

INTERNATIONAL LAW OF THE SEA AND MEGISTI

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Abstract

This article underlines the dispute of the maritime delimitation problem on the Megisti between Turkey and Greece. Megisti is one of the tiny islands of Greece. While excessive claims by Greece still unresolved, claimed demands potentially carry an element to create instability and a critical zone in the Eastern Mediterranean. Greece's attitude challenges the "Principle of Determining by Agreement" based on international law and the necessity of reaching an equitable result, as stated in Articles 74 and 83 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The median line is not a priori delimitation rule. Inevitably, this study evaluates the question of Megisti, excessive maritime jurisdiction claims of Greece, and concentrates on the "Land Dominates the Sea Principle".

Keywords: Turkey, Greece, Maritime Delimitation, Megisti.

ULUSLARARASI DENİZ HUKUKU VE MEİS

Öz

Bu makale, Türkiye ile Yunanistan arasındaki deniz sınırlaması sorununun Meis üzerindeki ihtilafını ele almaktadır. Meis, Yunanistan'ın küçük adalarından biridir. Yunanistan'ın aşırı iddiaları hala çözülmemiş olsa da iddia edilen talepler potansiyel olarak Doğu Akdeniz'de istikrarsızlık ve kritik bölge yaratacak bir unsur taşımaktadır. Yunanistan'ın tutumu, 1982 Birleşmiş Milletler Deniz Hukuku Sözleşmesi'nin 74 ve 83. Maddelerinde belirtildiği üzere, uluslararası hukuk temelinde anlaşma yoluyla karar verme ilkesine ve hakça bir sonuca ulaşma gerekliliğine aykırıdır. Orta hat, öncel bir sınırlandırma kuralı değildir. Kaçınılmaz olarak bu çalışma, Meis sorununu ve Yunanistan'ın aşırı deniz yetkisi iddialarını değerlendirmekte ve "Denize Hâkim Olan Kara Prensibi"ne odaklanmaktadır.

Anahtar Kelimeler: Türkiye, Yunanistan, Deniz Sınırlandırması, Meis.

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Introduction

The issue of maritime delimitation has become more vital and complex issue for states. It is no coincidence that the issue, now popular and with potential security risks, purely reasons of maritime delimitation raise disputes with technical and legal practice. The power in the maritime areas (trade and navy) is also effective in politics in the world. Geographers currently stated that an agreement has been reached on a fraction of much less than the potentially existing 400 borders (around 180 borders) (US State Department Limits in the Sea, No.108). Maritime jurisdiction areas constituting the main part of the foreign policies require the employment of more technical experts on “hydrography, geology, geodesy, cartography, navigation, satellite, defence and so on” (Beazley, 1994:1). Determination of the jurisdiction of the coastal state on its maritime boundary can be defined as the process of creating the line separating the spatial area over the subsoil and the seabed.

However, the expression that has become the subject of dispute in the issue of maritime delimitation is the problem created by the attempts to establish a border that completely coincides with the sovereignty of another state. Tanaka, considering the characteristics of the maritime delimitation, proposes that “maritime delimitation” may be defined “as the process of establishing lines separating the spatial ambit of coastal jurisdiction over maritime spaces where legal title overlaps with that of another state” (2006:7). In the absence of any delimitation agreement pertaining to such an overlap, we are concerned only with the depiction: of a maritime limit. However, Maritime Limit and Maritime Delimitation are two different concepts in the Law of the Sea. International Court of Justice (ICJ, 1982) Report propounds that the very nature of the maritime boundary is 'international' (p. 87). Tanaka emphasizes that the Maritime Limit has one-sided character: unilateral (Tanaka, 2006:8).

