting exclusively the territorial sea zone. Recent international case law[79], recognises both the value of 'equidistance' as an objective method of delimitation and its methodological priority in any delimitation case at the first stage of the procedure. Greece's position is in line with this view[80]. In conclusion, despite the fact that the principle of equidistance has remained as a rule only with regard to the

[77] In accordance with Article 83§2, "*if a delimitation agreement cannot be reached within a reasonable period of time, the States concerned will have recourse to the procedures provided for in Part XV*" of the Convention relating to the Peaceful Settlement of Disputes (UNCLOS).

[78] Ioannou and Stratis, op. cit., p. 316.

[79] The (ICJ) in the North Sea Continental Shelf Case (1969) held that the rule of equidistance is not a customary rule although it clarified that " ... *it is true that no other method of delimitation possesses the same combination of practical convenience and certainty of application*". In its judgment, the Court of Justice restored the principle of equidistance from its normative basis for the delimitation of the continental shelf. In the same judgment, the Court overemphasised the geological link between the land and the submarine area, rejecting the criterion of proximity of the land to the submarine area (Ibid, p. 290; A. Syrigos, Greek-Turkish Relations, Pataki Publications 2021, p. 243).

[80] Ioannou and Stratis, op. cit., p. 316.

delimitation of the Aegean Sea, on the basis of international adjudication or arbitration and the state practice followed, it should be considered as part of customary law, which applies not only in addition to the conventional law of the sea, but also as required by Articles 74§1 and 83§1 in the delimitation of the EEZ and the continental shelf respectively.

B) The principle of fairness

The terms equity (Article 59)[81] and equitable solution (Articles 74 §1 & 83 §1) of the Convention have been rendered in the Greek text as "*euthijdia*" and "*fair solution*" respectively. International case law has made the concept of *'equitable solution'* a quintessential part of the delimitation procedure, and widely uses the term *'equitable principles'*. The principle of equity, which is often invoked by Turkey, is one of the general principles of law, equivalent to good faith. It is clear from the arguments presented by Turkey that it does not regard fairness as a principle within the rules of law, *'infra legem'*. Its attitude approaches the idea of judging by "*right and equal*"[82], i.e., what can be considered fair[83].

C) The principle of non-cutting/encroachment

The concept of "*non-encroachment*" is of particular interest since a degree of cut-off effect of a coastal State from part of its continental shelf can be seen as inherent in any delimitation when small islands belonging to one State are located in front of the continental shelf of another State. To Turkey's position that the eastern Greek islands cut off its coastal projection in the Aegean and the Eastern Mediterranean, Greece may counter, inter alia, that any adjustment of the provisional median line should not have the effect of cutting off Greece from the rights created by its islands in the Aegean. Otherwise, the entrapment of the Greek islands of the Eastern Aegean in pockets of jurisdictional zones would have adverse consequences in matters of geostrategic importance and in the management of maritime resources. It is noted in this regard that the Court in the "*Territorial and Maritime Dispute (Nicaragua v. Colombia) case*" stressed that the concept of non-encroachment or non-secession does not only apply to continental territories but also to island territories. Consequently, the drawing of the delimitation line should not have the effect of cutting off islands from the maritime zones to which they are entitled[84]. The above judgment is of great importance in the

[81]Article 59 : *"In cases where this Convention does not confer specific 218 rights or jurisdiction on the coastal State or other States within the exclusive economic zone, and a conflict of interest arises between the coastal State and another State or States, such a dispute shall be settled on the basis of the principle of equity and in the light of all the relevant facts, taking into account the respective importance of the interests of the parties and the international community".*

[82] Article 38 (3) provides for the possibility of making decisions "*ex aequo et bono*".

[83] Syrigos, op. cit., p. 252.

[84] In the same case, the Court held that any adjustment or shifting of a provisional line made in order to remedy a situation in which the mainland coast of a coastal State is cut off from small islands fronting it must not cause the

context of the Greek-Turkish conflict in the Aegean Sea, which is characterised by the existence of clusters of islands at a short distance from the coast of Asia Minor.

In addition to the above general rules on the delimitation of maritime zones, LOSC does not establish common delimitation rules for all maritime zones. Thus, for the territorial sea, the principle of equidistance is retained as the method of delimitation, for the contiguous zone no such rule is provided for, while for the continental shelf and the EEZ a common method of delimitation is established by reference to international law. However, in recent years, States have shown a preference for the 'single maritime boundary' and the 'multiple-use' or 'all-use' boundary.

4.3 Delimitation of the Territorial Sea

Article 15 of LOSC provides that " *Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith*".

This provision, which repeats, with only minor wording changes, the provision of Article 12(1) of the Geneva Convention on the Territorial Sea and the Contiguous Zone (1958), incorporates a customary rule. This is clear from the identical wording of the two treaty provisions, but also from the fact that most bilateral delimitation agreements establish the principle of equidistance as the basic method for delimiting the territorial sea of States with adjacent or opposite coasts. The customary nature of Article 15 was confirmed by the ICJ in its judgments of 16 March 2001 in the Qatar-Bahrain Maritime Delimitation Case, of 10 October 2002 in the Land and Maritime Boundary between Cameroon and Nigeria Case and, more recently, of 8 October 2007 in the Nicaragua-Honduras Territorial and Maritime Dispute.

According to Article 15[85], the rule of equal distance does not apply only in those cases where, due to special circumstances, there is a need for a different delimitation. The term

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other State to be cut off from the rights created by its islands. In such a case the result would be to correct one case of disconnection by creating another (E. Papastavridis, The resolution of maritime zone delimitation disputes through modern jurisprudence, I. Sideris Publications, 2020, p. 35).

[85] "Article 15 of UNCLOS itself envisages an exception to the drawing of a median line, namely *'where it is necessary by reason of historic title or special circumstances...'* Nothing in the wording of Article 15 suggests that geo-morphological problems are per se precluded from being *'special circumstances'* within the meaning of the exception nor that such *'special circumstances'* may only be used as a corrective element to a line already drawn.

'special circumstances' first appeared in 1954 in the work of the International Law Commission preceding the Geneva Convention. In this context, special circumstances are identified in exceptional geographical circumstances, such as the unusual configuration of the coast, the presence of islands or shipping lanes, which justify a departure from the strict application of the median line. Thus, in contract law at least, the concept of *'special circumstances'* is closely linked to the principle of equidistance. Similarly, *'historic title'* means the long-standing practice of the coastal State, which has been expressly or implicitly accepted by other States and which justifies a claim to a larger part of the territorial sea that would result from the application of the equidistance/median-line principle.

Reference is also often made to historical fishing rights. Particular reference should be made to the Eritrea-Yemen Maritime Delimitation Decision of 17 December 1999, where the Arbitral Tribunal unconditionally recognized the right of all islands, islets and rocks to a 12 nm territorial sea, rejecting Yemen's argument of diminished sovereignty over Eritrean islands beyond the 12 nm limit from the coast [paras.156-157]. The Court therefore took all the island formations into account in drawing the demarcation line in areas of the territorial sea, whereas the same was not the case as regards the part of the maritime boundary corresponding to areas of the continental shelf and the EEZ. An important factor in its decision was the fact that a full 12 nm territorial sea was recognised on these islands [para.119]. Consequently, there was no question of limiting the territorial sea due to overlapping with the continental shelf of a neighbouring state. As pointed out, the Arbitral Tribunal implicitly accepted that the right to the territorial sea takes precedence in principle over the right to the continental shelf and EEZ. The significance of this interpretation for the Greek-Turkish dispute in the Aegean and Greece's right to extend its territorial waters to 12 nm throughout the island area is obvious.

However, in the Nicaragua-Honduras Territorial and Maritime Dispute, the ICJ partially downgraded the principle of equidistance as a method of delimitation of the territorial sea, noting that it does not automatically take precedence over other delimitation methods and

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Indeed, the later suggestion is plainly inconsistent with the wording of the exception described in Article 15. It is recalled that Article 15 of UNCLOS, which was adopted without any discussion as to the method of delimitation of the territorial sea, is virtually identical to the text of Article 12, paragraph 1, of the 1958 Convention on the Territorial Sea and the Contiguous Zone. The genesis of the text of Article 12 of the 1958 Convention on the Territorial Sea and the Contiguous Zone shows that it was indeed envisaged that a special configuration of the coast might require a different method of delimitation. Additionally, the jurisprudence of the Court does not reveal an interpretation that is at variance with the ordinary meaning of the terms of Article 15 of UNCLOS. This matter has not previously been directly in issue ... The Court notes however, that on occasion the median line in delimiting the territorial sea has not been used, either for very particular reasons ... or because of the adverse effect of coastal configurations [para. 280]. "*For all of the above reasons, the Court finds itself within the exception provided for in Article 15 of UNCLOS, namely facing special circumstances in which it cannot apply the equidistance principle. At the same time equidistance remains the general rule*" [para. 281].

that in some cases, as in the present case, where the demarcation of the territorial sea between States with adjacent coasts and particular geomorphological conditions were concerned, it was not the most appropriate method of demarcation [para.272]. The question was therefore raised as to the applicability of the exception in Article 15 of LOSC.

In this context, the drawing of the demarcation line followed the 'bisector' of the angle created by the linear approaches of the coasts of the two states [para.287]. However, the Court recognised that the principle of equidistance remains the general rule of delimitation for the territorial sea. Indeed, it applied this method to a part of the area under delimitation where the coasts of the two States were in conflict and concerned the delimitation of the overlapping territorial sea of five disputed islands, after having awarded sovereignty over them and recognised their right to a 12 nm territorial sea. In this context, it rejected Nicaragua's argument that only a 3nm territorial sea enclave should be attributed to the islands awarded to Honduras to avoid attributing to the latter a disproportionately larger part of the disputed area[86]. According to the Court, under Article 3 of the ICL Convention, Honduras is entitled to establish a 12 nm territorial sea for both the mainland territory and the islands under its sovereignty. Therefore, without prejudice to the overlap with the territorial sea of the Nicaraguan islands in the region, a 12 nm territorial sea has been granted to the Honduran islands in question.

4.4 Regarding the delimitation of the Continental Shelf & the EEZ

According to Article 83(1) of the Law of the Sea Convention (which is identical to Article 74(1) of the TIF Convention as regards the delimitation of the EEZ) it is stated that:

"The *delimitation of the continental shelf between states with adjacent or opposite coasts will be done by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to reach an equitable solution*".

This wording is the product of a compromise between the two opposing tendencies that had emerged at the Third Conference, the "Middle Line Group", which supported the principle of equal distance/median line as the method of delimitation of the continental shelf and the EEZ, with the exception of "special circumstances"[87] and the "Equitable Principles Group", which argued that delimitation should be based on equitable principles taking into account all

[86] The islands in question are Edinburgh Cay (Nicaragua) and Bobel Cay, Savanna Cay, Port Royal Cay and South Cay (Honduras), Par. 300-305.

[87] This arrangement was followed by the 1958 Geneva Conventions (see in particular Article 6(2) of the Convention on the Continental Shelf and Article 12(1) of the Convention on the Continental Shelf and the Contiguous Zone).

"relevant circumstances"[88]. Although the regulation finally adopted does not make explicit reference to the principle of equidistance, the development of the adjudication or arbitration has restored its value as a basic method of delimitation. Mention should be made of the Qatar-Bahrain Maritime Delimitation case, where the Court recognised the primacy of the equidistance principle, while adopting a conservative interpretation of the concept of relevant circumstances. Now, the concept of relevant circumstances is consistent with that of the exception to the principle of equal distance. The Court followed its previous jurisprudence by provisionally drawing the line of equal distance and then considering the existence of circumstances that require the demarcation line to be shifted, to arrive at a fair result. Moreover, he considered that the "equidistance/special circumstances" rule applicable to the delimitation of the territorial sea and the "equitable principles/relevant circumstances" rule, as developed after 1958 by case law and international practice on the delimitation of the continental shelf-EEZ, are closely related. Similar positions were expressed by the ICJ in the Judgment of 10 October 2002 in the case concerning the Land and Maritime Boundary between Cameroon and Nigeria and by the Arbitral Tribunal in the Judgment of 11 April 2006[89] in the Barbados-Trinidad and Tobago Delimitation Case.

Similarly, most bilateral delimitation agreements adopt the equidistance/median-line principle as the method of delimitation of the continental shelf/EEZ, either strictly or in a simplified or modified form where circumstances require it. In addition, more than 1/3 of national laws provide that, in the absence of an agreement on the delimitation of the continental shelf/EEZ, the outer limits of these zones are determined based on the equidistance principle. Finally, it should be noted that, in the context of Articles 74(1) and 83(1) of the ICL Convention, the achievement of an *'equitable solution'* merely underlines the outcome to which delimitation efforts should lead. In the formulation adopted, lenient solutions are not an

[88] The concept of "*principles of equity/relevant circumstances*" appears for the first time in the judgment of the International Court of Justice of 20 February 1969 in the North Sea Continental Shelf case, I.C.J. Rep. 1969, where the Court held, arbitrarily and without any precedent in the practice of States, that in customary law the delimitation of the continental shelf takes place "*by agreement, in accordance with principles of equity, taking into account all relevant circumstances*". In this context, the concept of 'relevant circumstances' is broader than that of *'special circumstances'*, which operate as an exception to the rule of equidistance. Relevant circumstances exist in all zoning cases, whereas special circumstances exist only in certain exceptional geographical circumstances which justify a derogation from the strict application of the equidistance/central line principle. It should be noted, however, that in the case of the North Sea Continental Shelf the delimitation concerned "*adjacent*" States, i.e., States with adjacent coasts.

[89] Par.228. "*The Court has on various occasions made it clear what the applicable criteria, principles and rules of delimitation are when a line covering several zones of coincident jurisdictions is to be determined. They are expressed in the so-called equitable principles/relevant circumstances method. This method, which is very similar to the equidistance/special circumstances method applicable in delimitation of the territorial sea, involves first drawing an equidistance line, then considering whether there are factors calling for the adjustment or shifting of that line in order to achieve an "equitable result"*"

applicable self-standing principle, but merely the result to be achieved infra legem, as is moreover stated by the express reference to Article 38 of the Statute of the International Court of Justice[90].

