

Turkey: Remodelling the eastern Mediterranean

Conflicting exploration of natural gas reserves

SUMMARY

Since the discovery of offshore natural gas reserves in the eastern Mediterranean in the early 2000s, Turkey has challenged its neighbours with regard to international law and the delimitation of their exclusive economic zones (EEZs), and destabilised the whole region through its illegal drilling and military interventions. Ankara has used military force and intimidation, including repeated violations of the territorial waters and airspaces of neighbouring countries. Ankara has also used bilateral deals, such as its November 2019 memorandum of understanding (MoU) with the Libyan Government of National Accord (GNA), which purports to determine new maritime boundaries.

The Turkey-Libya MoU effectively drew a dividing line between the eastern and western parts of the Mediterranean, threatening maritime security, natural gas exploration and new infrastructures such as the EastMed pipeline. Turkey's behaviour, beyond its geo-economic interests, reflects a more ambitious geopolitical 'neo-Ottoman' agenda intent on remodelling the whole region by spreading the country's influence from northern Iraq and Syria to Libya and leaving behind the Kemalist tradition of secularism and regional neutrality.

Tensions in the Aegean Sea and the eastern Mediterranean have not been conducive to good neighbourly relations. The international community has strongly condemned Turkey's behaviour. Taking into account Turkey's poor track record in upholding human rights and the rule of law, the European Union has suspended accession negotiations and all pre-accession funds under the planned new multiannual financial framework for 2021 to 2027. The European Parliament has condemned Turkey's illegal drilling activities as well as its military interventions in the region.



Turkish drillship, *Yavuz*.

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Introduction

In the early 2000s, gas reserves, estimated by [Wood Mackenzie](#) at roughly 125 trillion cubic feet (tcf), were discovered in the territorial waters of several eastern Mediterranean countries. This discovery nurtured conflicts between Turkey and several other countries in the region concerning the delimitation of their exclusive economic zones (EEZs). From the perspective of international law and in particular the Law of the Sea, Turkey's actions were illegal and against the principle of good neighbour relations (see [European Council conclusions](#) of 12 December 2019). Discovery of gas fields off the coast of Cyprus also exacerbated the tensions between Turkey and the Republic of Cyprus that had existed since the 1974 Turkish invasion of Cyprus and division of the island.

Recent unilateral Turkish actions have had a negative impact on both EU-Turkey relations and the negotiations for a political [settlement of the Cyprus issue](#); in its 2019 [report on Turkey](#), the European Commission noted that 'There was no progress on normalising bilateral relations with the Republic of Cyprus'. On 25 June 2020, during a visit to Athens, the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP), [Josep Borrell](#), expressed the EU's 'concerns with regard to the deteriorating situation in the Aegean Sea and in the eastern Mediterranean. On drilling activities, maritime claims and overflights, we have to remain united'. On 14 August 2020, EU Foreign Ministers reaffirmed the EU's full solidarity with Greece and Cyprus and recalled EU common positions and the previous Council Conclusions of [22 March 2018](#) and [June, July, October, December 2019](#), in addition to the [Statement on the situation in the Eastern Mediterranean](#) of 15 May 2020.

In the face of Turkey's ambitions, eastern Mediterranean countries have collaborated on the exploration of the region's gas resources, as well as on constructing transmission infrastructure that can deliver the gas to the EU market. In January 2019, the governments of Cyprus, Egypt, Greece, Israel, Italy, Jordan and the Palestinian Authority established the [Eastern Mediterranean Gas Forum](#), a multinational body with its headquarters in Cairo, tasked with developing a regional gas market and a mechanism for resource development. In January 2020, Cyprus, Greece and Israel signed an [agreement](#) on building the EastMed pipeline, which would also help EU energy diversification. The 1 872 km mostly submarine pipeline will cost €6 billion and become operational in 2025. Developing the region's energy resources is also an opportunity for some countries, such as Israel, to establish closer ties with the EU; Israel is even speaking of its '[new neighbourhood](#)' centred on its alliance with Cyprus and Greece.