It is important for coastal states to determine whether their neighbors (opposing or supporting) in their geography have a conflict area for their own sea areas. “The spatial ambit of coastal jurisdiction may overlap by opposite coasts, and by adjacent coasts. While the meaning of the term 'opposite' is evident, the term 'adjacent' is used to refer to the lateral boundaries of the maritime zones between two adjoining states.” (Aasen, 2010:5). Indeed, Turkey and Greece are countries with two opposing and adjacent borders. None of them is an archipelago state, but they have islands in the Aegean and Mediterranean. The region lies in the semi-enclosed Mediterranean basin and in the closed Aegean; hence, they have maritime delimitation problems. In

fact, overlapping claims stem from the complex geography of the region. The delimitation dispute is divided into three:

- Delimitation of territorial waters,
- Delimitation of the continental shelf, and
- Delimitation of the exclusive economic zone.

Another problem between the sides is related to the islands' situation, which may also be divided into three major headings:

- a) Islands entitlement,
- b) Sovereignty issue of undefined islands, and
- c) Armament of islands

There are problems in determining the maritime jurisdiction areas stemming from the *baselines*, *starting point of delimitation*, and *end points*. This study is only an attempt in examining the delimitation issue.

1. Maritime Jurisdiction Areas in UNCLOS

1.1. Territorial Waters

Baselines play an important role in defining the limits of the territorial sea, as it is defined with a “breadth” criterion suggesting an ambit not more than 12 nautical miles from baselines (Articles 3, 4, 5 – UNCLOS). A coastal state has full and exclusive sovereign rights over territorial sea including upper airspace (Article 2 – UNCLOS). The rule concerning the “Delimitation of the territorial sea between States with opposite or adjacent coasts” as defined in Article 15 suggests a general rule for drawing a median line for delimitation (Article 15 – UNCLOS). The Article 15, however, stipulates that the median line cannot be used if there are any historical rights or special circumstances prevailing; but if historical rights and special circumstances exist, another methodology can be used to reach an equitable result.

1.2. Contiguous Zone

The measurement starts from the baselines and ends in 24 nautical miles. “12+12 rule” is accepted; the zone may not be prolonged more than 24 nautical miles. Each coastal state has the right to proclaim its contiguous zone. This *de jure* prerogative provides certain right of sovereignty for the state in controlling the other states’ fiscal, sanitary, immigration and customs laws activities within 24 nautical (Article 33 – UNCLOS).

1.3. Continental Shelf

Each coastal state in the matter of continental shelf “that constitutes a natural prolongation of its land territory into and under the sea exist ipso facto (by itself), and ab initio (from the beginning), by virtue of its sovereignty over the land, and as an extension of it in an exercise of sovereign rights for the purpose of exploring the seabed and exploiting its natural resources” (North Sea Continental Shelf Cases, 19, International Court of Justice, 1969).

It starts from baseline and ends in 200 nautical miles (nm). If geography is suitable, it may be extended up to 350 nm. The Continental shelf comprises subsoil and seabed of the submarine zones. Legal regime thus established allows sedentary fishing (Articles 76-85 – UNCLOS).

1.4. Exclusive Economic Zone

The coastal state exercises sovereign jurisdictions over the superjacent waters, seabed and subsoil, managing and conserving rights over the natural resources and rights for the purposes of exploration and exploiting can be used from the baselines and not extend more than 200 nautical miles (Articles 55-78 – UNCLOS).

1.5. Maritime Delimitation

The baselines may include either of the low-water (geodesic) line along the island coasts or mainland or straight baselines including the river mouths, gulfs or bays with closing lines or external ports or delta baselines are decisive in determining the maritime jurisdiction areas, as suggested in “The Territorial Sea (Baselines) Order 2014” issued by the UK. Turkey and Greece have not declared their official baselines at the UN.

2. Special Case: Megisti

Turkey and mainland Greece are two countries situated opposite/adjacent to each other in the Aegean Sea. The detached Megisti Island, the focus of dispute, lies in the northwestern part of the historical Mediterranean Sea. This tiny island situated in the Eastern Mediterranean covers an area of 12 square kilometres, and has a population of only 500 (Bekdil, 2020:1-4), and is the closest Greek island bordering Turkey. Greece is situated to the opposite/adjacent coasts of Turkey in the Aegean Sea.

