

THE EEZ DISPUTE IN THE EASTERN MEDITERRANEAN¹

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Abstract

The Eastern Mediterranean, which has an important location in world politics, has been on the agenda as a geopolitical region where energy activities have intensified in recent years and monitored closely by multiple states. In order to fulfil their energy needs in the Eastern Mediterranean, several states have unilaterally declared the Exclusive Economic Zone (EEZ) and sign bilateral agreements without considering the rights of third states. However, the EEZ is a maritime area that should be delimited on the basis of international conventions, customary law or decisions of international courts in accordance with the equitable principles. The problem in the Eastern Mediterranean is a delimitation dispute that should be resolved by a treaty between all coastal states within the framework of the rules of the law of the sea. This paper aims to define the EEZ, which is a significant concept in the law of the sea, its historical development, the rights, sovereignty and liabilities of the states in this region, and the legal principles on which the disputes arising from the delimitation practices should be based. In this context, the EEZ delimitation agreements signed in the region are analysed within the framework of both the rules of the law of the sea (legislation) and the judicial and arbitral decisions (case law).

Keywords: UNCLOS, maritime jurisdiction areas, equitable principles, Cyprus, EEZ.

DOĞU AKDENİZ'DE MEB UYUŞMAZLIĞI

Öz

Dünya siyasetinde önemi haiz bir konumda olan Doğu Akdeniz, son yıllarda enerji faaliyetlerinin yoğunlaştığı ve birçok devletin dikkatle izlediği jeopolitik bir bölge olarak gündemdedir. Doğu Akdeniz'de enerji ihtiyaçlarının giderilmesi için üçüncü devletlerin hakkı gözetilmeden tek taraflı bir biçimde Münhasır Ekonomik Bölge (MEB) ilan ederek ikili antlaşmalar imzalayan devletler bulunmaktadır. Halbuki, MEB, uluslararası sözleşmeler, örf ve âdet hukuku veya uluslararası mahkemelerin kararları temelinde hakkaniyet prensiplerince sınırlandırma yapılması gereken bir deniz alanıdır. Doğu Akdeniz'deki sorun, deniz hukuku kuralları çerçevesinde tüm kıyıdaş devletler arasında bir antlaşma ile çözülmesi gereken sınırlandırma uyumsuzluğudur. Bu çalışma, deniz hukukuna önemli bir kavram olarak yerleşen MEB'in tanımlanması, tarihi gelişimi, devletlerin bu bölgedeki hakları, yetkisi ve yükümlülükleri, sınırlandırma uygulamalarıyla ortaya çıkan anlaşmazlıkların hangi hukuksal prensipler temelinde yapılması gerektiğini ortaya koymaya yöneliktir. Bu kapsamda, bu bölgede imzalanan MEB sınırlandırma antlaşmaları, hem deniz hukuku kuralları (mevzuat) hem de yargı ve hakemlik kararları (içtihat) çerçevesinde analiz edilmiştir.

Anahtar Kelimeler: BMDHS, deniz yetki alanları, hakkaniyet prensipleri, Kıbrıs, MEB.

Introduction

The Eastern Mediterranean is the western gateway to the Middle East, which has 65% of the world's oil reserves. 30% of the world's maritime traffic and 25% of oil transport passes through here. On average, more than 220 thousand ships sail in this region annually (Canyaş, et al, 2013). In addition to being an important route connecting the continents, the fact that the Eastern Mediterranean has rich resources on the seabed in terms of oil and natural gas reserves makes this region a geostrategic energy corridor (Ece, 2016). Considering the historical background of the Eastern Mediterranean and the emergence of energy

¹ The first version of this paper is presented with the title "The Eastern Mediterranean EEZ Dispute in Terms of International Law of the Sea" at IV. Middle East Congress on Politics and Society by the Middle East Institute, Sakarya University on October 10-12, 2018.

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resources discovered in the maritime areas, especially in the last two decades, the region has become of vital importance for the littoral states (Telci, 2020). Thinking the energy phenomenon as an indispensable element for the economic, environmental and social sustainability of life in today's world, it can be argued that the Eastern Mediterranean is one of the most important regions that have come to the fore recently.

The global dynamics that emerged after the Cold War has increased the importance of the Eastern Mediterranean as a new area of interaction (Davutoğlu, 2010). Therefore, recent developments in the basin have significantly reshaped the international energy landscape. Türkiye has an important position in this map. In this context, the exploration of new hydrocarbon resources³ has positioned the region as a pivotal area in energy sector (Başeren & Gökçekuş, 2014). The latest developments in this region greatly affect the energy picture as well as the littoral states, regional and global actors. This situation brings to the agenda the need for cooperation for the fair sharing of oil and natural gas deposits and the issue of determining the boundaries of maritime jurisdiction areas (Doğru, 2015). Starting from the mid-20th century, maritime disputes between states were generally resolved by delimitation treaties on the basis of international law. This method should similarly be applied to the delimitation of maritime jurisdiction areas in the Eastern Mediterranean to ensure compliance with international law.

The Eastern Mediterranean, which is a complex geography in the context of the international system, is surrounded by the coasts of Greece, Türkiye, Syria, Lebanon, Israel, Palestine, Egypt, The Turkish Republic of Northern Cyprus (TRNC), The Greek Cypriot Administration of Southern Cyprus (GCASC), Libya and the United Kingdom (UK), which increases its geopolitical significance. There are disputes between littoral states in the region such as Israel-Palestine, Israel-Lebanon, Türkiye-Greece, Türkiye-GCASC and TRNC-GCASC. The Syrian Civil War and domestic political unrests in Libya are also ongoing. Therefore, states exhibit mutual distrust.⁴ The hydrocarbon reserves, which have become a prominent topic of discussion in recent years, further inflame these disputes. These land and maritime disputes concerning the states of the region have given more importance than ever to the issue of the maritime delimitation of all littoral states, Türkiye in particular, with its neighbours in the region. Thus, reaching a consensus on the delimitation methodology and resolving disputes under the framework of international maritime law is imperative for regional stability.

The declaration of the Exclusive Economic Zone (EEZ) by the GCASC on behalf of the whole of the Cyprus, the conclusion of agreements with other littoral states other than Türkiye and the TRNC in order to delimitate the EEZ borders, and the invitation of oil exploration companies to EEZs, it declared, as well as its demand for their exploitation represent the central issue regarding delimitation disputes in the Eastern Mediterranean. With the boundary agreements and disputes arising from the hydrocarbon reserves discovered in the region, there has been a struggle over the sharing of these resources. However, since the delimitation of maritime areas is one of the issues that need to be resolved within the framework of the principles of law of the sea, customary law principles and international judicial decisions are important in the resolution of these disputes. In the light of these challenges, aim of the paper is to examine the potential legal frameworks and principles that could guide the resolution of these disputes.

1. New Maritime Area in the Law of the Sea: The EEZ

The law of the sea has become one of the most important subjects of international law in the second half of the 20th century. The rules applied in the seas started to be formed by customs reflecting state practices and were put into the framework of certain rules with the codification efforts carried out in a systematic manner.⁵ Maritime areas can be analysed in two categories in international law: Maritime areas subject to national jurisdiction and maritime areas not subject to national jurisdiction. Maritime areas not subject to national jurisdiction are the high seas, the ocean floor and the sea bed (Warner, 2009). These areas are recognised as *the common heritage of mankind* (Rothwell & Stephens, 2010). Maritime areas subject to national jurisdiction, i.e. the maritime jurisdiction areas of a state, include internal waters, territorial waters, international straits, archipelagic waters, contiguous zone, EEZ and continental shelf. In these areas, states have exclusive rights arising from their sovereignty and exercise legally determined

³ The amount of resources claimed in the Eastern Mediterranean was first put forward in a report published in 2010 by the United States Geological Survey (USGS), which claimed that 1.7 billion barrels of oil and 122 trillion cubic feet of gas were found in the *Levant* as a result of seismic analysis (USGS, 2010).

⁴ The unrest that started with the Arab Uprisings and especially the civil wars in Syria and Libya, Russia's active Middle East and North Africa (MENA) policies, and the regional energy policies of the great powers have made the Eastern Mediterranean one of the important points of this geopolitical struggle (Tanchum, 2020).

⁵ Due to the criterion of continuous and consistent repetition for a behaviour to become customary law in the international arena and the belief of states in the necessity of establishing these areas, the EEZ constitutes a valid maritime jurisdiction area even for states that have not signed the UNCLOS (Ellis, 2004).

powers (Baykal, 1998). Although the EEZ, one of these areas, does not have a very old history, it has gained a legal aspect over time as a result of the practices of states in this direction. Even before the 1982 United Nations Convention on the Law of the Sea (UNCLOS) was ratified, many states started to determine and declare EEZ areas (Ardemir, 2018).⁶ However, the international community, especially towards the end of the 20th century, has begun to witness that states have greatly expanded their rights and sovereignty in maritime areas.

