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The Cypriot EEZ: Challenges and opportunities for the EU and domestic energy policy.

UNIVERSITY OF PIRAEUS

THOMAS-ALEXANDROS LOLAS

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Purpose of the thesis.

The following paper is an analysis of the existing maritime relations among the Eastern Mediterranean states. The main focus of the paper revolves around the Cypriot Exclusive Economic Zone (from now on EEZ), it's geographic morphology, the historic delimitation of it's borders with neighboring EEZs, it's abundance in natural wealth, the existing disputes and the opportunities the exploitation bares for the EU region and subregions. Focal points of the paper are the recent discoveries of hydrocarbons in the maritime zones of both Cyprus and Israel.

The thesis of the paper which will be elaborated, is that the exploitation of the Cypriot EEZ's discovered wealth can be a catalyst for regional and domestic, in the case of Cyprus, stability. The methodologic approach consists of a study of the existing legislative schemes around the area of the Eastern Mediterranean alongside a presentation of the various interpretation of international law by the relevant states as they are published in the literature or the media; concluding with the writer's own thoughts and opinions.

Methodology

The study employs doctrinal research method to analyze the current dispute. It describes and discusses the existing rules for offshore hydrocarbon activities in the disputed area, the lex lata. After establishing the applicable legal framework, the thesis analyses the current dispute and applies the rules to the matter. Consequently, it makes proposals for the lex ferenda, the potential legal solutions to deal with the problem. The thesis analyses relevant sources of international law as identified in article 38 of the Statute of the International Court of Justice (referred to as "ICJ" hereafter), particularly the UNCLOS (treaty law), customary international law, general principles of law, case law and the publishing of the highly qualified scholars.

The UNCLOS treaty is the primary source for dealing with matters in the disputed area. However, since RoT is not party to it, only the customary international law reflected provisions of the UNCLOS are examined. The general principles of law are applied to the matter, since sometimes there is a lack of the applicable rules from the treaty law and customary international law. The thesis resorts to the rules of the Vienna Convention on the Law of the Treaties to interpret the relevant UNCLOS provisions. The references to awards of the international court and tribunals are used in order to subsidiarily assist in the interpretation of the UNCLOS provisions and to inform what provisions of the UNCLOS courts and tribunals have confirmed to reflect customary international law. Finally, the teachings of the most highly qualified publicists are utilized to assess the different approaches.

Introduction

The evolution of the law of the sea as will be thoroughly presented, has always been consistent with the states' need to establish their supremacy. From the first Geneva convention to the late, cases of the International Court of Justice the law has evolved to a point that it acts as a guideline for political relations among the coastal states. The law of the sea is a body of public international law governing the geographic jurisdictions of coastal States and the rights and duties among States in the use and conservation of the ocean environment and its natural resources. The law of the sea is commonly associated with an international treaty, the Convention on the Law of the Sea (UNCLOS), negotiated under the auspices of the United Nations, which was signed in 1982 by 117 States and entered into force in 1994. At present 133 States have signed and ratified UNCLOS; Canada, Israel, Turkey, USA, and Venezuela are the most prominent among those that have not ratified. This treaty both codified customary international law and established new law and institutions for the ocean. UNCLOS is best understood as a framework providing a basic foundation for the international law of the oceans intended to be extended and elaborated upon through more specific international agreements and the evolving customs of States. These extensions have begun to emerge already, making the law of the sea at once broader, more complex, and more detailed than UNCLOS *per se*.

The law of the sea can be distinguished from two closely related bodies of law: maritime and admiralty. Maritime law is the private law relating to ships and the commercial business of shipping. Admiralty law, often used synonymously with maritime law, applies to the private law of navigation and shipping, in inland waters as well as on the ocean. The latter may also refer more parochially to the legal jurisdiction of specialized Admiralty courts. There may be important overlaps between the public international law of the sea and private maritime law, as may occur through the application of rules for vessel passage through a jurisdiction or the enforcement of domestic law in the ocean.

Large part of the legislative work around the law of the Sea, has been contributed by cases put before the International Court of Justice. Those case act as specified interpretations of the legislation and guidelines for future applications of the law. For the sake of the thesis' purpose only a few relative cases will be mentioned, without disregarding the impact of affiliate cases to the general evolution of the law. The awards of the cases should be considered of equal importance with the scriptures of the Treaties regarding the interpretation of the law in general and the understanding of the situation in the Eastern Mediterranean more specifically.

It has been almost 40 years since the Geneva Convention achieved what seemed for hundreds of years unachievable. Yet, while it's acceptance is almost global, the technological advancements tend to already set it irrelevant. With access to previously unknown areas comes the exploration and exploitation of entirely new species, natural and energy resources with multiple application across the whole industrial spectrum. At the same time, the augmentation and intensification of the marine exploitation, results in unprecedented environmental harm with unaccountable outcomes for the human habitat. Technology has put in the foreground the need for a redefined codification of the law of the sea; one with guidelines ranging from environmental protection and preservation of the natural habitat, to energy security and climate change.

Therefore, more and more states protest for even more protective measures to be implemented in the legislation including the delimitation of maritime zones under natural protection. What concerns the modern talks around the law of the sea apart from maters regarding the protection of biodiversity, are, among else, renewable energy sources and energy maters, the manifestation of new maritime zones of jurisdiction, the geomorphological guidelines, search and rescue issues, piracy. Special importance is to be given on concerns regarding immigration and illegal border crossing. At the same time, developed states demand for a new legislative regime, one that better spreads the benefits from the exploitation of natural resources. A characteristic example is the resurrection of the idea of the Common Heritage of Mankind with regards to the marine resources that are located on the high seas. The diminution of natural reserves and the scarcity of some, previously considered to be abundant, have intensified the term exclusivity witch appears even more in the international fora almost as synonymous to the classical term of self-care. What the cry for a redefined Geneva Convention focuses on, is the need to eradicate overlapping claims over natural resources, especially minerals such as oil, natural gas and similar fossil substances. It is not as much a territorial concern, as it was in the previous century, as a commercial and political one.

The driving factor around what was previously stated, is the concern over energy security. For the writer this concern consist of two different sides. The first side is the commercial one. By securing access to natural resources (raw material), energy exporting states aim at pertaining their place on the energy market as providers (independent sellers)[1]. They aim at retaining or even ameliorating their checks and balances by securing constant raw material for their production chains and thus securing their exports. These states are mostly large industrial states already reach in natural wealth with a leading place in the international commerce. The second side revolves more around the idea of security of energy supply as the part of the general state security. Since the terms energy security and general security tend to be now almost identical, the diminution of natural resources along with certain political event have introduced the idea of scarcity over natural resources. The states that focus on this side of the concern, are states highly dependent on external inflows of energy to cover their needs[2]. For those, the opportunity to have exclusive access to direct energy resources is of high importance, as previously stated a form of self care.

Eastern Mediterranean as a region is a loose definition of the eastern approximate half, or third, of the Mediterranean Sea, often defined as the countries around the Levantine Sea. It typically embraces all of that sea's coastal zones, referring to communities connected with the sea and land greatly climatically influenced. It includes the southern half of Turkey's main region Anatolia, its smaller Hatay Province, the island of Cyprus, the Greek Dodecanese islands, and the countries of Egypt, Israel, Jordan, Palestine, Syria and Lebanon. Its broadest uses can embrace the Libyan Sea thus Libya; the Aegean Sea thus European Turkey (East Thrace), the mainland and islands of Greece; and a central part of the Mediterranean, the Ionian Sea, thus southern Albania in Southeast Europe reaching, west, to Italy's farthest south-eastern coasts. Jordan is climatically, and economically part of the region.

[1] Those are states mostly prone to the belief that the producer/seller exerts the more pressure in the economic theater being able to control price fluctuations according to the market supply.

[2] It mostly regards of states with high levels of demand. Those states guard the belief that the buyer can exert more pressure than the seller given that his demand outweighs that of the rest. Therefore those states are highly favored by cases of monopsony or oligopsony.

The region bares characteristics from both sides of the concern. New technologies have unveiled a quite large (in both economic potential and natural size) vein of fossil wealth and numerous actors wanting a piece of the pie. There are large energy exporting states such as Turkey and Israel striving for an opening to new raw material and possibly new commercial routes and opportunities given the extensive energy needs of the wider area of the Mediterranean. On the other hand there are relatively smaller states with high percentages of energy dependance looking either for a way to lower that percentage or upgrade their regional role as energy providers. The proposition of the Geneva Convention, the proclamation of exclusive economic zones meets the various political barricades of the region resulting in overlapping zones and claims, while the lack of an effective dispute settlement mechanism freezes the situation in time[3]. The region has long been ravaged[4] by disputes not necessarily energy related. As a matter of fact, the eastern Mediterranean crisis, at its core, is not about energy. Thus far, no gas has been found in the disputed territories. Certainly, the eastern Mediterranean gas discoveries made by Israel in 2009 and 2010 (Tamar and Leviathan, respectively), Cyprus in 2011, and Egypt in 2015 (Zohr) have precipitated and aggravated the crisis. Yet, the roots of the crisis lie elsewhere, in conflicting claims by Turkey and Greece regarding maritime boundaries and Economic Exclusive Zones (EEZs) on the one hand, and Cyprus on the other.

With respect to the first issue, Ankara and Athens disagree on the roles and extents of the islands reach in proclaiming the EEZ, with the former taking a more restrictive view and the latter a more expansive one. With respect to the latter, Turkey objects to the Republic of Cyprus (or, more specifically, the Greek Cypriots) being the sole conductor of energy exploration activities in the eastern Mediterranean. By insisting on political equality between Greek and Turkish Cypriots, Ankara contends that the Turkish administration in northern Cyprus (which is only recognized by Turkey) also has rights to undertake energy exploration activities and issue licenses. In this way, the interlocking set of maritime disputes between Turkey and Greece is strongly tied to their conflicting projections of national sovereignty. As the following sections will demonstrate, these maritime disputes have since morphed into geopolitical confrontations and power struggles between Turkey and a set of countries including Greece, Cyprus, Egypt, France, and the UAE as a result of tensions over energy exploration and the Libyan conflict.

The realization of the economic possibilities of the region through the exploitation of hydrocarbons should not be considered as cause rather as a trigger for the crisis. At the same time, this very fact that the region could profit massively from energy production and trade could act as a catalyst for the amelioration of the interstate relations and as a path towards stability. The paper aims at exploring the possibilities that the exploitation of the wealth within the limits of the Cypriot EEZ could bare for Cyprus and the wider region.

[3] Typical example is that of the Aegean Sea and the everlasting disputes between Turkey and Greece regarding maritime territories that depriving from different interpretation of past treaties, UNCLOS 2 and the general conception of the Law of the Sea.

[4] The lower part of the Eastern Mediterranean which hosts the countries of Israel an surrounding Arab states has been the theater of war for many decades being one of the most unstable regions of the planet. The region is the most prominent example of modern warfare.

Introductory mentions.

Cyprus

Cyprus is located in the middle of the Eastern Mediterranean Sea, south of Turkey and east of the Greek coasts of Kastelorizo. Geographically it is considered an island with a total landmass of approximately 9,2 thousand square kilometers and a coastline of 648 kilometers of length (Bowman, 2022). The first mentions of the island being inhabited date back to the 5th century BC stating that Cyprus was home to a Greek tribe under it's mythical founder Tefkros. Since the ancient times the island has met many inquisitors and migrants including Greeks, Persians, Turks and English with it finally claiming the legal regime of independent state in 1960.

With the aforementioned independence being the source of a multiple years long dispute, Cyprus went through a series of rough regime changes and instability which still remains mostly unresolved. The island was torn apart by phyletic disputes among the two main nations, the Greek-Cypriots and the Turk-Cypriots leading quite often to severe hostilities. Today Cyprus as a state entity is a form of a hybrid federation close to the German example of the Bundesregerung which best expresses the multinational character of the island. Cyprus entered the European Union in 1st of May 2004 which sparked an unprecedented economic growth (annual GDP growth rate of roughly 5% (World Bank national accounts data, 2022)) up until the manifestation of the World Economic Crisis of 2007-2008. Following the general European indexes, the Cypriot economy has had it's ups and downs ending with the massive economic plummet of the 2020 global pandemic.

Eastern Mediterranean region

The Eastern Mediterranean is the region located at the southeastern part of the European continent, east of Asia and north of the far eastern coasts of Africa. The region is concentrated around the eastern projection of the Mediterranean Sea's water mass starting from the eastern limits of the Aegean Sea (east of Rhodes) up to the coasts of Israel. The states of the region are Egypt, Turkey (Anatolia region), Cyprus, Greece (Dodekanisi region), Israel, Libya and Lebanon. In contrary with the neighboring Aegean Sea, the Eastern Mediterranean has been partly delimited among the coastal states with delimitation agreements dating back to the 1980s. Yet the largest part of it's northern and western waters still remain under dispute. Until recent envelopments the region was not an attractive destination for investments due to the lack of discovered natural resources and the general instability following the Arab spring, the Gaza wars and the everlasting Cypriot problem. The discovery of large sockets of natural gas in the Israeli Leviathan and the Cypriot Aphrodite basins have altered the scenery with prediction for possible production rates exceeding the initial ones and reaching approximately 25 bcm per year of natural gas from joint exploitation. This figure is equals to one sixth of the Russian imported gas to Europe (Ellinas, 2016). Yet the region lacks still the infrastructure that other regions have with any past talks for pipelines to still remain in the freezer making ambitious talks about the region's upcoming blooming future sound even less credible.

The Law of the Sea.

First steps towards codification of the Law of the Sea.

The modern principles regarding the law of the Sea dates back to the 15th century. Grotius, the father of International Law in his work Mare Liberum spoke of the freedom of the Seas and that the sea should be free and open for use by everyone[5] (Grotius, 1606). In his work acting on behalf of the Dutch Company of the West Indies, Grotius legally solidifies the Dutch beliefs regarding the freedom of sailing on the high seas[6]. The oceans have long been subject to the "freedom-of-the-seas" doctrine, a principle put forth in the 17th century, essentially limiting national rights and jurisdiction over the oceans to a narrow belt of sea surrounding a nation's coastline. The remainder of the seas was proclaimed to be free to all and belonging to none. This belief was mainly driven by the need to limit the sphere of influence of the great colonial empires of Spain and Portugal which were regularly enacting naval curfews in the Caribbean Seas. The answer to the aforementioned doctrine arose from the British royalty. Under king Charles the first of England, the scholar J. Selden wrote in 1635 his work “Mare clausum seu de dominio maris” according to which the seas are “closed” and the coastal states enjoy imperium/jurisdiction exactly because it has dominium/property rights over the areas (Seldn, 1635).

The intermediary opinion that a state could have imperium over part of the seas without dominium over them, appeared later in the 18th century when gradually the idea of a safety zone around the coasts with the outer reach of approximately 3 nautical miles, was accepted. While the nautical zone was restricted to 3 miles (the reach of the contemporary defense canon) (Bynkershoek, 1703), there was no commonly accepted concession that beyond that reach the state had no jurisdiction. Such typical examples are the British “Hovering Acts” against smuggling. Still by the first quarter of the 19th century the idea of the freedom of the high seas was embedded in state mentality both in practice and in theory as was shown by the award of the Bering Sea Arbitration[7] (Nations Unies, 1893) between Britain and the United States.

While the debate over the freedom of the sea was relatively appeased, at the dawn of the 20th century the question that remained was not of the reach of the naval zone rather of the nature of the state’s jurisdiction over this area. The first attempt to resolve the dilemma was done under the umbrella of the League of Nations. The assembly of the 27th September 1927 resulted in the calling for a Convention in Den Haag for the codification of the international law of the sea. The

[5] The same belief can be found in the ancient Greek world. Up until the Renaissance era, celestial navigation was free for everyone. For the ancient Greeks the sea could not be ruled by any man only by the god Poseidon, hence it’s unpredictable nature. Of course that does not mean that there were no spheres of influence in the maritime territory. Later scripts from the Roman scholars Celsus and Ulpian even considered the freedom of the seas as a natural right existing ab initio and ipso facto.

[6] During the intellectual debate between the Netherlands and Great Britain, Grotius presents an extensive and analytic opinion on behalf of his employer, on the freedom of the seas. His work presents the legal grounds for the Dutch belief that the Company should have freedom to sail in the West Indies. Grotius supported that the ships of every state have the right to sail the high seas, that in the territorial waters the coastal state has simple and limited jurisdiction and that the reach of those waters is defined by their capability of effective tenure.

[7] 15th of August 1893. The first international arbitral award confirming the freedom of fishing on the high seas beyond the limit of 3 nautical miles from the coast in the Bering Sea.

convention lasted until April of 1930 with the participation of 40 states, but bare no decisive award; in fact it managed to further intensify the debate.

The Geneva Convention of 1958 (UNCLOS)

With the creation of the United Nation the talks surrounding the law of the sea gained a new dynamic. Sort after, the United Nations' Commission of International Law compiled a submission of 73 articles regarding the codification of the law of the sea[8] in 1956 (United Nation , 1956). The Conference was organized similarly to the General Assembly of the United Nations, so that while provisions could be adopted in one of the committees by simple majority, a two-thirds majority was required when the provision reached the plenary. While pioneering by it's core, UNCLOS failed to resolve the flaming matters of the breadth of the territorial sea and fishing limits mostly due to procedural reasons.

The award of the Geneva convention were 4 conventions, 1 protocol and 9 decisions which were put into force in April 29 1958. Their adoption may be seen, and was conceived, as a device to attract the acceptance by a broad number of States of at least some of the Conventions, in this way avoiding very radical reservations, or the decision by certain States not to accept an all-encompassing convention because of opposition to one or more of its main component parts. The convention (CTS)[9] set in detailed provisions the main rules on the contingency zone and the territorial sea. It included mentions on baselines, delimitations of neighboring and adjacent naval zones and of safe passage. The Convention describes in Article 1, the territorial sea as the belt of water adjacent to the coast, where the state's sovereignty extends. This sovereignty is also extended to both the air above this zone and the subsoil directly below it. According to Article 3, the standard criterion for the definition of the breadth of the territorial sea, is the geological one of the low water lines as they are depicted on the maps. Article 4 provides for certain exceptions, when the criterion of base lines can also apply.[10] Moving under the guidelines of mostly costumery law special focus was given to the principle of safe passage, a matter quite controversial for the era. With Article 14 the term safe passage is defined with the following characteristics: subjects to this provision are all ships from all states, passage is considered the navigation with the purpose of either traversing or entering internal waters and the passage is innocent when it does not disturb peace and complies with the coastal state's legislation. Articles 16 (United Nations , 1956) extends the already vested principle of safe passage in the straits, to also areas that are considered territorial waters. Finally Articles 16 and 17 state the rights and obligations of the coastal state

[8] The United Nation convention of 1956 regarding the law of the sea met in Geneva in the 24th of April with representatives from 86 countries. According to Marjorie M. Whiteman, <<It decided that, in accordance with paragraph 28 of the International Law Committee, an international conference should be called for to examine the law of the sea, talking into account not only the legal but also the technical, biological, economical and political aspects of the problem and to embody the results of it's work in one or more international conventions or such other instruments as it may deem appropriate.>>

[9] Convention on Territorial Sea and the Contiguous Zone

[10] 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. The drawing of such 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. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State. 6.The coastal State must clearly indicate straight baselines on charts, to which due publicity must be given. (United Nations , 1956)

before the passing vessel. Under the same article, no distinctions are made against military vessels, hence the provision is generally couched for all ships.

The second convention (United Nations , 1956) provides for the legal status of the high seas. The CHS[11] proclaims the High Seas as all parts of the oceanic mass that are not included in the territorial or internal waters (Article 1). By definition, it excludes all states from having jurisdiction similar to that of the terrestrial grounds, over those areas emphasizing the freedom of celestial navigation. The convention focuses on the freedom of the High Seas, the institutions surrounding the flag of the sailing vessels, the obligations and the rights of the state whose flag is used and the submerge of cables and pipelines. More specifically, Article 4 states that every state, regardless if it is coastal or not, has the right to have ships sailing with it's flag on the high Seas. Ships sailing the high Seas are under the exclusive jurisdiction of their flag's state included the jurisdiction to arrest the ship even for investigation purposes[12] (Article 6 & 11). The Convention on the High Seas also provides for an effective definition of piracy. According to Article 15, piracy is considered any act of violence, detention or depredation committed on the sea; any voluntary participation to vessels already identified as piratic and any act facilitating the previous two. It is to be mentioned that according to article 19, piratic vessels are excluded from the principle of innocent passage. Articles 24 to 29 give an extensive description on the freedom to lay pipelines and submarine cables. Finally the Convention on the High Seas also contains two pioneering provisions on environmental protection against oil and radio active waste pollution.

The CFCLR[13] (United Nations , 1956) sets the rules and guidelines for rational exploitation of fisheries on the High Seas. It recognizes the costumery rights of the coastal state adjacent to the High Seas and calls for cooperation in the areas of common interest amongst neighboring states. The Convention begins with the statement that all state nationals have the right to engage in fishing activities on the high seas. It is made clear early on from Article 2 that all fishing activities are to be taken place under the principle of «conservation of the living resources of the sea» which refers to the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Coastal states bare responsibility for the preservation of the previous principle in their adjacent parts of the high seas[14]. Should nationals from different states engage in activities in overlapping areas, the convention calls for mutual negotiation. As a means of dispute settlement the CFCLR proposed compulsory settlement which by itself was a source of controversy. CFCLR was the least ratified of the conventions for two reasons: on one hand many of the states were keen on expanding their

[11] Convention on the High Seas

[12] Even in the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national. (United Nations , 1956)

[13] Convention on Fishing and Conservation of the Living of the High Seas

[14] The state can also prosed to unilateral measure for the preservation of the marine life under the following circumstances:

1. That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;
2. That the measures adopted are based on appropriate scientific findings;
3. That such measures do not discriminate in form or in fact against foreign fishermen.

exclusivity over fishing way beyond their territorial waters, a cooperative regime was not satisfactory; on the other hand, compulsory dispute settlement was not widely accepted at the time.