Figure 1 – Cyprus, Greece and Israel EastMed pipeline project, agreed in January 2020



Source: [GeopoliticalFutures.com](#), 2020.

Geopolitical perspective

Since 2016, marked in Turkey by a failed military coup and a constitutional reform that concentrated power in the hands of the President, Recep Tayyip Erdoğan, the country has lagged behind in the areas of democracy, human rights, fundamental freedoms and the rule of law, and has become more assertive in its geographical region. Issues surrounding the delimitation of the Aegean continental shelf have a long history dating back to the fall of the Ottoman Empire and to several international conferences and treaties, such as the Treaty of London (1913), the 1914 'Decision', the Lausanne Treaty (1923) and the Italian-Turkish Treaty (1932). Some observers, such as [Walid Phares](#), believe that Turkey's Justice and Development Party (AKP) government is shifting the country's strategic posture from the Kemalist tradition of secularism and regional neutrality to a modern-day 'neo-Ottomanism'. Ankara's recent move to turn the [Hagia Sophia](#), originally built as a Byzantine basilica, back into a mosque has been the latest matter of contention. This policy seeks to create a sphere of influence based on political Islam, stretching from Qatar, across northern Iraq and Syria, to Libya, where Turkey supports, including by military means, the Government of National Accord (GNA). The [International Crisis Group](#) notes that this stance has its roots in a relatively new concept of national defence, 'in which the Turkish "homeland" (*vatan*) no longer solely denotes land but also sea, or the "blue homeland" (*mavi vatan*)'. The [Mavi Vatan doctrine](#) was presented by Admiral Ramazan Cem Gürdeniz, author of *Blue Homeland Writings (Mavi Vatan Yazilari)*, and the concept was popularised in March 2019, when a Turkish naval exercise in the eastern Mediterranean was named *Mavi Vatan*.

When in May 2019 Turkey dispatched several drillships accompanied by military vessels in Cyprus' territorial waters, this move escalated tensions and drew an immediate international response. Cyprus and Greece issued an arrest warrant for any Turkish ships obstructing their gas operations, and called on the EU to resolve the issue. As noted in the 2019 [Commission report on Turkey](#), tensions in the region linked to the prospect of hydrocarbon exploration off the coast of Cyprus 'increased'. The issue was also discussed at June and July 2019 [Council meeting](#); Council conclusions deplored Turkey's continued drilling operation west of Cyprus and the launch of a second drilling operation north-east of Cyprus, both within Cypriot territorial waters. The [Turkish Ministry of Foreign Affairs](#) has explained its position as follows: 'Our hydrocarbon activities in the eastern Mediterranean have two dimensions: the protection of our rights on our continental shelf, and the protection of the equal rights of the Turkish Cypriots, who are co-owners of the Island, over the hydrocarbon resources of the Island'.

In early October 2019, tensions rose further when Turkey deployed one of its drillships in an area where Cyprus had already given exploration rights to international oil companies. At its October 2019 [meeting, the Council](#) agreed on a 'framework regime of restrictive measures' (sanctions) targeting natural and legal persons from Turkey responsible for or involved in the illegal drilling activity of hydrocarbons in the eastern Mediterranean. The Council reaffirmed its full solidarity with Cyprus as regards respect for its sovereignty and sovereign rights in accordance with international law. The situation deteriorated further in 2020, and on 11 May the foreign affairs ministers of Cyprus, Egypt, France, Greece and the United Arab Emirates made a [joint declaration](#) expressing their 'deepest concern over the current escalation and continuous provocative actions [of Turkey] in the eastern Mediterranean'. HR/VP [Josep Borrell](#), during his visit to Athens on 24-25 June 2020, again highlighted the 'strong problem with the drilling', adding that there was an urgent need to re-establish 'a minimum trust and dialogue with Turkey in order to stop this escalation'.