One of the biggest factors in the emergence of the concept of EEZ is the interest in the living and non-living resources found in the seas. Along with the developing economies of the states the growing recognition of the scarcity of natural resources and the inadequacy of the provisions of the existing conventions on these resources have led to the need for new regulations. The purpose of utilising the resources lies at the basis of these arrangements. In fact, there was the Convention on the Continental Shelf in 1958, which regulated and implemented the rights and sovereignty of the littoral states over the seabed and natural resources (Aksar, 2021a). In parallel with this, states started to determine maritime areas for themselves in order to ensure their sovereignty in the seas, and aimed to consolidate their interests within a certain consensus framework with the establishment of the concept of EEZ since the early 1970s (Gökalp, 2012). However, with the implementation of EEZs, conflicts of interest between states in their resolution began to emerge (Toluner, 1989). Indeed, the most common disputes that states have with each other in maritime jurisdictions have been related to the delimitation and sovereignty issues between these maritime areas (such as between Türkiye and Greece).

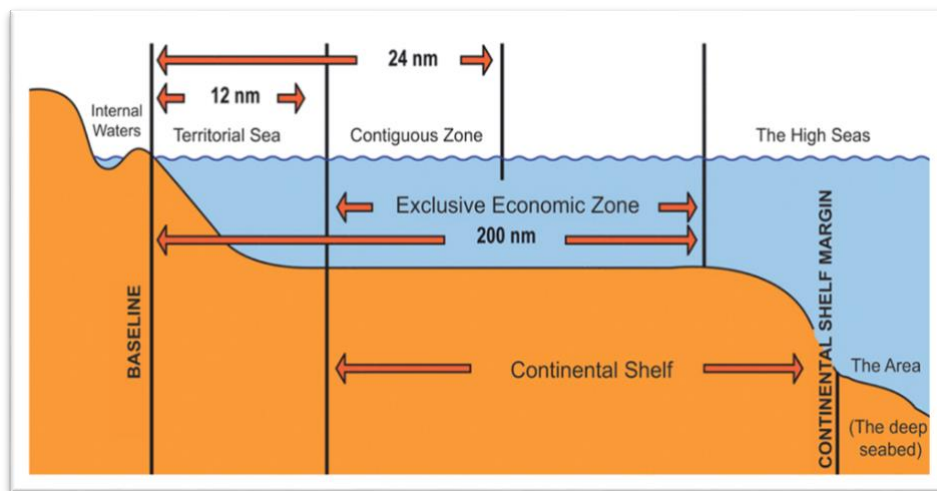


Figure 1. The Maritime Areas

Source: IILSS, 2021.

In addition to the classical maritime areas such as internal waters, territorial waters, contiguous zones and the high seas, relatively wider maritime areas such as the EEZ, which grant sovereign rights to states on certain issues, have started to take their place in the law of the sea (Figure 1). What does the EEZ, which is expressed as a new concept compared to other maritime areas, mean legally? The EEZ is a maritime area that grants exclusive economic rights to the coastal state underwater, subsoil and on the seabed in the maritime area starting from the territorial sea baseline of the coastal states and extending up to 200 nautical miles (nm) offshore (Brownlie, 1995). The detailed definition of the EEZ was first realised with the UNCLOS. In the Convention, there are regulations regarding the rights, sovereignty and liabilities of coastal states as well as the rights and liabilities of other states in the EEZ (Gündüz, 2003). In this context, it is useful to look at the basic provisions related to the concept of the EEZ in Articles 55-75 (Part V) of the UNCLOS.

According to the Article 55 of the Convention, the EEZ is a maritime area beyond and adjacent to the territorial waters and is subject to a special legal regime, and the rights and sovereignty of the littoral state and the rights and freedoms of other states are regulated by the articles of the Convention. First of all, it should be said that the rights of the littoral states over the EEZ are economic in nature. The Article 58 of the Convention states that all third states have the right to air, navigation and cables/pipes in the EEZ, provided that the rights of the littoral states are respected. According to the Article 59, in the event of a conflict between the interests of a coastal state and the interests of another state in the EEZ, the dispute shall be

⁶ The EEZ is a concept of the law of the sea that becomes effective upon declaration (Shaw, 2018). Today, 134 states have declared EEZs. As a matter of fact, many states are very keen on determining EEZs. They want to own EEZ in order not to lose their rights in these regions to any coastal state and to dominate the natural resources in this area (Ardemir & Alli, 2019).

resolved in the interests of the international community and the interests of the parties, taking into account the equitable principles and relevant circumstances. In addition to economic rights, coastal states also have administrative and judicial sovereignty in the EEZ (Figure 2).

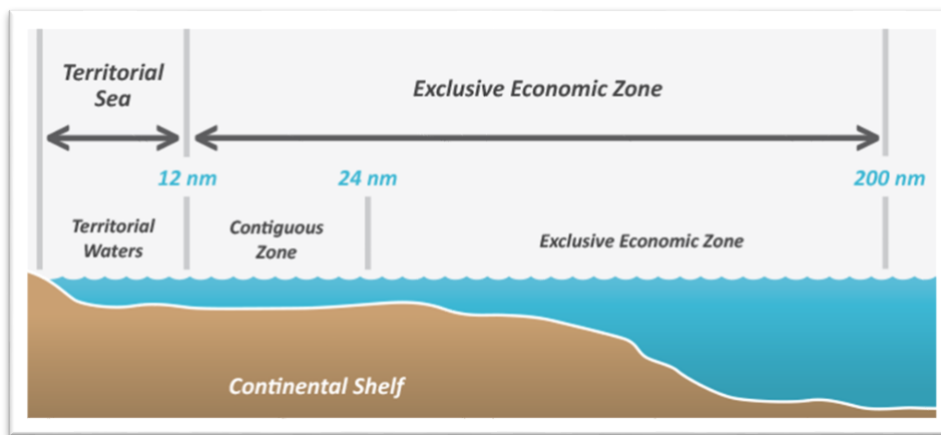


Figure 2. The Exclusive Economic Zone (EEZ)

Source: Source: IILSS, 2021.

According to the Articles 61-62 of the Convention, coastal States have the power to ensure the orderly functioning of fisheries (licensing fishermen or fishing vessels and their equipment, determining the type and quantity of fish that can be caught, etc.). According to the Article 60, coastal states have the power to establish laws and rules on customs, finance, health, security and immigration in order to establish facilities, vehicles, artificial islands and to exercise rights over them. However, these artificial islands and facilities do not generate territorial waters of their own. However, according to the Article 62, other states also have the right to utilise living resources to the extent permitted by the coastal state. Furthermore, the territorial waters of the state constructing the islands and facilities do not affect its continental shelf and EEZ. The Article 73 states that coastal states are authorised to take all measures, including control, docking, arrest and prosecution, in order to exercise their sovereign rights to explore, exploit and conserve living resources in their EEZs.

The EEZ is not under the full sovereignty of the coastal states. In the EEZ, a coastal state has exclusive powers on the basis of the rules of law, taking into account the rights and liabilities of other states. If a solution cannot be reached in the delimitation of the EEZ, as stated in Chapter XV of the UNCLOS, the priority is for the parties concerned to resolve the dispute in question. According to the Article 74 of the Convention, the delimitation agreement must be concluded in accordance with the equitable principles in international law, as stated in the Article 38 of the Statute of the International Court of Justice (ICJ).⁷ When the parties cannot reach a conclusion on the settlement of disputes, judicial mechanisms such as the ICJ and the International Tribunal for the Law of the Sea (ITLOS)⁸, as provided for in Chapter XV, Section 2 of the Convention, will come into play (Pazarıcı, 2007).

In the delimitation of maritime areas in general, and in the delimitation of maritime areas such as the EEZ in particular, the decisions of the ICJ, the provisions of the UNCLOS, and customary law rules collectively emphasize achieving equitable solutions. According to the principles of international law of the sea, the EEZ boundaries are also drawn in accordance with equitable basis, which is the basic principle. On the other hand, the median line (principle of equidistance) is only one of the methods used in delimitation and has no priority. As a matter of fact, the median line may produce equitable results in some cases. Of course, it should be applied as long as it produces equitable solutions. However, the median line method may not produce an equitable result in every maritime delimitation process.⁹ This includes adjustments for geographic anomalies or disproportionate coastlines

As it is known, as a fundamental aspect of the rule of law, it is important to make the abstract content of the concept of equity more concrete in legal terms in terms of the case study in question. The meaning of

⁷ According to the Article 35(1) of the Statute, only states parties to the ICJ may apply to the Court. According to the Article 36/2, the jurisdiction of the Court must be recognised by the parties.

