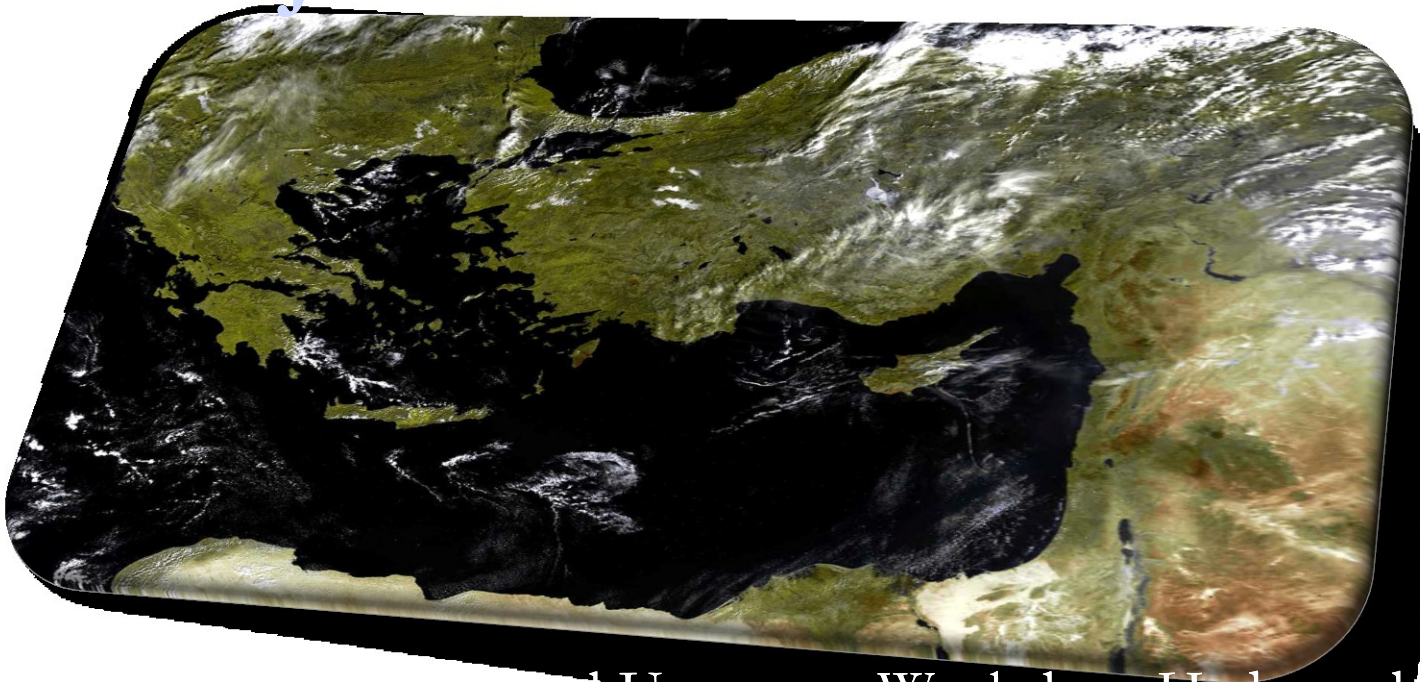


TURKEY & MARITIME JURIDICATION AREAS



Eaststream Workshop Hydrocarbons
Black Sea

the East Mediterranean
Athens, 1 November, 2013



TURKEY

16th largest economy in the world

6th in Europe

Surrounded by 3 seas

% 90 of Foreign Trade through MT

15th largest C.Fleet

with 1219 vessels(547 TF – 672 FF)

8322 km coastal length

Turkish Straits key to int. shipping

TURKEY'S MARITIME AREAS

4 Enclosed / Semi-enclosed SEAS



BLACK SEA

No maritime jurisdiction conflict between Turkey and 5 other littoral states.