The CCS[15] (United Nations, 1958) is probably the most pioneering of the Conventions. It separates the geological term of Continental Shelf with it's legal one. The CCS defines the Continental Shelf as «the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas and the seabed and subsoil of similar submarine areas adjacent to the coasts of islands» (United Nations, 1958). It's coastal state can exercise only sovereign rights and not foul sovereignty over the continental shelf[16]. Those rights are exclusive, meaning that should the coastal state choose not to exercise them, no other state may make claims on the continental shelf. The effect of the sovereign rights spans from all living to all non living resources of the seabed and subsoil. Exploring the continental Shelf is also under the complete jurisdiction of the coastal state. Articles 4 and 5 clearly state that despite the existence of sovereign rights, no state shall undertake activities that lay against the freedom of submerge and maintain underwater cables and pipelines[17], activities that are opposite to the aforementioned principle of «conservation of the living resources of the sea» or activities that lay obstacles to the celestial navigation. The coastal state has the right to install on the continental shelf any installations or devices deemed necessary for it's economic activities. What is important to notice, is that, under no circumstance are these installations to be considered as islands and hence have impact on the delimitation procedure. The Convention present the method of bilateral agreements as a dispute mechanism regarding the length of the Continental Shelf in cases where the distance criterion of 200 nm can not be used. If such agreement is absent, the delimitation shall be determined «by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured».

Finally the Conventions included a protocol regarding the dispute settlement mechanism. The OPSD[18] was in sort terms the recognition of the ICJ's supremacy over cases resulting from the interpretation of the Conventions (United Nations , 1958). By phrasing Article 1 of the protocol itself «Disputes arising out of the interpretation or application of any Convention on the Law of the Sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being Party to this Protocol.». The reach of the protocol is not limited to the members of the specific Conventions, but is also expanded to include any state to participate and ratify any future Treaties by the United Nation's law of the sea conference. The key aspect of the protocol is it's non binding

[15] Convention on the Continental Shelf

[16] This sovereignty is considered a contrario with the sovereignty exercised over terrestrial and within borders state grounds.

[17] According to later interpretation of the law of the sea, despite the coastal state not being able to oppose the submerge of cables and pipelines, it has an opinion on the direction and the means of installation of the later so that they may not interfere with any economic activities present or imminent. The state can also ask for a redirection should environmental concerns are raised.

[18] Optional Protocol of Signature concerning the Compulsory Settlement of Disputes

nature. As stated in it's opening paragraphs, OPSD does not exclude any other forms of dispute settlement mechanisms from cases related to interpretation of the treaties. In fact This Protocol has never been applied in practice, and the modest number of parties it has attracted shows that compulsory settlement of disputes in law of the sea matters, if it is to be practically relevant, must be an integral part of the instrument dealing with the substance; a lesson learned by the Third United Nations Conference on the Law of the Sea (1973-1982) in drafting the 1982 Convention.

The first Geneva Convention on the law of the sea is of mostly historical importance. The majority of the provisions adopted represented opinions of customary international law reflecting the idea of the "traditional law of the sea" which was prevailing before the before the transformations in the international community and in its assessment of the uses of the seas that brought about the Third United Nations Conference on the Law of the Sea. This explains why, notwithstanding their intrinsic legal quality, they were soon seen by a majority of the States as obsolete. In 1958 the General Assembly of the United Nations with the decision 1307 (XIII) (United Nations, 1958) of 10th December, called for the Second Convention of the United Nation regarding the law of the sea with the hopes that it would achieve an agreement on the reach of the maritime zones. The second Convention (UNCLOS II), which took place in Geneva with the participation of 88 from March until April 1960, bared no fruitful result.

The third Geneva Convention (UNCLOS III)

The aftermath of UNCLOS I

The failed attempt of UNCLO II to clarify the scenery produced a spark on the international debate regarding the future of the law of the sea. During the 60s the international scenery changed dramatically with the emerge of a large group of underdeveloped states originating from the colonial "Third World" and their active partaking in the law-producing procedures. At the same time, tendencies regarding the expansion towards territories previously considered as high seas, started to rise. The small number of acceptance to the previous Conventions, indicated that the law of the sea was still at a premature state desperately needing for a new codification effort.

The first step towards a new Convention was done in 1967. With a pioneering submission towards the general assembly of the United Nations in 18th of August 1967, the Maltese ambassador Arvis Pardo put forth the matter of the «peaceful use of the seabed» beyond national jurisdiction and it's exploitation for the common good. During the 22th Assembly of the United Nations in 1st November 1967, A. Pardo with an exceptional speech set the outline for the new codification effort (United Nation , 1967), mentioning for the first time the term «common heritage of mankind». At the following 25th Assembly in 17 December 1970, the General Assembly adopted the decision 2749(XXV) (United Nations , 1970) stating that «The sea-bed and ocean floor, and the subsoil thereof, are beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.». With decision 2750 (XXV) (United Nations , 1970) taken at the same day, the General Assembly decided to call for a new Convention on the law of the sea in 1973.

The third Convention lasted from December 1973 until April 1982, making it the longest convention of codification of international law. The proceedings with the participation of 157 states concluded in 30th April 1982. The final act of the Third Convention was put to vote with an outcome of 130 pro votes, 4 against and 17 absent states[19]. The Convention was put to force on the 16th of November 1994. It should be noted that International Organization can also be part of the Convention.

The New York agreement.

On the 28th of July 1994, the General Assembly of the UN, adopted the decision 48/263 (United Nation , 1994), regarding the "Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea", later established in the literature as the New York Agreement.

This agreement was the result of under the table[20] discussions from 1990 to 1994 on fragile matters resulting from Part XI (United Nation , 1994) of the Convention of the Law of the Sea. Indeed industrial states had opposed several objections regarding the exploitation mechanism of the mineral wealth of the seabed. Given that article 309 of the Convention "No reservations or exceptions may be made to this Convention unless expressly permitted by other articles of this Convention." (United Nations, 1982) there was a necessity for a solution to ease the participation of those states. In other terms, there was the chance that the number of states to ratify the Convention would be that small that would render it's application in practice irrelevant. Nevertheless, the absence of big industrial states would be financially devastating for the mechanisms of the international seabed. The solution was given through the New York Agreement adopted to ease the international orders in the oceans. It should be mentioned that nowhere throughout the extend of the Agreement, is the word "amendment" to be found.

With Article 2 of the Agreement (United Nation , 1994) is defined that it's provisions, as well as those of the Part XI of the Convention, will be interpreted and applied as one common text. In case of conflict between the two texts, the Convention is to prevail. Additionally, according to Article 4, after the adoption of the Agreement, any document of ratification of the Convention, will be an equal commitment towards the Agreement so that no state or entity could agree to be bound by the Agreement without previously agreeing to be bound by the Convention. Until the 10th of September 2013, 144 states and the EU have had their commitment declared. In addition, 21 states that where previously members to the Convention, apply the Agreement de facto.

[19] The negotiations on definitive legal status of the seas where not finished with the signing of the Convention. Major aspect of the controversy, which actually caused the twelve year delay of the putting to force the Convention, was Part XI of the Convention which included the provisions on the exploitation of the seabed beyond the limits of national jurisdiction to the benefit of all mankind. Those provisions where favorable towards developing states, but not towards industrially developed states (US) which were the ones having the technology to explore and exploit the seabed. After the efforts of two conclusive general Secretaries, the conclusion was provided by the New York Agreement.

[20] Those talks were under the shield of the Secretary General of the UN Boutros Boutros-Gali.

Fundamental principles of the Convention

The interpretation of the regulation of the Convention is an especially harsh task. For each ruling, the negotiating status of each state should be monitored to reach to the final text.[21] The Convention is governed by five fundamental principles, while some final provision address the more technical matters regarding the interpretation, implementation and modification of the Convention.

The principle of balanced rights and obligations

The later is a fundamental principle which can be found throughout the whole span of the Convention, namely the principle of balanced rights and obligations. It can be interpreted as the bases that the states owe, as they exercise their own rights to pay attention to the rights and the legal interests of the rest of the states[22]. The obligatory consideration of the interests of the other states dictates that during the excursive of the rights and freedoms provided for by the Convention, balance should be kept in order for a conflict of rights to be avoided.

This general principle gets specific in certain cases and with certain dimensions. According to article 56 (2) (United Nations, 1982) on the rights and duties of the coastal state in the Exclusive Economic Zone it is quoted that "the coastal State shall have due regard to the rights and duties of other States". Similar reference can also be found in article 58 (3) (United Nations, 1982) "In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State". Finally, article 87 (2) (United Nations, 1982) states that the freedoms of the High Seas are enjoyed by the states "with due regard for the interests of other States".

The principle of good faith.

According to the first paragraph of article 300 of the Convention (United Nations, 1982) "States Parties shall fulfil in good faith the obligations assumed under this Convention". The mentioning of the principle of good faith is in parallel with the provision of Article 2 (2) (United Nations, 1945) [23] which states that all member states should fulfill their obligations deriving from the Charter in good faith. The obligatory application of the good faith principle can also be found in article 26[24] of the Vienna convention on the Law of the Treaties (United Nations , 1969) "pacta sunt servanda", as long in article 31 (1) "A treaty shall be interpreted in good faith in accordance with the ordinary

[21] In the case of the Convention on the Law of the Sea, this procedure is extremely important due to the extend of the negotiation under the Third Convention.

[22] Balancing rights is a key term in the legal science. It consists of the effort, both on the part of the court and of the legislator, of setting norms and determining which rights should prevail in the cases where the norm is applicable (Giovanella, 2017). Scholars have identified two different types of conflicts of right according to whether they collide "directly" or "indirectly".

[23] "All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter"

[24] "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.". Despite being a general principle of international law, it was deemed necessary for the principle of good faith to be instituted in the Convention of the Law of the Sea as a specific obligation.

The principle regarding the peaceful use of the Seas.

Article 301 (United Nations, 1982) obliges member states to refrain from hostile acts as described by article 2 (4) of the UN Charter and any other act opposite to the general principles of the Charter[25]. It should be noted that the authors of the Convention wanted to expand the definition of this principle in regards to that found in article 2 (4) of the Charter. So, the term "sovereignty" was added amongst the targets of the threat or use of force, while the term "threat" originally found in the Charter was replaced by "any threat" in the Geneva Convention.

The principle of the terrestrial supremacy over the Sea.

This principle is not directly quoted in the Convention, can be extracted by the general spirit of the negotiations. Indeed the ground is the legal source of the authority the coastal state can have over the maritime zones and thus the existence of jurisdiction over the sea could not be considered in it's absence. This decision was clearly stated by the International Court of Justice in the 1951 Fisheries case between the United Kingdom and Norway (International Court of Justice, 1951) with the statement that "it is the land that gives the coastal state rights over it's waters". In the case of the Continental Shelf of the Aegean (International Court of Justice , 1978) it is even more clearly mentioned with the term "natural prolongation" of the coastline and the phrase "the land dominates the sea … and it is solely by virtue of the coastal State's sovereignty over the land that rights of exploration and exploitation in the continental shelf can attach to it, ipso jure, under international law".

The maritime zones.

Internal waters.

According to article 8 (1) of the Convention on the Law of the Sea as internal waters are defined (United Nations, 1982) "waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State". From the previous general definition, derive two basic characteristics of the internal waters. Firstly, they come just before the territorial sea and secondly, they are mostly "enclosed" waters. To be more precise, the term internal waters actually mostly

[25] This principle can be found throughout the body of the treaty. Namely in articles 39 (1), states should "refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations" and 88 "The high seas shall be reserved for peaceful purposes.".

includes harbors[26], gulfs and river bands. From a geographical point of view, as internal waters could be also considered rivers and lakes as long as their waters are surrounded by terrestrial ground.

According to article 2 (1) of the Convention (United Nations, 1982) "The sovereignty of a coastal State extends, beyond its land territory and internal waters…". Meaning that internal waters are unified with the terrestrial grounds and hence the coastal state enjoys there full sovereignty. This rights derives from it's sovereignty over the terrestrial ground[27]. Following, the full state supremacy also extends to both the seabed and subsoil as long as to the supernatant air space. As a direct legal outcome, every sort of activity within the internal waters is guarded by the coastal state's legislation.

The territorial waters.

According to article 2 (1) of the Convention (United Nations, 1982), within the territorial waters the state has full sovereignty. This sovereignty is full as it contains the whole spectrum of state authority (legislative, judicial, executive power) for the whole spectrum of activities. Form this point of view, the territorial waters (and the internal waters) are unified with the terrestrial grounds. Yet, the international law limits this authority with the institution of safe passage which acts as a tribute to the human maritime tradition and a guardian of the customary trade routes.

The aforementioned term of innocent passage is quite important for the international law. It can be studied in two parts:

Firstly the term passage. According to article 18 (1) (United Nations, 1982) as "passage" is defined the navigation through the territorial sea without entering internal waters or port facilities. Following, the passage should be continuous and expeditious while anchoring is only allowed in cases when it is incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Secondly the term innocent. According to article 19 (1) (United Nations, 1982) as "innocent" is defined the passage as long as it not prejudicial to the peace and public order of the coastal state. It should be mentioned that the terms "peace" and "public order" are not defined by the Convention which leaves them under the interpretation of the coastal state. Yet, article 19 (2) of the Convention provides a list of twelve activities that constitute a breach of innocent passage:

1. The threat or use of violence against the sovereignty, integrity or political stability of the coastal state or any general threat or use of violence. The Convention with article 39 (1)

[26] A special point of interest regards the legal nature of harbors. Given that they are situated in the internal waters, their legal status is first and foremast governed by the national law of the coastal state. The convention contains some special provisions regarding harbors. More specifically, article 11 dictates that internal harbor facilities are considered as part of the coast, while facilities located on the open waters as well as artificial islands (for harboring purposes) are not considered as permanent. This provision alongside the one of article 12 have a major role on the process of defining the limits and baseline of the territorial waters.

[27] Refer to the previous chapter: The principle of the terrestrial supremacy over the Sea. 1951 Fisheries case ICJ.

regarding the obligations of ship during navigation, generalizes the condition stating that a breach of innocent passage can be also identified against third states.

2. The prosecution of any exercise or practice with weapons of any kind. Military drills within the territorial waters of a foreign states are incompatible with the principle of innocent passage.
3. Acts of espionage aiming at collecting information that could damage national security of the coastal state.
4. Any act of propaganda against the national security of the coastal state.
5. The deployment of any military device, not limited to weapons. All devices that could serve military purposes.
6. The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.
7. Any act of pollution.
8. Any fishing act from.
9. The launching of exploratory expeditions.
10. Any act that aims at interfering with the telecommunication system of the coastal state.
11. Any other act not directly relevant with the passage.

The delimitation of the territorial sea is dictated by article 15 of the Convention (United Nations, 1982) . According to the later, in the case that the coastlines of two states lie opposite or adjacent to each other, neither of the states can, in the absence of a common bilateral agreement, extend it's 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. Article 15 states the basic rule in the delimitation process which is a bilateral and not a unilateral act. If such agreement cannot be achieved the basic rule is that of the delimitation by the equal distance criterion and the median line.

The Exclusive Economic Zone.

The term Exclusive Economic Zone is defined as the naval area, which cannot exceed the 200 nautical miles limit, within which the coastal state enjoys sovereign rights (United Nations, 1982). Those rights are mostly related to economic activities and environmental protection jurisdiction.

The EEZ is by no means part of the High Seas. On the contrary, it is a sui generis (of it's own kind) naval zone. It is guarded according to article 55 of the Convention by a special regime, which is neither the same with the sovereign regime of the territorial waters, nor with the freedom of the High Seas. It is a zone with a mostly functional regime concluded by both the coastal state's rights and the other states freedoms.

Within the EEZ, third states retain the right to enjoy the freedoms strictly provided by the Convention regarding marine navigation, overflights, laying of cables and pipelines and other acts provided for by article 58 (1). The same article provides the legal obligations of third states in account with the coastal state. In paragraph 3, it is stated that all aforementioned acts should be performed by having due regards to the rights, laws and regulation of the coastal state. In cases

where the Convention does not grand rights or jurisdiction to the coastal state or third states within the EEZ and there is conflict of interests, the dispute should be settled in the baseline of equity, keeping in mind the importance of each sides interests, as long as of the international community as a whole (Article 59) (United Nations, 1982). This phrasing from article 59 best explains the special regime of the EEZ.

Within the EEZ the coastal state has sovereign rights for the exploration and exploitation of the resources of the EEZ, material or living ones, of the seabed and adjacent water columns, as well as rights for the exploitation of currents and winds above the EEZ. Secondly the coastal state enjoys jurisdiction over the protection and preservation of the environment, the marine research and the laying of artificial islands. Thirdly, the coastal state enjoys several other rights provided for by the Convention[28].

The term "sovereign rights" used in section V of the Convention regarding the EEZ, is not synonymous with the same term used in section VI for the Continental Shelf[29] (United Nations, 1982). The rights resulting from the EEZ can only be enjoyed after it's proclamation. It should also be mentioned that the term "exclusive" in EEZ is due to the fact that only the coastal state has the exclusive authority to claim the rights and obligations of the EEZ.

Finally the way to proclaim an EEZ and any maritime zone in general is an exclusive matter of the internal legislation of the coastal state. The most common way are presidential orders or direct government statements.

The Continental Shelf

Shelf seas occupy about 7% of the area of the world's oceans but their economic importance is significantly greater. A continental shelf is the edge of a continent that lies under the ocean. A continental shelf extends from the coastline of a continent to a drop-off point called the shelf break. From the break, the shelf descends toward the deep ocean floor in what is called the continental slope. The continental shelf is an important maritime zone, one that holds many resources and vital habitats for marine life. The majority of the world's continental shelf is unknown and unmapped.

The term Continental Shelf first used in 1887 by Hugh Robert Mill (D. Hounshell & Kemp, 1887). The Continental Shelf is the gently sloping undersea plain between a continent and the deep ocean. The continental shelf is an extension of the continent's landmass under the ocean.

[28] According to article 56 (1) of the Convention, within the EEZ the coastal sate enjoys "other rights and duties provided for in this Convention". The rights under reference are the declaration of adjacent archaeological zone and the right of constant pursuit which according to article 111 (2) should start within the state's EEZ.

[29] On the contrary with the Continental Shelf, where the rights of the coastal state exist ab initio and ipso facto, the homonymous rights in the case of the EEZ are only pertained if there is adaptation of the EEZ by proclamation of the coastal state.
The exclusivity of those rights in the EEZ does not have the same content as in the Continental Shelf. Within the EEZ the Convention recognizes parallel rights to third states regarding fishing allowances, in cases of lack of fishing activity by the coastal state. In that way it limits the sovereign rights of the coastal state ratione materiae. The exercise of rights on the seabed and subsoil of the EEZ, is an obvious exception. In this case article 56 references the provisions regarding the Continental Shelf which do not include such limitations to the coastal state's rights.

Article 1 of the Convention on the Continental Shelf, 1958, defined the shelf based on its exploitability instead of depending upon the conventional geological definition, which referred to the seabed and subsoil of the submarine zones next to the coast but not within the territorial sea that extends to a depth of 200 meters or 'beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas'.

It is the submarine prolongation of a coastal state's landmass to the outer edge of the continental margin. The continental shelf falls under the coastal state's jurisdiction. Areas beyond the continental margin are, however, part of the international seabed area.

The continental shelf, in its geological sense, is very un-equally distributed around the continent. The importance of the continental shelf and the necessity for a special legal regime applicable to it, did not, however, become apparent until the question of the nature and extent of the coastal state's rights to explore and exploit the natural resources of the continental shelf was given a new urgency by the discovery in the subsoil of the sea-bed of a mineral source of wealth, namely petroleum. Furthermore, through advances in engineering and scientific research, the submarine oil bearing strata became capable of exploitation and exploration by means of devices operating from the sea-bed of the high seas. As the importance of continental shelf was of national importance in arena of legal, geographical, social and economic, it was included in the international law.

Hydrocarbons

The hydrocarbons are non-living natural resources found in the subsoil, such as oil and gas reserves. The offshore hydrocarbon resources are those which are found in the subsoil under sea or ocean. The hydrocarbon activities are conducted in order to explore and exploit the oil and gas resources. The offshore hydrocarbon activities are those which are conducted in the maritime areas of a State and they are regulated by the law of the sea.

The coastal states have sovereign rights for exploration and exploitation of the hydrocarbons found in their EEZ and continental shelf. The only difference between the regimes is that the EEZ regime stipulates the natural resources of the waters superjacent to the seabed and of the seabed and its subsoil. Whereas, the continental shelf regime focuses only on seabed and subsoil and does not cover and regulate the water column which is absolutely indispensable for the hydrocarbon activities.

The offshore hydrocarbon activities are conducted on the seas and oceans, and more precisely these activities require the usage of the water surface and column. The exploratory vessels shall travel on the water surface for prospecting and the drilling facilities must be built in the water column in order to extract the hydrocarbons. Therefore, regardless from the presence of the oil and gas resources in the subsoil, the hydrocarbon activities cannot be carried out without involving in the waters above. Consequently, the hydrocarbon activities are subject to both regimes and cannot be considered as independent from any of them.

Article 56 (3) stipulates that the rights set out under EEZ regime in relation to the seabed and subsoil shall be exercised in accordance with the continental regime. Accordingly, the continental shelf regime prevails the EEZ regime for the exploration and exploitation of the hydrocarbon

resources found in the subsoil. However, it does not lead any practical difference, since the regimes at stake are not in contradiction in relation to such activities. Nevertheless, the hydrocarbon activities shall be conducted in compliance with the EEZ regime since they involve the operations in and on the water column.