⁸ The ITLOS has jurisdiction over disputes arising out of the interpretation and implementation of the UNCLOS.

⁹ The equidistance method has no superiority. The equidistance is mostly used between opposite coasts because it produces equitable solutions. In addition, the fact that the equidistance method can almost always be corrected subject to different criteria at the points where it is insufficient has been effective in its frequent use (Başeren, 2010a). This includes adjustments for geographic features or disproportionate coastlines.

the equitable principles in the delimitation of maritime areas is an issue that has been clarified to a great extent both in practices between states and international judicial decisions. When the court decisions are analysed, we see that there is a list of equitable principles from which case-specific rules are selected in the delimitation process. The principle that comes to the fore in the court decisions is the principle of “supremacy of geography”. It is understood that the geography refers to the geography of the mainland in the area subject to delimitation between two states. In this context, one of the important geographical elements is the general formation of the mainland (indentations and protrusions on coasts), and the other is the length of the mainland coasts. Geographical factors determine the initial boundary and then, even if just a bit, the basic delimitation line in the process. In delimitation, the courts first determine a boundary line between the two mainland countries that reflects the geographical characteristics of the mainland countries. In the second stage of the delimitation procedure, the courts assess whether the delimited boundary can be considered within the framework of the equitable principles when other relevant geographical factors are taken into account. Islands are the most relevant geographical factors.¹⁰ However, the degree of influence to be given to the islands is determined by the characteristics of the islands such as demographic structure, size, location and geographical balance between the mainland.¹¹

In order to reach an equitable solution in delimitation, it is a requirement to take into account not only geographical factors but also the relevant circumstances in the law of the sea. For this reason, the courts and tribunals consider all relevant non-geographical elements in the next stage of delimitation and assess whether the solution reached on the basis of geographical factors is equitable. According to court decisions, the foremost relevant factor is the natural resources available in the delimitation area. The factors referred to as natural resources may be living species or non-living resources such as mines and other mineral resources. In addition, in the case of the EEZ, other resources such as currents and wind energy are also included (Acer, 2005). On the other hand, among the factors affecting the delimitation between states in the EEZ are the existing or potential borders. In the EEZ, existing or future boundaries established by littoral states together with third states for reasons such as oil exploration licence areas are taken into consideration in international judicial decisions.

Another factor in the delimitation process is the geological and geomorphological characteristics of the seabed. Geological and geomorphological factors, which are particularly important in cases concerning the delimitation of the continental shelf, with the interpretation that the effect of the natural extension factor is only relative and not absolute, almost lose their effect when the concept of EEZ is in question.¹² On the other hand, it is also accepted in the court and arbitral decisions that the defence and security factors cannot significantly alter the boundary line in delimitation due to their lack of relevance to the concept of EEZ, but they will still be factors that support the realization of the equitable principles. These principles have revealed that delimitation is made within a certain legal framework and that geographical factors basically determine the delimitation line according to this framework, while other relevant factors provide partial effects on this boundary in terms of ensuring equitable basis. Nevertheless, in the legal framework that emerged, it is not clear how the effects of some factors on the delimitation will be in relation to each other and to what extent they will have an effect without undermining equitable principles (Acer, 2005).

In court and arbitral decisions, a number of principles have been put forward regarding the relative effects of the relevant factors. The first of these principles is proportionality. Accordingly, the ratio between the coastal lengths of the two states and the ratio between the continental shelf and EEZ given to the states as a result of the delimitation should be close to each other. In other words, proportionality functions as an

¹⁰ In *the North Sea Continental Shelf Cases* (1969), the ICJ stated that “there can be no question of reshaping geography” in relation to the principle of supremacy of geography. In *the UK-France Continental Shelf Case* (1978), the Arbitral Tribunal stated that “geographical conditions determine the suitability of equidistance or any other delimitation method”. In *the Tunisia-Libya Case* (1982), the ICJ stated that “the continent dominates the sea”, while in *the Libya-Malta Case* (1985), the ICJ stated that “the coasts of the parties constitute the starting line” (Acer, 2005).

¹¹ When the equitable principles are taken into account, considering the cases and ICJ judgements, a mainland and an island may be recognised as maritime areas, but these areas cannot be of equal size. Examples of this principle can be listed as follows: “geography does not redefine”, “the natural prolongation of another state cannot be cut off”, “all relevant circumstances are respected”, “equity does not mean equality” (Doğru, 2015).

¹² The delimitation of the EEZ and continental shelf generally follow the same principles; both maritime areas are exceptions to the high seas regime and exclusive rights to the coastal states. However, there are also significant differences between them (Kütükçü & Kaya, 2016). While the continental shelf is determined according to the geographical extension of the land in the sea, the EEZ gives the coastal state the right to explore and exploit living and non-living resources, regardless of the geographical structure of the coastal state (Baykal, 1987). While the continental shelf gives the authority to dispose of living and non-living resources on the seabed and subsoil, the EEZ gives the authority to dispose of the waters above the seabed in addition to these. In other words, the EEZ is more inclusive and grants wider rights to the coastal state. A state actually has all the rights arising from the continental shelf by declaring an EEZ, (Kuran, 2020). While states are required to declare their EEZs, declaration is not required on the continental shelf. It is accepted that states own the continental shelf *ab initio* and *ipso facto* (Acer & Kaya, 2011).

ultimate control principle that tests the equitable conformity of delimitation. In line with this principle, if any factor has an effect that will significantly change the reflection of the ratio between the coastal lengths in the delimitation, it will not be considered as an appropriate method that ensures equity in delimitation. Another principle of a similar nature is the principle of non-closure. This principle ensures that states retain reasonable access to their adjacent maritime areas. In particular, as a result of the acceptance of the distance factor in determining the width of the continental shelf, it has been accepted that the delimitation line should leave areas close to the coast of each state or ensure that it does not block its coasts (Acer, 2005).

Both the principles of proportionality and non-closure are not strictly applied by the international judicial decisions. Indeed, if the delimitation line were a line that reflected the length of the mainland coast in its entirety, other relevant factors would have been given a role and equity would not have been achieved. On the other hand, attempting to close a mainland's outlet to the sea at all costs may lead to a denial of equitable consideration to a perhaps more important factor of the territory in question. For these reasons, the principles of proportionality and non-closure should be considered as principles that determine the extent to which the relevant circumstances, including islands, are recognised in a general context (Acer, 2005). In this respect, whether these principles should be applied to the delimitation of EEZs should be assessed according to the characteristics of the relevant concrete case and region. In court and arbitral decisions, the principles of these two principles are generally applied according to the characteristics of the relevant case in order to obtain an equitable solution.

2. Practices of the Littoral States in the Eastern Mediterranean

The states in the Eastern Mediterranean are Türkiye, Greece, Cyprus (TRNC/GCASC), the UK,¹³ Syria, Lebanon, Israel, Palestine, Libya and Egypt. Of these states, Greece and the GCASC's unlawful practices and EEZ delimitation agreements with other littoral states other than Türkiye and the TRNC regarding maritime jurisdiction areas have contributed to significant disputes under the law of the sea in the region.¹⁴ In particular, the GCASC unilaterally declared EEZ borders without reaching an agreement with the states and cooperated through bilateral EEZ agreements (Ece, 2016). Türkiye argues that the delimitation agreements signed by the GCASC with other states on behalf of the Cyprus are illegal. The problem stems from the overlapping of the maritime jurisdictions of the states in the region, more precisely, the overlapping of some of the licence areas announced by Türkiye with the areas announced by the GCASC. In order to understand the policies of the GCASC in a concrete manner, let us examine the delimitation practices it follows with the littoral states.

The GCASC considers itself as the sole and legitimate state representing the whole the Cyprus in a dispute over its jurisdiction in the Eastern Mediterranean.¹⁵ The GCASC claims that it has the right to delimitate the continental shelf and EEZ with other littoral states and to explore and exploit oil and natural gas within these areas. The GCASC argues that the EEZ boundaries subject to delimitation agreements with other states are drawn in accordance with the rules of international law and that these boundaries are established within the framework of respect for the rights of third parties. The GCASC argues that Türkiye has no right to intervene in this delimitation between coasts that are adjacent to Türkiye's coasts or between coasts that are not opposite to each other, that Türkiye ignores its obligation under international law when arguing that this border should be drawn by an equitable treaty, and that the declaration of the national regulations of the GCASC to the UN gives them legal rights (Başeren, 2010a).¹⁶

The GCASC has granted the licences to many international energy companies to open the declared fields for exploration (Figure 3). To date, Italy's ENI Company 2-3-6-7-8-9-11-13; South Korea's KOGAS

¹³ The inclusion of the UK as one of the Eastern Mediterranean states may require clarification. While the UK has a presence in the region through its sovereign military base areas in the Cyprus, these bases do not grant it the same rights as much as other littoral states.

