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LETTER DATED 27 MARCH 1987 FROM THE PERMANENT REPRESENTATIVE OF GREECE
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions of my Government, I would like to bring the following to your attention, in connection with the letter of the Permanent Representative of Turkey, dated 23 March 1987 and circulated as Security Council document S/18759.

The Permanent Representative of Turkey attempts to formulate a number of accusations against Greece on the basis of statements made by the Chairman of the Northern Aegean Petroleum Company (NAPC), which has a concession with regard to the exploitation of the offshore oil field near the northern Aegean Greek island of Thassos. The facts, however, are in direct contradiction to these allegations and stand as follows:

It is true that the Chairman of NAPC stated that the "Consortium planned to begin drilling for oil 10 miles east of the island of Thassos, outside the 6-mile territorial waters of Greece, at the end of March." However, what the Turkish Permanent Representative failed to mention, although his Government had been officially informed of it, is that the Greek Government has submitted to Parliament, as a matter of urgency, a draft law which authorizes it to buy the shares of the Canadian company "Denison", a member of NAPC, and thus obtain the majority of NAPC shares. Therefore, as the Greek Government has stated, the question of "how, where and when" drilling takes place will be a decision to be taken by the Greek Government and nobody else. Since, as I have already stressed, the above facts have been officially known by the Turkish Government, it is surprising that the Turkish Permanent Representative fails to mention them.

Another element overlooked by the Turkish Permanent Representative is related to Security Council resolution 395 (1976) of 25 August 1976. This resolution does indeed invite "the Governments of Greece and Turkey to exercise the utmost restraint" and "to reduce the tensions in the area". However, it also "... Invites the Governments of Greece and Turkey in this respect to continue to take into account the contribution that appropriate judicial means, in particular the International Court of Justice, are qualified to make to the settlement of any remaining legal differences which they may identify in connection with their present dispute ..."

It should be stressed in this context that Greece, even before this resolution was adopted, had already, on 22 January 1975, proposed to Turkey to refer the dispute to the International Court of Justice on the basis of a compromis. Turkey accepted, on 6 February 1975, to hold bilateral discussions in order to prepare the compromis. During the meeting of the then Prime Ministers of the two countries, Messrs. Karamanlis and Demirel, in Brussels, on 31 May 1975, it was decided to refer the dispute to the International Court of Justice and, on the basis of its Judgement, to continue negotiations for the actual delimitation of the continental shelf.

On 10 August 1976, Greece instituted proceedings before the International Court of Justice and requested it to proceed to the delimitation of the continental shelf between the two countries. Turkey, however, refused to appear before the Court.

From that point onward, the attitude of Turkey has been one of continuous reversals of position and manoeuvring, which has made it abundantly clear that Turkey's aim was not the delimitation of the continental shelf but its partitioning on the basis of the Turkish claim that islands have no continental shelf of their own. Turkish activity culminated in the Turkish research ship "SISMIK 1" violating repeatedly the Greek continental shelf near the islands of Lemnos and Lesbos. The Greek Government had recourse to the Security Council, which adopted the aforementioned resolution 395 (1976) of 25 August 1976.

It was under these circumstances that the Procès Verbal of Bern was agreed upon on 11 November 1976. However, as is obvious from article 6 of the Procès Verbal ("The two parties undertake to refrain from any initiative or act concerning the Aegean continental shelf that might have adverse effects on the negotiations"), which is invoked by the Permanent Representative of Turkey, the Procès Verbal was agreed upon for the sole purpose of creating conditions facilitating negotiations within the framework of its article 8 which provides that

"The two parties have agreed to study State practice and international rules in this matter, with a view to identifying certain principles and practical criteria which could be useful for the delimitation of the continental shelf between the two countries."

Turkey subsequently reversed its position and on 31 July 1977, during a meeting of experts of the two sides in London, stated that "the Greco-Turkish negotiation should be a political one without reference to international precedents or rules".

Turkey, during a meeting of the Secretaries-General of the respective Ministries of Foreign Affairs, on 4 and 5 December 1980, reiterated its position that the rules of international law should not be taken into consideration. At the time, the Turkish interlocutor stated that the Turkish side accepts the principle that islands have a continental shelf of their own but insisted that this continental shelf should be restricted, apparently according to their claims.

