



PANEL I
"HYDROCARBON EXPLORATION ACTIVITIES IN THE EASTERN MEDITERRANEAN"

LEGAL AND POLITICAL FRAMEWORK

TURKEY'S VIEWS AND OPINIONS



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Ambassador - Director General for Bilateral Political & Maritime-Aviation-Border Affairs
MFA - ANKARA

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EASTERN MEDITERRANEAN

TURKEY'S AND TRNC'S OFF-SHORE ACTIVITIES



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 **EASTERN MEDITERRANEAN**


**Turkish Flagged Drillship FATİH
launched off-shore drilling
operations on 3 May 2019**




The drilling area (Finike-1) lies;

- 75 km (42 nm) off the west coast of the Island of Cyprus,
- within the **TURKISH CONTINENTAL SHELF** notified to UN
- within the licence areas granted to TP by the Turkish Government, published in the Turkish Official Gazetta in 2009-2012

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 **EASTERN MEDITERRANEAN**

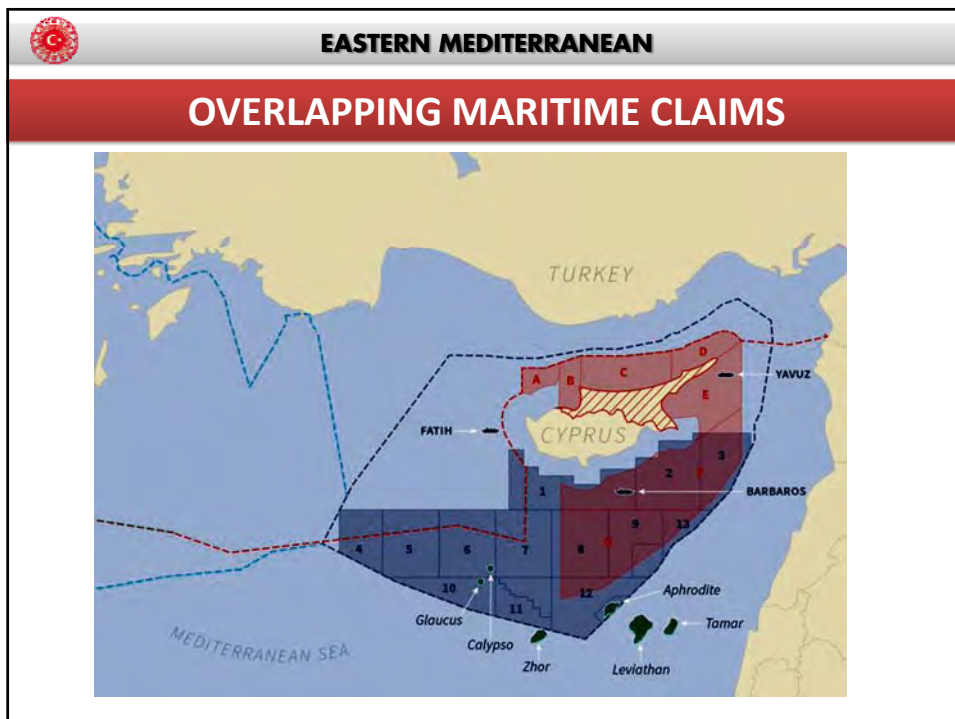
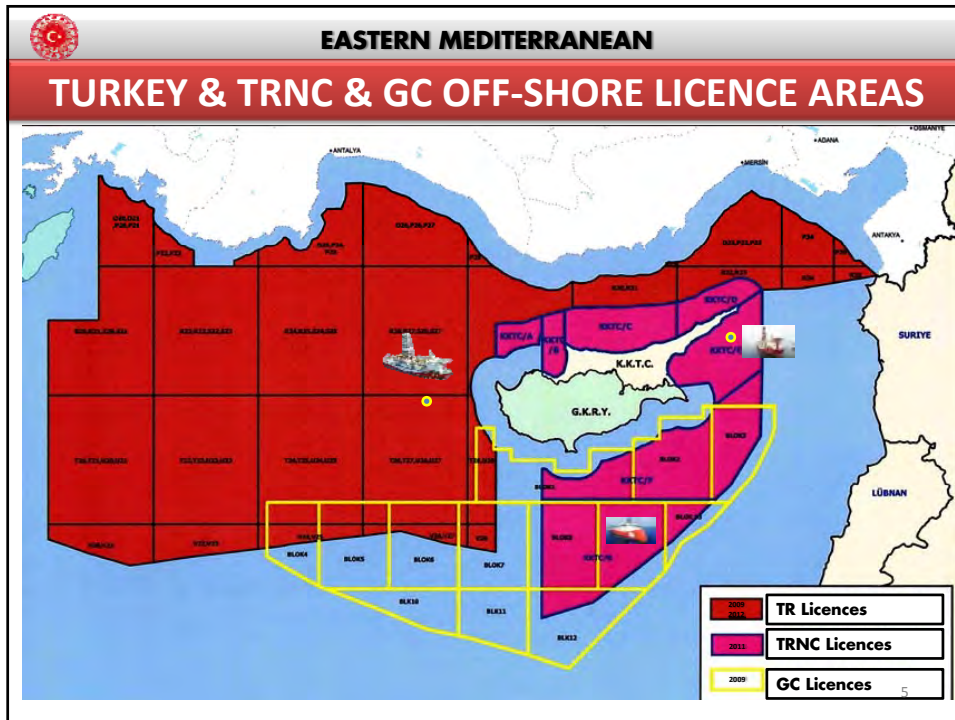
**Turkish Flagged Drillship YAVUZ
launched off-shore drilling
operations on 7 July 2019**



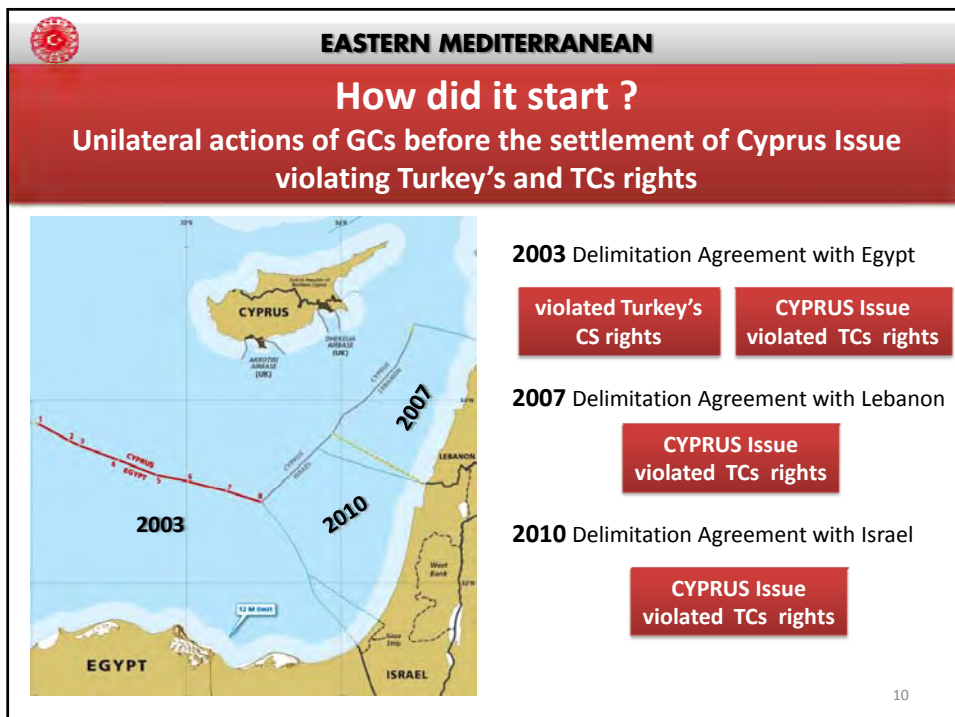
The drilling area (Karpaz-1) lies;

- 20 km (11 nm) off the south of Karpaz Peninsula (TRNC)
- within TRNC territorial sea
- within the licence areas granted to TP by the TRNC Government in 2011

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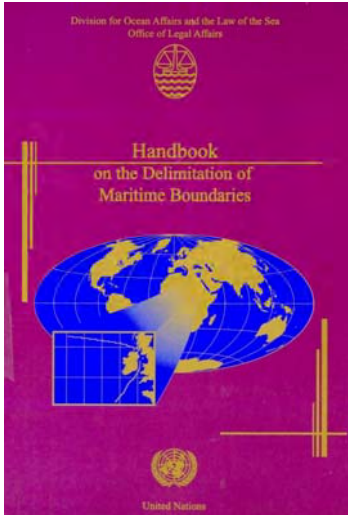




EASTERN MEDITERRANEAN

How did it start ?