Territorial Sea limit 12 miles

Continental Shelf and **EEZ** delimited by bilateral agreements



BLACK SEA



1973 Territorial Sea Delimitation Agr. (12 nm – lateral line)

1978 Continental Shelf Delimitation Agreement

1987 EEZ Delimitation Agreement (Exchange of Notes)



Succession



1994
Confirmation
EoN

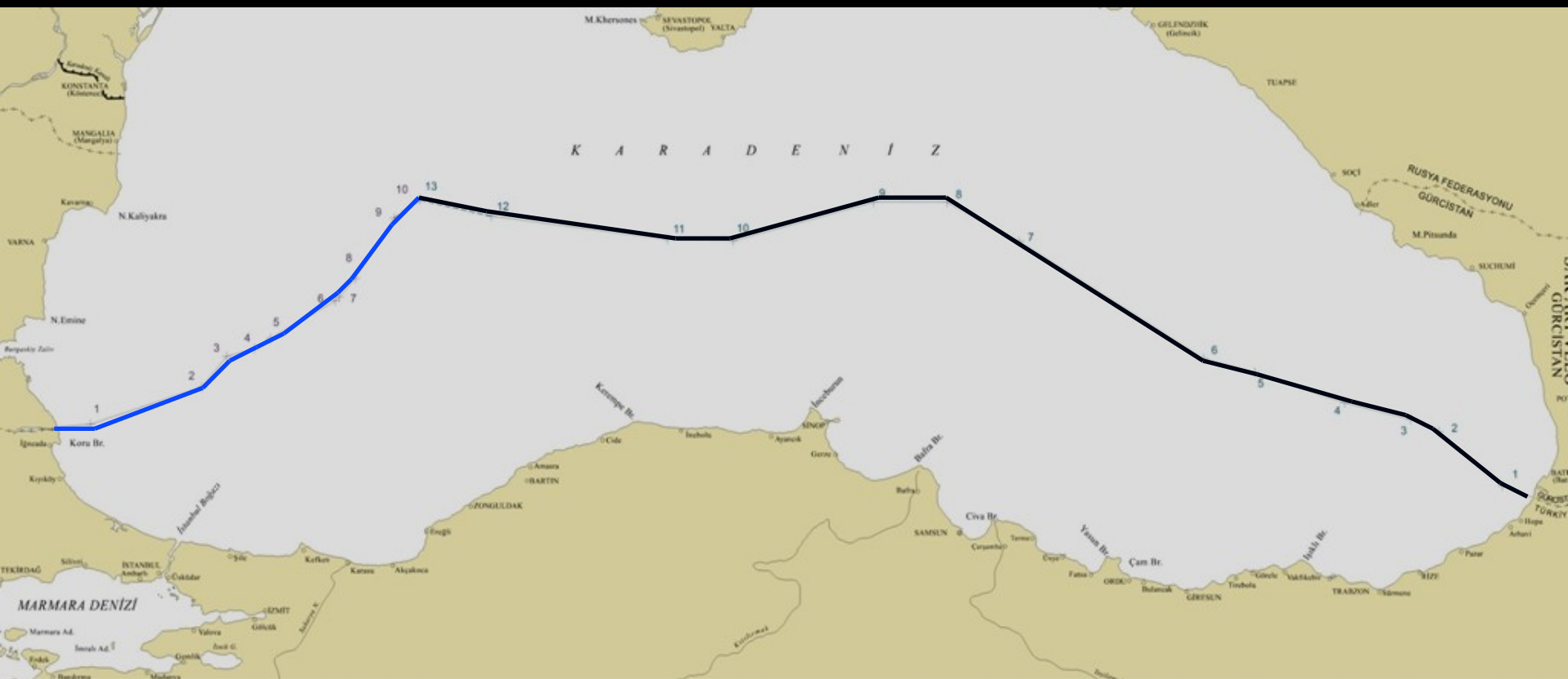


1997
Confirmation
Protocol



1997 Maritime Delimitation Agreement
(TS + CS + EEZ)

BLACK SEA DELIMITATION



AEGEAN SEA



2 Littoral States

6 nm territorial sea limit

No CS delimitation

No maritime boundary
agreement

MEDITERRANEAN SEA

Multiple littoral states

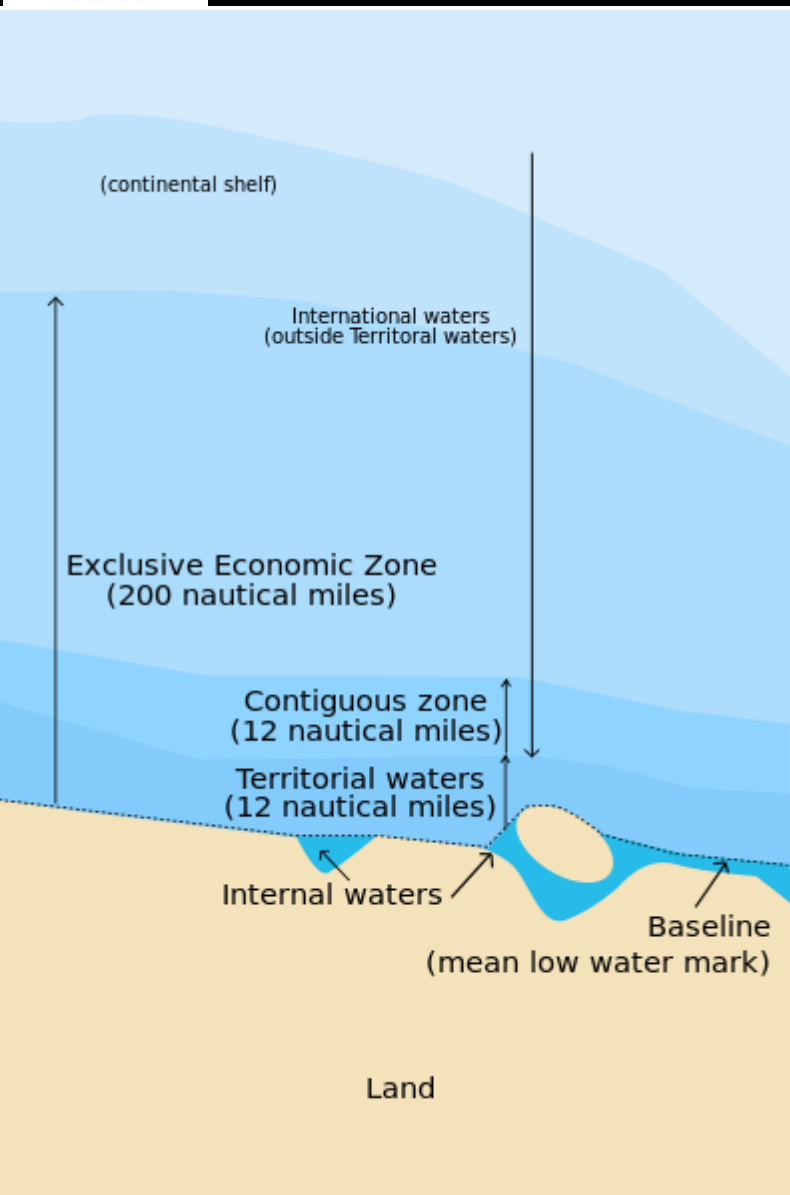
12 nm TS limit

No EEZ - CS delimitation agreement

Cyprus – Middle East Issues



MARITIME AREAS/ZONES



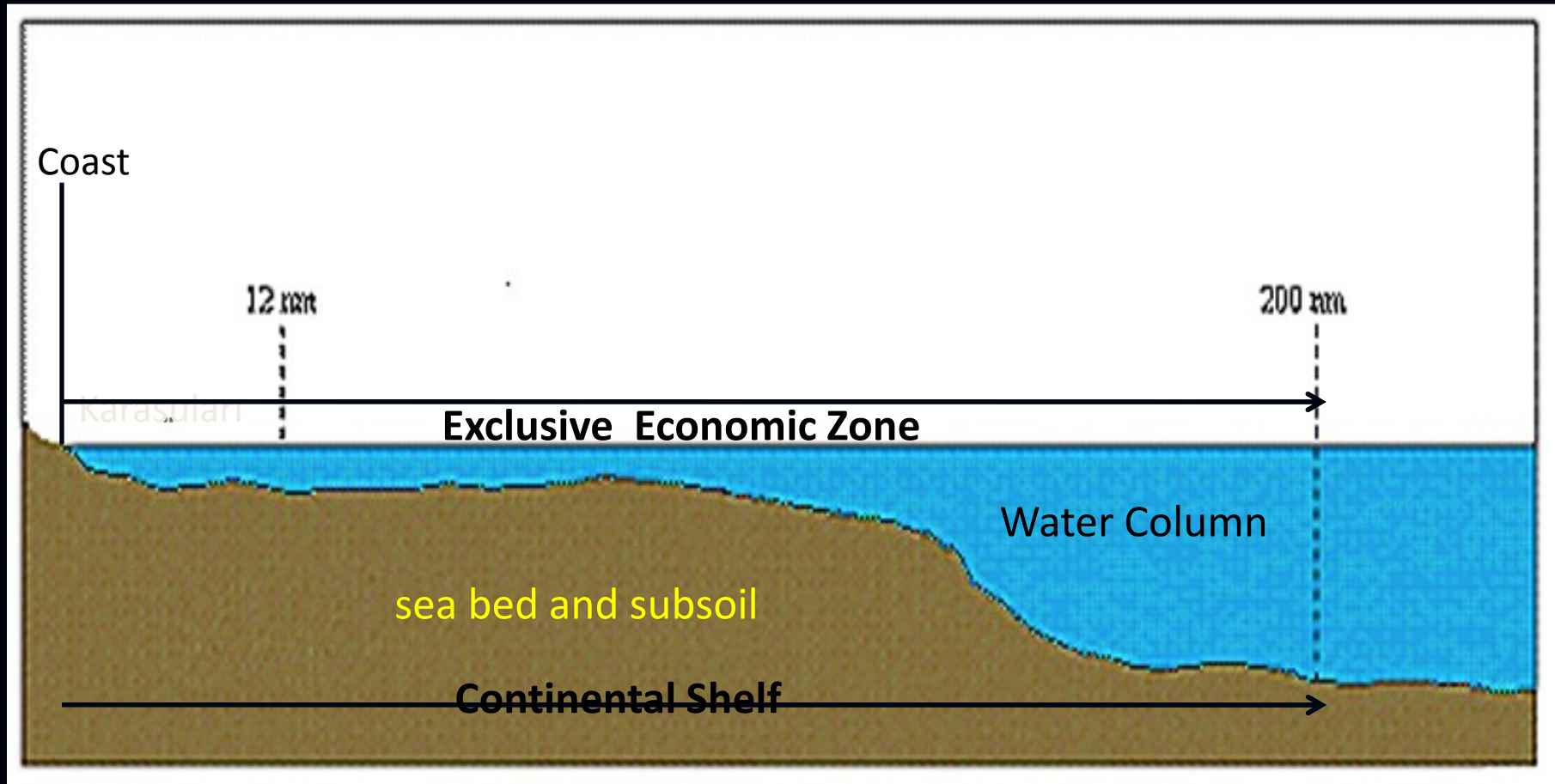
Internal Waters : Lie landward of the baseline
Full sovereignty
No innocent passage

Territorial Waters : **Max 12 nm**
Full sovereignty/Innocent passage

Continental Shelf : 200 nm + natural prolongation
ab initio and ipso facto
sovereign rights + jurisdiction
seabed + subsoil

EEZ : **200 nm**
sovereign rights + jurisdiction
seabed + subsoil + WATER COLUMN
proclamation

DIFFERENCE BETWEEN CS & EEZ



DIFFERENCE BETWEEN CS & EEZ

CONTINENTAL SHELF

200 NM (+)

seabed and subsoil

ab initio and ipso facto

(inherent right no need
for proclamation)

EXCLUSIVE ECONOMIC ZONE

200 NM

seabed and subsoil
+ WATER COLUMN

Needs to be proclaimed
for enforcement



in practice , most imp.
difference is

FISHERIES



MARITIME DELIMITATION IS ACHIEVED THROUGH

**Bilateral
Agreements**

**ICJ or
Arbitration**

- ❖ should be on the basis of **international law**
- ❖ should not infringe upon 3rd parties' rights