A last effort to resolve the deadlock was made during a further meeting of the Secretaries-General of the respective Ministries of Foreign Affairs, in September 1981, namely before the present Greek Government came to power. No progress was made during this meeting and contacts were interrupted on the sole responsibility of Turkey, as is evident from the above-mentioned, unfounded Turkish positions that the rules of international law were not applicable to the dispute in question.

Consequently, it is totally inaccurate to assert that "the negotiation process was terminated by the new Greek Government after the elections of 1981". This claim aims at giving political character to a purely legal problem, contrary to the finding of the Judgement of the International Court of Justice of 1978 (para. 31), namely that: "... The Court therefore finds that a legal dispute exists between Greece and Turkey in respect of the continental shelf in the Aegean Sea."

It is therefore totally inaccurate and arbitrary to assert that "the Greek Government rests on the preposterous assertion that the Aegean Continental Shelf belongs in its entirety to Greece". The truth is that, as has been already mentioned, the Greek position has been and remains as follows: according to international law and the existing precedents of the International Court of Justice, the rights of the littoral state on the continental shelf exist ipso facto and ab initio and there is no need for any legal measures to be taken in order to confirm their validity. As far as its dispute with Turkey is concerned, it is the firm conviction of Greece that it is of a purely legal nature. This was reaffirmed by the International Court of Justice in its Judgement of 1978 regarding the Aegean Continental Shelf (para. 31). In other words, the Greco-Turkish dispute does not involve a question of partitioning the continental shelf. It is simply one of a technical nature with regard to its delimitation, that is to say, to establish the point up to which the ipso facto and ab initio existing rights extend. Therefore Greece maintains that the object of this dispute is the delimitation of the Aegean continental shelf and not its partitioning.

The Turkish claim that Greece has shown no interest in a dialogue, but has on the contrary firmly resisted it, is equally false. The truth is that Greece, as has already been mentioned, repeatedly undertook efforts to resolve the impasse and to reduce the existing tension. The present Greek Government, as soon as it came to power, proposed and achieved a moratorium on certain activities, and discussions began at ambassadorial level on economic and tourist matters. Unfortunately, all these efforts failed after a series of Turkish provocations against the territorial integrity and national sovereignty of Greece.

These provocative acts were followed by repeated statements of the Turkish political leadership which challenged the territorial integrity of Greece. They culminated in a statement by the Prime Minister of Turkey, Mr. Ozal, on 26 April 1986, according to which "Experience has shown that we have lost from our hands certain islands which are part of the Turkish fatherland."

I would like in this context to refer to another assertion of Ambassador Turkmen, namely that the Greek Government reiterated to Turkey, in March 1982, its adherence to the above-mentioned Procès Verbal of Bern. It is a totally

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inaccurate statement. The official correspondence of 1982 attached hereto (Annexes III and IV), in which neither of the two Governments makes any reference to the Procès Verbal of Bern, is ample evidence of this inaccuracy. On the contrary, the Greek Government has informed the Government of Turkey, on many occasions, formally and most categorically, that the Procès Verbal of Bern became obsolete and inoperative, since the negotiations between Greece and Turkey, to which it was solely related, had been terminated, because of the Turkish intransigence, as has already been mentioned.

Turkey further asserts that its policy is one of self-restraint. At the same time, she infringes upon the continental shelf of the Greek islands of the Aegean by granting exploration permits and announcing that explorations will be carried out on it. On the other hand, however, the Turkish Permanent Representative claims that Greece should avoid any activity on the Aegean continental shelf. The contradiction is evident.

The conclusion of the above analysis is that Turkish intransigence during the various stages of negotiations, which aimed at establishing certain common principles and practical criteria, has blocked the continuation of the negotiating process.

Despite this negative attitude of Turkey, the Greek Government, consistent with the principle of peaceful settlement of international disputes, summoned, through the Under-Secretary for Foreign Affairs, Mr. Y. Kapsis, the Turkish Ambassador to Athens, on 26 March 1987, and asked him to convey to his Government a proposal of the Greek Government to submit the question of the delimitation of the continental shelf to the International Court of Justice, on the basis of conventional and customary international law. As is well known, this proposal has been made to the Turkish Government on many occasions in the past.