BILATERAL MBD AGREEMENT SHOULD NOT VIOLATE 3RD PARTIES RIGHTS



A MARITIME BOUNDARY DELIMITATION AGREEMENT BETWEEN THE TWO STATES SHOULD NOT VIOLATE THE RIGHTS AND INTERESTS OF A 3RD STATE


The delimitation line in the agreement should be ended before it reaches the area of overlapping potential claim of a third state.

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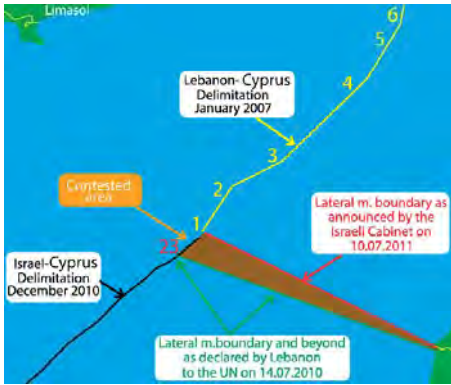
EASTERN MEDITERRANEAN

How did it start ?

BILATERAL MBD AGREEMENT SHOULD NOT VIOLATE 3RD PARTIES RIGHTS



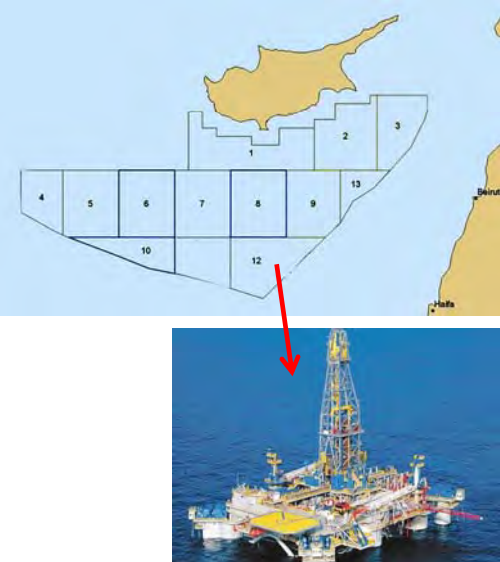
2003 Egypt-GC EEZ Agreement
VIOLATED Turkey's rights



2010 Israel-GC EEZ Agreement
VIOLATED Lebanon's rights

EASTERN MEDITERRANEAN

How did it start ?



2006-2007
Launched 2D-3D Seismic Surveys

2007
Draw off-shore blocks
Announced first licencing round


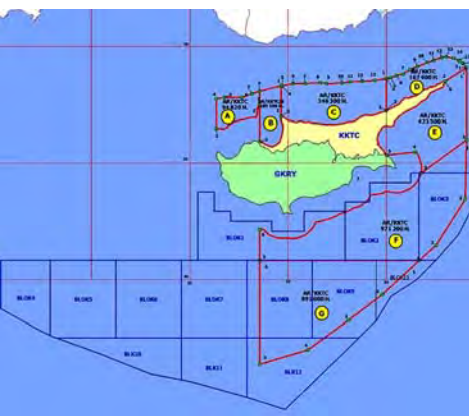
19 September **2011**
Started off-shore drilling

Turkey & TRNC objected all of these unilateral actions and asked GCs to cease their off-shore activities until the comprehensive settlement

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Turkey & TRNC reaction

<p>TURKEY-TRNC CS Delimitation Agreement 21 September 2011</p> 	<p>TRNC Draw off-shore blocks - Licenced TP 22 September 2011</p> 
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EASTERN MEDITERRANEAN

Turkey & TRNC reaction

**TRNC COOPERATION
24 SEPTEMBER 2011**

- off-shore activities of TCs & GCs be ceased simultaneously until the settlement
- OR both sides should determine jointly the future course of off-shore oil/gas activities, including revenue sharing and funding of a possible settlement.

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Turkey & TRNC reaction

The map displays the Eastern Mediterranean region with maritime boundaries and various blocks. Blocks BLK04 through BLK12 are labeled. Seismic survey lines A through F are marked. Key locations include AR/KKTC (318,200 HL), AR/KKTC (348,300 HL), AR/KKTC (362,400 HL), AR/KKTC (423,500 HL), AR/KKTC (517,500 HL), AR/KKTC (593,000 HL), and AR/GKRY (773,000 HL). A red arrow points to a location labeled 'GC drilling'.

R/V Piri Reis conducted 2D Seismic Survey 27 Sept.-1 Nov 2011.


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 **EASTERN MEDITERRANEAN**

TURKEY'S AND TRNC'S OFF-SHORE ACTIVITIES



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 **EASTERN MEDITERRANEAN**

EU's BIASED POSITION

EU Statement - 4 May 2019
We express grave concern over Turkey's announced intention to carry out drilling activities within the exclusive economic zone of Cyprus.....illegal action.....

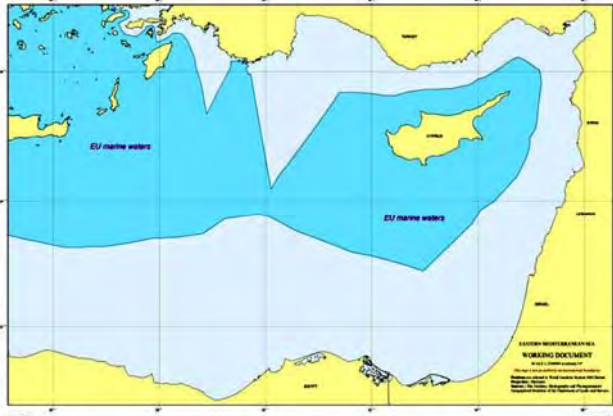
US Statement - 5 May 2019
Turkish Drilling in Cypriot-Claimed Waters
.....offshore drilling operations in an area claimed by the Republic of Cyprus as its EEZ.....

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EU's BIASED POSITION

European Union marine waters



Greek & GC
Claim of
EU
marine
waters
???

attempt to
make national
claims as EU
claims

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EASTERN MEDITERRANEAN

EU's BIASED POSITION

EU solidarity to support national boundary claims ???

- Does EU has any competence in delimiting maritime boundaries?
- Can EU qualify Turkey's off-shore activities illegal under international law ?
- What is the EU position vis-a-vis overlapping maritime jurisdiction claims between its members?
- Can EU take the boundary claim of one side and try to impose it to the other?

The issue is about Maritime Boundary Delimitation in international law.

