

DIŞ POLİTİKA

FOREIGN POLICY

Institut kurde de Paris



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FOREIGN POLICY

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DIŞ POLİTİKA ENSTİTÜSÜ-FOREIGN POLICY INSTITUTE

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FOREWORD

The first half of the year 1989 has been a rather busy period for the *Foreign Policy Institute*. During this period we organized a number of international conferences as well as round-tables and seminars with a number of European Institutes on bi-lateral basis to discuss the future of Turkey's relations with the European Community as well as European security issues at this time of changing political and security environment in Europe.

The first bi-lateral conference took place in Paris on February 24 and 25, 1989 where the *French Institute of International Relations* (IFRI) was our host. The second roundtable took place in Ankara, where our Institute was the host to *Royal Institute of International Affairs* (Chatham House) on March 1 and 2, 1989. The third meeting was the continuation of our annual series of conferences with the South East European Association of the Federal Republic of Germany. We organized this year's conference at the site of the Atatürk Dam and Urfa Tunnel which is the site of a gigantic irrigation and hydraulic power production project. All these bilateral conferences were remarkable in their content and served their purpose of exchanging views and ideas on problems confronting our countries.

Foreign Policy Institute also organized three international conferences in the course of the current year. The first conference was a seminar on "The Fortieth Anniversary of the Council of Europe". Turkey joined the Council of Europe immediately upon its foundation in 1949, and has since played a uninterrupted active role in all its organs. In 1987 Turkey accepted the jurisdiction of the Human Rights Commission of the Council of Europe to receive applications from private individuals and organizations in Turkey to safeguard their rights. Turkey ratified in the course of last year the European Convention for the prevention of torture, being the first country to do so. In 1989 Turkey also ratified the European Social Charter. The conference in Ankara provided us with a good opportunity to discuss with European and Turkish experts the role of the Council to defend European human rights and cultural heritage. We also were able to discuss the future of the Council of Europe in the face increasing competition from the European Community.

The Directors and Representatives of European Institutes of International Relations meet once every two years to discuss among themselves the basic issues in East-West relations as they relate to their agenda of research. This year the *Foreign Policy Institute* was the host to the Conference in Istanbul on June 1 and 2, 1989. We welcomed in this

country the Directors of many European countries including those from Eastern Europe and were able to conduct our discussions with a substantial degree of "glasnost" in a good setting overlooking the Bosphorus.

NATO's 40th Anniversary, the Defense of the Southern Flank and New Technologies and Cooperation in Arms Production was the topic of our international conference again in Istanbul on June 27-29, 1989. This conference brought together specialists from US, Spain, Italy, Greece, France, UK, Federal Republic and Turkey for a thorough discussion of the issues and review the study conducted by our Institute on strengthening NATO's southern flank.

In this issue of our Review you will find a number of papers presented at these conferences.

In the course of this year the Foreign Policy Institute published a number of works. The most notable are: *Secularism in Turkey*, by Professor Doğu Ergil (in English); *Council of Europe and Human Rights* (in Turkish); *The Tragedy of the Turkish Muslim Minority in Bulgaria* (in English). The latter's publication came rather timely because the persecution of the Turkish minority, has lately taken the form of deportation of hundreds of thousands of them to Turkey. These books can be obtained from the *Foreign Policy Institute*.

Seyfi Taşhan

TRENDS IN THE ALLIANCE*

M. Süreyya Yüksel

During the last four decades, the Alliance has held together, and has managed to secure peace in Europe. During these years it has surmounted a series of crises that threatened its unity, primarily because it clearly faced a hostile power which posed a threat unambiguous enough to require Alliance members to mute their disagreements.

Although the world is ever in transition, in this period the changes that made up that transition were generally so gradual as to be imperceptible or, as **Raymond Aron** said many years ago, the nuclearization of the European balance had led to the deceleration of history.

However, since 1986, the sense that significant and perhaps fundamental changes are under way is almost manifest. It is mainly the changes in the Soviet Union that have provided the impetus to this transition.

On the Soviet side, the attempt to achieve a far-reaching adjustment in the Soviet system which necessitated, at the least, a period of international quiet in order to provide a breathing space in which to adapt internally, created new conditions in world affairs.

On the United States side, an opportunity for arms control and the relaxation of tension provided by the new Soviet policy affected her perception, and the known budget and trade deficits in the U.S. dictated a need for adjustment.

* *Text of a paper delivered at the Anglo-Turkish Round Table held in Ankara between the Turkish Foreign Policy Institute and the Royal Institute of International Relations on March 1-2, 1989.*

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In fact, in the United States, overstretched economically and coming to grips with a sense that its defence umbrella might not cover all its vital commitments, efforts to re-define priorities and strategy were already initiated.

It is this confluence of both superpowers' views that brought the realization that each would gain from a change in their security relationship and have an opportunity for their respective adjustments to economic difficulties, so scoring the change in the superpower relationship.

On the European side, faced with such a fundamental challenge and opportunity, together with other initiatives and fears such as; REYK-JAVIK summit where discussion started on sweeping reductions in nuclear weapons evidencing a willingness to alter the Alliance's entire nuclear strategy, the INF Agreement and forthcoming arms control talks, the Reagan Administration's continued dalliance with the concept of a "Nuclear Free World", the re-emergence of the "burden-sharing" question and the long-standing fear of the United States decoupling have all led to a reappraisal of attitude.

This changing strategic landscape indicates us that Alliance is gradually becoming less compatible with this new landscape and simply relying on the status-quo is no longer a feasible option.

Incompatibilities are more visible on three planes :

first- Political incompatibility stemming from internal and external dynamism unleashed with this new rapprochement,

second- Strategic incompatibility resulting from arms control and disarmament measures,

third- Military- operational incompatibility stemming from the need for new doctrines and weapons systems.

On the political plane : The long-debated idea of transforming the NATO Alliance into one in which responsibility is truly shared between a European and an American Pillar, however difficult and delicate a task it may represent, seemed to be an option to reconsider. In fact pressures for a more coordinated and coherent European position and a more cost-effective European defence effort, had also been generated by renewed United States Congressional concern about "burden-sharing".

All member countries saw also the wisdom of strengthening the intra-European organizations as a means of increasing the hedging of their bets against gradual or sudden change in the strategic landscape. This would also represent a solution to the long-disputed problem of "burden-sharing".

So the impetus for a reawakening of the WEU of seven which may change its nature and scope when the integration of the EC is established, was agreed on by member countries. The joint defence platform which this union had developed by autumn 1987 was of a general nature, but as a first effort to coordinate defence and security policy among the member nations, it merited approval.

Meanwhile, some moves of bilateral attempts to foster West European security were also made. Notably, the strengthening of bilateral security relationships, including tightening defence ties between France and Germany at a time when the INF Agreement had reawakened in Germany this country's "singularity" as the primary site of, and the first target for, battlefield nuclear weapons, was a very timely policy decision. What remains unclear about France's willingness to join defences with Germany, is its nuclear dimension, which is particularly important in terms of Germany's future within the Alliance. Other cooperative efforts on a different scope were attempted, to build a stronger security relationship between France and the United Kingdom. One common feature of all efforts towards greater regional cooperation seemed to be the realization by member countries that moving into an age of manoeuvre was the order of the day: manoeuvre to develop common institutions concurrently with common interests in a strengthened form of functional cooperation.

Although in a varying degree by some members, this manoeuvre was also extended to foster a rapprochement and to explore various forms of political and economic collaboration with Moscow and other East European capitals.

What is embarrassing to us in all these efforts toward greater collaboration within NATO-EUROPE is the gradual emergence of a model not embracing the totality of NATO Europe countries; in other words excluding the flanks.

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This was more manifest in initial framing of conventional force reduction approach where the tendency to take an enlarged WEU as an entity and leave the flanks aside was proposed. This violation of the cherished principle of indivisibility of security appears to us very harmful.

We believe the idea of transforming NATO into one in which responsibility is truly shared between a European and an American pillar is a healthy process. What is embarrassing is to exclude Turkey from this process and leave her as a single independent entity in the alliance. This will transform NATO, an organization of fifteen equal members, into an alliance of two dominant super-powers and one or two scattered members. Political commonsense indicates how disturbing and delicate such a status will be for these members and questions both its compatibility and practicability with our national interests. We expect this to be corrected by Turkey's incorporation into the WEU.

On strategic plane : Some policy issues are brought to the fore. This has been prompted particularly by the INF Agreement and is not necessarily because of what the Agreement does in military terms. Indeed in those terms the Agreement is a modest net gain for the West, and does not seriously disrupt NATO strategy. Actually, it is no more than a return to the *status-quo-ante*, where a strategy of flexible response maintained its validity. But much of the concern centers on the political dynamics which have been unleashed.

First it has reawakened Europe's old susceptibility as regards nuclear decoupling. SS-20's, Cruise and Pershing missiles, considered as Euro-Strategic weapons, provided a link to the superpowers' strategic systems. With their elimination a gap opened in nuclear deterrence, and reawakened the fear of decoupling.

Second this Agreement prompted hopes that it will lead to far more significant and worthwhile reductions. There is nothing wrong with further reductions *per se*, but, on the other hand it has also introduced fears that, if implemented without ensuring that they are part of a coherent overall view of security, domestic pressures and astute Soviet tactics could produce a future Agreement which could be harmful to the Alliance.

A case in point is the Soviet proposal for a "third-zero", and the controversy that followed. If this were to be accepted, could a "fourth-zero" including the removal of all the United States' dual-capable aircraft from

Europe be far behind ? The Soviets can be counted on to try to take every advantage of intra Alliance disagreements on such issues, whether they concern nuclear or conventional force reductions or their modernization.

In this connection, Gorbachev's U.N. declaration on unilateral conventional force reduction was a bombshell dropped on an already disturbing short-range nuclear force modernization debate within NATO. The timing and the manner in which it is presented leaves no doubt that it was aimed and tailored to impress the German public, already politicized on nuclear matters and the German Government who was moving closer to a decision on modernizing short-range nuclear weapons.

This has strengthened opposition in Germany to modernization and prompted voices that the West should now reciprocate by announcing a unilateral freeze on the modernization of these weapons. This situation is even more aggravated by Mr. Shevardnadze's recent proposal in VIENNA on arms control talks about battlefield nuclear weapons : a sure recipe for eventual denuclearization of GERMANY.

This very shrewd diplomatic manoeuvre attempting to cut the ground from under our feet in such a way to strengthen pacifism without committing themselves to serious positions, widened divergences in the Alliance and opened a turbulent phase.

Thus the issue is brought into a high-level East-West diplomatic context around Germany. This intriguing design indicates that it is not yet time to lower our guard, and the voices of caution should still prevail.

The nuclear modernization is an issue which had been decided upon prior to INF Agreement. As such we all pledged ourselves to its implementation. The conclusion of INF Agreement and the opening of conventional arms talks should only effect in so far as the modalities of its implementation are concerned without altering the thrust of the decision. We must make sure that the implementation could not be consumed as a circumvention of the agreement and would not destabilize further the existing politico-psychological climate in some member countries.

However, we must also bear in mind the tendency that arms control generates in the direction of modernization. Most of the Arms Control Agreements in the past have often been accompanied by modernization

Trends in the Alliance

in order to maintain the firepower as numbers are cut. An optimum line should not be crossed in order to prevent the pitfalls this tendency could generate.

Third An eventual denuclearization of Europe if realized in one way or another, would give the Warsaw Pact the advantage in conventional arms, an advantage which we think is unlikely to be redressed adequately either through arms control or NATO's force modernization.

Even more important than this, is that the Alliance would be deprived of the very foundation of its security : Nuclear Deterrence. We believe deterrence is assured only when it is founded on nuclear weapons. In the history of warfare, even the stronger conventional armies did not prevent war from breaking out, because the outcome of a conventional war is not determined by the sheer size of the forces deployed in the field: so many intangibles, variables and even hazards are introduced into the game. In the history of warfare it is not exceptional to see even large armies defeated by smaller ones. The only thing that could be secured by conventional forces is to reduce the probability of war : the smaller the size of the symmetrical armies, the lesser might be the probability of the outbreak of hostilities. Fortunately so far, the general trend in the Alliance calls for a continuing commitment to nuclear deterrence along with greater efforts over arms control, and stresses the particular importance of closing the conventional gap : a search for security at lower and symmetrical force levels. The possible cumulative effects of all these forthcoming nuclear arms control steps taken together with the difficult and delicate task which represents its employment in this state of Mutual Assured Destruction (MAD) renders its use if not probable, a very remote potentiality at the best. This inevitability will require modification to the existing strategy of the Alliance.

This may lead to a strategy of conventional warfare with a nuclear threshold raised to as high as possible a level, or conventional warfare relying only on whatever residual deterrence value the pure existence of nuclear weapons may represent.

This may bring not only radical controversy on the role and mix of nuclear and conventional forces, but more important than that, a far-reaching divergence of views to the point where the very foundation of the Alliance is threatened.

On the military-operational plane : Nuclear and conventional force reduction is gradually bringing the focus on the incompatibility of the existing military doctrines, weapons systems and force mixes with the arms control.

The conventionalization of military operations and its controlled limitation will put a pressure on research and development, science and technology. Thus a new race is looming up in the realm of defence industry.

I leave the disturbing consequences of all these incompatibilities here, and offer only a few general observations before I conclude.

First- Our reservations concerning Soviet Union and skepticism about *glasnost* are still more pronounced than those of some member countries. We believe common prudence dictates that we do not allow ourselves to be reduced into a premature sense of optimism.

What NATO needs now is a freshly conceived and concerted alliance concept and programs embracing both nuclear and conventional dimensions of its capabilities in light of present and future arms control. This program should set forth to the members the priorities that NATO must meet through its own efforts and resources without falling hostage once again to the hope of further negotiated solutions to rescue the alliance.

Second- Europe is a dangerous place : millions of men under arms, thousands of tanks and aircraft, and a large megatonnage of nuclear warheads are deployed on her soil. Today the European balance of power is not autonomous but a symmetrical one between a very strong regional power, the Soviet Union, and a universal power, the United States. The European states are part of this balance but they neither created it, nor are they its central buttress. What maintains stability today in Europe is the central Soviet-American balance, which rests on the capacity for Mutual Assured Destruction on a titanic scale.

It seems increasingly unlikely that we will witness in the near future a fundamental change of the European aspect of this central balance or that any of the European powers will wish to take action that might risk its collapse. Therefore in the options open to Europe what the limitations of this situation represent will have to be considered.

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Third- NATO Europe cannot have a strategic nuclear force, operating independently of the US without risking a serious increase in tension or causing probably the superpowers to attempt a deal.

Fourth- NATO Europe cannot have healthy relations with Eastern Europe without an optimum amount of cohesion and co-operation in NATO Europe and defence arrangements with the United States. If a European security system is likely to emerge, it will be through the instruments of the two opposing Alliances in Europe and not through their disappearance or fragmentation.

Fifth- If NATO Europe wishes to promote her own security and independent economic power, she will have to promote institutionalized cooperation and acceptance of a national contribution in all fields, to the extent that it will not carry the risk of hardening the position of Eastern Europe.

And Lastly- NATO Europe of today is a Europe of mixed motives, crosscutting alignments and overlapping groupings. A point of concern is the geographical discrimination it tends to develop.

Gradually a more manifest West-Eurocentric stand which tends to ignore the flanks of the Alliance, raises the question whether this is a deliberate attitude and a gradually emerging policy. We believe this principle of the indivisibility of security should be respected. On the other hand, a Western Europe claiming a role in the European balance of power cannot fulfill it by confining itself only to a very limited geographical area of Western Europe, particularly in the years to come when the nature of the balance of power shall alter and gradually acquire some characteristics of the conventional concept of balance. In this context, the components such as geostrategic positions, regional roles, economic potentials, and manpower will gain in importance. And here a question arises that Western Europe should ask itself: whether it can deprive itself from the contribution TURKEY can bring and still play a primary role in European balance? Strategic commonsense indicates how important a role Turkey could play in this general European balance and in a political sense how active and influential a role she could play in areas like the Mediterranean, the Balkans and the Middle East. Is it unimaginable that such a powerful Western European Union could disregard what is in her own interest in this area?

TURKISH FOREIGN POLICY*

Mesut YILMAZ

Distinguished guests,

Honorable members of the Foreign Policy Institute,

It is both an honor and a privilege to meet with such a gathering of eminent and respected scholars of international relations from around Europe. It is not only a distinct pleasure, but also a worthwhile opportunity as well to address the present gathering on the subject of Turkish Foreign Policy.

I would like to thank the organizers of the Conference for providing the proper facilities in this beautiful and exciting city for a fruitful and timely exchange of views and ideas on one of the most current and fluid issues in international relations. Indeed, we witness in our time the unfolding of great and historic changes in the East which has already paved the way for the advent of a novel and more promising atmosphere, signalling a new era in East-West relations. Let us nonetheless always bear in mind that arms control never constituted a credible alternative by itself, but was rather conceived as a means for enhanced security and stability. It is imperative therefore that arms control initiatives do not in one way or other lead to diminished security. It is equally important that the humanitarian dimension of East-West relations receive balanced emphasis and due implementation without further loss of time.

* *Text of the speech delivered by the Foreign Minister of Turkey to the members of the Twelfth Conference of the Directors and Representatives of the European Institutes of International Relations held in Istanbul on June 1-2, 1989.*

Turkish Foreign Policy

Distinguished guests,

A country's foreign policy in broadest terms, while not immune to several other influences, is an expression of its historical experience and its geo-strategic location. The foreign policy maker must also respond to the aspirations of his people which have a great deal to do with economic development and prosperity, no matter how different the levels of attainment are.

As I understand you have already dwelled in depth on the intricacies of geo-politics, and not suspecting for a while the obvious geo-strategic importance of Turkey, I decided I would rather take up the former factor which goes into the making of foreign policy, that cluster of historical experience which help shape the present above and beyond, but never so far away from the past.

Turkey, which emerged as the first nation-state in the Near East in the post-First World War period is presently embarked on a process of rapid economic development and social change within pluralist democracy. I must add that the success of this experience is important in more than one respect. After all, there are not so many countries where people have known repeatedly that their votes can unseat a Government and replace another one, liable to the same process.

We have confidence enough in that we will attain higher levels of this twofold objective of economic development within democracy. We see no other nation nor another society which had changed so dramatically to the better within a short span of time while becoming ever more devoted to the ideals of democracy and human rights, and addicted, naturally, to freedom.

As a matter of fact, the history of democracy and struggle for reform in this land dates back well over a century. It may be that in politics only the last move is remembered. But should it be as well in history? The enormous influence of posterity should not have failed the Europeans to recollect their memories of the formidable difficulties generations of Turkish reformers had to face, and that these also had to bear the impact of the competition between the European powers of the time.

The Young Turks' task for instance, was an extremely difficult one. Their radical stand against the rampant imperialist struggle waged over Ottoman territory entailed a head-on clash with vested foreign interests

stretched over the length and breadth of the bankrupt Empire they inherited.

From the very start, supporting Turkish reform had been a question of faith in the future regeneration of the Ottoman Empire and required a sense of vision that would transcend the ability of any one great power engaged then in an imperialist struggle formalized in the system of alliances emerged before and which led to the First World War.

The political movement of the Young Turks, remained to this date as one of the most exciting to emerge from the Near East in the present century. The multi-religious and multi-national Ottoman Empire may have been an anachronism, but it certainly was not the only one. It has been unfortunate for Turkey and the region as a whole that the forces of history assigned to this political movement the task to face the formidable challenges of that critical moment of time when the final decomposition and the disastrous collapse of this great Empire was destined to take place.

Their hopes to regenerate the Empire drifted away with the winds flattening the mass of the 600 year old State, the only political organization in medieval and modern times to have given official recognition to all three monotheistic religions and to have assured for so long a harmonious coexistence among their followers. It preserved and perpetuated at once the identity of the ethnic, linguistic and religious groups under a benevolent rule. It is no mere coincidence that no less than thirty-eight of the contemporary states and federated republics in Europe, Asia and Africa were included totally or partially at one time or another in the domains of the Ottoman Empire.

I would ask you now, to imagine for a second a *de facto* partitioned Empire which had lost a whole generation of educated and able young men in successive wars in the defense of the realm, simultaneously fighting in fronts as widely apart as Libya and the Caucasus, and as Galicia and the Fezzan. Remember also that her liquidation had already been laid down in an International Treaty which had defined the shape of her final ruin. What kind of leader and man of what capacity would you feel you would require? A man who would be ready to fight with the victors under such conditions in order to show them that the Treaty they signed, aiming at subjecting the Turkish people to semi-slavery was an anachronism in itself since it signified a return to violent methods of imperialism as if four years of tragedy had taught nothing. And would

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you fairly expect him to succeed, leaving aside for the moment the fact that he also turned out to be a great and successful reformer ?

Distinguished guests,

Ataturk was not a mere patriot, a soldier of genius, a tactful politician and a man of common sense, but he also had the necessary overall grasp, that peculiar compound of intuition and intellect required to carry such a great enterprise to a successful conclusion. This is nothing less than establishing on strongest foundations, a modern nation-state, the true Phoenix ascending from among the ruins of the Ottoman Empire.

The depth of this great historical experience and the bitter history of the Turkish reform movement strike us as being the main reasons why Ataturk and his legacy is still powerful enough to constitute a meaningful whole, a permanent ideal for the Turkish nation.

The defining orientation of the foreign policy of the Turkish Republic witnesses this experience and is expressed in Ataturk's dictum : " Peace At Home, Peace Abroad". This is a demand for a chance to work and to progress in peace with the peoples of the world, and indeed. the Turkish nation asked for no more !

