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**1949<sup>th</sup>** MEETING: 12 AUGUST 1976

NEW YORK

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## 1949th MEETING

Held in New York, on Thursday, 12 August 1976, at 4 p.m.

*President: Mr. Isao ABE (Japan).*

*Present:* The representatives of the following States: Benin, China, France, Guyana, Italy, Japan, Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

### Provisional agenda (S/Agenda/1949)

1. Adoption of the agenda
2. Complaint by Greece against Turkey:  
Letter dated 10 August 1976 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council (S/12167)

*The meeting was called to order at 4.25 p.m.*

### Expression of thanks to the retiring President

1. The PRESIDENT: It is my pleasant duty and privilege as President of the Council for this month to express the admiration and appreciation felt, I am sure, by all the members of the Council for the outstanding services rendered to the Council by our colleague Ambassador Piero Vinci during his tenure of the presidency of the Council for the month of July. He was most generous in offering his wide experience and exceptional abilities in presiding over so many meetings, both formal and informal, during that month. I know I am speaking for all my colleagues on the Council when I say how much we have appreciated the courtesy, efficiency and statesmanship shown by our colleague from Italy. Since Ambassador Vinci has, luckily, been enjoying a quiet vacation in Italy, I would be grateful to the Italian delegation if it would be good enough to convey our thanks to him.

### Adoption of the agenda

*The agenda was adopted.*

**Complaint by Greece against Turkey:**  
Letter dated 10 August 1976 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council (S/12167)

2. The PRESIDENT: This meeting of the Council has been convened in response to the urgent request

made in the letter which the representative of Greece addressed to the President of the Council on 10 August [S/12167]. In his letter the representative of Greece requested that Greece be invited, under rule 37 of the provisional rules of procedure, to participate in the discussion. In conformity with Article 31 of the Charter and rule 37 of the provisional rules of procedure, I propose that the Council invite the representative of Greece to participate in the Council's discussion, without the right to vote.

*At the invitation of the President, Mr. Bitsios (Greece) took a place at the Council table.*

3. The PRESIDENT: I have also received a letter from the representative of Turkey in which he requests that Turkey be invited to participate in the discussion. In accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure, I propose that the Council invite the representative of Turkey to participate in the Council's discussion without the right to vote.

*At the invitation of the President, Mr. Türkmen (Turkey) took a place at the Council table.*

4. The PRESIDENT: I should like to draw the attention of the members of the Council to the following additional documents: document S/12168, which reproduces the text of a letter addressed to the Secretary-General by the representative of Greece, and document S/12172, which reproduces the text of a letter addressed to the Secretary-General by the representative of Turkey.

5. The first speaker is the Minister for Foreign Affairs of Greece, Mr. Dimitri Bitsios, and I should like to welcome him on behalf of the Council.

6. Mr. BITSIOS (Greece): Mr. President, I should like to thank you sincerely for your kind words of welcome.

7. The Greek Government has asked for an urgent meeting of the Council, on the basis of Article 35 of the Charter, in view of the dangerous situation created for peace and security in the Eastern Mediterranean as a result of arbitrary and provocative acts by Turkey against Greece. The explanatory memorandum of the Greek Mission [S/12173, annex] gives abundant evidence fully substantiating Turkey's violation of my country's sovereign rights and throws ample light

on Turkish behaviour and relevant acts. Therefore, I shall go straight into the essence of the issue.

8. I shall of course give you first the background of your dispute with Turkey over the continental shelf of the Aegean. But the one thing I want to state at the very outset is that it is not my intention to ask the Council to take a decision on our legal dispute, for Greece has already seized the International Court of Justice of this matter. My intention is to denounce the activities of Turkey which jeopardize peace and security in the Eastern Mediterranean and to ask the Council to call upon Turkey to cease them.