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International Law – Maritime Boundary Delimitation

TURKEY AND UNCLOS

- ❖ Turkey didn't sign the 1982 LOS Convention.
- ❖ Aegean Sea was the primary reason for Turkey's non-party status.
- ❖ UNCLOS does not secure adequately the right of coastal states in enclosed or semi-enclosed seas where special circumstances prevail.
- ❖ Article 3, 33 and 121 are the most problematic provisions of UNCLOS for Turkey.
- ❖ Turkey is a persistent objector to 12 NM territorial sea breadth in such seas.
- ❖ Many other provisions of the Convention constitute the customary international law and implemented by Turkey
- ❖ UNCLOS does not allow a reservation system – Take it or Leave it approach.

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International Law – Maritime Boundary Delimitation

Maritime Zones

1 nautical mile (M) = 1852m

Internal Waters	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	The High Seas
Sovereignty extends to the air space, water column, seabed and subsoil.	Sovereignty extends to the air space, water column, seabed and subsoil allowing for the right of innocent passage.	Limited enforcement zone	Sovereign rights for exploring, exploiting, conserving and managing living and non-living resources of the water column and underlying continental shelf.	Water column beyond national jurisdiction.
			Continental Shelf	The Area
			Inherent sovereign rights for exploring and exploiting non-living resources of seabed and subsoil, plus sedentary species.	Seabed and subsoil non-living resources administered by the International Seabed Authority.
Sovereign Territory	Sovereign rights to the water column and continental shelf	Sovereign rights to the continental shelf	No National rights	

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Maritime Zones		
COMPARISON	CONTINENTAL SHELF	EXCLUSIVE ECONOMIC ZONE
LIMITS	200nm (350 nm)	200 nm
SOVEREIGN RIGHTS	Exploration and Exploitation of natural resources of Sea Bed & Subsoil	Exploration and Exploitation of natural resources of Sea Bed & Subsoil + Conserving & Managing natural resources in the WATER COLUMN + Energy Production (Wind, Current, Water)
NEED PROCLAMATION	NO (ab initio -ipso facto)	YES
ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES	✓	✓
FREEDOM OF NAVIGATION & OVERFLIGHT	✓ (Except for exploration and drilling vessels)	✓ (Except for exploration and drilling vessels) + Fishing Vessels
RIGHT OF LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATES	X	✓

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EASTERN MEDITERRANEAN	
How to settle overlapping maritime claims	
What are the legal means of maritime boundary delimitation?	
<p style="text-align: center;">(UN Charter – Article 33)</p> <ul style="list-style-type: none"> • Negotiation leading to treaty. <ul style="list-style-type: none"> • Conciliation • Arbitration. • Adjudication at an international court or tribunal. 	
<p style="text-align: center;">JOINT DEVELOPMENT</p> <p style="text-align: center;">may be devised in the absence of agreed boundaries</p>	

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What does UNCLOS say?

UNCLOS

1982 UNCLOS - EEZ (art. 74) and CS (art. 83)

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected 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 shall be determined in accordance with the provisions of that agreement.

Agreement

Equitable Solution

NO METHOD IS INDICATED
Equidistance – Median Line

3rd Party Solutions

UN Charter Art. 33

Provisional arrangements

JOINT DEVELOPMENT

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WHAT ARE THE FACTORS TO ASSESS WHETHER A MARITIME DELIMITATION LINE IS EQUITABLE OR NOT?

- A number factors may be taken into account. In bilatereal negotiations, there is no limit to the factors which States may take into account.**
- As for the Courts, not all factors may be taken into consideration.**
- Courts tend to take into consideration factors or circumstances which they have a direct bearing or directly relevant to the delimitation.**

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jurisprudence on Maritime Boundary Delimitation

SPECIAL/RELEVANT CIRCUMSTANCES

<p style="text-align: center; margin: 0;">GEOGRAPHICAL CIRCUMSTANCES</p> <ul style="list-style-type: none"> • Regional Geography ✓ (including general characteristics and particular features of the region -ocean, enclosed, semi enclosed sea etc.) • Configuration of the Coasts ✓ (including adjacency and oppositeness, direction, comparative lengths, concave or convex shape) • Basepoints ✓ (including presence of ports, roadsteads, bays, river mouths, low-tide elevations, reefs) • The presence of islands and rocks ✓ (including their size and position in the context of general geographic configuration) 	<p style="text-align: center; margin: 0;">NON-GEOGRAPHICAL CIRCUMSTANCES</p> <ul style="list-style-type: none"> • Geological and geomorphological factors ? • Economic factors ? (Hydrocarbon resources, fisheries) • Navigation ? • Socio-economic and demographic factors X • Defence and security ? • Environment ? • Historical rights ✓ • Presence of Third States ✓
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OTHER FACTORS AFFECTING DELIMITATION

- * Proportionality
- * Proximity ✓ ✓

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The Role of Islands in Maritime Boundary Delimitation

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 **EASTERN MEDITERRANEAN**

Treatment of Islands in Maritime Boundary Delimitation




Article 121

Regime of islands

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

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 **EASTERN MEDITERRANEAN**

Treatment of Islands in Maritime Boundary Delimitation

ENTITLEMENT OF ISLANDS TO CS/EEZ AREAS AND THEIR EFFECT TO MARITIME BOUNDARY DELIMITATION ARE TWO DIFFERENT ISSUES.

Islands in delimitation may be given no weight if they have distortive effect on equity

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 **EASTERN MEDITERRANEAN**

Treatment of Islands in Maritime Boundary Delimitation

In maritime boundary delimitation, islands may receive

- full effect
- partial effect (partial enclave)
- no effect (full enclave)

either through state practice or in international jurisprudence

In delimitation cases, involving islands competing with mainland coasts, equitable delimitation takes into account
**non-encroachment,
 avoidance of cut-off effects
 the avoidance of disproportionate results.**

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 **EASTERN MEDITERRANEAN**

Treatment of Islands in Maritime Boundary Delimitation

There has been a sustained trend in international jurisprudence towards awarding islands a reduced effect in maritime boundary delimitation.

This has proved to be especially the case where such islands are located at a considerable distance offshore and opposed to mainland coasts as they would create a disproportionate impact.

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Treatment of Islands in Maritime Boundary Delimitation