¹⁴ The most important problem is the quadrilateral relationship between Türkiye-TRNC-GCASC-Greece. In particular, since the 2000s, GCASC, in addition to carrying out unilateral activities based on the assumption that possible reserves are available, has taken actions aimed at isolating Türkiye by concluding agreements with other littoral states in the Eastern Mediterranean and to put the already embargoed (and also unrecognised) TRNC into a further deadlock in the region (Türdeş, 2021).

¹⁵ The width of the territorial waters of the GCASC is 12 nm and there is its law stipulating that it has a continental shelf based on depth of 200 metres. In the Official Gazette dated 5 April 2004, the GCASC declared 24 nm wide contiguous zone and a 200 nm wide EEZ (Başeren, 2010b) and, as in every international diplomatic step, it has carried out these initiatives under the name of the Republic of Cyprus, in other words, by assuming the sole representative of the Island (Sandıklı, et al, 2013).

¹⁶ The GCASC considers Türkiye's non-recognition of the Republic of Cyprus, which is recognised by all international legal institutions, as an unproductive policy and claims that Türkiye is trying to eliminate the obligation of the parties to make delimitation by agreement in accordance with international law. The GCASC frequently states that the EEZ areas in the Eastern Mediterranean, which are determined by the equidistance method to give full effect to the island of Cyprus, are in accordance with international law. The GCASC also states that the equidistance method of delimitation with Israel, which has shorter coasts than Egypt and is a larger state militarily and economically, is in compliance with the law (Leventis, 2012).

Company 2-3-9; France's Total Company 2-3-6-7-8-9-11; USA's Exxon Mobil Company 10; USA's Noble Energy Company 12; Qatar's Qatar Petroleum Company 10; UK-Dutch Shell and Israel's Delek Company 12 have explored the blocks. The number 12 among these blocks is important in one respect. Namely, for this field, which is located in the *Aphrodite* field and is predicted to have rich resources in terms of reserves, Israel filed a complaint to the GCASC after the agreement and then claimed rights in the block 12. If this agreement had been made with Türkiye instead of the GCASC, the entire block number 12 would have been Israel's (Türdeş, 2021). While blocks 1, 4, 5, 6 and 7 of these fields cover a part of Türkiye's continental shelf, the TRNC also has rights in other fields (Aridemir & Ali, 2019).

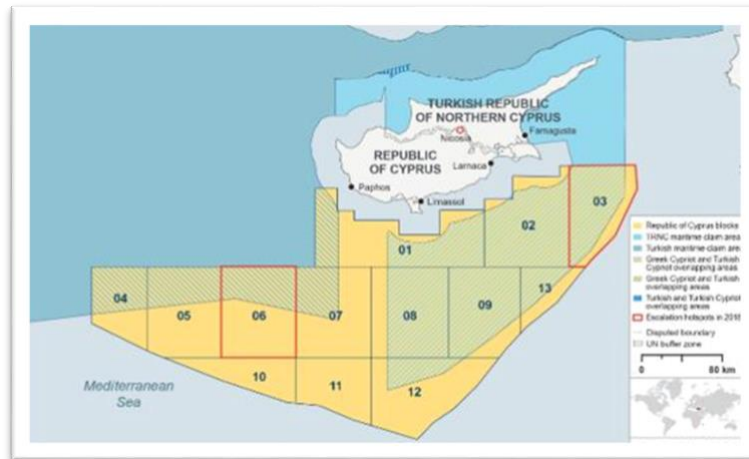


Figure 3. Hydrocarbon Exploration Blocks in the Eastern Mediterranean

Source: IHS Markit/1713476.

In order to implement its delimitation practices in the Eastern Mediterranean, the GCASC signed an EEZ delimitation agreement with Egypt in 2003. In 2006, the GCASC signed an agreement with Petroleum Geo-Services (PGS), a company based in Norway, for the exploration of oil reserves in the region, and within this framework, the studies for the determination of underground reserves in the maritime area extending from the south of the Cyprus to Egypt have started. In 2007, the GCASC signed another EEZ delimitation agreement with Lebanon. However, since the domestic legal process of this agreement has not been completed by Lebanon, it has not gained legal value. In 2010, the GCASC signed a similar EEZ delimitation treaty with Israel in order to accelerate oil and gas drilling activities (Başeren, 2010a). As can be seen, the efforts of the GCASC to seize the initiative through unilateral EEZ applications are dragging the region into “sea of problems” in the near future. The policy of the GCASC ignoring Türkiye and the TRNC cause Türkiye to adopt a more aggressive position.

The other coastal state, Greece, argues that the delimitation of maritime sovereignty in the Eastern Mediterranean should be made between the states with opposite coasts and in accordance with the rules of international law on the basis of the equidistance principle (median line) method. Greece, which is a party to the UNCLOS, plans to delimit between the southern coasts of the islands of Crete, Kassos, Rhodes and Meis and the northern coasts of Egypt in order to obtain both continental shelf and EEZ in the large sea areas to the south. Greece wants to delimitate the continental shelf and EEZ with Egypt and Greece by drawing the continental shelf boundary with Türkiye with the median line passing between Anatolia and the islands of Rhodes and Meis, and by drawing the continental shelf and EEZ areas south of these islands with the median line passing between Egypt and the GCASC and Anatolia (Başeren, 2010a). Due to the above-mentioned islands, Greece claims to be one of the parties to the delimitation of maritime areas (Acer, 2020).

Egypt is another coastal state in the Eastern Mediterranean. Egypt is a party to the UNCLOS. While ratifying the Convention, Egypt declared that it will exercise its rights regarding the EEZ granted to it beyond its territorial waters in the region, that while exercising its rights and fulfilling its obligations in the region, and will respect the rights and obligations of other littoral states, and that it will determine the boundaries of the EEZ according to the rules set forth in the Convention. Egypt signed the EEZ delimitation agreement with the GCASC on 17 February 2003 (Figure 4). In this context, Egypt declared that there is only one Cyprus recognised for the purposes of negotiations and that it will treat the Republic of Cyprus as a state. Egypt stated that a delimitation should be made between the island of Cyprus and Egypt, that it would be appropriate for the states to sign an agreement to be an internationally recognised state, that this treaty

is a technical agreement and has no political aspect, and that Egypt is willing to sign similar agreements with other littoral countries (Kütükçü & Kaya, 2016).

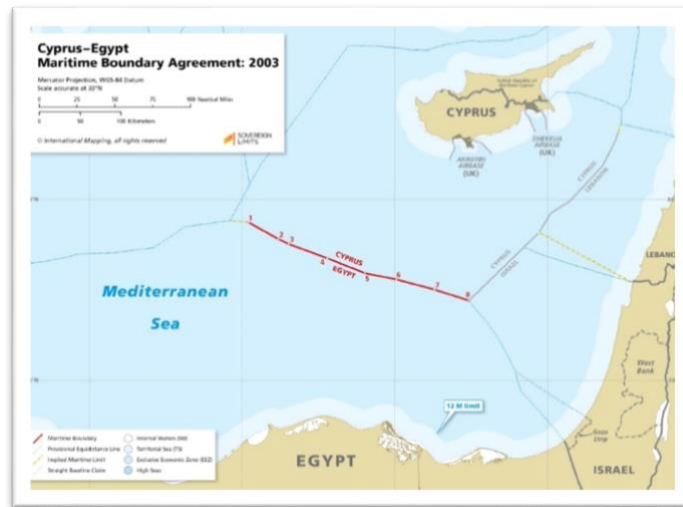


Figure 4. GCASC – Egypt Maritime Boundary Agreement, 2003
 Source: Sovereign Limits, 2024a.

The GCASC, which carries out its activities alone on behalf of the island of Cyprus, has also developed its EEZ delimitation initiatives with Lebanon. In this context, the Memorandum of Cooperation was signed between Lebanon and the GCASC on 6 October 2006 in the framework of negotiations on the delimitation of maritime jurisdiction areas. On 17 January 2007, the delimitation agreement was signed between the GCASC and Lebanon. Accordingly, each point of the delimitation was drawn on the basis of the median line, which is equidistant from the nearest points on the main lines of the parties (Figure 5). There are many reasons for Lebanon’s reconciliation with the GCASC. Lebanon, like Egypt, seeks to maximize its share of oil revenues in the region. Since the determination of Israel’s EEZ with the GCASC will directly affect the Israel-Lebanon maritime border, Lebanon acts first and pursues a policy against Israel. Moreover, Lebanon recognises the GCASC as a sovereign state and believes that it has violated neither the rights of the TRNC nor Türkiye with the agreement it signed (Başeren, 2010a).