This "*weltanschauung*" governing the emergence of modern Turkey is still our guiding line and the adherence of the Turkish people to the principles of Kemalism continues with no less devotion. It is owing to these principles that we can safely claim to be the only country in our part of the world which has developed extensive and concrete links with the Western Hemisphere while having enhanced and advanced the historic and existing relationships with this region in a manner complementing a truly Western vocation ever gaining in strength.

The Western vocation as such is indeed the centerpiece of Turkish foreign policy. Turkey successfully laid claim to the European cultural heritage. Forms of democratic life further deepen in our country with the backing of a burgeoning economy producing for the world markets. Furthermore, we enjoy the dynamism of a new-breed of first-class businessmen. Yet, in spite of all these positive developments, we still have to confront a vast reservoir of ignorance and prejudice aided by arguments appearing time and again in the Western media, arguments which are shallow and shoddy intellectually. Concurrently, we are yet to

receive our well-deserved credit to our historic decision and long-standing desire to be part of the West in full.

Turkey, even at its lowest-ebb, was never called the "Sick Man of Asia". And before that Turkey was not an Asian Power for five centuries, but a European one. Furthermore, the fact that the Turks were and still are Moslems did not prevent almost all Western Powers allying themselves at one time or another with Turkey. Francis I of France in the 16th Century; England, France and Italy during the Crimean War; Germany and Austria in World War I; England and France just before World War II, and now the countries of the North Atlantic Treaty Organization, to cite only some major examples.

The French and Germans fought three wars against one another in the course of less than a hundred years. Actual hostilities between Turkey and Western Europe have been considerably less; since the end of the 17th Century only in the First World War and then as an ally of Germany and Austria.

Distinguished guests,

The differences for whatever they are in the historical background might be interesting enough but they should not be allowed to determine the political future of Turkey's relationship with the West.

Europe is a state of mind, not an arbitrary line drawn down the Bosphorus !

The European Community is not a response to any impulsive historical necessity. The vision of integration was once rather confined to the governing elites with little echo in the public. But the Community idea took concrete form because the founding fathers were gripped by an intense vision, and their leadership had triumphed over vague popular sentiments.

It is therefore with a similar sense of vision that we look forward now, a far-reaching and powerful perspective, indeed a sense of vision which was spared for the Turkish Reform Movement in the 19th and the early 20th centuries.

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We linked in this country, on Asia's threshold, the values and the philosophy of the West with those of the East in a creative and lasting manner, fulfilling our needs and aspirations and we did finally set a precedent for sustained development through democracy in the region. This will remain to be the genuine source of Turkey's dynamism, and in this sense, the accession issue is not so much a test for Turkey as it is for the Community.

Distinguished guests,

I think I have dwelled enough on explaining the historical and present foundations of the "*leitmotive*" of Turkish foreign policy, which is her Western vocation and the fulfillment of her aspirations embodied therein. Now, I would like to touch albeit briefly, upon the theme of your Conference, the current status of East-West relations. As I have pointed out in my introductory remarks, we welcome the new climate in East-West relations. The new political approach in international affairs as promoted by Mr. Gorbachev will no doubt be helpful in bringing about an atmosphere of lasting peace and true security. We should all make use of the new opportunities which are opening up in the domain of East-West relations.

FEDERAL SOLUTION FOR CYPRUS

Mümtaz SOYSAL & Münür ERTEKÜN

The common starting points of the Federal solution:

A federal system of government for Cyprus is a solution which has been advocated by the Turkish Cypriot side from the very beginning of the intercommunal dialogue and has also been accepted by the Greek Cypriot side at the summit meetings between President Denktas and Greek Cypriot leader Mr. Kyprianou on 19 May 1979.

The first point of the agreed instructions (guidelines) referred to in the communiqué issued at the end of the 1977 summit meeting stated that the two sides were "*seeking an independent, non-aligned, bi-communal Federal Republic.*"

The first point of the proposals of the Greek Cypriot side submitted at the sixth round of Vienna talks (31 March - 7 April 1977) on the "*Basic principles which should govern the constitutional structure of the Federal Republic of Cyprus*" also referred to a "*federal republic consisting of the Greek Cypriot Region and the Turkish Cypriot Region*" and thus recognized the "*bi-zonal*" character of the Federation.

The bi-zonal character of the proposed federal solution was also confirmed by the Opening Statement of the U.N. Secretary-General on 9 August 1980.

This means that the founding of an "*independent, sovereign, bi-communal and bi-zonal federal state*" in Cyprus is a common starting point accepted by both sides.

Consequently, there should be no difficulty in incorporating these agreed attributes in a basic definition of the proposed Federal State.

Federal Solution for Cyprus

It is in this context that the view of the Turkish Cypriot side is that the proposed federation should embody these basic attributes and should be the expression of the common will of the two communities to live side by side in peace and security, to enjoy the benefits and blessings of a democratic system of government based on the rule of law and social justice and to enhance their social and economic development and of their determination to ensure the non-recurrence of the sufferings of the past.

Difficulties of The Federal Solution

In addition to obvious and well-known difficulties inherent in the formation of any federal system, such as reaching a compromise between the equality of partners, on the one hand, and the necessity of establishing a workable central government machinery, on the other, or striking a balance between the rights of the individuals and the interests of their respective communities, the 'federal question' in Cyprus involves many other crucial and deep-rooted problems.

1. Political difficulties

(a) This is not a simple exercise of evolution of powers from an existing central government to its component parts, as is the case, for instance, in the case of devolution of powers for Scotland and Wales in the United Kingdom, administrative regionalism to the Wallons and the Flemish in Belgium. On the contrary, this is an effort to bring together two different communities who lived through two decades of intercommunal violence and bloodshed. From 1955 until the end of 1958 EOKA had carried out its violent terrorist campaign for Enosis. In 1960, following upon the compromise settlement reached by the Zurich and London Agreements, a bi-national partnership republic was established. In 1963 Greece and the Greek Cypriots again resorted to violence and destroyed, by force of arms, the partnership State. After Turkey's legitimate intervention in 1974, under the 1960 Treaty of Guarantee, the separate and distinct two ethnic peoples of Cyprus have been exercising exclusive control over their separate sectors of authority on the island. (In this connection please see the Geneva Declaration of 30 July, 1974 by the Foreign Ministers of Turkey, Greece and the United Kingdom).

(b) This is not a search for a solution to a domestic "*national*" problem, but a compromise between two conflicting "*national*" demands of two different national communities. Throughout recent history, Greek

Cypriots had looked upon Cyprus as a Greek land destined to be united with Greece while the Turkish Cypriots looked upon the island as an old Turkish land and adamantly refused to be colonized by Greece. To the Greek Cypriots union of Cyprus with Greece (Enosis) was 'liberation and freedom', to the Turkish Cypriots such a union was 'colonization', loss of all human rights and physical elimination from Cyprus. Thus, the Greek Cypriot action for achieving Enosis always brought immediate reaction from the Turkish Cypriot side. Greece which coveted Enosis, helped the Greek Cypriots by giving them arms and personnel while Turkish Cypriots sought help from Turkey in self-defence.

Through the centuries the two national communities had jealously guarded their national identity while each cherished its own "*national aspiration*". The Greek Orthodox Church preached Enosis and anti-Turkish sentiments while Greek Cypriot schools gave this "*national policy*" further "*cultural*" backing. The Turkish Cypriots took counter-measures in order not to be eliminated or absorbed by the Greek Cypriot side.

It was inevitable, therefore, that the two communities would come into violent collision when the Greek Cypriots, under the leadership of the Greek Orthodox Church, launched their terroristic campaign for achieving Enosis in 1955. Contrary to the present Greek Cypriot propaganda, this campaign, which lasted until the end of 1958, was not for independence but for Enosis.

Then, in 1960 the two communities accepted a compromise and worked out a Constitution after continuous deliberations which lasted for 18 months. In short, the two national communities, which had fought for opposing political aims, agreed by the texts signed in Zurich and London, to forego these aims *in lieu* of a "*partnership Republic*" based on the existence of the two national communities and on their inalienable rights and partnership status. These two communities, exercising their separate and distinct rights of self-determination, together brought about the "*bi-national*" State of Cyprus. Under agreed terms of co-operation and partnership, they together shared the legislative, executive judicial and other functions. Matters which the two communities had managed on communal basis over the centuries -like education, religion, family law, etc.- were left to the autonomy of the communal administrations which had legislative, executive, and judicial authority over such matters. In the five major towns of the island Greek Cypriots and Turkish Cypriots had been living in their separate quarters for centuries. They

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had their separate municipal administrations in these towns and the 1960 Constitution provided for the enactment of laws to give legal effect to these municipalities. Thus, a "*functional federative system*" had been established by the two co-founder communities of the Republic.

The functional federative character of the former Republic of Cyprus is often forgotten by those who are apt to see the present search for a federal solution as an attempt to dismantle a completely "*unitary*" system of government, which was not created or even envisaged by the 1960 Constitution.

2. Socio-economic difficulties

(a) The memories of the past events are still vivid in the minds of the people from both communities. An element of mistrust and even of hostile suspicion exists on both sides.

The Greek Cypriot leadership in the past did not accept the 1960 Agreements as satisfying their "*national aspirations*". Soon after independence, the Greek Cypriot side, knowing that the Turkish Cypriot community would not abandon its rights and status, proposed amendments to the Constitution (November 1963) and when the Turkish Cypriot community refused to agree to the proposed amendments they launched their attack in order to implement a well-prepared scheme which came to be known as "**the Akritas Plan**" aiming at abrogation of the Agreements, extermination of the Turkish Cypriot community and the union of Cyprus with Greece.

Starting with the Greek Cypriot attacks on Turkish Cypriots since December 1963 in accordance with the **Akritas Plan**, which caused death and destruction, Turkish Cypriot houses and properties in 103 villages were destroyed. Nearly 30,000 Turkish Cypriots became refugees. In all areas where the Turkish Cypriot resistance continued an inhuman blockade was mounted. All Turkish Cypriots were physically barred from taking part in the administration of the island. All constitutionality was overboard. Turks of Cyprus lived at mercy of Greek Cypriot and Greek mainland armed elements.

Turkish Cypriots lived on, resisting Greek Cypriot aggression from 1963 to 1974, never accepting the illegal Greek Cypriot rule - which claimed to be "*the Government of Cyprus*" - as the legitimate Government of the island.

Legitimacy would only be re-established if and when the two communities would come together again under agreed terms of partnership. Greek Cypriots had, on the contrary, by resorting to violence, ousted the Turkish Cypriot partner from the administration.

On 26 June 1967 the Greek Cypriot House of Representatives unanimously passed a resolution declaring that "...It would not suspend the struggle...until this struggle ends in success through the union (*Enosis*) of the whole and undivided Cyprus with the motherland, without any intermediary stage" and by the end of 1967 the Greek Cypriot armed elements who had combined to form one single task force with 20,000 Greek army personnel clandestinely brought to Cyprus attempted to finish off the Turkish Cypriot resistance by attacking the Turkish Cypriot inhabitants of Geçitkale (Köpinou) and Bogaziçi (Ayios Theodoros). This activated Turkey to come to the aid of the Turkish Cypriots. In order to avert Turkey's intervention the attack on Turkish Cypriots was stopped and Greek Cypriot leaders agreed to have intercommunal talks which began in June 1968. These talks lasted on and off- until the coup of July 1974, but although near agreements were reached, several times the Greek Cypriot leadership refused to settle the problem on the basis of "*inter-communal partnership Republic guaranteed against Enosis*".

The events which preceded the coup of July 1974 again meant further distress for the beleaguered Turkish Cypriot community who was used as political hostages by both sides of the inter-Greek conflict. In the end, the coup materialized. No one doubted that the coup was a final attempt for takeover of the island by Greece and the destruction of the independence of Cyprus. Thousands of Greeks suffered at the hands of the Greeks. More Turkish Cypriot villages had to be abandoned, thousands of more Turkish Cypriots became refugees. Had Turkey failed to move under and by virtue of the Treaty of Guarantee then Cyprus as an independent State would no longer be. The coup in Nicosia would consolidate the position of the Junta in Athens and extend its hegemony to Cyprus.

Turkey was left with no alternative but to move under the Treaty of Guarantee.

Inevitably the Turkish intervention of 1974, with the unavoidable consequences of any such military action, brought also sufferings to the Greek Cypriot community who had to abandon their homes and

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emigrate. This was mainly due to the second phase of the operation on 14-16 August 1974 which, contrary to what the Greek Cypriot side the world public opinion wrongly to believe, became imperative upon the massacre of Turkish Cypriot civilians and the Greek Cypriots' refusal to fulfill the conditions of the Geneva Declaration of 30 July 1974 :

- to establish a security zone at the limit of areas under the control of the Turkish Armed Forces;
- to immediately evacuate all the Turkish enclaves occupied by the Greek or Greek Cypriot forces;
- to exchange or release the detained military personnel and civilians.

Subsequently, contacts and negotiations between the two sides continued from 1974 to 1977. It was agreed that the parties should work for a bi-communal, bi-zonal solution.

At the third Vienna talks in the summer of 1975 the parties agreed to a re-grouping of their population on a voluntary basis. UNFICYP undertook to help in this exchange programme and the Turkish Cypriot population in the south which had lived under most inhuman conditions in Greek Cypriot areas for 11 years, and which constituted about half of the Turkish Cypriot population in the island, moved north while majority of the Greek Cypriots in the north moved into Turkish villages and properties in the south.

A constitutional solution for Cyprus has to be evolved under the specter of such a dramatic recent history and the main preoccupation in the minds of the people directly involved should be to find ways of preventing the recurrence of the sufferings of the past.

(b) In this attempt to establish a new form of government, one of the future partners has been prevented by the turn of events, from reaching an equal level of economic development.

The Turkish Cypriot community, having first lived under a Greek Cypriot dominated government and then in isolated enclaves and forced today to cope with international restrictions imposed on its external communications, is still handicapped from developing its economy and promoting its human potentialities. Starting with the events in 1963, all the economic resources of the island were utilized for the development of the Greek Cypriot community, while governmental policies of cus-

toms, taxation, credit and investment were devised and implemented without any consideration of the economic development needs of the Turkish Cypriot community. By a 'Government' Decree, sale of land to the Turkish Cypriot was prohibited while licences for building factories etc. were arbitrarily denied to them. The Turkish Cypriots were deprived of their freedom of movement and communication and lived in an economy of consumption in their enclaves at the mercy of the Greek Cypriot producers and importers.

The Greek Cypriot community, on the other hand, although having undergone the adverse effects of a recent armed conflict enjoyed for at least a quarter of a century all the benefits of an administration with wide international recognition and trade relations. In this context it is worth recording that the Greek Cypriot administration having deprived the Turkish Cypriot population of its rightful share from the budget, forced the Turkish Cypriot population who was left destitute to import hard currency as aid from Turkey to the tune of 13 million pounds sterling per year all of which enriched the Greek Cypriot Central Bank for 11 years, between 1963-1974.

As a consequence of the past situations and the usurpation of the governmental machinery by force of arms, external trade has been mainly in the hands of the Greek Cypriot community who continued to retain the monopoly of representing foreign firms and enterprises on the island; the Greek Cypriot community benefits from the privilege of signing bilateral trade agreements, financial and technological co-operation and extensive foreign aid at the international level; it maintains regular commercial relations with the EEC, the Commonwealth, the socialist bloc and the non-aligned countries and is in a position to attract the capital and the know-how of foreign investors. Most of the foreign aid, in terms of grants, credits and goods provided for the island goes to the Greek Cypriot community.

In addition, the economic blockade imposed by the Greek Cypriots, as a deliberate instrument of policy with the unwitting backing of the international community has restricted the economic development of the Turkish Cypriot community. Turkish Cypriots has no other country than Turkey to rely upon.

These discrepancies and inequalities in economic opportunities and social conditions, coupled with the mistrust resulting from the vivid memories of the past, are perhaps the most important difficulties on the

way to establishing a federation in Cyprus.

Legal Difficulties

(a) The federal principle implies, almost by definition, an equality of partner states. This is the main guarantee under which different political entities agree to enter into a political partnership. Yet, this principle of equality carries the risk of creating deadlocks in the effective operation of the governmental machinery established to meet the administrative needs of the people at federal or federated levels.

In decision-making, this difficulty is normally overcome by subjecting the will of a smaller number of states to the will of the greater number of states, regardless of their size and population (e.g. simple majority of states, two thirds of states, 9 out of 13, etc.).

The difficulty in Cyprus is that the number of states to be federated is only two and the principle of equality of partners is therefore an absolute necessity imposed both by the principles of federalism and duality of partners.

(b) In this given situation, the only way to reduce the risk of deadlock in the effective operation of the governmental machinery established to meet the administrative needs of the people is to reduce the number of functions to be carried out by the federal organs where their risk exists. Therefore, in a bi-communal situation, there is an evident logical contradiction in the acceptance of the federal principle, on the one hand, and the insistence on creating a strong federal central administration on the other hand. Since it is clearly desirable for each equal partner to be able to run as much of its own affairs as possible without the blocking of the other, there is an obvious advantage in retaining essentially common functions as federal and leaving the residual powers to the federated states.

(c) A federation is established when there is common desire of the peoples to come together for some common benefits, whereas in Cyprus the two peoples seem to have benefitted more under their separate legal status. The Greek Cypriots, with the connivance of the international community, have taken full advantage of the unjustified monopoly of the title of "Government of Cyprus" and are willing to forego this advantage for the sake of a new partnership. The Turkish Cypriots on the other, after long years of deprivation and exclusion from partnership

government, had to form their own administration since 1964, which after 1974 acquired a geographical basis and culminated in the independent status of the Turkish Republic of Northern Cyprus as a result of the continuous reticence of the other side to come to a federal solution. This being the case, the legal structure of the proposed federation so keenly desired by the international community and formally agreed upon by the two sides, should be such as to increase, and not diminish, the benefits which the two sides have been accustomed to enjoying hitherto. Therefore, a federal solution implies that the Greek Cypriots should be ready to exchange the benefits of their monopoly to the legal title for the sounder benefits of a federal solution and the Turkish Cypriots should be convinced as to how a change to a federated status would really improve their hardy-won social and economic rights.

The Turkish Cypriot constitutional proposals for the establishment in Cyprus of an independent, sovereign, bi-communal, bi-zonal and non-aligned Federal Republic take into account the background to the Cyprus problem and the events which have taken place in Cyprus, particularly the period of violence and bloodshed during the past quarter of a century, and are designed to find a remedy for the past difficulties and to remove the obstacles in the way of a peaceful coexistence of the two national communities, side by side, in a spirit of mutual trust and co-operation.

1. Basic guidelines

(a) The constitutional proposals take into account the four guidelines which were agreed at the summit meeting of 12 February 1977, between President Denktas and the late Archbishop Makarios, when the two leaders declared that they were "seeking an independent, non-aligned, bi-communal, Federal Republic". The following is the full text of the above mentioned four guidelines.

1) We are seeking an independent, non-aligned, bi-communal, Federal Republic.

2) The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership.

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3) Questions of principles like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion taking into consideration the fundamental basis of a bi-communal federal system and certain practical difficulties which may arise for the Turkish Cypriot Community.

4) The powers and functions of the central Federal Government will be such as to safeguard the unity of the country, having regard to the bi-communal character of the State.

(b) As explained above, there has existed in Cyprus since 1963, and, in the absence of a settlement, there still continues to exist, two separate and distinct administrations representing the two national communities, the co-founders of the Republic, respectively. This fact has been recognized by the three States guaranteeing the independence of the Republic of Cyprus, namely, Turkey, Greece and Britain, by their Declaration at Geneva on 30 July 1974, which stated that :

The Ministers noted the existence in practice in the Republic of Cyprus of two autonomous administrations, that of the Greek Cypriot Community and that of the Turkish Cypriot Community. Without any prejudice to the conclusions to be drawn from this situation the Ministers agreed to consider at their next meeting the problems raised by their existence.

In fact the intercommunal character of the conflict since 1955 and the bi-communality of the Republic which was destroyed in 1963 is the underlying reality and foundation of all United Nations resolutions since 1963.

The two separate, distinct and equal administrations which exist in Cyprus today, exercise, in their respective areas, the full powers of the 1960 Republic. It follows therefore that in the establishment of the Federation, neither side is starting off with an existing legitimate central government exercising full powers and functions should be developed to the member states of the Federation, but, on the contrary, which of the powers and functions now being exercised by the already existing separate and distinct administrations should be transferred to the central government.

(c) It is also an indisputable fact that when the powers and functions of a strong central government have been in the hands of a Greek Cypriot

dominated government, the Turkish Cypriots have been treated as second class citizens and their human rights have been gravely and unjustly violated. It is, therefore, imperative that in order to give the proposed new Federation a chance to survive, the constitutional arrangements as well as other features of the Federal solution must be such as to ensure that the tragic events of 1963-1974 should not, and cannot, be repeated again. This logical, realistic and basic precautionary element must also be borne in mind in the implementation and development of the agreed settlement.

The Turkish Cypriot side's approach to uniting the existing separate administrations in a Federation aims to create a realistic situation whereby two communities can coexist, side by side, and co-operate with each other in a spirit of mutual trust and confidence within a federal structure.

This approach endeavors to achieve a political compromise between the conflicting interests and demands of the political units which will comprise the Federation.