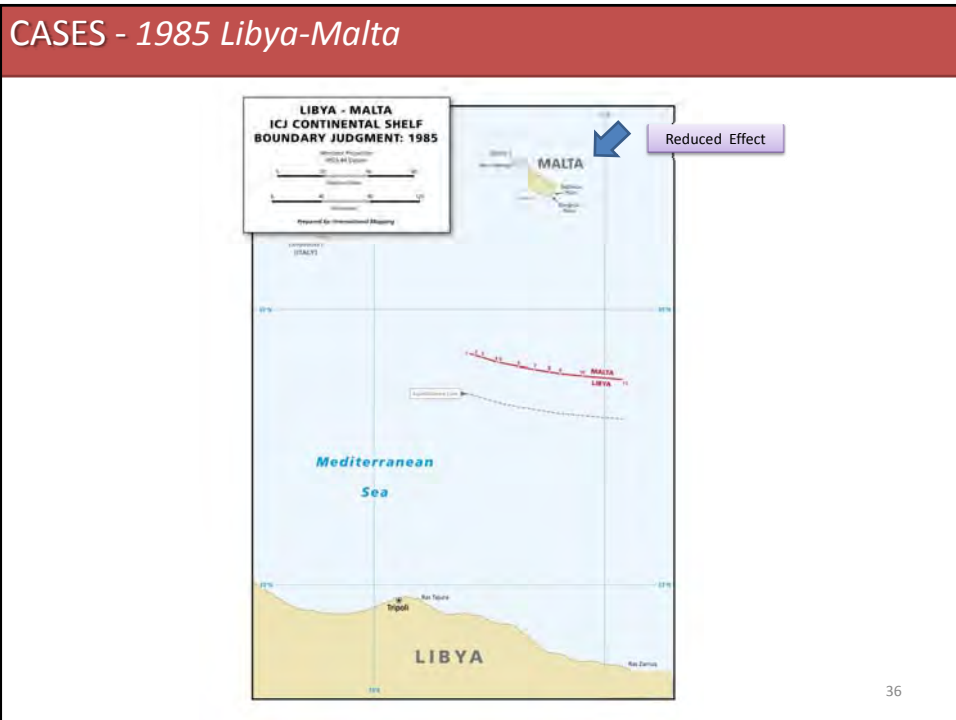
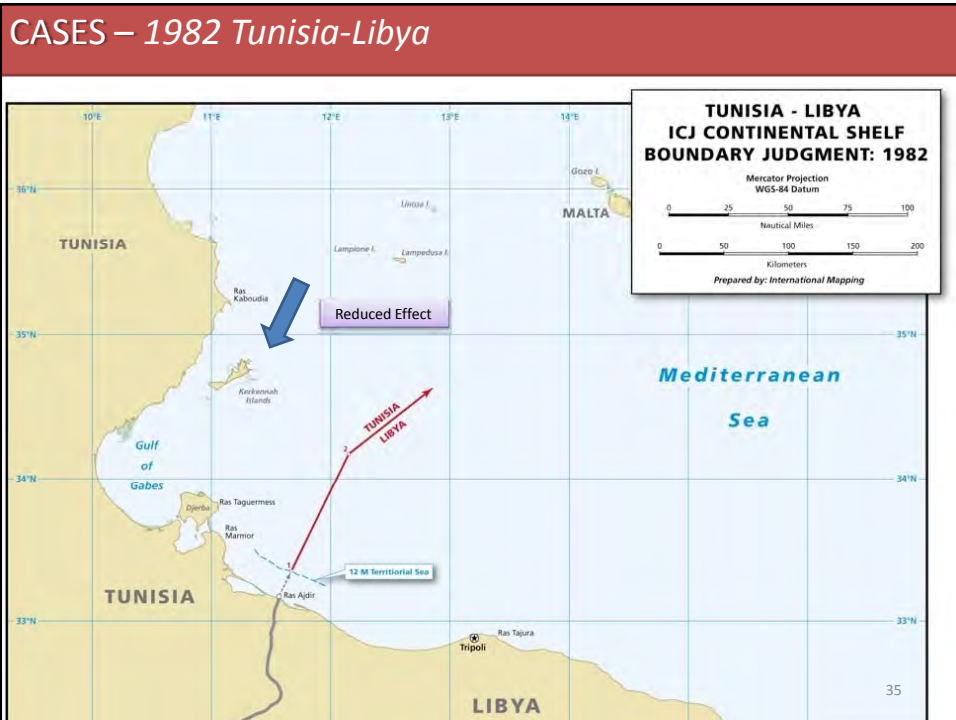
Some examples of jurisprudence and state practice where islands have received a reduced effect or been partially or wholly enclaved or even completely ignored.

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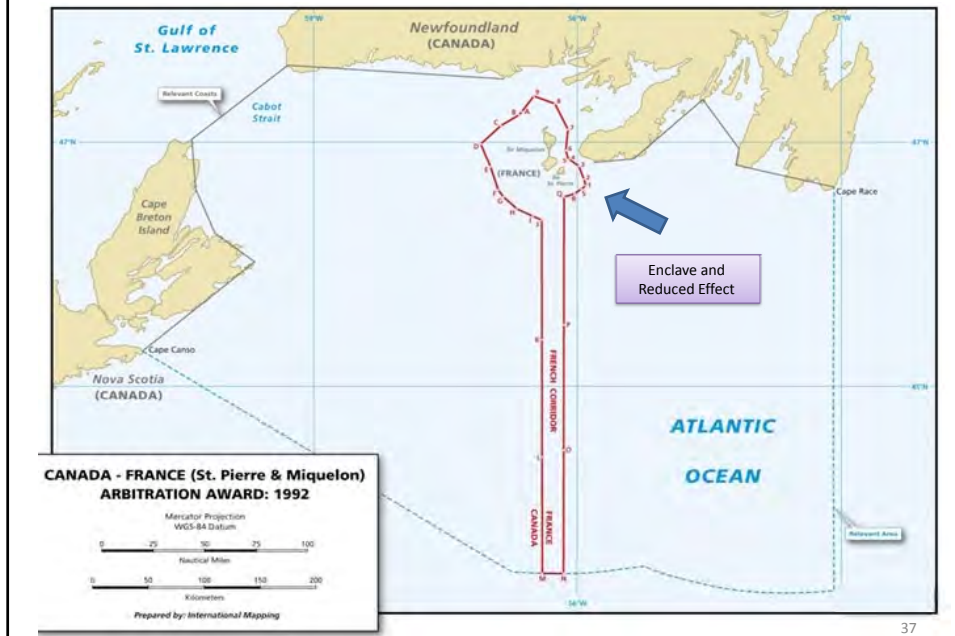
Cases - 1977-78 UK-France