Economic perspective

The discovery of substantial gas reserves in the eastern Mediterranean has radically shifted the energy balance in the region. Out of a total of 125 tcf in estimated reserves, Cyprus' share is as high as 20 tcf, a figure that could change the island's fortunes. Israel's reserves are roughly twice as much and are the source for most of the country's domestic electricity production. Gas exports from Israel's Leviathan field began in January 2020, and are already supplying Egypt and Jordan. Egypt's [reserves](#)

are even larger, thanks to its 'super-giant' Zohr field (estimated 21-30 tcf); the country will be self-sufficient in terms of gas consumption in 2021. Furthermore, Egypt is seeking to become a regional energy-trading hub by liquefying gas and re-exporting it through the LNG terminals in Idku, east of Alexandria, and the SEGAS terminal in Damietta. [Simon Henderson](#) from the Washington Institute for Near East Policy argues that, despite their relatively large reserves, eastern Mediterranean regional players 'are dwarfed' by Russia (1 230 tcf reserves), Iran (1 170 tcf) and Qatar (880 tcf).

Table 1 – Eastern Mediterranean: Estimated gas reserves (tcf) and main projects

Name of the gas field (EEZ/ country)	Estimated reserves (trillion cubic feet/tcf)	Discovery date	Status	Operator(s)
Tamar (Israel)	7	2009	Producing	Noble Energy (USA)
Leviathan (Israel)	18	2010	Producing	Noble Energy (USA)
Aphrodite (Cyprus)	4-5	2011	Negotiating sales	Noble Energy (USA), Delek Group (USA)
Zohr (Egypt)	21-30	2015	Producing	ENI (Italy)
Calypso (Cyprus)	6-8	2018	Under development	ENI (Italy), Total (France)
Glauco (Cyprus)	5-8	2019	Under development	Exxon Mobile (USA), Production Cyprus (CY)
Karish (Israel)	3,5	2019	Under development	Energean Israel (IL)

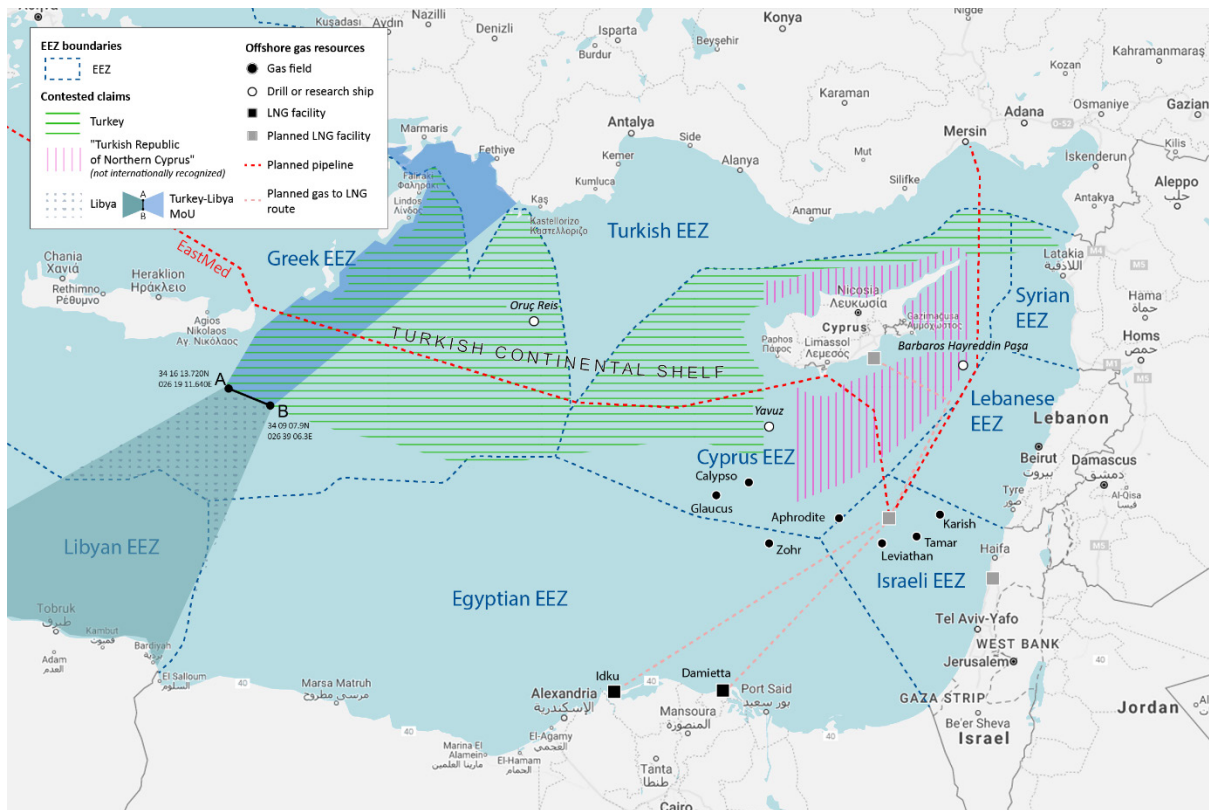
Source: [International Energy Agency](#), [Wood Mackenzie](#).