Greece is therefore ready to enter immediately into negotiations with Turkey to prepare the compromise, in order that this dispute, which is of a strictly legal nature, be settled through the proposed impartial judicial procedure.

I should like to request that this letter be circulated as a document of the Security Council.

(Signed) Mihalis DOUNTAS
Ambassador
Permanent Representative

Annex I

Joint Communiqué issued after the Meeting of the Prime Ministers
of Greece and Turkey, Messrs. Constantine Karamanlis and
Suleyman Demirel in Brussels, 31 May 1975

Joint Communiqué, Brussels, 31 May 1975

In the course of their meeting the two Prime Ministers had an opportunity to give consideration to the problems which led to the existing situation as regards relations between their countries.

They decided that those problems should be resolved peacefully by means of negotiations and as regards the continental shelf of the Aegean Sea by the International Court at The Hague. They defined the general lines on the basis of which the forthcoming meetings of the representatives of the two Governments would take place.

In that connection they decided to bring forward the date of the meeting of experts concerning the question of the continental shelf of the Aegean Sea and that of the experts on the question of air space.

The two Prime Ministers agreed that efforts should be made on both sides to create and maintain a good atmosphere in relations between Greece and Turkey so that existing problems might be resolved and co-operation between the two countries re-established to their mutual advantage.

Finally, the two Prime Ministers agreed they would give their support to the intercommunity negotiations in Vienna.

Brussels, 31 May 1975

Annex II

Procès-verbal concerning the procedure to be followed
for the delimitation of the continental shelf between
Greece and Turkey

1. The two parties agree that the negotiation shall be frank, thoroughgoing and pursued in good faith, with a view to reaching an agreement based on their mutual consent with regard to the delimitation of the continental shelf between themselves.
2. The two parties agree that these negotiations should be strictly confidential in nature.
3. The two parties reserve their respective positions regarding the delimitation of the continental shelf.
4. The two parties undertake not in any circumstances to use the provisions of this document or the proposals to be made by either side during these negotiations outside the context of the negotiations.
5. The two parties agree that there should be no statements or leaks to the press regarding the content of the negotiations, unless they decide otherwise by mutual agreement.
6. The two parties undertake to refrain from any initiative or act concerning the Aegean continental shelf that might have adverse effects on the negotiations.
7. The two parties undertake, as regards their bilateral relations, to refrain from any initiative or act which might discredit the other party.
8. The two parties have agreed to study State practice and international rules in this matter, with a view to identifying certain principles and practical criteria which could be useful for the delimitation of the continental shelf between the two countries.
9. For this purpose, a Mixed Commission shall be established, composed of national representatives.
10. The two parties agree to advance gradually in the negotiating process to be adopted, after mutual consultation.

Done at Bern, in duplicate in the French language, on 11 November 1976.

THE HEAD OF THE GREEK DELEGATION
JEAN TZOUNIS

THE HEAD OF THE TURKISH DELEGATION
A. SUAT BILGE

Annex III

Notice given to the Greek Ministry of Foreign Affairs by
the Turkish Ambassador in Athens, on 19 February 1982

Recent reports mention the renewal by Greece of the concessions in the areas situated in the Aegean Sea both east and west of the island of Thassos and the fact that the firm NAPC has conducted seismic research in these areas. In this connection, it was specified that similar activity had also been conducted in the surrounding areas of the Peloponnese, situated in the Aegean Sea.

A statement confirming these reports has just been issued by the Greek Minister of Industry and Energy.

In view of the foregoing, the Turkish Embassy, acting on orders from its Government, requests the Ministry of Foreign Affairs to inform it whether the areas in the Aegean Sea in which the seismic research has been conducted are situated outside the territorial waters of Greece.

Athens, 19 February 1982

Annex IV

Reply given by the Government of Greece to the Turkish
Ambassador in Athens on 12 March 1982

"With reference to the Notice from the Turkish Embassy in Athens dated 19 February 1982, the Ministry of Foreign Affairs wishes, after studying the matter, to announce that there has been only one instance of seismic research of short duration - about one week - conducted recently by a foreign firm in the vicinity of the island of Thassos as a result of a concession granted by Greece several years ago.

It should be noted that the Research Programme of Greece does not currently provide for seismic activities in the Aegean Sea in the near future.

Athens, 12 March 1982"