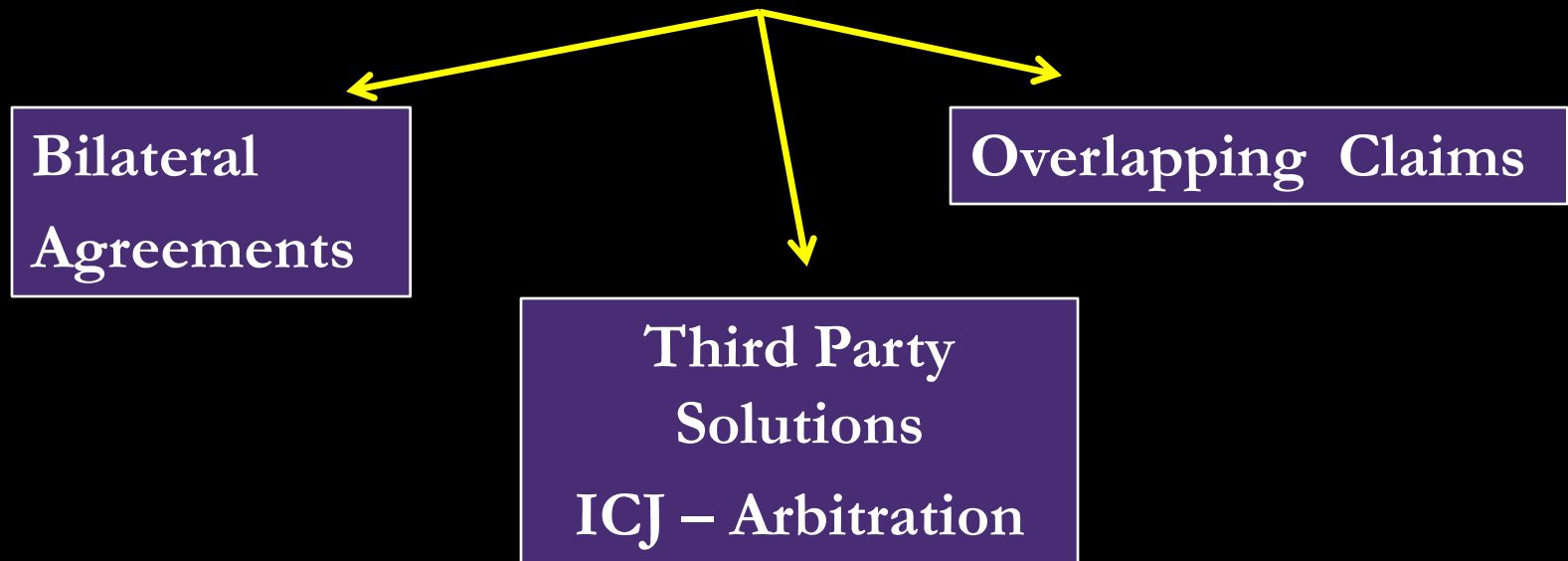
(Provisional arrangement until final delimitation is also possible)