The economic slowdown triggered by the coronavirus pandemic has affected global energy markets and [future contracts](#) for natural gas, plunging prices to levels that have not been witnessed since the 1990s: from around US\$4 in 2018, natural gas prices fell to US\$1.50-2.50 in summer 2020 (US\$/ million BTU). This will affect the energy operators handling the eastern Mediterranean fields, mainly American Noble Energy, who, despite their positive return from the Leviathan field in Israel, have announced a roughly US\$1 billion loss for the first quarter of 2020. [Noble Energy](#) have also cut their spending plans for 2020 and in July 2020 was acquired by Chevron. The crisis will probably slow down the development of new fields, but not stop the exploitation of existing projects.

Legal perspective

Considering the eastern Mediterranean's strategic and economic potential as well as its history, delimiting EEZs is a very contentious exercise that is influenced by conflicting political and legal claims. The UN Convention on the Law of the Sea ([UNCLOS](#)) stipulates that a country's territorial waters only stretch 12 nautical miles (NM) out to sea, but an exclusive economic zone – in which a country can claim fishing, mining, and drilling rights – can extend a further 200 NM. When the maritime distance between two countries is less than 424 NM, they must determine an agreed dividing line between their EEZs. However, [Turkey has not signed up to UNCLOS](#), possibly because the document grants significant rights to island territories, including Cyprus and Greece. Ankara instead claims rights based on its continental shelf, an approach that severely limits the rights of its neighbours. Under *customary international law*, as reflected in [Article 76 UNCLOS](#), this maritime zone consists of the seabed and subsoil that extend to the outer edge of the continental margin. While, as mentioned above, the maximum extent of the EEZ itself is 200 NM, the continental shelf may extend beyond 200 NM from the coastline, depending on the depth, shape, and geophysical characteristics of the seabed and sub-sea floor. Article 76 UNCLOS stipulates that the continental shelf 'either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 NM from the 2500 m isobath, which is a line connecting the depth of 2500 m'.

Figure 2 – Delimitation of the EEZs in the eastern Mediterranean and the Turkey-Libya MoU



Source: Map by Philippe Morgan de Rivery, based on data from [International Energy Agency](#), [Wood Mackenzie](#), [CSIS](#). Positions of ships as of 3 September 2020, per [marinetraffic.com](#).

Turkey-Libya Memorandum of Understanding (2019)

On 27 November 2019, Turkey signed a [memorandum of understanding](#) with the UN-recognised Government of National Accord of Libya, determining a new maritime delimitation between the two countries. The deal establishes a boundary line between Turkey and Libya of 18.6 NM of continental shelf and 200 NM of EEZ marked by GPS coordinates from Point A (34° 16' 13.720"N – 26° 19' 11.640"E) to Point B (34° 09' 07.9"N – 26° 39' 06.3"E) (marked on the map in Figure 2). If applied, it would effectively draw a dividing line between the eastern and western parts of the Mediterranean, threatening maritime security, gas exploration and pipeline infrastructures in the central part. In addition, it would jeopardise the implementation of several UN Security Council resolutions that have imposed an arms embargo on Libya, in particular the 2011 [UN Security Council \(UNSC\) Resolution 1970](#), and pave the way for systematic violations of UN sanctions imposed by this resolution.