Above all, it aims to strike a balance, as in all democratic forms of government, between the rights and liberties of individuals on the one hand, and the necessities of the governmental structure created for their administrative needs, on the other hand. The essence of the approach being⁴ the protection of the individual within the context of realities of the federation, the relationship between the founding communities must be so regulated as to prevent the individual from becoming the victim of any settlement open to the supremacy of one community over the other. The political equality of the component parts, which is the salient feature of the Turkish Cypriot approach to a federal solution is based on no other consideration than that of protecting the individual from the consequences of an uneven intercommunal situation.

2. Fundamental prerequisites

Any workable solution for the constitutional order in Cyprus should, therefore, meet the following conditions :

(a) Deterrent effective guarantees against the recurrence of the past bloodshed, in order to secure, for each individual, the freedom from fear;

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(b) Constitutional guarantees and machinery for the protection of human rights and liberties of all the individuals;

(c) The protection of each individual from political, economic and social discrimination and oppression resulting from the supremacy of one community or the other;

(d) The protection of each community as such against the domination of the other community;

(e) The right of the members of each community to benefit fully from the opportunities, potentials and protection of a state, federated or federal;

(f) The right of the members of each community to economic and social development and to prosperity on the territory of their own community;

(g) The right of each community to preserve and develop its cultural, economic and commercial connections with the whole family of nations and particularly with its own motherland.

The ultimate aim of any democratic system of government being to ensure the safety of its citizens and to protect their inalienable rights of life, liberty and the pursuit of happiness, any attempt for a constitutional solution for Cyprus can only be meaningful if it takes into account all the above considerations together with the federal principles and establishes a harmony between them. It is, therefore, wrong to say, for instance, that the freedom of movement, freedom of settlement and the right of property are essential for the acceptance of any solution by one side if the immediate and unconditional exercise of the same freedoms and rights are detrimental to the other fundamental prerequisites which are as essential and vital, if not more so, for the other side.

That is why, the four guidelines which were agreed at the summit meeting of 12 February 1977 between President Denktas and the late Archbishop Makarios, while referring to "questions of principles like freedom of movement, freedom of settlement, the right of property and other specific matters" also stated that any discussion of these should take into consideration "the fundamental basis of a bi-communal federal system and certain practical difficulties which may arise for the Turkish Cypriot Community". The four guidelines also envisage the taking into account of "economic viability or productivity and land ownership" when

discussing territory.

The merit of any federal solution lies exactly in the variety of the ways in which different "fundamentals" can be combined and compromised. It is equally wrong to insist upon the recognition of certain abstract principles and rules of government when such principles and rules lead to situations which create more deadlock and conflict rather than bring about practical and acceptable solutions for the welfare of the individual, from whichever community he or she may be.

3. Basis of the Federal Structure

The political equality of the founding communities, however important, is not by itself sufficient guarantee for the protection of the individual. That is why the federal solution should put great emphasis on the judicial protection of the fundamental rights and liberties at the federal level, in addition to the normally accepted safeguards in the separate administrations. Not only shall these rights and liberties be enumerated in the new Constitution in an even more detailed way than in the 1960 Constitution but a federal system of judicial review will be established as a guarantee against their infringement by federal legislation. However, the federal system of protection of rights and liberties should take into account the limitations agreed upon by both sides. Any adherence by the newly-created federal State to any international instrument for the protection of such rights and liberties will be made subject to such limitations.

In a federated system, the protection of the individual in any community should also be envisaged in terms of his entitlement to benefit equally from the opportunities, potentialities and protection of a state which should be capable of providing him with essential services without interference from other communities who are partners in the union. This is especially important in a federation of only two communities who, by virtue of the federal principle, have come together on a basis of equality. In a situation of mutual mistrust where each community has reservations about the goodwill of the other side, to start with the creation of a federal system with strong central powers covering a wide range of common functions is in fact asking for frequent tensions and interminable deadlocks. These would result in the deprivation of the individuals from the benefits of governmental activities even in stronger and more self-confident community, because such activities may continuously be subject to disruption or interference from the other partner.

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Thus, the position of the Turkish Cypriot side takes into consideration the existing realities and in the realities of the past and present. It is, therefore, envisaged that the two existing separate administrations should give up to the Federal Government only those basic powers and functions which are considered necessary and feasible for the purpose of maintaining common services and without security risks to the life and property of the inhabitants of the member states. If, in the course of time, it is proved, by the conduct of all the concerned that mutual trust and confidence can be built upon the initial links existing between the Federal Government and the two member states, then it is to be hoped that, with the growth of such confidence and with the elimination of mistrust and suspicion, it will be possible to strengthen such links by building upon them by a gradual transfer of additional powers and functions by the federated states to the Federal Government. It is the sincere belief of the Turkish Cypriot side that the proposed Federation can only work and hope to survive, in the present circumstances, by starting cautiously and then build upon and strengthen, the existing links and structures with the growth of mutual confidence. Such confidence will also be enhanced, for example, by settling of claims of ownership rights acquired prior to the future federal Constitution, together with all other claims between the two communities in the form of debts, dues and compensation by agreement between the parties concerned.

In fact, in the case of some federations, the partners have set off on the federative venture even more cautiously and instead of starting off with a federal structure at the beginning they have started with a confederation. Two typical examples of this natural trend may be found in the case of the United States of America and the Swiss experience which evolve from a confederal structure into a federation, while still maintaining the original name.

These two examples clearly show that when there is no confidence at the outset between the parties concerned -and this confidence is something which cannot be imposed but must develop naturally and progressively between the partners- less power is given to the central authority. However, as confidence between the parties grows, the powers of the central or federal government are increased by stages. This principle of "growth of federation by evolution" is one of the basic characteristics of the federal solution envisaged by the Turkish Cypriot side. Such an approach cannot be interpreted as being confederal in nature. On the contrary, it accepts the federal principle and aims at its full realization in a realistic way.

Another example which proves the same point from a different angle is the case of Yugoslavia : the strong control that the Federal Government had over the Federated Republics, a characteristic feature of the 1946 Constitution, proved inadequate and subsequent constitutions and amendments gave much greater rights and powers to the Federated Republics which provided a much sounder basis for the edification of the federative experience in Yugoslavia.

In the light of its own experience and the experiences of the others, the Turkish Cypriot side, in its desire to commence the new venture with a federation which will eventually evolve into a stronger partnership, cannot ignore the tragic events of the past and risk the breaking down of the federation by not proceeding cautiously and realistically or by imposing too much of a strain on the central government.

The executive, legislative, judicial and other organs of the federation shall be constituted having due regard to the above-mentioned principles, namely, the federal principle, political equality and the necessity of forming a viable federal machinery in the light of the realities of Cyprus in order to reduce the risk of deadlocks.

LEBANESE CRISIS

Irfan Acar

A General Outlook And Lebanon Up To The Civil War

The term, "Lebanese Crisis" has become familiar ever since 1975, the beginning of Civil War. Lebanon, a small country in the Eastern Mediterranean, has been a territory of conflict and struggle among various ethnic and religious groups throughout its history. The "Maronites", "Greek Orthodox", "Greek Catholics" and "Armenians" constitute the main sects on the Christian Side while the "Sunnis", "Shiites" and "Druze" are the major religious communities of the Moslem Side (1). The political power-sharing in the country, based on the size of religious groups is the origin of the sectarian conflict. This element has always sharpened the religious divisions in the country, stimulating each of them to seek more political power.

Though the main intransigence is between "Christians" and "Moslems", conflicts within various groups of the same community should not be neglected. The recent clashes between Amal and Hizbullah, the two Shiite parties, and the family feud between the Gemayyels and Frangieh, member of the same Maronite Community, are only a few examples. These widespread struggles with their different motives and aims give a more controversial character to the "Lebanese Crisis".

These religious, political and personal divisions prevented the formation of an homogenous "nation-state" in Lebanon and diminished the effectiveness of the central authority (2). The Lebanese Army, consisting of mainly Maronite officers and soldiers from all religious groups was never able to establish overall control of the Lebanese territory and failed to restrain inter-sectarian clashes. Once the two sides faced a confrontation, soldiers tended to join the para-military forces of their own community, rather than taking part in the Army divisions. The para-military organizations based on religious communities were superior to the Army in size and power.

The political parties in the country relied on the various sects rather than political ideologies and advocated the interests of their own religious community. The Christian "Phalangist Party", Shiite "Amal" and "Hizbul-lah", Druze "National Movement" and Sunni "Najjida" are examples of some influential organizations in the country. Another feature of internal politics in Lebanon is the loyalty to charismatic chiefs and leading families. Throughout the history of Lebanon Gemayyel, Karami, Chamoun, Frangieh, Sulh etc., the leading families, have played a more influential role in the policy-making process than the official authorities of the country.

Lebanon's vulnerable situation and the conflicting interests of its different groups has initiated foreign intervention in its internal affairs for centuries. The Maronites, assisting the Christian Crusaders in the XI th Century, established close contacts with the Christian West, in particular with France. The Druze counted on British support in their conflicts with the Maronites from the XVIII th Century onwards, while the Russians developed good relations with the Greek-Orthodox Community. In the XX th Century, following the independence of Syria and the foundation of Israel, these two neighbouring countries became the major foreign powers influencing Lebanon's internal situation.

Lebanon was under French mandate from 1920 to 1943, following four centuries of Ottoman rule. For once in their history, all Lebanese ethnic communities joined hands for a unified struggle against French rule to achieve their common objective of political independence (3).

In 1943, the year which marked independence from France, the ethnic groups agreed on an unwritten "National Pact". According to this Pact, the principle had been established whereby the President would be a Maronite, the Prime Minister a Sunni Moslem and the Speaker of the Parliament, a Shiite. The proportion of representation in the parliament would be 6 to 5 in favour of Christians and the same proportion would be applied at all levels of the country's administration (4).

At the time, this arrangement was consistent with the population of the various sects. However, within a couple of decades, the rapid change in the demographic structure of the country fell short of reflecting this reality. In due course, the Shiites, rapidly increasing in population became the most populous community and voiced more and more frequently their demand for a bigger share in the administration of Lebanon. The Shiite attitude was supported by the Moslem sects of

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Lebanon but opposed by the Christians. The Moslems' search for equal power-sharing, and its rejection by Lebanese Christians, escalated the tension between the two sides.

The Palestinian presence in Lebanon following the first Arab-Israeli War in 1948, deepened the divisions between the two religious communities, especially after the Palestinian military build-up and resumption of border clashes with Israel. The Palestinian refugees, with a Sunni majority, were supported by the Moslems while the Christians voiced their disapproval of the Palestinian presence in view of the danger of an Israeli invasion to eliminate the Palestinians. Legal authorization for the Palestinians to possess arms in their camps and to freely join the Palestinian armed struggle in accordance with the "Cairo Agreement" of 1969 further escalated the tension between Moslems and Christians.

The intransigence on political power-sharing between the two main religious communities was sharpened by the conflicting policies over the "Palestinian presence in Lebanon" and drew the country into a civil war.

The Lebanese Crisis From The Civil War To The 1980's

On 13 April 1975, during the opening of a church in East Beirut by the Phalangist Party leader Pierre Cemayyel, four Christians, including two Phalangist militiamen and one of Cemayyel's bodyguards lost their lives when unknown persons shot at the crowd from a passing car. Subsequently Phalangist soldiers, holding the Palestinians responsible for the incident murdered all the Palestinian passengers of a bus in the nearby district of Ayn El-Rummana. These two incidents immediately provoked all the religious communities in the country and turned the crisis into an all-out civil war (5).

The Lebanese Civil War, with Christians on one side and Moslems and Palestinians on the other, continued until 16 October 1976, passing through six main stages. Explosions and armed combat, including the use of artillery, turned Beirut into a city of conflict and suffering. Once regarded as the "Paris" of the Middle East, Beirut became a city of war where people in the streets were brutally killed because of their religious identities. The city was divided into two sections, the west mainly Moslem and the East mainly Christian.

Toward the end of the Civil War, the Moslem-Palestinian alliance seized control in most regions of the country and signs of anxiety spread among the Christian Community. The Palestinians, crossing over from Syria and the Beqaa Valley helped to reinforce the Moslem combat troops. The Christians, fearing a military setback and loss of their advantageous position in the administration of the country decided to seek assistance from Syria to put an end to hostilities. Syria, which for long had a close interest in Lebanon welcomed the request of Lebanese President Suleiman Frangich, to send troops to Lebanon and play a mediating role between the warring groups. The Syrian intervention helped the Christians to avoid a military defeat, and the fiftieth cease-fire announced on 16 October 1976 marked the end of clashes. The Civil War caused the death of 60 thousand people and left 200 thousand wounded (6).

However, in the post-Civil War era the lack of an Agreement to balance the demands and interests of ethnic groups in the country prevented a permanent solution to the crisis and restoration of peace and stability in Lebanon. All ethnic groups of the country preserved their existing strategies, while Palestinian-Israeli operations prevailed in the South. In addition to this a new foreign element, the presence of Syrian troops, started to influence the internal politics of Lebanon. In due course, relations between the Syrians and the Christian Community of Lebanon deteriorated. The Christians advocated the withdrawal of Syrian troops from Lebanon, stressing that the reasons for the Syrian presence had disappeared due to the relative security in the country. This shift in the Christians' attitude toward Syria cooled relations between the two sides and led to direct conflict in the Christian Sector of Beirut. The Christians' armed struggle against Syrian forces continued until the latter's complete evacuation from this part of the town. This development opened a new phase in the internal politics of Lebanon, creating a closer relationship between Syria and its Moslem counterparts in the country.

The Israeli Invasion And Subsequent Developments

The Israeli invasion of Lebanon in 1982 had a substantial impact on the Lebanese internal situation and resulted in Western intervention, increasing internationalization of the Lebanese Crisis.

Israel's fundamental goal in invading Lebanon was to destroy the Palestinian resistance in South Lebanon, which it considered a threat to its

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northern security. In the pre-invasion era, military operations by both sides in South Lebanon had escalated, while Israeli air raids on Palestinian bases in Lebanon intensified. 6 June 1982 marked the beginning of the Israeli invasion when 250 Israeli tanks crossed the border starting a fierce and long struggle with Palestinian guerrillas (7). Within a few weeks Israeli troops had reached the southern suburbs of Beirut. By the end of June, some 11 thousand Palestinian fighters and 3 thousand Syrian soldiers had been surrounded in West Beirut. The Israeli forces united with their allies, the "Lebanese Forces" in East Beirut, led by Beshir Gemayyel who seemed quite satisfied with the Israeli invasion, thus weakening the Palestinian movement in the country. From the end of June 1982, Israeli troops surrounding the whole of West Beirut, exerted maximum pressure on Palestinians by intensified bombardments from ground, sea and air.

While Israeli bombardments became the nightmare of Palestinian guerrillas and the Moslem inhabitants of West Beirut, no effective measures were taken by any country to end this open violation of Lebanon's territorial integrity. Nor did the Arab countries of the region convey any assistance to the Palestinians beyond sending messages of sympathy. In the end, the special envoy of the US President, Philip Habib, through a historic mediation between the warring sides, secured an agreement in August 1982 which envisaged the evacuation of Palestinian and Syrian forces from West Beirut. The Israeli invasion had caused the death of some 6 thousand people and left 30 thousand injured.

By September 1982, all Lebanese territory was under foreign occupation. Israeli forces were deployed in the area between South Lebanon and Beirut. Syrian troops controlled the Beqaa Valley and Northern Lebanon with some 30 thousand soldiers. In addition to this, at the request of the Lebanese Government, a "Peace Keeping Force" consisting of American, French and Italian soldiers was deployed in Beirut and its suburbs to assist the Lebanese Government in desperation of the occupation, entered into negotiations with Israel. The USA also took part in this process as a full partner. An agreement was signed on 17 May 1983 stipulating a simultaneous Israeli and Syrian withdrawal from Lebanon. Nevertheless, the opposition of Syria and some Lebanese Moslem leaders, prevented the implementation of this accord.

The unresolved "Lebanese Crisis" further deteriorated during the course of the 1980's due to increasing intervention and influence in the country.

The divided communities of Lebanon established close links with Israel or Syria in accordance with their own interests and policies. This element further sharpened the conflicts and gave the "Lebanese Crisis" a more complex character.

Following the Israeli invasion, radical Shiite militias began to attack the soldiers of Israel and the Peace Keeping Force. These assaults, causing considerable loss of lives, forced the governments of Western countries contributing to the Peace Keeping Forces to withdraw their soldiers from Lebanon. The Israeli Government also decided to retreat from Lebanon and put an end to the costly occupation with its human loss and immense burden on the military budget. However, Israel continued to keep soldiers in an area 10 kilometers deep in South Lebanon, the "self-proclaimed" security zone.

The withdrawal of Western and Israeli soldiers from Lebanon increased Syrian influence in the country. The pro-Western Administration of President Amin Gemayyel, though not too friendly with the Syrians, had no choice but to resume a dialogue with President Hafez Asad of Syria. Meanwhile, the political vacuum in the country led to a resumption of sectarian struggle. The Shiah Amal movement, strengthening its militias resumed its struggle for a better share in the administration, while the new government led by Rashid Karami adopted a "security plan" aimed at restoring law and order in the country through a strengthening of the Lebanese Army and the support of Syrian troops.

At the end of 1985, under the guidance of Syria, three leading figures in the country, Elie Hobeika, Commander of the "Lebanese Forces", Nebih Berri of Amal and Walid Jumblatt of the Druze announced an Agreement providing equal representation for Moslems and Christians in the country's legislative organs. Nevertheless, this new Agreement didn't last long. The Christian faction led by Samir Geagea revolted against Hobeika and defeated his partisans by use of arms. Subsequently, clashes broke out between Christians and Moslems. The Christian reaction once again demonstrated their longstanding policy of opposing any political reforms which undermined their advantageous position in the administration of the country.

While the fundamental Christian-Moslem rivalry continued, armed struggle between Moslem factions also flamed up in various regions of the country. A Shiite-Druze Alliance defeated the Sunnis in West Beirut. Sporadic clashes between Palestinians and pro-Syrian Amal

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militias in the southern suburbs of Beirut, mainly in the Sabra and Chatilla refugee camps, caused substantial loss of lives. Inter-Shiite divisions and rivalry between the Amal and Hizbullah factions, escalated and led to fighting in the Moslem area of the country. While the Amal-Palestinian struggle reflected attempts of hegemony over certain areas, the Amal-Hizbullah conflict sprang from differences in political strategy. Amal favoured an independent Lebanon based on cooperation between all ethnic groups with a more equitable division of political power, while the pro-Iranian Hizbullah advocated the foundation of an Islamic State in Lebanon.

The internal situation in Lebanon has further deteriorated since last September when the Parliament failed to elect a new President. Ethnic groups in the country failed to agree on a common candidate. Moreover, the Christian militias prevented the election of Suleiman Frangich, a candidate imposed by Damascus. Hours before the termination of his mandate, President Gemayyel announced a new cabinet led by Army Commander General Michel Aoun. However, three Moslem members of the newly appointed cabinet declined to accept their posts. There were subsequently two governments, one led by Christian Phalangist Michel Aoun, the other by Sunni Moslem Selim Hoss, struggling to gain legitimacy and recognition inside and outside Lebanon and to widen their areas of jurisdiction.

These new developments opened a new phase in the "Lebanese Crisis", raised the risk of division and, encouraged the concept of "federalization", favoured, in particular, by the Christians. The Christians, aware of the demographic transformation in the country, which had turned them into a "minority" in the 45 years since independence, advocated a federation of Christians, Sunnis, Shiites and Druze and demanded the withdrawal of all foreign troops and guerillas from Lebanese territory. Perhaps, with this in mind, the Christians have since 1986 opened their own television station and striven to build a social-security organization and welfare programme in their own enclave (8).

The passage of almost 14 years of war and conflict since the beginning of the Civil War has failed to bring about any solution to the "Lebanese Crisis". Half of its territory is controlled by Syrian troops and 5 percent is under Israeli occupation. With ongoing fighting between religious groups and "two governments" claiming legitimacy, there are few positive signs in Lebanon for a return to peace and security.

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FOOTNOTES

- (1) Michael Hudson, Arab Politics, P. 282-283
- (2) Oral Sander, The Historic and Social Origins of Lebanese Crisis, SBF Journal, 1982
- (3) Kamal Salibi, The Modern History of Lebanon, P. 184-190
- (4) Helena Cobban, The Making of Modern Lebanon, P. 70
- (5) Kamal Salibi, Cross Roads to Civil War, P. 97-98
- (6) Hudson, Op. cit. P. 281
- (7) Cobban, Op. cit., P. 181
- (8) Newsweek, P. 35, 5 September 1988

THE QUESTION OF PALESTINE

Irfan Acar

The Historical Background

There is a widespread conviction that the question of Palestine lies at the core of the ongoing crisis in the Middle East. A historical analysis of the Palestinian problem would seem essential in order to understand its roots.

In this part of the World, two nations, the Palestinians and the Jews claim rights, basing their assertions on historical factors. Following the emergence of Judaism in these land and the Roman defeat of their first Kingdom, founded by King David, the Jews dispersed all over the world, preserving their language, culture and religion throughout the centuries. On the other hand, the Arab Palestinians, the indigenous people of the land, had adopted Islam, following its emergence and have been Moslem inhabitants of Palestine, since then. All these historical elements subsequently created the conflict in Palestine based on "nationality" and "religion".