The dispute is the controversial maritime delimitation zone between the island of Megisti and Turkey. In fact, the present disputes between the Parties are set within a historical context dating back to the Ottoman Period. Ottoman

State ruled the island from 1512 to 1912 when Italy occupied the island and later in assigned to Greece with the Paris Peace Treaties of 1947.

In fact, recent events proved once more that Turkey and Greece need rapprochement on maritime boundary delimitation zones despite their policies. Neither side could agree on the demands hitherto put forward for this area. Turkey submitted its Note Verbal to the UNSG in 2004 (Law of the Sea Bulletin, No. 54) and details of geographical coordinates of its continental shelf in the Mediterranean, which is published at the Law of Sea Bulletin (March 18, 2020 letter by the Permanent Representative of Turkey to UNSG). However, marine coordinates for Greek claims in the Mediterranean have not yet been established, published or declared at the UN. The Turkish Foreign Ministry said “Turkey has *ab inito* and *ipso facto* arguments on the Megisti Island, but Greece has no rational argument on the effects of Megisti island, situated at a distance of two kilometers off the Turkish mainland, and 580 kilometres from mainland Greece to create a continental shelf of 40,000 sqm.” (Theodolou, 2020).

Greece asserts, “[its] claims are based on the law of the sea whose provisions concern the delimitation of the continental shelf, including the territorial waters, and the exclusive economic zone. Greece ratified the Convention that entered into force 21 July 1995; but Turkey, although joined and gave support to the LOSC codification conferences since the League of Nations neither signed nor ratified the Convention.

Georgios Chrysochou and Petros Siousiouras (2013) assert that Turkey and Greece have maritime dispute regarding the continental shelf and on the exclusive economic zone since the 1970s in the Aegean region (p. 115). Greece claimed that the islands are to be entitled to the exclusive jurisdiction of their continental shelf and should be defined on the basis of the median line in terms of Hydrocarbon Law 2289/1995 but Turkey asserts that the Greek claims are groundless as they were situated in the Turkish maritime jurisdiction (Chatzichristofi, 2017). Turkey points out that median line alone is not possible for application, owing to relevant/special circumstances. Ioannis N. Grigoriadis and Lennart T. Belke stated that “the recent agreements Greece made with Egypt and Italy have shown that the states in the Mediterranean Region are willing to respect international law, especially the UNCLOS, on the limitation of maritime borders” (2020:1-8). G.A. Sgouros (2010:382) claims that the limits of Greece’s EEZ in Aegean Sea from the Strait of Çanakkale to Megisti is based on Voronoi method. Konstantina A. Kapsi argues that strategic importance of Megisti Island is a cluster for extending Greek EEZ, but Turkey refused the right of Greece EEZ over the Megisti as it

violated the principle of equity (2019:189). Constantinos Yiallourides (2020) claims that the island of Megisti and small parts of the coast of Rhodes have not been included in the “Greece-Egypt delimitation agreement” to avoid confrontation with Turkey. Whereas “states friendly to Turkey, such as Qatar, Azerbaijan, Pakistan, recognize Megisti as under the Turkish area of sovereignty (Dulgarian, 2020) which renegotiates the principles of Lausanne Treaty. It remains as an option for Turkish Grand strategists in achieving mutual understanding of the problems, goodwill, and demise of unchallenged crises between both countries.

Greece wants to apply directly to ICJ, whereas, Turkey states that the disputes on maritime jurisdiction and delimitation should first be taken in hand mutually, without prejudices, by the two countries with an aim to negotiate and reach an agreement before resorting to a tribunal. Greece claims that its lands have the right of exercising their sovereign rights over the territorial sea and the other jurisdictions mentioned in UNCLOS (Stanicek: 6). However, Greece has not submitted its geographical coordinates to the United Nations Secretary-General for publicity. Turkey stresses that Megisti and other Greek islands do not have the right to have a continental shelf and EEZ (*Aegean Issue*, Turkish Foreign Affairs). Merve Sebnem Oruç (2020) propounds that Greece’s claims over territorial waters extending from Crete to Rhodes and Megisti, close off the Turkish coastline, are not congruent with the stipulated maritime jurisdiction rights as it covers an area 4,000 times larger than its own landmass. Moreover, the concept of *land dominates the sea* underlines the territorial aspects, as asserted in *Serpent’s Island* case in 2009, where the International Court of Justice maintained that an equitable solution should be adopted instead of equidistance rule of delimitation.

