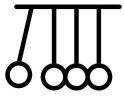


TURKEY'S UNHEARD VOICES

The Legal Dispute over Maritime Boundaries between Turkey and Greece under the Law of the Sea

LAW

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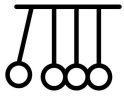


Introduction

The maritime dispute between Turkey and Greece is one of the most enduring and complex disputes in the Eastern Mediterranean, encompassing historical, legal, and geopolitical dimensions. At its core, the dispute involves sovereignty over islands, the delimitation of territorial waters, and the allocation of exclusive economic zones (EEZs) and continental shelves, all of which carry significant strategic and economic implications. The disagreement is further complicated by differing interpretations of international law: Greece relies on the United Nations Convention on the Law of the Sea (UNCLOS) to assert full maritime rights for its islands, while Turkey rejects certain UNCLOS provisions and emphasizes “special circumstances” to protect its access to the Aegean Sea. By examining the historical background, geographic realities, legal frameworks, and international precedents, this essay highlights the complexity of the dispute and the challenges involved in achieving a lasting resolution.

Historical and Political Background

The origins of the dispute go back to the Treaty of Lausanne, which was signed in Switzerland on July 24, 1923. It was the final treaty concluding the post–World War I settlement and was signed by representatives of Turkey on one side and by Britain, France, Italy, Japan, Greece, Romania, and the Kingdom of Serbs, Croats, and Slovenes on the other. The treaty recognized the boundaries of the modern state of Turkey but created problems that still exist today by establishing the sovereignty of islands in the Aegean Sea without clearly defining maritime borders. Later, the Treaty of Paris in 1947 turned over the islands commonly referred to as the “Dodecanese” to Greece. This treaty also sought to reconcile Greek sovereignty over these islands with the security of Türkiye by stipulating in Article 14 that “these islands shall be and shall remain demilitarized.” However, these islands were so close to Turkey’s mainland that this situation created confusion over borders.



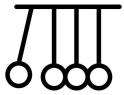
During the 1970s, the discovery of potential undersea oil and gas deposits further complicated the dispute. Turkey and Greece have differing views on how the continental shelf should be delimited, and each country conducted seismic surveys in the area to assert its claims. Moreover, a dispute over salvage rights between Turkish and Greek captains triggered a series of events that escalated into a major international incident known as the Imia Crisis in late January 1996. The rapidly escalating crisis involved the deployment of special forces by both countries, the involvement of the United States, and the tragic loss of three Greek officers.

Overall, the historical and ongoing disputes over the Aegean Sea between Turkey and Greece are emblematic of the broader complexities and sensitivities in their bilateral relations. Resolution of these conflicts is difficult, yet essential for regional security and cooperation, because they encompass not only concrete concerns such as territory and natural resources, but also represent national pride and sovereignty.

Geography of the Aegean and the Core of the Dispute

The Aegean dispute consists of a set of interrelated controversies between Greece and Turkey over sovereignty and related rights in the Aegean Sea region. These conflicts have strongly affected Greek–Turkish relations since the 1970s and have twice led to crises that nearly resulted in the outbreak of military hostilities, in 1987 and in early 1996. Greece controls over two thousand islands, many of which are located close to Turkish territory, creating overlapping maritime zones and competing claims. One key aspect of the dispute concerns differing interpretations of maritime law. Turkey is not a party to the Convention on the Continental Shelf or to the superseding United Nations Convention on the Law of the Sea, which, as of July 2024, has been ratified by 170 parties, including Greece. However, Turkey does not recognize that Greek islands generate their own continental shelf or Exclusive Economic Zone (EEZ).

Determining maritime boundaries has therefore become extremely controversial due to the geographical realities of the islands and their proximity to the Turkish mainland. This issue lies at the center of the ongoing legal and political disputes between the two states.



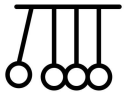
The United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea was adopted in 1982 and entered into force in 1994. It lays down a comprehensive regime of law and order for the world's oceans, establishing rules for the allocation of States' rights and jurisdiction in maritime spaces, the peaceful use of the oceans and the management of their resources. The Convention also provides a framework for the further development of specific areas of the law of the sea, including through the work of competent international organizations such as IMO.

As a signatory, Greece asserts that it is entitled to significant maritime zones because its islands produce full EEZ and continental shelf rights. However, Turkey is not a party to UNCLOS and maintains that exceptional circumstances must be taken into account to preserve proportionality, claiming that the agreement unfairly favors Greece, particularly with regard to islands located close to Turkey's shore. The legal battles over maritime borders in the Aegean and Eastern Mediterranean are rooted in the two nations' divergent interpretations of UNCLOS.

Legal Analysis and International Precedents

Proceedings were instituted against the Republic of Colombia relating to a “dispute concerning the violations of Nicaragua’s sovereign rights and maritime zones declared by the Court’s Judgment of 19 November 2012 in the case concerning Territorial and Maritime Dispute (Nicaragua v. Colombia) and the threat of the use of force by Colombia to implement these violations”. The Republic of Nicaragua filed this case in 2013 after Colombia disregarded the judgment given in 2012 by the International Court of Justice (ICJ) regarding the case “Territorial and Maritime Dispute (Nicaragua v. Colombia)” and continued to implement policies and actions that violated Nicaragua’s sovereignty in its maritime zones that were declared as Nicaraguan territory. The Court recognized Nicaragua’s sovereignty over the east of the 12-nautical-mile zones around Colombia's islands and keys, reducing

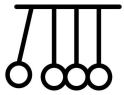


Colombia's control over the Caribbean waters, and extending Nicaragua's exclusive economic zones (EEZ). This case is solely based on holding Colombia accountable for its continuous violations and ensuring that Nicaragua's recently recognized maritime boundaries are respected.

Similar to the Greece-Turkey conflict, Turkey opposes Greece's claim of full maritime rights for its islands by citing UNCLOS and claiming specific circumstances. Turkey asserts control through agreements such as the 2019 Turkey-Libya memorandum. Turkey's threats to expand its territorial waters around Greek islands underscore the dangers of a state attempting to unilaterally assert maritime claims, much as Colombia's actions showed a deliberate disdain for international law. The precedent set by *Nicaragua v. Colombia* emphasizes how important it is to abide by international court decisions and refrain from using force to preserve disputed marine areas.

Conclusion

The Aegean maritime dispute between Turkey and Greece illustrates the intricate interplay of history, geography, and international law in shaping state behavior. From treaties such as Lausanne and Paris to modern UNCLOS provisions, the conflict has evolved over decades, fueled by the proximity of Greek islands to the Turkish mainland, contested exclusive economic zones (EEZs), and competing national interests. The precedent set by *Nicaragua v. Colombia* (2012) demonstrates the importance of respecting international judicial rulings and highlights the risks that arise when states attempt to assert claims unilaterally, as Turkey's actions around Greek islands could potentially mirror Colombia's disregard for the ICJ's decisions. Ultimately, resolving the dispute will require both countries to respect legal frameworks, engage in diplomatic negotiations, and pursue cooperative mechanisms, such as joint development zones, to ensure stability and peaceful coexistence in the Aegean and Eastern Mediterranean.



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