9. I come now to the facts. While consultations were still going on with a view to finding the best way of solving our dispute over the continental shelf, Turkey on 6 August dispatched the research ship *Sismik-1* to the Aegean in order to carry out seismological explorations of certain areas of the continental shelf that Greece is entitled to consider as belonging to it. Turkey made this decision cold-bloodedly and in spite of repeated warnings both from us and from other parties to the effect that the delimitation of the continental shelf can best be achieved through peaceful procedures rather than through *faits accomplis*. The Council is well aware that the situation in the area is already heavy and fraught with danger because of the Turkish invasion of Cyprus, which is still continuing. Although Turkey knew this very well, it did not hesitate to add this new provocation or to take upon itself the heavy responsibility of a confrontation between the two countries.

10. I now come to the history of our dispute, in order to lay before the Council the untiring efforts of the Greek Government to convince the Turkish Government that our dispute must be solved peacefully.

11. It is an irrefutable fact that international order and the general principles of law, as sanctioned by international conventions, treaties and custom, stipulate that there can be no distinction whatsoever between the continental and the insular components of a State as regards its entitlement to a continental shelf. This has been enshrined in article 1, subparagraph (b), of the Geneva Convention of 1958 on the Continental Shelf.<sup>1</sup> According to the 1969 judgement of the International Court of Justice on the North Sea case,<sup>2</sup> this article of the Geneva Convention codified pre-existing international customary law binding all States signatory to the Convention. It is no coincidence that the same fundamental rule is contained in article 128 of the revised single negotiating text of the Third United Nations Conference on the Law of the Sea.<sup>3</sup> It is not necessary to go into a lengthy analysis in order to demonstrate the reasons why the international community is holding fast to these rules. For, otherwise, the door would be opened for arbitrary acts by such States as might think themselves capable of imposing their will on others unilaterally.

12. I submit that this is exactly the situation that Turkey has tried to create *vis-à-vis* Greece, because, without prior notification the Turkish Government, through a unilateral decision published in the official Turkish gazette of 1 November 1973, granted the Turkish Petroleum Company permits for exploration and exploitation on the continental shelf of the Aegean covering also the continental shelf of seven Greek islands. Taking international law into its own hands, the Turkish Government sought, through these concessions, to deny any continental shelf to these Greek islands. It is characteristic of Ankara's intentions that, by granting concessions to the west of the Greek islands, it sought to enclave them in a zone of exclusive Turkish economic interests and disrupt the unity of the Greek State.

13. The Greek Government, by its note verbale of 7 February 1974, denounced the Turkish action, reserved its full sovereign rights on the continental shelf and the subsoil adjacent to the coast of the above-mentioned islands and expressly stated that it could not recognize the validity of the Turkish Government's action to grant exploration permits over continental shelf areas appertaining to Greece.

14. The Turkish Government replied that, according to geomorphological studies of the sea-bed of the Aegean Sea, the Greek islands situated near the Anatolian coasts did not possess a continental shelf of their own and that all continental shelf in that area ought to accrue to Turkey. It offered to negotiate on that basis.

15. The Turkish Government thus tried to substantiate the view that the Greek islands float or sit on some kind of sea-bed that has been specifically assigned to Turkey. The Council no doubt realizes that if such views were to acquire any currency in international practice, the map of the world would have to be redrawn according to the fancy of individual States.

16. The Greek Government replied that it was open to negotiations but on the basis of the rules of positive international law.

17. Between 29 May and 1 June 1974, the Turkish Government dispatched into the area the hydrographic vessel *Candarli* of the Turkish Navy under the escort of a fleet of 32 warships and under cover of the Turkish Air Force, to carry out magnetometric exploration of the continental shelf.

18. I leave it to the members of the Council to appreciate whether the method employed by Turkey was the proper one in order to inaugurate a peaceful and constructive negotiation.

19. On 18 July 1974, the Turkish Government published in the Official Turkish gazette a new decision, whereby it granted new exploration permits *en bloc*

to the Turkish Petroleum Company, again to the west of other Greek islands and over their continental shelf.

20. The Greek Government lodged a further vigorous protest against these new flagrant violations by Turkey of the sovereign rights of Greece and declared that Greece did not recognize any validity to the Turkish Government's actions. The Turkish Government rejected this protest and, *inter alia*, claimed that "the unique geographical configuration and geological structure of the Aegean are accepted facts". May I ask, "accepted" by whom, for what purpose and by virtue of what international law?

