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LETTER DATED 21 AUGUST 1976 FROM THE PERMANENT REPRESENTATIVE OF
GREECE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

With reference to the letter of the Permanent Representative of Turkey, dated 18 August 1976 (S/12182), I have the honour to bring to your attention the following.

1. Although mention is made in that letter of "accepted rules of international law" regarding the continental shelf, it is carefully avoided to specify these rules. This creates confusion around the issue. For our part, we shall clearly state the following rules of the international positive law:

(a) Article 1, paragraph b, of the 1958 Geneva Convention stipulates that the term "continental shelf" is used as referring both to the coasts of mainlands and the coasts of islands.

(b) The International Court of Justice, in its judgement of 1969 in the North Sea Continental Shelf cases, confirmed that articles 1-3, inclusive, of the 1958 Geneva Convention reflect customary international law relative to the continental shelf on which no reservations are permitted.

In this context, it should be noted that the revised single negotiating text of the Third Conference of the Law of the Sea reiterates the above-stated rules, namely, in article 128, paragraph 2, which provides that:

"Except as provided for in paragraph 3,* the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of the present Convention applicable to other land territory."

* Uninhabited rocks.

2. In the exercise of its sovereign rights, Greece granted permits of exploration and exploitation in areas of the Aegean Sea which, under the Geneva Convention of 1958 and the international customary law, are clearly included within its own continental shelf. The fact that in the letter of the permanent Turkish representative (S/12182) it is acknowledged that Greece granted these permits as far back as 1960 and also the fact that no objections or protests were raised by

Turkey during all that period prove, beyond any doubt, that Greece acted in accordance with international legality.

3. It is very significant that Turkey, without any prior notification to Greece and without first raising the question of the limitation of the Aegean Sea continental shelf, granted unilaterally and arbitrarily to its national petroleum company, TPAO, exploration licences in areas west of the Greek islands, blatantly within the Greek continental shelf. At the same time, Turkey has tried to ignore that, in the absence of an agreement on the delimitation of the continental shelf, the international positive law does provide for guidelines until an agreement is reached. The relevant article 6, paragraph 1, of the 1958 Geneva Convention, which also reflects customary law, sets forth these guidelines. For Turkey to pretend that, because of an absence of agreement on the specific issue of the delimitation of the Aegean Sea continental shelf, she is at freedom to trespass on the sovereign rights of a neighbouring country, is a gross violation of the provisions of the Charter and of all the rules of the international law on the matter.

4. The Turkish contention that islands have no continental shelf of their own and the theory of the so-called "prolongation of the anatolian coast", whereby the Greek islands have no continental shelf of their own, are groundless, inconsistent with international law, as mentioned in previous paragraphs, and might constitute merely pretexts for faits accomplis.

5. Contrary to what the Turkish representative is pretending, Greece has offered to solve the dispute through both negotiations and referral to the International Court of Justice. As regards the latter, which is passed over in silence in the letter of the Permanent Representative of Turkey, an agreement between the two countries was confirmed in the joint communiqué issued in Brussels after the meeting of the two Prime Ministers on 31 May 1975.

The truth is that the Turkish Government, feigning compliance with Article 33 of the Charter regarding bilateral negotiations, has, in fact, tried to compel Greece by the method of faits accomplis, to accept a solution on the basis of the groundless Turkish views that the islands have no continental shelf.

6. Greece stands, as always, ready to solve the problem, either through negotiations or through the International Court of Justice, or through both ways, provided that negotiations are carried out in good faith. Instead, Turkey has resorted to provocations perpetrated by the Turkish vessel MTA Sismik I and to violations of Greek sovereign rights, thus creating a dangerous situation for international peace and security in the area.

I would be grateful if this letter was circulated as a document of the Security Council.

(Signed) George PAPOULIAS
Ambassador
Permanent Representative of Greece
to the United Nations