The term "*single maritime boundary*" refers to the single delimitation of the continental shelf and the EEZ. In one view, according to the international adjudication or arbitration and international practice, the delimitation of the continental shelf always coincides with the delimitation of the EEZ and vice versa, while it is implied that coastal States that have already delimited their continental shelf should apply the same principles and rules when delimiting the EEZ so that the above-mentioned coincidence of the delimitation lines can be achieved[91].

Similarly, it is argued that the delimitation of the EEZ should follow the delimitation of the continental shelf, because within the EEZ the coastal State is recognised as having sovereign rights on the seabed as they apply on the continental shelf. The legal nature of the two regimes dictates the primacy of the demarcation line of the continental shelf[92].

Although it is advisable to follow it as the most practical solution, the theory of identification of the continental shelf/EEZ boundary line is not absolute in its application. Thus, a Report of the Dutch Branch of the International Law Association on the Lateral Delimitation of the Continental Shelf/EEZ (1964) argues that in the context of the ICL Convention the "lateral delimitation" (i.e., the delimitation of the continental shelf and the EEZ of States with adjacent coasts) will necessarily coincide[93]. However, two States with opposite or adjacent coasts may adopt a different solution from that provided by the TFE Convention provided that the rights of third States within the EEZ are not violated. Examples are the existing co-exploitation agreements and the Australia-Papua New Guinea Agreement in the Torres Strait area (1975), which establishes a different delimitation line for the fishing zone and a different line for the continental shelf. Finally, Prescott argues that the demarcation line of the continental shelf and the EEZ only coincide when the former is based on the principle of equidistance, while other authors question whether the existing demarcation lines of the continental shelf can serve as demarcation lines for the EEZ, given that they were agreed in the

[90] R.R. Churchill & A.V. Lowe, The Law of the Sea, 3rd edition, 1999, p. 198.
[91] E. Gounaris, The International Law of Fisheries, International Law Papers 15, Sakkoulas Publications, Athens - Thessaloniki, 1989, p. 46.
[92] M. Evans, Relevant Circumstances and Maritime Delimitation, Oxford, Clarendon Press, 1989, https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/relevant-circumstances-and-maritime-delimitation-by-malcolm-d-evans-oxford-clarendon-press-1989-pp-xvi-257-index-69/CE1D9F3F25F7FFBBFEFAF94496CAEBAF
[93] A. Stratis, Common Fisheries Policy and the Mediterranean, Working Papers No. 14, ESME, 1992, p. 12-13 with references.

past when the institution of the EEZ did not yet exist[94]. However, as early as 1985, out of a total of 30 cases of conventional delimitation of the EEZ, 29 adopted a delimitation line coinciding with the continental shelf delimitation. Undoubtedly, the concept of a single maritime boundary is facilitated by the identical wording of Articles 74(1) and 83(1) of LOSC.

In accordance with the ICJ's decision in the Libyan-Maltese Continental Shelf Delimitation, one of the relevant circumstances to be taken into account for the delimitation of a State's continental shelf is the extent of that State's EEZ that is permissible under the law. This does not mean that the regime of the continental shelf has been absorbed by that of the EEZ. However, greater importance must be attached to elements such as the distance from the coast, which are common to both concepts. After all, in modern practice a significant number of delimitation agreements adopt a 'single maritime boundary'. An exception is the United Kingdom-Denmark/Faroe Islands Maritime Delimitation Agreement (1999) on maritime delimitation in the Faroe Islands area, which adopts a different boundary for the continental shelf and the fishing zone. Particular reference should also be made to the Finland-Sweden Agreement (1994) on the delimitation of the Finnish continental shelf/fishing zone and the Swedish EEZ in the Åland Sea and the North Baltic Sea, under which the two States agreed to follow the existing demarcation line of the continental shelf for the delimitation of the fishing zone/EEZ as well, while compensating for the benefits mainly accruing to Sweden from this arrangement.

The concept of a "single maritime boundary" was first addressed in the case of the Delimitation of the Maritime Boundary in the Gulf of Maine Area (1984)[95] , where the ICJ Division was called upon to draw a single delimitation line for the continental shelf and fishing zones. The Chamber considered that "*there is no rule of international law which does not permit the maritime delimitation of two different elements by a single line*" [para. 20], and that *"...this can be achieved by applying a criterion or combination of criteria which does not give preferential treatment to one of the two objects (continental shelf and overlying waters) and at the same time lends itself equally to the allocation of each of them*" [para. 194]. In this case, the Department refused to apply Article 6 of the Geneva Convention on the Continental Shelf, which deals exclusively with the delimitation of the continental shelf. In its opinion, such an interpretation would render the mass of overlying waters a mere part of the continental shelf

[94] U. Leanza, "The continental shelf of the Mediterranean and the delimitation thereof", 26th Annual Conference of the Law of the Sea Institute, The Law of the Sea: New Worlds, New Discoveries, Genoa, 20-25 June 1992, p. 18.
[95]Judgment of 12 October 1984 (Canada v. United States), I.C.J. Rep. 1984.

[para. 119]. However, it did not fail to point out that "*the identical nature of the language [note Articles 74(1) and 83(1) of the ICL Convention], although of course limited to the statement of the relevant principles and rules of international law, is particularly important*" [para.96].

Seventeen years later, in its Judgment of 16 March 2001 in the Qatar-Bahrain Maritime Delimitation Case, the ICJ clarified the role and function of the "single maritime boundary" in modern delimitation law. In this case, it held that the maritime boundary would be the result of the delimitation of different jurisdictional zones. In the southern sector, where the distance between coasts is not more than 24 nm, the line would delimit exclusively territorial waters, i.e. an area where States exercise sovereignty. Furthermore, the delimitation concerns the continental shelf and the EEZ, maritime zones within which States exercise sovereign rights and jurisdiction for specific purposes [paragraphs 169-170]. The Court observed that the concept of a "single maritime boundary" does not derive from treaty law but from the practice of States and that it is the result of the desire of States to draw a contiguous boundary delimiting the various - partly overlapping - zones of jurisdiction.

In fact, the Arbitral Tribunal in the Barbados-Trinidad and Tobago Delimitation case held that it had jurisdiction to draw a single continental shelf/ EEZ in areas where the claims of the two states overlapped [para 384], despite Trinidad and Tobago's objections that international law does not require the drawing of a single maritime boundary[96]. In the latter's view, the delimitation of a single maritime boundary is always based on the will of the parties, whereas in the present case the parties had not requested the Court to make such a delimitation. Nevertheless, the Court established a single delimitation of the continental shelf and the EEZ, noting that this practice has been adopted by international jurisdictions either by the drawing of a single maritime delimitation or by the drawing of delimitation lines which are theoretically different but in reality identical[97].

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[96] The Court did not enter into an extensive discussion of the issue since it limited the delimitation to the 200-nm. limit: "*In the present case, the question is largely theoretical because Trinidad and Tobago accepts that there is in fact no reason for the Tribunal to draw different boundary lines for the EEZ and the continental shelf within 200 n.m. of its own baselines. The Tribunal notes furthermore that the equidistance line running through the first and second segments described above is in fact a single maritime boundary that Trinidad and Tobago accepts in spite of its conceptual reservations. In Trinidad and Tobago's submissions, the need for a separate boundary line appears to be associated with its claim over the outer continental shelf beyond its 200-mile area. For reasons explained below, this last claim will be dealt with for the respective 200-miles areas of entitlement in respect of both the EEZ and the continental shelf*" [para.297], www.pca-cpa.org

[97] "In fact, the continental shelf and the EEZ coexist as separate institutions, as the latter has not absorbed the former (Libya/Malta, I.C.J. Rep. 1985, p.13) and as the former does not displace the latter. Trinidad and Tobago has correctly pointed out in its argument that the decisions of courts and tribunals on the determination of a single boundary line have been based on the agreement of the parties... [para.234].Yet, it is evident that State practice with very few exceptions (most notably, with respect to the Torres Strait) has overwhelmingly resorted to the establishment of single maritime boundary lines and that courts and tribunals have endorsed this practice either by means of a single boundary line (Gulf of Maine, I.C.J. Rep. 1984, p.246; Guinea/Guinea-Bissau, 77 p.635;

Additionally, On 12 October 2021, the ICJ delivered its long-awaited judgment in the case of Maritime Delimitation in the Indian Ocean (Somalia v Kenya) on the location of the maritime boundary between Somalia and Kenya, which applies a four-stage methodology for delimiting the continental shelf and the EEZ. First, the Court identified the relevant coastlines, baselines, and the specific areas where the two states' entitlements overlapped. Next, it examined whether any prior boundary agreement, either implied or explicit, existed for delimiting the disputed maritime areas. Then, it established the boundary for the territorial sea using the median line adjusted for special circumstances. Finally, it addressed the delimitation of the EEZ and the continental shelf, both within and beyond 200 nm.

The delimitation of the territorial sea, the continental shelf, and the EEZ in this case was guided by Articles 15, 74, and 83 of the UNCLOS, respectively. The ICJ emphasized the relevance of established case law on maritime delimitation, noting that its approach is based on the coastal geography of the states involved and typically involves drawing a median or equidistance line, anchored by suitable base points along the coasts. Since UNCLOS's adoption, the Court has progressively refined a methodology for maritime delimitation to standardize its approach, as outlined in the Black Sea case (Romania v. Ukraine). While UNCLOS does not mandate the use of the equidistance method, the Court affirmed that, in the absence of strong reasons to deviate, it generally adheres to this approach. Consequently, in this case, the ICJ employed its well-established three-stage process for delimiting maritime boundaries.

This methodology, described as the Court's "standard" approach to delimitation, aims to ensure consistency with established case law and includes the following stages:

1. **Provisional Equidistance Line**: First, the Court draws a provisional equidistance line using base points deemed appropriate along the coasts of the parties involved. This line is determined through geometrically objective methods and is based on the coastal geography of the states.
2. **Adjustment for Relevant Circumstances**: In the second stage, the Court examines whether any relevant circumstances require adjustment of the provisional equidistance line to achieve an equitable result. These circumstances are mainly geographical (such as concavities in the coastline), although other factors may also be considered if applicable. For instance, in this case, the Court considered the concavity of the coastline

Qatar v. Bahrain, I.C.J. Rep. 2001, p.40) or by the determination of lines that are theoretically separate but in fact coincident (Jan Mayen, I.C.J. Rep. 1993, p.38)" [para.235].

in the broader Somalia-Tanzania area to make a minor adjustment to the line [para 168][98].

3. **Proportionality Check**: Finally, the Court applies an ex-post facto proportionality test to ensure that the adjusted equidistance line does not lead to an inequitable outcome. It compares the ratio of each state's coastal lengths to the ratio of the maritime areas allocated to each party [para 175-177]. In this case, the ratio of maritime zones allocated to Kenya and Somalia was 1:1.30 in Kenya's favor, which the Court considered fair.

This three-stage methodology is used by the ICJ to delimit maritime boundaries in a way that ensures fairness and consistency while accounting for the specific geographical characteristics of the area.

The ICJ observed that Somalia and Kenya had engaged in bilateral negotiations to determine an appropriate method for delimiting the maritime boundary. Additionally, both countries had made public statements indicating their intent to negotiate a delimitation agreement. Consequently, the Court concluded that there was no implicit or "de facto" maritime boundary established between the two states[99][100].

[98] https://www.icj-cij.org/case/161

[99] N. Ioannides & C. Yiallourides, A Commentary on the Dispute Concerning the Maritime Delimitation in the Indian Ocean (Somalia v Kenya), 2021, https://www.ejiltalk.org/a-commentary-on-the-dispute-concerning-the-maritime-delimitation-in-the-indian-ocean-somalia-v-kenya/

[100] https://www.icj-cij.org/case/161

Chapter 5

ABUSIVE EXERCISE OF STATE SOVEREIGNTY OVER MARITIME ZONES UNDER THE PRISM OF THE LAW OF THE SEA CONVENTION

The exercise of state sovereignty over maritime zones is a critical issue in international law, especially under the framework provided by the 1982 Convention on the Law of the Sea. While LOSC establishes clear guidelines for the equitable delimitation of maritime boundaries, the potential for the abusive exercise of sovereignty remains a contentious issue. The exercise of exclusive state sovereignty and other rights and responsibilities, a coastal State in its maritime zones must apply the relevant rules of the 1982 Convention on the Law of the Sea. This also applies to the rights of third States when operating in the maritime zones of a coastal State.

Different behaviour by the above-mentioned coastal and third States in general may lead to violations, infringements, or, as the case may be, abuse of the sovereignty and the sovereign rights in general. In order to develop the whole issue, we should first refer to the status of the individual maritime zones where such violations and abuses may occur. Specifically, in: (a) Inland waters, (b) The territorial sea Zone, (c) The Contiguous Zone, (d) The Exclusive Economic Zone (EEZ), (e) The Continental Shelf, (f) The Flight Information Region (FIR), (g) The search and rescue area, and finally, (h) The high seas, i.e. areas beyond areas of national jurisdiction[101].

More specifically, with regard to internal waters, according to Articles 8-13 of LOSC, without prejudice to the provisions of Part IV of the Convention on Inland Waters, internal waters are waters lying beyond the baseline of the territorial sea and include river mouths, bays, harbours, ports, anchorages, shallow waters such as rivers and lakes. In inland marine waters, on the basis of Article 8 the following shall apply, the right of innocent passage, which applies in the territorial sea zone, does not apply, unless the internal waters, before their creation, after the drawing of a straight line and under certain other conditions, include sea areas which were not previously considered as internal waters and where the right of innocent passage applied there. Only in this case does this right continue to apply.

With regard to the territorial sea and its status according to Article 2 par.1 and 2 of LOSC, this zone includes the seabed and its subsoil, the overlying waters and the airspace

[101]A. Aligizaki, Energy Law and Geopolitics, Sakkoulas Publications, 2023, p. 145

above them. A coastal State in this area shall exercise full sovereignty, extending beyond its land and internal waters - and in the case of an archipelagic State, beyond its archipelagic waters - over an adjacent maritime zone, called the territorial sea, the extent of which, measured from the natural coastline or straight baselines, may extend up to 12 nm[102].