IF NO DELIMITATION IS ACHIEVED

OVERLAPPING & DISPUTED CLAIMS

Overlapping entitlements to maritime rights and jurisdiction

THE WAY AHEAD





ÆGEAN ISSUES





AEGEAN ISSUES

GREEK POSITION

Only One Issue

Only one means of settlement

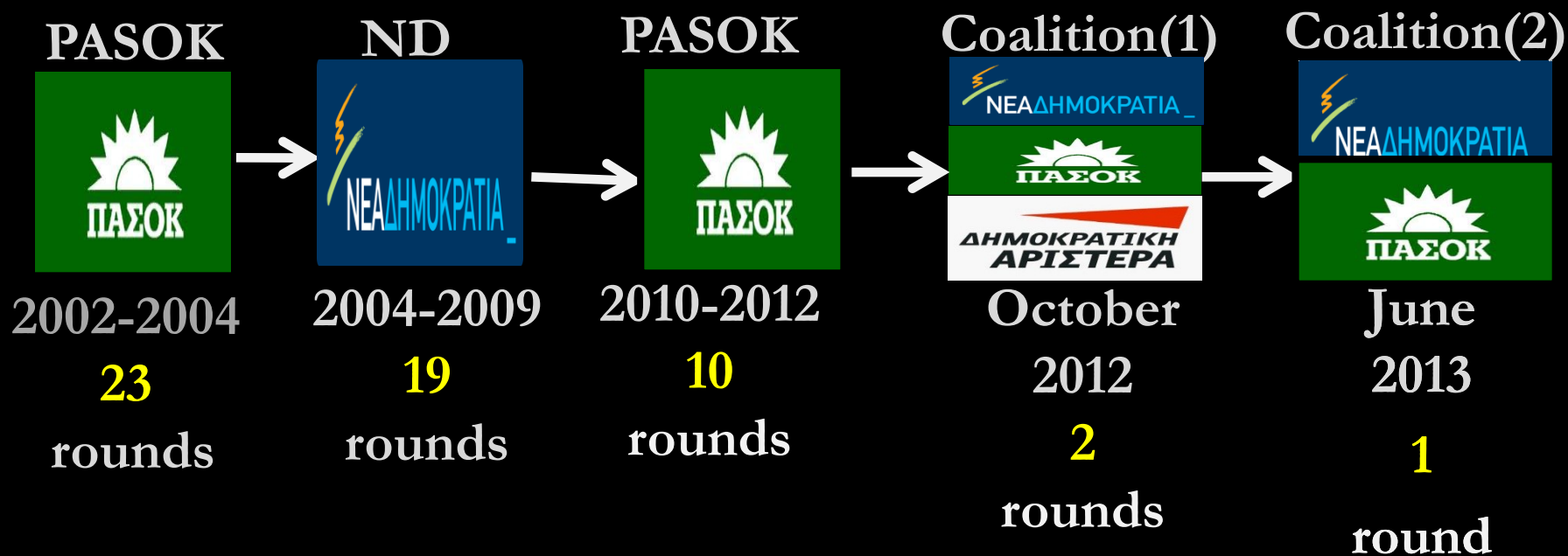
TURKISH POSITION

Several Interrelated Issues

Several means of settlement

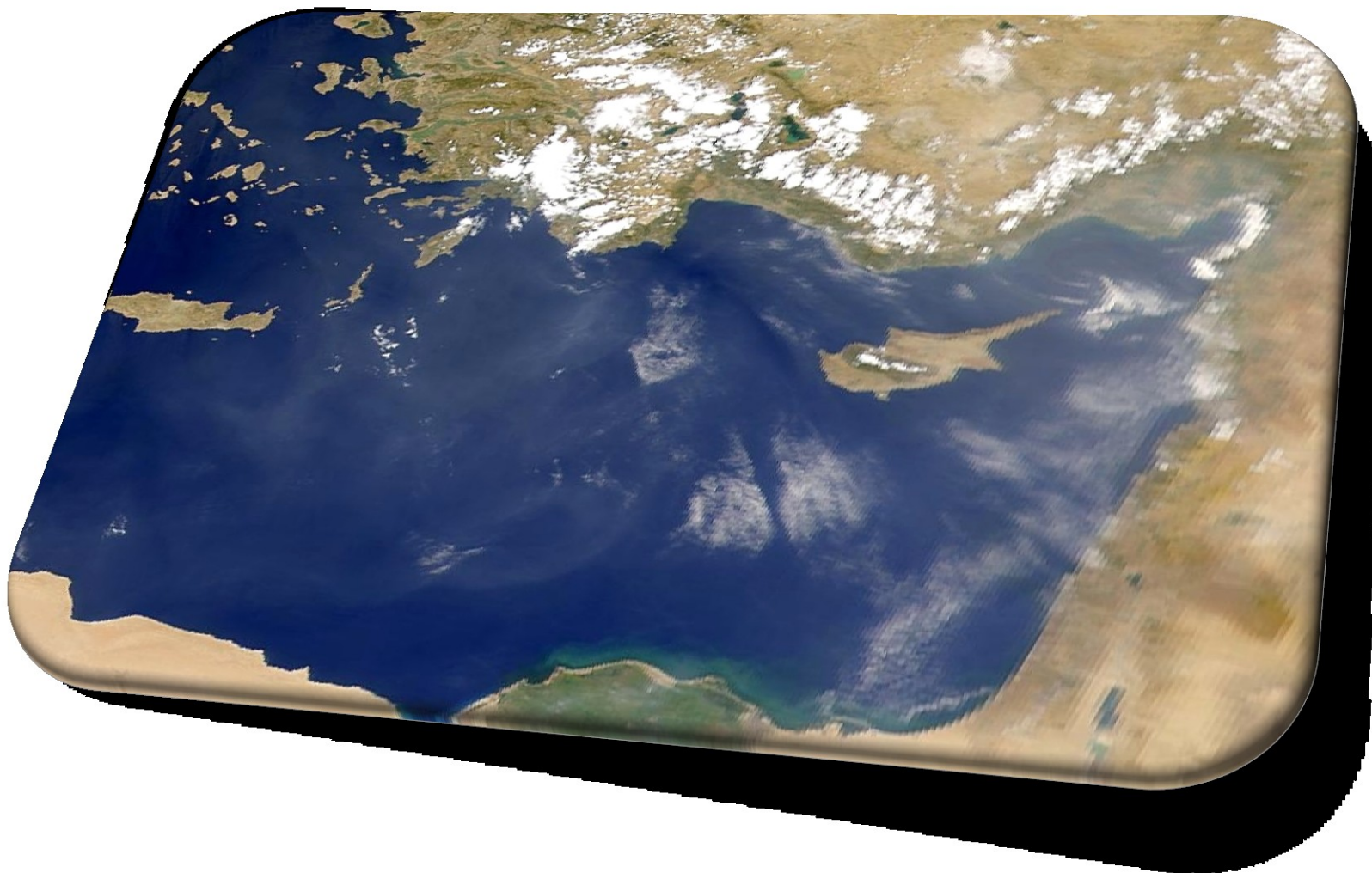
THE WAY AHEAD FOR AEGEAN DISPUTES

EXPLORATORY TALKS - SO FAR: 55 ROUNDS

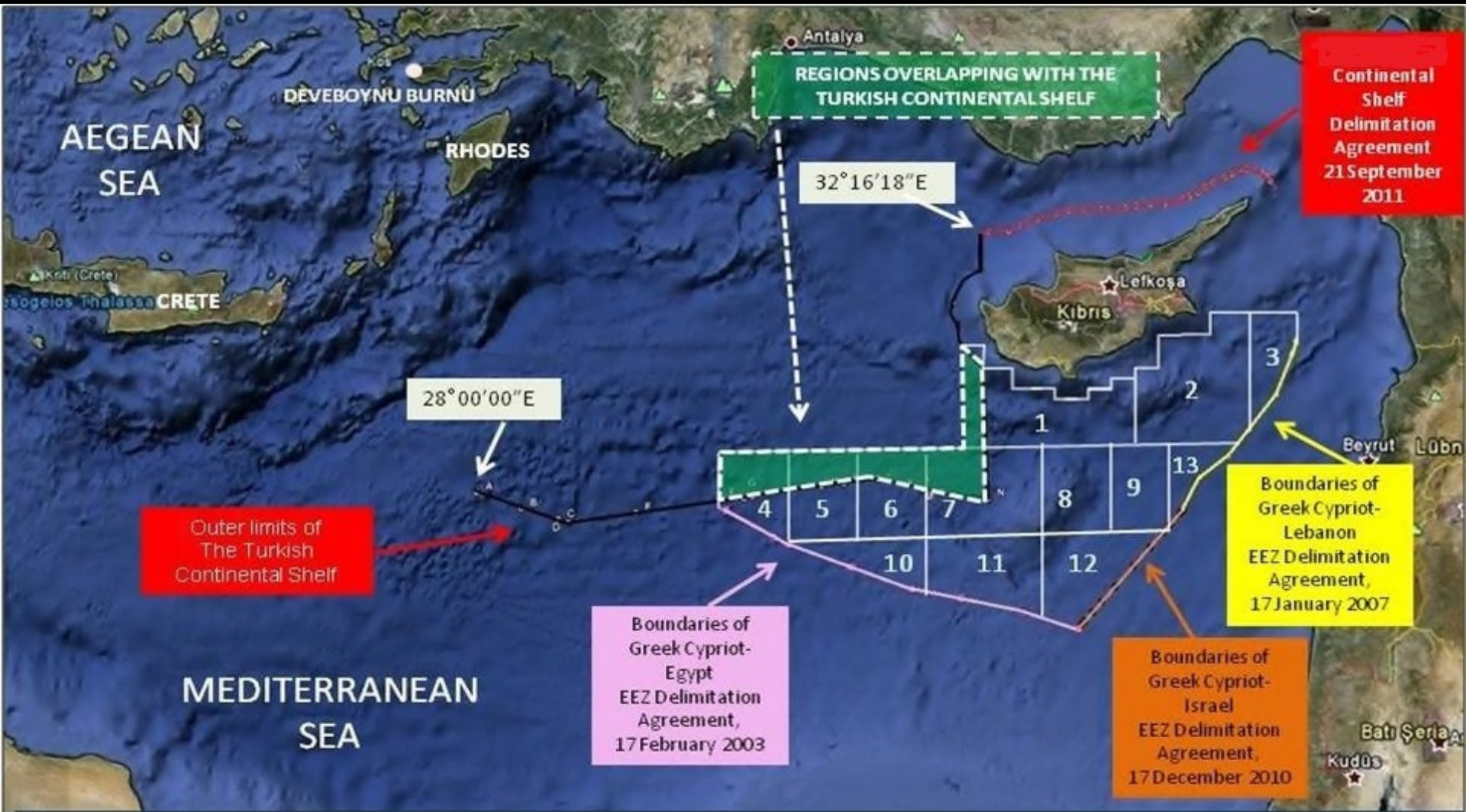




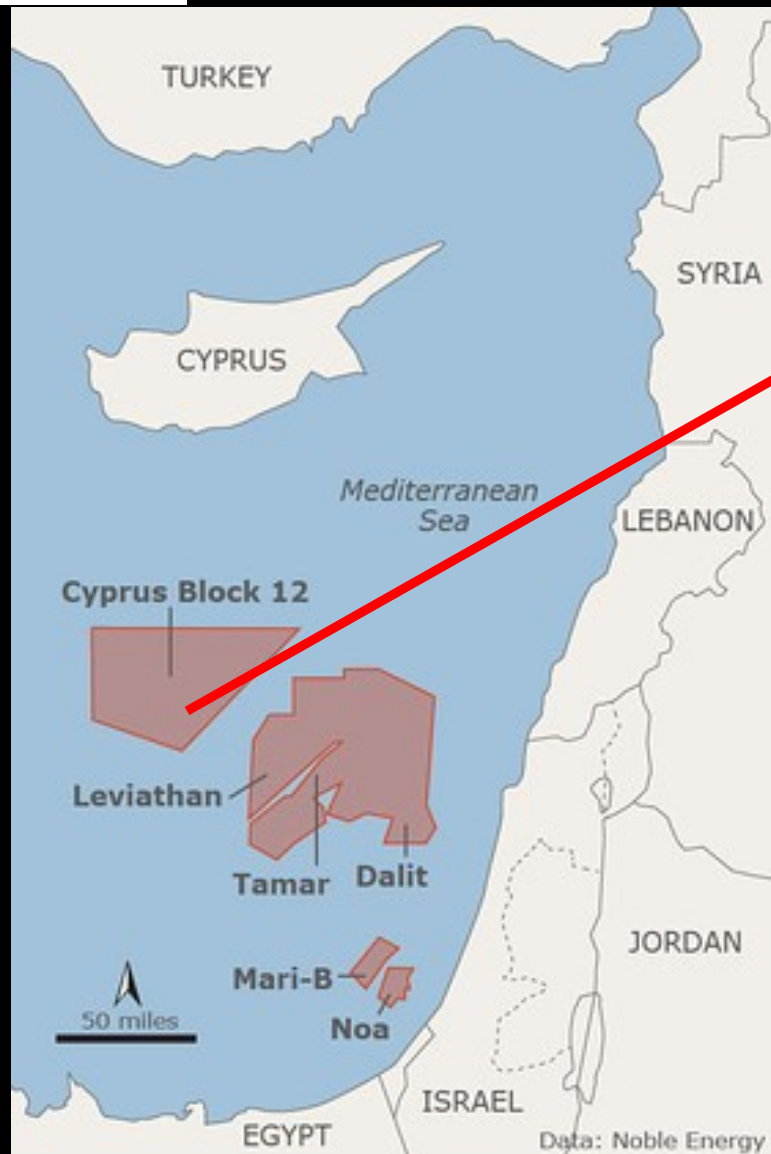
MEDITERRANEAN ISSUES



EASTERN MEDITERRANEAN



EASTERN MEDITERRANEAN GC's OFF-SHORE DRILLING