The first "Zionist Conference", organized by the Jewish journalist Theodor Herzl in Basel in 1897, at which the Jews adopted a decision prescribing the establishment of a "Jewish State" in Palestine can be considered as the first step toward the forthcoming crisis in Palestine. The Jewish leader of this era, Chaim Waizmann, intensified his efforts to convince the British Empire to give the Jews the necessary backing for the implementation of their decision (1). In 1917, the British Government issued a statement known as the "Balfour Declaration", expressing the Government's support for the establishment of a "national home" for the Jews in Palestine (2). The mass migration of the Jews to Palestine, mainly from Eastern Europe, increased following the "Balfour Declaration" and further intensified in the 1930's due to the notorious Nazi persecution in Germany.

However, in conflict with the spirit of the "Balfour Declaration", the British Empire had also promised the Arabs of the Middle East, support for the establishment of an "Arab State" in the region, including the territory of Palestine. This contentious policy of the British Empire exacerbated the intransigence of the two peoples and paved the way for hostilities and violence in Palestine.

Following the First World War, Palestine was among several Arab territories placed under a "Mandate" in accordance with the provisions of the League of Nations. The relevant articles of the League's Covenant considered these territories, which formerly belonged to the Ottoman Empire and were home to communities at various levels of development, whose existence as independent states had to be secured through a transitional period of "mandatory regime". In this context, Palestine, along with some other Arab provinces, was placed under British mandatory rule.

Although the other Arab communities gained their independence in the following decades, Palestine became the scene of dramatic developments. The Jews, emigrating from various parts of the world with their immense capital, while making the Jews the dominant nation in the territory, turned the Palestinians, in their own homeland, into a relatively poorer and less influential community in economic and political terms.

During the twenty-five years of British mandate, from 1922 to 1947, Jewish immigration continued and the Jewish population rose to 30 percent in 1947 from its level of 10 percent in 1917.

Feeling under pressure, the Palestinians resisted Jewish immigration and clashes broke out in the early 1930's between the two communities. Great Britain, as the mandatory power, tried to implement various formulae to find a solution to the crisis. Schemes for partition, provincial autonomy, and a unified, independent Palestine were all considered and abandoned. Finally, in 1947 Great Britain in desperation and frustration, handed the problem over to the United Nations.

The UN General Assembly convened in September 1947 and started to deal with the question of Palestine. Two main proposals were put forward in the General Assembly as solutions to the problem. The first and most favored solution, known as the "majority proposal", laid down the following principles :

1. **Partition and Independence** : Palestine within its present borders, following a transitional period of two years from 1 September 1947, should be divided into an independent Arab State, an independent Jewish State and the City of Jerusalem ...

2. **Citizenship** : Palestinian citizens, as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, should, upon the recognition of independence, become citizens of the State in which they were resident.

3. **Population** : The figures given for the distribution of the settled population in the two proposed States was as follows (3) :

	Jews	Arabs and others	Total
The Jewish State	498.000	407.000	905.000
The Arab State	10.000	725.000	735.000
City of Jerusalem	100.000	105.000	205.000

The second proposition, defined as the "minority proposal" stipulated the establishment of an independent Federal State of Palestine, composed of an Arab State and a Jewish State with a single Palestinian citizenship and, Jerusalem as its capital.

After long discussions in the UN General Assembly, the "majority proposal" was accepted on 29 November 1947 through Resolution 181. The Jews seemed in favor of the "partition plan" while the Arab States declined to support the resolution and voted against it. Nevertheless, the resolution failed to secure a solution to the Palestinian problem and further deepened the crisis in the region. Clashes broke out between Palestinians and the Jews as the British forces started their withdrawal from Palestine.

The State of Israel and Crisis in the Middle East :

On 14 May 1948, the State of Israel was proclaimed by the Jews. The United States and the Soviet Union recognized the new state, the same day. The following day marked the departure of the British High Commissioner, signaling the end of the mandate. 15 May also marked the beginning of the first Arab-Israel War in the Middle East.

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In this first war, the Arab States, suffered a setback against Israel and lost control of the Negev Desert and Gallilee Region. In the following Arab-Israeli Wars, which took place in 1956, 1967 and 1973, the Arab countries not only failed to achieve a military victory against Israel but also lost a considerable slice of territory. During the "Six Day War" of June 1967, Israel seized control of the West Bank, Gaza, the Golan Heights and Sinai Peninsula.

Following their defeat in the Wars of 1948 and 1956, the Palestinians adopted a new strategy of basing their struggle against Israel on their own power rather than relying on Arab countries. For this purpose, the "Palestine Liberation Organization" (PLO) was founded in 1964 and commenced its political and military build-up in Lebanon, Israel's northern neighbor. In due course, the PLO succeeded in gaining widespread support and recognition as the sole and legitimate representative of the Palestinian people (4). The organization opened "Representational Offices" in a considerable number of capitals and was granted the status of "observer" at the United Nations.

The sectarian divisions and lack of central authority in Lebanon enabled the Palestinian guerillas based on Lebanese territory to operate against Israel with the backing of their radical Moslem allies. The military operations between Israel and the Palestinians in South Lebanon escalated into a full invasion of Lebanon by the Israeli forces in 1982. This Israeli action, in violation of the territorial integrity and independence of a sovereign country, led to worldwide repercussions. The special envoy of the US President, Philip Habib, acting as mediator between the parties, succeeded in securing an agreement in August 1982 which envisaged the evacuation of Palestinians from Beirut, including the PLO leader, Yasser Arafat (5).

The United States, this time acting as a mediator, has provided political and military support to the State of Israel ever since its foundation. This US policy is a result of its superpower policies in the Middle East and the influential Jewish lobby at home. Until very recently, the US regarded the PLO as a terrorist organization and rejected any deal with it until PLO recognized the "existence of Israel" and renounced all forms of violence and terrorism.

The Soviet Union, on the other hand, recognized and supported the PLO and established close links with the Arab countries. In recent years the USSR has advocated an "International Peace Conference" to search

for a negotiated solution to the Middle East question with the participation of the permanent members of the UN Security Council and all interested parties, including the PLO. This policy was backed by the majority of Arab countries and the PLO.

Turkey, for its part, had diplomatic ties with Israel, and recognized the PLO as the sole and legitimate representative of the Palestinian people and supported the rights of the Palestinians including the establishment of their own state. Turkey also regarded the withdrawal of Israel to its pre-1967 borders as essential and favored, if all interested parties agreed, an international peace conference to settle the ongoing crisis in the region.

Consideration should also be given to the policies of countries neighboring Israel and their relationship with the PLO. Egypt signed a peace treaty with Israel in 1979, the "Camp David Agreement", whereby she established diplomatic ties with Israel and regained the Sinai Peninsula in return for peace. Syria traditionally had cool relations with the PLO and supported Palestinian factions like "El-Saika" which were under her guidance.

The attitude of Lebanon was rather complex due to divisions within the country. The Christians and some Moslem factions acted against the Palestinian presence, claiming that their existence invited Israeli invasion, raised the danger of war and exacerbated inter-sectarian divisions in the country. Though some Moslem groups occasionally were allied with the PLO, a rivalry for hegemony in various parts of the country led to clashes between Palestinian guerillas and various Moslem factions, such as the Palestinian-Amal (Shiite) clashes in the suburbs of Beirut and Southern Lebanon.

As regards Jordan, after a period of cool relations with the PLO due to the tragic events of "Black September" in 1970, when the Palestinians in Jordan revolted against the regime of King Hussein, the two leaders, Arafat and Hussein re-established good relations and resumed a dialogue in the early 1980's. A strategy envisaging a Jordanian-Palestinian Confederation was agreed upon between the two leaders but fell short of being pursued and realized. Fluctuating relations between the two sides led to King Hussein severing Jordan's legal and administrative ties with the West Bank, turning over responsibility to the PLO.

The Uprising (Intifada) and the Proclamation of the Palestinian State :

The uprising (intifada) in the occupied territories as of December, 1987 marked a historical turning point in the land. The unresolved crisis in the region and deteriorating economic and social conditions of some 1,5 million Palestinians in the West Bank and Gaza stimulated them towards insurrection. On 8 December 1987, the death of four Palestinians hit by an Israeli military vehicle led to widespread protest in the area. Within a short time the protest proliferated and backed by general strikes turned into a general uprising in the territories under Israeli occupation.

After a period of hesitation, the Israeli Government decided to respond to the uprising by force, including the use of arms. Following severe and sometimes brutal Israeli measures employed against the Palestinians, more than 300 Palestinian civilians including women and children lost their lives, while 18 thousand were arrested and 5 thousand imprisoned in the first year of the uprising. These notorious actions of the Israeli Government were subject to worldwide criticism and focused world public opinion more closely on the Palestine question.

For the first time in 40 years, ever since the establishment of Israel, a Palestinian resistance emerged within the territories under Israeli occupation and had a deep influence on Israeli domestic politics. On the eve of the Israeli general elections in November, the future status of the West Bank and Gaza was the main focus of the campaign. The Israeli Foreign Minister and Labor Party leader Shimon Peres advocated a policy of "land for peace" and campaigned for an international peace conference to search for a solution, whereas the Prime Minister and head of the Likud Bloc Yitzhak Shamir, rejecting the idea of any such conference, favored only limited autonomy for the Palestinians and reiterated his intention of creating new Jewish settlements in the occupied territories.

In line with pre-election surveys, the voting provided no majority for either of the two main parties in the Knesset (parliament), resulting in almost equal representation. However, the strengthening of the small religious and rightist parties raised the chances of Prime Minister Shamir to form the new cabinet and the Israeli President Chaim Herzog conferred this mandate to him.

In the wake of the US Presidential and Israeli general elections the Palestine National Council (PNC), regarded as the Palestinian Parliament in exile, convened in Algiers between 12-16 November 1988. Following three days of long discussion, on 15 November, the Council unanimously agreed on the proclamation of an independent Palestinian State with its capital Jerusalem. A political statement issued by the PNC referred to UN General Assembly Resolution 181(1947) envisaging the partition of Palestine into two states, one Arab, one Jewish, as the basis of the new state. It also endorsed UN Security Council Resolutions, implying tacit recognition of Israel. Rejecting the threat or use of force, violence and terrorism against other peoples' territorial integrity and political independence, the statement supported the "intifada" pledging to continue the struggle until the end of the occupation and the establishment of sovereignty and independence (6).

By accepting the UN Resolutions, through tacit recognition of Israel and renunciation of terrorism, the PNC attempted to meet the US preconditions for dealing with the PLO. After the PNC meeting, PLO leader Yasser Arafat defined the Palestinians' new position as "moderation, flexibility and realism". He announced that the Palestinians had gone as far as they could and were entitled to some reward in return, adding, "The ball is now in the American court".

The principles laid down in the PNC statement undoubtedly marked a radical shift in the Palestinian strategy. The PLO since its foundation in 1964 had pursued a policy of rejecting Israel's existence and had aimed at the creation of a Palestinian State on the territory of Israel and the occupied territories. The new strategy adopted in Algiers envisaged co-existence with Israel and the establishment of two neighboring independent states living in peace.

The PNC statement was a clear victory for Arafat and his supporters. Arafat emerged in a strong personal position, able to formulate PLO policy. The radical faction of the Palestinians, headed by George Habash expressed reservations about the endorsement of the UN Resolutions and voted against the statement. However, obeying the will of the majority, the radicals did not walk out of the Council.

The proclamation of the Palestinian State filled the vacuum created, when King Hussein of Jordan cut his political ties with the occupied territories last July, and responded to the expectation of the Palestinians

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living in West Bank and Gaza, who had made clear in the previous year that they favored a political solution.

The Israelis reacted sharply to the PNC decision. Prime Minister Shamir shrugged off the declaration calling it "a deceptive propaganda exercise". Supporters of Shamir issued a statement warning that "ironfist policies should be resorted to as the only correct response to the independence declaration". Foreign Minister Shimon Peres, who campaigned against Shamir, advocating an international peace conference said, "the Palestinians have adopted a more extreme position behind a smoke screen of moderation".

The US administration reacted more coolly than the Palestinians had anticipated. Washington called the Algiers declaration "encouraging" but said it fell short of meeting the longstanding US conditions for dealing with the PLO, which included explicit recognition of Israel's right to exist and a complete renunciation of terrorism. A declaration on behalf of the EC, which created disappointment among the Palestinians called the endorsement of the UN Resolutions in Algiers statement a positive step but declined recognition of the new state.

A considerable number of states, in particular the Arab countries with the exception of Syria and Iran, recognized the Palestinian State shortly after its proclamation. This number exceeded 70 in the first two weeks of the new-born state.

Turkey, for its part, recognized the Palestinian State on the day of its foundation. Prime Minister Turgut Ozal issued a statement indicating that Turkey recognized the new Palestinian State and supported the decision of the PNC under the leadership of the PLO, the organization regarded as the only legitimate representative of the Palestinian nation. Prime Minister Ozal also expressed Turkey's hope that the PNC decision would pave the way for a solution to the problem whereby all parties in the region could co-exist in peace and security.

Turkey's recognition of the new state was welcomed by the Palestinians and Arab countries, but drew Israeli criticism. The Turkish authorities announced that Turkey's stand, recognizing the Palestinians right to create their own independent state and the State of Israel, with internationally recognized borders was a natural consequence of its longstanding policy with regard to the question of Palestine.

Following the Algiers Declaration, the US Administration decided not to issue a visa to the PLO leader Yasser Arafat, thus preventing him from delivering a speech at the UN General Assembly in December 1988. This US decision received wide-spread criticism in all over the world. When President Reagan and Secretary of State George Shultz declined to change their attitude despite pressure from numerous countries and organizations, the UN General Assembly adopted a resolution stipulating the transfer of the General Assembly session to Geneva between 13-15 December, to discuss the Palestinian problem. Only the USA and Israel voted against this resolution which was approved by 154 members of the United Nations while Britain abstained.

The PLO leader Yasser Arafat in his speech in Geneva reiterated the PNC policy of renouncing all forms of terrorism, including state terrorism, underlined their commitment to UN resolutions and called on the convening of an international peace conference under the auspices of United Nations to search a negotiated solution to the Palestinian problem. Following Arafat's speech, the US Administration, with a radical shift in its policy, announced its decision of opening a dialogue with the PLO and instructed the American Ambassador in Tunis for this purpose.

The end of 1988, the fortieth year of the Arab-Israeli conflict marked a new stage in the Middle East. The Palestinian problem, the core of the crises in the Middle East continued to preoccupy the minds of the interested leaders and world public opinion. After four decades of tiresome struggle, one hopes that a just and lasting solution to the problem can be secured through peaceful means acceptable to all interested parties.

FOOTNOTES

- (1) Oral Sander, *Political History*, P. 516, SBF, 1984
- (2) *The Right of Return of the Palestinian People*, P. 8, UN Documents, 1978
- (3) *The Origins and Evolution of the Palestinian Problem Part II*, P. 21, UN Documents
- (4) Kamal Salibi, *Cross Roads to Civil War*, P. 25 Caravan, New York
- (5) Helena Cobban, *The Making of Modern Lebanon*, P. 181-186
- (6) Algiers Statement of PNC, 15 November 1988

LA DEMARCHE EUROPEENNE DE LA TURQUIE ET LA CONSTRUCTION EUROPEENNE*

Özdem Sanberk

C'est un grand honneur et un privilège pour moi de prendre la parole à cette réunion bilatérale organisée par l'IFRI et l'Institut de Politique Etrangère turc.

Je me réjouis de l'occasion qui m'est offerte de vous faire part d'un certain nombre de réflexions en ce qui concerne la demande d'adhésion de la Turquie à la Communauté, face aux enjeux et aux défis auxquels cette dernière se trouve elle-même confrontée.

Je limiterai ces réflexions essentiellement à l'aspect politique de notre démarche européenne, d'abord, par souci de ne pas être trop long et, ensuite, parce que je pense que l'aspect économique de nos relations avec la Communauté a jusqu'à présent été plus largement débattu que leur aspect politique.

A la fin de cet exposé, je me ferai, bien entendu, un plaisir de répondre à vos questions.

En déposant le 14 Avril 1987 sa demande d'adhésion, la Turquie a d'abord fait usage d'un droit qui lui est reconnu par le Traité de Rome. Par cette initiative qu'elle a prise en tant que pays membre du Conseil de l'Europe et pays remplissant les conditions de l'article 237 du Traité, la Turquie a confirmé son objectif traditionnel qui est celui de son ancrage à une Europe :

- politiquement pluraliste

* *Text of a paper presented at the Franko-Turkish bilateral Conference organized in Paris by IFRI and the Foreign Policy Institute on February 24-25, 1989.*

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- économiquement libérale
- culturellement riche dans sa diversité
- stratégiquement située à l'occident dans le cadre du système de défense et de sécurité du monde occidental.

Cette option de la Turquie est ancienne et profonde.

Elle est également politiquement et vise à faire partager à son peuple les memes valeurs et les memes chances que celles unissant les peuples européens au sein de la "Communauté de destins" née dans les années 50 de la vision volontariste et généreuse des Pères Fondateurs.

La Turquie, grace aux réformes radicales de modernisation et d'occidentalisation entreprises et réalisées dès le début de la fondation de la République dans les années 20, a déjà prouvé sa conviction qu'elle considère son avenir comme lié à celui des autres démocraties d'Europe occidentale. Elle a toujours partagé les valeurs que représentent ces démocraties.

En effet, la Turquie s'était déjà délibérément tournée vers l'Europe à cette époque-là mais l'Europe d'alors n'était pas mure . L'Europe ne parvenait pas à s'organiser, bien au contraire, elle se divisait et s'éloignait des principes moraux et démocratiques qui avaient fait naitre la civilisation contemporaine.

C'est à partir de la fin de la Deuxième Guerre Mondiale, lorsque l'Europe a commencé à bouger, que la Turquie a pris activement part aux mouvements d'intégration européenne.

Elle a été un des premiers membres du Conseil de l'Europe, membre fondateur de l'organisation devancière de l'OCDE et, enfin, est devenue membre de l'OTAN en assumant une responsabilité particulière dans la défense et la sécurité de l'Europe.

Aujourd'hui, le lien le plus important qui attache la Turquie à l'Europe est la foi du peuple turc dans une démocratie qui se fonde sur les libertés individuelles, le suffrage universel et les droits de l'homme.

Cette conviction est profondément implantée dans la société turque et n'est pas liée à la demande d'adhésion de la Turquie. Autrement dit, que la Turquie devienne ou non un jour membre de la Communauté,

l'attachement de mon pays à une telle conception de la démocratie n'en sera en rien affecté. Toujours est-il que cet attachement du peuple turc à une même conception de la démocratie constitue un important dénominateur commun et même le plus important. La demande d'adhésion et le processus qui s'ensuit favorisent le développement des structures socio-politique et, bien sûr, économique de la Turquie ainsi qu'il en a été pour les autres pays membres.

En somme, ce choix européen de la Turquie a trouvé ses motivations dans de telles convictions profondes et c'est au sein d'une Europe des communautés de destins ainsi perçue que le peuple turc projette ses propres espérances.

L'initiative européenne de la Turquie s'inscrit dans le caractère multi-dimensionnel de sa politique étrangère qui est le résultat de sa position géostratégique ainsi que de la spécificité de son identité culturelle issue du brassage des civilisations qui se sont superposées en Anatolie tout au long des siècles. Elle est donc en parfaite harmonie avec les liens historiques profonds qu'elle a avec les pays musulmans de la région du Moyen-Orient et de la Méditerranée avec lesquels elle développe ses rapports chaque jour davantage dans tous les domaines. Il en est de même pour ses voisins de la région des Balkans auxquels elle est attachée par des liens traditionnels remontant loin dans l'histoire.

La Turquie, donc, en tant que pays laïc ayant une population dans sa totalité musulmane, pays méditerranéen, pays balkanique et pays européen, a toujours suivi et poursuit encore cette politique étrangère multidimensionnelle dont les éléments se complètent et se renforcent. Ces différentes identités, loin de s'opposer les unes aux autres, s'interpénètrent et s'enrichissent mutuellement.

Ainsi, l'affirmation de ces identités culturelles diverses ouvre, à mon sens, les horizons sans limite d'une solidarité entre les différentes communautés. La République de Turquie, riche de ces éléments de diversité, a trouvé son inspiration intellectuelle, politique et sociale aux sources universelles qui furent l'héritage commun de l'humanité tout entière et qui firent naître le progrès contemporain. Et cette vocation européenne de la Turquie a toujours été une source essentielle de progrès constants et irréversibles. C'est là que résident la philosophie intrinsèque des principes de la République turque, de même que celle qui se trouve à la base de l'orientation délibérée de la Turquie vers l'Europe communautaire. Et je crois savoir qu'elle est également en

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parfaite harmonie avec la dimension culturelle de la construction de l'Europe qui est fondée non, me semble-t-il, sur une religion quelconque mais sur le concept du vouloir-vivre ensemble, sur le respect mutuel des identités culturelles diverses qui veulent partager un même destin.

A cet égard, il est nécessaire de souligner que le choix européen de la Turquie et plus particulièrement sa demande d'adhésion n'engagent pas seulement le Gouvernement actuel et les forces politiques qui lui font confiance.

Il est partagé par l'ensemble des partis politiques siégeant à la Grande Assemblée Nationale turque qui représentent 90 % des suffrages exprimés aux dernières élections législatives. Il bénéficie ainsi du soutien populaire. Donc, la politique européenne de la Turquie est une politique d'Etat assurée de continuité.

L'Europe des Douze est actuellement courtisée par plusieurs pays. Certes, il n'incombe pas à la Turquie de se prononcer sur les motivations des autres candidats potentiels à la CEE qui consacre aujourd'hui tous ses efforts à l'objectif de 1992 et qui a déjà marqué ses premiers succès.