Sovereignty in the territorial sea zone, in accordance with Article 2 para.3 shall be exercised in accordance with the conditions and rules laid down in the provisions of LOSC and other rules of international law. In this zone, in accordance with Article 17 and without prejudice to the other provisions of the Convention, the vessels of all States (merchant, governmental, naval) enjoy the right of **"innocent passage"**, which means the passage of a ship in the territorial sea zone, for the purpose of passing through that zone without entering inland waters or stopping at anchorages or port facilities, outside inland waters or entering or leaving inland waters or stopping or leaving such anchorages or port facilities, without in this case the prior consent of the coastal State. Pursuant to Article 17 para.2, transit must be continuous and expeditious. Submarines are required to navigate on the surface, and warships must not land or take off aircraft, ensuring that the coastal State's security is not compromised.

In international straits formed by the overlapping of two parts of the territorial sea — such as between an island and a mainland country, between two islands, or between two mainland areas of the same or different coastal States— where these straits connect the high seas or the EEZ (if established), the regime of 'passage en route' (or free passage) as per Article 38 of LOSC applies. However, the requirement for continuous and expeditious passage does not prevent transit through the Strait for entering, leaving, or returning to a coastal State's territory, provided the conditions for entry into that State's territory are met.

Subsequently, according to Article 33 of LOSC, in a zone adjacent to the territorial sea, called the contiguous zone, the coastal State may exercise such control as is necessary:

(a) To prevent violations of customs, tax, sanitary or immigration laws and regulations on its territory or in its territorial sea.

(b) To suppress violations of the above laws and regulations committed on its territory or in its territorial sea.

The contiguous zone may not extend beyond 24 nm from the baselines from which the width of the territorial sea is measured and shall be adopted unilaterally by the coastal State. In accordance with Article 303, States have an obligation to protect objects of historical and archaeological interest discovered at sea and to cooperate to that end. In order to control the

[102] Ibid, p. 147

trade in such objects, the coastal State may, by applying Article 33 on the contiguous zone, consider that their recovery from the seabed and subsoil of that zone, without its consent, constitutes a violation of its sovereignty or jurisdiction as referred to in that article and in the articles on the continental shelf, depending on whether the objects are located in the zone up to 12 nm from the coast (the territorial sea) or in the zone between 12 nm and 24 nm (EEZ). Article 33 is without prejudice to the rights of the owners, whose identity may be known, the right to shipwreck and other rules of maritime law, and to the laws and practices in the field of cultural exchanges. Furthermore, this Article is without prejudice to other international agreements and rules of international law relating to the protection of objects of historical or archaeological interest[103].

With regard to the continental shelf, in accordance with Article 76 of LOSC, it includes the seabed and its subsoil beyond its territorial sea throughout the entire extent of the natural prolongation of its land area to the outer edge of the continental shelf or to a distance of 200 nm from the baselines from which the breadth of the continental shelf is measured, where the outer edge of the continental shelf is at a lesser distance. In the case where the reef extends beyond 200 nm, which is usually the case in oceanic coastal States, the outer limit of the continental shelf may, following a decision by the Commission on the Outer Limits of the Continental Shelf (CLCS), of course, extend up to 350 nm from the baselines.

Under Article 77, the coastal State exercises special, exclusive sovereign rights over the continental shelf for the purpose of exploring and exploiting natural resources (hydrocarbons, minerals). According to Articles 78-79 of LOSC, the rights of the coastal State on its continental shelf do not affect the legal status of the overlying waters or the airspace above these waters. The exercise of the rights of a coastal State on its continental shelf shall not unreasonably infringe or interfere with the right of navigation or other rights and freedoms recognised by the Convention in favour of third States, such as the right of all States to lay submarine cables and pipelines on the continental shelf and to maintain them. The routing of pipelines laid on the continental shelf shall be subject to the consent of the coastal State.

Nothing in the 1982 Convention shall prejudice the right of a coastal State to impose conditions applicable to cables and pipelines crossing its territory or its territorial sea, nor its jurisdiction over cables and pipelines laid or used for the purpose of exploring its continental shelf or exploiting its resources or for the establishment of artificial islands in the waters

[103] B. Karakostanoglou, the establishment of an Exclusive Economic Zone and other maritime zones is a National Priority, Collective work: the foreign element in national legal orders, Sakkoulas Publications, 2022, p.14

overlying the continental shelf or installations or structures subject to its jurisdiction. When States lay submarine cables or pipelines, they shall take due account of the cables and pipelines already laid. Coastal States, which have special exclusive sovereign rights in this area, should ensure that they do not obstruct the possibility of repair. Regarding archaeological and historical objects located on the continental shelf, the Convention, despite Greece's efforts, has not succeeded in adopting rules for their ownership and protection. However, something that applies to these objects in the contiguous zone and in the international seabed, beyond the zones of national jurisdiction.

In accordance with Article 58 of the 1982 Convention, in the EEZ of a coastal State, all States, whether coastal or landlocked, shall enjoy, in accordance with the conditions laid down in the relevant provisions of the Convention, the freedoms of navigation and overflight, and the freedom to lay submarine cables and pipelines, as provided in Article 78, for the legal regime of the overlying waters and airspace, and the rights and freedoms of other States.

At the same time, according to Article 86 of the 1982 Convention, the provisions of Part VII of the Convention apply to all parts of the sea not included in the EEZ, the territorial sea zone, the internal waters or the archipelagic waters of an archipelagic State. In this area, the freedom of the high seas applies to all States, namely: (a) freedom of navigation; (b) freedom of overflight; (c) freedom to lay submarine cables and pipelines; (d) freedom to construct artificial islands and other installations permitted by international law, subject to Part VI of the 1982 Convention; (e) freedom of fishing, subject to the provisions referred to in Section 2 of the 1982 Convention; (f) freedom of scientific research, subject to the provisions of Parts VI and XII of the Convention.

Each State exercises these freedoms, taking into account the rights of other States in the exercise of the freedom of the high seas, as well as the rights recognized by the Convention, with regard to activities carried out on the international seabed and its subsoil, i.e. beyond the zones of national jurisdiction, which are now the common heritage of mankind and for which the research, exploration and exploitation of natural resources (hydrocarbons, minerals) are the responsibility of the International Authority, the new International Seabed Authority. According to Article 149 of LOSC, all archaeological and historical objects found in the area shall be preserved or made available for the benefit of all mankind, considering in particular the prerogatives of the State or country of origin or of the State of cultural origin or even of the State of historical or archaeological origin[104].

[104] Karakostanoglou, op. cit., p. 19

Without prejudice to the rights applicable in maritime zones, it can be argued that we have now mentioned all the rights of States in these areas, as well as the abuse of sovereignty and rights by the coastal State and third States. In summary, however, we consider it appropriate to briefly mention the above rights and obligations of States, as well as the abuses by all States of the above rights, for fuller information[105].

- All coastal States are entitled to all maritime zones under the Convention.

- All coastal states have the right to have a territorial sea of up to 12 nm.

- All coastal states have the right to adopt an EEZ, up to 200 nm.

- All states and all their ships have the right of "innocent passage" through the 12 nm Aegean Sea.

- All states have the right of free navigation of their ships on the high seas, beyond areas of national jurisdiction, even within the EEZ.

- All states enjoy all the freedoms of the high seas described above.

- All nuclear testing on the high seas is banned.

- The placement of nuclear weapons in the maritime areas beyond the 12 nm territorial sea zone is prohibited, based on the provisions of other international conventions. Many states, including Greece, include in this prohibition the deployment of even conventional weapons.

So, based on these rights of states, the corresponding obligations of coastal states are as follows:

- Not to prohibit activities of third parties in their territorial sea zone if such activities are provided for by the 1982 Convention on the Law of the Sea, such as: The right of innocent passage for all ships without exception, provided that such rights are provided in the 1982 Convention.

- Not to prohibit third-party activities in the EEZ that conflict with the freedoms of the high seas, because in this zone, the rights of the coastal state are specific and relate only to the exploitation of its resources.

- Not to prevent third states from conducting aerial exercises in the EEZ, after, of course, notifying the coastal state.

- The same applies, of course, regarding the continental shelf of a state, since this is always the seabed and the subsoil of the EEZ.

- Not to allow a third State to explore the continental shelf under the pretext of carrying out basic scientific research on the continental shelf of the coastal State.

[105] Ibid, p. 14

- Protect the marine environment and arrest foreign ships, pursuing them continuously and continuously, even on the high seas, if they have violated the sovereignty of the coastal state or have engaged in activities not permitted under the laws of the coastal state or under the rules of international conventions.

- All states with a continental shelf can exploit mineral resources and sedentary species on an exclusive basis.

- All states that have adopted an EEZ have sovereign rights to exploit the biological resources contained in this zone, as well as the right to conduct scientific research. However, if a coastal State does not fish the quantities of catches provided for by it or by international organisations, other States, neighbouring States, or States designated as geographically disadvantaged, have the right to fish in the EEZ[106].

Article 300 of the 1982 Convention emphasizes good faith and prohibits the abuse of rights, mandating that States must fulfill their obligations under the Convention sincerely and exercise their rights, powers, and freedoms in a manner that does not constitute an abuse of right. This provision does not prevent coastal States from implementing the rules recognized by the Convention[107].

[106] Loc. cit.

[107] E. Gounaris, The exercise and abuse of sovereignty and sovereign rights in maritime zones, within the framework of the United Nations Convention on the Law of the Sea, 2016

Chapter 6

The role of the EEZ in the Eastern Mediterranean

In 1967, Malta's Ambassador to the UN, Arvind Pardo, submitted a proposal to convene an international conference to draft new legislation on the law of the sea, calling the oceans "*the common heritage of mankind*". 15 years later, on 30 April 1982, after a final vote at the United Nations headquarters in New York, the new United Nations Convention on the Law of the Sea (UNCLOS III) or Law of the Sea Convention (LOSC) was adopted.

On 10 December 1982, 130 countries voted in favor of the new Convention, while 4 voted against it and 17 abstained. Nearly 120 countries signed the Convention on this date, concluding one of the longest and most significant international negotiations. LOSC was later amended in 1994 and has since served as a comprehensive legal framework for governing all activities on, under, and above the oceans. It came into effect in November 1994 after being ratified by the requisite 60 States. Essentially, it represented a collective compromise among countries with vastly different interests, not only in maritime law but also in their views on the common heritage of humanity, future global economic relations, and the role of international law in governing international relations. The Convention was signed by 119 delegations, including those from Cyprus and Greece, at the final session of the UN Conference on the Law of the Sea in Montego Bay, Jamaica. By 30 September 2012, 161 States Parties, including the EU as a supranational organization, were bound by the Convention's provisions. When the Convention was initially signed, only four countries — the United States, Israel, Turkey, and Venezuela — **rejected its legal authority, citing provisions they believed were harmful to their national interests**.

Washington opposed LOSC because of its provisions, but in July 1994, the UN General Assembly overwhelmingly voted in favour of a new agreement which effectively amended those provisions. Following this development, the US government submitted a proposal for approval of the treaty to the Senate[108]. However, it has not proceeded to date. Israel rejected the Convention because it granted some benefits to the Palestine Liberation Organization. Aside from the individual objections of Israel and the US, Turkey and Venezuela were the only other countries to oppose LOSC due to the presence of islands off their coasts over which they had no sovereignty. These islands were given the same rights as a continental state, including

[108]Th. Karyotis, The Law of the Sea and the Role of the Exclusive Economic Zone in the Eastern Mediterranean, 2016, p. 174

their own territorial sea, EEZ, and continental shelf. Venezuela opposed the Convention, realizing that losing rights to the islands it owned adjacent to its coastline would result in a significant reduction of its future EEZ. However, Venezuela did not dispute, as Turkey did, the principle that islands should have the same rights as continental states.

On the other hand, Turkey, in total violation of LOSC, has claimed from the outset that islands do not have the same rights as mainland states. **Turkey has neither signed nor ratified the 1982 Convention or the 1994 Agreement and does not intend to accede to the Convention in the near future.** Greece signed both the 1982 Convention and the 1994 Agreement and ratified the Convention on the first of June 1995. Cyprus also signed the Convention and ratified it on 12 December 1988. These simple actions are highly revealed as to the positions of the three states regarding the new International Convention on the Law of the Sea. Although Greece has a strong legal position regarding the definition of its continental shelf, the delimitation of its EEZ is an equally viable method of resolving its relevant disputes with Turkey in the Aegean.

The creation of a Greek EEZ in the Aegean is justified by the following:

1. Greece would defend the economic unity of the continental shelf and the archipelago. The country has 3100 islands, of which 2,463 are in the Aegean Sea. By comparison, Turkey has ownership of only three islands in the same sea. One of the reasons why most coastal states have adopted the 200nm EEZ is to prevent overfishing. A large part of Greece's fishing fleet traditionally exploits international waters beyond the country's territorial sea zone, in particular the Mediterranean and the Atlantic Ocean. But now, with the designation of EEZs by many states in the region, Greek fishermen no longer have access to traditional fishing grounds. Therefore, the designation of an EEZ would be highly beneficial to the country's fishing sector, which despite its very limited contribution to the Gross National Product (GNP), plays an essential role in the diet of the Greek population, providing high nutritional value protein at a relatively high cost. LOSC provides EEZ status with no restrictive conditions prohibiting islands from defining an EEZ.

2. On March 10, 1983, the President of the US signed a proclamation establishing an EEZ 200 nm off the US coast. This EEZ encompasses 3.5 million square nm of ocean, an area 1.67 times the land area of the US and its possessions[109]. This EEZ includes vital natural

[109] United States Department of the Interior, "A National Program for the Assessment and Development of the Mineral Resources of the United States Exclusive Economic Zone," symposium proceedings, Washington, DC, 1984,
https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.sciencedirect.com/scie

resources, living and non-living, on the seabed, its subsoil and in the overlying maritime space. The most significant fact is that the declaration granted an EEZ to all islands of the United States, in accordance with the provisions of LOSC. Consequently, the Americans could hardly argue against the designation of a Greek EEZ similar to the one they have defined themselves.