GC's started off-shore
drilling
on 19 September 2011



THE WAY AHEAD IN THE MEDITERRANEAN

PROPOSAL OF THE TURKISH CYPRIOTS TO THE UN SECRETARY GENERAL

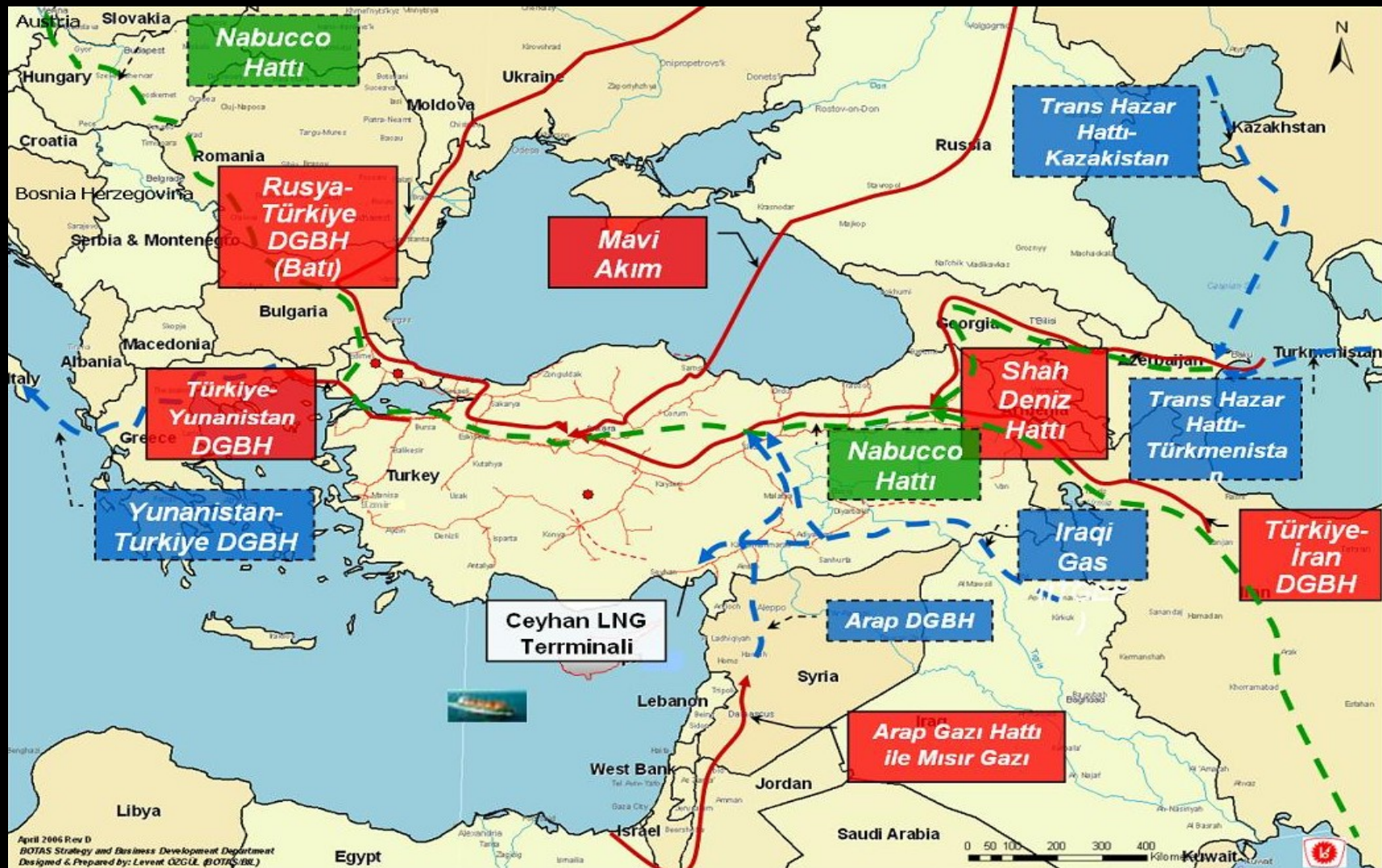
**24 SEPTEMBER 2011 &
29 SEPTEMBER 2012**

□ EQUITABLE SHARING

□ both sides should meet under the auspices of the UN SG and determine jointly the future course of off-shore oil/gas activities, including revenue sharing and funding of a possible settlement.

THE WAY AHEAD IN THE MEDITERRANEAN

Turkey: Safest, most feasible, profitable gateway to the European oil/gas markets



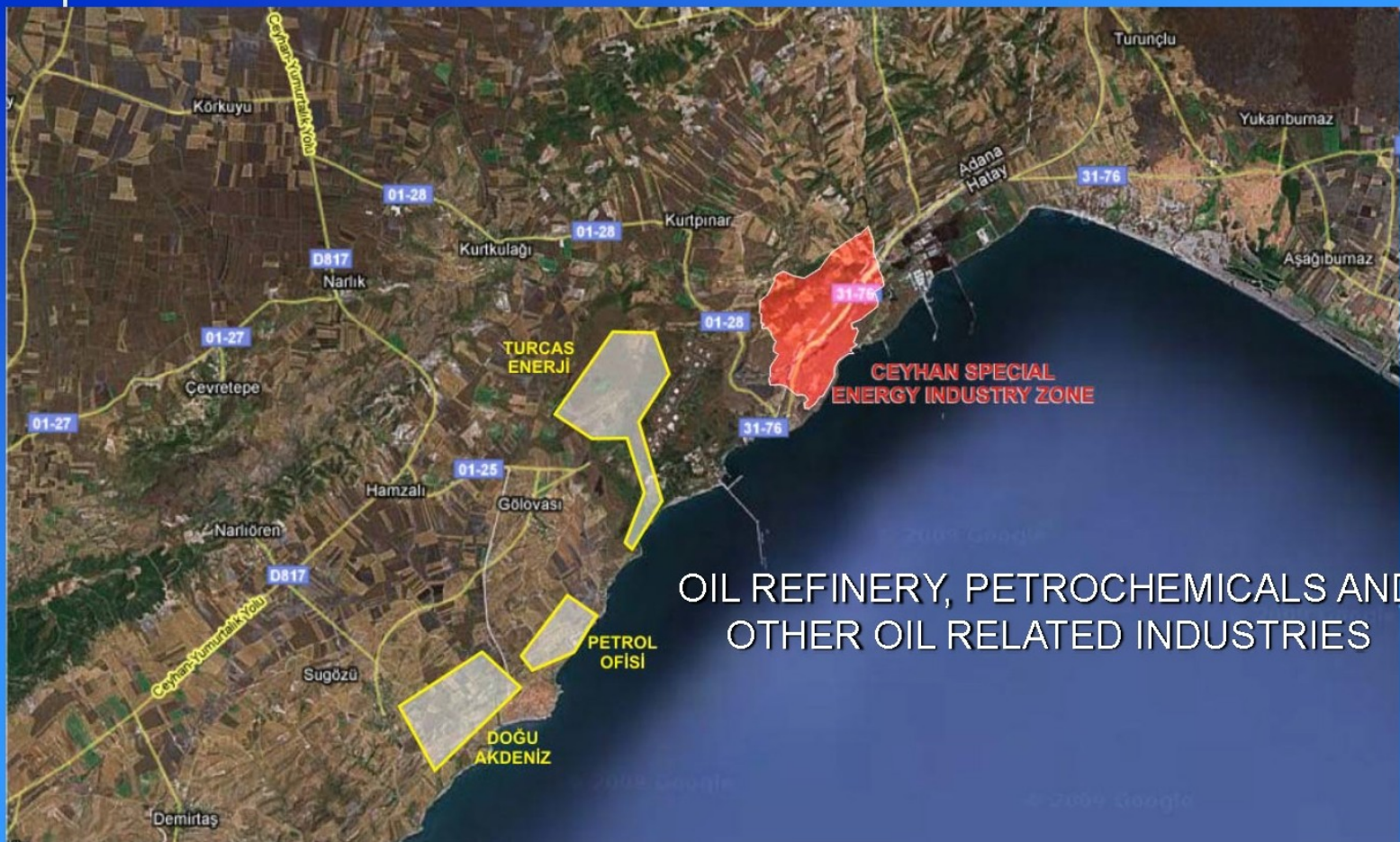
TURKEY HAS THE MARKETTING INFRASTRUCTURE IN PLACE