Je rappellerai que dès la signature des Traités de Rome en 1957, la Turquie a partagé les ambitions politiques de la Communauté.

Ecartant l'option libre-échangiste et intergouvernementale qui l'aurait fait joindre l'AELE, elle a opté pour l'intégration à travers l'association en signant dès 1963 l'Accord d'Ankara inspiré du Traité de Rome et dont le préambule ainsi que l'article 28 prévoient comme finalité l'adhésion à part entière. Il est vrai que tant au regard des obligations contractuelles entre la Turquie et la CEE que de l'esprit qui a présidé à la conclusion de l'Accord d'Association, les relations de la Turquie avec la CEE sont aujourd'hui uniques en leur genre.

Je voudrais souligner par là l'unicité et la spécificité de nos liens avec la CEE. Bien sur, nous sommes conscients des difficultés de noter entreprise. Aucune entreprise de cette envergure ne peut aller sans de grandes difficultés. Dans la lignée de la philosophie des Pères Fondateurs de l'Europe communautaire, nous sommes décidés à surmonter ces difficultés dans la perspective de la construction de l'avenir et non du maintien du passé.

C'est la raison pour laquelle il ne s'agit pas pour la Turquie de devenir membre à part entière du jour au lendemain.

Il est question pour nous de nous organiser, de nous préparer pour le futur, d'ajuster notre économie à celle de la Communauté dans la perspective d'une adhésion à part entière.

La demande d'adhésion est pour la Turquie comme une lumière qui s'allume devant elle et vers laquelle nous voulons nous diriger.

Et c'est la raison pour laquelle, toujours, nous ne prévoyons pas d'échéances, nous ne prévoyons que des étapes.

Ces étapes sont, d'une part, la redynamisation de nos relations, de nos accords d'association, la multiplication des éléments d'intégration et, d'autre part, le déroulement normal du processus d'adhésion, c'est-à-dire la préparation d'un avis par la Commission, la saisine du Conseil par la Commission et la décision du Conseil, l'adoption d'un mandat de négociations, etc ...

En d'autres termes, nous avons devant nous deux processus parallèles qui se complètent et se renforcent mutuellement :

- d'une part, le processus de réactivation de nos accords d'association c'est-à-dire le rétablissement des équilibres rompus, et,
- d'autre part, le déroulement normal des formalités d'adhésion selon les normes institutionnelles.

Et nous sommes au début de ces processus.

La question est de savoir comment mettre en valeur ces deux processus au bénéfice de l'un et de l'autre sans perdre de vue l'objectif essentiel qui est l'adhésion le moment venu.

Avant d'en venir là, il faut peut-être regarder où en est la Communauté dans le contexte actuel.

L'intégration européenne a réussi à se dégager progressivement de la période d'immobilisme dans laquelle elle se trouvait dans les années 70.

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Elle a retrouvé sa vitalité au cours des années 80 et la construction européenne a gagné une impulsion au cours d'une période récente.

C'est grâce à la fixation d'un nouvel objectif, à l'établissement d'un calendrier et aux modifications apportées au mécanisme des prises de décision qu'est née cette force mobilisatrice.

Mais, toujours est-il qu'aujourd'hui, la CEE est confrontée à un double défi:

Celui qui consiste à réussir l'Acte unique et celui qui met face à face les partisans d'une intégration plus poussée et les adversaires d'une telle intégration.

Le premier défi est la conjugaison des exigences d'un grand marché intérieur et d'une solidarité Nord-Sud à l'intérieur d'un ensemble souffrant de déséquilibres régionaux de plus en plus marqués.

Ce premier défi est en passe d'être surmonté grâce au Plan DELORS adopté dans ses grandes lignes aux sommets de Bruxelles et de Hanovre, permettant des développements concrets dans le sens de l'accomplissement du marché unique ainsi que de la cohésion économique et sociale.

Quant au second défi, qui consiste à partager un destin commun, il met en jeu des forces profondes et des antagonismes anciens. Il pose la question originelle de la finalité du processus entamé en 1950. Cette question est de nature profondément politique.

Mais, autant que nous puissions le voir, la Communauté a adopté une approche réaliste pour atteindre les finalités politiques des Traités de Rome.

Les hommes politiques européens semblent être conscients que la construction de l'union européenne ne peut se faire d'un seul coup par le haut. Instruits de cette réalité, à juger notamment par les déclarations du Président de la Commission, M. DELORS, et l'idée qu'il a tout particulièrement soulignée dans le préambule du livre de M. CECCHINI, intitulé "1992 Le Défi", les européens savent que l'union ou l'intégration politique seraient l'aboutissement de longs efforts de rapprochement et de coopération. A la fin de ce processus, la forme politique que prendra l'intégration politique, autrement dit, le degré de supranationalité du

système institutionnel, sera décidée par les européens eux-mêmes d'un commun accord, le moment venu.

Mais, de toutes façons, pour atteindre l'objectif de l'union européenne qu'elle s'est fixé, la Communauté a dès maintenant entamé l'adoption et l'application de plusieurs mesures (Le Marché unique et la cohésion économique et sociale, le renforcement du rôle du Parlement européen et sa contribution à la réalisation du projet d'union politique).

Dans cette ordre d'idées, il apparaît que la Communauté donne la première priorité à la réussite de l'Acte unique, c'est-à-dire à la réalisation du marché unique et de la cohésion économique et sociale, à savoir au renforcement de ses structures et de son acquis.

Sur ce point précis, je voudrais appeler votre attention sur une considération très importante :

Il n'y a pas de conflit d'intérêts entre les ambitions et les priorités de la Communauté, c'est-à-dire entre le renforcement des mécanismes et des instruments communautaires, et les aspirations et les objectifs de la Turquie.

Car, la Turquie a exprimé clairement et solennellement son engagement en faveur d'une Europe économique forte et politiquement solidaire, dotée d'institutions efficaces dont le renforcement progressif conduira à la création d'une union européenne capable d'affirmer sa personnalité mondiale et de répondre aux attentes de ses citoyens selon le principe démocratique de la subsidiarité. Nous partageons les ambitions des Pères Fondateurs et voulons contribuer activement à la réalisation d'une Europe forte et unie.

Nous ne pouvons donc que nous réjouir du renforcement en profondeur des structures de la CEE.

La Turquie n'a pas intérêt à s'intégrer à une Europe faible :

Nous sommes convaincus que si notre adhésion avait pour effet d'affaiblir la cohésion économique et sociale de la Communauté, d'accroître le risque de dilution auquel elle est confrontée de par la permanence des forces centrifuges et de rendre plus improbable le développement de ses virtualités fédérales, nous en serions les premières victimes :

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D'abord, en ce qui concerne notre sécurité :

Une Europe affaiblie pourrait être entraînée dans la sphère d'influences des superpuissances.

Deuxièmement, une Europe affaiblie serait incapable de dégager les moyens de la solidarité et de maintenir l'espace de croissance que nous attendons d'elle pour notre propre développement.

Ainsi, dans notre démarche européenne, nous sommes conscients des enjeux aussi bien que des difficultés et nous ne nous attendons pas à ce que notre adhésion à part entière se réalise à court terme.

Mais, il y a un point très important : nous avons besoin d'écarter l'élément d'incertitude dans nos relations avec les C.E. Nous en aurions besoin pour le maintien du consensus qui s'est formé autour de l'idéal européen. Nous en aurions besoin pour le succès de la politique de redressement économique et de modernisation sociale et politique de la Turquie. Nous en aurions besoin pour que le peuple turc sache vers quelle direction convergent les efforts qui lui sont demandés.

Ces sont là quelques réflexions qui illustrent l'importance pour la Turquie de l'ouverture des négociations d'adhésion dans un délai rapproché et avant 1992, indépendamment de la durée de ces négociations et du moment de l'adhésion.

En effet, l'ouverture de ces négociations sera de nature à conforter auprès de l'opinion publique le sentiment de l'inéluctabilité et de l'irréversibilité de la démarche européenne de la Turquie.

Les résonances politiques et psychologiques d'une telle décision seront d'une portée considérable. Il va sans dire que le rythme des négociations et le délai fixé pour leur conclusion seront proportionnels à l'ampleur des problèmes à régler de part et d'autre. Il n'y a qu'à voir le temps qu'il a fallu pour la conclusion des traités d'adhésion de l'Espagne et du Portugal.

Aussi, avons-nous nous-mêmes besoin de temps, du temps nécessaire aux transformations profondes de notre société qui l'amèneront à se rapprocher plus encore des conditions d'une adhésion.

Mais, encore une fois, il est vital pour nous de disposer de signaux en provenance de l'Europe nous indiquant que notre démarche a été comprise dans toutes ses dimensions et nous incitant à poursuivre d'une manière encore plus déterminée le processus concret de rapprochement

et d'intégration progressive dans l'ouest européen. Car, c'est lorsqu'on est animé d'une ambition assez claire, forte et tangible que l'on peut mobiliser toutes les énergies.

En effet, tout comme il est question pour la construction européenne, notre intégration à la Communauté ne se fera pas du jour au lendemain par l'exécution d'une simple décision provenant de haut niveau. Elle sera l'aboutissement d'intenses efforts progressifs de rapprochement et de coopération entre les parties intéressées qui prendront l'initiative de sceller en traité d'adhésion cette intégration qui ne serait que la consécration d'un état de choses déjà existant. Nous sommes convaincus que pour bâtir l'avenir, il faut commencer dès maintenant à adopter les mesures qui nous y mèneront. Et pour pouvoir prendre ces mesures, nous avons besoin de visibilité pour consolider l'objectif des agents économiques, sociaux et politiques du pays leur permettant de s'organiser et d'ajuster leurs efforts en fonction d'échéances prévisibles.

D'où l'importance de la mise en valeur du temps dont nous disposons d'ici à l'adhésion, c'est-à-dire de pouvoir mettre à profit, comme je l'ai déjà souligné, deux processus : celui du rapprochement et celui du cours normal de l'adhésion.

Nous sommes d'avis que cette mise en valeur peut se faire par une double action :

D'une part, en revitalisant l'Accord d'Association en essayant de rétablir dans toute la mesure du possible les équilibres rompus de cet accord et en exploitant à fond ses potentialités commerciales, économiques et techniques et,

d'autre part, en multipliant les éléments d'intégration avec la Communauté au-delà de l'Accord d'Association pour créer, en quelque sorte, une intégration de facto dans laquelle le processus juridique de l'adhésion, c'est-à-dire la signature du document d'adhésion, ne sera que la mise en oeuvre d'une simple procédure.

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Quels sont ces éléments de rapprochement, ces éléments d'intégration au-delà de nos accords d'association ?

Lorsque nous avons signé l'Accord d'Association, la Communauté était encore à ses débuts. Or, en 25 ans, des politiques communes ont été multipliées, des progrès dans le sens de l'unification européenne ont été accomplis dans plusieurs domaines qui n'avaient été prévus ni par le Traité de Rome ni par l'Accord d'Ankara. C'est la raison pour laquelle nous voulons aujourd'hui travailler avec la Communauté de 1989 qui prépare 1992.

Il s'agit de créer un réseau de contacts dans les divers domaines de la vie économique, sociale, politique, artistique et intellectuelle entre la Turquie et ses partenaires européens.

L'adhésion de la Turquie à l'Europe se ferait d'elle-même de façon progressive grâce à la multiplication d'éléments d'intégration tout au long de la période précédant cette adhésion.

De son côté, la Communauté disposerait d'un délai suffisant pour consolider son acquis, pour se préparer à l'unification monétaire, de défense et politique.

Nous croyons que cette approche d'intégration progressive et sans précipitation de la Turquie constitue en même temps la réponse la plus adéquate au souci justifié d'une augmentation du risque de dilution auquel la Communauté se trouve confrontée par une nouvelle participation et auquel j'ai fait référence tout à l'heure. Dans cet ordre d'idées, nous voulons assurer les Européens du soutien que nous ne leur ménagerons pas dans le nécessaire parallélisme à établir entre notre adhésion et le renforcement structurel de la CEE.

Je pense qu'un signal sans équivoque venant de la Communauté s'inscrirait dans ce parallélisme qui sera établi entre la démarche européenne de la Turquie et la dynamique de la construction de l'union européenne.

Sans aucun doute, les hommes de bonne volonté en Europe et en Turquie ont-ils, à juste titre, une appréhension provenant de l'ampleur de la tâche qui les attend s'ils veulent surmonter avec succès les immenses défis que j'ai tenté d'esquisser.

Pour la Turquie comme pour la CEE, il n'existe pas d'alternative viable à la solidarité européenne.

La distance qui sépare aujourd'hui la Turquie de l'Europe communautaire peut sembler à certains égards difficile à franchir. Nous sommes pourtant persuadés que le défi qu'elle pose peut sûrement être surmonté grâce à la mobilisation des énergies qui sont à la base de la substance et du génie de l'Europe.

Les Européens sont capables d'avoir une vision audacieuse et forte de l'Europe unie. Sans une telle vision, l'Europe ne sera pas en mesure d'accueillir un grand pays comme la Turquie, sans une telle vision, l'Europe ne sera pas capable non plus d'apporter aux Européens ce qu'ils recherchent.

Donc, à l'inverse d'une Europe fragile ou sans force, une Europe ambitieuse est capable de relever le défi turc.

THE ROLE OF THE ISLANDS IN DELIMITING MARITIME ZONES THE BOUNDARY BETWEEN TURKEY AND GREECE*

by Jon M. Van Dyke

I. INTRODUCTION

The problem of delimiting the continental shelf and exclusive economic zone between Turkey and Greece is one of the many issues that currently dominate the international relations between the two countries. Although legal principles can be identified that apply to this dispute, the drawing of boundary lines is intrinsically a political process, and is usually accomplished by direct negotiations between the states.¹ Increasingly in recent years, however, states have turned to arbitral or judicial tribunals to resolve dispute involving maritime boundaries, and the decisions of these tribunals have identified and developed legal principles that can now be drawn upon to resolve difficult boundary controversies.²

The dispute that have been submitted for decision have usually been those in areas with unusual geographical configurations, frequently involving islands. Many of the decisions, that have been issued, as will be discussed in detail below,³ have given islands less stature in generating extended maritime zones than the continental land masses that they are opposite or adjacent to. Article 121 (2) of the 1982 Law of the Sea Convention states that islands generate continental shelf land exclusive

* *This paper is an updated version of its original submitted at the international conference on the Aegean Sea organized by the Foreign Policy Institute at Cesme, Izmir, 6-7 October 1987. This article will be part of a book to appear shortly on the problems of the Aegean.*

zones in the same manner as "other land territory", except for "[r]ocks which cannot sustain human habitation or economic life of their own" which do not generate these zones at all. The decisions rendered in recent years do not however, take this all-or-nothing approach and instead have given islands that are within 200 nautical miles of the continental land mass of another nation "half effect" in generating extended maritime zones or---- in some cases---- no effect at all. The status of islands in generating such zones is thus currently unresolved in international law and each geographic configuration must be examined individually to determine what effect the islands should have in relation to their continental neighbours. After examining the controversy between Turkey and Greece this paper will analyze the recent arbitral and judicial decisions and explore how the principles used in these decisions might apply to the delimitation of the maritime boundary between Turkey and Greece in the Aegean Sea.

II. BACKGROUND

The 1923 Lausanne Peace Treaty awarded Turkey the entire Anatolian mainland, but awarded Greece sovereignty over almost all islands of the Aegean, which were populated by Greeks.⁴ At the time of the negotiation of that treaty, Turkey sought to retain Turkish sovereignty over Imros (Gokceada), Tenedos, and Samothrace, and demilitarization of Limnos (Lemnos), Lesvos (Lesbos), Chios, Samos, and Ikeria.⁵ Turkey was awarded Imros (Gokceada) and Tenedos plus the Rabbit Islands because of their proximity to the strategically important Dardanelles.⁶ Samothrace (Samothraki) and Limnos were demilitarized but awarded to Greece.⁷ The Dodecanese Group⁸ of Islands, long under Turkish control, was ceded to Greece in 1947, following decades of Italian occupation.⁹

The islands around which the current marine resource boundary delimitation controversy centers are the Greek islands in the eastern Aegean close to the Turkish continent. The islands specified in the 1976 Greek application to the International Court of Justice (ICJ) (see discussion below) were Samothrace, Limnos, Aghios Eustratios, Lesvos (Lesbos), Chios, Psara, Antipsara, Samos, Ikaria, and the Dodecanese group (Patmos, Leros, Kalymnos, Kos, Astypalaea, Nisyros, Tilos, Symi, Khalki, Rhodes, Karpathos, etc.).¹⁰ See Table 1 attached.

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In 1936, Greece claimed a six-mile territorial sea; in 1964 Turkey claimed a 12-mile territorial sea in the Black Sea and a six-mile territorial sea in the Aegean.¹¹ The 1958 Convention on the Territorial Sea and Contiguous Zone¹² did not define the breadth of the territorial sea, but the 1982 Law of the Sea Convention allows nations to establish the breadth of the territorial sea to a limit of 12 nautical miles.¹³ Turkey signed neither the 1958 nor 1982 Conventions; Greece signed both.¹⁴ Greece would like to extend to 12 miles the territorial seas around each Greek island, expanding its territorial sea from 43.7 percent to 71.5 percent of the Aegean.¹⁵ If Turkey were to extend its territorial sea claim from six to 12 miles, Turkey's gain in share of Aegean territory would be much smaller: from 7.5 percent to 8.8 percent.¹⁶ Turkey has declared that a Greek attempt to enforce such an extension would be a *casus belli*.¹⁷

In 1973, Turkey granted 27 permits to the Turkish Petroleum Company, an oil exploration company,¹⁸ to explore for petroleum on the continental shelf westward of several Greek Islands.¹⁹ Greece claims that these areas are part of Greece's continental shelf,²⁰ and that Turkey's concessions overlapped areas where in 1972 Greece had granted oil exploration concessions.²¹ Turkey's action was apparently based on its view that the continental shelf delimitation should be drawn midway, between the Greek and Turkish continental land masses, with no adjustment whatsoever for the Greek islands in the Aegean.²²

Table 1 lists, in roughly north to south order, the disputed Greek islands²³ in the Aegean near the Turkish coast. The list, which shows the area in square miles and the population as of 1951,²⁴ indicates that the islands in question range in size and population from the 1.5 square miles (4 sq.km.) uninhabited Antipsara to the 632 square mile (1,630 sq.km.) Lesbos (Lesbos) with a (1981) population of 88,601.

The contentions issue is the extent to which the Greek islands very near Turkey's coast entitle Greece to exploit the resources of the continental shelf. Turkey and Greece exchanged *notes verbales* over this question in 1974.²⁵ Greece claimed that in continental shelf delimitations "islands, as any other part of the coast, are entitled to have full seabed area."²⁶ Turkey rejected this claim and argued that "geographical study of the Aegean Sea..... does in fact prove the existence of vast submarine spaces of little depth all along and off the Turkish coast, which constitute the *natural prolongation of the Anatolian Peninsula and, thus of its continental shelf, whereas the Greek islands situated very close to the Turkish coast do not possess a shelf of their own.*"

Turkey's President reiterated the belief that the Anatolian Shelf, which extends midway into the Aegean, belongs to Turkey in his 1976 statement that the Aegean is "an extension of Asia Minor, and we will never allow it to be the 1974 exchange, Turkey stated that it preferred to settle the dispute through direct negotiations, but the Greek government stated that it preferred to submit the dispute to the International Court of Justice (ICJ).²⁹

In July 1976, Turkey announced plans to begin exploration for oil in Turkish waters and on the high seas.³⁰ Turkey's Sismic I began conducting seismological exploration on August 6, 1976 in Aegean waters claimed by Greece,³¹ concentrating research efforts on the waters adjacent to the islands of Limnos, Lesbos, Chios, and Rhodes, all of which are within 20 miles of the Turkish coastline.³² On August 10, 1976, Greece instituted proceedings in the ICJ,³⁴ requesting interim measures of protection pending judgment on the merits³⁵ and ultimately seeking a declaration delimiting the continental shelf in the Aegean.³⁶

The International Court of Justice denied Greece's request for interim protection.³⁷ Interpreting Article 41 of the ICJ Statute,³⁸ the Court reasoned that its powers to grant interim protection are limited to cases where an injured party would suffer "irreparable prejudice"³⁹ and that in this case Greece's alleged injury from Turkey's seismic exploration would be "capable of reparation by appropriate means."⁴⁰

In November of 1976, Turkey and Greece signed an agreement in Bern stating that neither could explore for oil in the continental shelf of the Aegean until the issue of delimitation of the continental shelf was settled.⁴¹ The agreement requires the two countries to hold talks to resolve their differences on the Aegean, but Greece now claims the Bern Accord no longer has effect because talks broke down in 1981.⁴²

In the meantime, Greece continued to press its claim at the International Court of Justice, but the Court decided in 1978 that it lacked jurisdiction over Greece's application for a declaration of rights of the parties in the continental shelf.⁴³ One basis for rejecting Greek claims to ICJ jurisdiction was that in becoming a party to the 1928 General Act for Pacific Settlement of Disputes, Greece had made a reservation excluding disputes relating to "territorial status". The Court interpreted this phrase to include sea boundary delimitations.⁴⁴ The court also rejected Greece's argument that a communique issued to the press jointly by Greece and Turkey was a binding international agreement that required

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Turkey to submit to the jurisdiction of the I.C.J.⁴⁵ Years of deliberation on procedural matters at the International Court thus left the substantive issues of the delimitation of the Aegean continental shelf undecided.