3. The Soviet Union initially opposed the designation of an EEZ by the US. On 28 February 1984, the Council of the Supreme Soviet issued a decree on the EEZ of the Soviet Union, taking into account the relevant provisions of the 1982 Convention. The first article of the Decree provided for the following:

In maritime areas beyond and adjacent to the territorial waters of the Soviet Union, including the islands surrounding the Russian coast, the EEZ of the Soviet Union shall be established at a distance of up to 200 nm, with the same line of demarcation from the territorial waters of the Soviet Union. The determination of the EEZ between the Soviet Union and the states with coasts opposite or adjacent to the Soviet coasts will be put into effect based on the relevant laws of the Soviet Union and in accordance with International Law, with the aim of reaching a just solution[110].

4. In late 1986, Turkey unilaterally established a 200nm EEZ in the Black Sea. The action was taken in accordance with the provisions of the Convention, which is paradoxical to say the least, considering that Turkey has not only never signed or ratified the treaty, but has consistently opposed its validity. At the same time, the Turkish government has reached an agreement with the Soviet Union on the delimitation of their respective EEZs. Turkey consented to the provision that the continental shelf boundary established by the 1978 delimitation agreement with the Soviet Union would be the same for the delimitation of the EEZs of the two countries. This agreement was reached on the basis of the equidistance method, with no provision for special conditions and no reference to enclosed or semi-enclosed seas. **Consequently, Turkey, by accepting the legal status of the EEZ, as established by the 2nd UN Convention on the Law of the Sea, has weakened its legal position, with reference to its claims against Greece.** In addition to the EEZ with Russia, Turkey has reached similar agreements with Bulgaria and Romania on the delimitation of their respective EEZs in the Black Sea. During the negotiations with Bulgaria, the Turkish side accepted that

nce/article/pii/0308597X9090033N&ved=2ahUKEwiL2ZeqlsqIAxWAgv0HHeBFHAYQFnoECBcQAQ&usg=AOvVaw0Hyd8rR95sMgCnUbCUbxjr

[110]Robert W. Smith, Exclusive Economic Zone Claims: An Analysis and Primary Documents, Dordrecht/Boston/London: Martinus Nijhoff, 1986, p. 34

no special treaties apply to the Black Sea and therefore that the application of the principle of equidistance for the delimitation of the Turkish-Bulgarian zone would constitute a fair settlement.

Turkey's two-measures and two-stops policy regarding its claims in two semi-enclosed seas (Black Sea and Aegean Sea) is very difficult to justify. It is in fact a clear method for Ankara to differentiate the delimitation of the maritime zone in the Black Sea from the Aegean.

Tommy Koh from Singapore, very wisely, took care to put things in their legally correct perspective and commended on the Turkish attitude, noting the following: "*Although the provisions of the Convention are a series of compromises, it is clear that they should be read as an integral whole. That is why the Convention leaves no room, nor does it provide for any reservations in its application. Therefore, it is not within the discretion of States to choose the provisions that suit them and set aside those they do not like. In international law, as in domestic law, rights and obligations are interdependent. It is therefore legally prohibitive to claim rights provided for in the Convention but to be unavailable to assume the corresponding obligations.*"[111].

At this point it is necessary to summarise the role of the **Mediterranean**. The Mediterranean Sea is surrounded by 22 States; its coastal zones (territorial waters, the contiguous zone, the EEZ and the continental shelf) have been codified by LOSC, which entered into force on 16 November 1994, following its ratification by 60 States. The 1982 Convention changed maritime boundaries in the Mediterranean. The most important of these modifications are the following:

1. Each Mediterranean state has the right to extend its territorial waters up to 12 nm.

2. The contiguous zone may be extended from 12 to 24 nm.

3. The concept of EEZ, if applied to the Mediterranean, would imply jurisdiction over the entire sea to the coastal states surrounding it.

During the consultations for the drafting of LOSC, the head of the Greek delegation, Ambassador Konstantinos Stavropoulos, pointed out in an extremely insightful speech that archipelagos is a Greek word, which was used for the first time in history to describe the Aegean Sea and therefore, this sea area should not be excluded from the etymology of *'archipelagic waters'*. Unfortunately, the majority of delegates were not convinced by this strong argument, and as a result the Aegean was not included in the concept of archipelago.

[111] Tommy Koh, quoted in Theodore C. Kariotis, "Greek Fisheries and the Role of the Exclusive Economic Zone," in Greece and the Law of the Sea, p. 187 - 217.

However, one of the most important legal weapons that Greece has at its disposal to promote the status of the Aegean islands is the decision of the ICJ on the Franco-Canadian dispute over two small French islands off the Canadian coast. Highly enlightening on this legal case and its significance for Greece, the excellent analysis of Professor Kozyris who stresses: "*If ever there was a case in which two small islands very close to a huge mainland country, and moreover without the support of their own state, arrogantly claimed equal treatment, it is that of Saint Pierre and Miquelon! Nevertheless, they won, as the court rejected the argument that their share of the EEZ should be reduced because of their presumed proximity to the Canadian continental shelf or because they were not independent. Incidentally, Canadian Newfoundland is as much an island as St. Pierre and Michelson! No, islands should not be enclosed within their territorial sea zone-and yes, they have the potential to go beyond the 200-mile zones. No, the location of a potential hydrocarbon deposit has no weight in the delimitation of this zone. Judge Weil applauded this status of the islands, which, he ruled, rightly abandons the impossible and internally contradictory 'theory of special geographic circumstances'. It is therefore a landmark judgment. With the outcome of this case, any challenges to the equal treatment of islands vis-à-vis mainland states are finally and irrevocably rejected*." [112]

During the convening of the Second Committee for consultations on the Law of the Sea Convention, Turkey attempted to introduce a provision that would exclude 'semi-excluded' areas from the delimitation of EEZs, thus preventing their creation in the Mediterranean. The Turkish proposal was drafted as follows: "*The delimitation of territorial waters, Exclusive Economic Zones and continental shelves between adjacent and/or States with opposite coasts bordering semi-enclosed seas shall be determined on the basis of the respective provisions of this Convention and taking into account the relevant conditions in such areas*"[113]. To the Turkish proposal, Greece countered with the argument that semi-enclosed seas are an integral part of the general provisions of the Treaty and therefore no special arrangements are needed for the designation of EEZs in semi-enclosed seas[114].

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[112] Phaedon John Kozyris, "Equity, Equidistance, Proportionality at Sea: Status of Island Coastal Fronts and a Coda for the Aegean,", 1997, https://hellenicleaders.com/2017/11/28/the-importance-of-the-greek-exclusive-economic-zone/

[113]Alex G. Oude Elferink, The Law of Maritime Boundary Delimitation: A Case Study of the Russian Federation (Dordrecht/Boston/London: Martinus Nijhoff, 1994), https://catalogue.nla.gov.au/catalog/491675.

[114]Faraj Abdulah Ahnish, The International Law of Maritime Boundaries and the Practice of States in the Mediterranean Sea (Oxford: Clarendon, 1993), https://www.cambridge.org/core/journals/cambridge-law-journal/article/abs/international-law-of-maritime-boundaries-and-the-practice-of-states-in-the-mediterranean-sea-by-faraj-abdullah-ahnish-oxford-clarendon-press-1993-xxvi-391-bibliography-14-and-index-9pp-hardback-5500-net-isbn-0198257392/884818C80052A172B034EF17702EFBB4

The Greek position was extended, and the UN Convention on the Law of the Sea rejected the thesis that semi-enclosed seas should be governed by different regulations from those applicable in all cases. Seven Mediterranean countries -Cyprus, Croatia, Egypt, France, Morocco, Slovenia, and Spain-have declared 200nm EEZ or EFZ. However, most Mediterranean states have not taken such action because of the difficulties in the delimitation process, but also because they consider that the Mediterranean has nothing special to offer in terms of living natural resources. As more and more coastal states establish EEZs, pressure will increase on other Mediterranean countries to take similar steps, as the fishing fleets of many states without EEZs have been excluded from areas declared as such zones, notably in the North Sea and the West African coast. But when the entire Mediterranean is now enclosed by an EEZ, it is expected that a more rational and equitable exploitation and fishing regime will emerge[115].

[115]The Economist, Drill or quarrel? 12 January 2013, https://www.economist.com/business/2013/01/12/drill-or-quarrel

Chapter 7

The establishment of maritime zones as a matter of national priority by Greece (especially with regard to the EEZ and the Continental Shelf)

The institution of the EEZ is a revolutionary evolution of the pre-existing regime of the Continental Shelf and Fishing Zones, which created a zone of economic sovereignty that reaches up to 200 nm from the coast or straight baselines, thus giving the coastal States exclusive control over every natural resource (living or non-living, of both the animal and vegetable marine environment) and every economic activity, both of the waters and the seabed-subsoil of its area[116].

The 200 nm area covers 36% of the world's maritime space, which is effectively nationalised for economic purposes. It is also where almost all the world's known undersea oil and gas reserves are located (i.e. 1/3 of the world's reserves), where about 95% of the world's fish are caught and where 80% of the world's marine scientific research is carried out! It is also home to 10% of the world's polymetallic nodules, rich in critical ores[117]. Renewable energy sources (RES) within the EEZ, such as energy derived from waves, wind, and sea currents, have become increasingly significant and are under the exclusive jurisdiction of the coastal state. Moreover, the exclusive rights of the coastal state in the EEZ will extend to any future technological advancements that might economically impact the sea. This is particularly crucial for Greece, as the EEZ also grants exclusive jurisdiction for the protection and preservation of the marine environment from pollution, a vital aspect for Greek tourism, especially in the Aegean[118].

Overall, the EEZ creates a particularly coherent link between land and sea, which is inferior to that of full sovereignty over the Aegean Sea, as the freedoms of the high seas, navigation and overflight apply in its area, the laying of pipelines and cables, but they give the coastal state the most powerful powers of control over this vast maritime area, both in the

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[116]Attard D.J., The Exclusive Economic Zone in International Law, Oxford, Clarendon Press, 1987, p. 23; Extavour W.C., The Exclusive Economic Zone: A Study of the Evolution and Progressive Development of the International Law of the Sea, Geneva, Leiden, Sijthoff, 1979, p. 53; Vicuna F., The EEZ: Regime and Legal Nature under International Law, Cambridge University Press, 1989, p. 143

[117] Loc. cit.

[118]Karakostanoglou, The Exclusive Economic Zone, in The New Law of the Sea. The Legal Regime with an Emphasis on Fisheries, Institute of International Public Law and International Relations, Sakkoulas Publications, Athens - Thessaloniki, 2001, p.100.

economic sector and in related areas, directly or indirectly. For coastal states with extensive coastlines and a mixed archipelagic structure, such as Greece, these advantages of the EEZ become of critical importance. For the economy, security, the environment, science and ultimately the national space and international position of the country. The sea, in addition to being a 'road', is now becoming a 'treasure' (a reservoir of natural resources and energy). The future, under the influence of science and technology, may hold incredible surprises and challenges for the wet element of the planet.

Greece must therefore, towards its people and its future generations, reform its maritime legislation and adopt:

1) Straight baselines for measuring its maritime zones and 24 nm as the limit for the characterization of its bays,

2) Territorial sea of 12 nm. In the Aegean alone, this extension from 6 to 12 nm would increase our national sovereign space from about 43% which is currently to about 71%,

3) 24 nm Contiguous Zone and

4) 200 nm EEZ (which includes as seabed-subsoil and the Continental Shelf, up to 200 nm). Where these zones meet with corresponding zones of neighbouring states, there will be delimitation based on the median line/equal distance principle, or other method, through negotiated or judicial resolution[119].

Instead, unfortunately, Greece, for at least 36 years, has not reformed its maritime rights regime. Causes or pretexts: The "*phobic syndrome*" towards Turkey and the threats of war it makes, the ambivalence, unwillingness or indecisiveness of political leaders to take substantial initiatives, especially in foreign policy, which, apart from the great advantages, may for a moment also conceal some risks (e.g. tension with Turkey).

The overall reform of the state, which, in the wake of the economic crisis, has been attempted in Greece in recent years, is an excellent opportunity to take the measures that our country has unjustifiably neglected to take in the past. Thus, with the EEZ, our national space will be more than tripled, significant energy resources (oil, natural gas) will be secured, the traditional seas where Hellenism has been active for millennia will be controlled, the security and cohesion of our continental and island areas will be increased and the maritime borders of Greece will be clarified.

[119]Karakostanoglou Aegean and Exclusive Economic Zone, International Law and International Policy, Thessaloniki, Observer Publications, 1989, p. 121.

Moreover, the establishment of a contiguous zone will make it easier to combat illegal immigration and antiquities theft. A prerequisite for the adoption of the EEZ is, at the same time, at least to extend up to 12 nm (or even 10 nm) and the width of our territorial sea zone (which has a stronger status of full sovereignty), as from the outer limit of the territorial sea zone onwards begins the area of the EEZ or the continental shelf, which have a weaker status, only economic sovereignty, but which is nevertheless very important for the states. With the extension of the territorial sea zone there will now be a single width and with our national airspace[120][121].

[120] Ibid

[121] Stratis, loc. cit.

Chapter 8

The decisions of the ICJ on the issue of delimitation of the maritime zones of Greece

8.1 Assessing the Influence of ICJ Rulings on Greece's Maritime Claims

Any discussion on Greece's Rights over the Maritime Zones belonging to Greece, according to the Montego Bay Convention of 1982 -as well as any relevant discussion, respectively, regarding its Sovereignty and its Sovereign Rights in this regard- has as its starting point the following fundamental position, which constitutes a permanent and non-negotiable "*pillar"* of our Foreign Policy: **There is a single dispute to be resolved, through the International Court of Justice in The Hague, between Greece and Turkey[122].** It is the delimitation of the continental shelf and the subsequent EEZ in the Aegean and the Eastern Mediterranean, in full application of the International Law of the Sea, i.e. in full application, "*in the light*" of international jurisprudence, of the provisions of the 1982 Montego Bay Convention.

