

EMBARGOED
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GREEK-TURKISH FORUM

ISSUES IN THE AEGEAN: OPENINGS AND POSSIBILITIES

23 June 2000

In a memorandum of 10 March 2000, submitted initially to EU officials in Brussels, and later sent to the Ministers of Foreign Affairs of Greece and Turkey, the Greek-Turkish Forum (GTF) set out the issues in relations between Turkey and Greece on which it will focus some of its work for the coming period, and explained its methodology.

The approach of the GTF is to attempt to facilitate the search for solutions and to indicate fruitful approaches. Our preferred methodology is to start not from legal or political positions and arguments, but from an assessment of interests – common interests to start with, but each state's particular interests as well. Acknowledging the existence of common interests in areas of contention between the two countries can be a useful starting point in the search for solutions to existing problems. It is also necessary, of course, for each government to clarify its aims and to comprehend its neighbour's particular interests. Recognizing common interests makes the search for solutions a mutual exercise: understanding each state's separate interests is a necessary component of a sustainable agreement.

In the context of differences over Aegean issues, the GTF's March memorandum identified both general and specific common interests. The general point made is that "the common interest in integration emphasizes the importance of Turkey's EU accession process", in the framework of the Helsinki summit declaration. As to specific Aegean issues, the GTF's earlier memorandum identified the following common interests of Greece and Turkey:

- A fundamental interest in freedom of navigation.
- An interest in cooperation on environmental protection, on search and rescue, and policing.
- An interest in cooperation in promoting tourism.

- An interest in ensuring there is no use or threat of force in the pursuit of attempted settlement of differences.
- An interest in understanding each other's attitude as to whether when and how the issue should go to the International Court of Justice (ICJ).

Discussions in the GTF have made clear that the underlying issues are overlaid by perceptions of threat and of prestige. The GTF is fully aware of and has reflected on the tone and contents of debate in both Greece and Turkey over the years, which have made these important issues so complex. However, the GTF has chosen not to go into that aspect of the Aegean issue here, because it seems to us that the long-term interests of both countries encourage settlement. If so, a fresh approach is required, and we have indicated above the common interests, both general and specific, which we believe should govern such an approach.

Discussions in the GTF have identified the importance of both demystifying and unpacking the contentious issues over the Aegean. This may already be producing results: recently progress has been made towards settling the contentious issue of flight information procedures.

Three key issues are:

- delimitation of the continental shelf,
- delimitation of territorial waters and air space,
- the disputed interpretation of treaty restrictions on the militarization of certain Greek islands.

The GTF recognizes these issues are affected alike by important questions of interpretation of international law, of procedure, of concepts of national interest, and of attitudes and perceptions. To make progress, it is important that accurate information about both substance and procedure in these matters is publicly available.

The GTF wonders whether the following route could be a helpful way to work towards a resolution of these three problems. Any other issue that concerns territorial jurisdiction should be treated as a matter of treaty interpretation to be brought before the ICJ by the party raising it.

1. The delimitation of the continental shelf is an issue that may be entrusted to a two-stage process, these two stages to be determined by the two countries in advance, with a mutual undertaking that neither country will act to change the existing legal situation until the entire process has been completed. The first stage would be one of negotiation, of predetermined duration, which may lead either to an agreement on some or all substantive issues or to submission of any remaining issues to the ICJ through a *compromis*. The settlement of any issues which may occur at that stage shall be formally confirmed by relevant agreements, while any issues not settled at the first stage will then be submitted to the ICJ. The underlying premise of the entire process is that, at the start, both parties will have accepted the jurisdiction of the ICJ.
2. Issues of sea and air zones might be approached incidentally to the main issue, at either stage of the process, as primarily problems of interpreting treaties and precedent. An ICJ judgement on the continental shelf and agreed interpretation of the treaty regime in the Aegean would ensure the freedom of navigation each side requires, as also the exploitation of sea resources.
3. The issue of the effects of treaty restrictions on the militarization of certain Greek islands is best left until last. Were all other issues in the Aegean settled, and were the Greek-Turkish rapprochement making progress on other key questions, the GTF suspects that the salience of this issue would decline sharply. The GTF therefore concludes there is nothing to be gained by openly addressing this issue at this time.

Following this avenue is viable if there is:

- Informal agreement in advance by both sides that they will go through the procedures in 1 and 2 above in partnership.
 - A low-key, low publicity approach on both sides, backed by a continuing dialogue that takes common interests as the starting point.
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- Sensitivity by each government towards the concerns of and pressures by public opinion in the other country.

The GTF regards it as possible that, undertaken in this way, a new approach to the Aegean issues would do a great deal to underpin the current improvement in bilateral relations.