This dispute heated up again the spring of 1987 when both nations put their armies on alert after Turkey's oceanographic research vessel, the Piri Reis, ventured around the Greek islands of Limnos, Samothrace, and Thasos, where major oil deposits are located.⁴⁶ The Prime Minister of Greece warned of "huge dangers" if a second Turkish research vessel, the Sismic I, were to enter disputed waters of the Aegean Sea where Greece claims exclusive rights to explore the seabed for oil.⁴⁷ Tensions subsided once Turkey's Prime Minister announced that Turkey would honor the 1976 Bern accord and refrain from oil exploration unless Greece made the first move.⁴⁸

Greece has argued that the issues of delimitation of the continental shelf should be decided by the International Court of Justice, as an isolated legal question,⁴⁹ an approach some Turks have called "Greek salami tactics."⁵⁰ Turkey's position is that because the rights to exploit the natural resources of the seabed of the Aegean affect economic interests and national security interests of both countries, political and legal issues should not be considered separately.⁵¹ Turkey wants a dialogue with Greece, and has agreed to accept Greece's demand to take the issue to the ICJ, but only if Greece will also talk about the political aspects of the problem.⁵² Turkey has felt that the issues should be resolved through bilateral negotiation⁵³ to permit trade-offs among the many key issues dividing Greece and Turkey, such as the militarization of Greek and Turkish islands in the Aegean⁵⁴ and the division of Cyprus.⁵⁵

The Prime Minister of Greece and Turkey agreed, in January 1988 at Davos, Switzerland, to improve relations between the two countries by establishing several bilateral committees to define problem areas between the two nations and identify potential solutions. They also agreed that they would meet at least once a year to discuss mutual problems. The Prime minister met again at Brussels in March 1988 and reached an agreement on the Greek property seized by the Turkish government in Istanbul and Greece agreed to drop its objection to Turkey's becoming a member of the European Economic Community.⁵⁷ In June 1988, Turkey's Prime Minister went to Greece for three days, the first time in 36 years that a Turkish Prime Minister had visited Greece. The joint communique issued at the conclusion of the meeting made no mention of the disputes in the Aegean Sea.⁵⁸ A further meeting was held in

September in Turkey between the two leaders, but again the talks did not deal with the substantive issues regarding territorial claims in the Aegean. Greece offered to submit the Aegean continental shelf dispute to the International Court of Justice for resolution, but Turkey rejected the offer because of its position that all of the Aegean disputes should be examined together.⁵⁹

III. TREATY PROVISIONS AND JUDICIAL/ARBITRAL DECISIONS INVOLVING ISLANDS

The 1958 Convention on the Continental Shelf stated that the boundary between continental shelves of opposite and adjacent states should be median line unless special circumstances dictate another line,⁶⁰ but even under this regime an islands in the midst of another nation's geologic continental shelf was considered to be a classic special circumstances.⁶¹ Under the 1982 Convention, the median line /equidistance principle is no longer even the starting point for boundary delimitations, and nations with opposite or adjacent coasts are instructed to negotiate pursuant to the principles of "international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution."⁶²

The language in the 1982 Convention referring to "Article 38 of the Statute of the International Court of Justice" is widely thought of as a shorthand reference to the 1969 *North Sea Continental Shelf Case*⁶³ where the I.C.J. applied equitable principles to delimit the continental shelf of the Netherlands, Denmark, and the Federal Republic of Germany. Strict application of the equidistance principle would have denied Germany all but a small share of the shelf, because Germany's coastline is concave. The court held that "relevant circumstances" to consider in achieving an equitable solution include the configuration of the coastline and the proportionality between the length of a nation's coastline and the area of that nation's continental shelf.⁶⁴

The North Sea Continental Shelf Case is probably best known for its reliance on the principle of the "natural prolongation" of the continental shelf, a view that sees the undersea shelf as an extension of the continent, which leads to the conclusion that the islands projecting up from this underlying shelf do not have the same capacity to generate zones as does the continental landmass itself. Indeed the Court said in this opinion that "the presence of islets, rocks and minor coastal projections, the disproportionately distorting effect of which can be eliminated by other

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means", should be ignored in continental shelf delimitation.⁶⁵ It is significant that this early boundary decision thus rejected the notion that all islands should generate equal zones, even though the only provision defining the role of islands in the 1958 conventions did not differentiate among islands.⁶⁶

When the negotiations that led to the 1982 Law of the Sea Convention began in earnest in the early and mid-1970s, the question of the role of islands in generating ocean space was one of a central and a number of countries proposed how this matter should be resolved. The Pacific Islands States and Greece both introduced draft articles stating that islands' maritime spaces should be determined by the same rules governing other land territory.⁶⁷ The Greek draft and Part A of the Pacific Islands draft were substantially identical, and both declared that the provisions should apply to all islands.

Rumania, Turkey, and a number of African states submitted draft proposals that would have limited maritime spaces of islands according to various criteria. The Romanian proposal⁶⁸ defined "islets" as naturally formed high tide elevations less than one square kilometer in area. This proposal also used the term "islands similar to islets" which were defined as "naturally formed elevations of land" larger than islets that cannot be permanently inhabited or have their own economic life. Both categories would have been allowed in some circumstances to generate security areas and territorial seas as long as they did not prejudice the maritime zones of another nation. "Islets" or "islands similar to islets" in the international zone of the sea-bed would have been allowed to have such marine spaces as agreed upon with the International Authority.

The Turkish proposal⁶⁹ would not have allowed economic zones for islands under foreign domination or for islands situated on the continental shelf of another state if the island's land area was not at least one-tenth of the total land area of the nation to which it belonged. The Turkish proposal stated that "islands without economic life and situated outside of the territorial sea of a State shall have no marine space of their own."⁷⁰ "Rocks" and "low-tide elevations" would also have been denied marine spaces.

The draft articles introduced by the African states⁷¹ divided the world of land area surrounded by water into four categories-- "islands," "islets," "rocks," and "low-tide elevations"-- with the final three being denied jurisdiction over marine space. The definitions offered, however, would have needed additional refinement. An "island" was defined as "a vast

naturally formed area of land, surrounded by water, which is above water at high tide," and an "islet" was distinguished simply by substituting the word "smaller" for "vast". A "rock" was defined as "a naturally formed rocky elevation of ground, surrounded by water, which is above water at high tide". The marine spaces of these categories of land protrusions were to be determined by considering equitable criteria such as size, geographical configurations, "the needs and interests of the population living thereon," any conditions that "prevent a permanent settlement of population," and whether it is located near a coast.

These views were controversial and did not command a consensus among the delegates to the Third U.N. Conference on the Law of the Sea. When the President of the Conference and the Chairmen of the three committees prepared the Single Negotiating Text (SNT) ⁷² in April 1975, they attempted to formulate articles that would represent areas of consensus without prejudicing the position of any delegation. The language on the regime of islands was therefore brief and was designed to be inoffensive to all. Unfortunately, the ambiguity from the 1958 Geneva Conventions ⁷³ was carried forward. Paragraphs (1) and (2) of Article 132 of the SNT ⁷⁴ were taken directly from Article 10 of the 1958 Territorial Sea Convention. ⁷⁵ Paragraph (3) of Article 132 was new, however. This paragraph denied exclusive economic zones and continental shelves to "rocks which cannot sustain human habitation or economic life of their own," and thus added a new ambiguity.

The article on the regime of islands is now numbered Article 121 in the 1982 Convention; its language and ambiguities remained unchanged through the Revised Single Negotiating Text of May 1976, ⁷⁶ the Informal Composite Negotiating Text (ICNT) of 1977, ⁷⁷ the Revised ICNT of April 1979, ⁷⁴ and the Draft Treaty of August 1980. ⁷⁸ Indeed, no formal substantive discussion of the topic occurred after the 1974 Caracas session. S.H. Amerasinghe, then President of the Conference, noted in his explanatory memorandum to the 1979 Revised ICNT that the regime of islands "had not yet received adequate consideration and should form the subject of further negotiation during the resumed session." ⁷⁹

Further consideration of the regime of islands did not take place, however, because of the pressure applied to complete the treaty during the 1980 and later negotiating sessions, because of the limited negotiations after the 1981 U.S. announcement regarding its reassessment of the Convention, and because many of the major nations saw national

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benefits from Article 121 as it was worded. Consequently, Article 121 remains in its somewhat ambiguous form, and scholars and diplomats have been struggling to give precise meaning to its language.

The 1977 *Anglo-French Arbitration*⁸⁰ was the first instance in which a tribunal addressed the effect of islands on delimitation of a continental shelf boundary.⁸¹ This dispute required the tribunal to determine whether the British Channel Islands were entitled to a continental shelf as separate islands, and what influence these islands should have on the delimitation of the continental shelf between England and France.⁸²

The Channel Islands archipelago consists of four groups of islands, including the main islands of Jersey, Guernsey, Alderney, Sark, Herm, and Jethou, as well as a large number of rocks and islets, some of which are inhabited.⁸³ The islands are under British sovereignty, but are located as close as 6.6 km from the French Normandy coastline,⁸⁴ i.e., "on the wrong side of the median line."⁸⁵ Geological evidence indicates that the Channel Islands are part of the physical land mass of Brittany and Normandy.⁸⁶ These islands have a total land area of 195 square kilometers and a population of 130,000.⁸⁷ Politically, the Channel Islands are British dependencies, not constitutionally part of the United Kingdom.⁸⁸

The tribunal awarded Britain 12-nautical-mile enclaves around the Channel Islands⁸⁹ but ruled that otherwise they would not affect the delimitation of boundary and thus that the area around these enclaves would belong to France. As to the median line, the tribunal rejected the British proposal that the median line should "automatically deviate southwards in a long loop around the Channel islands."⁹⁰ The tribunal also explained that the juridical concept of natural prolongation requires consideration of geographical circumstances to be viewed in light of "any relevant consideration of law and equity."⁹¹

Another portion of the *Anglo-French Arbitration* concerned the relative weight to be given to the Scilly Isles off the British Coast near Land's End, compared with Ushant off the Northwest Coast of France. The Scilly Isles, lying some 21 miles (34 km) from the mainland, are "a group of 48 islands of which six are inhabited"⁹² The United Kingdom argued that they should be ignored altogether. The tribunal resolved the dispute by splitting the difference. It constructed one set of baselines and equidistance lines using the Scilly Isles and another set that ignored them. The triangle that was hereby created was then divided in half to

create the "half-effect" line.⁹³ The tribunal justified its use of this "half-effect" approach in part because the Scillies are twice as far from Land's End as Ushant is from Finistere,⁹⁴ and in part because of the economic and political conditions on the islands.⁹⁵

This "half-effect" idea was apparently taken from other situations where similar results were reached through negotiations. Italy and Yugoslavia, for instance, had a number of very small islands lying between them in the Adriatic Sea which were given partial effect in delimitation.⁹⁶ Similarly in the delimitation between Iran and Saudi Arabia, the island of Kharg was given a half effect.⁹⁷

A year after the *Anglo-French Arbitration*, in 1978, Australia and Papua New Guinea negotiated in "imaginative"⁹⁸ solution to the problem created by the presence of Australian islands just south to the main island of Papua New Guinea,⁹⁹ also on the "wrong" side of the median line. It was agreed by both states that these small Australian islands would produce an "inequitable boundary if given full effect,"¹⁰⁰ and so they decided that these small islands would generate fishing zones but that they would have no effect on the continental shelf boundary and thus that the Australian islands would sit atop the Papua New Guinea continental shelf.¹⁰¹ The treaty also creates a protected zone to preserve the traditional way of life for the inhabitants of the islands.¹⁰²

In three I.C.J. maritime boundary decisions handed down since 1982, the Court has held in each case that islands should be given only a partial effect in delimiting the boundaries. The first of these decisions was the *1982 Tunisia-Libya Continental Shelf Case*, where the I.C.J. relied on the *Anglo-French Arbitration* decision and gave only half effect to Tunisia's Kerkennah Islands in delimiting the continental shelf between the two nations.¹⁰³ The main island of Kerkennah is 180 square kilometers (69 square miles) and has a population of 15,000. In drawing a line to represent the general direction of the coast, the court disregarded large areas of low tide elevation on the islands. The Court drew a delimitation line between Tunisia and Libya in two sectors to adjust for a change in the general direction of the Tunisian coastline. The first sector extended seaward from the land boundary between Tunisia and Libya at Ras Ajdir, roughly perpendicular to the coast at an angle approximately 26 degrees east of north.¹⁰⁴ Instead of continuing the line at that angle to the edge of the shelf, the Court deflected the line eastward in a second sector, to give Tunisia more continental shelf area because of the change in Tunisia's coastline.¹⁰⁵ The angle of deflection, however, was less than it

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would have been had the seaward boundary of the Kerkennah Islands been used to represent the direction of the coast. The Kerkennah boundary line angle was averaged together with a hypothetical coastline angle that would properly have represented the coast were no islands present. 106

Similarly, Canada's Seal Island and Mud Island and other adjacent islets in the vicinity of Cape Sable in Nova Scotia were given only partial effect in 1984 determination by a chamber of the I.C.J. of the maritime boundary between Canada and the United States in the *Gulf of Maine Case*.¹⁰⁷ As in the *Libya/Tunisia* delimitation, the chamber used a two-sector line, with the first segment roughly following an equidistance formula. The second sector allocated ocean space between the United States and Canada in a ratio proportional to the relative lengths of their coastlines in the Gulf.¹⁰⁸ Had Seal Island and its neighboring islets been given no effect, the ratio of ocean area belonging to the United State compared to that of Canada would have been 1.38 to 1.¹⁰⁹ The Court decided that although Seal Island and its neighbors "cannot be disregarded" because of their dimensions and geographical position,¹¹⁰ it would be "excessive" to give them full effect.¹¹¹ Thus the Court decided it was appropriate to give the islands half effect and as a result the U.S./Canada ocean space became 1.32 to 1.¹¹²

In its most recent decision involving islands, the 1985 *Libya/Malta Continental Shelf Case*,¹¹³ the I.C.J. ruled that equitable principles required that the tiny uninhabited island of Filfla (belonging to Malta--three miles (5km) south of the main island) *should not be taken into account at all* in determining the boundary between the two countries.¹¹⁴

Another dispute regarding offshore islands has concerned Argentina and Chile, both of which declared 200-nautical-mile territorial seas around all of their mainland and insular coasts.¹¹⁵ These countries recently settled a century-old dispute concerning islands lying off the coast of Tierra del Fuego in the Beagle Channel based on the proposal of a Papal Mediator.¹¹⁶ The larger, inhabited islands in the channel are fringed by many smaller uninhabited rocks and islets. The resolution of the dispute limited the Chilean maritime claim by giving less than full effect to the smaller Chilean islets in the Atlantic waters off the Argentine coast of Tierra del Fuego.¹¹⁷

In summary, recent arbitrations, judicial decisions, and negotiations have been relatively consistent in refusing to give full effect to islands in delimiting maritime boundaries.¹¹⁸ *The Anglo-French Arbitration*¹¹⁹ this resolution of the longstanding dispute between Argentina and Chile, and the four opinions of the International Court of Justice described above¹²⁰ all stand for the proposition that islands do not generate extended maritime jurisdiction in the same way that other land masses do. Even inhabited islands (such as Jersey and Guernsey in the English Channel, Kerkennah Island near Tunisia, and Seal Island in the Gulf of Maine)¹²¹ do not generate full extended maritime zones if the impact of such an extension is to interfere with the claim of another nation based on a continental land mass.¹²²

IV. HOW DO THESE PRINCIPLES APPLY TO THE AEGEAN SEA SITUATION ?

As the preceding section explains, the practice of tribunals examining maritime boundaries--and of most nations negotiating boundary disputes-- has been to give islands less than full effect in generating extended maritime zones. The "power" of the island to generate an exclusive economic zone or continental shelf has been determined by the size of the island, its population, and its location. The closer the island is to the mainland of its country, the greater its power is to generate a full zone; indeed if it is close enough to the mainland a baseline can be drawn directly connecting the island to the mainland. If the island is far from the mainland, however, and especially if it is on the "wrong" side of the median line dividing the state's continental land mass from that of its opposite or adjacent state, then the island is likely to be viewed as a "special circumstance" which can generate its own territorial sea but may have little or no effect on the location of the primary maritime boundary between the two nations. In both the Anglo-French dispute¹²³ and the Papua New Guinea-Australia agreement,¹²⁴ for instance, the islands of the United Kingdom and Australia adjacent to the coasts of France and Papua New Guinea respectively were viewed as sitting on the continental shelf of the other nation and thus were not allowed to generate any continental shelf of their own. These examples provide support for Turkey's position that it is entitled to the continental shelf extending to the median line between the mainlands of the two countries save for the territorial seas that surround the Greek islands on the "wrong" side of that median line.¹²⁵ The "natural prolongation" theory has not followed

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in the geographical sense that it was first used in the 1969 *North Sea Continental Shelf Cases*,¹²⁶ but it has not been abandoned yet as a depiction of the general concept that continental land masses generate continental shelves.

As originally developed in the *North Sea* case, the natural prolongation theory appeared to require a close examination of sea floor configuration to determine where the continental slope extending from one land mass ends and that of another begins. In its more recent decisions,¹²⁷ however, the I.C.J. has stated that this approach was rejected by the world community at the negotiations leading to the 1982 Convention when the negotiators decided that the principles used to resolve boundary disputes involving continental shelves should be the same as those used to resolve disputes involving exclusive economic zones (EEZ).¹²⁸ Because these principles appear to exclude the possibility of using a geological or geomorphological approach to resolving EEZ disputes, the Court has felt that they should not now be applied to continental shelf disputes.¹²⁹

This shift need not, however, be viewed as a rejection of the more general idea that each continental land mass generates a continental shelf. Solutions to boundary disputes should therefore recognize that each continental land area should be entitled to its fair share of the adjacent continental shelf, and indeed Article 83 of the 1982 Convention maintains that approach by stressing that the nations with opposite or adjacent coasts should endeavor to reach an "*equitable solution*."¹³⁰

Among the relevant factors that must be considered when focusing on the islands in the Aegean, as mentioned above,¹³¹ is their size, population, and location. Table 1 lists their size and population and indicates that some of these islands are substantial in size with thriving communities while others are small in size with the declining populations. The island that appears to be least deserving of generating an extended maritime zone is Megisti (Kastellorizo), a tiny island (3.5 square miles/9 km²) with only 222 inhabitants. If allowed to generate an extended maritime zone, Megisti would effectively cut off Turkey's access to the resources of a large part of the Mediterranean, because of its locations close to Turkey's coast but far from the other Greek islands.¹³²

Limnos (Lemnos) Lesvos (Lesbos), Chios, Samos, Kalymnos, Kos, and Rhodes each has more than 10,000 inhabitants and thus--except for their awkward location--meet the usual criteria for being legitimate islands

entitled to generate maritime zones.¹³³ If they are entitled to generate full zones, Turkey would be completely excluded from access to the resources of the Aegean, a solution that hardly seems "equitable", particularly since the Turkish population along its Aegean coast is many times larger than the population of these adjacent Greek islands.

Another relevant factor might be the historical linkages between the communities involved in this dispute and the disputed ocean area and its resources. Because the islands creating this problem have changed hands so frequently in recent years, however, this factor does not point toward a clear solution. Limnos (Lemnos) Lesbos (Lesbos), Chios, Samos, and their near neighbour islands were governed by the Turkish Empire from the late 15th or mid-16th Century until the end of the Balkan Wars in the 1913-14 period when they were transferred to Greece.¹³⁴ The Dodecanese Islands in the southeastern Aegean became part of the Turkish Empire in 1522-23, came under Italian control in the Italo-Turkish War of 1911-12, and then were awarded to Greece because of their Greek population in the Allied peace treaty with Italy in 1947.¹³⁵ The residents of these islands have been primarily Greeks during all these periods, and they have had a maritime orientation, but the Turks and other occupying powers have participated in the development of the ocean resources during their periods of dominance. It appears difficult, therefore, to sustain any particular claim that the waters surrounding or connecting these islands are akin to "historic waters."¹³⁶

The factor that was quite important in the decision of the I.C.J. chamber in the *Gulf of Maine Case*¹³⁷ was the length of the coastlines of the two countries adjoining the disputed ocean area.¹³⁸ The ratio of Greek to Turkish coastlines bordering on the Aegean has been estimated at about 2:1 in favor of Greece.¹³⁹ Decisionmakers seeking an equitable solution to this dispute might well follow the lead of the I.C.J. chamber in the *Gulf of Maine Case* and divide jurisdiction over the Aegean waters by giving Greece jurisdiction over two-thirds, with Turkey given jurisdiction over the remaining one-third.

The concept of "equity" relevant to the solution to this dispute has been developed in other papers¹⁴⁰ and thus will not be explored in detail herein. This concept clearly should be kept uppermost in the minds of all those addressing this problem because the unique geography of this area requires innovative and creative solutions to this dispute. Among the alternative solutions that have been suggested are the following:

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A) *The "enclave" approach* would involve drawing territorial seas around each of the populated Greek islands, but would otherwise deny them the power to generate extended maritime zones. The division of the area would then be determined by drawing the median line between the opposite and adjacent continental land masses of the two countries, thus giving Turkey significant areas of the continental shelf in the eastern half of the Aegean, reduced only by the territorial seas enclaves generated by the Greek islands. The amount of ocean jurisdiction Turkey would gain under this approach depends on whether the territorial sea around the Greek islands is six or 12 nautical miles.¹⁴¹ As discussed above,¹⁴² this enclave approach should almost certainly be used for Megisti (Kastellorizo)--the easternmost island-- no matter what other decisions are reached regarding the other islands.