Even when the term "Maritime Zones" is used, certainly without success - at least not by the Ministry of Foreign Affairs, which always adopts the above-mentioned National Line on this particular issue - this plural does not in any way mean that Greece is reverting to the legally incorrect and politically dangerous terminology of "disputes", which was unfortunately adopted in the "*Joint Communiqué" between* Greece and Turkey of 8th July 1997, at the then NATO Summit and subsequently in the conclusions of the Helsinki European Council between 10th and 11th December 1999. This "*plural"*, which allowed Turkey for some time to project, almost undisturbed, its "fantasies" about "grey zones" in the Aegean, has, on the part of Greece, been definitively and irrevocably condemned after 2004, as completely contrary to any concept of international and European law.

The foregoing remarks are complemented by the following two, also firm and non-negotiable, positions of our Foreign Policy with regard to our National Issues and our National Rights in general vis-à-vis Turkey: First, the question of the revision of the 1923 Treaty of Lausanne has not been raised, nor is it raised, nor will it be raised - and, a fortiori, accepted -

[122]Pavlopoulos, The status of the Maritimes Zone of Greece, https://www.constitutionalism.gr/wp-content/uploads/2022/01/2022-01-09_THALASIES_ZONES.pdf

let alone when this Treaty is, by its very nature, not amenable to revision according to the special rules of International Law on the subject. Secondly, Turkey's claim that it has not acceded to LOSC and, therefore, cannot have any influence on the sovereignty and sovereign rights of Greece. This is because, as will be emphasised below, according to the settled case-law of the ICJ, the above Convention has been ratified by the requisite number of Member States of the international community to produce customary - and, moreover, generally accepted - rules of international law, which apply erga omnes, and consequently also in relation to Turkey.

Apart from the above clarification of the one and only dispute with Turkey, Greece must constantly make clear what, in the in concreto interpretation and application of International Law, falls under the jurisdiction of International Justice, and more precisely under the jurisdiction of the ICJ.

This is because it is well known that, in addition to the ICJ, the International Tribunal for the International Law of the Sea in Hamburg (ITLOS) and another international arbitral tribunal, by agreement of the parties, may theoretically be competent to resolve international disputes concerning the interpretation and application of the LOSC, which is applicable to the dispute between Greece and Turkey alone.

However, Greece has, over time, accepted that the above dispute will be brought - if it is brought - before the ICJ. This choice was clearly clarified by Greece in its Declaration of 14 January 2015[123]. In this declaration, Greece committed itself to excluding from the jurisdiction of other international jurisdictional bodies - e.g. the aforementioned ITLOS - the adjudication of disputes relating to the interpretation and application of LOSC and entrusting it exclusively to the ICJ, apparently because of its universally recognised authority in matters of international law in general, including the delimitation of maritime zones[124].

According to the provisions concerning the exercise of the jurisdiction of the ICJ, the recourse to the sole dispute between Greece and Turkey presupposes the conclusion of a "*co-contract*". This is a peculiar agreement between the applicant States for the determination of the issue, which is submitted to the ICJ for resolution. In general terms, this "*promissory note*" on the one hand delimits the subject matter of the dispute and, on the other hand, determines the legal basis on which the ICJ will rely for the resolution of the dispute, i.e. the applicable international law.

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[123] Declarations recognizing the jurisdiction of the Court as compulsory, https://www.icj-cij.org/declarations/gr
[124] Pavlopoulos, op. cit.

As regards the above-mentioned subject of the dispute, it is again noted that Greece's position must be absolutely clear: The subject, as stated above, can only be the delimitation of the Insular Continental Shelf and the corresponding EEZ in the Aegean and the Eastern Mediterranean.

As to the applicable law, it is recalled that, in accordance with the provisions of Article 38 of the Statute of the ICJ, this Court applies international law, both written and customary, the generally accepted rules of international law and, in addition to its case law, the opinions of leading international scholars. In the present case, the only dispute between Greece and Turkey, the ICJ will exercise its jurisdiction by applying the above-mentioned relevant provisions of LOSC. And on this point it must also be made clear to Turkey that, in addition to the specific individual provisions of LOSC which will be applied to the resolution of the sole dispute between Greece and Turkey, it must recognise and accept the validity of the whole of the International Law of the Sea Convention. Given that partial recognition and acceptance of its validity cannot be understood, since it constitutes an implicit but clear challenge to international legality in general and to the jurisdiction of the ICJ at The Hague[125].

To Turkey's well-known "*argument*" that it has not ratified the Montego Bay Convention of 1982, the answer must be, without "*circumlocution*", as already mentioned above, <u>the following</u>: **although Turkey has not acceded to the Montego Bay Convention of 1982, it is bound by its rules**. For, according to the settled case law of the ICJ, the 1982 Montego Bay Convention, mainly because of the extremely large number of States that have ratified it, is in essence applicable to everyone, either because of the <u>development of relevant customary international law rules</u> or - as seems more appropriate - because it now produces <u>generally accepted rules of international law</u> which, by their very normative nature, apply to everyone.

Regardless of whether it is still too early to discuss, even in general terms, a possible appeal by Greece and Turkey to the ICJ to resolve the one and only dispute over the delimitation of the continental shelf and the corresponding EEZ in the Aegean and the Eastern Mediterranean, the following, among others, must be made clear from now on:

- The difference in the attitude of Greece and Turkey, respectively, towards the jurisdiction of the ICJ is another example of the great distance that separates the two states in terms of respect for international law in general. This is because Greece has recognised - subject, of

[125] D. Bulukbasi, Turkey and Greece: The Aegean Disputes. A Unique Case in International Law, Cavendish Publishing Ltd, 2004, p. 134

course, to the limits set out below - the compulsory jurisdiction of the Court, which Turkey has not done. This alone is sufficient to show that, while Greece has placed its due confidence in the ICJ in its interpretation and application of international law, based on its internationally recognised jurisdictional authority, Turkey, on the contrary, has, over time, made a kind of provocative demonstration of lack of confidence in, or even contempt for, the Court. Maybe because of its awareness of how baseless its occasional "claims" against Greece are in terms of international law.

- In application of the provisions of Article 36 par.2 of the Statute of the ICJ, Greece made, in 1994, a Declaration submitted to the UN, by which it accepted as compulsory the jurisdiction of the Court in respect of all legal disputes falling within the above provisions.

This acceptance was made unilaterally, but subject to the obvious condition of reciprocity, i.e. exclusively vis-à-vis those States which have made a corresponding Declaration. Greece also automatically excluded from the compulsory jurisdiction of the ICJ certain disputes which are strictly related to the "*hard core*" of its sovereignty, i.e. disputes concerning military measures taken for reasons related to national defence. These are, obviously, measures taken with the aim of defending our Aegean Islands from the overt - especially after the Turkish invasion and occupation of Cyprus in 1974 and the subsequent creation of the "*Aegean Army*" in 1975, based in Izmir - Turkish threat or even threat of the use of force.

On 14 January 2015, Greece submitted to the UN a new, updated and completed declaration regarding the acceptance of the compulsory jurisdiction of the ICJ, carefully clarifying the exceptions thereto. In fact, the above-mentioned declaration excludes from the compulsory jurisdiction of the ICJ the following two disputes, on the grounds that they directly touch upon the "*hard core*" of its sovereignty:

A) First, disputes relating to military activities and measures taken by Greece for the protection of National Sovereignty and territorial integrity, for National Defence purposes and for the defence of National Security. In essence, this point of the Declaration of 14th January 2015 updated and supplemented the 1994 Declaration, particularly regarding the measures for the defensive armouring of our Aegean Islands, as explained earlier.[126]

B) Second, the disputes relating to the borders of Greece and its territorial Sovereignty, including disputes as to the extent and limits of the Aegean Sea and the Airspace. These are disputes which, as has already been emphasised, belong eminently to the '*hard core*' of sovereignty and which it is inconceivable to equate with disputes of a purely legal nature,

[126] Bulukbasi, op. cit., p. 142

which can be brought before the ICJ, even on the unilateral initiative of a third State. It is obvious that the explicit reference to the Aegean Sea and National Airspace was made - and rightly so - for the sake of clarity, which leaves no room for doubt as to what the '*hard core*' of National Sovereignty includes. And, on the other hand, because the illegal "*casus belli"* of the Turkish National Assembly has existed since 8th June 1995, i.e. immediately after the entry into force of the International Law of the Sea, as codified, as mentioned above, by the Montego Bay Convention of 1982.[127]

To the above two exceptions to the compulsory jurisdiction of the ICJ, the Declaration of 14th January 2015 added a third, procedural exception.

These are cases where another State - e.g. Turkey - accepts the compulsory jurisdiction of the above Court only once or within a period of less than twelve months after an application has been lodged with it. It goes without saying that Greece has introduced this exception clause in order to avoid, particularly on the part of Turkey - which has, over time, given '*tangible examples*' of unreliable international behaviour - opportunistic or sudden appeals, adapted to the circumstances and the expediency which, in its opinion, favours it[128].

Therefore, on the basis of this reservation, if, for example, a State accepts the compulsory jurisdiction of the ICJ only once or for a period of less than twelve months prior to its respective appeal to it, Greece reserves the right to weigh whether this may be detrimental to the issues of our National Sovereignty and, consequently, to withdraw or even modify its declaration on the compulsory jurisdiction of the aforementioned Court.

Finally, the Declaration of 14th January 2015 expressly provides that Greece reserves the right to submit to the ICJ even disputes which it has excluded, as mentioned above, but on the basis of a special agreement to be concluded with the opposing State. Although this reservation has the obvious aim of highlighting Greece's commitment to the application of international law, especially in the context of the jurisdiction of the ICJ, it goes without saying that it entails many risks for the protection of our National Sovereignty. Therefore, its use can be considered acceptable only in marginal cases, and only when the Greek side is absolutely certain that the verdict of the ICJ will not create, even in the slightest way, conditions of danger, in any way, to the detriment of our National Sovereignty[129].

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[127] Ibid

[128] Y. Acer, The Aegean Sea in Its Contemporary Context-Part II, April 2007. www.turkishweekly.net/articles.php.

[129] Ibid.

This is because, despite its undisputed international authority, the ICJ has, unfortunately, in the past, given examples - even if only in isolated cases - not only of unjustified jurisprudential fluctuations that affect the very security and normative force of international law, but also of retreat in the field of its correct application of international law, under the pressure and weight of the international situation. One notable example of such a case is the **Nicaragua v. United States** (1986)[130] decision, formally known as the *"Case Concerning Military and Paramilitary Activities in and against Nicaragua"*. In this case, the ICJ ruled in favor of Nicaragua, concluding that the US had breached international law by supporting the Contras and engaging in military and paramilitary operations against Nicaragua. The court mandated that the U.S. halt these actions and compensate Nicaragua. Despite this ruling, the US chose not to participate in the proceedings after the initial stages and subsequently withdrew its acceptance of the ICJ's compulsory jurisdiction. The US contended that the ICJ lacked the authority to adjudicate the case, asserting that it pertained to matters of national security and political discretion, rather than issues suitable for legal adjudication. This stance highlighted the challenges faced by the ICJ in asserting its authority and ensuring compliance with its decisions, particularly when powerful nations are involved.

8.1.1 The Influence of the ICJ's 2023 Ruling on Nicaragua-Colombia on the Greece-Turkey Continental Shelf Dispute

On July 13, 2023, the ICJ delivered a significant ruling regarding the maritime dispute between Nicaragua and Colombia[131], which centered on the delimitation of the continental shelf beyond 200 nm from Nicaragua's coast. Nicaragua had brought this matter before the court after being disappointed from with the 2012 judgment, seeking to extend its continental shelf into areas that fall within Colombia's EEZ. However, the ICJ rejected Nicaragua's request, clarified that a state's entitlement to a continental shelf cannot extend into the 200 nm of another state, stating that such an extension would violate customary international law. This ruling upholds the distance criterion for continental shelf claims over natural prolongation, which reverses prior interpretations[132]. The court clarified that Nicaragua could not assert

[130] Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), https://www.icj-cij.org/case/70/judgments
[131] https://www.icj-cij.org/case/154
[132] Malcolm D. Evans, Nicholas A. Ioannides, *A Commentary on the 2023 Nicaragua v Colombia case*, 2023, https://www.ejiltalk.org/a-commentary-on-the-2023-nicaragua-v-colombia-case/

claims over areas located within 200 nm of Colombian territories, including the islands of San Andrés and Providencia. Consequently, the judgment established that no overlapping entitlements could be recognized between the two countries. This ruling reaffirmed that a state's entitlement to a continental shelf cannot extend into another state's 200 nm zone, thereby elucidating principles of maritime boundaries and continental shelf rights under international law[133].

The ICJ's 2023 judgment has broader implications, particularly concerning the ongoing maritime dispute between Greece and Turkey regarding the delimitation of the continental shelf and maritime boundaries in the Aegean Sea and the Eastern Mediterranean. The ruling established crucial legal principles that could influence the arguments presented by both nations. Notably, the ICJ emphasized that a state's entitlement to a continental shelf cannot infringe upon another state's EEZ or continental shelf within the 200 nm limit[134]. In the context of the Greece - Turkey dispute, this principle suggests that neither country can claim continental shelf rights that encroach upon the 200-nm maritime zones of each other's islands or coastlines.

For instance, Turkey's assertions that Greek islands such as Rhodes or Kastellorizo should be excluded or have their continental shelf entitlements curtailed may come under scrutiny in light of the ICJ's ruling. The court reaffirmed that delimitation disputes must adhere to customary international law[135]. Greece's position, grounded in the United Nations Convention on the Law of the Sea, contends that its islands should generate a full 200 nm continental shelf and EEZ. Conversely, Turkey, which is not a signatory to UNCLOS, advocates for an equitable delimitation based on the region's unique geographic context, asserting that Greek islands situated close to the Turkish mainland should not produce extensive maritime zones.