GAS TO EUROPE AND TURKEY'S TRANSIT ROLE



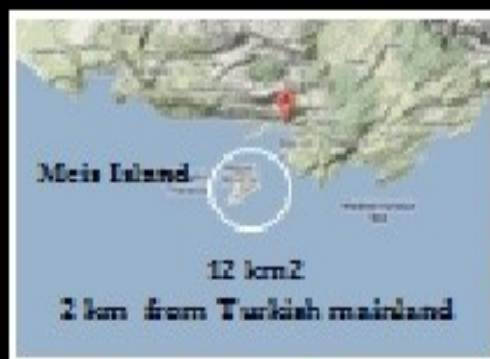
TURKEY HAS THE INFRASTRUCTURE IN PLACE

CEYHAN PORT



OIL REFINERY, PETROCHEMICALS AND
OTHER OIL RELATED INDUSTRIES

TURKEY'S CS CLAIM



Coastal Lengths : TURKEY 1792 km EGYPT 1062 km (Total)
 TURKEY 969 km EGYPT 850 km (West of Cyprus)

GREEK – GREEK CYPRIOT EEZ-CS CLAIM



GREEK – GREEK CYPRIOT EEZ-CS CLAIM



EQUIDISTANCE IS NOT THE ONLY METHOD

BECAUSE THE MEDIAN LINE IS TAKEN AS THE ONLY CS/EEZ
DELIMITATION METHOD

YET

The method of equidistance/median line is not referred
to as such in UNCLOS
and

it does not enjoy a unique and privileged method in
CS/EEZ delimitation since the fundamental legal norm is
equitable delimitation
taking into account all RELEVANT & SPECIAL
CIRCUMSTANCES at hand

EQUIDISTANCE IS NOT THE ONLY METHOD

In state practice and in jurisprudence of international courts pertaining to CS/EEZ delimitation, equidistance line is taken as a preliminary step, but then modified/adjusted by giving due account to a number of circumstances in order to produce an equitable result

EQUITABLE DELIMITATION VS. MEDIAN LINE

GEOGRAPHICAL CIRCUMSTANCES

- ❑ general configuration of the coasts,
- ❑ location of the coasts and their relationship (oppositeness and adjacency)
- ❑ the length of the coastlines
- ❑ distance between the respective coasts
- ❑ the location of the land frontier/its direction towards seaward extension
- ❑ the presence of islands and their size and positions

EQUITABLE DELIMITATION VS. MEDIAN LINE

NON- GEOGRAPHICAL CIRCUMSTANCES

- ❑ geological and geomorphological factors
- ❑ fishing resources and history of fishing
- ❑ environmental facts
- ❑ navigational rights and interests
- ❑ defense and security interests
- ❑ economic circumstances
- ❑ historical rights
- ❑ common mineral deposits and history of oil/natural gas development in the area

QUESTIONS & FACTS (1)

After taking into consideration those
circumstances

PROPORTIONALITY TEST

is applied

At the end of bilateral negotiations

OR

Court Proceedings

To determine whether

THE OUTCOME IS EQUITABLE OR NOT

QUESTIONS & FACTS (1)

In conclusion, we can not

- ignore the relevant circumstances
- treat the islands like a continental land area.
- disregard the proportionality/equitability test

Role of Islands in CS/EEZ Delimitation

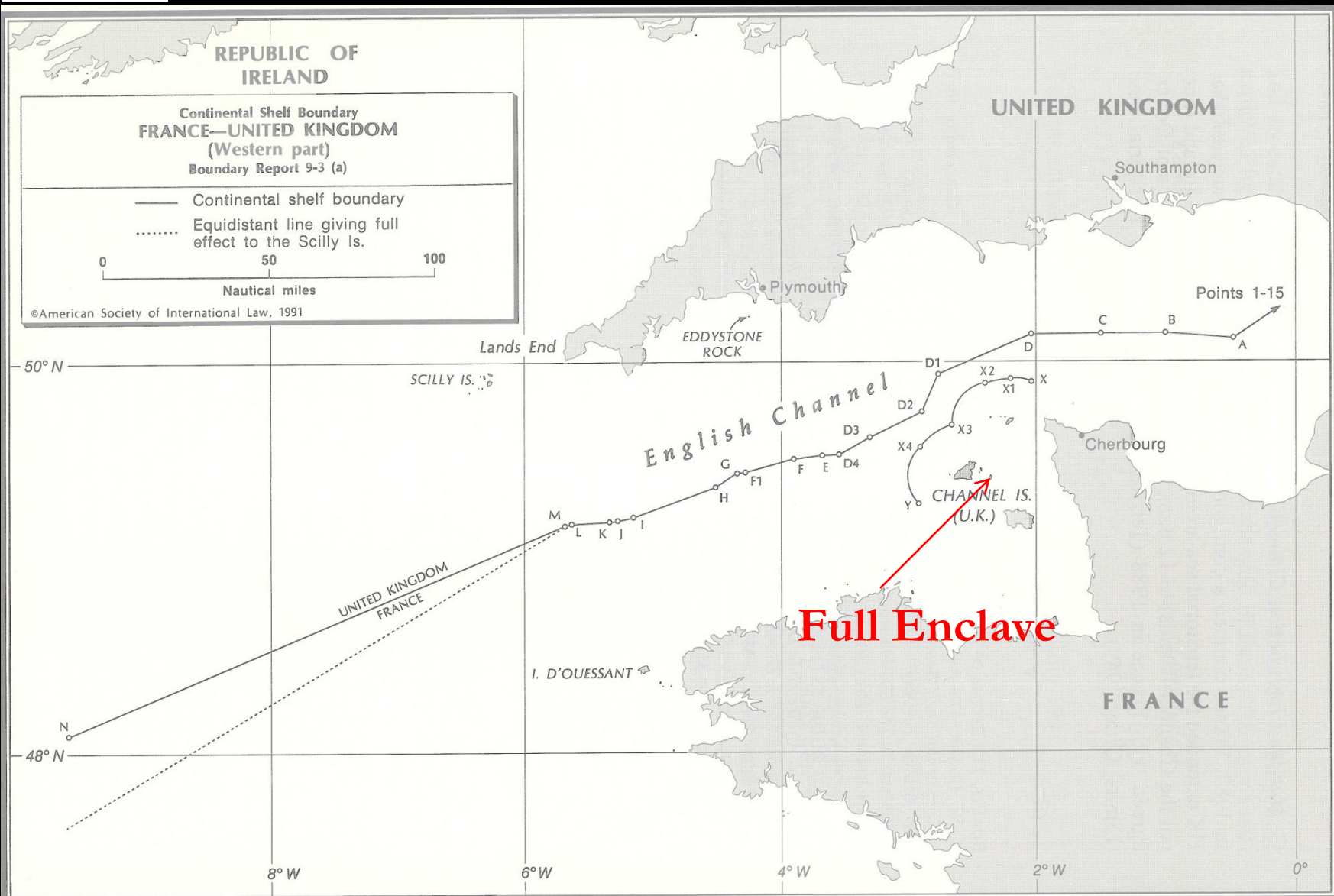
Islands do not generate full maritime zones when they are competing directly against continental land areas.