B. *The "finger" approach* would give Turkey four finger-shaped projections into the Eastern Aegean between the islands of Samothrace and Limnos (Lemnos), Limnos (Lemnos) and Lesvos (Lesbos), Lesvos (Lesbos) and Chios, and Samos.¹⁴³ This approach has the advantage of maintaining contiguity among the ocean zones, but it would give Turkey less ocean resource jurisdiction than would the enclave approach (assuming that Greece's territorial sea is six nautical miles).

C. *Fishing rights could be separated from continental shelf rights*, as was done in the Torres Strait Treaty between Australia and Papua New Guinea.¹⁴⁴ Territorial sea enclaves would again be drawn around the Greek islands, Turkey would then be given jurisdiction over the resources of the remaining continental shelf in the Aegean Sea, with Greece having rights to the fish in the water above. This approach is therefore similar to the "enclave" approach discussed above except that Turkey's access to fishing resources would be greatly reduced. Again, the jurisdiction granted to Turkey would vary greatly depending on whether the territorial sea enclaves had six- or 12- nautical-mile radii.

D. *Joint development* is perhaps the most logical solution to this dispute because it would allow the two countries to postpone the ultimate decision of how to draw the boundary but nonetheless allow them to endeavor to exploit the resources for the benefit of the populations of both countries. Joint development zones have been created between Saudi Arabia and Kuwait, Saudi Arabia and Sudan, Japan and Korea, Malaysia and Thailand, Norway and Iceland, and most recently Australia and Indonesia,¹⁴⁵ and other nations are actively considering this possibility.

A Joint development approach, usually an agency managed by persons nominated by the two countries which supervises development of the area with some degree of autonomy. The resources are then explored and exploited through concessions granted by the joint development agency with the revenues shared by the two countries according to an agreed-upon formula. Each of the existing schemes has differences in approach, and some difficult questions are always raised regarding the legal regime that should govern both the commercial aspects of the activity and the labor-management and environmental aspects.

Nonetheless, if the political will exists, these problems can be resolved and a difficult dispute can be set aside for the mutual benefit of all concerned. If successful, a joint development project will not only expedite the development of the offshore resources but may also promote mutual cooperation and trust between the nations which can enable them to address other problems as well. Because of these advantages, and because none of the other solutions to the maritime boundary in the Aegean seem satisfactory, the joint development approach deserves additional study by Turkey and Greece.

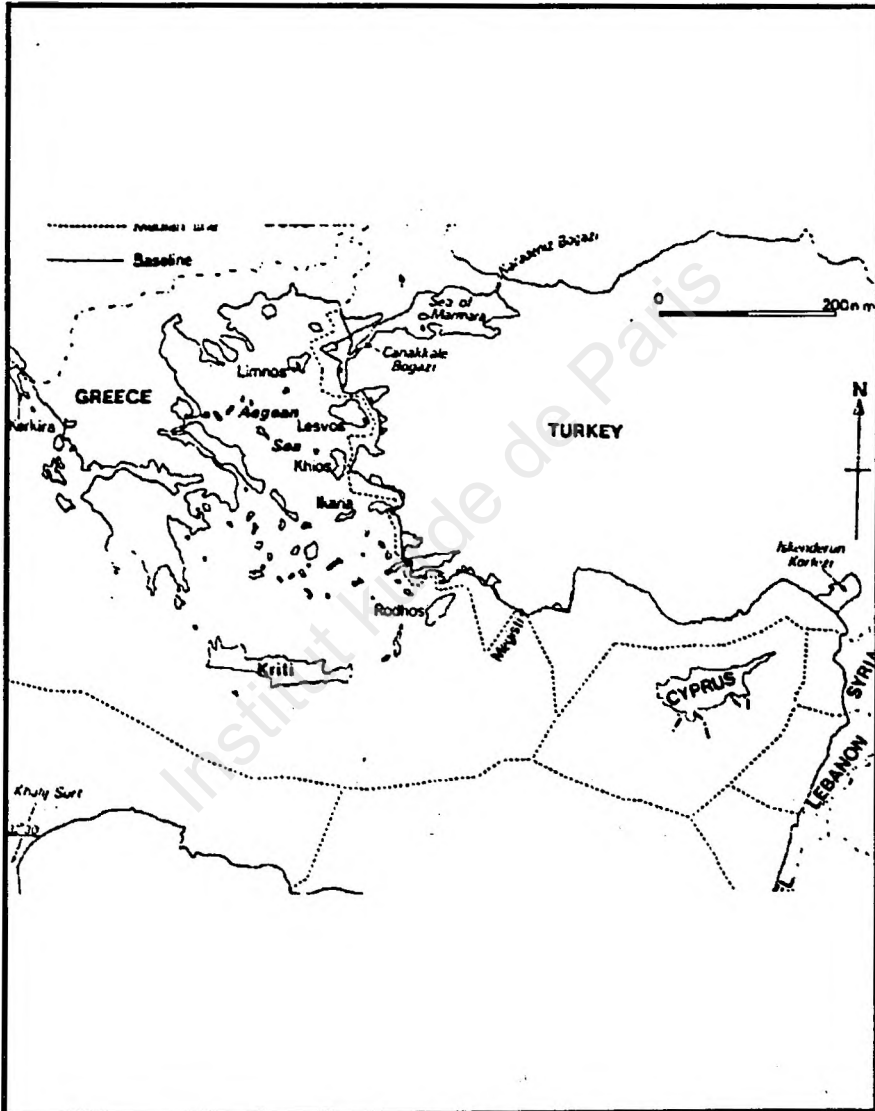
Table 1: Area and Population of Islands

(listed in roughly north to south order)

Sources: Columbia-Lippincott Gazetteer of the World (L. Seltzer, ed., 1961); International Geographic Encyclopedia and Atlas (F. de Mello Vianna ed., 1979); Statistical yearbook of Greece (National Statistical Service of Greece ed., 1984)

Island	Area		Population		
	<i>Sq. mi.</i>	<i>Sq. km.</i>	1951	1971	1981
Samothrace	71	178	3993	3012	2871
Limnos	186	476	23842	17367	15721
Aghios Eustratios	16.1	43	1131	N.A.	296
Lesvos	632	1630	134054	114797	88601
Chios	321	842	72777	52487	48700
Psara	16.4	40	751	N.A.	460
Antipsara	1.5	4	uninhab.	uninhab.	uninhab.
Samos	194	476	56273	32664	31629
Ikaria	99	255	11614	7702	7559
Patmos	13	34	2428	2432	2534
Leros	21.2	53	6131	N.A.	8127
Kalymnos	41	111	11864	N.A.	14295
Kos	111.4	290	18545	16650	20350
Astypalea	37	97	1791	N.A.	1030
Nisyros	16	41	2605	N.A.	916
Tilos	24.3	63	1085	N.A.	301
Symi	22	58	4083	2489	2273
Khalki	11.2	28	702	N.A.	334
Rhodes	542	1398	55181	66606	87831
Karpathos	111	301	7396	5420	4645
Kasos	25	66	1322	N.A.	1184
Lipsi	6	16	873	N.A.	574
Megisti	3.5	9	800	N.A.	222

Figure 1: Maritime boundaries in the eastern Mediterranean and the Black Seas.



Source: J.R.V. Prescott, *The Maritime Political Boundaries of the World* (New York: Methuen, 1985), figure 12.3, "maritime boundaries in the eastern Mediterranean and the Black Sea," page 307. Reproduced with permission.

FOOTNOTES

1. *The Law of the Sea: Official Text of the United Nations Convention on the Law of The Sea with Annexes and Index* (New York: United Nations, 1983), sales no. e.83.V.5 (hereafter cited as the *Law of the sea Convention*), Articles 74 and 83.
2. See footnotes 57-122 below and the accompanying text.
3. See n.2 above
4. D. Bowett, *The Legal Regime of Islands in International* (Dobbs Ferry, N.Y.: Oceana Publications, 1979), p.252. The convention Regarding the Regime of the Straits (Lausanne Convention) July 24, 1923, 93 League of Nations Treaty Series (L.N.T.S.) 115, reprinted in J.Greenville, *The Major International Treaties, 1914-45* (New York, N.Y.: Methusen & Co., 1987), p.80
5. Bowett (n.4 above), p.250
6. Bowett (n.4 above), p.249
7. Bowett (n.4 above), p.249. *Id.*
8. *The Columbia Lippincott Gazetteer of the World, 1962 ed., s.v.* "Dodecanese." group consists of 14 main islands and about 40 islets and rocks. The main islands are Astypalea, Khalke, Kalymnos, Karpathos, Kasos, Kos, Leros, Lipsi (Leipsos), Nisyros, Patmos, Rhodes, Symi, and Tilos in the Southeastern Aegean and Megisti (Kastellorizo) the easternmost island separated from the rest. *The Columbia Lippincott Gazetteer of the World* 521 (L. Seltzer ed. 1961). Between 1523 and 1912, the Dodecanese group was controlled by the Turks. The group (except for Kastellorizo) was occupied by Italy after the Italo-Turkish war of 1911-12 and awarded to Italy in 1920. Following the Second World War, the islands were awarded to Greece because of their Greek population. *Id.*
9. D. Bowett, *supra* note 4, at 255; Blake, *Marine Policy Issues for Turkey*, 7:4 *Marine Policy Reports* 1 (1985).
10. *Aegean Sea Continental Shelf Case*, International Court of Justice (hereafter called the I.C.J.), *Interim Measures of Protection*, Order of Sept. 11, 1976, *International Court of Justice Reports* 1976 (hereafter cited as the *I.C.J. Rep.*), p.3, para. 15; reprinted in *International Legal Materials* (hereafter cited as *I.L.M.*) 15 (1976): 988-89, citing Greece's request for interim measures of protection dated August 10, 1976 (hereafter cited as the "1976 Interim Protection Order").
11. Blake, (n.9 above), pp.2-3.. Turkey and Greece also claim different airspace limits. Greece claims a ten-mile airspace and Turkey claims six miles. During the 1974 Cyprus crisis, however, Turkey extended its Flight Information Region to the Aegean median line.

12. *Geneva Convention on the Territorial Sea and Contiguous Zone (Done April 29, 1958) (in force September 10, 1964), 15 United States Treaty Series (U.S.T.) 1606, United States Treaties and Other International Agreements (T.I.A.S) No.5639 , 516 United Nations Treaty Series (U.N.T.S.) 205.*
13. *Law of the Sea Convention, article 3.*
14. *Greece signed the 1982 Convention on the first day it was opened for signature. See Blake (n. 9 above), p.3*
15. *N.Y. Times, Mar. 28, 1987, p.4, (National Edition)*
16. *New York Times (n. 15 above).*
17. *New York Times (see n. 15 above); Clive R. Symmons, The Maritime Zones of Islands in International Law (Hague: Martinus Nijhoff, 1979), p.91; and Bowett (n. 4 above), p. 252.*
18. *On November 1, 1973, Turkey acknowledged it had issued concessions for a part of the Northern Aegean seabed to the Turkish Petroleum Company (TRAO) and in July 1974 made a second concession to TRAO, expanding the western boundary of the November 1983 concession and creating a second one in the Southeastern Aegean. Rozakis, The Greek-Turkish Dispute Over the Aegean Continental Shelf, (Honolulu: Law of the Sea Institute, 1975), Occasional Paper No. 27, p.1.*
19. *C. Symmons, (n.17 above),p.145. The granting of permits, or concessions, was made known in the Nov. 1, 1973 issue of the Official Turkish Gazette.see Rozakis (n. 18 above).*
20. *The Turkish claim conflicted with Greek territorial sea claims around the Greek islands of Samothrace, Lemnos, Aghios, Eustratios, Lesbos, Chios, Psara, and Antipsara. See Rozakis (n.18 above), p.3*
21. *Blake, (n.9 above), p.3*
22. *For a map of the disputed areas showing the November 1973 and July 1974 concession, see Rozakis, (n. 18 above).*
23. *This list contains the islands that are named in the 1976 Greek application to the International Court of Justice (ICJ) and are analyzed in Karl, Islands and the Delimitation of the Continental Shelf: A Framework for Analysis, "American Journal of International Law 71 (1977): 642 at 699-772.*
24. *Columbia-Lippicott Gazetteer of the World (n. 8above) various pages.*
25. *Alona Evans, Judicial Decisions, Amerikan Journal of International Law 73 (1979): 493-94. For a discussion of the exchange of notes, see Symmons (n. 17 above), pp. 145-47).*
26. *Note verbale from Turkey to Greece Feb. 7, 1974, cited in C. Symmons, supra note 17, at 146 (emphasis added)*
27. *Note verbale from Turkey to Greece, Feb. 7, 1974, quoted by C. Symmons, (n. 17 above), p. 137 (emphasis added).See also the letter from*

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the permanent representative of Turkey to the Secretary General of the United Nations, August 18, 1976 (UN document 5/12/1982 (1976), quoted in Leo Gross, "The Dispute Between Greece and Turkey Concerning the Continental Shelf in the Aegean," American Journal of International Law 71 (1977): 31.

28. *Time*, Aug. 23, 1976, at 33, quoting Turkish President Fahri Koruturk.

29. Evans, (n. 25 above), p.493.

30. Evans (n. 25 above), p.495..

31. Gross, (n. 27 above),

32. *Time*, (n. 28 above).

33. For a discussion of the appeal to the Security Council, see Gross, (n. 27 above), pp 34-39. The Security Council passed Resolution 395 on August 25, 1976. This resolution suggested that Greece and Turkey should resume direct negotiations, but should consider submitting to the ICJ any legal differences that remained. Evans, (n. 25 above), p.495

34. Application Instituting Proceedings, Aug. 10, 1976, cited in C. Symmons, (n. 17 above), p.147

35. For a discussion of the interim measures of protection requested by Greece, see Gross, (n. 27 above), p.40.. For a discussion of interim measures in general, see Lagoni, *Interim Measures Pending Maritime Delimitation Agreements*, "American Journal of International Law 78 (1984):345. In its application Greece asked the Court to direct that the governments of both Greece and Turkey:

(1) unless with consent of each other and pending the final judgment of the Court in this case, refrain from all exploration activity or any scientific research, with respect to the continental shelf areas within which Turkey has granted such licenses or permits or adjacent to the islands, or otherwise in dispute in the present case,

(2) refrain from taking further military measures or actions which may endanger their peaceful relations.

1976 Interim Protection Order, (n. 10 above), p.987.

36. Because the Court held it lacked jurisdiction over the matter, this case did not reach the merits. *Aegean Continental Shelf Case (Greece v. Turkey) (Jurisdiction)*, I.C.J. Rep 1978. See Evans, (n. 25 above), p.493.

The Greek government had requested that Court to adjudge and declare (i) that the Greek islands [specified in the Application] as part of the territory of Greece, are entitled to the portion of the continental shelf which appertains to them according to the application principles and rules of international law:

(ii) what is the course of the boundary (or boundaries) between the portions of the continental shelf appertaining to Greece and Turkey in the Aegean Sea in accordance with the principles and rules of international

law which the Court shall determine to be applicable to the *delimitation of the continental shelf in the aforesaid areas of the Aegean Sea*;

(iii) *that Greece is entitled to exercise over its continental shelf sovereign and exclusive rights for the purpose of researching and exploring it and exploiting natural resources*;

(IV) *that Turkey is not entitled to undertake any activities on the Greek continental shelf, whether by exploration, research or otherwise, without the consent of Greece*;

(v) *that the activities of Turkey described [in the Application] constitute infringements of the sovereign and exclusive rights of Greece to explore and exploit its continental shelf or to authorize scientific research respecting the continental shelf*;

(vi) *that Turkey shall not continue any further activities as described above in subparagraph (IV) within the areas of the continental shelf which the Court shall adjudge appertain to Greece.*

1976 Interim Protection Order, (n.10 above), p.986.

37. For a discussion of this decision see Gross, (n. 27 above), pp.40-48

38. Article 41(1) of the Statute of the International Court of Justice provides:

The Court shall have the power to indicate, if it consider that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

39. I.C.J. Rep. 1976, para.33, as quoted by Gross, (n. 27 above), p.41.

40. Gross (n. 27 above), p.41..

41. Bern Agreement on Procedures for Negotiations of the Aegean Continental Shelf Issue, November 11, 1976, I.L.M.(1977):13, cited in D. Bowett, (n. 4 above), p.260.

42. N. Y. Times, (n. 15 above), p.4.

43. Aegean Sea Continental Shelf Case (Greece vs. Turkey) (Jurisdiction), ICJ Rep 1978, p.1. For a discussion of the proceedings, see generally . Jayaraman K., *Legal Regime of Islands* (New Delhi: Marwah Publications, 1982), pp.77-85.

44. Evans, (n. 25 above), p.489. See General Act for the Pacific Settlement of International Disputes. (done September 26, 1928), 93 L.N.T.S. 343. The Act provided for conciliation, arbitration and judicial proceedings for the resolution of international disputes. The act was subsequently amended in the revised 1928 General Pacific Settlement Act for the Pacific Settlement of International Disputes (done April 28, 1949) (in force September 20, 1950). The amended Act replaced references to the Permanent Court of International Justice and the League of Nations by incorporating references to the corresponding organs of the united Nations. "The International Court of Justice and the General Act of 1928,"

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Cambridge Law Journal 39 (1980): 137.

45. Evans (n. 25 above), pp. 502-03. *The joint communique stated in pertinent part:*

[The Prime Ministers of Turkey and Greece decided that the problems] should be resolved peacefully by means of negotiations and as regards the continental shelf of the Aegean Sea by the International Court at the Hague...

46. *Turkish Daily News*, April 27, 1987, p.1; *Honolulu Star Bulletin & Advertiser*, Mar. 29, 1987, section A, p.9; and *New York Times*, 24 March 1987, p.5 (National Edition)..

47. See n. 46 above.. *The Sismic I had also sparked international tension in 1976 when its explorations led Greece to protest Turkish actions to the U.N. Security Council and appeal to the International Court of Justice. (see text accompanying notes 31 and 32 above).*

48. *Honolulu Star-Bulletin & Advertiser* (see n. 46 above), quoting Costil Stefanopoulos, leader of Greece's Democratic Party.

49. *Turkish Daily News*, (n. 46 above).

50. *Personal Communication from Joel Marsh, Fulbright Scholar at the Department of international Relations, Faculty of Political Science, University of Ankara, Turkey (April 28, 1987).*

51. *Turkish daily News*, (n. 46 above).

52. *Turkish Daily News* (n. 46 above)

53. *Marsh* (n. 50 above)..

54. *A military junta governing Greece in 1974 backed a coup in Cyprus. In response to the coup, Turkey sent an invasion force to Cyprus. An estimated 20000 Turkish troops remain on the island. In 1983, Turkish Cypriots unilaterally declared independence, but Greece does not recognize their government and refused to negotiate on any subject until the troops are withdrawn. N.Y. Times, Mar. 28, 1987, p.4.)*

55. *After Turkey invaded Cyprus in 1974, Greece began to fortify islands in the eastern Aegean and Turkey fortified Gokceada (Imros) and Bozcaada (Tenedos), two strategically important islands guarding the approach to the Dardanelles. Turkey's army of 550000 and U.S. military aid (\$775 million in 1984) indicate Turkey's capacity to invade Greek islands near the Turkish coast, a possibility Greeks fear. Blake, (n. 9 above), p.4. In 1975 Turkey formed an army with amphibious landing capacity called the "Army of the Aegean Ibi.*

56. *Steven Greenhouse, "Chiefs Reach a Greek-Turkish Accord," New York Times, February 1, 1988, at A12, col.1.*

57. *New York Times, March 5, 1988, at A3, col.1.*

58. *Robert Soro, "Few Gains Seen as Greek-Turkish Talks End," New York Times, June 16 1988, A15, col.1.*

59. "Negotiators Unable to Agree," *Associated Press*, September 6, 1988, 13:42:15.

60 *Geneva Convention on the Continental Shelf*, April 29, 1958 (in force June 6, 1984), article 3; 15 U.S.T. 471; T.I.A.S. 5578; 499 U.N.T.S. 311 (1958).

61. *Karl*, (n. 23 above), p.648.

62. *1982 Law of the Sea Convention*, Articles 74 and 83..

63. *North Sea Continental Shelf Case (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. The Netherlands)*, 1969 I.C.J. Rep., p.3

64. *North Sea Continental Shelf Case* (n.63 above), para. 101(d).

65. *North Sea Continental Shelf Case* (n. 63 above), para. 101(d).

66. *Territorial Seas Convention*, (n. 12 above), defines an "islands" as " a naturally-formed area of land, surrounded by water, which is above water at high tide" and then says that the territorial sea of all territorial sea of any other land areas. Article 1(b) of the term "island" without defining it further. It could have been argued, therefore, that these two conventions taken together recognized that all islands generated continental shelves. The language quoted in the text accompanying note 61 supra indicates that the International Court of Justice rejected this possible interpretation.

67. The Greek proposal was as follows:

ARTICLE 1

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.

2. An island forms an integral part of the territory of the State to which it belongs.

3. The foregoing provisions have application to all islands, including those comprised in a island State.

ARTICLE 2

1. The sovereignty and jurisdiction of a State extends to the maritime zones of its islands determined and delimited in accordance with the provisions of this Convention applicable to its land territory.

2. The sovereignty over the islands extends to its territorial sea, to its sea-bed and the subsoil thereof and to the continental shelf for the purpose of exploring it and exploiting its natural resources.

3. The islands has a contiguous zone and an economic zone on the same basis as the continental territory, in accordance with the provisions of this Convention.