In fact, there is no consensus over the subject of the maritime delimitation between the parties. The subject-matter of the dispute concerns the delimitation of the maritime boundary on the territorial waters between Turkey and Megisti Island in the Eastern Mediterranean with respect to the particular coastal length and direction. This article evaluates the demands Greece raised and Turkey’s line of argument on maritime delimitation over the Megisti Island.

3. Territorial Sea, Continental Shelf, and Exclusive Economic Zones

Territorial sea is an exclusive zone under the sovereignty of any coastal state as defined by the UNCLOS Article 15. Historical rights and special circumstances related to geomorphological and geological features prevent the usage of the median line alone. In this context, the questions to be asked

should be “Is there any agreement addressing to the delimitation of territorial sea, either by signing or tacit agreement?” “Are there any published official coordinates of baselines for Megisti or Anatolian coasts in the United Nations?” The answer is clear. There is no publication relating to the drawing of a baseline, although it is the primary condition in determining the territorial waters and other maritime jurisdiction areas. Distance criteria have been used in deciding for the baselines and exclusive economic zones.

The last status of Megisti was established by the Lausanne Treaty Article 15 (*Treaty of Peace 1919-1923*, Vol. II, 1924). Turkey and Italy tried to negotiate in the many rounds of talks held; however, at the end they agreed to go to the court. Both sides agreed on a Special Agreement, related to the delimitation of the territorial waters, to be submitted to the Permanent Court of International Justice (PCIJ). The case at PCIJ came to be known as “Delimitation of the Territorial Waters between the Island of Casetellorizo and the Coast of Anatolia” (PCIJ, 1933:1-7). It should be mentioned that PCIJ application was only related to the territorial waters between the coasts of Anatolia and Megisti Island.

As a result, no agreement on Megisti’s maritime borders with Turkey and Greece has been reached up to date. Moreover, the sovereign status of the Rodos and Strongyli islands do not belong to Greece as it was neither defined in the Treaty of Lausanne or in the Peace Treaty signed with Italy in 1947.

It could be an inference as long as the coastline facing the Anatolian coasts. The parties have agreed on the status of the island of Megistias it was stipulated in the Lausanne Treaty of 1923, but not on the delimitation of territorial waters. There is no comprehensive agreement over the territorial waters between both parties, other than the direction of coasts discussed for delimitation. Megisti Island is only 2 km away from Turkey, lying in the Turkish territorial waters. Greece alleges “Greek islands have rights to an Exclusive Economic Zone (EEZ) and continental shelf” (US State Department 2020). Turkey states that claim is not applicable as it cuts off the Turkish coasts to high seas.

For Turkey, case laws and international customary laws provide that maritime boundaries can only be delimited by an agreement to be reached by the parties for an equitable result. Good faith and political will are necessary to resolve the dispute as the nature of the rules of law of sea demands.

Greece’s claims on median line by maritime delimitation with Turkey displaying geographical coordinates have never been submitted to the UN

officially. That is the only political excessive maritime claim. As result, Greece's national legislation, unilateral in character, prevents Megisti issue from reaching an equitable result. Legislation adduced by Greece does not give a clear enough indication of an equitable result.