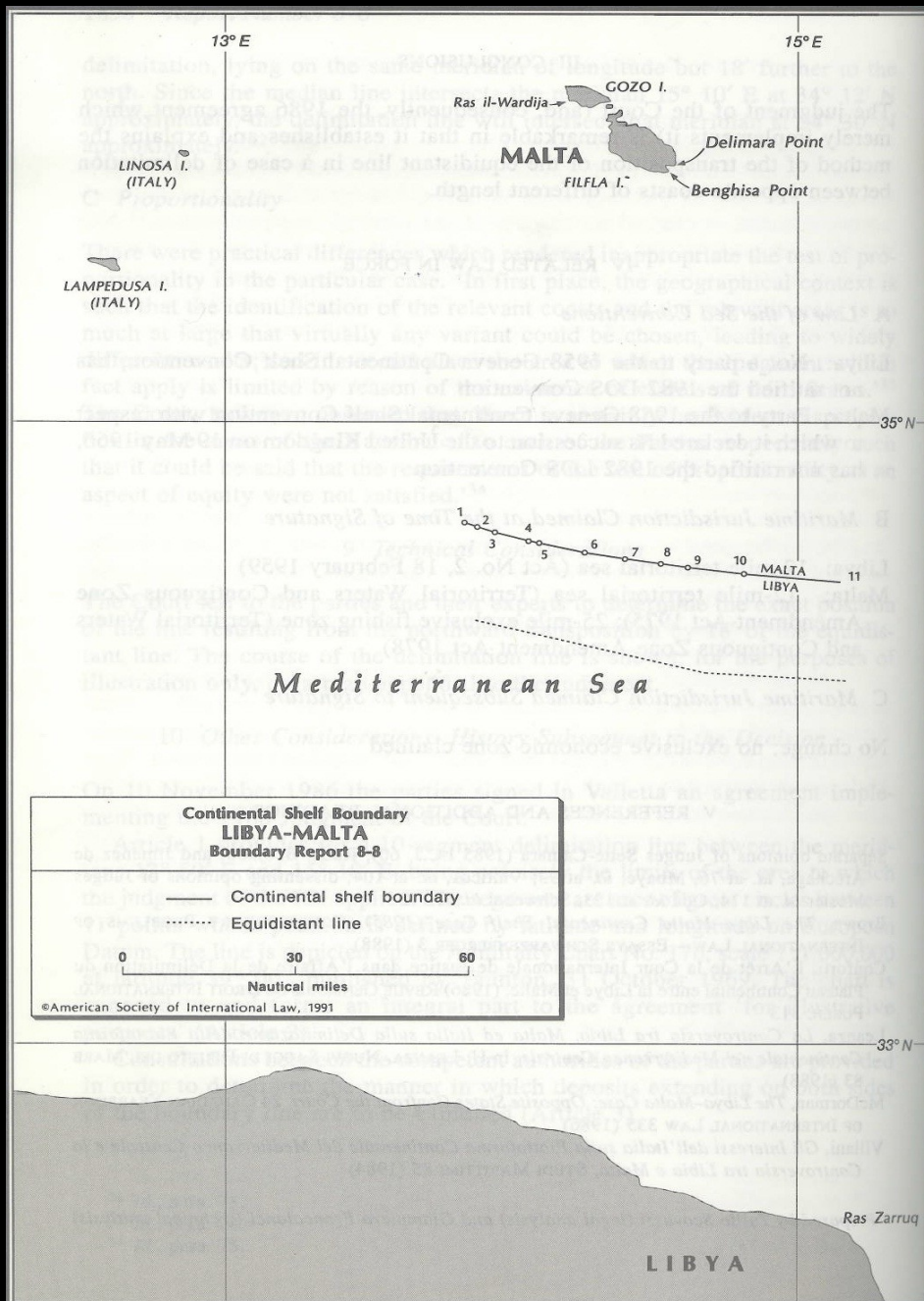
Jurisprudence and state practice

Some examples may be useful to illustrate how the Court or tribunals reasoned.