Figure 5. GCASC – Lebanon Maritime Boundary Agreement, 2007
 Source: Sovereign Limits, 2024b.

The GCASC also signed agreement with Israel on 17 December 2010 to share hydrocarbon reserves in the Eastern Mediterranean (Figure 6). With the agreement, in which the TRNC was again ignored, the maritime jurisdiction borders in the region were tried to be determined. Greek Cypriots believe that the EEZ agreement signed between the GCASC and Israel complements the previous delimitation treaties signed with Egypt and Lebanon. In addition to the GCASC's desire to benefit from the oil resources around the island of Cyprus, it is not surprising that Israel has put the Greek Cypriot card into play against Türkiye after the cold winds blew between Türkiye and Israel, especially the problem between Türkiye and Israel due to the ships carrying aid to Gaza (Mavi Marmara Attack) in 2010 (Kütükçü & Kaya, 2016).



Figure 6. GCASC – Israel Maritime Boundary Agreement, 2010

Source: Sovereign Limits, 2024c.

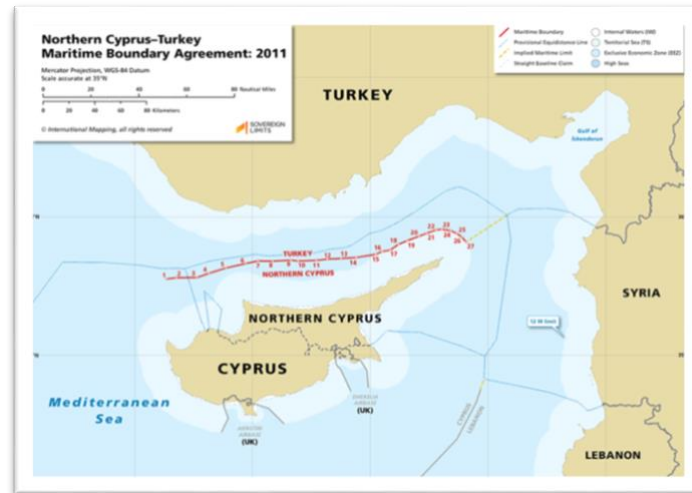
It is observed that the GCASC used the equidistance (median line) method in all bilateral delimitation agreement, since, according to the claim of the GCASC, the use of this method has become a customary method among the countries in the region with these agreements. In addition, the GCASC argues that the islands that constitute the subject of the court and arbitral decisions that Türkiye refers to in order to show that the maritime jurisdiction of the GCASC will not be full or less than the mainland country based on its status as an island state are very small islands compared to the Cyprus and that Türkiye's claim will be insufficient (Tzionis, 2019).

In 2009 and 2010, the energy map of the Eastern Mediterranean changed significantly after the discovery of the rich natural gas reserves in the *Tamar* and *Leviathan* fields offshore Israel (Üstün, 2016). Following the natural gas discoveries offshore Israel, the unilaterally declared EEZ of the GCASC discovered the *Aphrodite* field in 2011. The largest natural gas reserve in the region was discovered by Egypt in the *Zohr* region in 2015. It is claimed that the amount of natural gas in 12 fields discovered off the Gaza Strip, Israel and Cyprus between June 1999 and August 2012 exceeded 1.1 trillion m³ on average and that this amount corresponds to the proven natural gas reserves of Azerbaijan (Haber Kıbrıs, 2012). When Israel's policy of acquiring a military base in the Cyprus is added to the drilling activities carried out together with the GCASC, it becomes clear that its aim in the region is a new military structuring (Taşdemir, 2012). Another reason for Israel's activities is its attempt to seize Palestine's EEZ. This is because the majority of Gaza's hydrocarbon resources belong to Palestine (CNN Türk, 2010). Indeed, Israel's seizure of the natural gas zone belonging to Palestine and its unilateral attempt to impose Israel's sovereignty in Gaza's EEZ on everyone is an attitude contrary to international law of the sea.

It is also necessary to express the thesis of the TRNC, which is not yet recognised as a state.¹⁷ The TRNC argues that the delimitation of the EEZ and continental shelf of the island of Cyprus should be

¹⁷ Since the TRNC is not internationally recognised as a state, it generally conducts its policies under Türkiye or in parallel with Türkiye. The territorial waters of the TRNC are 12 nautical miles wide. There is a maritime jurisdiction law that recognises the under water

implemented in accordance with international law through mutual agreements with the littoral states of the Eastern Mediterranean, including Türkiye. It has emphasised that the GCASC does not have the authority to conclude a delimitation agreement on its own in Cyprus, that the Turkish and Greek Cypriot peoples have equal rights over the hydrocarbon resources in the land and maritime areas of the Cyprus, and that the delimitation of the sensitive maritime areas of the Cyprus should be decided after a political settlement is reached through the UN-supervised negotiations (Doğru, 2015). In this context, considering the aim of protecting the rights of Turkish Cypriots in the region, Delimitation of Continental Shelf was signed between Türkiye and the TRNC on 21 September 2011 (Figure 7) (Official Gazette, 2012).¹⁸



Şekil 7. TRNC – Türkiye Maritime Boundary Agreement, 2011

Source: Sovereign Limits, 2024d.

In 2012, a trilateral agreement was signed between Greece, the GCASC and Israel on the transport of natural resources offshore Israel and the Cyprus to Greece. This agreement, which is also important in terms of representing a beginning in the formation of partnerships in the region, also formed the basis for the EastMed Forum (Eastern Mediterranean Pipeline Project)¹⁹ in 2019 (Figure 8) (Kahraman, 2019). By acting together and taking part in the Forum, Israel, Greece and the GCASC have established a rapprochement with the states opposing Türkiye. The Forum, which is important in terms of the developments in the region, is important in terms of bringing the littoral states together and revealing the cooperation formed against Türkiye.²⁰ Despite being the longest littoral state in the region, Türkiye did not take part in the Forum, which aims to transform the region into an energy hub and to ensure cooperation on all issues from production to distribution and transportation of the region's resources (Ercan & Kılınc, 2020).

areas extending beyond the territorial waters up to the outer limit of the continental margin, and where the outer limit of the continental margin does not extend up to 200 nm, the underwater areas extending up to 200 nm from the base lines where the territorial waters begin to be measured as seabed and subsoil as continental shelf (Başeren, 2010a).

¹⁸ The TRNC has authorised the Turkish Petroleum Corporation (TPAO) to explore and operate energy resources in seven blocks. Since some of these authorised areas are located in the south of the Cyprus, they overlap with the areas identified by the GCASC. The Southern Cyprus continues its objections by claiming that the TRNC does not have the authority to implement the agreement signed with Türkiye and to grant licences (Şeker, 2019).

¹⁹ On 14 January 2019, the energy ministers of Israel, Egypt, Jordan, Palestine, Greece, Italy and the GCASC met in Cairo, the capital of Egypt, and signed agreement on the establishment of the Eastern Mediterranean Gas Forum. In the statement made by the Egyptian energy minister on behalf of the Forum, it was argued that this is an organisation suitable for enhancing cooperation between Egypt, which is a gas producer and exporter in the region; Greece, which is transit country; Israel, Cyprus and Italy. When asked why other littoral states such as Türkiye, Syria and Lebanon were not included in the Forum, it was stated that the Forum is open to the participation of other states (Rachidi, 2019).

²⁰ Türkiye's exclusion from co-operation structures in the Eastern Mediterranean shows that political preferences in the region take precedence over economic concerns. In addition, the Cyprus and Palestinian issues, the civil wars in Syria and Libya, and other regional disputes pose obstacles to regional co-operation (Winrow, 2018).



Figure 8. EastMed Pipeline Project

Source: Samaras, 2012.

Another state in the Eastern Mediterranean is Syria. Following the negotiations between Syria and the GCASC in 2001, the signing of an agreement on the delimitation of the continental shelf and EEZ between the two states came to the agenda, but the agreement has yet to be signed. In fact, the domestic turmoils in Syria has had an impact on this. On the other hand, Russia has seized important opportunities to realise its historical ambitions in the region, especially through Syria. With the Syrian Civil War, Russia has gained a foothold in the region and has been trying to make its military presence permanent with its air and naval bases and to consolidate its political and economic influence (Keith, 2015). As in the case of Russia, the activity of extra-regional actors in this region causes the existing problems in the Eastern Mediterranean to deepen, regional instability to increase and regional (in)security to gain a global character (Güven & Tekin, 2023).