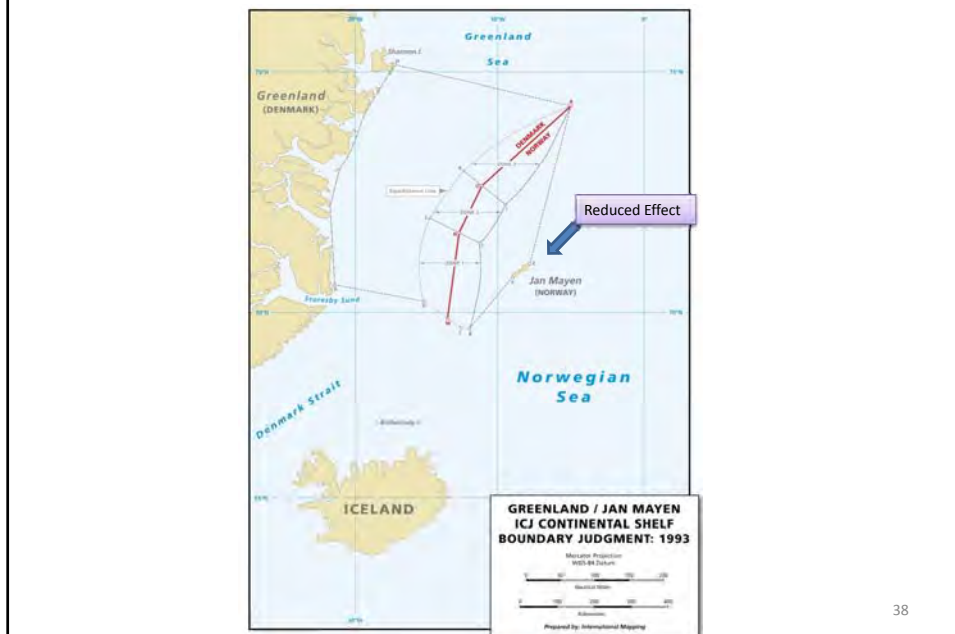
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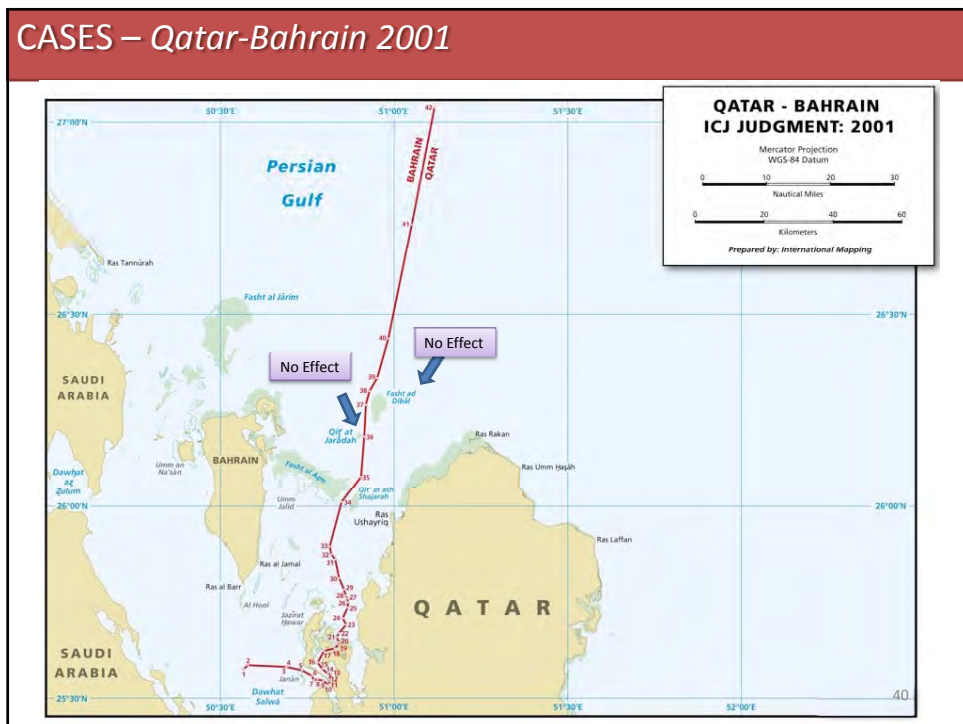
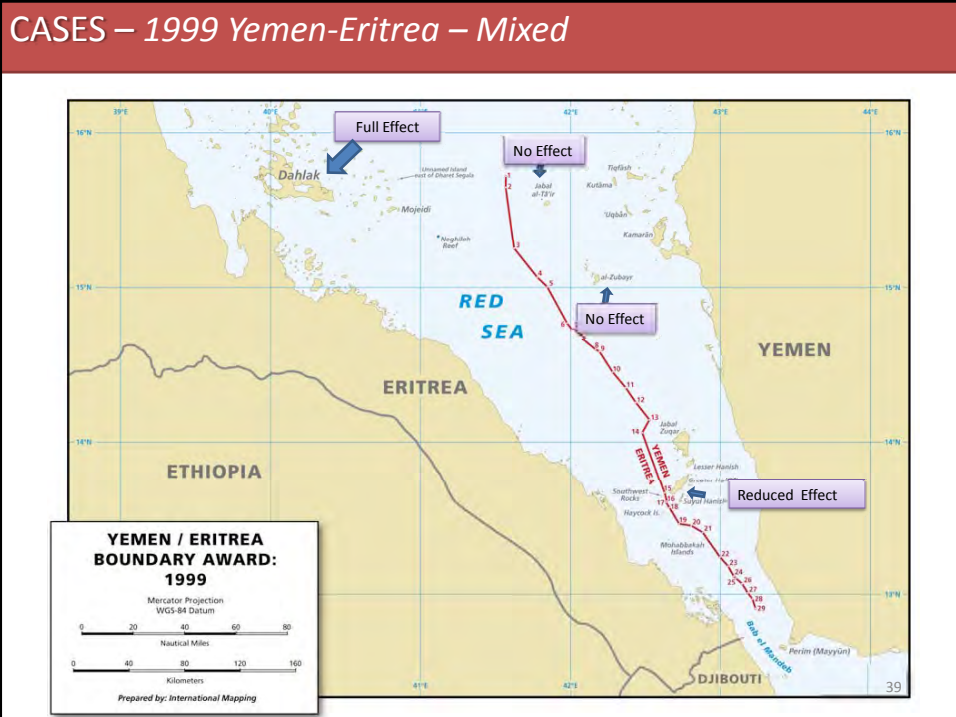


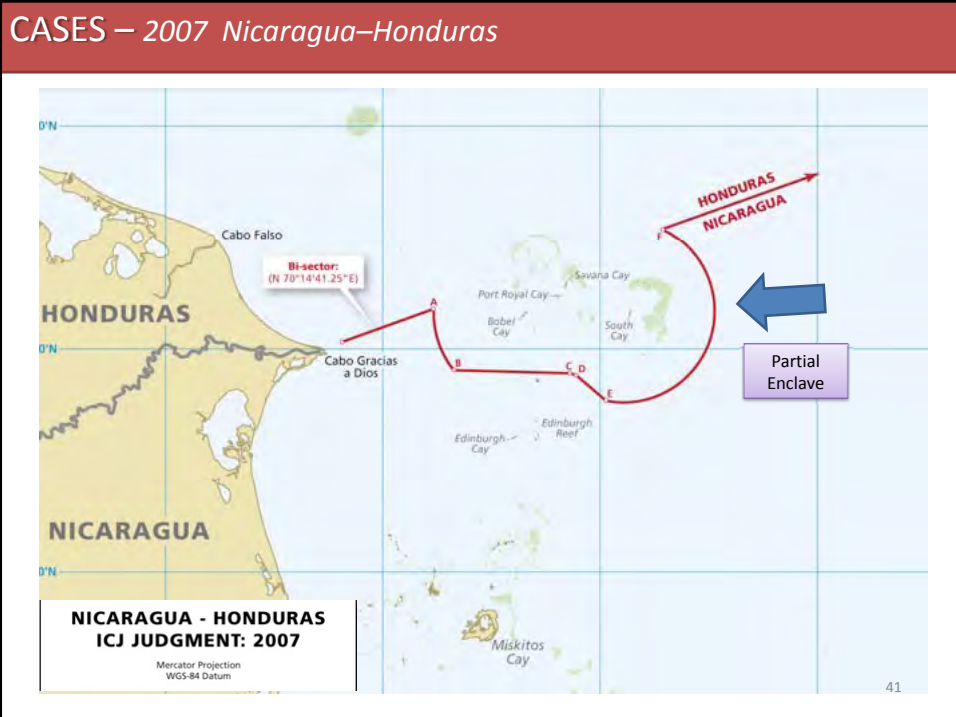
CASES – 1992 Canada-France (St Pierre and Miquelon)