One thing that has to be kept in mind while dealing with the hydrocarbons as resources of both regimes, is that RoT does not have established its own EEZ in the Mediterranean Sea. Whereas, RoC is a party to UNCLOS and claimed its own EEZ in the waters around the island of Cyprus. As stated above, unlike the continental shelf regime, the EEZ needs to be proclaimed. From the Turkish point of view, RoT is merely enjoying the sovereign rights in the Turkish continental shelf in the Mediterranean Sea. Therefore, there is an overlapping claim area between the RoT's continental shelf and RoC's EEZ and continental shelf, being that RoT also does not recognize RoC's established EEZ. Giving the fact that the hydrocarbon activities require the involvement with the EEZ regime, the current Cypriot dispute is getting even more complicated. Nonetheless, this is not a topic under this chapter, but will be further investigated in fifth chapter.

The Regime of Disputed Areas

When the maritime claims of two States with opposite or adjacent coasts overlap, a disputed maritime area comes into existence. The delimitation of the maritime boundaries between these States shall be conducted in accordance with the law of the sea. The UNCLOS has two specific articles so as to deal with these delimitation issues; article 74 for the EEZ regime and article 83 for the continental shelf regime. However, there is not a detailed and comprehensive regime in the UNCLOS for hydrocarbon activities in such overlapping claim areas (Beckman, 2013). The UNCLOS does not have any specifically detailed provisions with regard to overlapping claims between EEZs or continental shelves. It has only one express provision relating to the rights and duties of States in overlapping EEZ and continental shelf claims; therefore, it does not address all the issues arising from overlapping claims. In relation to the delimitation of EEZs and continental shelves; there are two articles both of which are almost identically formulated The only difference is that article 74 is written for the exclusive economic zone; whereas, in article 83 the term of the continental shelf is used. The text of the provisions is as follow:

Article 74 (or 83): Delimitation of the exclusive economic zone (or the continental shelf) between States with opposite or adjacent coasts

1. The delimitation of the exclusive economic zone (or the continental shelf) between States with opposite or adjacent coasts shall be affected 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 achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a

practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone (or the continental shelf) shall be determined in accordance with the provisions of that agreement.

These two provisional obligations can play an important role to ensure the peaceful situation between conflicting parties. It is pretty clear that the delimitation negotiations could take a long time. During these time-consuming negotiations, the need for interim measures was recognized during the UNCLOS discussions. As a result, two provisional concepts were adopted and stated in the text of the convention so as to establish a peaceful transitional period and to ease the reaching of a final agreement.

In the third paragraphs of both articles 74 and 83, where the wordings are identical, the obligation to make every effort to enter into provisional arrangements of a practical nature is regulated. Besides, the States concerned are under a duty not to jeopardize or hamper the reaching of final agreement. As it can be seen from the text that the wording of the framework of the pending agreement is ambiguous and opens for different interpretations.

UNCLOS tackles the same matter with article 15 (United Nations, 1982) stating 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.” It is to be noted that the aim of the directors of the treaty was to ensure that the delimitation agreement should be the predecessor of any unilateral act or proclamation. UNCLOS ensures that no act or violation during or before the delimitation talks is to be tolerated. As a guideline UNCLOS sets forward the rule of the median line which limits the reach of the states “influence”.

Key ICJ interpretation of the Law of the Sea.

As a sole interpreter of the aforementioned acts of legal substance, the International Court of Justice with it’s various awards sculps the essence of the Law of the Sea providing with binding awards and guidelines for future disputes.

Following are few of those awards deemed of relevance and importance by the writer for this present thesis.

North Sea Continental Shelf (Federal Republic of Germany/Denmark) 1969

These disputes, which were presented to the Court by Special Agreement, involved the delimitation of the North Sea continental shelf as between Denmark and the Federal Republic of Germany and as between both the Netherlands and the Federal Republic. The Parties convened to carry out all

the delimitations in accordance with those guidelines after asking the Court to specify the applicable principles and standards of international law.

Each of the Parties was left with a "equidistance line," or a boundary based on the equidistance principle, that included all the parts of the continental shelf that were closer to a position within its own coast than they were to just about any point on the coast of the opposing Party. The equidistance approach had the effect of pulling the boundary line inwards, in the orientation of the concavity, in the event of a concave or receding shoreline, such as the one in the Federal Republic on the North Sea. As a result, when two equal-distance lines were drawn, they would unavoidably intersect very close to the coast if the curve was considerable, "cutting off" the coastal State from the region of the continental shelf beyond. Contrarily, convex or outwardly curved coasts, such as those of Denmark or the Netherlands to a minor extent, had the effect of causing the equidistance lines to depart the coasts on diverging trajectories, which had the propensity to increase the area of the continental shelf off from that shore.

After determining that Denmark as well as the Netherlands had the same interest, the Court merged the two suits' procedures by order dated April 26, 1968. The International Court of Justice discovered in its judgment from 20 February 1969 (International Court of Justice , 1969), that the boundary lines in question should be derived by agreement among the Parties and in conformance with equitable principles in order to delegate to each Party those zones of the continental shelf that represented the natural extension of its landmass under the sea, and it provided a list of considerations that should be made for that purpose. The Court disagreed with the argument that the disputed delimitations were to be carried out in conformity with the equidistance concept as outlined in the 1958 Geneva Convention on the Continental Shelf. The Court decided that the equidistance principle was not innate in the fundamental idea of continental shelf rights and that this standard was not a norm of customary international law, taking into consideration the fact that the Federal Republic still hadn't joined that Convention.

The legal interpretation offered by the North Sea Continental Shelf case holds the potential to provide valuable guidance for addressing complex maritime disputes in the Eastern Mediterranean region. This seminal case, adjudicated by the International Court of Justice in 1969, centered on the principles governing the delimitation of continental shelves between neighboring states. The case's emphasis on equity, proportionality, and scientific considerations has enduring relevance, offering a precedent that can be adapted to the intricacies of the Eastern Mediterranean's geopolitical landscape. Applying the North Sea case's principles to the Eastern Mediterranean could involve utilizing scientific methods to determine maritime boundaries based on geological and geophysical factors. This approach could foster objectivity and neutrality, essential elements for generating consensus among states with conflicting interests. Additionally, the principle of proportionality, which involves considering factors like coastline length and areas of overlapping claims, could serve as a framework for allocating maritime zones and resource rights among states in the region. By offering a well-defined legal interpretation that prioritizes fairness and balance, the North Sea Continental Shelf case presents a promising avenue for addressing the complex maritime disputes that characterize the Eastern Mediterranean.

Nevertheless, the application of the North Sea case's legal interpretation in the Eastern Mediterranean necessitates careful consideration of region-specific complexities. Historical rivalries, geopolitical sensitivities, and varying interpretations of international law characterize the maritime disputes in this region. Therefore, while the North Sea case offers a robust foundation, its principles should be adapted and nuanced to accommodate the particularities of Eastern Mediterranean dynamics. Effective implementation may require fostering regional cooperation mechanisms that facilitate dialogue, negotiation, and the exchange of scientific data. Ultimately, the North Sea Continental Shelf case's legal interpretation can play a pivotal role in navigating the intricate maritime challenges of the Eastern Mediterranean, but its success hinges on a judicious integration of its principles with the region's unique geopolitical, historical, and legal considerations.

Continental Shelf (Libyan Arab Jamahiriya v. Malta) 1982

This issue, which Malta and Libya presented to the Court in 1982 under a Special Agreement, concerned the delineation of the continental shelf regions that belonged to the respective two States. Libya cited the idea of proportionality and the idea of natural prolongation to back up its claim. Malta argued that the notion of distance from the coast, which was held to give precedence to the equidistance method of establishing boundaries between areas of continental shelf, now governed States' rights over areas of continental shelf, especially when these applied to States resting directly opposite from each other, such as the case of Malta and Libya.

The Court determined that there was no justification to attribute a part to geographical or geophysical circumstances where there was less than a 400-mile distance separating the two States, given changes in the law related to States' rights over parts of the continental shelf (as in the instant case). It also took into account the fact that the equidistance approach was not required and did not constitute the only viable delimitation strategy. In its ruling of June 3, 1985, the court articulated a variety of equitable principles and put them to use (International Court of Justice, 1985), considering the pertinent conditions It considered the primary characteristics of the coastlines as well as the variation in their spans and the space between them. It was careful to avoid any undue disparity between a State's coastline and the continental shelf that belonged to that State, therefore it chose the resolution of a median line shifted northward over a specific distance. Italy requested permission to intervene during the proceedings, asserting that it had a legal interest under Article 62 of the Statute. The Court determined that Italy's intervention request came within a category that could not be allowed based on its goal, and the Application was dismissed.

Through this case the ICJ demonstrates the importance of criteria other than that of the equidistance line in cases with specific geological characteristics such is that in the case of the Eastern Mediterranean. Given that the reader should have in mind that Turkey’s view is that the sheer length of it’s coastlines holds them dominant (in regards to continental shelf prolongation) opposed to neighboring shorter coastlines.

A pivotal aspect of the Continental Shelf case that could also resonate in the Eastern Mediterranean context is the Court's emphasis on the principle of good faith negotiations. The case highlighted the obligation of disputing parties to engage in sincere and constructive negotiations with the intent of finding mutually acceptable solutions. Applying this principle to the Eastern Mediterranean would underscore the importance of diplomatic engagement and collaboration among the involved nations. By prioritizing genuine negotiations over confrontational stances, the region's states could potentially pave the way for a peaceful and harmonious resolution of their maritime conflicts.

Land, Island and Maritime Frontier Dispute (El Salvador v. Honduras) 1990

El Salvador and Honduras alerted the Court of a Special Agreement on December 11th, 1986, wherein the Parties asked the Court to create a Chamber to delineate the frontier line in the six regions not covered by the General Treaty of Peace of 1980, as well as to establish the legal status of the islands in the Gulf of Fonseca and the maritime areas both inside and outside of it. Nicaragua sought permission to interfere in the matter from the Court in accordance with Article 62 of the Statute in November 1989. (International Court of Justice, 1990).

The Chamber started by observing that both Parties concur that the uti possidetis juris[30] he notion that international boundaries follow previous colonial administrative boundaries—is the essential premise for calculating the land area. Additionally, the Chamber was given the authority to consider other arguments and evidence of a legal, historical, human, or other kind, as well as documents released by the Spanish Crown or any other Spanish authority during the colonial period that indicate the jurisdictions or thresholds of territories, where applicable. This is in accordance with a provision of the 1980 Peace Treaty.

A judicial ruling was only necessary for the islands in question, which the Chamber deemed to be El Tigre, Meanguera, and Meanguerita, despite the fact that it had authority to assess the legal status of all the islands in the Gulf. After conducting a thorough investigation, the Chamber came to the conclusion that Meanguerita, a little, unpopulated area adjacent to Meanguera, was a "dependence" of Meanguera and that both belonged to Salvador. The Chamber came to the conclusion that El Tigre Island belongs to Honduras by way of succession from Spain. The Chamber came to the conclusion that it lacked authority to determine inside Gulf seas regarding the delimitation procedure. (International Court of Justice, 1990).

The Chamber noted that completely new legal concepts—particularly those relating to the continental shelf and the exclusive economic zone—were at play in regard to the waters well outside Gulf and determined that, with the exception of a strip at either extreme corresponding to El Salvador's and Nicaragua's maritime belts, the three joint sovereigns were entitled to a territorial sea outside the closing line. Last but not least, the Chamber determined that the judgment against

[30] As phrased by the ICJ "general principle, which is logically connected with the phenomenon of the obtaining of independence, wherever it occurs. It's obvious purpose is to prevent the independence and stability of new States being endangered by fratricidal struggles provoked by the challenging of frontiers following the withdrawal of the administering power…Its purpose, at the time of the achievement of independence by the former Spanish colonies of America, was to scotch any designs which non-American colonizing powers might have on regions which had been assigned by the former metropolitan State to one division or another, but which were still uninhabited or unexplored."

Nicaragua was not res judicata with regard to how it affected the intervening State. (International Court of Justice, 1990).[31]

The case underscores the significance of applying international law and equitable principles to resolve contentious territorial claims. Drawing parallels to the Eastern Mediterranean, where countries such as Turkey, Greece, Cyprus, and Egypt are embroiled in similar disputes, the principles established in this case could provide valuable guidance. Specifically, the case emphasizes the importance of adhering to international treaties, customary law, and historical context when determining territorial and maritime boundaries. By embracing a similar approach, Eastern Mediterranean nations could enhance the legitimacy and legality of their territorial claims, potentially paving the way for more amicable resolutions.

Moreover, the Land, Island and Maritime Frontier Dispute case underscores the role of the International Court of Justice (ICJ) as a neutral arbiter in settling disputes. The case's reliance on the ICJ's jurisdiction and its legal expertise highlights the potential for utilizing international judicial mechanisms in the Eastern Mediterranean context.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain). 1991

In relation to certain disputes between the two States regarding sovereignty over the Hawar Islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of their maritime zones, Qatar filed an Application putting into place prosecution against Bahrain in the Court's Registry on July 8, 1991. (International Court of Justice , 1991).

In order to resolve the conflict, the court had to consider the parties' prior claims regarding the relevant areas of concern. The ICJ did not acknowledge any tribal originating jurisdiction by the Bahrain Sheikh with reference to claims to Zubarah, hence Qatar held control over Zubarah. (International Court of Judjement , 2001). The ICJ highlighted that the controversy over the Hawar islands initially emerged following a 1939 British government judgment that the islands fell to Bahrain, a claim that Qatar has always disputed. At the time, the British government officially regarded both Qatar and Bahrain to be "protected nations." The ICJ could not ignore the preceding decision's legal significance although admitting that it did not constitute an arbitral ruling. The Court determined that Bahrain held sovereignty over the Hawar Islands and rejected Qatar's allegations that the judgment was null and invalid on the grounds that it must be viewed as a decision that was obligatory on both States from the start and remained so after 1971. (International Court of Judjement , 2001).

[31] In Application for Revision of the Judgment of 11 September 1992 on 10 September 2002, El Salvador filed a request for revision of the Judgement of the course of the boundary decided by the Court. The Chamber accordingly considered, based on the are version of facts presented by El Salvador, whether the 1992 Chamber might have reached different conclusions if it had had before it the new versions of these documents produced by El Salvador. It concluded that this was not the case. The new versions in fact confirmed the conclusions reached by the Chamber in 1992 and were thus not “decisive factors”.

The 42 turning points that make up the maritime border that the court set define each side's territorial sea, exclusive economic zone (EEZ), and continental shelf. The court created an equidistance line inside the territorial sea, providing full effect to islands along both sides (except from one), but disregarded the existence of low-tide heights within the area of coinciding 12 nm territorial waters entitlements. The court initially drew an equidistance line further than territorial sea, and then it modified that line to ignore the presence of a feature that, if it had been included, would have according to the court's opinion resulted in an unfair outcome. The southern terminus is where the boundary intersects with the delimitation line between the maritime zones of Saudi Arabia on the one hand and of Bahrain and Qatar on the other. The northern terminus is where the boundary intersects with the delimitation line between the respective maritime zones of Iran on the one hand and of Bahrain and Qatar on the other (International Court of Judjement , 2001).

The court made two findings that were crucial for both the international law of the sea in general and the law of maritime border delimitation explicitly:

• The court confirmed that straight baselines are a deviation from the rule (normal baselines) and ought to be employed sparingly for establishing baselines. Therefore, unless one of the two geographic requirements for the Maritime Dispute Resolution Project listed in article 7 is met by a non-archipelagic state's coastline topography, (United Nations, 1982) (namely, that it is deeply indented and cut into or has a fringe of islands along the coast in its immediate vicinity), and meets the other requirements set forth in article 7, its baseline is the low-water line along the coast, as provided in article 5.

• Regarding low-tide elevations, the court refused to analyze them in light of international law norms controlling territorial acquisition. This laid the groundwork for the court's 2008 decision in Malaysia v. Singapore (International Court of Justice , 2008) that sovereignty over a low-tide elevation within two nations' intersecting territorial seas belonged to the state in whose territorial sea it is situated.

A noteworthy aspect of the Qatar v. Bahrain case that could be applied to the Eastern Mediterranean is the ICJ's emphasis on "equidistance" as a methodology for delimiting maritime boundaries. This principle advocates the use of a median line between coastal states as a starting point for negotiations. Given the proximity of numerous Eastern Mediterranean countries, employing equidistance or similar methodologies could provide a neutral and scientifically grounded approach to demarcating maritime zones. Additionally, the Qatar v. Bahrain case highlighted the importance of accounting for historical presence and use of disputed areas

Maritime Delimitation in the Black Sea (Romania v. Ukraine) 2009

On 16 September 2004, Romania filed an Application instituting proceedings against Ukraine in respect of a dispute concerning “the establishment of a single maritime boundary between the two States in the Black Sea, thereby delimiting the continental shelf and the exclusive economic zones appertaining to them”. The Memorial of Romania and the Counter-Memorial of Ukraine were filed within the time-limits fixed by an Order of 19 November 2004. By an Order of 30 June 2006, the Court authorized the filing of a Reply by Romania and a Rejoinder by Ukraine and fixed 22 December 2006 and 15 June 2007 as the respective time-limits for the filing of those pleadings.

Romania filed its Reply within the time-limit thus fixed. By an Order of 8 June 2007, the Court extended to 6 July 2007 the time-limit for the filing of the Rejoinder by Ukraine. The Rejoinder was filed within the time-limit thus extended.

Following public hearings held in September 2008, the Court rendered its Judgment in the case on 3 February 2009. On the basis of established State practice and of its own jurisprudence, the Court declared itself bound by the three-step approach laid down by maritime delimitation law, which consisted first of establishing a provisional equidistance line, then of considering factors which might call for an adjustment of that line and adjusting it accordingly and, finally, of confirming that the line thus adjusted would not lead to an inequitable result by comparing the ratio of coastal lengths with the ratio of relevant maritime areas.

In keeping with this approach, the Court first established a provisional equidistance line. In order to do so, it was obliged to determine appropriate base points. After examining at length the characteristics of each base point chosen by the Parties for the establishment of the provisional equidistance line, the Court decided to use the Sacalin Peninsula and the landward end of the Sulina dyke on the Romanian coast, and Tsyganka Island, Cape Tarkhankut and Cape Khersones on the Ukrainian coast. It considered it inappropriate to select any base points on Serpents' Island [32](belonging to Ukraine). The Court then proceeded to establish the provisional equidistance line as follows :

"In its initial segment the provisional equidistance line between the Romanian and Ukrainian adjacent coasts is controlled by base points located on the landward end of the Sulina dyke on the Romanian coast and south-eastern tip of Tsyganka Island on the Ukrainian coast. It runs in a south-easterly direction, from a point lying midway between these two base points, until Point A (with co-ordinates 44° 46′ 38.7″ N and 30°58′ 37.3″ E) where it becomes affected by a base point located on the Sacalin Peninsula on the Romanian coast. At Point A the equidistance line slightly changes direction and continues to Point B (with co-ordinates 44°44′ 13.4″ N and 31°10′ 27.7″ E) where it becomes affected by the base point located on Cape Tarkhankut on Ukraine's opposite coasts. At Point B the equidistance line turns south-south-east and continues to Point C (with co-ordinates 44°02′ 53.0″ N and 31°24′ 35.0″ E), calculated with reference to base points on the Sacalin Peninsula on the Romanian coast and Capes Tarkhankut and Khersones on the Ukrainian coast. From Point C the equidistance line, starting at an azimuth of 185°23′ 54.5″, runs in a southerly direction. This line remains governed by the base points on the Sacalin Peninsula on the Romanian coast and Cape Khersones on the Ukrainian coast." (International Court of Justice, 2009)

[32] Serpent island is a land mass located at the terminus of the Danube delta several dozen kilometers from the European Black Sea coast. The island was historically Romanian but became de facto territory of the U.S.S.R. in the twentieth century. After the Soviet Union's dissolution, Snake Island became a possession of the state of Ukraine. In regards with the case Romania argued Snake Island was merely an "uninhabitable rock" as defined by international custom and specified in standards set down in UNCLOS. Agreement with that interpretation would bring to Romania a wider area for resource exploration, commercial fishing, and Naval activities. Ukraine's response emphasized pre-existing title to the island which Ukraine claimed had transmitted to the U.S.S.R. after the collapse of the Russian Empire and continued throughout the Soviet period. Ukraine's delegation claimed that title remained fundamentally intact when it passed to Ukraine with the Soviet Union's demise in 1991. Agreement by the court with Ukraine's claim about transmission of title would preserve the extensive area of access currently possessed by Ukraine

The Court then turned to the examination of relevant circumstances which might call for an adjustment of the provisional equidistance line, considering six potential factors : (1) the possible disproportion between coastal lengths ; (2) the enclosed nature of the Black Sea and the delimitations already effected in the region ; (3) the presence of Serpents' Island in the area of delimitation ; (4) the conduct of the Parties (oil and gas concessions, fishing activities and naval patrols) ; (5) any potential curtailment of the continental shelf or exclusive economic zone entitlement of one of the Parties ; and (6) certain security considerations of the Parties. The Court did not see in these various factors any reason that would justify the adjustment of the provisional equidistance line. In particular with respect to Serpents' Island, it considered that it should have no effect on the delimitation other than that stemming from the role of the 12-nautical-mile arc of its territorial sea.

Finally, the Court confirmed that the line would not lead to an inequitable result by comparing the ratio of coastal lengths with the ratio of relevant maritime areas. The Court noted that the ratio of the respective coastal lengths for Romania and Ukraine was approximately 1:2.8 and the ratio of the relevant maritime areas was approximately 1:2.1.