The MoU was strongly [criticised](#) by other countries in the region, including Cyprus, Egypt, France, Greece and the [United Arab Emirates](#), as well as by members of the international community, including the EU and the US, as it violates international law, the principle of good neighbourly relations and the sovereignty of the neighbouring coastal states with regard to their maritime zones. International law and the Law of the Sea accept [bilateral treaties](#) or 'agreements' that create rights and obligations in international law and determine the delimitation of sovereign rights. However, there are also legal preconditions establishing the validity of such agreements, such as their endorsement (ratification) by the legislative chambers of the parties that signed them. A memorandum of understanding records international 'commitments', but in a form and with wording that express an intention that the MoU would not be binding in terms of international law. Furthermore, as prescribed by [Article 102 of the Charter of the United Nations](#), 'Every treaty and

every international agreement entered into by any Member of the United Nations ... shall as soon as possible be registered with the Secretariat and published by it'.

The reason why the November 2019 Turkey-Libya deal is a 'memorandum of understanding' and not an 'agreement' within the meaning of international law, is precisely the lack of endorsement by the Libyan parliament (the deal was only [ratified](#) by the Turkish parliament). As the Libyan GNA government signed it without the endorsement of the pro-Libyan National Army (LNA) House of Representatives, the MoU breached the December 2015 [Libyan Political Agreement](#) (in particular its Article 8 §2), which stipulates that the Presidency Council can 'conclude international agreements and conventions provided that they are endorsed by the House of Representatives'. This is why [Aguila Saleh](#), the Speaker of the Libyan House of Representatives, has asked the UN Secretary-General, António Guterres, not to register the MoU as an international treaty, recalling that it 'violates the UN Law of the Sea ... and threatens relations of friendship between Libya and its neighbours, Egypt, Greece and Cyprus'. As of 1 September 2020, the Turkey-Libya MoU had not been registered or published in the [United Nations Treaty Collection](#).

Based on the above, the international community is of the view that this MoU is not legally binding, and contravenes established Libyan and international norms. In its conclusions of 12 December 2019, the [European Council](#) stated that the MoU 'infringes upon the sovereign rights of third states, does not comply with the Law of the Sea and cannot produce any legal consequences for third States'. Even though Turkey does not recognise the UN Convention on the Law of the Sea, maritime law gives rights to Cyprus and Greece in their exclusive economic zones.

Greece-Italy and Greece-Egypt bilateral agreements (2020)

On 9 June 2020 in Athens, as a response to a disputed MoU between Turkey and Libya's Tripoli-based administration, Greece and Italy signed a bilateral agreement delimiting their EEZs in the Ionian Sea, a move that will expand their fishing rights and access to resources in the eastern Mediterranean. The agreement comes seven months after the Turkey-Libya MoU and 43 years after the 1977 continental shelf agreement between Athens and Rome. For both countries, the agreement is an extension of the existing 1977 agreement and complies with the UN Convention on the Law of the Sea. Both Italy and Greece are partners in the EastMed pipeline project, and their agreement is of high strategic importance, as it could be used to undermine the Turkey-Libya MoU.

On 6 August 2020, Greece and Egypt signed a bilateral agreement on the demarcation of the maritime borders. The agreement was ratified by the Egyptian House of Representatives on 18 August, and by the Greek Parliament on 27 August. Egypt signed a similar agreement with Cyprus in 2013, as well as one in 2016 with Saudi Arabia to demarcate their maritime borders in the Red Sea. Egypt's Foreign Minister, [Sameh Shoukry](#), said the deal will allow Athens and Cairo to secure maximum benefits from oil and natural gas in the area. In a post on Twitter, Turkish Foreign Minister [Mevlüt Çavuşoğlu](#) denounced the agreement, calling it 'null and void' and promising to 'resolutely defend the rights of Turkey and Turkish Cypriots'.