21. At this stage, it became clear that no common juridical basis could be found between the two parties for the settlement of the dispute, or, in order to be more accurate, no juridical basis at all could be perceived as regards the Turkish positions. Consequently, the Greek Government in its efforts to solve the matter by peaceful means, proposed officially on 27 January 1975, that it be referred to the International Court of Justice, "as befits two neighbouring countries and fellow-Members of the United Nations Organization" [*ibid.*, appendix II]. This was in line with United Nations resolution 2625 (XXV) of 24 October 1970, containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, later included in the Final Act of the Conference on Security and Co-operation in Europe signed at Helsinki. I feel fully justified in saying that the initiative taken by the Greek Government has been highly appreciated by all members of the international community.

22. The Turkish Government accepted this proposal in principle and later reiterated its acceptance in the joint communiqué issued after the meeting in Brussels on 31 May 1975 of the Prime Ministers of the two countries.

23. However, repeated meetings of our two delegations with a view to narrowing the dispute and defining the legal issues to be submitted to the Court proved frustrating. It soon became apparent that the Turkish Government was not really interested in settling the issues at hand but sought rather to prolong the discussions indefinitely.

24. Still, the Greek Government played the game, firmly but patiently. For, as a responsible member of the international community, Greece took the view that it owed it to itself and to the general welfare and peace to leave no avenue unexplored that could lead to the elimination of a dispute in an area that was already rife with danger and tension. As already stated, in the midst of these negotiations the Turkish Government dispatched the vessel *Sismik-I* to carry out seismological explorations in areas which Greece is entitled to consider as belonging to its continental

shelf. The sailing of the vessel was heralded by threatening statements warning against any attempt to interfere with its mission. And this mission was officially described as aiming at the discovery of oil deposits. The areas of the violations are indicated in detail in the protest note of the Greek Government to the Turkish Government [*ibid.*, appendix I]. This situation is rendered more dangerous by the fact that even though the second phase of the research of *Sismik-I* has not been completed, new violations are taking place while further phases have already been announced. The Turkish Prime Minister clearly stated the day before yesterday that these exploratory activities would continue as originally scheduled, in spite of any protest from Greece. I wish to stress this point particularly, because it is easy to imagine how the tension will be increasing in the coming days and weeks. The presence in the area of naval and air force units of the two countries should also be borne in mind. Under these circumstances, a mere accident might suffice to lose control of the situation. I do not think it is necessary for me to insist on this point in order to show how dangerous the situation really is.

25. Turkey claims that the areas that are now being explored by the Turkish research vessel *Sismik-I* are contested areas and that therefore the question of violating Greek sovereign rights does not even arise, because such rights do not exist in contested areas. I shall not refer to the opinions of eminent jurists who make nonsense of this Turkish argument. And I shall not use them because, as I stated at the very outset, I am not asking the Council to decide on our legal argument. The question that the Council will have to decide is whether these activities are provocative and constitute a danger to peace. For us, the areas where *Sismik-I* is operating are not contested. They are part of the Greek continental shelf. But even if one were to accept the Turkish theory about "contested areas", Turkey would still be in the wrong because even in contested areas one is not permitted to present *faits accomplis* while negotiations are still on, unless one wishes to perpetrate a provocation with incalculable consequences.

26. Turkey also claims that the tests carried out are of a scientific nature, when it is common knowledge that seismological tests fall clearly under article 2 of the 1958 Geneva Convention.

27. Turkey finally claims that Greece has also explored these areas. When, several years ago, Greece did explore the continental shelf west of its islands—I repeat, west of its islands—in the Aegean, no dispute had arisen with Turkey. And I am calling on the Turkish representative to inform us whether Greece has ever committed any provocative act after the emergence of the dispute. From whatever angle one looks at recent events, the inescapable fact remains that Turkey decided coldly to jeopardize peace in the area while the crisis created by the Turkish invasion of Cyprus in the summer of 1974 is still unsettled.