In the operative clause of its Judgment, the Court found unanimously that :

"starting from Point 1, as agreed by the Parties in Article 1 of the 2003 State Border Régime Treaty, the line of the single maritime boundary delimiting the continental shelf and the exclusive economic zones of Romania and Ukraine in the Black Sea shall follow the 12-nautical-mile arc of the territorial sea of Ukraine around Serpents' Island until Point 2 (with co-ordinates 45°03' 18.5" N and 30°09' 24.6" E) where the arc intersects with the line equidistant from Romania's and Ukraine's adjacent coasts. From Point 2 the boundary line shall follow the equidistance line through Points 3 (with co-ordinates 44°46' 38.7" N and 30°58' 37.3" E) and 4 (with co-ordinates 44° 44' 13.4" N and 31° 10' 27.7" E) until it reaches Point 5 (with co-ordinates 44° 02' 53.0" N and 31° 24' 35.0" E). From Point 5 the maritime boundary line shall continue along the line equidistant from the opposite coasts of Romania and Ukraine in a southerly direction starting at a geodetic azimuth of 185°23' 54.5" until it reaches the area where the rights of third States may be affected." (International Court of Justice , 2009)

The Maritime Delimitation in the Black Sea case, although specific to the Black Sea region, holds relevance to the Eastern Mediterranean due to shared legal and diplomatic considerations surrounding maritime boundary disputes. While the geographical and geopolitical contexts differ, there are notable correspondences between the two regions in terms of the legal principles and lessons derived from the case.

One correspondence lies in the emphasis on equitable principles and objective criteria for maritime delimitation. The Black Sea case highlighted the importance of taking into account geographical features and other relevant factors in establishing maritime boundaries between neighboring states. This principle is applicable to the Eastern Mediterranean, where countries such as Turkey,

Greece, Cyprus, and Egypt have competing claims. By applying similar equitable principles, these nations could work towards objectively delineating their maritime zones based on geophysical and geological factors, which could contribute to more stable and agreed-upon boundaries.

Furthermore, the emphasis on diplomatic negotiation and good faith efforts in the Black Sea case corresponds to the dynamics of the Eastern Mediterranean. Both regions experience historical disputes and complex political interactions that influence maritime conflicts. By considering the lessons from the Black Sea case, Eastern Mediterranean countries could recognize the significance of engaging in meaningful negotiations aimed at achieving peaceful and cooperative solutions. This diplomatic approach could foster an atmosphere of trust and collaboration, facilitating the resolution of disputes in a manner that contributes to regional stability.

In summary, the Maritime Delimitation in the Black Sea case corresponds to the Eastern Mediterranean region by offering valuable legal principles, such as equitable delimitation and diplomatic negotiation, that can inform the resolution of maritime boundary disputes and promote a more harmonious regional environment.

Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire) 2014

The arbitration case Ghana filed against Cote d'Ivoire at the International Tribunal for the Law of the Sea (the Tribunal or ITLOS) is in some respects a lingering reminder of the area's turbulent colonial past. Though the French and British erected borders between Ghana and Cote d'Ivoire in the 19th century, the two nations' peoples have a long shared political and ethnic history. The largest ethnic group in both Ghana and Cote d'Ivoire, for instance, is composed of members of the Akan ethnolinguistic community. The Ashanti Empire did in fact span what is today the land boundary between Ghana and Cote d'Ivoire by the early 19th century. Therefore, it is not unexpected that the finding of significant hydrocarbon reserves in the Gulf of Guinea would bring the issue of boundaries to the forefront once more (Internatioanl Court of Justice, 2017).

The quite positive economics predictions for these oil fields sparked a race among the contestants fighting over who is going to mange to exploit the most of them, thus leading to a series of debates regarding their maritime borders. A joint Ivorian-Ghanaian Commission on Maritime Border Delimitation was established to find a negotiated solution to the overlapping resource claims. By December 3, 2014, however, little progress had been made, and the two countries decided to bring their case to international arbitration. The Arbitration can be grouped into four questions:

a) Whether a tacit agreement existed between both countries regarding their maritime boundary;
b) What the maritime boundary for the territorial sea, EEZ, and continental shelf beyond 200 nautical miles should be;
c) Whether Ghana violated the sovereign rights of Cote d'Ivoire by developing the Jubilee and TEN hydrocarbon projects; And
d) Whether Ghana violated Article 83 of the United Nations Convention on the Law of the SEA (UNCLOS) regarding delimitation of the continental shelf.

After having assessed the probative value of oil activities, seismic surveys, drilling activities, and oil concession maps and adducing this evidence, the Special Chamber observed that both parties, over the course of many decades, did indeed respect an equidistance line extending from the coast. The ICJ then assessed national legislation regarding a maritime boundary, but found that such unilateral State acts were largely irrelevant in establishing what Ghana argued was an agreed upon delimitation. Lastly the Special Chamber assessed whether Cote d'Ivoire was estopped from challenging the purported tacit boundary where it was found that estoppel "exists when a State, by its conduct, has created the appearance of a particular situation and another State, relying on such conduct in good faith, has acted or abstained from an action to its detriment." Since the Special Chamber already determined that the various indicia above did not prove the existence of a tacit agreement, Cote d'Ivoire did not manifest the "clear, sustained and consistent" representation required for estoppel. In sum, therefore, the Special Chamber could not find "compelling" evidence that a tacit maritime boundary existed, and embarked on its own determination of the proper delimitation.

Regarding the second concern, first, the Special Chamber had to determine whether the same methodology would be used to demarcate the boundary in the territorial sea, EEZ, and continental shelf. Given the lack of sovereignty-based questions in any of the disputed zones, the Special Chamber decided to use the same methodology in each zone.

Second, Ghana and Cote d'Ivoire disagreed as to the method of demarcating the maritime boundary. While Ghana argued for the equidistance methodology, Cote d'Ivoire spoke for the angle bisector methodology. In its analysis, the Special Chamber first noted that neither UNCLOS Articles 74(1) nor 83(1) specify which methodology should be used. Instead, it is left for the Chamber to decide on a method that achieves the most equitable solution in light of the general circumstances. After assessing the geography at hand, and comparing it to the decisions of past tribunals, the Special Chamber found that the equidistance methodology would be most appropriate. As such, it would construct a provisional equidistance line, being drawn from the coastline, and thereafter alter that line on an equitable basis, as needed. The Special Chamber then embarked on an extended analysis of the proper base points to construct such an equidistance line. The Special Chamber eventually settled on seven base points, all rooted in the specific geography at hand.

On the third concern, Cote d'Ivoire founded its argument on the principle that "States should refrain from any unilateral economic activity in a disputed area pending a definitive delimitation." In Cote d'Ivoire's estimation, this principle is based on three characteristics of sovereign rights, namely that (1) rights pertaining to exploration and exploitation of the continental shelf are exclusive; (2) those rights exist ipso facto and ab initio; and (3) delimitation does not create those rights, but only clarifies their scope.

The Special Chamber went to great lengths to distinguish issues of fact and law. Regarding issues of fact, the judges noted that there was a disagreement as to when Ghana should have been aware that a delimitation dispute existed. There was a separate legal disagreement as to the proper consequences of such knowledge. For our purposes, the legal dispute is most interesting. Regarding this issue, the Special Chamber found that where entitlements to the continental shelf overlap, only a delimitation decision establishes which part of the disputed area appertains to which State. As

such, maritime activities taken before an international judgment or decision has been made cannot be considered a violation of the sovereign rights of the other State. To support its argument, the Special Chamber noted the ICJ's 2012 Nicaragua v. Colombia case, where the ICJ also found that a violation of sovereign rights could not be established before a maritime boundary was settled.

Concluding with the last concern, Cote d'Ivoire alleged that Ghana violated its obligation under Article 83(1) "to negotiate in good faith" regarding delimitation of the continental shelf by unilaterally exploiting hydrocarbon reserves, being inflexible in negotiations, and closing off all other avenues for peaceful resolution. Ghana argued, in response, that Cote d'Ivoire did not allege any specific actions, on Ghana's part, that were contrary to Article 83(1). Though the Special Chamber reiterated the importance of the obligation to negotiate in good faith, they were quick to note that the obligation is one "of conduct and not one of result." As such, the existence of negotiations over six years, with 10 meetings between 2008 and 2014, satisfied the "good faith" standard, as there were no "convincing arguments" that the negotiations were not meaningful.

In the alternative, Cote d'Ivoire argued that Ghana's hydrocarbon projects violated its obligation under Article 83(3) to not jeopardize or hamper the conclusion of an agreement regarding the continental shelf. The Special Chamber began by interpreting Article 83(3). It found that the Article contains two linked obligations – (1) "to make every effort to enter into provisional arrangements of a practical nature" and (2) "during this transitional period, not to jeopardize or hamper the reaching of the final agreement." Regarding the first obligation, the Special Chamber found that the wording "does not amount to an obligation to reach an agreement on provisional arrangements." Only a duty to act in good faith towards negotiating such an arrangement is required. Regarding the second obligation, the Special Chamber found that it is also one of good-faith conduct, since it is connected to the first obligation by the word "and." Given that Cote d'Ivoire did not initiate negotiations to agree on provisional arrangements until the arbitration began, and since Ghana stopped hydrocarbon activities once the provisional arrangements entered into force, the Special Chamber found that Ghana did not violate UNCLOS Art. 83(3).

The Ghana-Côte d'Ivoire case underscores the significance of international law and treaties in guiding delimitation decisions. In the Eastern Mediterranean, where competing legal interpretations and historical claims are prevalent, referring to international legal frameworks could provide a basis for negotiations. By considering the lessons from the Ghana-Côte d'Ivoire case, Eastern Mediterranean countries could explore the application of international law and conventions to resolve their maritime conflicts in a manner that upholds the rule of law.

In conclusion, the Dispute concerning the maritime boundary between Ghana and Côte d'Ivoire case corresponds to the Eastern Mediterranean region by offering insights into equitable delimitation principles and the role of international law in resolving maritime disputes. While the contexts differ, the legal approaches and lessons learned from the Ghana-Côte d'Ivoire case can inform discussions and negotiations in the Eastern Mediterranean, ultimately contributing to the pursuit of peaceful and lawful solutions.

The legal status of the Mediterranean Sea as a semi closed sea.

The Third United Nations Conference on the Law of the Sea produced extensive, frequently informal talks and compromises that led to the idea of "enclosed or semi-enclosed waters" in Article 122 of the United Nations Convention on the Law of the Sea. (United Nations, 1982).

The adjacent States may frequently find themselves in a scenario of competition for maritime resources and space in an enclosed or semi-enclosed sea. A 200 nautical mile exclusive economic zone (EEZ), a continental shelf, or even a 12 nautical mile territorial sea may be difficult for neighboring States to claim from a maritime perspective without conflicting claims from other nearby or opposing governments. According to regulations, the neighboring States share a common body of water for the discharge of sewage generated on land and a single base of marine resources, both alive and non-living, for their subsistence and economic development. States that border enclosed or partially enclosed oceans are therefore considered to be geographically disadvantaged Nations. The adjacent States must adopt "intra-regional" procedures to reduce, ameliorate, or end problems due to the geographical actuality or limitation of enclosed or semi-enclosed oceans. Article 123 of the UNCLOS outlines the procedure. (United Nations, 1982).

Three practice areas are recognized by Article 123 as being suitable for cooperation: finding and using live resources, protecting the sea environment, and advancing maritime scientific research. From the middle of the 1970s, an increasing number of coastal States have determined they have the exclusive authority to regulate fishing within 200 meters of their coastline. Several nations have fought the creation of this norm in international law, however upon consideration, it is evident that this rearguard action could only delay it, not prevent it. Throughout this period of the 1982 Convention, UNCLOS III was in practice, and the modifications to State practice have been formalized and transformed into the EEZ system as described in Part V. Marine resource managers now play a far larger role as a result of the increased focus on governmental commitments and, in particular, the creation of a coherent program for the sustainable growth of fishery resources. This has obvious implications for how policies are made (i.e. to come up with one on topics that have so far been practically unchecked, at least for some states). But what if one state's fisheries regulations conflict with those of a neighboring state, particularly along the founder of an enclosed or partially enclosed sea? The outcomes may be disastrous, necessitating interaction that is not strictly limited to the parameters of Part X of the 1982 Convention.

According to the challenge outlined in Article 122 of the 1982 United Nations Convention on the Law of the Sea, the Mediterranean is the sea that might be considered to be the largest because the two parties are "semi-closed." Its seas are home to a third of the world's maritime traffic, 10% of the marine biodiversity, 4% of protected areas, and 1% of the world's water. It is also a prime migratory route and the most important event and friction point between the north and south of the globe. For many coastal towns, fisheries and tourism are the main sources of income. Last but not least, a significant cultural legacy exists beneath the seas of the Mediterranean, the birthplace of Western civilization, which must be respected..

The Mediterranean is unique not just because of the maritime environment's and its resources' unique fragility, but also because a sizable portion of its basin is still governed by the high seas' law system.

The Strait of Gibraltar and the Suez Canal are the two historical, inevitable, and natural ways in which the Mediterranean may be accessed from the ocean, respectively. Any vessel, including battleships, enjoys an unhindered right of passage across the Strait of Gibraltar under the law of passage, and submarines are also permitted to pass through the subterranean straits. Moreover, there is a right to overfly, as evidenced by the American airstrike on Libya on April 15, 1986. When their continental allies denied them entry through their territory, American planes departing from British bases managed to cross the Strait of Gibraltar. Also, the circumnavigation of Africa is no longer necessary because to the Suez Canal, which links the Mediterranean Sea with the Red Sea and the Indian Ocean. With the construction of the North-West Passage, the Suez Canal's significance might increase as ships traveling from the Indian Ocean could bypass the Panama Canal and Instead, bypass the Atlantic and Mediterranean Seas and straight travel to the Pacific Ocean. The Constantinople Convention of 1888 is the governing document for the Suez Canal. Any maritime companies, including commerce and military ships, are welcome to use the waterway. Egypt may levy a toll, but it is not permitted to stop the canals, which must remain open in both peace and war—a condition that has frequently been disregarded for reasons of national security.

Also, as was already indicated, the distinctive features of the Mediterranean would highlight how crucial it is to strengthen collaboration between coastal governments. Article 123 of the Law of the Sea, which deals with collaboration between States bordering confined and semi-enclosed waters, should be carefully read when studying the Mediterranean. In reality, cooperation among Mediterranean coastal governments began even before UNCLOS III, the Law of the Sea, was enacted. The Fisheries Council for the Mediterranean was established in 1949 by the Food and Agriculture Organization (FAO)[33]. General conventions, regional treaties, and sub-regional agreements have all been drafted to detail specific measures for the preservation of the Mediterranean against pollution.

Article 74 of the Montego Bay Convention, which deals with the delimitation of the continental shelf, also deals with the delimitation of the Exclusive Economic Zone (EEZ) among States whose coasts are opposite or near (United Nations, 1982), the content of which is identical to that of

[33] The Food and Agriculture Organization of the United Nations (FAO is a specialized agency of the United Nations that leads international efforts to defeat hunger and improve nutrition and food security. Its Latin motto, *fiat panis*, translates to "let there be bread". It was founded on 16 October 1945.

The FAO comprises 195 members, including 194 countries and the European Union. Their headquarters is in Rome, Italy, and the FAO maintains regional and field offices worldwide, operating in over 130 countries. It helps governments and development agencies coordinate their activities to improve and develop agriculture, forestry, fisheries, and land and water resources. It also conducts research, provides technical assistance to projects, operates educational and training programs, and collects agricultural output, production, and development data.

The FAO is governed by a biennial conference representing each member country and the European Union, which elects a 49-member executive council. The Director-General, currently Qu Dongyu of China, serves as the chief administrative officer. Various committees govern matters such as finance, programs, agriculture, and fisheries.

Article 83. The "equitable solution" requirement is required under both clauses, which incorporate the guidance provided by the International Court of Justice through its ruling in the North Sea Continental Shelf case on February 20, 1969 (International Court of Justice , 1969)[34]. As a result, the 1982 Agreement primarily establishes procedural requirements rather than establishing any substantive standards on marine delimitation between adjacent or facing States. International law has played a creative and significant role by treating territories outside than the EEZ explicitly in the same manner[35].

Existing Delimitation in the Eastern Mediterranean.

Israel – Cyprus

The Israel-Cyprus delimitation agreement was the outcome of a long lasting negotiation process. The December 2010 bilateral agreement (Agreement Between the Governement of the State of Israel and the Governement of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone , 2010), was a clear sing towards the era of cooperation between the two states and the general stability of the region.

The 1982 Convention's criteria were strictly followed in the creation of the Agreement. On the idea of the median line, the delimitation was mutually agreed upon. Twelve sites made up the aforementioned, whose geographic coordinates might alter in view of a future agreement in accordance with the rules of international law governing the process of delimitation between two states. The agreement on those points include the need for each of the two governments to inform the other in the event that delimitation talks occur, if such delimitation is related to those points (Article 2 of the Agreement) The two parties must work together to come to a framework usage agreement on the details of the cooperative development and exploitation of any natural resources that coexist in the two EEZs as a natural extension[36]. The pact also suggests using diplomatic channels to resolve disputes in an effort to foster understanding and collaboration.

While being widely acknowledged by the international world, the delimitation treaty between Israel and Cyprus raised considerable debate among other governments in the area. Lebanon vigorously opposed this agreement because it believed the declared EEZ to be in conflict with its own. According to the two letters (Mansour, 2011) from the Minister of Foreign Affairs and Emigrants to the Secretary-General of the United Nations, the Lebanese position is that point 23 from the 1949

[34] In this regards the ICJ emphasis that : "the position is simply that in certain cases -not a great number- the States concerned agreed to draw or did draw the boundaries concerned according to the principle of equidistance. There is no evidence that they so acted because they felt legally compelled to draw them in this way by reason of a rule of customary law obliging them to do so-especially considering that they might have been motivated by other obvious factors". ICJ case concerning the North Sea Continental Shelf, Judgment of 20 February 1969, para 78, pp. 44-45.

[35] The ICJ in the case concerning the Gulf of Maine asserted " the principle of international law - that delimitation must be effected by agreement - which, as the Chamber has noted , is expressed in Article 6 of the 1958 Convention, and additionally, it may be thought, the implicit rule it enshrines, are principles already clearly affirmed by customary international law, principles which, for that reason, are undoubtedly of general application, valid for all States and in relation to all kinds of maritime delimitation". ICJ case concerning the Gulf of Main, Judgment of 12 October 1984, para 90, pp.292-293.

[36] This phrasing of the 2010 Agreement clearly shows the cooperative intentions of the state-parties. Those intentions were clearly expressed with the joint venture regarding the East Med pipeline and the Revithousa port as long as by the most recent talks regarding the common exploitation of the Aphrodite and Leviathan basins.

Israeli-Lebanese General Armistice Agreement serves as the beginning point geographically for the agreement (Security Counsil , 1949). Point 1 can only be considered as a point that Lebanon and Cyprus share since, according to the Lebanese point, it does not reflect the southern end of the median in between Lebanese Republic and the Republic of Cyprus which divides the two countries' exclusive economic zones. Given that it is only one point, like all the others on this line, it cannot be used as an initial point entre Cyprus and any other nation since it is not a terminal point. Second, Lebanon called for the legal requirements and rules to be applied, in addition to the international agreements that consider as illegal any measures undertaken by an occupation Force [37], with the intention of seizing, administering, or annexing a portion of the territory which it occupies. Lebanon perceives Israel to constitute an occupying Power.

After a transparent bidding process, the Lebanese government awarded exploration licenses to a group of three businesses in 2017. Israel objected right once, claiming that since these blocks were included in the Israel-Cyprus Delimitation Agreement, they "belong to the state of Israel." (Permanent Mission of Israel to the United Nations, 2017). The opposite view was expressed by Lebanon, which claimed that the Blocks were Lebanon's property because they were a part of the two delineation agreements with Palestine (Permanent Mission of Lebanon to the United Nations, 2017). The conflict became more challenging after Palestine unilaterally declared its independence on September 24, 2019. As only sovereign states have the authority to make maritime claims, and Palestine is still far from becoming a sovereign state, the Israeli government denounced this move. (Permanent Mission of Israel to the United Nation , 2020). Both sides continued to engage in bilateral provocative actions, such as the Panamanian-flagged geological and hydrogeological vessel that was spotted in the United Nations Interim Force in Lebanon's naval operations zone at a length of 18 nautical miles from the Lebanese coast and coming from the Israeli port of Haifa (Mudallali, 2020). Due to epidemic delays in 2021, the two sides began a protracted negotiating process that resulted in a freshly agreed Lebanon-Israel delimitation[38].

The Turkish side raised the second issue of contention about the delineation between Israel and Cyprus. The Turkish EEZ was declared to overlap with portions of the Cypriot EEZ as a result of the 2019 Turkey-Libya agreement. Cyprus immediately responded, saying, "Cyprus opposes the proposed delimitation of maritime zones throughout this Memorandum, which not only contravenes international law's principles for the signing of treaties but also the law of the sea." The end result is an illegal instrument that infringes on the interests and rights of third parties by fabricating a sea border among Turkey and Libya that does not exist.(Mavroyiannis, 2020).[39]

[37] Lebanon still accuses Israel to be illegally occupying the Gaza strip and the “state” of Palestine. Lebanon is a contester of the autonomy and independence of Palestine. Both parties came together in 14 July 2010 and 19 October 2011 to form a delimitation agreement on their respective EEZs.

[38] Refer to the next chapter.

[39] More on the Turkish-Cypriot Dispute on the chapters to come.