UK-FRANCE CS DELIMITATION CASE – 1977

NO-EFFECT/FULL ENCLAVE

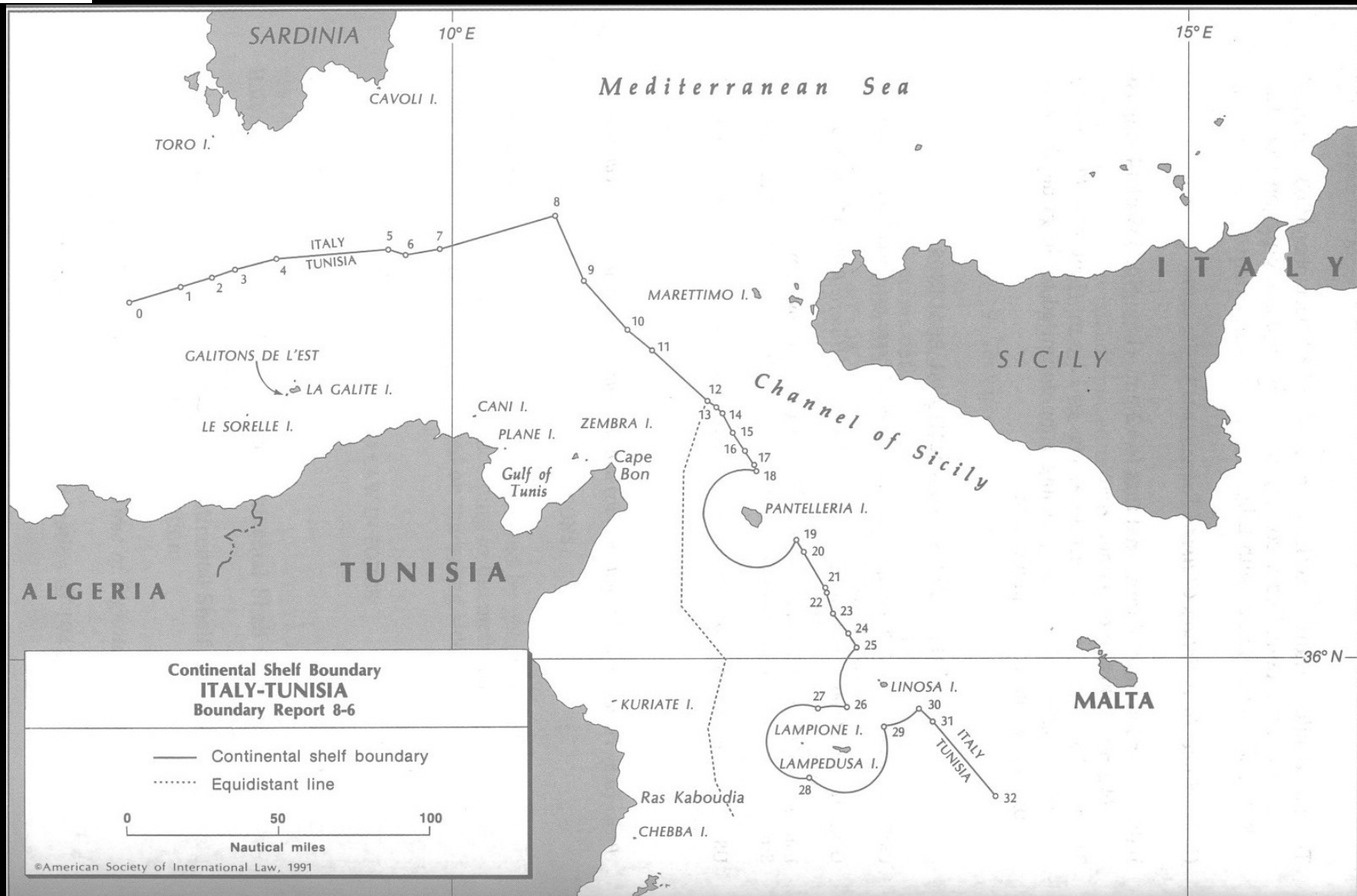




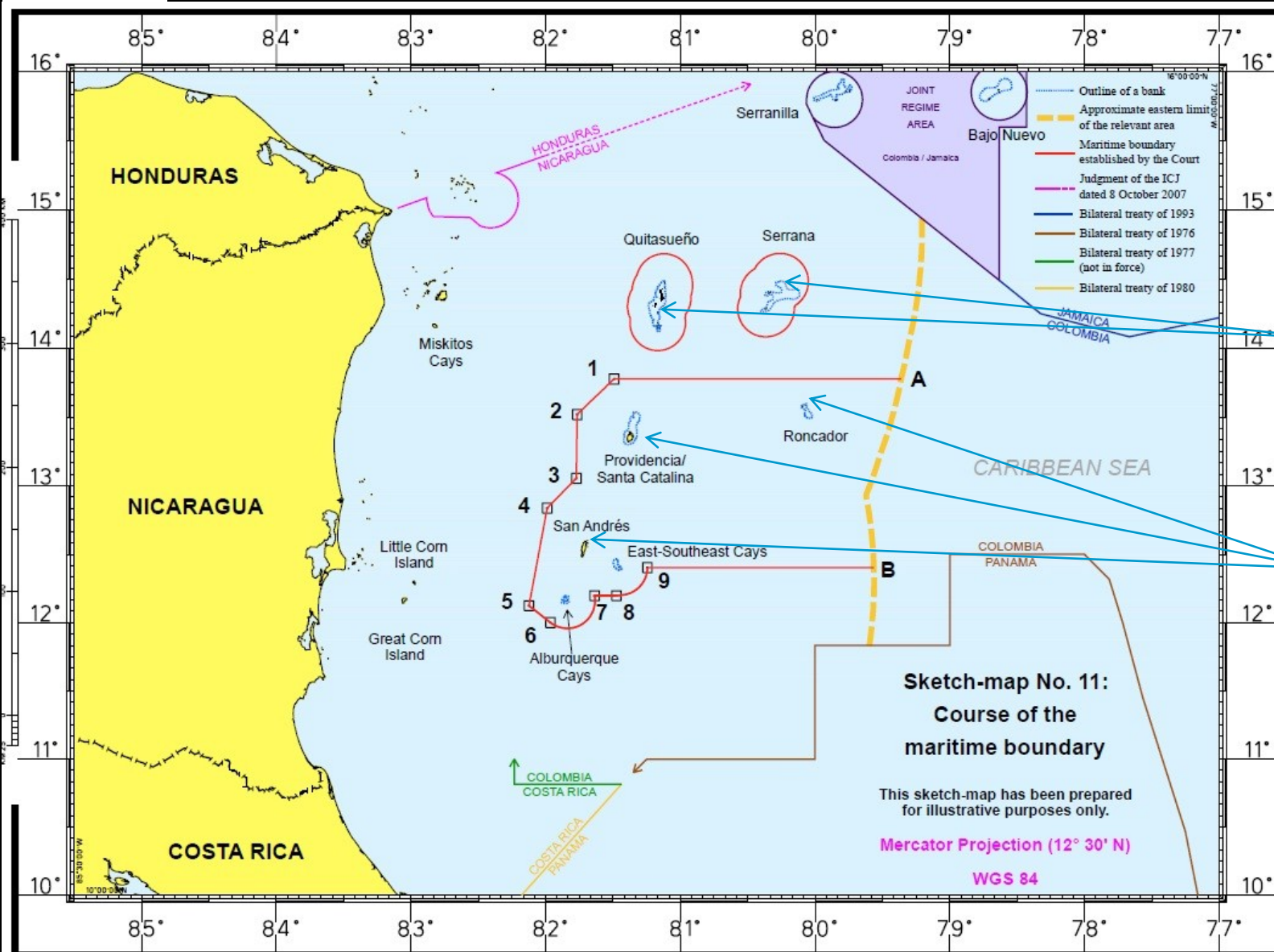
LIBYA - MALTA ICJ CONTINENTAL SHELF BOUNDARY JUDGMENT: 1985

Mercator Projection

ITALY / TUNISIA CONTINENTAL SHELF AGREEMENT: 1971



COLOMBIA NICARAGUA CASE – 2012



**No-
Effect/Full
Enclave**

Half Effect

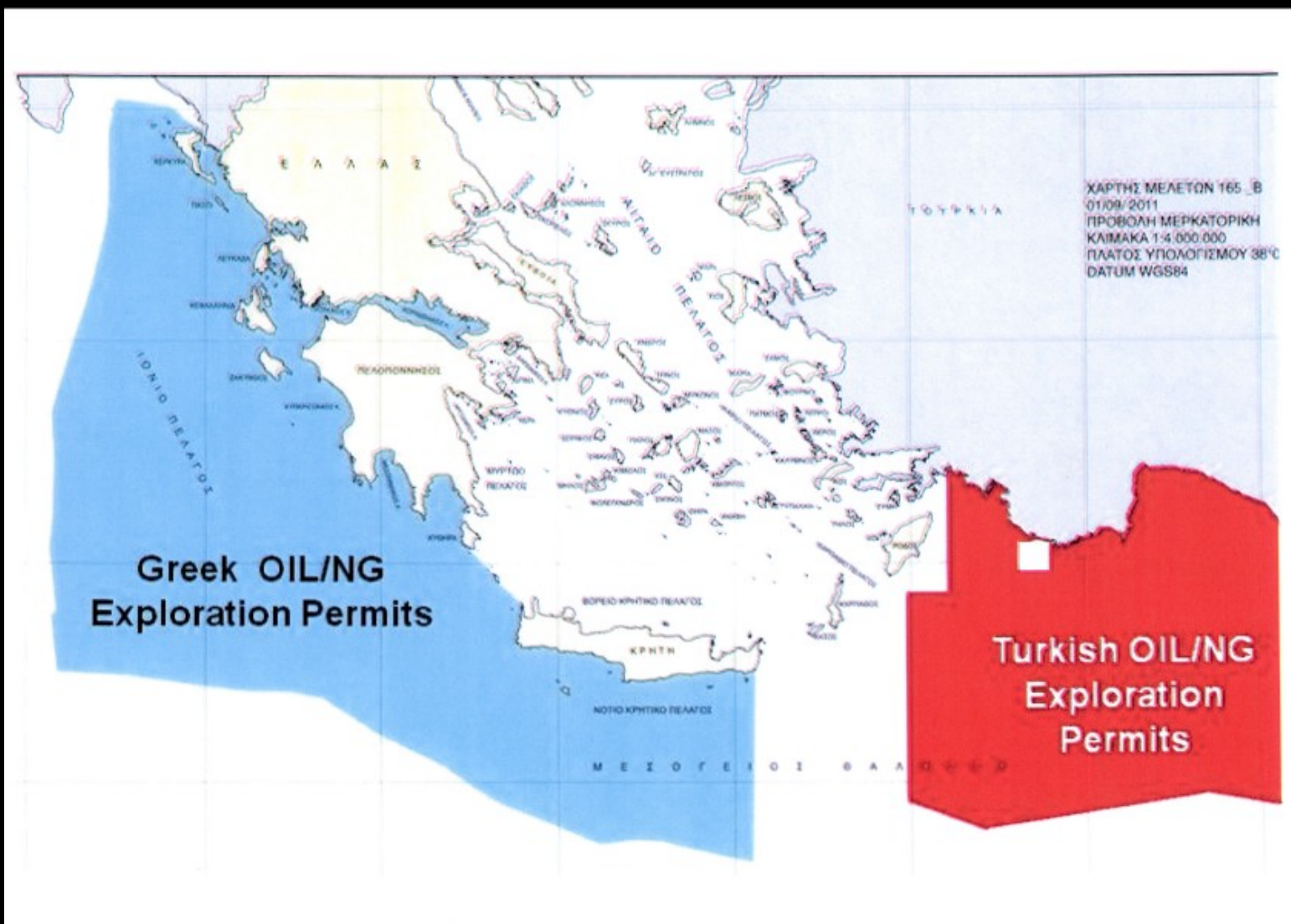


More Cases

- Ukraine – Romania
- Libya – Malta
- Bangladesh – Myanmar
- Libya – Tunisia
- Guinea – Guinea-Bissau
- Italy – Tunisia (Bilateral Treaty)
- ...

THE WAY AHEAD IN THE MEDITERRANEAN TURKEY-GREECE

???





THANK YOU

Questions

???

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