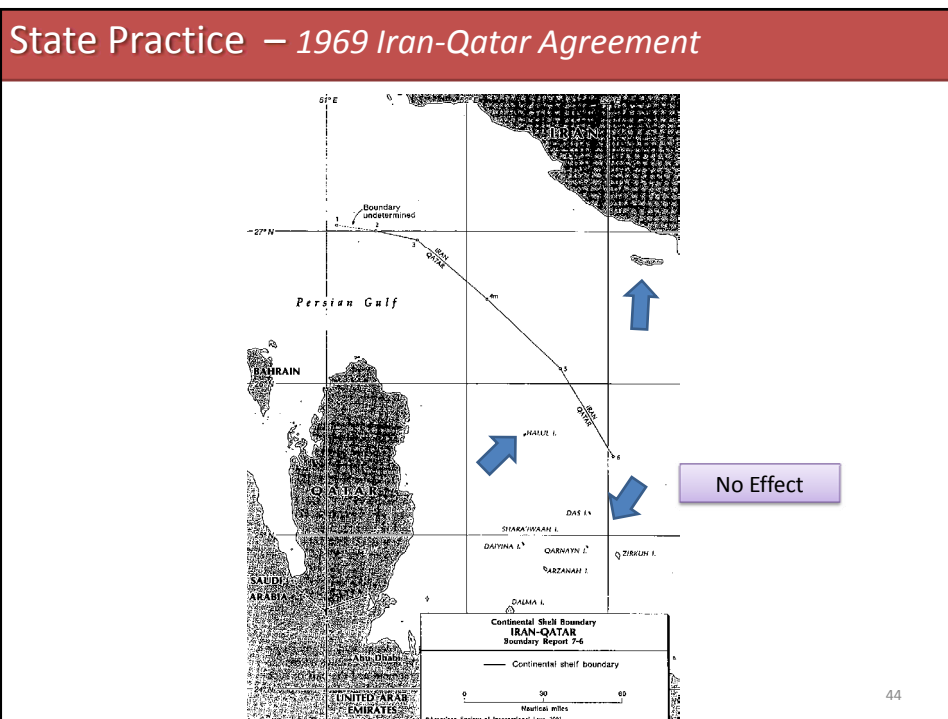
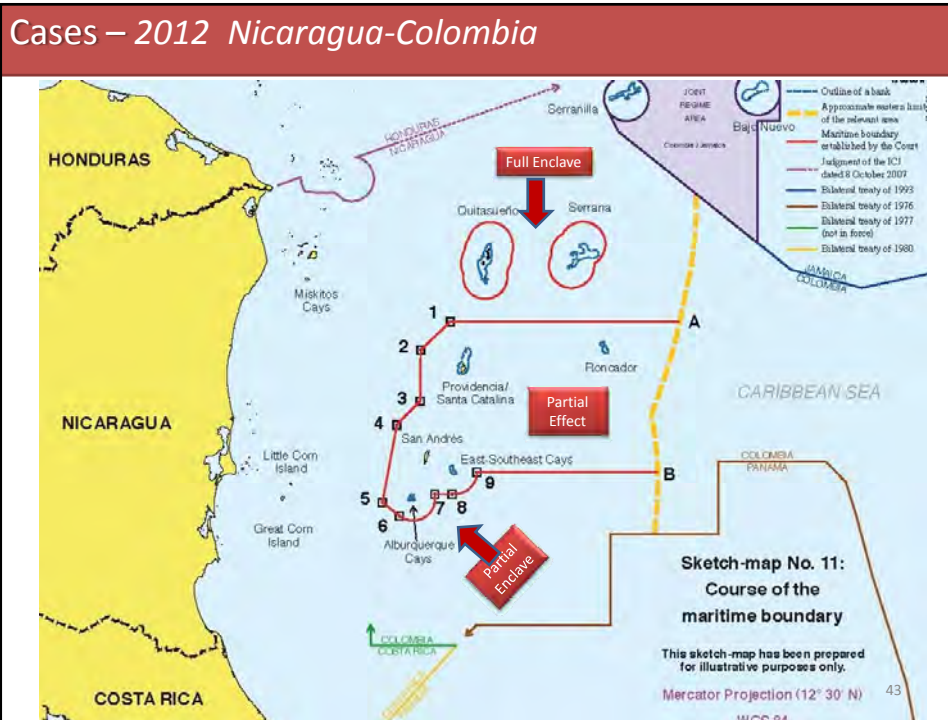


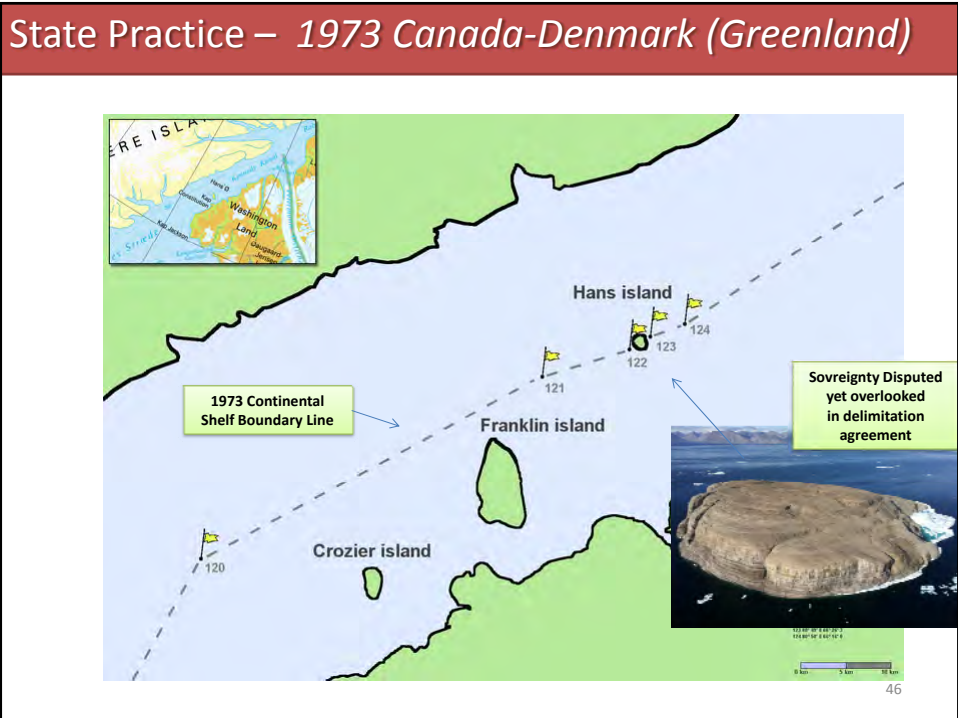
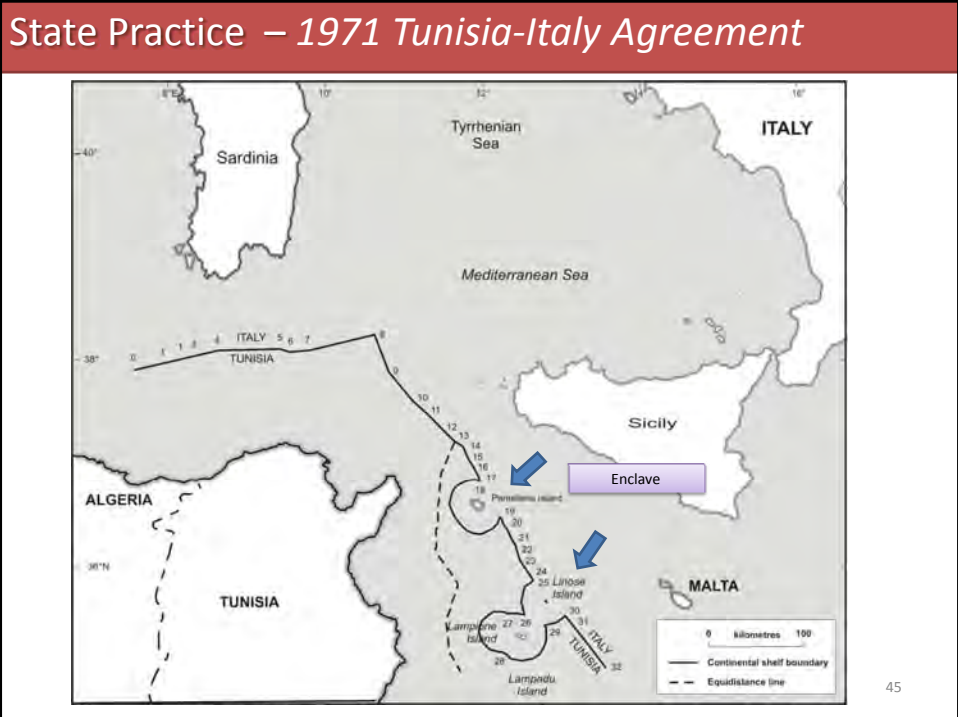
CASES – 1993 Denmark-Norway (Jan Mayen)