The findings from the Nicaragua-Colombia case, which apply customary international law, could bolster Greece's argument that islands indeed generate their own continental shelf and EEZ, provided there are no conflicting claims. In addressing Nicaragua's claim for an extended continental shelf based on technical factors, the ICJ favored a stable boundary rooted

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[133] Question of the Delimitation of the Continental Shelf Between Nicaragua and Colombia Beyond 200 Nautical Miles from the Nicaraguan Coast (Nicar. v. Colom.) (I.C.J.), Cambridge University Press (2024), https://www.cambridge.org/core/journals/international-legal-materials/article/question-of-the-delimitation-of-the-continental-shelf-between-nicaragua-and-colombia-beyond-200-nautical-miles-from-the-nicaraguan-coast-nicar-v-colom-icj/8A0B059819D2F124465731FF7C8C5D31

[134] Somani K., *The ICJ's Judgment in Nicaragua v. Colombia: Back to the Basics,* 2023, OpinioJuris Press, https://opiniojuris.org/2023/08/16/the-icjs-judgment-in-nicaragua-v-colombia-back-to-the-basics/

[135] Malcolm D. Evans, Nicholas A. Ioannides, *A Commentary on the 2023 Nicaragua v Colombia case*, 2023, https://www.ejiltalk.org/a-commentary-on-the-2023-nicaragua-v-colombia-case/

in legal entitlements and geographic realities. This precedent could inform the Greece-Turkey negotiations, suggesting that special circumstances—such as the proximity of Turkish coasts to Greek islands—might influence the delimitation process. Such geographic considerations could potentially lead to adjustments that consider population density and the specific configuration of the region.

In summary, the principles upheld in the ICJ's Nicaragua-Colombia judgment—especially regarding overlapping entitlements and the interplay between customary international law and geographic realities may guide future negotiations or adjudication, shaping the resolution of maritime boundary conflicts in this strategically important region.

Chapter 9

Sovereignty and International Law: Greece’s Response to Turkish Aggression in the Aegean

It is understandable that Greece's stance on the mandatory jurisdiction of the ICJ and the particular exceptions to it raises several issues, one of which is the need to define the institutional "character" of Maritime Zones, given the distinctiveness of some of them with respect to Sovereign Rights and National Sovereignty. This clarification makes it easier to examine how Maritime Zones and the "core" of national sovereignty interact with one another and the different implications that arise from it[136].

As regards the Aegean Sea zone, the following is induced:

First of all, it must be clarified that according to LOSC, the Sovereignty of every State, and therefore of Greece, is complete especially in its Territory -including, of course, the territory of islands, islets and rocky islets, without any form of distinction- in its Aegean Zone and in the Airspace to which it is entitled. Accordingly, the definition of the Aegean Sea is a quasi "*natural*" -of course with an institutional background- right of each State, which means that the extension of the Aegean Sea up to the 12 nm limit is done unilaterally, by the State alone. Typical, in this respect, are the provisions of Article 3 of LOSC, according to which: "*Each State shall have the right to determine the breadth of its territorial sea to a point not exceeding 12 nautical miles measured from baselines established in accordance with this Convention".* Therefore, as previously explained, within the limits of the Aegean Zone - and, a fortiori, within the Internal Waters - the State exercises full Sovereignty, with the only restriction being that of the innocent passage of ships flying a foreign flag in accordance with international law, and, in the case of the Internal Waters, the docking and mooring of such ships[137].

As is well known, Greece has reserved the right to exercise everywhere the right to extend its Aegean Territorial Sea to 12 nm. The most notable example is that of the Aegean Sea, where the 6 nm limit is still in force. Given the current circumstances, and especially those of the ongoing Exploratory Contacts and their outcome, it becomes imperative that our national objectives should be oriented not only towards the "*reversal*" *of* the Turkish "*casus belli*", since this is rather unrealistic in view of Turkey's continued intransigence and provocativeness. But

[136]J.I. Charney & R.W. Smith, International Maritime Boundaries, The American Society of International Law/Martinus Nijhoff Publishers, vol. iv (2002), p. 123
[137] Charney & Smith, op. cit., p. 12

also, first and foremost, on how to fully exercise Greece's right to extend its territorial sea to the Aegean Sea, in accordance with the rules of LOSC. The fact that this need is more urgent than ever is also evident from the fact that it is unthinkable to have a delimitation of the continental shelf and the EEZ with the status of our Aegean Sea at 6 nm, since such a delimitation - especially if it is done through a joint appeal by Greece and Turkey to the ICJ, in which case there will be a relevant "*precedent*" - may result in a kind of extremely dangerous and nationally unthinkable "*consolidation*" of the 6 nm limitation of the Aegean Sea[138].

In this respect, it should be noted that there does not appear to be any jurisprudential precedent in which the ICJ has heard similar disputes without the opposing States having previously extended their Aegean Territorial Sea to 12 nm. In any case, and even if such a joint appeal were to be brought under the 6-nm Aegean Territorial Sea regime in the delimited areas, it goes without saying that Greece would clarify, in writing and clearly, to the ICJ that any decision in this regard cannot create a precedent.

The connection, even if indirect, between the delimitation of the Continental Shelf and the EEZ and the existing limits of the Aegean Sea follows directly from the applicable rules of LOSC, given that both "*begin*" - irrespective of the fact that they are measured from the coastline - from where the Aegean Sea ends. Moreover, this is also apparent from the provisions of para.1 of Article 156 of Law No. 4001/2011 - which replaced the provisions of par. 1 of Article 2 of Law No. 2289/1995 - according to which: "*1. The right to prospect, explore and exploit hydrocarbons in the terrestrial, sublittoral and submarine areas in which the Hellenic Republic exercises sovereignty or sovereign rights respectively in accordance with the provisions of the United Nations Convention on the Law of the Sea, as ratified by Law No. 2321/1995, belongs exclusively to the State and its exercise always concerns the public interest. 'Submarine areas' means the seabed and subsoil of inland waters, the coastal zone, the continental shelf and the exclusive economic zone (once declared) up to a distance of 200 nautical miles from the baselines from which the breadth of the coastal zone is measured. In the absence of a delimitation agreement with neighbouring States whose coasts are adjacent or contiguous to the Greek coasts, the outer limit of the continental shelf and the exclusive economic zone (once declared) shall be the median line, each point of which is equidistant from the nearest points of the baselines (both continental and island) from which the breadth of the coastal zone is measured.*

[138] Ibid.

The need for an immediate extension of our Aegean Territorial Sea to 12 nm, mainly in the Eastern Mediterranean, is now made imperative by Turkey's attempt to create a fait accompli there against Greece through the so-called "*Turcolibre Memorandum*", which is legally invalid and does not produce legal effects. Indeed, the "*Turcolibian Memorandum*" of 27.11.2019 lacks elementary legal validity, both because of the way it was concluded in direct violation of the provisions of the Vienna Convention and because of the flagrant violation of essential provisions of the 1982 Montego Bay Convention as regards the delimitation of the EEZ. In summary, it is noted that the "*Memorandum of Understanding*" was concluded in violation of the rules of "*fundamental importance*" of Libyan domestic law, i.e. without the involvement of the House of Representatives of that State, and even more so with an explicit declaration by its President not to recognize the "*Memorandum*".

In the correct interpretation of the provisions of Article 46 para. 1 of the Vienna Convention, and in accordance with the case law of the ICJ, the aforementioned defect renders the "*Memorandum of Understanding"* legally invalid and incapable of producing legal effects within the scope of the International Community, and therefore also vis-à-vis Greece and the European Union. Even more so when this consequence also arises, vis-à-vis Greece and the European Union, in application of the principle of '*res inter alios acta*' in accordance with the case-law of the ICJ.

Furthermore - and in essence this time - the "*Turkish-Libyan Memorandum*" attempts to delimit the EEZ between Turkey and Libya in such a blatant violation of the essential provisions of LOSC, as interpreted by the jurisprudence of the ICJ, that it constitutes an unprecedented negative example of a violation of international law and international legality. In the sense that its tolerance and, more importantly, its recognition by the international community and the UN, puts the validity and effectiveness of international law and, in this case, of the Law of the Sea under the 1982 Montego Bay Convention at the greatest risk. Highly characteristic and representative in this direction are the conclusions of the European Council of December 12, 2019, according to which the "*Memorandum of Understanding*" suffers from serious legal defects, since it violates the sovereign rights of third States, is not in accordance with the Law of the Sea and, therefore, cannot produce legal effects.

This position of Greece and the EU is definitive and irrevocable, which means that the "*Turcolibian Memorandum*" cannot, in the wider field of the EU and the European Law and Order, be the basis for any discussion on the delimitation of the EEZ, much less be the basis, directly or indirectly, for any form of negotiation during the process of delimitation on the part

of Greece and the EU - of course in cooperation with the States concerned in each case - of the Greek and the European EEZ in the Aegean and Eastern Mediterranean.

Under the above circumstances, it becomes clear that Greece can and must extend, as soon as possible, its Territorial Sea Zone to 12 nm throughout the Eastern Mediterranean, on which Turkey is attempting to create a fait accompli through the legally unsubstantiated "*Turcolibian Memorandum*". This is because such an extension amounts to a practical and clear questioning, on the part of Greece, of the very existence of the «memorandum» and, consequently, Greece's non-negotiable intention to exercise it, within its now enlarged Territorial Sea, to exercise its full sovereignty by all means provided for by international law.

Chapter 10

The institutional "physiognomy" of the Continental Shelf and the Exclusive Economic Zone

In partial contrast to the territorial waters, the Continental Shelf and the Exclusive Economic Zone do not fully fall within the "*hard core*" of National Sovereignty. Given that the State concerned does not exercise '*full*' sovereignty over them, but rather specific sovereign rights, defined by the rules of international law and by the rules of national law implementing that law[139]. In accordance with the above rules of International Law, as supplemented - mainly for the Continental Shelf - by scientific principles, in particular geology and oceanography.

The continental shelf, which is connected to the lato sensu coastal seabed, is the zone which is the smooth extension of the coastline below the sea surface up to the point where it is interrupted by a sharp break, in particular where the seabed becomes steeply sloping at an angle of 30-45 degrees. The steeply sloping part is defined as the '*continental slope*', at the base of which is the '*continental rise*'. The continental shelf, the continental rise and the continental slope make up the so-called 'continental margin'. In the above circumstances, and provided that there is no question of distance from the adjacent and in particular the subject State, the continental shelf may even exceed the limit of 200 nm, for example in the oceanic seas. In other cases, the continental shelf extends to 200 nm, measured from the coastline, and "*begins*", in any case, where the territorial sea ends. The EEZ is defined, in general terms, as the maritime area within which the State concerned has the right to explore and exploit marine resources. Exploitation in this context has a broad meaning, including, for example, the production of energy from wind or water. The EEZ extends beyond the territorial sea and up to a limit of 200 nm measured from the coastline. The aforementioned exploration and exploitation by the State concerned shall not affect the status of the sea surface within the EEZ as "international waters".[140]

Precisely because the continental shelf and the EEZ do not fall within the "hard core" of the sovereignty of the State concerned, their delimitation cannot be done unilaterally by that State, in particular when the distance between it and the opposite or adjacent State does not exceed twice the maximum extent of either the continental shelf or the EEZ[141].

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[139] D.W. Bowett, The Legal Regime of Islands in International Law, Oceana Publications, 1976, p. 14
[140] Ibid.
[141] ICJ, Judgment of 12 October 2021, Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), Reports 2021, p. 25, para. 29, https://www.icj-cij.org/case/161

Consequently, the delimitation of both the continental shelf and the EEZ - which also paves the way for the legal exercise of the aforementioned sovereign rights of all kinds - is carried out on the basis of the procedure established in particular by the provisions of the LOSC, following agreement between the States concerned. In the absence of such an agreement, the delimitation, following an appeal by the States concerned, the process is then submitted to the jurisdiction of international justice, within the framework of the agreed compromise, as a rule either to the ICJ - as Greece, for example, has chosen to do - or to the special International Tribunal for the International Law of the Sea in Hamburg.

In conclusion, it is useful to make the following explanations, always in accordance with the rules of the LOSC, the delimitation of the Continental Shelf does not require prior "*declaration*" by the State concerned, due to its institutional character as existing "*as of right*"[142]. But that State may, even before the delimitation in the procedure mentioned above, define, if it so wishes, "*outer limits*" of the continental shelf, which will of course be finalised after the final delimitation of the continental shelf. As already explained, Greece has made this choice on the basis of the provisions of Article 156(1)(a) of Law No. 4001/2011.

On the contrary, the EEZ can be "*declared*" either before or after its delimitation[143]. In this case, too, its "*outer limits*" can be defined, which, of course, are finalized after its final delimitation, a fact which Greece has taken advantage of, based on the above-mentioned provisions of Article 156(1)(b) of Law No. 4001/2011.[144]

It is noted, in addition, that the aforementioned initiatives of Greece on the outer limits of the continental shelf and the EEZ, in accordance with the provisions of article 156 par.1 of Law No. 4001/2011, were based on the rule of equal distance and with the full influence of our islands. As regards the strategy that Greece must follow in order to ensure the "*full ownership*" of our Islands, especially during the delimitation of the Continental Shelf and the EEZ, in accordance with the provisions of LOSC, it should be noted that the "*omens*" of international jurisprudence today appear rather favourable in favour of our national positions.

This is because, despite the initial unfavourable jurisprudential fluctuations - particularly on the basis of certain judgments of the ICJ, in particular, which were made immediately after the entry into force of the Montego Bay Convention of 1982 in 1995 - and which were largely due to the apparent ambiguity of certain provisions of the above-mentioned International Law of the Sea, the shift in the relevant jurisprudence in favour of the "*full*

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142 Roukounas, op. cit., p. 319
143 Rothwell & Stephens, op. cit., p.85
144 Bowett, op. cit., p.197

ownership" *of* islands is becoming increasingly established. Highly indicative and representative is the recent decision -of 12 July 2016- of the International Court of Arbitration, which was constituted and adjudicated in this regard under the provisions of Annex VII of LOSC, in the case between the Philippines and China concerning island formations in the South China Sea[145].

In particular, after long, fruitless negotiations with China over disputes in the South China Sea over the resources of islands enclosed by the so-called "*nine-dash line*", the Philippines unilaterally appealed to the International Court of Arbitration in 2013. Despite China's absolute objections, the above-mentioned International Court of Arbitration found the Philippines' appeal before it to be admissible and decided the whole case, the main reason being that the aforementioned appeal did not involve a judicial adjudication of sovereignty issues between the two States, nor even issues of delimitation of maritime zones, such as the continental shelf or the EEZ, between them. It concerned, and indeed predominantly, questions of interpretation of the provisions of Article 121 of LOSC, in particular as regards the "*full sovereignty*" of islands in general, for the "*production*" *of the* Continental Shelf and the High Seas within island formations in the South China Sea.