Turkey and Greece have not reached an agreement of any sort concerning the territoriality of the sea. Turkey's and Greece's domestic legal rules regulate the vision of the parties on the maritime demands. Greek Law 230/1936 predicts that the territorial sea width shall be 6 nm from the coast but Turkey's Law 476/1964 does not state the breadth of Turkish territorial rights in the Aegean, as the Turkish baselines will determine the future of the territorial waters. For Greek analysts, "the extension of its territorial waters to 12 nautical miles will disproportionately shift the balance of interest in the Aegean in favor of Greece with its 4,000 islands" (Granitsas and Bouras, 2013). Additionally, Greek claims on median line for maritime delimitation with Turkey have never been put forward by any agreement nor published officially with geographical coordinates by the UN. Whereas articles 74(1) and 83(1) clearly state that each agreement shall be based on an agreement proving an equitable result.

4. The Geography

It is wrong to define the geographical positions of Rhodes, Kerpe, Çoban, Meis, and Crete with the term "Aegean". These islands are located in the Mediterranean. The view suggesting Greece and Turkey are geographically parts of the same continent is wrong and unfounded. On this basis, the maritime delimitation of these two countries, situated on two different continents, can only be taken into consideration in accordance with the varying characteristics of two different geographies, and hence, it will become evident that it is not possible to project a sea area to the islands claimed by Greece, as "the Mediterranean is a closed sea. Mediterranean air is not a homogeneous region; 22 states bordering the Mediterranean belong to European, Asian, and African [continents]" (Kliot, 1989).

Even a simple evaluation of the thesis, put forward by Greece in defining the islands in the Aegean, proves its baselessness. The Greek aim is to bring the Seville map, prepared by Juan L.S. de Vivero and Juan C.R. Mateos from Seville University in the early 2000s, to existence, which clearly serves its interests by showing the islands as connected to Greek mainland. In fact, the first form of the map, which is known as Seville Map, was prepared by the Geology Unit of America in 1969 and published in 1972 (Gözügüzelli, 2020).

Figure 1. An Alleged Map by US Department State on the Exclusive Economic Zones in the Mediterranean Basin.



Source: US Department of State (1972); Blake (1981).

Greek claims for Megisti, situated in the Turkish territorial sea in the Eastern Mediterranean are highly disputable. There are disputed claims by Greece for Megisti situated in Turkey's territorial sea in the Eastern Mediterranean. Turkey and Greece are two opposite states in terms of their mainlands, and owing to the positions of the small Greek islands, they are both opposite and adjacent states, bordering mainly with Aegean, and yet they are also riparian states.

Turkish argument over the limited maritime zones for Megisti is based on Turkey's geographical superiority with its coastal length as mainland in the Eastern Mediterranean. Turkish territorial waters are the exclusive sovereign maritime zones of the country. The maritime jurisdiction areas are only measured in terms of baseline. The baseline is considered to be the starting point for measurement of the maritime zones for territorial waters, contiguous zone, continental shelf, and foreexclusive economic zone.

The Law 230, issued on 17 September 1936, defines Greek baseline as coastline (normal baselines).

Figure 2. Greek Claims on Baselines



Source: (EMODnet, 2018). Hellenic Navy Hydrographic Service (HNHS) Law defining the Greece baseline Law 230 issued on 17 September 1936. The baseline is defined as the coastline

Turkey has not still published its baselines with official coordinates including latitude and longitude with base points. In 1964 Law of Turkey, Turkish coasts were published in the Law of the Sea Bulletin titled “Baselines: National Legislation with Illustrative Maps” (United Nations, 1989: 313-314). The baseline follows the general direction of the coast and close dependence of the territorial sea on the land domain (ICJ, 1951:133). Baselines demonstrate the outer limits of the internal waters which Turkish coasts are, in essence, deeply intended with a few islands around the Anatolian coasts of the Megisti. The straight baseline prescribed first time by Law 476 issued on 15 May 1964, and a scale copy of the Turkish chart is reprinted in Limits in the Seas of 36 (1981), but could not have been used due to objections raised by the USA (Limits in the Sea, No.32). Whereas Turkey stated that the implementation of the system of straight baselines and/or the exercise of the right of historic bays by Turkey will be implemented in the context of international law. (A/74/550 Letter to UN by Turkey dated 15 Nov 2019). As it is seen that making reference in UNGS with an official letter to the first time on straight lines and historical bays after 1964 is an important step by Turkey. On the other side, Greek Law 230 of 17 September 1936 states “failing specific rules it can be affirmed that the principle of the low water line.” In fact, most of the countries in the Mediterranean preferred to use the system of straight baseline.