International reactions

On 2 June 2020, President Erdogan and the GNA leader, Fayez al-Sarraj, raised the possibility of drilling surveys throughout the region covered in the Turkey-Libya MoU. Reacting to this meeting and to the publication in the Turkish government gazette of a map outlining areas of the Greek continental shelf where the Turkish Petroleum Corporation (TPAO) has applied for exploration permits, the Greek Prime Minister, [Kyriakos Mitsotakis](#), has sent letters to the Presidents of the European Council, Charles Michel, and the European Commission, Ursula von der Leyen, protesting over Turkey's activities in the eastern Mediterranean. Greece, Italy and their partners in the East Mediterranean Gas Forum have said that they consider the Turkey-Libya MoU illegal, as it limits Greece's access to the continental shelves of certain Greek islands, such as Rhodes and Kastelorizo.

The US has criticised Turkey's unilateral acts, including the Turkey-Libya MoU. The US State Department Assistant Secretary for the Bureau of Energy Resources, [Francis Fannon](#), said on 2 June 2020 that the US has 'been very consistent in calling to stop all provocative actions that could undermine investment confidence in the East Mediterranean region and affect political stability'. Francis Fannon further said that the US considers Turkey a valuable ally and wants Ankara to continue 'looking westward'. He also recalled that international law and the UN Convention on the Law of the Sea generally recognise that islands have both an EEZ and a continental shelf.

[Bob Menendez](#), US Senator, member of the Foreign Relations Committee and one of the architects of the landmark [Eastern Mediterranean Security and Energy Partnership Act](#), called on 22 June 2020 for sanctions to be imposed on Turkey over its 'escalation in aggression in the eastern Mediterranean in a way that threatens US interests'. The Eastern Mediterranean Security and Energy Partnership Act, adopted by the US Congress in December 2019, authorised new security assistance for Cyprus and Greece and lifted the US arms embargo on Cyprus. It also authorised the establishment of a United States-Eastern Mediterranean Energy Centre to facilitate energy cooperation among the US, Israel, Greece and Cyprus.

EU position

In its [resolution](#) of 13 March 2019 on the Commission Report on Turkey, the European Parliament reiterated the call on Turkey to fully respect the EEZs and the sovereign rights of all EU Member States, including the rights related to prospecting for and exploitation of natural resources, in accordance with the EU *acquis* and international law. In its October 2019 [resolution](#) on [Turkish military action in Syria](#) and its consequences, Parliament called on the Council to consider suspending trade preferences under the agreement on agricultural products and, as a last resort, suspending the EU-Turkey customs union, in force since December 1995.

Furthermore, following Turkish drilling in Cyprus' territorial waters and [military operations in Libya](#), a new cut in EU funds earmarked for 2020, within the range of €150 million to €400 million, has been under consideration. The European Parliament supports this reduction, recalling, however, that the EU should maintain funding for civil society organisations and education programmes such as Erasmus+ in Turkey. For 2020, the Commission has approved an allocation of €168.2 million for Turkey, targeting rural development, democracy and the rule of law, home affairs, human rights and civil society, as well as participation in EU programmes such as Erasmus+.

When it comes to EU financial assistance, roughly €4.5 billion has been allocated to Turkey over the 2014-2020 period; of this amount, the largest share – approximately €3.5 billion – came from the Instrument for Pre-Accession Assistance (IPA) funds, while the remaining funds came mainly from cross-border cooperation and other programmes. However, in a [written answer](#) of 17 March 2020 to a question by a Member of the European Parliament, EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Olivér Várhelyi, stated that Turkey would not receive any EU pre-accession funds during the 2021-2027 period.

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