Of particular legal significance are those considerations of the decision of 12 July 2016 of the International Court of Arbitration, contained highlight, in general terms, inter alia, the following that above all, the above considerations lead to the "*elucidation*" *of* important aspects of the letter and spirit of the provisions of article 121 of LOSC which, as has been pointed out, are not particularly clear.

Subsequently, the memorandum of the 12 July 2016 decision of the International Court of Arbitration implicitly but clearly distinguishes, with respect to the islands, the exercise of "*full Sovereignty*" from the exercise of "*Sovereign Rights*". And in so doing, and always in the context of the rule-exception interpretation as set out above, they are led to the conclusion that on the one hand all islands, without exception, "*produce*" the Territorial Sea Zone and the Contiguous Zone. On the contrary - and on the basis of the provisions of para.3 of the aforementioned Article 121, which introduces the above-mentioned exception - the Continental Shelf and the EEZ '*produce*' all islands, without exception and irrespective of their size, which have the necessary conditions to sustain, on their own, either human life or simple economic activity. Of course, and in accordance with the aforementioned interpretation of the rule-

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[145] The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China), https://pca-cpa.org/en/cases/7/

exception, the self-sustaining maintenance of "*human life*" or "*economic activity*" in this case must be investigated in a way that does not lead to a form of final "*equation" of* islands with rocks or rocky islets, i.e., a form of "*dispossession*" *of* the islands for the "*production*" *of the* Continental Shelf and the Territorial Sea Zone.

In the above circumstances, the importance of the above decision of 12 July 2016 of the International Arbitral Tribunal between the Philippines and China is obvious, as regards the jurisprudential precedent, which creates in favour of Greece, on the one hand, that all, without exception, the Greek Islands have a Territorial Sea and a Contiguous Zone. And, on the other hand, a Continental Shelf and EEZ are '*produced*', according to LOSC, by all, without exception and irrespective of size, the Greek Islands - both in the Aegean and in the Eastern Mediterranean - which can, under the above-mentioned clarifications, independently sustain either human life or simple economic activity.

The continental shelf and EEZ of the Member States are the same as the continental shelf and EEZ of the EU, as established by institutional self-evident legislation. Given that the EU's involvement in the delimitation process does not have the same legal significance and value as other Member States, a legal and, consequently, political question arises regarding the possibility and form of the Union's involvement in the entire process of defining the continental shelf and the EEZ of each Member State, primarily with third States. In the process of defining, for example, the EEZ between Member States, as occurred recently with the agreement between Greece and Italy, it does not have the same legal importance.

Chapter 11

JURISPRUDENTIAL DEVELOPMENT OF MARITIME ZONING ISSUES

Pursuant to Article 121 par.2 of LOSC, but also in accordance with customary law, all islands, apart from a certain category of rocks, have all maritime zones. Therefore, the question of delimitation specific to islands should not have arisen. However, most of the delimitation disputes that resulted in a jurisdictional settlement involved islands or island formations. In international jurisprudence, under different considerations in each case, there has also been a tendency not to attribute to islands their full share of the maritime zones under delimitation[146].

The effect of the islands on the front of the coastal State to which they belong being included in the area to be delimited is referred to as "influence". Furthermore, the notions of "full," "reduced," or "half" influence indicate a circumstance that has significance just regarding a certain delimitation approach. Therefore, when the term "half-maximum" is used, it refers to drawing a delimitation line in accordance with the entire maritime or underwater zone to which the island in question is entitled, using the geometrical delimitation method of choice. Then, an additional boundary is drawn as though there were no marine zones on the questioned island. The last line drawn is a third line that results from combining the first two lines[147].

Issues of reduced island ownership have been raised in almost all international delimitation decisions. On a variety of grounds, sometimes based on the theory of relevant circumstances, sometimes on the basis of the theory of equitable principles and sometimes on the basis of the theory of proportionality, until recently the majority of international courts and tribunals have not, until recently, granted islands full maritime zones. It should be noted, however, that all the cases involved individual islands on the 'wrong' side of the demarcation line. The arbitral award of 10 June 1992 on the Maritime Delimitation of the Islands of Saint-Pierre and Miquelon[148] revised the theory of diminishing returns. The Court held that in that area the continental shelf constituted a vast continuous submarine area and therefore could not be considered as Canadian or another State's without delimitation (para. 46). Finally, the

[146] Ioannou and Stratis, op. cit., p. 356
[147] Loc. cit..
[148] Delimitation of maritime areas between Canada and France, https://legal.un.org/riaa/cases/vol_XXI/265-341.pdf

arbitral tribunal recognized in the islands maritime and submarine zones of 200nm in the geographical direction where there was no question of equal distance from the coast of Canada.

Moreover, in its Judgment of 14 June 1993 on the Delimitation of the Maritime Area between Greenland and Jan Mayen[149], the ICJ agreed to give reduced jurisdiction over that island with a corresponding full jurisdiction over the opposite coast of Greenland would not only be contrary to customary law recognizing maritime zones on islands up to 200 nm from the baselines, but also contrary to the requirements of equity.

To date, 16 maritime delimitation agreements have been concluded in the Mediterranean, including those incorporating decisions of international jurisdictions. The majority of delimitation agreements are the product of bilateral negotiations and mainly concern the delimitation of the continental shelf[150].

In particular, after 1990 and the break-up of Yugoslavia, new delimitation problems have arisen in the Adriatic, the most important being the Croatia-Slovenia dispute, which has many similarities with the Greek-Turkish dispute in the Aegean, and is also a "border" dispute, which Croatia was obliged, under its negotiating framework, to resolve before joining the EU. In 2007, the two countries agreed in principle to submit their dispute to the ICJ, but Slovenia backed out, seeking a 'political' solution, in the context of which it included its claim to sovereignty over the high seas. As regards other delimitation disputes in the Adriatic, in March 2008 Croatia and Montenegro agreed to submit their border dispute over the Prevlaka Peninsula and maritime delimitation in the area of the Bay of Kotor (Boka Kotorska) to the ICJ, but no compromise has been signed to date.

Tunisia and Algeria have signed an agreement on the provisional settlement of their maritime boundary pursuant to Article 74(1)(a) of the Convention, which stipulate that "pending agreement", the States concerned will, in a spirit of understanding and cooperation, make every effort to conclude provisional arrangements of a practical nature[151]. Similar problems can be observed in the Eastern Mediterranean, which is dominated on the one hand by the Greek-Turkish conflict in the Aegean, and on the other hand by Turkish reactions to the declaration of the EEZ by Cyprus and the conclusion of delimitation agreements with Egypt

[149] Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), https://www.icj-cij.org/case/78#:~:text=On%2014%20June%201993%2C%20the,in%20accordance%20with%20international%20law
[150] Ioannou and Stratis, op. cit, p. 87.
[151] It is generally accepted that this phrase can be interpreted to include even agreements to co-exploit sub-sea natural resources. In no case, however, does this imply an obligation or imposition, but may be the result of a voluntary process between States.

(2003), Lebanon (2007) and Israel (2010). It should be noted that all three delimitation agreements refer exclusively to the EEZ[152].

On 17 February 2003, Cyprus signed an EEZ delimitation agreement with Egypt, which was the first maritime delimitation agreement in the Eastern Mediterranean[153]. With regard to the agreement on the delimitation of the EEZ with Egypt (2003), it is concluded that Article 1 defines the method for defining the EEZ as the equidistance principle. Although both Contracting States have adopted a system of straight baselines, it is not clear from the text of the Agreement whether the straight baselines of the two States or the line of the lowest shoal ('natural baseline') were considered as the baselines for the establishment of the median line. As per article 2 establishes the obligation of cooperation between the two States for the exploitation of natural resources extending from the EEZ of one State to the EEZ of the other[154].

Compared to other delimitation agreements, Article 2 is very general. A distinction is usually made between fishery resources and undersea hydrocarbon deposits, which are subject to detailed arrangements for their most efficient exploitation and equitable distribution of revenues. As per article 4 adopts "*settlement by diplomatic means*" as the method for resolving disputes arising from the interpretation or application of the Agreement. However, if the dispute cannot be resolved within a reasonable period of time, the two parties will resort to arbitration.

In addition to the general interest in the issue of the establishment of an EEZ in the region, Greece's particular interest lies on the one hand, in the application of the principle of equidistance as a method of delimitation and, on the other hand, in the respect of its rights over the continental shelf of Kastellorizo. It should be clarified, however, that the non-extension of the Cyprus-Egypt demarcation line beyond the 30th meridian did not safeguard Greece's rights over the continental shelf (and future EEZ) of Castellorizo vis-à-vis Turkey. It simply avoided the complications that would have arisen[155].

Regarding the agreement on the delimitation of the EEZ with Lebanon (2007):

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[152]Because of this fact, the public has been wrongly led to believe that the exploitation of the resources of the continental shelf depends on the declaration of an EEZ.

[153]The agreement was ratified by Law No 15 (III) of 2003.See E.Doussis, "L' accord du 17 Fevrier 2003 entre Chypre et l' Egypte sur la delimitation de leurs zones economiques exclusives: bref commentaire", Annuaire du Droit de la Mer 2004, Tome IX, Editions A.Pedone, pp.143-155 and T.Scovazzi, G.Francalanci, "Cyprus-Egypt" in Colson & Smith p. 3971-3926.

[154] Cyprus: Geographical coordinates showing baselines for measuring the breadth of the territorial sea (1993). Egypt: Decree of the President of the Arab Republic of Egypt No.27 (1990) concerning the baselines of the maritime areas of the Arab Republic of Egypt, https://faolex.fao.org/docs/pdf/egy23629E.pdf

[155] Ioannou and Stratis, op. cit, p. 101

The delimitation agreement with Lebanon, which was signed on 17 January 2007 but has not yet entered into force[156] is an exact copy of the agreement with Egypt. Thus, Article 1 defines the method of delimitation of the EEZ as the principle of equidistance. At the same time, it provides for the possibility of revising and/or extending, where necessary, the geographical coordinates of these points. It is not clear whether the Cypriot straight baselines have been taken into account when drawing the median line. Lebanon has not adopted a system of straight baselines. Article 2 establishes an obligation to cooperate in the exploitation of natural resources, while Article 3 provides that if one of the two parties is in negotiations with a third State on the delimitation of the EEZ, it must inform and consult with the other party prior to the final conclusion of the agreement.

Article 4 adopts as a method of settling disputes arising from the interpretation or application of the Agreement "through diplomatic channels in a spirit of understanding and cooperation". However, if the dispute cannot be resolved within a reasonable period of time, the two parties will resort to arbitration.

Regarding the agreement on the delimitation of the EEZ with Israel (2010), Article 1 provides that the delimitation of the EEZ between the two parties shall be determined on the basis of the median line. In addition, it is envisaged that the geographical coordinates may be revised and/or modified, where necessary, in the future following agreement between the three States concerned on each of these points, considering the relevant principles of customary international law on the delimitation of the EEZ. Unlike the two previous delimitation agreements, there is no explicit reference to the "way" of drawing the median line based on the principle of equidistance, but only to the agreed median line. Similarly, reference is made to the customary international law principles relevant to the delimitation of the EEZ instead of the explicit reference to Article 74 of the TFEU. As per article 2, it establishes an obligation to cooperate in the exploitation of natural resources. Article 4 adopts as a method for resolving disputes arising from the interpretation or application of the Agreement "*settlement through diplomatic channels in a spirit of understanding and cooperation*". In the event, however, that the dispute cannot be resolved within a reasonable period, the two parties will resort to arbitration[157].

Subsequently, this chapter analyses the main delimitations through judicial and arbitral decisions, in order to understand the evolution of jurisprudential practice. Until 1982, the

[156] Cyprus ratified the agreement in November 2007, pending ratification by Lebanon
[157] Ioannou and Stratis, op. cit., p. 114

decisions only concern the delimitation of continental shelves between states, since the concept of EEZ was established by the 1982 Convention.

The Case of the North Sea Shelf (1969)[158]

In 1967 Denmark, the Netherlands and Germany went to the ICJ to have their continental shelves in the North Sea delimited. The questions put by these States to the Court were which of the principles and rules of international law should be applied in determining each State's continental shelf in the North Sea, over and above some delimitations that had been carried out by bilateral agreements between Germany and the Netherlands and between Germany and Denmark in 1984 and 1965 respectively. The positions of the States were as follows:

According to Germany, the delimitation in the North Sea should not be based on the principle of equidistance, since due to the particular geographical situation in the North Sea this method would not give an accurate and fair share of the continental shelf to each state. Furthermore, according to Germany, the principle of equidistance was not part of customary international law and that the rule in Article 6 para.2 of the 1958 Geneva Convention on the Continental Shelf had not become part of customary international law. It is noted that Germany had not ratified the 1958 Geneva Convention on the Continental Shelf. On the other hand, both Denmark and the Netherlands have ratified the 1958 Geneva Convention on the Continental Shelf. Also, according to their arguments, the principle of equidistance had now become a rule of customary international law. For this reason, the delimitation of the Continental Shelf should follow the above-mentioned rule of equidistance. Finally, they requested that, in the event that the principle of equidistance was not applied, the delimitation should be made on the basis of the exclusive rights of each State to the continental shelf adjacent to its coastline, on the basis of the criterion of proximity.

The Court emphasized the significance of the coastline's length in determining equitable maritime boundaries. The Court rejected a strict application of the equidistance principle, which would have given each state a boundary line based on an equal distance from each coastline. Instead, it recognized that the proportionate length of each country's coastline along the North Sea should play a role in achieving an equitable boundary division. The

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[158] North Sea Continental Shelf (Federal Republic of Germany/Netherlands), https://www.icj-cij.org/sites/default/files/case-related/52/052-19690220-JUD-01-00-EN.pdf

importance of the coastline length (or the "breadth of the shores") lies in its influence on maritime entitlements. When coastlines differ significantly in length, a simple equidistance line may not yield a fair division of the continental shelf because it may disproportionately advantage a country with a shorter coastline. In this case, Germany's coastline was concave and shorter in comparison to those of Denmark and the Netherlands, which meant that applying a strict equidistance rule would have limited Germany's access to the continental shelf in an inequitable way.