On the other hand, there are the British military bases in the Cyprus, namely Akrotiri and Dikelya bases.²¹ The rhetoric that the UK may have a say in the Eastern Mediterranean energy equation or maritime jurisdiction areas thanks to the military bases brings some debates to the agenda (Şafak, Çıraklı and Koldaş, 2020: 69). Therefore, the UK should not be expected to remain indifferent to the issue. Indeed, there are some comments in the Greek press that the UK may claim rights to the oil and natural gas in the region through its bases. More importantly, diplomatic sources reported that London was considering claiming rights to its bases in the Cyprus in order to get a share of the oil and natural gas (Başeren, 2010a). Despite the news in the press, it seems that the UK is not interested in the hydrocarbon resources in the region. It would be more accurate to think that the size of the resources will determine the attitude of the UK.

Another littoral state is Türkiye as a country with the longest coast, which is an important actor in the maritime jurisdiction area problematic in the Eastern Mediterranean.²² Despite these initiatives in the region, Türkiye has stated that it has rights and authorisations in the maritime areas of the Cyprus, that it has coasts in the maritime areas delimited between the GCASC and Egypt, and that it has *ab initio* and *ipso facto* legal rights in the region. Türkiye stated that since these rights and obligations concern it, it has the right to object to the delimitation agreements made by the GCASC with the littoral states, and that the littoral states in a semi-closed sea such as the Eastern Mediterranean should cooperate with each other both in exercising their rights and in fulfilling their obligations (Başeren, 2010a). Türkiye also argues that maritime delimitation such as EEZ and continental shelf should be carried out by treaties between the states in the region within the framework of the equitable principles, that there is no authority in the Cyprus to represent the whole island and that the agreements or laws enacted by the GCASC have no legal effect.

With its geopolitical position, Türkiye plays a key role in the transportation of Eastern Mediterranean energy resources to Europe and in energy diplomacy. Its potential to become an energy trade center is also important in terms of meeting Türkiye's energy needs and European energy supply needs. This situation constitutes the main motivation for regional countries in the region (the GCASC, Greece, Israel) to perceive

²¹ Through these two bases, The UK has the possibility of having rights over hydrocarbon resources that may be discovered in the neighbourhood (Ak, 2014). However, since their areas are small, there may be a partial impact.

²² Türkiye is not a party to the UNCLoS. Moreover, Turkish law does not regulate the continental shelf and EEZ. The national regulations on the width of the territorial sea are not the same length in all its maritime areas. Türkiye's territorial waters are 12 nm in the Mediterranean and Black Sea, and 6 nm in the Aegean Sea.

Türkiye as a threat to the energy security and to exclude Türkiye from regional alliances (Tziarras, 2016). In response, Türkiye and Libya signed the Memorandum of Understanding on the Delimitation of the Maritime Jurisdiction Areas on November 27, 2019 (Figure 9) and the Hydrocarbon Agreement of October 3, 2022. With these agreements signed with Libya, it is seen that Türkiye has developed alliance relations by developing an alternative to isolation in the energy equation in the Mediterranean and ensuring sovereignty in maritime areas.



Figure 9. Libya – Türkiye Maritime Boundary Agreement, 2019

Source: Sovereign Limits, 2024e.

Türkiye believes that the agreements signed between the GCASC, Egypt, Lebanon and Israel on the designation of the EEZs in the region does not offer a path toward resolving the Cyprus issue and expects the littoral states not to support unilateral initiatives. Although the agreements have partial reflections on the Cyprus problem, they do not contribute to the stability on the Cyprus and lead to the addition of new ones to the existing conflicts and such an initiative should be avoided until a solution to the Cyprus problem is found. In addition, unilateral initiatives that harm the legitimate rights and interests of the TRNC and ignore the will of the Turkish Cypriot side harm the ongoing settlement negotiations on the island, and the negativities that such agreements will create are noteworthy (Başeren, 2010a). Indeed, it does not seem possible to resolve the maritime jurisdiction dispute, which actually constitutes the maritime extension of the Cyprus Problem, in the short term without recourse to international law of the sea. Türkiye, on the other hand, states that the natural resources of the island of Cyprus should be distributed fairly to all parties and that the unilateral initiatives of the GCASC do not contribute to peace and security in the region.

On August 6, 2020, Greece and Egypt signed the agreement delimitating the EEZ (Figure 10) (Reuters, 2020). When we look at the agreement, we can say that it appears to be a delimitation agreement not between the mainlands of Greece and Egypt but between Egypt and certain Greek islands. Here, on the Greek side, we see that some Greek islands are taken as basis and partially taken into consideration. It is seen that one of the islands taken into consideration, Crete, is not the entire coast of the island facing Egypt, but the eastward coast of the island from a point in the eastern part of the island to the east, in other words, about half of the coastal length that can be taken into account. It is also seen that the border was drawn based on approximately half of the coasts of Rhodes Island, another island that was taken into consideration. Another important feature of the border in this context is that both the islands of Crete and Rhodes, and the islands of Karpathos and Kasos, which are located between these two islands, are given reduced influence. In fact, the border is not equidistant between the Egyptian mainland and these islands, but closer to them, and thus gives them reduced maritime areas relative to the full effect. There is no clear record in the agreement of the extent to which the given impact is a reduced impact relative to the full impact. An important feature of the delimitation is that the island of Meis, which is one of the main elements of the delimitation problems between Türkiye and Greece, is not taken into consideration in the delimitation. Again, there is no clarity in the agreement as to the reason for this. Considering the location and size of Meis and the disputes over it, this situation should be particularly emphasized. When this situation is analyzed in the context of international law of the sea, it should be remembered that some islands are partially neglected in terms of their location and size, which supports Türkiye's thesis (Acer, 2020).



Figure 10. Egypt – Greece Maritime Boundary Agreement, 2020

Source: Sovereign Limits, 2024f.

Another feature of the border, which should be mentioned, is that it was drawn without taking into account the boundary agreement that Türkiye and Libya had agreed upon in 2019. According to this border, the area shared between Libya and Türkiye, it is seen that some of the areas that both Türkiye and Libya have designated as their continental shelf areas, especially a significant part of Türkiye’s continental shelf, has been left on the Greek side, in a sense, given to Greece. According to the agreement, Egypt has not intervened in Türkiye’s possible maritime jurisdiction area with its EEZ, which remains on its side. Greece, on the other hand, has left both Türkiye’s and Libya’s continental shelf and EEZ areas on its own side with this agreement and evaluated them as if they were its own. Türkiye has stated that it does not find this agreement in accordance with the law of the sea and declares it null and void (Acer, 2020).

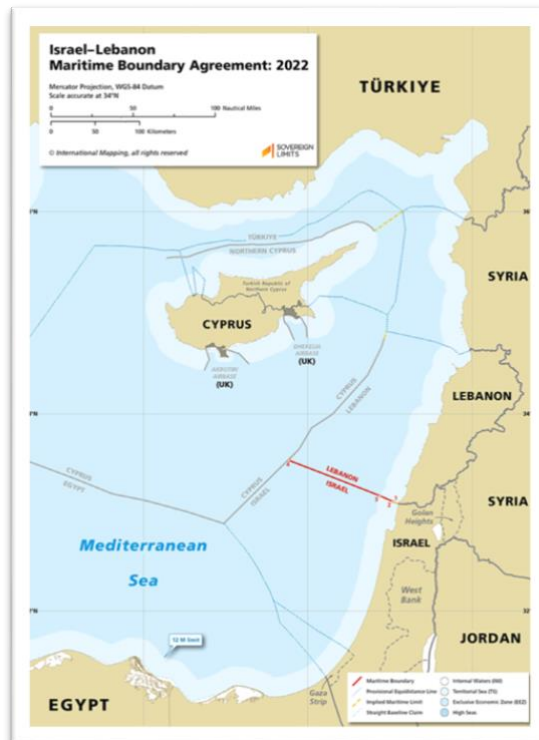


Figure 11. Israel – Lebanon Maritime Boundary Agreement, 2022

Source: Sovereign Limits, 2024g.

Most recently, the maritime boundary agreement between Lebanon and Israel was signed on October 13, 2022 (Figure 11). The negotiations leading to the agreement began in 2012 and were mediated by representatives of the US Department of State. This agreement provides for a joint operating model and

revenue sharing, through a third party, for certain hydrocarbon license areas on the continental shelf of the two parties. The maritime boundary defined in the agreement begins approximately 3 nm offshore from the end of the disputed land border of two states and then extends for approximately 70 nm. This delimitation ends before reaching the maritime borders that both Israel and Lebanon have previously established with the GCASC. In other words, this boundary does not overlap with the maritime borders that the GCASC has previously signed with other littoral states in the Eastern Mediterranean.