Lebanon – Israel

The two nations finally negotiated a final resolution to their maritime dispute on October 27, 2022, following a protracted mediation process that began in 2012. Without a formal ceremony, the US, which was instrumental in the deal's development, co-signed the accord.[40]

The maritime border between the two states serves as a link between the antagonistic nations that have been technically at war ever since creation of the nation of Israel in 1948. The agreement reflects the parties' desire to further regional stability and general circumstances by pursuing a road of normalization and starting diplomatic and economic cooperation. The US-mediated accord divided the local gas reserves between the two states. Israel will be granted recognition for its buoy-marked border, which it constructed in 2000 and is located five kilometers (3.1 miles) off of the shore of the northern district of Rosh Hanikra. The boundary will thereafter track the southern edge of the Line 23 dispute region. The economic advantages of the region north of Line 23, such as the Qana gas field, will go to Lebanon while Israel continues to produce gas at Karish.

The agreement also comes after Lebanon chose Line 23 over Line 29 after discussions. Line 29 might well have given Lebanon the ability to breach Israel's planned hydrocarbon extraction from the Karish field. The reality is that establishing the Qana region does not provide unhindered access to Lebanon since, according to the agreement, gas development is subject to Israel's consent. For instance, the French corporation Total is expected to investigate the gas field but is required to establish a financial arrangement with Israel without first receiving Beirut's consent. In essence, the deal will give Israel the right to dominate the Karish area while obligating Lebanon to split 17 percent of Qana's earnings with Total and get Israeli consent for its operations. So, rather than providing a long-term basis for cooperation between the two nations, this agreement is better regarded as a constitutional framework to which Lebanon has surrendered. (Hassain, 2022).

Cyprus – Lebanon

Cyprus and Lebanon reached an agreement in January 2007 defining their exclusive economic zone (EEZ). Cyprus approved the agreement, while Lebanon did not because it disagreed with an Israeli-Cypriot EEZ delimitation agreement reached in December 2010. Lebanon claims Nicosia did not consult it before changing the median coherent line with Israel, essentially changing the delimitation line 23 to point 1, which would have taken away 854 sq km of Lebanon's territorial waters. According to Beirut, Article 1-d of the Cyprus-Lebanon 2007 Agreement(Agreement Between the Governement of the State of Israel and the Governement of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone , 2010) reads as follows: “At the request of any of

[40] The first mediator, Frederic Hof presented a plan in May 2012 creating a provisional but legally binding maritime separation line and a buffer zone with no petroleum activities. According to media reports, it acknowledged that around 500 sq km of the disputed area belong to Lebanon. It didn’t satisfy Beirut but was neither approved nor officially rejected at the time.
A second US mediator, Amos J. Hochstein, proposed a plan more favorable to Lebanon. But the plan never took off due to Lebanese government instability and Israel’s lack of enthusiasm for it.
The Trump administration — notorious for its undermanned diplomatic staff — allowed the issue to simmer until Lebanon signaled it was ready to renew talks in April 2019. Since then, US envoy David Satterfield had been working to set the terms for the July conference, and it had been suggested that a possible solution to the Israel-Lebanon maritime border dispute would open both countries’ waters for seismic surveying. It is unclear whether or not this conference took place.

the two parties, any further improvement on the positional accuracy of the median line will be agreed upon by the two parties using the same principles, when more accurate data are available."

Lebanon claims that neither it was contacted nor did it consent to the change within the EEZ as well as its maritime area that resulted from the modification of the median marine line across Cyprus and Israel. Nicosia contends that because Lebanon had not accepted the 2007 accord, it was not required to contact Beirut.

The process of concluding the current delimitation agreement involving Cyprus and Lebanon is started by the new maritime zone agreement between Israel and Lebanon. "The Government of Cyprus applauds the Governments of Lebanon and Israel for their desire to end the issue, as well as the US for its pivotal and successful mediation," it reads on the official website of the Cypriot Ministry of Foreign Affairs.

Turkey – "TRNC"

According to a delimitation agreement with the "Turkish Republic of Northern Cyprus" ("TRNC"), Turkey filed a note verbale in 2011 to the Secretary-General of the United Nations outlining the physical dimensions of its continental shelf within Eastern Mediterranean. The deal was signed on September 21, 2011, and on June 29, 2012, the Turkish government recognized it. Turkey tried to have the agreed coordinates published in the Law of the Sea Bulletin (LSB), which is where formal submissions by governments regarding the maritime law are published, by sending this paper to the UN Secretary-General. Turkey acted in conformity with LOSC article 84(2) (United Nations, 1982) even though it has not ratified the convention (due publicity of charts or lists of geographical coordinates regarding continental shelf delimitation). Yet, the ministry of Oceans and the Law of the Sea's website does not include Turkey's submission as an official deposit.

Turkey holds the opinion that Cyprus, being an island, has less impact on maritime delimitation than the lengthier Turkish coastline, which is exact reverse of the northern coast of Cyprus, in accordance with its position that islands shouldn't be able to claim elongated maritime zones when confronting a bigger coastline. Because of this, and in accordance with the terms of the agreement, the delineation of the continental shelf was done fairly. As a consequence, the delimitation line was drawn closer to Cyprus in certain places, giving Turkey a larger marine area than the "TRNC" was given. At UNCLOS III, Turkey adamantly opposed the median line/special circumstances technique, instead supporting the equitable principles/relevant conditions approach (UNCLOS III, Negotiating Group 7). The "equitable principles" approach, developed in the 1969 Continental Shelf cases, mandates that all pertinent factors must be taken into account in order to arrive at an equitable outcome; however, the Court provided no additional guidance as to how such an outcome would be arrived at, making this approach ambiguous.

Turkey signed an agreement with a government that had been installed following the invasion of Cyprus in 1974, that involved the use of force and violated article. The Turkish Military Forces have controlled northern Cyprus since 1974; the "TRNC" was founded there in 1983. Resolutions 541/1983 and 550/1984 of the Security Council denounced this separatist attempt and underlined that the Republic of Cyprus was the only legal government on the island. In addition, the European Court of Human Rights ruled that Turkey has "effective 2(4) of the UN Charter (United Nations, 1945) control" over the "TRNC" as a "puppet state."

As a result, the breakaway "TRNC" is not a recognized state organization under international law, making the continental shelf delineation agreement among Turkey and it invalid. As a result, it cannot be approved as a legitimate submission by the DOALOS and posted in the LSB. The Republic of Cyprus and Greece both expressed their disapproval of the proposal and the agreement in response to the aforementioned development, as was to be expected.

Cyprus – Egypt

One of the earliest such agreements within the Eastern Mediterranean region is the delimitation agreement between Egypt and Cyprus. There are five articles and one annex in this agreement (Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone, 2003) The median line, where each point is equally spaced from the closest points on the median of the two parties, must be used to measure the Exclusive Economic Zone. The Parties shall work together to come to an agreement on the terms of the exploitation of such resources in the event that shared natural resources exist and extend into the EEZ of the two nations. Before signing the final agreement, both Parties must be informed if one plans to share the EEZ's boundaries with another nation, especially if it involves the coordinates 1 and 8 on the Map described above. Finally, the parties must use arbitration and diplomatic channels to resolve any disputes.

It is to be noted that the delimitation agreement between the two acts as a catalyst for the Turkish-Libyan agreement despite them being 16 years apart[41]. Turkish diplomates up until 2011, and Turkish policy in general were quite favorable of the Mubarak regime with a trade volume increase of 728 million dollars from 2001 to 2004 (Turkish Statistical Institute, 2023). The signing of the agreement with Cyprus was a clear sign of favor towards the later and a barricade towards a possible Turkish-Egyptian deal, hence leading to Turkey leaning on Libya to complete it's aspirations in the Eastern Mediterranean.

Nevertheless, Turkish diplomates never seized trying to urge Egypt to enter bilateral talks, promising that Egypt could increase the size of its maritime zones, along with a series of other potential benefits, if a maritime delimitation agreement were to be signed between the two. In essence, this seems to be an attempt by Turkey to emulate the successful improvement of bilateral relations with Libya following their maritime delimitation agreement and apply the same principle to Egypt.

If a maritime delimitation agreement similar to that of Turkey and Libya were to be made between Turkey and Egypt, this would undoubtedly cut through the EEZs of either Cyprus or Greece, if not both. This would effectively isolate Cyprus from its closest ally Greece, while also pushing Egypt into closer cooperation with Turkey, in favor of the Greek-Cypriot-Egyptian cooperation seen in the last few years.

It is rather clear that Turkey's attempt to establish a maritime delimitation agreement with Egypt is about much more than just a legal matter of distinguishing Exclusive Economic Zones and maritime territory. In fact, such an agreement might serve to fundamentally topple the balance of power in

[41] Mostly due to lack of support Turkish support to the Egyptian government of Mohamed Morsi. The Turkish prime minister went as far as to publicly protest the overthrow of former president Morsi in 2013 and accusing the Egyptian minister of defense Abdel Fattah el-Sisi, of leading a coup d'etat against the Muslim Brotherhood leader.

the region, weaken the international legal framework for maritime disputes and escalate tension in the region significantly.

Greece – Egypt

One of the most recent in the region is the delimitation agreement between Greece and Egypt. Greece and Egypt came to an agreement on the definition of their respective marine maritime borders in the Eastern Mediterranean Basin on August 7, 2020. The impact and right of islands to a continental shelf and an EZE have been reaffirmed and enshrined in a previously unfinished agreement between the two States in accordance with international law as well as the United Nations Convention on Law of the Sea (UNCLOS). This agreement assists both nations in moving toward the most effective exploitation of the resources present within the exclusive economic zone, particularly prospective oil and gas deposits.

The early 2000s saw the beginning of the search for energy supplies in the Eastern Mediterranean, which is where the Delimitation Agreement involving Greece and Egypt has its origins. Determining the maritime borders of coastal states like Cyprus, Egypt, Greece, Israel, Lebanon, Libya, Syria, and Turkey was crucial before the discovery and eventual extraction of offshore oil resources. In 2003, Cyprus and Egypt were the first nations to sign a document defining the Exclusive Economic Zone. The agreement is based on "median lines, each of which is equal distance from the nearest point on the base of the two Parties" Then, in 2007 (which is no longer in force here) and 2010, Cyprus signed two new agreements based on median/equivalent lines, one with Lebanon and the other with Israel. Each of the three texts is brief and has five articles.

In 2005, talks between Egypt and Greece on redrawing their boundaries began. There were two options for delimitation: a peaceful border-based resolution and, if that failed, resort to arbitration or third-party dispute resolution. However, the physical characteristics of Greece and the participation of third countries, such as Turkey, presented legal and political challenges in the delimitation zone despite the protracted and in good faith negotiations. Egypt was trying to stay out of the Turkish-Greek issue.

Egypt, Cyprus, and Greece had their first official meeting on November 8 in Cairo. The Cairo Declaration was signed by the three States at the end of the trilateral summit, ushering in a new era of partnership and collaboration. It was expected that the finding of sizable hydrocarbon reserves could serve as a vehicle for regional cooperation through adherence to well-established rules of international law, starting with the issue that improved the position of every State—that of hydrocarbons. In this regard, the three parties have pledged to consider the delimitation of respective maritime zones where this has yet to be accomplished, supporting the universal application of the UNCLOS. The proclamation further stressed the need of preserving Cyprus's territorial rights and authority over its EEZ and urged Turkey to stop all future seismic survey activities and associated activities within Cyprus's territorial waters. Concern has also been given to the Cyprus conflict, where it has been highlighted that the island must be united in accordance with international law and the relevant Security Council decisions. The President of Cyprus discussed a solution that would result in a bizonal, bicommunal union with a single, unique legal identity and nationality in this respect, while making it clear that the reconciliation between the three states "is not geared towards any administration." (Ekathimerini, 2015) As a result, it has made it possible for all regional players that support international law in order to promote stability, growth, and security in the Eastern Mediterranean to join a growing coalition.

The three sides gathered once more on April 29, 2015, in Nicosia, just about a year since the initial trilateral summit (Reuters, 2015). The collaboration with UNCLOS to be formed as the necessary mechanism through which such cooperation may expand remained centered on the "hydrocarbon problem." Under international treaties and the relevant United Nations Security Council resolutions, the necessity of a just, comprehensive, and long-lasting solution to the Cyprus conflict was again reiterated. Similar to how trilateral convergence quickly expanded, all parties agreed to step up their maritime cooperation after the former Tripartite Memorandum on Tourism Cooperation between Cyprus, Greece, and Egypt, realizing the importance of tourism and the maritime sector to each of the three countries' economies. On December 10, 2015, the third Trilateral Summit took place in Athens, and it became even more geopolitical (Joint Declaration of the 3rd Greece-Cyprus-Egypt Trilateral Summit, in Athens., 2015). Greece, Cyprus, and Egypt acknowledged the potential for greater cooperation brought on by the discovery of the substantial "Zohr" natural gas field and reaffirmed their support for the UNCLOS's designation of contiguous maritime zones. Also, they applauded the ongoing diplomatic efforts being made by the UN Good Office Mission to find a fair, lasting, and effective solution to the Cyprus problem. The creation of a Joint Cooperation Committee was also voted upon in order to establish, promote, and stimulate practical initiatives of trilateral relevance in addition to the political side of the cooperation. The EU proposal that was first presented at the Euro-Mediterranean Conference on November 27, 1995, and which lay the foundation for the Euro-Mediterranean Partnership, was also mentioned in relation to the 20th anniversary of the Barcelona Declaration.

The fourth Trilateral Summit was convened by the three States on October 11, 2016, in Cairo, with a focus on Euromed and United for the Mediterranean. (EGYPT-GREECE-CYPRUS TRILATERAL SUMMIT CAIRO DECLARATION, 2016) The EU components that called for sustainable energy sources and pathways, protection of the energy supply, and development of new infrastructure systems improved the main axis of collaboration that dealt with oil. The three nations resolved to increase their energy cooperation while also noting the importance of the regional power capacity to the EU's goals. Moreover, it was reiterated that the UNCLOS and other well-established international legal principles will serve as the foundation for any future explorations and transportation options that serve as a conduit for regional peace and prosperity. In a similar manner, any outstanding issues relating to the delineation of adjacent marine zones should be handled appropriately.

The progress made by both nations in maximizing the utilization of relevant resources within the exclusive economic zone, notably prospective oil and gas deposits, is made possible by this agreement.

The UNCLOS and the UN Charter's significance and prospective applicability are acknowledged in the Preamble to the Agreement with Greece and Egypt. It specifically refers to the principles of peace, harmony, and good faith. Each party must establish its sovereign rights and power in accordance with the UNCLOS, to which both Greece and Egypt are parties, according to the Preamble. According to UNCLOS, the principal method for defining maritime boundaries, along with the EEZ and also the continental shelf, is an agreement between the parties based on international law. UNCLOS requires that the border reach an equitable conclusion rather than defining a process for determining the limit. According to Articles 74(1) and 83(1) of the UNCLOS, a consensus-based openly agreed-upon and accepted delimitation convention conforms with international law. Moreover, the Continental Shelf mechanism is not covered by the agreement. The parties likely came to the understanding that the EEZ included territorial rights and sovereignty over the

continental shelf in this way. The EEZ as well as the continental shelf inside 200 nautical miles are two separate zones, yet they share common borders and fundamental rights. Thus, international legal precedent points to a tendency toward a single boundary for the continental shelf and the EEZ inside 200 nautical miles.

A very straight-line delimitation of opposing EEZs based on the median line is also the acknowledged border. Just 5 points remain in the design between the 26th and 28th meridians. It is required to establish the geographic scope of execution of the applicable control requirements under traditional international law and the UNCLOS obligation not to harm or impede the conclusion of the final agreement.

The agreement attests to the fact that the Greek isles have been regarded as being inside the sea's limits. The Greek side's boundary was entirely concentrated on the island's coastline. The boundary was drawn partially from Rhodes and along Crete at these sites, which demonstrate this. The islands may be used as the foundation for the maritime boundary, which is the median border between both the Greek islands and the opposing mainland coast, because they generate maritime zones of their own even though they are intricately connected and establish communities that represent spatial oneness. Only certain low-rise heights and other inhospitable insular characteristics are assumed to be allowable by Greece in the delineation procedure. In contrast to Greece's core problem, the border in the Greek-Egyptian accord is a modified median rather than a rigid median line.

The Turkish reaction was to immediately condemn the agreement in similar fashion to their stance on the Cyprus-Egypt agreement. The brief press release of the Turkish Ministry of Foreign Affairs states the following:

> "A maritime boundary between Greece and Egypt does not exist. With respect to Turkey, the so-called maritime delimitation agreement signed today is null and void. This understanding will reflect on the ground and at the table.
>
> The supposedly-delimited area lies within the Turkish continental shelf as declared to the United Nations.
>
> Egypt, who surrendered an area of 11.500 km2 with the so-called agreement it signed with the Greek Cypriot Administration in 2003, once again suffers losses at the expense of the Egyptian people with this move.
>
> This so-called agreement also attempts to usurp the rights of Libya.
>
> It is without a doubt that Turkey will not allow any activity at the area in question and will resolutely continue to defend its legitimate rights and interests as well as those of the Turkish Cypriots in the Eastern Mediterranean." *(Ministry of Foreign Affairs , 2020)*

Turkey – Libya

The Memorandum of Understanding 2019

Even before the maritime issues in the Eastern Mediterranean region surfaced, the two Mediterranean nations were already intricately linked. From the days of the Ottoman Empire, there has been a spirit of collaboration and understanding in the Turkish-Libyan connection. A long-standing and close economic bond between Turkey and Libya was established under Muammar Qaddafi's leadership. Due to the fact that many contracts for building Libya's infrastructure had been awarded to Turkish businesses, particularly those involved in construction, Turkey has made a commitment to supporting the globally renowned government, notably through the sale of a range of military hardware. Hence, the combined proclamation respecting their marine zones was made in 2019.

The "Memorandum of Understanding between the Government of the Republic of Turkey and the Government of National Accord-State of Libya on Delimitation of the Maritime Jurisdiction Areas in the Mediterranean," which was signed on November 27 in Istanbul, serves as a precontract for a bilateral delimitation agreement between the two countries. It should be remembered that at the time the Memorandum of Understanding (MoU) was signed, the Government of National Accord[42] (GNA) which held less than half of Libya's territory and was obviously on the defensive, was losing the battle there[43] (Center for Preventive Actions , 2022). This "gift" of an agreement to the GNA is a component of the larger "Mavi Vatan" or "Blue Homeland" philosophy, which seeks to elevate Turkey to a significant position in the wider region and beyond by asserting "extensive maritime

[42] The battle for control over Libya crosses tribal, regional, political, and even religious lines. Each coalition has created governing institutions and named military chiefs—and each has faced internal fragmentation and division. In an effort to find a resolution to the conflict and create a unity government, then-UN Special Envoy to Libya Bernandino Leon, followed by Martin Kobler, facilitated a series of talks between the Tobruk-based HoR and the Tripoli-based GNC. The talks resulted in the creation of Libyan Political Agreement and the UN-supported GNA. The GNA has continued to face obstacles to creating a stable, unified government in Libya.

[43] The UN-backed Government of National Accord (GNA) declared a state of emergency in Libya's capital city of Tripoli in September 2018, less than a week after a UN cease-fire went into effect. Attempts to create a unity government have met with limited success as the House of Representatives (HoR)—based in Libya's east and a key supporter of Libyan National Army's (LNA) leader General Khalifa Haftar—and the GNA compete for power. Both governing bodies have created their own central banks and have consolidated control over oil fields. In May 2018, French President Emmanuel Macron convened a meeting between Haftar, GNA leader Fayez Seraj, and parliamentary leaders to discuss an end to the conflict and future elections. Though the rival groups agreed to hold elections in December 2018, UN Special Envoy to Libya Ghassan Salame said elections would be postponed until the spring of 2019.

Rival armed groups, including militia groups loyal to the LNA's Haftar—a Tobruk-backed former Qaddafi loyalist—and the GNA's security forces have continued to fight over access to and control of Libya's National Oil Corporation (NOC), as well as regional oil fields. In December 2018, the NOC closed Libya's largest oil field, El Sharara, due to security concerns; the LNA has since declared that the field is secure and ready to resume operations, but NOC Chairman Mustafa Sanalla refused to restart production in February 2019, stating that the field was still unsafe due to militant activity.

The presence of the self-proclaimed Islamic State, which established a foothold in the country in February 2015 and quickly gained control of the coastal city of Sirte—formerly the group's most significant stronghold outside of Syria and Iraq—has further complicated the struggle for control. In July 2018, Haftar announced that the LNA had recaptured the city of Derna, the last outpost of the Islamic State militants in eastern Libya. However, the group continues to operate throughout the country and conducted an attack on Libya's foreign ministry in December 2018.

sovereignty in the Aegean and Mediterranean waters." As a result, this theory aims to give Turkey substantial portions of the Eastern Mediterranean continental shelf at the cost of its neighbors[44].

The MoU clearly states Turkey's position on the laws of the sea, according to which islands still had no claim to the continental shelf or any ensuing rights or advantages. The Continental Shelf of the island of Crete is directly bounded by the delimitation points of the MoU. Beginning with two members of the European Union, Greece and Cyprus, along with Egypt, the signing has angered the neighbors. They view the pact as a Turkish effort to increase its political, economic, and military might in the area at their expense. The GNA envoy in Athens was promptly expelled by the Greek government in retaliation. The Agreement is seen as an urgent threat to the Exclusive Economic Zones of Greece and Cyprus. Tensions were only heightened by the Turkish government's declaration of exploratory operations in the region. The abovementioned Greek-Egyptian delimitation agreement, which produced a region of conflicting claims and authority, was the immediate reaction.

What the Greek – Egyptian agreement managed to achieve was first and foremost to create an area of overlapping claims preventing the Turks from exploiting the gas reserves of the area and establishing the trade routes. According to article 74(3) and 83(3) of UNCLOS (United Nations, 1982) in cases of overlapping claims involved states are obliged to remain absent from acts of unilateralism "without prejudice to the final delimitation". Therefore until a final agreement is reached, which the thing Article 74 urges the states to do, neither of neither of the disputers are allowed to proceed to permanent measures or activities that could alter the morphology or the biotope of the area or exercise state force by apprehending citizens of the other state conducting non-illegal activities.