However, with the signing of the UN Convention on the Law of Sea in 1982, the problems of delimitation of maritime zones in the world became more apparent. Agreement through dialogue between the parties was given a priority in solving the problems related to marine environment. The goodwill principle is very important for cooperation and mutual respect for rights and responsibilities. Rights should not be misused. Law protects rights. Turkey, since the beginning of the process, argued for the importance of a stable policy for dialogue, and never gave up its determinants which would otherwise lead to *fait accompli*. Turkey knows that equity is not inequity. Equity is not equal sharing in maritime delimitation.

As a result, “no maritime delimitation between States with opposite or adjacent coasts may be effected unilaterally by one of those states” (Worldcourts, 1984, prg. 112). It should be mentioned that the islands have always been at the core of maritime delimitation disputes, no matter in what typology they fall into:

- a) Island states,
- b) Detached islands –located far from the mother state and constitute the sole unit of entitlement,
- c) Islands from the wrong side which are straddling the equidistance line or lie beyond that line,
- d) Offshore islands (Tanaka, 2006:185).

In this respect, Megisti is a small island covering about twelve square kilometers. Turkey is a mainland, having a 2200 km coastal length and the total population is 80 million. Greece’s claim to 200 nautical miles for Megisti is unacceptable for Turkey. Greece is too far from international law. No demands of Greece are based on international law; the claims are only related to their domestic law. Because, the legislation of Greece envisages only the median line in any maritime delimitation without relevant circumstances (Law no. 2289/1995, and Law no. 4001/2011).

In the context of the Megisti, Greek and Turkish coasts are much longer than that of Megisti and that Turkish coastline has a concave feature in the Eastern Mediterranean. In any event, the status of Megisti island was of no consequence. It should be stated that some of the islands elsewhere in the world were disregarded in the delimitation process because they were too small and detached from the mainland:

- a) Tunisia vs. Libya Case, Djerba island receive no effect.

- b) Guinea and Guinea-Bissau, Coastal Islands, Bijagos Islands, and Southern Islands received no effect
- c) St. Pierre and Miquelon, Eastern Part receives no effect
- d) Eritrea and Yemen, al-Tayr and al Zubayr receive no effect
- e) Qatar and Bahrain, Qit'atJardah and Fasht al Jarim islands receive no effect

“No effect” means not taken into consideration in any delimitation processes.

The land dominates the sea is the principle derived from the notion of *terredomine la mer* which means that “projection of coasts or the coastal fronts” (ICJ, 2009, prg. 77). Maritime areas can be generated only from land territory which prescribed by many international courts (ICJ, 2012, prg. 140; ITLOS, No.16, prg.185). Turkey emphasized as always, the principle that the land dominates the sea. The principle of land dominates sea was first time described in 1969 (ICJ, 1969, prg. 96). In fact, islands have never generated full maritime zones. From this stance, Megisti cannot generate a full effect or half effect, let alone absolute cut off effect of the projection of Turkey’s coastal front does not create sufficient criteria for taking account only “Megisti’s demands, 40.000 sqm” (Mehmet, 2020). Despite the Qatar/Bahrain case, the International Court of Justice expressly stated that ‘islands, regardless of their size, in this respect enjoy the same status, and therefore generate the same maritime rights, like that of other land territories’ the fact is clear, and geography defines the status of effect. No country has a right to reshape the geography. It should be noted that Megisti is situated at an average distance of 580 nm off the mainland Greece. Obviously Megisti is far away from the mainland, and thus renders the delimitation difficult which should be affected between coasts of Anatolia and Megisti which was also prescribed in 1933 by the International Court of Justice as the sole unit of entitlement without any continental shelf.