3. Analysis of the Maritime Disputes in the Eastern Mediterranean

In the Eastern Mediterranean, which is one of the important transit routes of world trade, there are disputes over the delimitation of maritime jurisdiction areas and the EEZ part of these disputes constitutes the core focus of this paper. The problems in determining the EEZs of the littoral states in the region lead to uncertainty over where and by which method the hydrocarbon resources to be extracted from this region will be delivered.²³ In fact, the EEZs declared by the GCASC and the fields specified in bilateral agreements signed with other littoral states overlap (Figure 12) with the EEZs claimed by Türkiye and the TRNC. In this context, the rules of the law of the sea should be applied on the basis of the equitable principles in order to prevent overlaps in the delimitation of maritime jurisdiction areas.

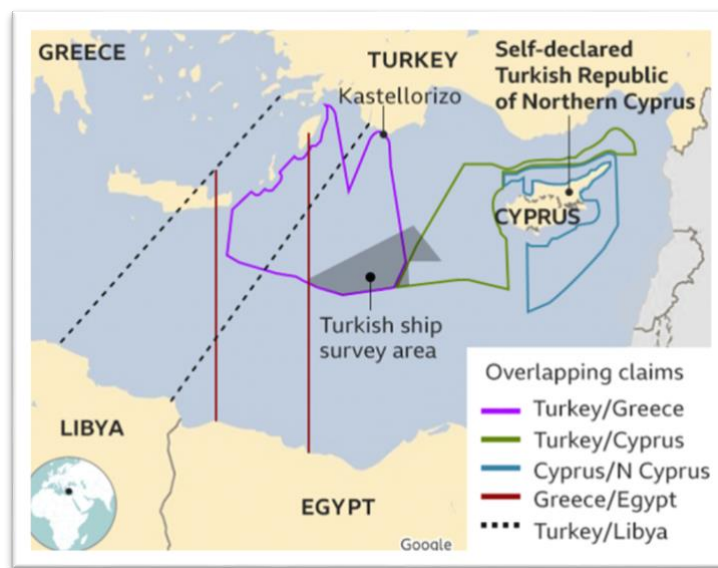


Figure 12. Overlapping Maritime Areas in the Eastern Mediterranean

Source Yiallourides, 2020.

It should be noted that the principles on the delimitation of the maritime areas, which were initially formulated through the provisions of international conventions and the court or arbitral decisions, are more of general principles. Therefore, there are no specific rules that can be directly applied to an existing or future maritime disputes. Indeed, each delimitation issue in general, and in the case of this study, the EEZ dispute in the Eastern Mediterranean,²⁴ has its own unique features that require consideration in maritime delimitation process. Although it will not definitively determine the location of the borders to be drawn in the region, the relevant circumstances ruled in the disputes that have emerged so far are one of the principles evaluated in the court or arbitral decisions (Doğru, 2015). In addition to these, it will also be revealed how the delimitation rules determined in general terms by the provisions of conventions and the judicial decisions should be applied in the delimitation of the Eastern Mediterranean.

Within the framework of the equitable principles, international courts and tribunals have interpreted as applicable to relevant circumstances as directly related to the delimitation process and the delimitation of maritime areas. For example, in the *North Sea Continental Shelf Case* in 1969, the first case concerning the

²³ Apart from the littoral states Türkiye, TRNC, Syria and Israel, other states have ratified the UNCLOS. States that have not signed the Convention observe their rights in the EEZ in the region in accordance with customary law rules (Aridemir & Allı, 2019). Six countries, namely the GCASC, Greece, Israel, Lebanon, Egypt and Libya, have declared EEZs.

²⁴ The maritime areas of importance in the disputes of the Eastern Mediterranean are the EEZ and the continental shelf (Tanaka, 2012). However, it is seen that the concept of EEZ will be more prominent than the continental shelf in the disputes in the region, and it would be a more inclusive approach to consider and name the problem as an EEZ problem. It should be noted that this approach will also include the states in the region that have not yet declared EEZ, since the region is too narrow for each state to have a continental shelf separately, which will bring along the need for an agreement process on the EEZ among the states in the region (Bardakçı, 2023).

continental shelf, the ICJ stated that delimitation would be made by a treaty according to the rules of customary law and in accordance with the equitable principles and taking into account the relevant circumstances. In this framework, in the first stage, a 'provisional' median line (equidistance) is drawn between the opposite coasts, and in the second stage, the equitable compatibility of this result is tested in the light of the existence of relevant circumstances. In the *UK-France Continental Shelf Case* in 1977, the Arbitral Tribunal again adopted the equitable principles as the basic rule of the decision and stated that different methods should be applied in different regions due to the special structure of geography (Doğru, 2015). As can be seen, the decisions of courts and tribunals indicate that there is a tendency towards the implementation of a two-stage process in the delimitation of maritime jurisdiction areas.

EEZ delimitation in the Eastern Mediterranean should be based on the rules of the international law of the sea, as long as it foresees an equitable solution (Ece, 2016). Namely, there is no method that makes the delimitation equitable in all cases. Therefore, the method of first drawing the median lines and then adjusting them for equitable outcomes is gaining acceptance. If this method is taken as a basis, the initial stage will consist of the median lines to be drawn between the relevant coasts of Anatolia and the coasts of Egypt and the island of Cyprus.²⁵ Hence, Türkiye's coasts facing the delimitation area extend from Gazipaşa in Antalya to Cape Deveboynu in Muğla. The length of these coasts is 294 nm. In contrast, the length of the GCASC's western coast is 28 nm. In order not to cut off Türkiye's relatively 10 times longer coasts (principle of proportionality) and its access to offshore areas (principle of non-closure), the median line between Türkiye's and the GCASC's coasts should be drawn to the east in a way to open the way for Türkiye's coasts. In other words, in order not to cut off the influence of Türkiye's longer southern coasts by looking at the western coasts of the island of Cyprus, the shorter western coasts of the Cyprus should not be recognized or a partial influence should be recognized (Başeren, No date).

In the legal relationship between Türkiye and the GCASC, since there is a mainland state on one side and an island state on the other, the principles of geographical supremacy and proportionality take precedence. In the delimitation of maritime jurisdiction areas between islands and mainland states, it should be said that the fact that the island is an independent state is important for the island to be considered to have more maritime jurisdiction area. As a matter of fact, an approach in this regard was also accepted by the ICJ in the *Libya/Malta Case*. However, as in this case, another important factor that comes to the fore in delimitation between island states and mainland states is the coastal length of the parties. Moreover, the ICJ took the decision by adjusting the delimitation line against Malta by taking into account the difference between the coastal lengths of Libya and Malta. Moreover, another point to be noted here, as pointed out in this case, is the location and size of the island in question in terms of the entire region. When considered in this way, Malta, an independent island state, was assigned limited influence in the case, partly due to its relatively small size within the broader Mediterranean context (Özbek, 2019).

It should be said that the principle of non-closure used in court decisions is of particular importance for Türkiye. This has also been expressed by some Greek and foreign doctrinal authors (Bardakçı, 2023). For instance, Dyke stated that some state practices, such as in the *UK-France Continental Shelf Case*, where the islands on the opposite side do not have a maritime area outside the territorial waters, are compatible with Türkiye's thesis. In this framework, the size, population and location of the Greek islands are of great importance in a possible EEZ delimitation. Dyke also states that the island of Meis is the least likely island to have full influence. To Dyke, although islands such as Rhodes, Samos or Limni can be considered to have maritime jurisdiction since they are relatively larger, it is legally reasonable for these islands to have limited jurisdiction since the possible full jurisdiction they would have would cut Türkiye's coasts and cut off its contact with the high seas to a significant extent (Dyke, 1989: 44, 65-66).

Another author in the foreign doctrine, Yiallourides, indicates that although the principle of non-closure should be approached not only from the perspective of the mainland, but also from the perspective of the islands' territories, in light of the principle of non-closure, the full influence of islands close to Türkiye may have a disproportionate result (Yiallourides, 2019). On the other hand, there are also examples in Greek doctrine that draw attention to the merits of Türkiye's arguments. In this context, Siousiouras and Chrysochou pointed out that the Greek side's direct equidistance-based approach may not be accepted within the framework of case law; however, the equidistance method would be used initially and then

²⁵ Considering the compatibility of the shape and length of the coasts of Türkiye and Egypt, it is possible to make a delimitation according to the median line without the need for direct examination of the two countries (Aksar, 2021b). However, taking into account the presence of a third country, the GCASC, a delimitation between the three countries would be the option most aligned with legal principles. At this point, Egypt is in the position of being the country that most obstructs the formation of a possible cooperation area between states in the Eastern Mediterranean with its state practices and agreements, which can be seen as a violation of the obligation to cooperate under the Article 123 of the UNCLOS (Acer, 2021). Thus, the Article 123 provides that States bordering on a closed or semi-closed sea shall co-operate among themselves in the exercise of the rights and the fulfilment of the obligations which belong to them under the UNCLOS.

subject to adjustments according to the situation. In addition, the authors underlined that Meis, due to its position as an island on the opposite side and being a small island far from the mainland, may have a cutting effect in terms of the Turkish coast and accordingly, it may be considered to have a limited effect without taking the baseline for delimitation (Siousiouras and Chrysochou, 2014).