As much as the creation of areas of overlapping claims was an effort to put a stop on the Turkish claims, this situation bears benefit also for the Turkish side. the most significant benefit to Turkey of this rapprochement is its ability to restrict oil and gas exploration in the eastern Mediterranean off the coast of Cyprus. Turkey's maritime border deal with Libya draws a vertical line across the Mediterranean, disrupting plans between Greece, Cyprus, Egypt, and Israel over oil and gas drilling rights. As the Turkey-Cyprus dispute still rages, turkey is trying to upgrade the status of the self proclaimed government of the "Turkish Republic of Northern Cyprus" ("TRNC"l dril). While Cyprus is proceeding to more and more exploration and exploitation contracts in the Eastern Mediterranean, Turkey is trying to secure a Turkish buy-in in those agreements by threatening to disrupt them. It is not random that the Turkey-Libya agreement came at the same time as the 6 billion USD project of the East Med pipeline, a pipeline transferring natural gas from the reach Israeli Leviathan basin through Cyprus and Greece to Italy. Turkey clearly views the rise of Israel to a regional hegemon in the Middle East as both a threat to it's position in the Eastern Mediterranean and a threat to it's control over Cyprus.

For Libya, the deal is an attempt to get the assistance required to solve its internal issues. The GNA was formed by the UN in 2016 and is formally backed by the US and other Western nations. Turkey, which has sent GNA chief Sarraj armored vehicles and drones, is theoretically Tripoli's lone foreign supporter. A obvious attempt on the part of the GNA to fill the gap left by the US is the adoption of the Memorandum together with a military accords and an explicit request for Turkish military deployment in Tripoli.

[44] More on the "Blue Homeland" doctrine on the pages to come.

From the first to the second MoU.

The signing of the Libyan-Turkish memorandum of understanding on maritime sovereignty in the Eastern Mediterranean was hinting a further development. With the confidence of a regional power, Turkey is bolstering its presence in Greece's soft underbelly, leading to three scenarios about what Turkey's plans for the region entail on the way ahead.

The first scenario is that Turkish drillships will get to work in the Gulf of Sidra (or even beyond), without, however, encroaching on the claimed or delineated Greek exclusive economic zone (EEZ). In other words, the Turkish drillships or seismic survey vessels will not come near Crete. This will keep the tension at a tolerable level and prevent an escalation into a military crisis.

The second is that Ankara will try to challenge Greece's sovereign rights south of Crete (i.e. near the prefecture of Hania), but Turkish ships will still avoid the delineated Greece-Egypt EEZ. This raises important questions regarding the national red line. Is it at 6 nautical miles, at 12 nautical miles or is it at the claimed Greek EEZ?

Scenario number three stipulates that Ankara will decide to send a drillship into the Greek-Egyptian EEZ with a warship escort in order to impose the provisions of its so-called maritime borders memorandum with Libya. This scenario may be coupled with a simultaneous diversion in the Aegean or Cyprus. Under the present circumstances, it is also the one that is least likely. As long as Greek-Egyptian defense cooperation remains close, the Turkish side will avoid disrupting ties with Cairo.

The energy cooperation deal (2nd Memorandum)

A new revealed Memorandum of Understanding covering gas development in Libyan sea and terrestrial area was signed in October 2022 by officials of the two nations. These agreements for collaboration are in the best interests of both nations and will contribute in resolving the global oil and gas crisis, according to Libya's Minister of Foreign Affairs and International Cooperation Naila Magnus. When asked about the concerns raised by Greece and France regarding the agreement, Turkey's Foreign Minister Mevlut Cavusoglu responded, "The agreements we signed in the past and the agreements we signed today are agreements signed between two sovereign states, Libya and Turkey, with a win-win approach. Thus, third parties are not permitted to intervene... What they believe is irrelevant.

Greece's foreign ministry responded forcefully, declaring in a statement that it "has sovereign rights in the area, which it intends to protect by all lawful methods, with total respect for the International Law of the Sea." The EU also remarked on the signing of the revised Libya-Turkey Memorandum, stating that any measures that would jeopardize regional stability should be avoided. In its final sentence, the EU statement states that "the new accord has not yet been publicly disclosed. About its contents, more information is required. Avoid taking any actions that can threaten regional stability.

The maritime dispute between Turkey and Cyprus

The islands' Continental Shelf approach.

Some of Turkey's long-standing stances on the law of the sea are outlined in the aforementioned delimitation agreement. It does not address the establishment of an exclusive economic zone and solely addresses the continental shelf (EEZ). Nothing prevents coastal states from deciding which maritime zones to assert and/or delimitate, but Turkey's decision to forego delineating an EEZ with the "TRNC" alludes to its position that islands in some areas (implicitly the Aegean Sea) shouldn't be allowed to claim maritime zones belonging to them outside of territorial sea or ought to have a limited ability to do so. Since the 1970s, Turkey has maintained that the Aegean islands are located on the continental shelf of Anatolia (Turkey), and as a result, do not have a continental shelf of their own. This stance was established as part of the dispute between Turkey and Greece regarding sovereignty over the maritime areas of the Aegean Sea. At the Third United Nations Convention on the Law of the Sea (also known as "UNCLOS III"), this issue caused friction between the Turkish and Greek delegations. In the end, the Conference recognized islands' rights to create marine zones within the terms of LOSC article 121(2). Article 121 of the LOSC applies to non-state parties as well since it incorporates customary law (ICJ, Nicaragua v. Colombia (2012), para. 139).

One of the reasons Turkey voted opposed and has not yet consented to the LOSC is because of its displeasure with the clauses on the regime of islands (see Plenary Meetings 160 and 189). In order to be clear, it should be noted that depending on the situation, an island's ability to claim a certain amount of marine space may be limited (see, for example, the Anglo-French Arbitration of 1977, Tunisia v. Libya in 1982, the Black Sea Case in 2009, and Bangladesh/Myanmar in 2012). As a result, even while in theory islands are not stripped of the rights accorded to them through article 121 LOSC, their full impact in determining maritime boundary lines may not always be given. Nonetheless, islands cannot be disregarded their ability to create marine zones or to have a reduced impact at the outset; each situation should be examined in light of its own particular circumstances. In any case, the advent of the EEZ concept and the predominance of the "distance criteria" over the "geological" one for marine delimitation have significantly weakened the Turkish claim that the Greek islands with in Aegean are situated on the continental shelf of Turkey. According to the distance criterion, a state's marine space should be measured from the shore at a specific defined distance to determine how wide it should be. Contrarily, the geological criterion would allow a state to acquire the sea waters that are located over the "natural extension" of its territory, regardless of how far those seas are from its shore. The ICJ disproved the claim that islands belonging to one state cannot occupy their own continental shelf since they're situated on the continental shelf of another state in the Nicaragua v. Colombia decision (2012):

"The Court does not believe that any weight should be given to Nicaragua's contention that the Colombian islands are located on "Nicaragua's continental shelf". It has repeatedly made clear that geological and geomorphological considerations are not relevant to the delimitation of overlapping entitlements within 200 nautical miles of the coasts of States." (para 214).

The "Blue Homeland" theory.

Turkey's Shifting Security Policy

The Blue Homeland is a tactic that was proposed back in 2006 but ignored at the time since Davutoglu's concept was more practical. There are differing opinions as to who initially came up with the Blue Homeland idea, however it is clear from Turkish media trends that the Turkish government wishes to credit Cem Gurdeniz. Up until recently, Cihat Yayci, the previous chief of staff of the navy, largely spoke about the "Blue Homeland" in his speeches. Turkish officials, however, gave former Turkish Vice Admiral Cem Gurdeniz recognition for the thesis after he was demoted and resigned. The decision is quite intriguing. After earning a PhD in Brussels, Gurdeniz worked at the NATO headquarters and several warships. Gurdeniz oversaw strategic planning for the Turkish Navy from 2009 to 2011. Also, he is the creator of several publications on naval and military strategy. He was detained among other top commanders in 2011's Sledgehammer (Balyoz) trials, three years after achieving the rank of rear admiral.

Revisionism, which aims to build a contemporary society by revolutionary reforms and avoid a return to old habits, is one of the core concepts of Kemalism. The protector of modernity and secularism in Turkey was the military. Every time a religious party gained power, the army intervened to restore the secular control of the government. The military made an unsuccessful attempt at a coup d'état in 2003 after the AKP took office in 2002. The scheme was known as "Sledgehammer" (Balyoz in Turkish). A State of Emergency was declared in order to incite chaos and violence and lay the groundwork for a coup d'état. It was authorized by 162 military commanders, including 29 generals. Erdogan, however, not only thwarted the coup but also neutered the military, which had been the protectors of laicism. A significant number of military indictments occurred after it.

Gurdeniz's involvement in the Sledgehammer case reveals his affiliation with the nationalist-Kemalist wing of Turkish politics. He was condemned to 18 years in jail after being found guilty, however he was freed in 2015. Unexpectedly, he has emerged as the main supporter of the Blue Homeland theory. Erdogan may be attempting to win over the nationalist voters and win over Kemalist voters (who often support the CHP) by appeasing them.

The greatest drill in modern Turkish history, which began on February 27 and lasted for 10 days, served as the official launch of the Blue Homeland plan. Turkey's capacity to fight a war concurrently on three fronts—the Black Sea, the Aegean Sea, and the Eastern Mediterranean—which together make up the 462,000 square kilometers of the Blue Homeland maritime map—was put to the test during the exercise. The military exercise involved 103 war vessels and 20,000 personnel, and the Turkish Navy visited 33 ports within Turkey and seven locations outside of Turkey on the Black Sea littoral.

During the drill, Erdogan and the Naval Commander stood in public facing the Blue Homeland chart, which claimed Greek islands and it was perceived as a threat to nearby nations. It was an assertion of control over the marine sphere and a proof that Erdogan had approved the proposal.

What is the Blue Homeland?

Although the Blue Homeland idea was developed 15 years ago, Davutoglu's ideologies at the time eclipsed it. There were just a few nationalist circles that approved of The Blue Homeland. Its three primary components are investments in the defense sector, cross-border defense, and a significant

militarization of Turkish foreign policy (Colibasanu, 2021). The military presence of Turkey in Iraq, Syria, and the Eastern Mediterranean demonstrates the militarization of its foreign policy. In addition to their direct engagement in the 2020 Artsakh War, Turkey also uses armed drones in Cyprus, maintains military facilities in Somalia and Qatar, and has a presence in both countries.

Second is the defensive strategy in cross-border areas. Cyprus, Qatar, Somalia, northern Iraq, and Libya all have Turkish military installations and troops stationed there. The agreement between Turkey and Libya, which gives Turkey the authority to govern Libya's marine region, is one example of how the second pillar is shown. As a result, Turkey has control over both vessel traffic and natural gas storage facilities and pipelines. Turkey might take control of them given that fresh hydrocarbon finds in the Eastern Mediterranean provide Israel the chance to build pipelines to Greece and Italy.
Another remarkable instance is Turkey's establishment of administrative institutions in northern Syria, which it not only came to control over.

Investments in the defense sector are last but certainly not least. Among the few remaining economic rays of hope in Turkey is the country's defense sector. It gains from both government funding and private producer involvement. It unites the secular, nationalist, and religious elements of Turkish politics. Via the MILGEM project, Turkey manufactures military drones, its very own rocket systems, and jointly manufactures attack helicopters, tanks, and warships.

The major objective of the Blue Homeland philosophy is to establish and strengthen Turkish sovereignty over the oceans that surround it in order to increase its regional and global influence and eventually gain control over new energy sources. Turkey pursues an expansionist energy strategy in the Eastern Mediterranean while sticking to the Blue Homeland, looking for gas deposits. In order to be a maritime, economic, and political force, Turkey seeks to dominate the Mediterranean Sea, the Aegean Sea, the Black Sea, and even the Red Sea. Because Turkey refuses to sign the 1982 UN Convention on the Law of the Seas (UNCLOS), it consistently votes against the Omnibus Resolution on the Law of the Sea at the UN General Assembly, most recently on December 5, 2017 (United Nations , 2017). Its unwillingness to ratify this marine legislation has caused it to be at odds with the majority of regional players. In particular, Turkey is asserting claims against the marine sovereignty of its neighbors under the Blue Homeland theory because it refuses to recognize their maritime rights.

The NATO allies France and Greece do not accept Turkey's expansionist policies. Moreover, Erdogan's aspirations have drawn the ire of Israel, Russia, Egypt, and Saudi Arabia. Turkey is now isolated in the area as a result of its aggressive maritime tactics. The EastMed Gas Forum (EMGS, n.d.) was established on January 16, 2020, by Cyprus, Egypt, Israel Greece, Italy, Jordan, Lebanon, and Palestine. The United States has joined as a permanent observer and France has already applied to join the conference, giving it significant international weight. The energy goliaths of France and the United States, Total, Noble Energy, and ExxonMobil, have already secured permits to extract gas from the nations in the region. France sent navy ships to the Eastern Mediterranean to help Greece during the summer of 2020 when Athens and Ankara clashed over oil and gas extraction in disputed seas near Cyprus. In addition, Cyprus no longer faces a 33-year weapons embargo from the US. To support attempts for unity and prevent an armed conflict on the island, Washington had set limitations on the delivery of armaments to Cyprus in 1987. These are very

significant events that are pushing Turkey farther into isolation as a result of a harsh response to its Blue Homeland philosophy.

The end of the Davutoglou era.

It is clear that Turkey has already moved away from the ideas of the previous prime minister Ahmet Davutoglu, one of the very few AKP members with an intellectual education. He oversaw the international relations program at Istanbul's Beykent University. Putting his scholarly beliefs into reality, he joined the AKP. Davutoglu asserts that Turkey's history and geographic location provide it "strategic depth." He grouped Turkey with other little, so-called core power states. According to Davutoglu, Turkey's might extends beyond that of the area and may perhaps be a superpower. Turkey might adopt a multifaceted foreign policy and take a leading position in world affairs as a result of its strategic depth. According to Davutoglu, Turkey may serve as a bridge between Islam and the West while also exerting an influence over the Middle East, Caucasus, Central Asia, Balkans, Caspian, Mediterranean, Gulf, and Black Sea nations.

Although the AKP's foreign policy under Ahmet Davutoglu was well known for its "zero issues with neighbors" tenets, it was only one component of the overall philosophy. Indeed, there are five main tenets: a multifaceted foreign policy, rhythmic diplomacy, "zero conflicts with neighbors," development of connections with adjacent areas and beyond, and a balance among security and democracy. (Hassan Ali Murshed, Hamood Alyasery, & A. A. Abdulqader, 2020)

In order for a political regime to continue to be legitimate, according to Davutoglu, security and democracy must be balanced. Security shouldn't impose restrictions on liberties and human rights. Turkey had aspirations of becoming an Islamic nation with a functioning democracy that would serve as a role model for the entire Islamic world at the time. Yet, today's democratic reversal in Turkey has dashed any such hopes.

Second, there's the well-known "zero conflicts with neighbors" tenet, which also failed, most notably after Turkey directly got involved in the Syrian Civil War. The term "zero neighbors, no issues" is now occasionally used in a mocking manner. The "football diplomacy" of the time is today seen as a cynical PR attempt to obstruct President Obama's then-newly elected decision to recognize the Armenian Genocide. This principle had led to attempts at rapprochement with Armenia in 2009, but genuine commitment never materialized. Almost all of Turkey's neighbors are currently at odds with it, including its direct involvement in the 2020 Artsakh War[45] and the recent events, with Greece serving as a prime example.

The growth of ties with surrounding areas, such as the Near East, Caucasus, North Africa, and Central Asia, is another guiding element. One of the initial stages toward Erdogan's present neo-Ottoman fixation was these expansionist aspirations.

Adherence to a multifaceted foreign strategy is the fourth tenet. The relationship between Turkey and other global players should be complimentary rather than competitive, in accordance with

[45] The Second Nagorno-Karabakh War was an armed conflict in 2020 that took place in the disputed region of Nagorno-Karabakh and the surrounding territories. It was a major escalation of an unresolved conflict over the region, involving Azerbaijan, Armenia and the self-declared Armenian breakaway state of Artsakh. The war lasted for 44 days and resulted in Azerbaijani victory, with the defeat igniting anti government protests in Armenia. Post-war skirmishes continued in the region, including substantial clashes in 2022.

Davutoglu's perspective. The USA, NATO, Russia, and the EU are a few of them. Erdogan, however, has also managed to violate this premise.

Rhythmic diplomacy is the last but not least. Turkey made an effort to adjust to the dynamic international environment. Ankara, for instance, attempted to formalize its relationships with various international institutions and act as a mediator in various international circumstances.

In conclusion, Blue Homeland's reliance on heavy machinery is observable proof of Turkey's evident departure from the guiding principles of the AKP's prior foreign policy. By extending its expansionist policies from land to water, it puts further strain on local ties and established alliances. Turkey is pushing its boundaries, and when it does, it may be expected to become embroiled in more serious disputes.

The maritime dispute between Turkey and Cyprus

The establishment of the Republic of Cyprus.

The issue of Turkish and Greek populations' shared sovereignty on the island of Cyprus has long been a major one. Nonetheless, it was supposed to be resolved with the RoC's formation in 1960. The legal foundation for the RoC as well as its constitution is the London-Zurich Agreements, which were signed in Nicosia in 1960 by the RoT, RoC, Greece, and the UK (Treaty Concerning the Establishment of the Republic of Cyprus, 1960). On the same day as the aforementioned pact, the supplemental Treaty of Guarantee was also signed (Treaty of Guarantee, 1960). Each of the three guarantor states (RoT, Greece, and the UK), as stated in article 4(2) of the Treaty of Guarantee, has the power to take measures in order to restore the situation in Cyprus to the circumstances outlined in the Treaty.

A multi-party agreement was used to form the Republic of Cyprus, but this did not result in peace on the island. The intercommunal conflict between the Turkish as well as Greek regions of the island was increased and leaded to tremendous deaths, destruction of cities and towns and dislocation of the people . Greek Cypriots who supported the notion of Enosis—the merger of Cyprus with Greece—conducted a coup d'état in 1974. In response, the military of the Republic of Turkey intervened on the island to guarantee the protection of people and property for Turkish society.

RoT asserted that it had just used its power under Article 4(2) of the Treaty of Guarantee to restore the island's peaceful status[46]. Yet RoT took control of the north as well as a third of the island. Turkish forces never once have left the island since their initial visits there. The majority opinion in the international world is that RoT occupied the northern part of the island unlawfully. Although taking into account the unique circumstances of the moment, the Turkish perspective is that the intervention was in conformity with article 4(2) of the Treaty of Guarantee.

[46] 0 Historical Background of the Cyprus Issue, the Official Website of the Deputy Prime Ministry and Ministry of Foreign Affairs of "TRNC", available at https://mfa.gov.ct.tr/cyprus-negotiation-process/historical-background/ (Date of access: 08.08.2019).

On the other side, RoC has never agreed to the concept of legal involvement and has asserted that RoT unlawfully invaded the island's north and that no legal implications can be associated with this unlawful unilateral action. Hence, as recognized by the international community, RoC asserts sovereignty or sovereign rights over every one of the waters around the island, including the northern ones.

The Hydrocarbons issue.

Since 1974, there hasn't been a meaningful improvement in the situation. However, the creation of the "TRNC" in 1983 worsened the situation and essentially put an end to any hopes for the island's reunification. The most recent hydrocarbons problem in the 2010s did not assist with the answer and made the connections much more difficult. The finding of hydrocarbons added a new important problem to the list of ones that were already waiting to be resolved. Also, the recently discovered problem influences the other long-standing issues, and vice versa. This complex circumstance greatly exacerbates the conflict.

The RoC started exploring efforts in 2006, which is when the fight over Cypriot hydrocarbons started. After the first exploration drilling was done in 2011, the Aphrodite gas field, a rich gas deposit, was found in the island's southernmost neighboring seas. There haven't been any exploitation activities, but the RoC's Minister of Energy recently announced that they anticipate the Aphrodite gas field's first natural gas production to start somewhere between 2024 and 2025 (Reuters, 2019). The fact that RoC provided the authority to explore and use natural gas and oil reserves in disputed zones, such as by awarding licenses to Eni and Total in zone 6, is another significant episode in regard to the goals of this thesis.

But, in 2013, RoT deployed its first seismic ship to the area, the Barbaros Hayrettin Pasa (Cyprus Mail , 2019). After that, in October 2018, the Fatih drilling ship went to the island's western seas (Mustafa, 2018). In June 2019, RoC filed an outstanding warrant for the ship's crew since RoC had already declared this area to be its Exclusive Economic Zone (Daily Sabah, 2019). Yet, despite warnings from the EU and RoC about breaking their sovereign rights in the latter's EEZ, RoT dispatched its second exploration ship, Yavuz, into the island's eastern seas (Reuters, 2019).

The Position of the Parties

To get a clear image for the study subject, the maritime region accusations and the national laws of the participants need to be clarified. The scenario and legal status are described as follows in the Cypriot part: In 1964, RoC formed its own 12 nautical mile territorial waters (United Nations, 1964). In addition, it announced its 200 nm continental shelf in 1974, declaring that the outer boundary of the continental shelf doesn't quite extend over the median line in respect to the delimitation with the opposing coastal states unless there is a delineation agreement between the parties (United Nations , 1974). RoC signed the UNCLOS in 1998, and in 2004 it created its 200 nm EEZ (Cyprus House of Representatives , 2004). Cyprus quickly entered into many delimitation agreements with the region's bordering countries.[47]

[47] Refer to previous chapters regarding the existing delimitation agreements of the Eastern Mediterranean region.