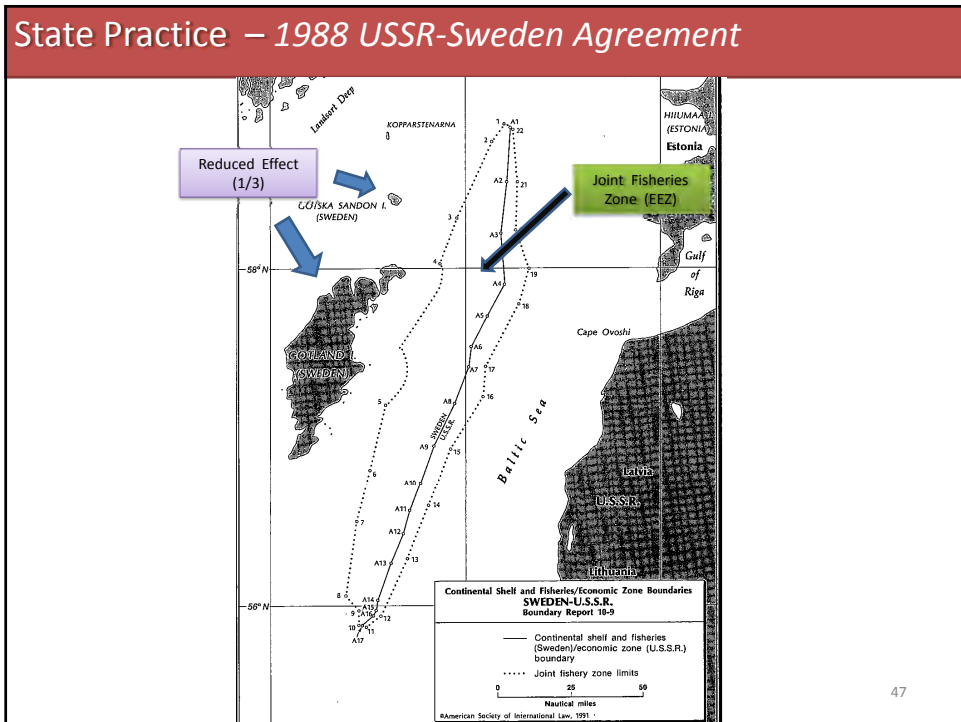













State Practice – 1978 Papua New Guinea and Australia

- ❖ TS and CS boundary established
- ❖ Territorial sea limit fixed for 3NM
- ❖ Islands lying on the wrong side encalved
- ❖ Agreed on joint fisheries management
- ❖ Established a Joint Protection Zone

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 **EASTERN MEDITERRANEAN**

Treatment of Islands in Maritime Boundary Delimitation

CONCLUSION

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Treatment of Islands in Maritime Boundary Delimitation

According to international law, as supported by these examples, there is no automaticity in claiming that islands generate full maritime jurisdiction areas.

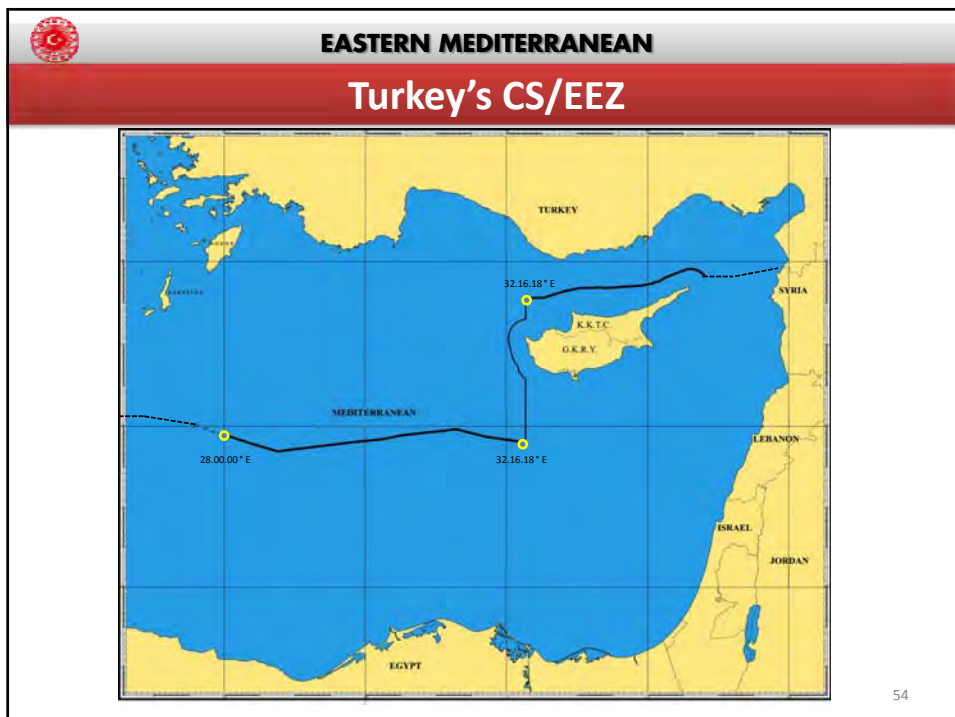
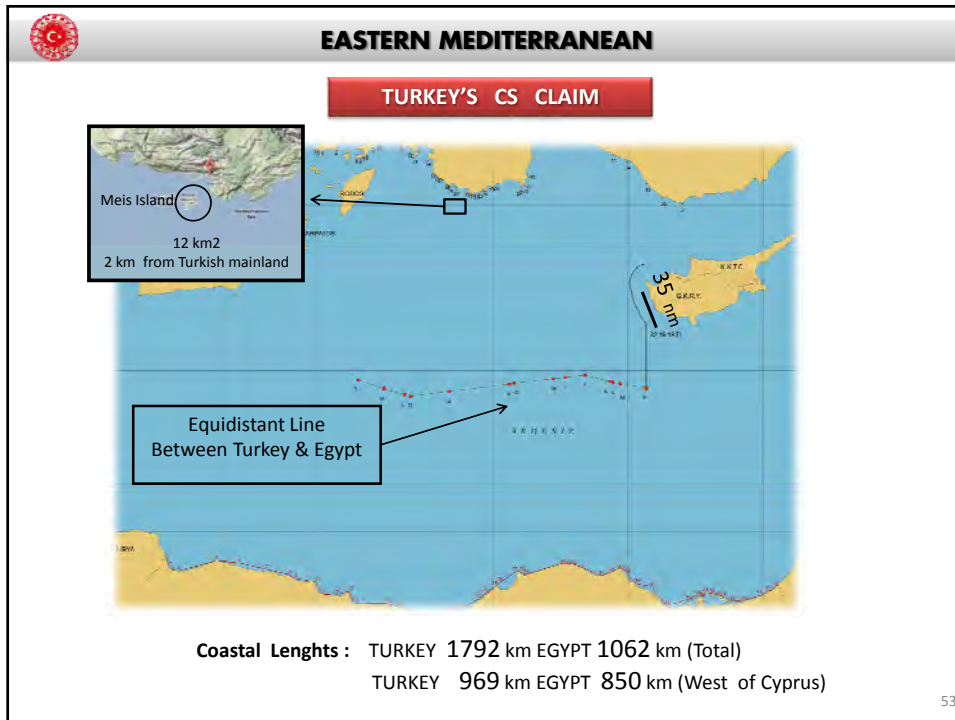
Islands are ignored or given limited effect in maritime boundary delimitation if their location distorts equitable delimitation or if there are other special / relevant circumstances.

Based on international law, Turkey has made its position clear since 2004 and registered it in the UN.

Turkey is of the legal opinion that the Island of Cyprus in the west and the Greek Islands in the area including Castellorizo cannot generate full EEZ/CS under international law as they distort the equitable delimitation.

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EU's BIASED POSITION

EU solidarity to support national boundary claims ???