It is known that delimitation is made within a legal framework, mostly consisting of geographical elements and taking into account the relevant circumstances. In this context, it is seen that geographical factors determine the delimitation line, while other (non-geographical) factors provide partial effects on this boundary in order to ensure equitable basis. In this respect, it would not be wrong to say that geography has the upper hand in the delimitation of maritime jurisdiction in the Eastern Mediterranean. What geography points to is the coasts. The condition of the coasts and the length of the strip are also important in determining the location and route of the delimitation line. Therefore, these factors should be taken into account when determining the boundary line in delimitation (Doğru, 2015). In addition, in semi-enclosed seas such as the Eastern Mediterranean, where the distance between the mutual coasts of states is less than 400 nm, where there are islands, and where the coasts are not only mutual but also side by side, the rules of the law of the sea should be applied on how the jurisdiction areas will be shared (Avcı, 2021).

It is very clear that the initial boundary for the delimitation of Türkiye's maritime areas in the Eastern Mediterranean with neighboring states should be the boundary determined by geographical factors. In the next stage of the delimitation process, it will be reviewed whether the initial boundary is equitable when evaluated on the basis of the relevant circumstances, and whether it is necessary to make certain changes to the boundary. In the delimitation process, regions that are geographically different from each other should be considered separately. Considering geographically different regions separately is a method that has been accepted and applied in international court decisions. In this way, it will be possible to ensure that especially geographical factors receive the value they deserve in terms of the equitable basis and that each region is delimited in accordance with its unique geographical characteristics (Acer, 2005).

The approach that confines Türkiye's maritime areas in the Eastern Mediterranean to the islands of Rhodes, Meis and Cyprus and to the north of the Anatolian midline, together with the GCASC and its treaty partners Egypt, Lebanon, Israel and Greece, is an attitude contrary to the law of the sea. An understanding that limits the remaining maritime areas between the southern borders of the Greek islands of Crete, Kassot, Choban, Rhodes and Meis, and the western coasts of Egypt and the GCASC is also contrary to the law of the sea.²⁶ Since delimitations such as the continental shelf or EEZ should be made in accordance with the equitable principles, the western coast of the island of Cyprus should not be given a continental shelf and EEZ outside its territorial waters, since Türkiye's access to the open sea should not be prevented for its coasts extending in the east-west direction in the Eastern Mediterranean. Furthermore, since there is no direct relationship between the geographical formation of the island and the maritime areas it will possess, the Greek islands on the opposite side of the island should not be granted a continental shelf or EEZ other than territorial waters. On the other hand, the median line (equidistance) boundary between the coasts of Egypt, which dominate the Mediterranean Sea, and the coasts of Türkiye should constitute the continental shelf and EEZ boundary between the two states (Başeren, 2010a).²⁷

As a result, disputes between states regarding the delimitation of the maritime jurisdiction areas are actually problems related to the sovereignty of the states, which should be evaluated in the context of the equitable principles, which are important in the law of the sea. The principles of the international law of the sea related to the maritime area in question play an important role in the resolution of the disputes, whether they are resolved through negotiations between the parties or by referral to a third party. In the process of delimitation of maritime jurisdiction areas in the Eastern Mediterranean, the equitable principles, which give priority to geographical factors, put Türkiye in a more advantageous position, especially *vis-à-vis* the island of Cyprus. The reason for this, Türkiye has a longer coastline than the Cyprus. On the other hand, non-geographical factors also support Türkiye's advantageous position (Acer, 2005).

Conclusion

The maritime borders of the Eastern Mediterranean have gained importance due to its geopolitics, conflicting interests, and ample hydrocarbon resources, should be determined by a multilateral agreement

²⁶ Greece's most prominent islands in the context of the Eastern Mediterranean dispute are Meis and the small Fener Island (Ipsili) and Karaada (Ro). Greece's claims regarding Meis extend beyond asserting plenipotentiary maritime jurisdiction. Hence, the Greek official thesis is in the approach of establishing maritime jurisdiction over a group of islands in the form of "Meis Group" by considering Meis together with Fener Island and Karaada, which are located near Meis and whose island status and sovereignty are disputed in the context of the Article 121/3 in the UNCLoS (Poulantzas, 2015).

²⁷ The situation of the islands opposite the median line comes to the forefront, while in the delimitation with the GCASC, the comparison of coastal length comes to the fore based on the the supremacy of geography in Türkiye's delimitation with Greece (Bardakçı, 2023).

with the participation of all littoral states Türkiye, Cyprus (TRNC/GCASC), Greece, the UK, Syria, Lebanon, Israel, Egypt, Libya and Palestine. In fact, although the sharing of maritime jurisdiction areas in the Eastern Mediterranean with the participation of all states does not seem possible, it is considered necessary for Türkiye to make its thesis clear, as it has made with Libya and the TRNC, in order to serve as a basis for a equitable solution to be reached in the future. This is because Türkiye's delimitation of its maritime borders with other littoral states is important in terms of guiding its policies in this region. Therefore, Türkiye needs to determine a maritime policy regarding the delimitation of maritime areas such as the continental shelf and EEZ in order to protect its national interests.

The sharing of maritime jurisdiction areas in the Eastern Mediterranean is not only a legal issue. It also has political, economic and security aspects. Behind the delimitation agreement to be made within the framework of international law of the sea, the power to be possessed in the balances to be created in the region is important. There are practical difficulties in reaching such an agreement. International dynamics, as well as global actors, prevent this process. Türkiye has recently been left alone in the energy equation in the region. In this respect, it would be beneficial for Türkiye to re-establish the balance of power in the region in its favor by reviewing its relations with states such as Egypt, which may have an impact on the disputes regarding the sharing of maritime areas in the region. In this new environment that has emerged in the region, the EEZ delimitation, which will ensure the sharing of other resources, especially hydrocarbon reserves, should be made by an agreement in compliance with the international law and taking into account the relevant circumstances, especially geographical features, in order to reach an equitable solution (Doğru, 2015).

After the settlement of maritime disputes in the Eastern Mediterranean within the framework of the equitable principles, the exploration, extraction, exploitation and marketing of the oil and natural gas, which is considered to have high hydrocarbon reserves, in a secure manner may create a separate dispute. Indeed, the natural gas in the region is said to have enough resources to supply the Europe for 30 years and the Cyprus and Israel for 100 years. Therefore, before the energy dispute in the region causes new and different conflicts or crises, it is necessary to first resolve the Cyprus Problem in line with the legal theses of both sides (TRNC/GCASC), and then share the economic resources in the maritime areas of the Cyprus in a way that all littoral states can benefit in equitable basis.

The principles of the law of the sea, such as non-closure and proportionality on the basis of equitable settlement, put Türkiye in an advantageous position in the delimitation of maritime jurisdiction areas in the Eastern Mediterranean. However, the legal status of the TRNC puts also Türkiye in a difficult position. The Republic of Cyprus, which Türkiye does not recognise, is *de jure* sovereign state in international area and its arguments regarding maritime boundaries in the region complicate the issue. Moreover, the British bases on the island make it difficult to reach a solution. In addition, the proximity of the Cyprus to the Arab-Israeli conflict makes things even more problematic. There are other conflict areas between Türkiye and Greece, such as the airspace territorial sea disputes in the Aegean Sea. When there is a conflict between the world's major powers in this region such as Russia and the US-led West, it becomes more difficult to settle the disputes. Therefore, given the complex nature of the Eastern Mediterranean, without a solution in all these areas, especially sovereignty disputes and without resolving the political problems, it will be difficult to reach an equitable solution with only the law of the sea. It is essential to achieve consensus among states.

Peer Review: Independent double-blind

Author Contributions: Arda Özkan: 100 %

Funding and Acknowledgement: No support was received for the study.

Ethics Approval: This study does not contain any human or animal research that requires ethical approval.

Conflict of Interest: There is no conflict of interest with any institution or person related to the study.

Hakem Değerlendirmesi: Dış Bağımsız

Yazar Katkısı: Arda Özkan: % 100

Destek ve Teşekkür Beyanı: Çalışma için destek alınmamıştır.

Etik Onay: Bu çalışma etik onay gerektiren herhangi bir insan veya hayvan araştırması içermemektedir.

Çıkar Çatışması Beyanı: Çalışma ile ilgili herhangi bir kurum veya kişi ile çıkar çatışması bulunmamaktadır.

How to Cite: Özkan, Arda. (2025). The EEZ Dispute in the Eastern Mediterranean. *MediTerra – Mediterranean Social Studies Journal*, 2 (1).

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