28. Many are the opportunities offered by Greece to Turkey for the peaceful settlement of our dispute. They are not confined to our proposal that the matter be referred to the International Court of Justice. When, after having originally accepted this proposal, Turkey started to procrastinate and when dark clouds started gathering over the Aegean, the Greek Prime Minister proposed to the Prime Minister of Turkey the conclusion of a pact on the non-use of force. But Mr. Demirel answered that we ought to solve our differences first and sign the pact later. As if a pact on the non-use of force is required between two countries that have solved all their differences. This refusal by Turkey to accept the Caramanlis proposal is a significant indication of its intentions.

29. Our last-minute effort is characteristic in this respect. When the Greek Ambassador in Ankara handed in, last Monday, our second note of protest [*ibid.*] against the activities of *Sismik-1*, he said to his Turkish interlocutor, on our instructions:

“Greece would not like to be compelled to have recourse of the international procedures that are available to her. If *Sismik-1* ceases its activity we shall be able to resume our negotiations.”

Unfortunately, the Greek Ambassador was speaking to deaf ears. Turkey rejected this last opportunity too. This is the reason why it is necessary that it should now hear from the Council that it must suspend its provocative acts. The United Nations was not in time to stop the tragedy of Cyprus. It can now prevent a new tragedy in the Aegean. It is in this hope that Greece brings the matter before the Council.

30. The PRESIDENT: The next speaker is the representative of Turkey, on whom I call.

31. Mr. TÜRKMEN (Turkey): Mr. President, at the outset of my brief statement I should like to congratulate you upon your assumption of the presidency of the Council. Knowing your distinguished record, I feel sure that you will fulfil your mission in an exemplary manner.

32. Also at the outset, I should like to express our regret that my Foreign Minister, who is actually en route and is expected to arrive in New York this evening, has not been given the opportunity of being present during the statement of the Foreign Minister of Greece. My Foreign Minister hopes to have the opportunity of addressing the Council tomorrow and will then be able to explain in some detail the views of the Turkish Government on the matter now before the Council. However, today I cannot refrain from making at least some general remarks on what has just been said by the Foreign Minister of Greece.

33. We are utterly perplexed by the move of the Greek Government in bringing the Aegean situation before the Council, because if there is indeed a threat to peace in the Aegean it is not Turkey but Greece which is to be blamed—because from the very beginning it has been the Greek Governments, with their impossible dream of making the Aegean an exclusively Greek lake, that have created dangerous tensions in the area. Whereas Turkey has always desired to make the Aegean Sea a region of friendship and co-operation with Greece, Greek Governments have been on a path of increasing aggressiveness.

34. Starting some years ago with the militarization and arming of the Greek islands facing Turkey in the Aegean—some of them only a few miles from the Turkish shores—in flagrant violation of the international treaties pertaining to the status of those islands, Greece has tried to stake its claim to the surface, seabed and air-space of the Aegean as if it were its exclusive domain.

35. The recent military and naval harassment of the unarmed Turkish research vessel which has been conducting scientific and naval research outside the territorial waters of Greece, in the very same manner as Greece has been doing for some years, is yet another case in point of the aggressive and irresponsible attitude of Greece.

36. Greece, with a puzzling logic, seems to consider its allegations and claims over the yet undelimited continental shelf of the Aegean as already acquired and established sovereign rights. This is all the more incomprehensible because, by having accepted bilateral negotiations on the dispute—which are still under way—Greece has implicitly accepted the fact that the continental shelf of the Aegean has not yet been delimited. On the other hand, the Greek Government had accepted the continuation of the negotiating process, in full knowledge of the Turkish research programme which is now being carried out.

37. I do not wish to take more of the time of the members of the Council but I should like to suggest that they, in their consideration of the remarks of the Foreign Minister of Greece, could also take the time to look briefly at the map of the region, where the Turkish case speaks for itself.

*The meeting rose at 4.55 p.m.*

*Notes*

<sup>1</sup> United Nations, *Treaty Series*, vol. 499, p. 311.

<sup>2</sup> *North Sea Continental Shelf, Judgment, I.C.J. Reports 1969*, p. 3.

<sup>3</sup> *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8), document A/CONF.62/WP.8/Rev.1.

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