5. Claimed Maps

Turkey submitted its geographical coordinates to the United Nations Secretary General on 18 March 2020 but noted its *ab initio* and *ipso facto rights* since 2 March 2004 Note (Law of the Sea Bulletin, No. 54). Greece does not have any publicity in the UN for its claimed maritime borders, only Seville University prepared a map for Greece. In fact, a similar claim on exclusive economic zone was first published by American Geography Centre in 1971. The lines thereby drawn are the *de facto* lines of maritime zones as they are not based on official maritime delimitation agreement, therefore are

not binding. Maritime limits only have a unilateral character, only consist of claimed zones, but delimitation has the universal effect as it is realized with another party upon an agreement reached within the context of international law for an equitable result.

Figure 3. Greek Excessive Claims on EEZ as reflected in the Seville Map



Note: The Seville map displaying theso-called Turkish EEZ inred, and the so-called Greek EEZ in blue.

The detached status of the islands cannot be considered as an influence on the delimitation process, if the island in question is in another country's territorial waters (Tanaka, 2006).

Greece claimed maritime zones in the Eastern Mediterranean, targeting "closed off" for Turkish mainland to high seas. The application/interpretation of the UNCLOS for the island's rights is in a conflict between Turkey and Greece. There are three basic propositionsto be taken into account when interpreting a treaty: ordinary meaning given to the terms of the treaty, the context of the treaty, and the latter's object and purpose (Churchill and Ulfstein, 2006:567). The Greek government's argument ignores the second and third of those principles.

Greek claims pose a considerable controversy over the legal nature of the maritime zones of Megisti. In the Greek view, various maximalist maps are presented and the locations of the exclusive economic zones are simply shown.

Conclusion

Megisti is not a mainland, it covers an area of almost 12 km², Turkey is an important mainland (with its 80 million inhabitants) having the longest coastline on the Mediterranean. Megisti is an island which represents approximately $1,5 \times 10^{-3}$ [0,0015] % of the Turkish mainland, constitutes an important limitation on the process. The effect of the discontinuation of the sea access is not an equitable result for Turkey's landmass. For that reason, Megisti does not constitute a relevant circumstance for maritime delimitation with Greece.

According to the international law, the delimitation of the maritime areas is to be decided objectively on geographical configuration of the coasts. The maritime restriction is not a way of dispensing the justice. For this proposition, it relies on the principle of “*sic utere jure tuo alienum non laedas.*” It means that the principle of “use your property in such a way that you do not injure other peoples” (Legal Dictionary, n.d.) still requires a respectful policy.

Greece has long deviated from these principles.

“*The land dominates the sea*” has been taken as an important factor for the islands (Papanicolopulu, 2018:41); here, domination of territorial status of Turkey is a regime of “the coast over the legal status.” Geographical facts are primary condition “for since the land is the legal source of power which state may exercise over territorial extensions to seaward” (ICJ, 1969, prg. 96), which is based on the Roman doctrine “*la terre domine la mer*” [land dominates the sea] and not vice versa. This is the right to exercise jurisdiction and sovereignty over its territorial sea and other maritime jurisdictions. Although the legal doctrine of “*ex injuria jus non oritur*” [right does not arise from injustice] comes front over the Greek evaluation of excessive demands for Megisti, Greece insists on making a wrong and tries to create illegal occupation to support its claims. Even, Ioannis Corantis who was an ambassador to Ankara stated, “Greece should have limited rights on its maritime zones” (Bekdil, 2020:4).

In sum, the Turkish State rejects the Megisti's full effect for delimitation. Megisti should also have limited territorial waters. Turkey puts its reactions forward in a political manner in every field, within the notion of “*la terre domine la mer*” principle held in high esteem in international law. This rule provides superiority to longest coasts. As result, the legal doctrine of “*ex injuria jus non oritur*” prevents illegal occupation or demands over the territorial waters or extended maritime jurisdictions just across the Turkish mainland. As a result, it should be pointed out that Turkey did, does, and will not allow any *fait accompli* over its maritime jurisdictions.

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