The RoT's perception of the legal situation is different. The RoT's territorial sea law sets a boundary of 6 nautical miles for territorial seas, but it also gives the Council of Ministers the authority to extend that limit in certain instances. RoT now possesses 6 nautical miles of territorial sea in the Aegean Sea, but according to a directive by the Council of Ministers, it also has 12 nautical miles of territorial waters in the Mediterranean Sea and the Black Sea (Turkey Council of Ministers). Moreover, RoT has any legislation governing continental shelf as well as EEZ regimes, but it did proclaim a 200 nm EEZ with in Black Sea (Turkey Counsil of Ministers , 1986). In the Mediterranean and Aegean Seas, RoT has not formally declared an EEZ or a continental shelf. Contrary to the EEZ rule, the continental shelf is not subject to declaration. As a result, the coastal state is automatically granted the rights to the continental shelf, and in fact, RoT has access to these rights in the Mediterranean Sea up to 200 nautical miles from its baseline. The territorial seas of RoC along with the alleged continental shelf of “TRNC” are the sole exceptions that RoT makes to its application of the Mediterranean continental shelf.

Activities of Turkish vessels related to the dispute

Barbaros Hayreddin Pasa

The seismographic research vessel Barbaros Hayreddin Pasa was constructed in 2011 and acquired by TPAO (Turkish Petroleum Company) in 2013. 114 Since 2014, she has been performing seismic surveys in the Eastern Mediterranean (Reuters, 2018). These waterways are those that the RoC claims, and in their unofficial document, a map of the operations carried out by Barbaros Hayreddin Pasa is included. 116 According to the map, between 18 October 2018 and 1 February 2019, the Barbaros Hayreddin Pasa was looking for oil and gas in the western seas of the island. She fled to the southern seas just before Fatih arrived to the island's western coast.

The vessel Barbaros Hayreddin Pasa is only used for seismic research and surveying (Balticshipping , 2019). She is therefore limited to doing seismic scanning tasks. She lacks a drilling facility on board and is unable to do any drilling operations. She is therefore unable to alter the physical characteristics of the seafloor or subsoil or create permanent harm. There are differences in the exploratory efforts, as was previously stated. The ones that do not damage the seabed are acknowledged as not impeding or jeopardizing the achievement of a final agreement. The no harm and good neighbor standards are not being violated by these actions. Overall, Barbaros Hayreddin Pasa's actions in the western seas of the island of Cyprus are in conformity with maritime law.

Fatih

Fatih is an deepwater drillship that Turkish Petroleum Company (TPAO) acquired in 2017 (Wikipedia). She is the first drilling ship for RoT. Since 2018, she has been performing seismic surveys in the Eastern Mediterranean. Between 3 May and 3 September 2019, she is drilling 75 kilometers off the west coast of the Republic of Cyprus. The RoT's continental shelf and the RoC's EEZ and continental shelf overlap in this region, which is the subject of the present claim.

Modern drilling vessel Fatih is outfitted with cutting-edge equipment. She has the capacity to carry out deep-sea drilling operations, unlike Barbaros Hayreddin Pasa. Her primary objective is really to carry out exploratory drilling in order to evaluate the information on possible resources gathered by Barbaros Hayreddin Pasa or other seismic study and survey boats. But, as previously noted and affirmed in several judgments, such as Suriname v. Guyana or the Aegean Sea Continental Shelf Cases, the physical alteration of

the bottom is contrary to the notion of doing no harm. Hence, the operations of Fatih or other vessels with similar purposes in the disputed zone are in breach of maritime law.

Regarding compliance with the legal framework of the law of the sea, drilling capability is the primary distinction. The parties must refrain taking any actions that might potentially have an impact on the final agreement in the future in accordance with the concepts of no damage and good neighborliness. The international tribunals and courts clearly declared that the "litmus test" for determining whether any action is acceptable in the implementation of the rule is whether it physically alters the seabed. This is so that the physical alteration of the maritime environments may be considered as an irreversible change. Overall, Barbaros Hayreddin Pasa's actions are not against international law, but Fatih's actions are against the law of the sea.

Together with these two ships, a third drilling ship named Yavuz that was just dispatched to the area is also there. She shares the same characteristics as Fatih, meaning she is capable of carrying out deep-sea drilling operations. In account of the license “TRNC” granted to the TPAO, her drilling region is the eastern seas of the island. She stays out of the direct overlap between RoC and RoT as a result. Hence, as stated in the introduction, she and her actions are not included in the scope of this thesis.

License issuing by the parties.

Cyprus's licenses

In February 2007, RoC announced the opening of the first overseas licensing round for 11 exploration areas inside the EEZ and continental shelf (Hazou, 2016). The third offshore licensing round was performed by RoC in February 2016, and the partnership between ENI and Total was given the license to explore Block 6. After digging an exploratory well in the Calypso region in February 2018, multinational petroleum firms began to perform hydrocarbon activities and made the discovery of a lean gas. As may be observed from the maps, the Calypso hydrocarbon field is located considerably south of the grant block 6. As a result, it does not fall within the region of overlapping claims; nonetheless, it demonstrates that the businesses with RoC licenses carry out drilling operations in the zone for which they have been issued.

As previously stated, the exploratory drilling violates the fundamental legal norms of good faith, non-harm, and good neighborliness. As a result, any drilling operations carried out by Eni&Total or anybody else with RoC authorization or authority in the northern section of Block 6—where the claims of the various parties overlap—violate maritime law. The fact that such corporations have been granted permission to carry out these operations in the disputed territory demonstrates disdain for RoT's claims and its sovereign rights under international law. Overall, by issuing unilateral licenses to foreign petroleum corporations in the disputed region, RoC broke the law of the sea.

Turkey's licenses

Since 2011, RoT has been doing exploratory operations in the Eastern Mediterranean through state-owned business Turkiye Petrolleri Anonim Ortakligi, or TPAO for short. Since then, TPAO has been undertaking exploration activities in the authorized region with four vessels: the only seismic surveying-capable Barbaros Hayreddin Pasa and Oruc Reis, as well as the drilling-capable Fatih and Yavuz. So far, only Fatih and Barbaros Hayreddin Pasa have served in the contested region. As they don't really alter the seabed, Barbaros Hayreddin Pasa's actions are in line with the legal framework, as was determined through the above examination of their operations. Yet, given that drilling causes irreversible harm and is thus prohibited in the undelimited regions, Fatih's operations are in violation of the law of the sea.

The granting of licenses by RoT includes and permits unauthorized drilling in the contested region. Drilling operations do not adhere to the necessary legal regulations. These licensing actions also contradict the basic legal standards of good faith, non-harm, and good neighborliness. Apart from the RoT-issued license, another fact of TPAO is that it is a state-owned enterprise of RoT. As a result, RoT itself is carrying out these tasks rather than under its direction or supervision. Although this difference is not crucial for determining whether this conduct is legal, it does demonstrate RoT's strong commitment to this cause. In conclusion, it is against the maritime law for RoT to have issued an exploratory license to TPAO unilaterally.

Other activities related to the dispute

The prevention of Cyprus-licensed vessels by Turkey

In February 2018, RoT prevented the drillship Saipem 12000 of the Italian oil giant Eni from approaching its work location in the seas off the island of Cyprus (The Maritime Excecutive , 2018). Turkish naval forces obstructed the ship and threatened it, asking it to turn around. She was attempting to go to block 3, that's not exactly where the parties intersect. This eastern block was a portion of the RoC and “TRNC” claims that overlapped.

This is the region's most violent activity, conducted by any party. As this conduct poses a major danger to the peace, it must be treated seriously. Article 2(4) of the United Nations Charter outlines the legal position of the use of force:

All Members must refrain from using force or threatening to use force against the political independence or territorial integrity of any state, or from acting in any other way that is at odds with the goals of the United Nations, in their international dealings.

International law forbids the use of force or the threat of violence unless there are exceptional circumstances. The nature of the use or threat of force within international law is not covered in this thesis. Yet, RoT's aggressive behavior is not in line with the law of the seas that applies to the contested regions. This is due to the fact that it violates fundamental legal norms like good neighborliness and refraining from escalating a fight or dispute.

The vessel's ultimate location might not directly overlap the areas of the parties. Regardless of her nautical path, the threat or use of force is in violation of the laws that apply to the Cyprus issue. The illegal interference by RoT with one of Eni's drillships might result in interference with all of the company's vessels and operations. Any unauthorized interferences by RoT pose a threat to the firm given that it engages in hydrocarbon operations in block 6. As a result, the Turkish navy's attempt to stop the Saipem 12000 is illegal under maritime law.

The arrest warrant for Fatih by the Republic of Cyprus

In June 2019, RoC issued a warrant for arrest for the Fatih's team (Kathimerini, 2019). As a result of Fatih's unilaterally chosen actions in its claimed EEZ, RoC took this unilateral action. As previously stated, since Fatih's actions involve drilling, which has the potential to permanently alter the seabed, they are not compliant with maritime law. Unfortunately, RoC lacks the authority to impose sanctions against these unlawful actions. This is due to the fact that States are only permitted to conduct these actions inside their EEZ or continental shelf, which is their sphere of authority.

Although it has not yet been decided, RoC asserted that the territory is its maritime zone. This is the justification for this thesis' acceptance of the contested and undelimited nature of the region. As a result, the region must be recognized as an area with overlapping claim boundaries and as such, a disputed territory, up until the parties' final maritime delimitation. Any action taken by the parties there must be acknowledged as taking place inside the disputed zone. The legal framework that applies to these areas must also apply to Cyprus' western seas. In the contested territory, Fatih is engaging in illicit activity.

The issuance of a warrant of arrest for the Fatih crew violates the need of mutual restraint and is thus in violation of maritime law. There's no doubt that this is escalating the conflict and the tensions between the parties. In addition, this violates the broader legal concept of good neighborliness. The more violent crimes committed by RoT are more likely to follow the crew of the Fatih being arrested by RoC. A good illustration of this is the background of Cyprus, particularly the Turkish invasion in 1974. That may be the tipping moment for the Eastern Mediterranean's peace. The Turkish navy's escalating presence in the region, which RoT has previously dispatched military ships to accompany Fatih, is detrimental to the peaceful settlement of the Cyprus-related issues (Yusbasioglou, 2019). Nobody should be in any doubt that we would respond appropriately if it tries [to do so, according to Hami Aksoy, the spokesperson for the RoT Foreign Ministry.

Potential markets for the Cypriot Natural Gas

According to a 2010 US Geological Survey assessment, the Levant Basin Region of the Eastern Mediterranean has 122 tcf in reserves (United States Geological Survey , 2010). Of course, since they haven't been "found" or "proved," these aren't yet reserves. Notwithstanding the recent digging of an evaluation well in the Aphrodite field, Cyprus currently has no real reserves. The probable reserves are now estimated to be between 3.6 and 6 tcf. Israel, which is nearby and 36 miles from Aphrodite, has about 26 tcf, includes 17 tcf in the Leviathan field (United States Geological Survey , 2010). It's possible that the gas discovered in Cyprus alone does not justify the construction of a sizable infrastructure, which might include an on-shore liquid natural gas (LNG) plant. However, the region as a whole may have the potential to support the construction and maintenance of such a facilities, which could last longer than the production of any hydrocarbons thus far discovered.

In this perspective, Cyprus should be highlighted for its location between the gas-producing countries to its south and east as well as an energy-hungry Europe to its north, while also drawing comparisons to the North Sea. The governments participating in the North Sea had the vision to strategically construct an energy infrastructure there, which is still bringing in money to the UK Treasury through transit taxes long after the primary resources have been exhausted. There are enormous "stranded" gas resources in Iraq close to the Eastern Mediterranean. In the past, it was intended to export these through a pipe to the north across the currently-battered region of Syria. Now that Cyprus has collaborated with the growth of its own local production and allocation to the natural gas flow, it would be able to achieve this.

The aforementioned flow's primary objective is the European Union. Without a doubt, Europe is among the major users of energy products, specifically natural gas. Nowadays, natural gas accounts for around 25% of the EU's total energy consumption. The power production industry (including combined heat and power facilities) uses around 26% of the gas, and industrial uses about 23%. The majority of the remainder is utilized in the domestic and service sectors, mostly for building heating. Over 400 bcm of gas are needed in the EU (European Commission, 2022).

The discoveries inside the Cypriot naval domain have piqued the curiosity of an ever-increasing number of investors as the EU's demands rise by the day and the policy of broadening the energy

import basket becomes more urgent. 8 exploratory licenses have currently been issued, and matching PSCs have been signed. Block 12, known as Aphrodite, received the first license, which was given to Noble Energy in October 2008. A natural gas field finding by Noble Energy was first reported in January 2012 with an estimated resource band of 5 to 8 trillion cubic feet (Tcf), which was then updated to a range of 3.6 to 6 Tcf in October 2013. The anticipated resources were again increased upward by 12% in November 2014. The Aphrodite gas field was deemed commercial in June 2015. Although keeping a 35% ownership, Noble Energy has outsourced the majority of its involvement in the gas sector over time. Israeli businesses Delek and Avner, as well as Royal Dutch Shell, are now partners with Noble on Block 12.

On May 11, 2012, the Cyprus government ended a second round of bidding for licenses for 12 more offshore areas. From 15 businesses or consortia, 33 proposals covering 9 of the 12 blocks were submitted (representing 29 companies in total). Blocks 2, 3, and 9 were given exploratory licenses in January 2013 to the ENI-KOGAS partnership, and Blocks 10 and 11 were given licenses to Total in February. Block 10 was given up by Total in February 2015.

ENI started exploratory drilling in Block 9 in September 2014 and January 2015, but it was claimed that not enough commercially viable natural gas was discovered.

Blocks 6, 8, and 10 were put up for sale in the third overseas licensing round, which was announced by the Cyprus government in February 2016. All three blocks received exploration licenses in 2017, and the government signed into PSCs with the consortiums ENI & Total for Block 6, ENI for Block 8, and ExxonMobil & Qatar Petroleum for Block 10.

A potential natural gas finding in Block 6 was disclosed by the ENI and Total partnership in February 2018. Although further research is anticipated to be done to determine the range of the gas quantities present, the magnitude of the discovery is now believed to lie between 4.8 and 8.1 Tcf.

As it continues to explore all options for Cyprus's gas exports in cooperation with other Eastern Mediterranean nations, the government is negotiating and discussing the infrastructure needed for the gas to arrive in Cyprus and be liquefied for export.

The EastMed Project

The EastMed pipeline/project was perhaps the biggest attempt to capitalize on the mineral richness in the Eastern Mediterranean, and more especially the Cypriot seas. The project comprises of a 1,900 km pipeline with onshore and offshore components that connects East Mediterranean resources directly to Greece's land via Cyprus and Crete, as well as linking to Italy and other countries via an intersection with the undersea Poseidon pipeline. Along with the Poseidon, it will carry gas to Italy as well as other markets in Europe, including South East Europe, enhancing the security of Europe's gas supply and removing Cyprus and Crete's exclusion from the continent's gas markets. The Greek parliament has designated the EastMed project as a national initiative of public importance and as an EU Initiative of Common Interest (PCI). It has received financing for both the pre-FEED and co-FEED from the EU's Connecting Europe Facility (DEPA, 2020).

The project is technically possible, fiscally feasible[48], commercially competitive, and considerably complementary to existing export possibilities, including with LNG, according to the pre-feasibility studies.

Several investigations were conducted to confirm the aforementioned assertion, all with the approval of the EU majority. In addition, the bid for the engineering, sourcing, installation, and pre-commissioning actions for the offshore sections of the EastMed Pipeline Project was swiftly launched. This includes the FEED for the onshore, offshore, and amenities, the Deep Marine Survey, and the required environmental studies. According to estimates, the project might have started operating as early as 2025.

The main goal was to break the isolation by a direct physical link, a reverse flow of gas across Cyprus and the mainland EU market via Greece, and a multibillion dollar expenditure in the energy industry while doing it in a fiscally efficient way. The EastMed would make it possible for Cyprus to join the mainland EU gas market, improving interoperability and giving it a stake in the advantages of the common market; and for Cyprus and Crete to become gasified by giving them access to the Levantine basin's gas reserves and gas from the mainland EU gas market; doing so would end their reliance on expensive imported petroleum products for power, result in cost savings from replacing oil to gas, and reduce CO2 emissions[49]. The pipeline qualified for public funding in 2015 after being accepted for the Projects of Common Interest (PCI) list of the European Commission. Cyprus, Greece, and Israel signed an Intergovernmental Agreement creating the foundation for the implementation of the EastMed in January 2020, with the backing of the EU as well as the nations affected by its development, which was welcomed by Italy.

When Greek media revealed that the United States would be no longer diplomatically backing the project's construction in January 2022, it was a big setback for East Med (Michalopoulos, 2022). According to a statement on energy cooperation in the East Med released by the US Embassy and Consulate in Greece: "We're still dedicated to building a physical link between Europe and energy from the East Med. The power interconnectors that can accommodate both gas but also renewable energy sources are now the subject of our attention." (U.S. Embassy & Consulate in Greece, 2022). The US side "raised misgivings to the Greek side questioning the financial feasibility of the projected East Med pipeline," according to diplomatic sources, Kathimerini said (Nedos, 2022).

Two views were taken in the arguments for and against the project's cancellation. First, the project's exclusion of Turkey, the most logical trail for a Mediterranean piping system and a country that has already established itself as a fairly powerful player in the region, presented a problem; second, it was getting harder to convince people to invest 6 billion USD in fossil fuels at a time when the EU wants into becoming climate neutral by 2050 (European Comission).

As was to be expected, the pipes was linked to long-standing disputes over maritime boundaries and offshore oil and gas exploration between Cyprus, Greece, and Turkey. Turkey has angered

[48] Fact which comes in complete contrary to final verdict regarding the viability and competitiveness of the project.

[49] It should be noted that this agenda was put forward at the time before the manifestation of the global health crisis of COVID and two years prior to the Russian invasion of Ukraine. Should the agenda was more recent, perhaps we would have seen a stricter approach regarding the gasification process of Europe and a looser approach on issues of environmental concern. Some could even doubt whether a contemporary proposition of such project would have been so easily set aside, having witness the harm of the pandemic and the war to the global and EU economy and the European energy “phobias” they have created.

Cyprus and the EU by digging for gas nearby in areas it asserts to belong either to Turkish Cypriots or Turkey's continental shelf. It has also signed a delimitation agreement with Libya, which Greece and Cyprus view as a sea grab. The Trump administration and former Israeli Prime Minister Benjamin Netanyahu initially supported the project, but following governments did not continue this support. According to the president of Turkey, "If [Israeli gas] would've been carried to Europe, it had to be done through Turkey," the EastMed pipeline's death looked to eliminate a major source of regional conflict by eliminating one area where Ankara feels constrained by regional events. (Hurriyet Daily News, 2022). The shift in policy is viewed as compensation for Turkey's tough stance since the pipeline was largely supported by every political parties in Greece and the United States. For the Greek and Cypriot side, the US's political backing meant that it made it abundantly obvious to the Turkish administration that while it may destabilize the region and be held responsible for it, in the end, the outcome would be in its favor. Moreover, it occurs as Washington works to strengthen its ties with Ankara in light of the escalating tensions with Moscow.

The project's economic sustainability posed a second significant challenge. The thought of a $6 billion project on carbon-produced electricity was unappealing at a time when "green" discussions were at their height. Because of the potential effects on the environment, Amos Hochstein, Biden's top adviser for energy security, has stated that he would be "very uneasy with the U.S. sponsoring" EastMed. When our entire strategy is to encourage new technology...and new investments in going green and in going clean, why would we construct a fossil fuel pipeline between the EastMed and Europe? According to Hochstein, the Jerusalem Post (The Jerusalem Post , 2022). "By the time this pipeline is built we will have spent billions of taxpayer money on something that is obsolete—not only obsolete but against our collective interest." The US Embassy in Israel stated that “this is a time when Europe’s energy security is more than ever a question of national security” and as such the US is “committed to deepening our regional relationships and promoting clean energy technologies”.

With the capacity to transport between 9 billion and 12 billion cubic meters of natural gas annually, or roughly 10% of Europe's supply, the EastMed pipeline was designed to be one of the deepest and longest underwater pipelines in the world. This would lessen the EU's reliance on Russian gas. But, it had been plagued by issues from the start, casting doubt on its technical and financial viability. Italy, the intended destination of the pipeline, was never formally involved.

A new perspective on energy affairs in the region

The Greek, Israeli, and Cypriot energy officials concluded a memorandum of understanding in March 2021 on the construction of the 2025-scheduled EuroAsia Interconnector. The interconnector, an underwater power line that connects the energy systems of Europe with the Middle East, runs from Israel's Hadera to Cyprus's Kofinou and then on to Heraklion (Crete). The energy ministers of Greece, Cyprus, and Egypt came to an agreement in October 2021 to develop the EuroAfrica Interconnector, which will use an underwater cable to link the African and European electricity grids from Damietta, Egypt, through Kofinou, Cyprus, and then to Heraklion, Crete (Crete). The regional power supply is planned to be stabilized by the EuroAsia and EuroAfrica interconnectors. The International Renewable Energy Agency (IRENA) has provided statistics showing that Egypt wants to create 42% of its electricity from renewable sources by 2035 and that

Greece wants to produce 60% of its own green electricity by 2030. In the upcoming years, it is also anticipated that Israel, Turkey, and Cyprus would increase the proportion of renewable energy in their electrical mix. A increasing percentage of renewable energy sources in the power supply also increases the volatility of production capacities since renewable energy output volumes change depending on the season, hour of the day, and weather conditions. Storage options, international connectivity, and market integration are therefore becoming increasingly crucial. By transferring extra electricity and regulating the supply during bottlenecks, the proposed EuroAsia and EuroAfrica Interconnectors provide the opportunity to avoid power disruptions.