In conclusion, the geographical context, including the relative length of each state's coastline, was essential for establishing a fair maritime boundary. This principle has influenced later cases, guiding the Court and other international bodies to consider geographic features, coastal lengths, and proportionality to achieve equitable results in boundary delimitations. The Court, in its judgment of 20-02-1969, held that the equidistance method is not part of customary international law and does not constitute a preferable method of delimitation, and introduced the principles of equity considering all the circumstances, such as the unusual formation of the coasts, the geological formations, the existence of natural resources in the delimited areas and the principle of proportionality.

The Tunisian/Libyan shelf case (1982)[159]

In this case the Court was asked to determine the principles and rules that should be applied for the delimitation of the continental shelves of the two states. It is noted that both States claimed the natural extension of their coasts, in accordance with the North Sea Continental Shelf Decision, and wished the delimitation to be carried out in accordance with the principles of equity, since they considered that the principle of equidistance would not produce a fair result. The Tribunal, after taking into account the relevant circumstances of the formation of the coasts of the States, the location of the Kerkennah Islands of Tunisia, the land boundary and the States' concessions for the exploitation of oil fields, as well as the criterion of proportionality, delimited the continental shelf of the two States by drawing a dotted line, which delimited two sectors[160].

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[159]Case on the Tunisia/Libya Continental Shelf, ICJ Reports 1982, https://www.icj-cij.org/case/63#:~:text=After%20considering%20arguments%20as%20well,1982%2C%20that%20the%20two%20countries

[160] Case on the Tunisia/Libya Continental Shelf, ICJ Reports 1982, para. 133.

Guinea/Winema-Bissau Arbitration Case (1985)[161]

The two countries have appealed to the Arbitral Tribunal for the delimitation of their territorial seas, continental shelves and EEZs on the basis of the principles of equitable justice. After considering the 1886 Convention between France and Portugal, the formation and direction of the coastline, including islands, of the two countries and West Africa, and the principle of proportionality, the Arbitral Tribunal drew a single line as the boundary for the continental shelf and EEZ without making any reference to the different status of the two zones.

Case of the Libyan/Maltese Shelf (1985)[162]

The two states brought the matter to the ICJ for the delimitation of their continental shelves, accepting the principle of equity and the principle of relevant circumstances as their method. Libya relied on the arguments of natural extension in relation to the extent of the continental territory, claiming that the criterion of distance from the coast was not part of customary law and that it was also not applicable in the Mediterranean. Furthermore, it argued that the delimitation should have been made along a marine rift located in the delimited area. Finally, it invoked the principle of proportionality between the length of the coastline of each State and the continental shelf to be attributed to it. Malta, for its part, argued that under the new 1982 Convention (despite the fact that it was not in force) the delimitation should be based on the distance from the coast and the median line method, citing in addition, as relevant circumstances, economic, security and defence factors. Finally, in order to strengthen its position that the most appropriate method of delimitation was the median line principle, it invoked the equality of States in terms of sovereignty. The Court, accepting that the delimitation had to be based on the criterion of distance, provisionally drew the median line between the two States in order to adjust it thereafter, taking into account the relevant circumstances. Finally, taking into account the principle of proportionality, it moved the median line towards Malta, since the length of Libya's coastline far exceeded that of Malta[163].

[161] Delimitation of the maritime boundary between Guinea and Guinea-Bissau, https://legal.un.org/riaa/states/guinea_bissau.shtml

[162] Continental Shelf (Libyan Arab Jamahiriya/Malta), https://www.icj-cij.org/sites/default/files/case-related/68/068-19850603-JUD-01-00-EN.pdf

[163] Angela Del Vecchio, Roberto Virzo, 2019, Interpretations of the United Nations Convention on the Law of the Sea by International Courts and Tribunals, Springer, https://link.springer.com/book/10.1007/978-3-030-10773-4

Case of Ghana vs Cote d'Ivoire (2017)[164]

In some ways, the arbitral proceedings brought by Ghana against Cote d'Ivoire in the International Tribunal for the Law of the Sea (ITLOS) are a lingering vestige of the region's colonial history. Notwithstanding borders interposed by the French and British in the 19th century, the peoples of Ghana and Cote d'Ivoire share a substantial political and ethnic history[165]. By the early 19th century the Ashanti Empire straddled what is now the land border between Ghana and Cote d'Ivoire[166]. It is unsurprising, therefore, that the discovery of substantial hydrocarbon reserves in the Gulf of Guinea would once again bring the question of borders to the fore. From 1968 to the early 2000s, there was little hydrocarbon exploration in the Gulf of Guinea, which encompasses the entire maritime domain of both Ghana and Cote d'Ivoire. Indeed, until 2006 only 33 small- to medium-sized oil and gas fields had been discovered in the region[167]. The Jubilee and TEN oil fields, discovered in 2007 and 2009 respectively within Ghana's claimed EEZ, marked significant hydrocarbon finds in the Gulf of Guinea, substantially increasing regional resource exploration and development.[168]. Ghanaian authorities, in what Ghana claimed to be its EEZ, developed both of these projects. In large part, the resulting judgment tended more towards Ghana's interests than those of Cote d' Ivoire. The decision, unanimous in all regards, found **(1)** that there was no preexisting tacit agreement between the parties on their maritime boundary; **(2)** a single equidistance line delimiting the territorial sea, EEZ, and continental shelf; **(3)** that Ghana did not violate the sovereign rights of Cote d'Ivoire; and **(4)** that Ghana did not violate LOSC Art. 83.

The ITLOS made several important determinations regarding the delimitation of maritime boundaries and Ghana's hydrocarbon activities in the disputed area. Both countries agreed on a single maritime boundary approach and that the same methodology would apply to all maritime zones. The Special Chamber opted for the equidistance/relevant circumstances method, a widely accepted approach in recent international cases, due to the lack of geographical complexities such as small islands. The Chamber first defined the relevant coasts and areas, concluding that there were no concavities or convexities necessitating adjustments

[164]https://static1.squarespace.com/static/55d21ffee4b0d22e803fdca1/t/5f4d05bc29cfe63ea87eb389/1598883268056/GhanavCotedIvoire.pdf

[165] "Ethnic Groups of Ivory Coast," WorldAtlas, https://www.worldatlas. com/articles/ethnic-groups-of-ivory-coast.html

[166] "Asante Empire," Encyclopaedia Britannica, https://www.britannica.com/ place/Asante-empire

[167] US Geological Survey, "Geology and Total Petroleum Systems of the Gulf of Guinea Province of West Africa," 2006, https://pubs.usgs.gov/bul/2207/ C/pdf/b2207c_508.pdf

[168]"TEN Development Project, Deepwater Tano License," Offshore Technology, https://www.offshore-technology.com/projects/tendevelopment-project-deepwater-tano-ghana/.

to the provisional equidistance line. It also dismissed the relevance of hydrocarbon locations and past oil practices in the delimitation process.

The maritime boundary dispute between Ghana and Côte d'Ivoire revolved around conflicting claims over rights to explore and exploit hydrocarbon resources in a contested maritime area. Côte d'Ivoire alleged that Ghana violated its sovereign rights over the continental shelf, failed to negotiate in good faith as required under Article 83(1), and jeopardized or hampered the reaching of a final delimitation agreement, contrary to Article 83(3). The Special Chamber of ITLOS was tasked with adjudicating these claims.

A significant aspect of the case was the allegation that Ghana had not negotiated in good faith. Article 83(1) of UNCLOS obliges states with overlapping maritime claims to engage in meaningful negotiations to reach an agreement. Côte d'Ivoire argued that Ghana had not fulfilled this duty, citing Ghana's persistence in its hydrocarbon activities in the disputed area and its initial reluctance to pursue judicial resolution. However, the Special Chamber found that negotiations between the two states had occurred over six years, involving 10 meetings between 2008 and 2014. These discussions addressed key issues, including the location of the land boundary terminus. The Chamber noted that while Côte d'Ivoire disagreed with Ghana's approach, it failed to substantiate its claim that these negotiations lacked good faith. The Chamber clarified that the obligation to negotiate in good faith is one of conduct, not result, meaning failure to reach an agreement does not in itself imply bad faith. Thus, Côte d'Ivoire's claim of bad-faith negotiations was dismissed.

Regarding Article 83(3), Côte d'Ivoire also claimed that Ghana breached its duty by continuing hydrocarbon activities in the disputed area, thereby jeopardizing or hampering the conclusion of a final agreement. This provision imposes two obligations: to make every effort to establish provisional arrangements of a practical nature and to avoid actions that could undermine the reaching of a final agreement. Importantly, the Chamber found that Côte d'Ivoire had not requested Ghana to enter into provisional arrangements, which would have been necessary to trigger negotiations for such an interim regime. The Chamber held that Côte d'Ivoire's failure to initiate this process barred it from asserting that Ghana violated this obligation.

Additionally, the Chamber assessed whether Ghana's hydrocarbon activities jeopardized or hampered the resolution of the dispute. It concluded that Ghana's activities had not violated Article 83(3) because they occurred in an area later adjudicated to belong to Ghana. While the Chamber acknowledged that Ghana could have suspended these activities earlier,

Ghana’s compliance with the 2015 provisional measures order to halt new drilling demonstrated its adherence to its obligations.

In its final judgment, the Special Chamber emphasized that maritime delimitation is a constitutive process, establishing boundaries with legal force rather than affirming pre-existing rights. It reiterated that sovereign rights over the continental shelf exist inherently and independently of delimitation, but disputes over overlapping claims can only be resolved through delimitation. Referring to the ICJ’s 2012 Nicaragua v. Colombia case, the Chamber affirmed that violations of sovereign rights cannot be established before a maritime boundary is settled. This principle underpinned the Chamber’s conclusion that Ghana’s pre-delimitation hydrocarbon activities did not infringe Côte d’Ivoire’s sovereign rights.

In sum, the Ghana v. Côte d’Ivoire case underscores the importance of good-faith negotiations in resolving maritime disputes under UNCLOS. The decision highlights that both parties share the responsibility to engage meaningfully and propose practical arrangements. It also illustrates the complexities of balancing resource development activities with the obligations of international law during disputes over maritime boundaries.

Chapter 12
Conclusions

The law of the sea is one of the most dynamic branches of international law. It is a branch with a long history in law, which has not lost its importance over time, but on the contrary, as the latest decisions of international courts show, it is a bright field of glory not only for the theory but also for the practice of international law. Also, due to the rich practice of States, private parties (the main "users" of the law of the sea, i.e. ships), but also of international organisations (e.g. the EU), the law of the sea interacts with all other branches of international law: from its general core, such as for example when it extends from the general body of law, e.g. source theory, liability law, to more recent disciplines such as environmental law (protection of the marine environment), international economic law (e.g. commercial disputes arising from port interdiction) or human rights law (e.g. rescue at sea). Finally, it goes without saying how important this sector is for Greece.

The process of delimitation of maritime zones between the Mediterranean coastal states brings several challenges, driven by the geomorphology of the Mediterranean, a semi-enclosed sea, with distances between coastal states so small that they do not allow the full development of all maritime zones. Maritime zones between opposite or adjacent states overlap and therefore their delimitation by bilateral agreements is imperative. Adherence to delimitation agreements largely depends on political and diplomatic relations between states. Thus, in areas where the external relations of states are normalised, we see a greater incidence of bilateral delimitation agreements. A typical example is Italy, which is located in the center of the Mediterranean and has entered into delimitation agreements with all neighboring states. But in areas where there are strong political tensions, such as the wider South-Eastern Mediterranean region, states are more conservative and skeptical before joining delimitation agreements. A typical example is Lebanon, which has not yet ratified the demarcation agreement with Cyprus, fearing that this would eventually lead to indirect recognition of the State of Israel.

Maritime delimitation agreements are not divorced from the prospect of joint exploitation of energy resources located in the delimited area. In fact, a realistic attitude to future disputes over significant underwater assets is reflected in the inclusion of clauses for the collaborative development of resources in many maritime boundary treaties. This collaboration could be viewed as a confidence-boosting step that encourages better communication and mutual benefits from shared resources.

For instance, by establishing joint development zones, several states consent to cooperatively manage and utilise natural resources, especially hydrocarbons. The Joint Development Area between Malaysia and Thailand and Nigeria and Sao Tome and Principe are two examples. These agreements postpone the ultimate boundary delineation while permitting resource development. The law of the sea is constantly being influenced by developments in marine research and technology. The development and implementation of marine laws are influenced by advances in resource extraction techniques, marine environmental knowledge, and maritime surveillance capabilities. For states to effectively control their maritime zones, they must keep up with these changes.

The International Tribunal for the Law of the Sea, arbitration, and the International Court of Justice are among the peaceful resolving disputes techniques made available by UNCLOS. These organisations provide authoritative rulings that influence worldwide practice and are crucial in the interpretation and application of maritime law.

Cooperation among coastal governments is facilitated by regional organisations like the European Union and the Mediterranean Action Plan (part of the United Nations Environment Programme). They assist in integrating policies, encouraging sustainable growth, and tackling shared issues including environmental preservation and marine security. Maritime zones have important financial implications in addition to legal and environmental ones. States that have control over maritime areas may derive revenue from tourism, oil and gas deposits, and fisheries. Sustainable and equitable use of these resources is imperative for long-term economic growth and stability.

For Greece, a country with extensive coastlines and numerous islands, the law of the sea is of paramount importance. Its national interests revolve around issues of resource development, environmental protection, and maritime delimitation. Greece frequently engages in international conferences and diplomatic initiatives to defend its rights and advance regional stability.

In conclusion, it should be noted that the law of the sea is a constantly evolving question that is essential to both international law and world geopolitics. Determining the boundaries of maritime zones necessitates a thorough review of legal concepts, political talks, and real-world cooperation, particularly in resource-rich and controversial geographical areas. States may reach fair agreements that contribute to peace, prosperity, and sustainable development by joining forces, taking steps to safeguard the environment, and abiding by international norms.

After all, no nation is so powerful that it can ignore The Law of the Sea, and none is so small that it does not need its protection.

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