The Aegean Agenda: Greek National Interests and the New Law of the Sea Convention

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Introduction

The entry into force of the 1982 LOS Convention in November 1994 offered the occasion for renewed tension between the old rivals Greece and Turkey. The controversy related this time to the possible extension of the Greek territorial sea from six to 12 nautical miles as the new Convention expressly permits. Greece has signed but not yet ratified this instrument, whereas Turkey has opposed its adoption, casting one of the four negative votes.

Several months before the announced entry into force of the Montego Bay Convention, Turkey sent repeated signals to the Greek neighbour about its intentions. Turkey suggested that Greece should either decide on 16 November 1994 to extend its territorial sea with all unpleasant consequences (to wit, prepare itself for a military confrontation, the idea being that any unilateral change of the maritime status in the Aegean would automatically be regarded by Ankara as a casus belli), or abstain from any such act implying a definite renunciation of the right to a 12-mile territorial sea. Military friction was also to be expected as both the Greek and Turkish fleets had planned naval manoeuvres around the “critical date”. Western circles suggested restraint, while the USS Saint George was deployed in the central Aegean Sea to monitor and report on the movements of the unruly allies.¹

¹ On 2 October 1994 the Turkish Foreign Minister Mumtaz Soysal protested against Greek intentions arguing that an initiative of that kind would deprive Turkey of access to the open sea and warned that Turkey would consider such a move as an act of aggression. Turkey, he said, “did not want to go to war, but would in such a situation”; see (1994) 40 Keesing’s Record of World Events 40244.
The crisis was finally defused when Athens refrained from any precipitate action, merely reaffirming the position that Greece intends to exercise its right to extend its territorial waters up to 12 miles at an appropriate time. In a symbolic move, on 16 November 1994, the Greek, Spanish and Italian warships participating in joint manoeuvres in the southern Aegean remained in port, open to public visit, thus celebrating in a peaceful manner the entry into force of the landmark Convention.

This article looks first at the legality of the Greek claim to a territorial sea belt of 12 nautical miles around continental and insular coasts, and second at the long-neglected possibility of establishing a straight baselines and bay closing lines system for measuring the breadth of its territorial sea. With respect to this latter issue, an attempt is made to illustrate the Greek case by a series of conjectural straight baselines mainly drawn along the Greek mainland coasts. Although intimately related to an eventual Greek decision to increase the territorial sea limit, the problem of the Aegean Sea continental shelf delimitation is not addressed here.

The Extension of the Greek Territorial Sea: Right or Abuse?

The View from Athens

On 16 November 1994 the LOS Convention entered into force including Article 3 which stipulates that "every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles". The 12-mile rule, however, although technically enforceable since that date as a treaty clause inter partes, is widely considered as the crystallization of a well-established customary principle. In this sense, Turkey's allegation that if Greece did not proclaim a territorial sea of 12 miles immediately after the entry into force of the new