- Does EU has any competence in delimiting maritime boundaries? **NO**
- Can EU qualify Turkey's off-shore activities illegal under international law ? **NO**
- Can EU take the boundary claim of one side and try to impose it to the other? **NO**
- What is the EU position vis-a-vis overlapping maritime jurisdiction claims between its members? **Neutrality**

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EU's BIASED POSITION

Spain-France **Slovenia-Croatia** **Malta-Italy**

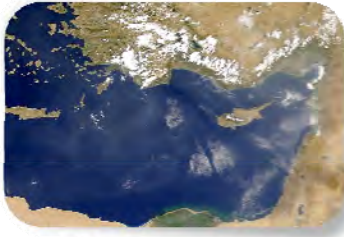
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TURKEY'S POSITION

- ✓ Maritime claims of EU members, violating the legitimate rights of 3rd countries cannot be portrayed as the external borders of the EU. That's indeed the gross violation of international law.
- ✓ Final maritime boundaries can only be determined through agreements (not violating 3rd parties' possible boundaries) or through litigation. Overlapping maritime claims prevail in the absence of a settlement.
- ✓ Greece's & GC maritime claims are maximalist. They are based on the entitlement of islands to EEZ/CS.
- ✓ Entitlement & Delimitation are not the same thing.
- ✓ Islands may be ignored or given reduced EEZ/CS if their presence distorts equitable delimitation. This is a fundamental international law principle.

EASTERN MEDITERRANEAN



THE WAY AHEAD

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    graph TD
      Root[THE WAY AHEAD] --> A[Overlapping Claims  
Agree to Disagree]
      Root --> B[Bilateral  
MBD Agreements]
      Root --> C[Third Party Solutions  
ICJ - Arbitration]
      Root --> D[Joint Management  
Joint Development]
    
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TURKEY'S POSITION

Turkey is ready to launch maritime boundary delimitation talks with all the neighbouring countries except the Greek Cypriots

Delimitation in the west of the Island should be effected after the comprehensive settlement of the Cyprus issue (Federal, Confederal or 2 state solution)

TCs' equal rights as co-owners of the Island should be guaranteed NOW.

TCs' 13 July 2019 cooperation proposal is on the table and a good basis for a solution.

DOĞU AKDENİZ

TC'S COOPERATION PROPOSAL 13 JULY 2019

Fundamental Principles

inherent & equal rights over the off-shore resources of the whole island as the co-owners of the Island

simulteneous monetary benefit sharing

joint decision making

solution will not prejudice legal and political positions

No licencing & activity in overlapping areas.

Joint Committee
 under UN auspices & facilitation – EU as oserver
 (2 reps + consensus + upon request of each side) + 2 independent experts

contractual rights of the oil companies shall be protected

agree on a revenue sharing percentage on all licence areas
 joint Decision on all future activities

JOINT HYRDOCARBON TRUST FUND

TP to cease its activities on overlapping TC & GC licence areas unless agreed otherwise

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TURKEY'S POSITION

TP will continue its survey and drilling activities in Turkey's continental shelf.

TP will continue its survey and drilling activities in the TRNC licenced areas unless the Turkish Cypriots' equal rights over the off-shore resources are guaranteed.

JOINT DECLARATION
ADOPTED BY THE GRAND NATIONAL ASSEMBLY OF TURKEY
ON 18 JULY 2019
[Unofficial English translation of the original text in Turkish]

We, as the political parties represented in the Grand National Assembly of Turkey, strongly condemn all attempts to turn a blind eye to, ignore and disregard the legitimate rights and interests of the Turkish Cypriots and the Republic of Turkey, based on international law, by imposing a fait accompli regarding the sharing of hydrocarbon resources in the Eastern Mediterranean, and, hereby state explicitly our objection to all the policies followed to that end, under all circumstances.

We particularly state that we find the sanctions announced recently in the Final Declaration of the Meeting of the European Union Foreign Affairs Council contrary to international law and unacceptable. We call upon the European Union to abide by international law and adopt a fair, equitable and impartial position in this regard.

Those attempting to ignore the rights and interests of the Turkish Cypriots and the Republic of Turkey in all processes and activities conducted by both international oil companies, which have been illegally involved in unilateral hydrocarbon activities by the Greek Cypriots, and by countries which support the Greek Cypriots, should know that their endeavours are futile, contrary to international law, and deeply contradict with the region's social and political realities.

In this sense, we consider right and appropriate the continuation of our State's hydrocarbon drilling activities in the Eastern Mediterranean. It should be known that both Turkey and the Turkish Republic of Northern Cyprus have the strength to protect their legitimate rights, stemming from international law, without bowing to any pressure.

We announce to our grand Nation and to the world public opinion, that we fully support each and every political initiative conducted, measure and step taken by our State, with regard to the protection of the rights and interests of our Nation, which are accordingly based upon ensuring a fair and equitable sharing in the Eastern Mediterranean region, and, that we will maintain resolutely our common stance in any case and under all circumstances.

<p>Mehmet Muş Group Deputy Chairperson of the Justice and Development Party (AK Party)</p> <p>Erkan Akçay Group Deputy Chairperson of the Nationalist Movement Party (MHP)</p>	<p>Engin Özkoç Group Deputy Chairperson of the Republican People's Party (CHP)</p> <p>Lütfü Türkkan Group Deputy Chairperson of the Good Party (İYİP)</p>
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TURKEY'S POSITION



REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

No: 206, 16 July 2019, Press Release Regarding the Conclusions Adopted by the EU Foreign Affairs Council

The conclusions adopted by the EU Foreign Affairs Council yesterday (15 July) will in no way affect Turkey's determination to continue its hydrocarbon activities in the Eastern Mediterranean.

These conclusions demonstrate how prejudiced and biased the EU is with regard to Cyprus as they make no reference to the Turkish Cypriots, who have equal rights over the natural resources of the Island, in total disregard of their existence in Cyprus.

These conclusions are the latest examples of how the Greek Cypriot-Greek duo abuse their EU memberships for the sake of their maximalist positions and how other EU countries are instrumental to this end.

As we have repeatedly emphasized in the past, our hydrocarbon activities in the Eastern Mediterranean have two dimensions: the protection of our rights on our continental shelf, and the protection of the equal rights of the Turkish Cypriots, who are co-owners of the Island, over the hydrocarbon resources of the Island.

Within the first dimension, it is not possible for Turkey to start talks with the Greek Cypriot Administration to delimit maritime jurisdiction areas before the settlement of the Cyprus issue. Because the so-called Republic of Cyprus is not a real state in the eyes of Turkey and TRNC, as it has not been representing the Turkish Cypriots since 1963. The Republic of Cyprus, which was founded on the political equality of the Turkish Cypriots and the Greek Cypriots, ceased to exist in 1963. The reason why the Cyprus issue has remained unresolved up until today is the Greek Cypriots' non-acceptance of the Turkish Cypriots' political equality since 1963. The interlocutor of the Greek Cypriot Administration is the TRNC, not Turkey. It is not possible for the EU to understand and make a constructive contribution to the Cyprus issue unless it acknowledges these facts, and regards the Turkish Cypriots, not as a minority, but as the co-owner of the Island.

As to the second dimension, the solution is only possible if the rights of the Turkish Cypriots are guaranteed. In this context, the comprehensive cooperation proposal of Turkish Cypriots, made on 13 July 2019, which is also fully supported by our country, is an important opportunity for a solution.

EU's preference for taking decisions against Turkey, rather than making use of this opportunity and encouraging the two sides to come together on the Island with regard to the hydrocarbon resources, is an ineffective, unrealistic and unconstructive behavior.

Our country will continue to protect both its own rights and the rights of Turkish Cypriots with determination, and will further boost its activities to this end. The EU, who has not kept its promises to the Turkish Cypriots since 26 April 2004, has no word to say to us in this regard.

It is also revealing to observe that these decisions were taken on a very important day for the Turkish people, the third anniversary of the heinous coup attempt of July 15.