The technically difficult underwater power lines will need to be laid, and various expenditures will be needed. The EuroAsia interconnector is one of the Projects of Common Interest (PCI) according to the European Commission, which gives it great strategic significance for the development of renewable energy sources, the interconnection of national energy markets, energy trading, competitiveness, and supply security. A total of €5.84 billion has been planned for the Connecting Europe Facility (CEF), a special EU financial instrument, for which the project is qualified for part-financing, based on this evaluation. The EU additionally contributes €100 million to the Republic of Cyprus for the construction of the section of the EuroAsia Interconnector that connects Crete with Cyprus through the Recovery Fund, which was established in summer 2020 to tackle the economic effects of the Covid-19 issue. The European Commission pledged to provide an extra €657 million from the CEF on January 26th, 2022. Further potential funding sources include the European Investment Bank and the European Bank for Reconstruction and Development. As it links the island of Cyprus to the European power network and lessens Cyprus's reliance on oil imports, connecting the Greek and Cypriot power grids is of special relevance from the EU's standpoint. The only EU nation now without a connection to the electricity grids of many other EU countries is Cyprus. The prospects for the parts linking Israel and Egypt to Cyprus are very questionable and call for extra finance, in contrast to the Cyprus-Greece connectivity.
Also, there is great potential for the Eastern Mediterranean to help the EU's hydrogen plan. Electrolysis, or the breakdown of water to hydrogen and oxygen utilizing energy from renewable sources, is the process used to create sustainable hydrogen. At offshore wind farms which are connected to electrolyzers, renewable hydrogen is produced offshore. Ships (either liquid or as a derivative) and pipelines are both options for transporting offshore renewable hydrogen (e.g. ammoniac or methanol). Current North Sea pilot projects indicate that there is tremendous room for development in offshore green hydrogen generation. Scientists are debating how economically successful production of hydrogen in the Aegean or Eastern Mediterranean may be. The development of the offshore wind energy potential in the area is of major interest to the European Commission. In order to estimate the potential of wind energy from offshore sources in the Mediterranean, it commissioned a research. It is anticipated that the Greek islands in the Aegean would have a very high production capacity. Yet, there hasn't yet been any offshore wind energy generated off the beaches of Greece, Turkey, or Cyprus. A regulatory and legal structure for investment companies and market operators looking to establish offshore wind generating plants is currently being developed in Greece and Turkey. It's conceivable that technology will advance quickly. The Eastern Mediterranean may become more significant as a shipping route for sustainable hydrogen coming from the Arab countries as part of wider trends in the developing renewable hydrogen industry. The extent towards which projects like the EastMed pipeline, which was initially designed to transport natural gas, may be reinterpreted and utilized to transport green hydrogen instead is already being discussed in policy debates in the EU.

A remapping of the Eastern Mediterranean based on the energy transition would not only have favorable effects on the region's economy and ecology, but also on its political stability.Offshore gas findings in the Eastern Mediterranean dashed initial expectations, since political desire to participate in regional integration between Greece and Turkey and the two communities in Cyprus has not increased in recent years. Contrary to popular belief, competition on offshore natural gas had already exacerbated contentious maritime boundary conflicts. Three wars overlapped in this area: the worldwide civil war in Libya, conflicts between Greece and Turkey regarding maritime limits in the Aegean, and disputes over who gets to explore, extract, and transport natural gas deposits offshore of Cyprus. The issue was notably exacerbated by Turkey's gas investigations within the EEZ of the Republic of Cyprus and near to the Greek islands of Kastellorizo and Crete. The conflict in Cyprus over the country's offshore gas resources has become yet another barrier to the UN-sponsored peace process's advancement. Greece and Turkey went dangerously close to engaging in armed conflict in the summer of 2020 as a result of Turkish research efforts off the Greek island of Kastellorizo. The relationship between the EU and Turkey has also suffered. The aggressive practices of Turkey in the Eastern Mediterranean were repeatedly denounced by the European Council, which also warned Ankara with economic repercussions if it continued its unauthorized drilling operations.

Regional conflicts significantly deescalated in 2021. The decision by Turkey to stop offshore gas explorations beginning in December 2020, shortly after the EU announced punitive measures and Joe Biden got elected US president, was the major factor in the atmosphere's relative calmness. Ankara has worked to rekindle bilateral ties in the area ever since. Israel and Egypt and Turkey have begun negotiations to restore diplomatic relations. In the first week of December 2021, Ankara inked a number of agreements on commercial cooperation with the United Arab Emirates (UAE), one of the forces behind the current anti-Turkish front in the Eastern Mediterranean. For the very first time since 2016, Turkey and Greece jointly reopened exploratory discussions to address maritime-related issues within the context of regular consultations. The chances of resolving the Aegean problems, however, are still very slim. Greece is adamant about following international law and wants to limit discussion to the unresolved Aegean maritime border question. In theory, it is also willing to request the use of international arbitration. Yet, Turkey is pursuing a policy of negotiating a political resolution in which it may exert its military and economic clout in order to resolve any disputes between the two countries. For instance, Ankara wants to negotiate the military status of the islands there as well as how to divide the military airspace over the Sea, all of which would relativize the application of international maritime law. It also wants to limit the territorial sea of Greek islands in the Aegean to six nautical miles. Turkey is unwilling to approach the International Court of Justice as a result.

Moreover, Cyprus is not included in Ankara's more recent efforts to normalize its bilateral relationship with the country in the neighborhood. However, during the past few months, Turkey has escalated its hostile posture toward the Republic of Cyprus. Since Ersin Tatar assumed control of the Turkish Cypriot Presidency in October 2020, Ankara has already been pushing for a "two-state solution" for Cyprus, departing from the terms of the UN peace process that were mutually agreed upon and call for the unification of the divided island on the basis of a bi-communal and bi-zonal federation with political equality. Parts of the walled-off city of Varosha have begun to be unilaterally reopened by Ankara and the Turkish-Cypriot authority. This goes against UN Security Council Resolutions 789 and 550, which demand that the region be returned to its native inhabitants—who are primarily Greek-Cypriot—who made it their home originally. Since the

Turkish invasion in 1974, the Turkish military has controlled the walled-off city of Varosha, the island's former tourism hub; nonetheless, Turkey has not previously challenged the current ownership position there.

If drilling operations inside Cyprus' EEZ were to resume, unrest in and around the country may worsen. International energy firms halted their gas explorations upon the outbreak of the pandemic crisis in February 2020. Nevertheless, in late 2021 Exxon Mobile restarted explorations within the Republic of Cyprus' EEZ. In the spring of 2022, it is also anticipated that Eni and Total would resume their natural gas investigations. On September 15, 2021, representatives from the Republic of Cyprus and Egypt met in a technical committee to explore building a pipeline to link Cyprus's Aphrodite gas reserves to the Damietta Segas LNG plant and then export Cypriot gas to worldwide markets via Egypt. Off the coast of Cyprus, Turkey responded by announcing that it will restart offshore gas development. Turkey rejects the Republic of Cyprus, and by extension, rejects Cyprus' Exclusive Economic Zone (EEZ), which Nicosia partially formed through bilateral agreements with Israel and Egypt. It's still probable that in the near future, tensions in the Eastern Mediterranean may deteriorate once again and rise again off the coast of Cyprus.

Can the Discovery of Hydrocarbons Lead to Regional Stability and a Settlement of the Cyprus **Problem?**

The so-called "peace pipelines" argument is weak since there is no proof that improving energy relations will solve the issue (Shaffer, 2009). On the other hand, it is commonly accepted that the growth of just about any energy-related investment is contingent upon steady and cooperative political conduct. Energy has a multiplier impact on the relationships between states' political securitization, as we have demonstrated elsewhere. 3 Energy is particularly prone to increase security worries and increase tensions in situations where governments have highly militarized political ties. Desecuritized political connections not only promote collaboration but also raise the possibility that energy-related advancements would further their desecuritization. The opposite also frequently happens. Energy has an effect on de/securitization relations since oil and hydrocarbons are rarely considered as purely commercial commodities. Through establishing dependence relationships or alliances, they are frequently also employed as political tools to strengthen foreign policy impact and strengthen the political position of governments relative to enemies.

Unquestionably, the Eastern Mediterranean needs to be stable, particularly considering how unstable the Middle East and North Africa are right now. This is true for both external actors, more specifically the US, who have been uneasy about the worsening relations among its two largest regional allies, notably Turkey and Israel, as well as regional actors on a regional level, such as Turkey, Israel, Egypt, and Cyprus, who would greet the energy-induced incentive schemes for stability. In fact, it appears that one of the primary motivators for Israel and Turkey to begin desecuritizing - and perhaps normalizing - their relations is the possibility of energy cooperation. This objective is made more difficult by the Eastern Mediterranean's complexity, particularly the unresolved Cyprus issue. The discovery of Eastern Mediterranean hydrocarbons has increased the RoC's geopolitical significance, as have its EEZ neighbors Israel and Egypt, as well as the fact that it is sandwiched between those two and Turkey (see Fig. 1). Israel and Egypt do not dispute the Cypriot EEZ, although Turkey does. Furthermore, the unresolved Cyprus issue hampers any prospective

hydrocarbon cooperation between Israel and Turkey since any pipe from Israel to Turkey must run via the RoC EEZ; Israel cannot realistically use other routes through use of Syrian and Lebanese EEZs[50].

It is important to remember that ties between Israel and Cyprus are not just reliant on energy. Israel is able to conduct military drills and search and rescue operations using the disproportionately large Cyprus Flight Information Region (FIR) thanks to the desecuritized ties between the two countries. Possible regional energy cooperation has aided in the growth of strong, multifaceted relations between Israel and Cyprus. Before the discovery of hydrocarbons, the political ties between the two states were fully desecuritized, which made this development conceivable.

There is little hope for any type of hydrocarbon-related collaboration or even for a hydrocarbon-induced mediated solution given how fundamentally insecure the ties between the RoC and Turkey are. The RoC's attempts to utilize its reserves will undoubtedly continue to be met with a strong and unfavorable response from Turkey, which makes hydrocarbons yet another point of disagreement and a pretext that magnifies the inconsistency of the two sides' views even more. Furthermore, it would not be unexpected if Turkey decided to take stronger measures to further secure the environment, as it did in 2014 when it dispatched the seismic ship Barbaros into the region where the RoC was digging for hydrocarbons. It is important to remember that this specific episode resulted in the suspension of talks between the political elites of Greek and Turkish Cypriots. The Turkish attempt to challenge the RoC's EEZ and sovereignty by asserting specific areas as a part of the country's EEZ alongside that of the internationally unrecognized "Turkish Republic of Northern Cyprus" (“TRNC”) EEZs provides additional evidence of the potentially detrimental effects of hydrocarbons in the region. Even if hydrocarbons do not result in more securitization or aggravation, it is fairly unrealistic to believe that the existence of natural gas will lead to a compromise on governance and territory problems unrelated to the Cyprus crisis. The claim that natural gas earnings may cover settlement costs is also questionable from a political and financial standpoint.

Theoretically, both nations may cooperate to prevent exploitation to the benefit of both. Turkey could relax and enjoy the revenues in return for a more open political position to the Cyprus issue while Cyprus could use the vast Turkish distribution lines already in place and save millions on pipeline and naval infrastructure. This conceivable scenario would usher in a new age of cooperation between the two countries and possibly even greater stability for the area.

Nonetheless, as evidenced by practice and earlier chapters, hydrocarbons have been one of the most significant causes of controversies in the region[51]. The existence of these pockets has actually made the security problem worse rather than better. According to a common realist perspective, the countries feel as though they are engaged in a competition for the energy "gold" in an effort to discredit their rivals and increase their share of the spoils. The issue of regional projection is another. The person who manages the region's energy product exports—and hence its wealth—should be elevated to the position of regional leader. These pictures, which were taken from a realism manual, show the anxiety that one state is trying to eliminate the other one from the game. Cyprus sees a chance to expand economically and establish itself as a more reliable EU partner, while Turkey sees Cyprus' attempt to divert electricity via its territory in order to

[50] As already mentioned the later options of Syria and Lebanon as pipeline routes are already heavily exploited by the Turks with their maritime exploration and exploitation agreement/memorandum and their deep involvement in the Syrian civil war. As regards to the later, Turkish administrations have been, for the past decade, using the huge refugee waves that the war created as a leverage against their European and African neighbors. By threatening to unleash the most severe refugee crisis of the century, Turkey manage to go without punishment with many mall behaving acts and even claim an even bigger role in the regions stability provider hierarchy.

[51] Refer to disputed acts on behalf of Turkey and Cyprus.

exclude it from a lucrative arrangement. Turkey will soon attempt to further tighten the connections around Cyprus and use whatever pressure is necessary to keep its control.

The EU issue is the next. The Turkish people have long looked forward to being accepted by and integrated into the EU. The Turkish government has submitted multiple applications to join the EU, all of which have been blocked by the two already existing members, Greece and Cyprus, primarily due to the group's tense historical relations and disputes. This may be done in an effort to demonstrate to their American allies that they have abandoned their "eastern" ways and are a fully trustworthy modern European state. Although subsequent events have indicated that Turkey's emphasis has once again switched to the East, my hypothesis is that the strategy for European integration has never ceased to exist. The enormous economic benefits that EU member states receive from their membership in the common European market—in the form of taxes, transit charges, business licenses, etc.—must be noted. It is in Turkey's best interest to join the EU if it wants to benefit massively from the energy revenues because, as was already mentioned, no significant energy-related investment or endeavor in the Eastern Mediterranean can be undertaken without Turkey's participation and because the EU is the largest potential customer. Turkey might become a significant energy supplier for Europe if it joins the plan for a completely integrated energy market. On the other hand, it is also advantageous for the EU if most of the countries taking part in an energy-providing initiative are also EU members. It should not be forgotten that a key component of the EU's new taxonomy was to reduce its reliance on players outside the EU for energy.

Under this scope, the economic benefit of Turkey’s European integration might spark the necessary negotiations for the Cypriot dispute. Perhaps the benefits might even seem high enough that both parties agree to reach a much easier and sooner settlement.

Can a Resolution of the Cyprus Problem Pave the Way for Energy Collaboration to Alter Regional Political Relations?

Many chances for more regional change might arise from a negotiated solution on the island. The ability to export electricity to Turkey directly or via Turkey is one possible advantage that is unique to the Republic of Cyprus. But, the question of whether this is a desirable alternative from a political one is still debatable. After years of mistrust, it seems improbable - or perhaps foolish - for Cyprus to support the Turkish alternative if doing so would subject it to a monopsony situation. A more plausible possibility is that export to Turkey will be an extra market in a portfolio of diverse exports. A negotiated agreement might support Cyprus' long-stated objective of becoming into an energy center in this way. However, it should be highlighted that given the relatively limited scale of activities that are anticipated to come from either the already proven or predicted amounts of natural gas in the Cypriot EEZ, such an objective is likely to be constrained to energy service provision instead of outright delivery.

settlement is an important regional aspect. For instance, Israel would no longer be in a position to ignore the Turkish export option's resultant economic and political feasibility, at least not by relying on the restrictions placed on the prospects for regional cooperation as a result of the particulars of the Cyprus situation. Contrary to the current state of affairs, Cyprus' positive political ties with the majority of its neighbors may then be used for more comprehensive regional cooperation. On the other hand, exuberant predictions must be restrained by the knowledge that a Cyprus solution will not have a significant direct impact on regional ties, such as a ripple effect on the Middle East's larger conflict resolution process.

The issues that arise the day after a settlement are perhaps the most serious. It is possible that maintaining and/or developing connections with other regional players like Israel and Egypt will be difficult for a united Cyprus. Each reciprocating state's unique concerns in their foreign diplomacy with Turkey have been a driving factor in the restructuring of these interactions on a bilateral basis. The degree of institutionalized or unintentional Turkish influence on Cyprus' foreign policy is likely to change both the bargaining equation and the motivations from a regional standpoint, depending on the nature of a negotiated settlement.

Regarding the delimitation of the EEZ, Turkey will likewise be in a difficult situation in its ties with a united Cyprus. Both the Republic of Cyprus and UNCLOS III are not legally recognized by Turkey, which is not one of its signatories. Turkey may continue to be a non-signatory to UNCLOS III in the event of a settlement, but it will be extremely difficult, albeit not impossible, for it to refuse to acknowledge the Republic of Cyprus. Turkey refuses to participate in any legal settlement of international conflicts because of its ongoing maritime conflict with Greece, the region's oil and gas finds, and their interconnectedness. Regarding the maritime delimitation of the Aegean Sea, Turkey continues to hold the customary view that islands should not be given the right to an expansion of territorial waters to an EEZ absent exceptional conditions. Turkey has applied this stance to the Eastern Mediterranean in regard to these changes, particularly in reference to its own future EEZ delineation with respect to Greece and Cyprus. The de facto separation of Cyprus makes the situation much more complicated because its EEZ cannot be delineated to the North in the same straightforward manner as it was to the South with Egypt, Israel, and Lebanon. According to the Turkish position, the continental shelf must be used to decide delimitation using the equitable principles/relevant circumstances technique. It is still unclear if Turkey would continue to see Cyprus as such a unique situation or whether it will change its position in response to a settlement. In the second scenario, its political move will need to be well considered and exact since the potential legal repercussions might change its long-standing position on the Aegean. In either case, Turkey will be compelled to change its stance on this issue if the island's existing divide is resolved.

The ability of a settlement to significantly affect the regional security framework is a last factor to take into account. We have suggested previously that energy developments in the area may lead to a regional transition that inadvertently alters the limits of current RSCs. The definition of an RSC is "a group of units whose primary processes of securitization, desecuritization, or even both, are sufficiently interconnected that their security concerns cannot be meaningfully examined or resolved separately from one another," to put it succinctly (Buzan , Waever , & de Wilde , 1998).

Given that the opportunities for the creation of energy-related coalitions for production purposes alter and possibly intensify securitization dynamics in the existing relations among states, the Eastern Mediterranean region, and more particularly the Turkey-Israel-Cyprus triangle, is of particular interest. Contrary to what may be expected, the creation of this problematic triangle results in the production of a sub-complex that is loosely encapsulated inside a bigger RSC. Being an insulator state, Turkey, it is physically and politically placed at the verge of two RSCs. Israel can be considered the key nation in terms of fluctuation of securitization tiers that can target transition in securitization connections within this triangle given that security connections among Turkey and Cyprus have consistently been characterized by consistency and inflexibility with regard to an invariably elevated level of tension. Within a paradigm of zero-sum characterisation of tripartite ties, any improvement or strengthening of relations among Israel and each of the other two states is likely to be immediately seen as a negative outcome by the third country.

International Oil Companies (IOCs) have a particularly complicated role to play in these relations, not the least of which is the necessity of long-term collaboration between states and IOCs, which is typically much longer than the timeframe of decision-making by political players within their domestic frameworks.

Moreover, IOCs have far more authority than other global firms if they also serve governmental interests, enabling them to have a big impact on the hosting and target nationstates in turn use these Multi-National Companies (MNCs) to establish bilateral ties and alliances, enabling MNCs to directly or indirectly affect the security and securitization status quo in RSCs where energy already either plays a substantial role or emerges as an emerging variable. So, through state-influenced MNCs, distant strong nations can have the ability to interfere in RSCs that would otherwise be beyond of their sphere of influence.

It is considered that the lengthy split of Cyprus is unlikely to have a significant influence in this area. Under the above-discussed negotiating framework, a united Cyprus may operate as a facilitator to encourage energy-specific partnerships, but it is unlikely to have a substantial enough influence to alter political securitization relations. In fact, the lack of the Cyprus issue could further draw attention to how deeply securitized the relationships between regional players already are. Similar to how it would emphasize the difficulties with EEZ delimitation mentioned above.

Conclusions

It is hard to conclude whether the gas finds in the Cypriot EEZ are sufficient to shift the entire geopolitical context in the Eastern Mediterranean. Cyprus' maritime rights are held hostages to a long lasting dispute still emitting grate heat and controversy amidst the states of the region. While the proven gas pockets are undoubtably significant, they can be of no particular use unless the obscurity around the maritime zones is cleared[52]. As previously stated, the volume of the reserves might not be enough to replace the traditional sources of energy products, it plays though a great part at the diversification goal, a goal largely promoted by the EU and attended for by buyer states aiming to escape from the sellers monopolistic powers. Hence those reserves should act as a catalyst to clarify the naval borders in the region and they should pave the way for a Cypriot dispute settlement.

What lies to be answered is what should come first, the resolution to the Cyprus problem in account for the exploitation of the hydrocarbon reserves or the exploitation with the upper goal of resolving the dispute and providing stability. Can either of those bring the necessary stability to the battered region of the Eastern Mediterranean?

We have seen that so far the sheer presence of those gas reserved has done nothing but to appease the situation as more and more tensions rise in the pursuit of energy profitability giving new dimensions to the Cypriot problem turning it from a bilateral to a regional dispute.

The complexities of the bilateral and regional relations outlined above demonstrate how difficult it will be for hydrocarbons to actually become a political game changer in the region. In addition, by turning this prevailing discourse on its head, we question whether resolution of the Cyprus problem can pave the way for energy to alter regional geopolitical relations. We argue that while resolving the problem will contribute to the desecuritization of some aspects of the bilateral and multilateral environment, it is unlikely to fundamentally alter the possible impact of energy, which will not necessarily be conducive to further desecuritization. In fact, the presence of hydrocarbons may limit the desecuritization impact of the settlement and potentially even lead to further securitization and complications of bilateral relations. A recent statement by the Turkish Foreign Ministry that "Turkey would not allow foreign companies to explore

[52] Of course the same goes not only for the Turkish-Cypriot maritime dispute, but also for the Turkish/Libyan – Greek/Egyptian one as both declared economic zones lay over the passing of both pipeline and naval transportation plans for the gas/energy products.

for hydrocarbons" in Block 6 – which Turkey regards "to lie at the external borders of the Turkish continental shelf" – is indicative of the interplay among these complexities (Christou, 2016). It is difficult to anticipate how these complexities could be resolved even in the case of a resolution to the Cyprus problem.

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