U.N. Doc. A/ Conf. 62/C.2/L.50(1974)

For the text of the Pacific islands proposal see Van Dyke and Brooks, *Uninhabited Islands: Their Impact on The Ownership of the Ocean's Resources*, "Ocean Development & International Law 12 (1983): 294-95

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n.3, quoting United Nations document A/Conf.62/C.2/L.30, 1974.

68. For the text of the Romanian proposal see Van Dyke and Brooks (n. 67 above), p. 296 n. 64, quoting United Nations document A/Conf.62/C.2/L.53, 1974.

69. Turkey: draft articles on the regime of islands was follows:

ARTICLE 1

(Definitions)

ARTICLE 2

Except where otherwise provided in this chapter the marine spaces of islands are determined in accordance with the provisions of this Convention.

ARTICLE 3

1. No economic zone shall be established by any State which has dominion over or controls a foreign islands in waters contiguous to that island.

The inhabitants of such islands shall be entitled to create their economic zone at any time prior to or after attaining independence or self-rule. The right to the resources of its continental shelf are vested in the inhabitants of that islands to be exercised by them for their benefit and in accordance with their needs or requirements.

In case the inhabitants of such islands do not create an economic zone, the Authority shall be entitled to explore and exploit such areas, bearing in mind the interests of the inhabitants.

2. An islands situated in the economic zone or the continental shelf of other States shall have no economic zone or continental shelf of its own if it does not contain at least one tenth of the land area and population of the State to which it belongs.

3. Islands without economic life and situated outside the territorial sea of a State shall have no marine space of their own.

4. Rocks and low-tide elevations shall have no marine space of their own.

ARTICLE 4

A coastal State cannot claim rights based on the concept of the archipelagic waters over a group of islands situated off its coast.

ARTICLE 5

In areas of semi-enclosed seas, having special geographic characteristics, the maritime spaces of islands shall be determined jointly by the States of that area.

ARTICLE 6

The provisions of this chapter shall be applied without prejudice to the articles of this Convention relating to delimitation of marine spaces between countries with adjacent and/or opposite coasts.

ARTICLE 7

or the purposes of this chapter the term "marine space" implies either the territorial sea and/or continental shelf and/or the economic zone according to the context in which the term has been used.

U.N. Doc. A/Conf. 62/C.2/L.55 (1974).

70. For the text of the African proposal, see Van Dyke and Brooks (n. 67 above), pp. 297-99, quoting United Nations document A/CONF.62/C.2/L.Rev.1, 1974.

71. U.N. Doc. A/Conf.62/WP.8/Revised Parts I, II and III (1975).

72. See n. 62 above; and see Van Dyke and Brooks, (n. 67 above), pp. 274-76.

73. Article 132 of single Negotiating Text, n. 72 above:

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.

2. 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 this Convention applicable to other land territory.

75. See note 62 above

76. U.N. Doc. A/Conf.62/WP.8/Rev.1/Part I, II, III and IV (1976)

77. U.N. Doc. A/Conf.62/WP.10 (1977)

78. The Revised ICNT of April 1979 is United Nations document A/Conf.62/WP.10/Rev.1 (1979) and the Draft Treaty of August 1980 is A/CONF. 62? WP. 10/Rev.3/add.1.

79. United Nations document A/CONF.62/WP.10/Rev.1, 1979, p.19.

80. Case Concerning the Delimitation of the Continental Shelf Between the United Kingdom of Great Britain and Northern Ireland, and the French Republic United Nations Reports of International Arbütural Awards (R.I.A.A.) 18 (1977):74; reprinted in I.L.M. 18 (1979):397 (hereafter referred to as "the Anglo-French Arbüturation").

81. See generally D. Bowett, (n. 4 above), pp. 193-247.

78. "Whether, and if so, in what manner, the presence of the British Channel Islands close to the coast of Normandy and Brittany affects the legal framework of a median line delimitation in mid-channel which would otherwise be indicated by the opposite and equal coastlines of the mainlands of the two countries." Anglo-French Arbüturation, (n. 80 above), para. 189; and reprinted in I.L.M. 18 (1979):442.

83. The Anglo-French Arbüturation (n. 80 above), para. 6; and reprinted in I.L.M. 18 (1979):408.

Editor's note.--- For further comments on the Anglo-French Arbüturation and for a map of the Anglo-French maritime boundary, see John Briscoe, "Islands on Maritime Boundary Delimitation," Ocean Yearbook 7 ed.

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Elizabeth Mann Borgese, Norton Ginsburg Press, 1988), pp. 14-41, and fig. 2, p.34.

84. *Anglo-French Arbitration (see n. 83 above).*

85. *Anglo French Arbitration (n. 80 above), para.173; and reprinted in I.L.M. 18 (1979):440..*

86. *C..Symmons, (n. 17 above),p.138. "Scientific evidence showed clearly the [Channel Islands are] an integral part of the American area and are included in the French hercynien shelf, [and] truly thus formed a part of the physical mass of Brittany and Normandy." Id. (emphasis in original)*

87..*D. Bowett, (n. 4 above), p.195.*

88..*Anglo-French Arbitration, (n. 80 above),para. 184.*

89. *This solution created the first true total enclave of a continental shelf in state practice. D. Bowett, (n. 4 above),p.206.*

90. *Anglo-French Arbitration, (n. 80 above), para 189 and reprinted in I.L.M. 18 (1979):442. "In the opinion of the Court.... such an interpretation of the situation in the Channel Islands region would be as extravagant legally as it manifestly is geographically." para.190; and I.L.M. 18 (1979):442.*

91. *Anglo -French Arbitration (n. 80 above), para. 194; and I.L.M. 18 (1979) 443.*

[t]he principle of natural prolongation of territory is neither to be set aside nor treated as absolute in a case where islands belonging to one State are situated on continental shelf which would otherwise constitute a natural prolongation of the territory of another State. The application of that principle in such a case, as in other cases concerning the delimitation of the continental shelf, is to be appreciated in the light of all the relevant geographical and other circumstances. When the question is whether areas of continental shelf, which geographically may be considered a natural prolongation of the territories of two States, appertain to one State rather than to the other, the legal rules constituting the juridical concept of the continental shelf take over and determine the question. Consequently, in these cases the effect to be given to the principle of natural prolongation of the coastal State's land territory is always dependent not only on the particular geographical and other circumstances but also on any relevant considerations of law and equity.

Significantly, the tribunal ignored altogether the small rocks and islands in the Channel Islands that are not inhabited. Ibid, para. 184.

92.*Anglo-French Arbitration (n. 80 above), para.227, and I.L.M. 18 (1979): 450-51.*

93..*Anglo-French arbitration (n.80 above), para.227 and I.L.M. 18 (1979):455*

94. D.Bowett, (n. 4 above), p.215, citing the *Anglo-French Arbitration* (n.80 above), para.251, and I.L.M. 18 (1979): 455.

95..D.Bowett, (n. 4 above), pp.223-24.

96. Ely, *Seabed Boundaries Between Coastal States: The effect to be Given Islets as "Special Circumstances,"* 6 (1971):227-28.

97..Ely (n. 96 above), p.229; and D.Bowett, (n.4 above), p.215, citing U.S. State Dept. Office of The Geographer "Continental Shelf Boundary: Iran-Saudi Arabia" *Limits of the Sea, Series A, No. 24, July 6, 1970.*

98..J.R.V. Prescott, *The Maritime Political Boundaries of the World* (New York: Methuen, 1985), p.191.

99..Australia-Papua New-Guinea: *Treaty of Sovereignty and Maritime Boundaries in the Area Between the Countries, done at Sydney, Dec. 18, 1978, reprinted in 23 I.L.M. 291 (1984) Editors note--- For further comments and map of the region, see John Briscoe (n. 83 above), text and figure 3., p.35-36.*

100.Prescott (n.98 above), p.191.

101.Prescott (n. 98 above), figure 7.5, "*Maritime Boundaries in Torres Strait,*" pp. 194-95. Editors note --- This figure is reproduced in Briscoe (n. 83 above), fig.3, "*Maritime Boundaries in Torres Strait,*" p.36.

103..Case Concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya), 1982 I.C.J. 18, para.129 (Judgment of Feb. 24.)

100. For a map of the area, see Christie, *From the Shoals of Ras Kaboudia to the Shores of Tripoli: The Tunisia/Libya Continental Shelf Boundary Delimitation,* 13 Ga. J.Int'l & Comp. L. 1, 19 (1983).

101. Id. at 20.

102. at 21:

The Court represented the general direction of the coast as a line of an approximate 42 degree bearing drawn from the most westerly point of the Gulf of Gabes to Ras Kaboudia.... This depiction of the coastline, however, did not give effect to the Kerkennah Islands..... [T]he Court described a line along the seaward side of the islands as having an approximately 62 degree bearing In spite of the fact that the 62 degree line disregarded large areas of low tide the Court considered that a delimitation running parallel to the seaward side of the islands would give excessive weight to the Kerkennahs.

Following the example of other delimitations which have given only partial effect to islands, the court determined that the islands should be given "half effect". By 62 degree lines, the Court effectively gave halfweight to the islands in the delimitation by drawing the line in the second sector at an angle of 52 degrees from the meridian.

103. Case Concerning the Continental Shelf (Tunisia/Libya Arab Jamahiriya) I.C.J. Rep. 1982 89, para. 129. Editors' note For the text and

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a discussion of the ICJ. judgment on the Continental Shelf boundary between Tunisia and the Libyan Arab Jamahiriya, see Nicholas P. Dunning, "International Court of Justice Judgment of February 24, 1982: Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya)," *Ocean Yearbook* 4, ed. Elizabeth Mann Borgese and Norton Ginsburg (Chicago: The University of Chicago : The University of Chicago Press, 1983), pp. 515-32; and for discussion and map of the maritime boundary between the countries, see Briscoe (n. 83 above), pp.14-41, and fig. p.38, which is a reproduction of Prescott (n. 98 above), fig. 12.1, "The Maritime Boundary Between Libya and Tunisia," p.301.

104. For a map of the area, see D.Christie, "From the Shoals of Ras Kaboudia to the Shores of Tripoli: The Tunisia/Libya Continental Shelf Boundary Delimitation," *Georgia Journal of International and Comparative law* 13 (1983): 19.

105. Christie (n. 104 above), p.20

106. Christie (n.104 above), p.20.

The Court represented the general direction of the coast as a line of an approximate 42 degree bearing drawn from the most westerly point of the gulf of Gabes to Ras Kaboudia.... This depiction of the coastline, however, did not give effect to the Kerkennah Islands..... [T]he Court described a line along the seaward side of the islands as having an approximate 62 degree id. bearing.... In spite of the fact that the 62 degree line disregarded large areas of low tide elevations to the east of the Kerkennah Islands, the Court considered that a delimitation running parallel to the seaward side of the islands would give excessive weight to the Kerkennahs.

Following the sample of other delimitation which have given only partial effect to islands, the Court determined that.... the islands should be given "half effect." By bisecting the angle formed by the 42 degree and 62 degree lines, the Court effectively gave halfweight to the islands in the delimitation by drawing the line in the second sector at an angle of 52 degrees from the meridian.

107. Judgment of the International Court of Justice on the Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada v. United States of America), 12 October 1984, I.C.J. Rep. 1984 336-37, para. 222; and reprinted in I.L.M. 23 (1984), Editors' note-- For Further information on this case, see "Analysis of the Judgment of The International Court of Justice on the Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America), 12 October 1984," *Ocean Yearbook* 6 ed. Elizabeth Mann Borgese and Norton Ginsburg (Chicago: The University of Chicago Press, 1986), App. B, pp. 516-26; and Nicholas P. Dunning, "Boundary Delimitation in the Gulf Maine: Implications for the future of a resource Area," *Ocean Yearbook* 6, ed. Elizabeth Mann Borgese

and Norton Ginsburg (Chicago: The University of Chicago Press, 1986), pp. 390-98 and fig. 1, p. 391.

108. See n. 107 above, I.C.J. Rep.1984 p.336, para.221; I.L.M. 23 (1984): 1242.

109. "The ratio between the coastal fronts of the United and Canada on the Gulf of Maine ... 1.38 to 1.... should be reflected in the location of the second segment of the delimitation line." I.C.J. Rep.1984, p. 336, para.222; I.L.M.23 (1984):1242

110. The Court stated:

The Chamber consider that Seal Island (together with its smaller neighbor, Mud Island), by reason both of its dimension and, more particularly, of its geographical position, cannot be disregarding for the present purpose. According to the information available to the Chamber it is some two-and-a-half miles long, rises to height of some 50 feet above sea level,, and is inhabited all the year round. It is still more pertinent to observe that as a result of its situation off Cape Sable, only some nine miles inside the closing line of the Gulf, the island occupies a commanding position in the entry to the Gulf."

I.C.J. Rep.1984, p. 336-37, para.222; I.L.M. 23 (1984):1242-43.

111.No explanation was given for the determination that "it would be excessive." See n. 110 above.

112. See n. 110 above..

113. Judgment of the International Court of Justice on the Continental Shelf (Libyan Arab Jamahiriya/Malta), 3 June 1985, I.C.J. Rep. 1985 p.13. Editors note'--- For further information on this case, see "Analysis of the "Judgment of the International Court of Justice on the Continental Shelf (Libyan Arab Jamahiriya/Malta), 3 June 1985, "ocean Yearbook 6, ed. Elizabeth Mann Borgess and Norton Ginsburg (Chicago: The University of Chicago Press, 1986), p.504-15, which was excerpted from UN Office of the Special Representative of Secretary-General for the Law of the Sea, Law of the Sea Bulletin, no.6 (October 1985); and Briscoe (n. 83 above).

114. Case Concerning the Continental Shelf (Libyan Arab Jamahiriya/Malta), see n. 113, p. 48 para. 64. After referring to the statement in the North Sea Continental Shelf Case (see n. 63 above) quoted in the text accompanying note 65 above, the Court stated: "The Court thus finds it equitable not to take account of Filfla in the calculation of the provisional median line between Malta and Libya."

115. See Presidential Declaration Concerning the Continental Shelf, art. 1, June 23, 1947, reprinted in A. Szekely, *Latin America and the Development of the Law of the Sea*, Chile (Dobbs Ferry, N.Y.: Oceana Publications, 1980), vol.2, p.13; and Law No.17,094-M24 of December 39, art. 1, *ibid.* s.v. Argentine, vol. 2, p.20.

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116. *Treaty of Peace and Friendship (Chile/Argentina)*, (November 29, 1984), reprinted in 24 I.L.M. 24 (1985); 10-28; *Papal Proposal in the Beagle Channel Dispute: Proposal of the President*, Dec. 12, 1980, reprinted in 24 I.L.M. 7 (1985):7.

Editors note -- The *Treaty of Peace and Friendship* was published in *Selected Documents, Ocean Yearbook 6*, ed. Elizabeth Mann Borgese, and Norton Ginsburg (Chicago: The University of Chicago Press, 1986), pp.606-20. For a discussion of the regional implications of the treaty and a map showing the Chilean and Argentina zones, see Michael A. Morris, "EEZ policy in South America's Southern Cone," *Ocean Yearbook 6*, pp.417-37. See also Michael A. Morris, *South American Antarctic Policies*, *Ocean Yearbook 7*, ed. Elizabeth Mann Borgese, Norton Ginsburg, and Joseph R. Morgan (Chicago: The University of Chicago Press, 1988), pp.356-71.

117. See *Treaty of Friendship*, (n.116 above), article 7.note 7. The uninhabited islands of Evout, Barnevelt, and Horn generate only 12-mile zones. *Papal Proposal*, (n. 116 above), note 112, art. 4(A) (b) (4).

118. A significant exception would be the recent negotiations carried out by the United States with Venezuela and Mexico in which full effect was given to small islands. See *Maritime Boundary Treaty Between the United States of America and the Republic of Venezuela*, done March 28, 1978, entered into force Nov. 24, 1980, T.I.A.S. 9890; *Treaty on Maritime Boundaries Between the United States and the United Mexican States*, S. Exec. Doc. F, 96th Cong., 1st Seas. (1979); Feldman and Colson, "The Maritime Boundaries of the United States", *American Journal of International Law* 75 (1981): 729,735, 740,. The United States accepted the Venezuelan and Mexican claims not out of altruism, but because it felt that it had much to gain in other maritime boundary disputes if all small islands were allowed to generate 200-mile zones without limitation. See generally Van Dyke, Morgan, and Gurish, "The exclusive Economic Zone of the Northwestern Hawaiian Islands: When do Uninhabited Islands Generate an EEZ?" *San Diego Law Review*, 25 (1988):425-94. For other examples of agreements that have used tiny insular formations as basepoints for determining equidistance lines in resolving boundary disputes, see C. Symmons, (n. 17 above),pp. 190-191.

119. See text accompanying notes 80-95 above.

120. See text accompanying notes 63-66 and 103-114 above.

121. See text accompanying notes 83-91 and 103-112 supra.

122. One recent commentator said that this decision failing to give full effect to the Channel Islands was unjust because it failed to recognize the rights of the sizable population that lives there. Charles Brand, "The legal Relevance of South African Insular Formations Off the SWA/Namibian

Coast", *Sea Changes*, 4 (1986): 101.

123. See notes 80-95 and accompanying text.

124. See notes 98-102 and accompanying text.

125. See text at notes 27-28 above; see also A. Wilson, *The Aegean Dispute* (London: International Institute For Strategic Studies, 1979), *Adelphi Papers*, No. 155.

126. I.C.J. Rep. at p.3; see text accompanying notes 63-66 above; and see generally Keiuh Highet, *Whatever Became of Natural Prolongation? The Future of Delimitation of the Continental Shelf by The International Court of Justice* (____:____, 1988).

127. See especially, *Case Concerning the Continental Shelf (Libya Arab Jamahiriya v. Malta)*, (n. 113 above), p.33, para.34; p.35, para.39; and p.36, para.40.

128. Compare the virtually identical articles 74 and 83 of the Law of the Sea Convention, (n. 1 above).

129. *Case Concerning the Continental Shelf (Libya Arab Jamahiriya v. Malta)*, (n. 113 above), p.13, para. 40.

130. *Law of the Sea Convention*, (n. 1 above), Article 83(1).

131. See text preceding note 123 above.

132. Prescott, (n. 98 above), pp 308-09.

133. See text accompanying notes 67-79 above.

134. *The Columbia Lippincott Gazetteer of the World*, (n. 8 above), p.399, p.1039, p.1044, and p.1658; see generally C.M. Woodhouse, *A Short History of Modern Greece* (London: Faber Press, 1968); and J.P.C. Carey and A.G. Carey, *The Web of Modern Greek Politics* (New York: Columbia University Press, 1968).

135. *Columbia Lippincott Gazetteer of the World*, (n.8 above), p.521.

136. The concept of historic waters is acknowledged in Article 10(b) of the 1982 Law of the Sea Convention, (n. 1 above), but it is difficult to meet the standards required by international law to achieve this status. See generally 14 U.N. GAOR, document A/CN.4/143; Sherry Broder and Jon Van Dyke, "Ocean Boundaries in the South Pacific," *University of Hawaii Law Review* 4 (1982): 12-23.

137. *Gulf of Maine Case*, (n. 107 above).

138. *Gulf of Maine Case* (n. 107 above), pp. 335-37, paras. 218-22; reprinted in I.L.M. 23 (1984): 1242-43.

139. Karl, (n. 23 above), p.672.

140. For example see Barbara Kwiatkowska, "Maritime Boundary Delimitation Between Opposite and Adjacent States in the New Law of the Sea: Some implications for the Aegean," (paper presented at the International Symposium on Aegean Issues, Cesme, Turkey, October 1987, publication of these proceedings are forthcoming).

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141. For maps illustrating this approach, see Wilson, (n 121 above), pp.36-37, the caption on Map 1 p.36 apparently should read "6 nautical miles" instead of "16 nautical miles."

142. see text accompanying note 132 above.

143. For a map illustrating this approach, see Wilson, (n. 125 above) p.38; and Karl (n. 23 above), pp. 671-72.

144. See text accompanying note 98-102 above.

145. See generally, Mark Valencia (ed), *The South China Sea: Hydrocarbon Potential and Possibilities of Joint Development* (New York: Pergamon Press, 1981).

CSCE PROCESS AND FREE FLOW OF INFORMATION BETWEEN THE EAST AND THE WEST *

Yüksel Söylemez

The 21st century will be the Age of Information. Fast and sophisticated communications are inevitably leading us to interdependence.

Fifteen years ago, with the signing of the Helsinki Final Act, 33 European and two North American countries joined their determination and efforts to initiate this process. The principles and provisions of the Final Act constitute a code of conduct which, because of their universal character, cannot be confined to Europe.

The CSCE process, since its inception, has contributed to the improvement of the climate of understanding in Europe through constant dialogue and better lines of communication. It also created the necessary atmosphere for cooperation among its participants in many fields. By establishing dialogue between the West, the East and other neutral and non-aligned countries, the CSCE process has contributed immensely to the enhancement of mutual confidence and security in Europe our everlasting objective.

The third Follow-Up Meeting of the Conference on Security and Cooperation in Europe has produced a successful outcome. A substantial and balanced Concluding Document was approved in Vienna a few months ago. This milestone of a Document goes far beyond those of the

* *This article was based on the opening and closing statements by Ambassador Y. Söylemez, Head of Turkish Delegation to the London Information Forum held between April 19- May 11, 1989.*

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1975 Helsinki Final Act and the 1983 Madrid Concluding Document. The Vienna Follow-Up Meeting was another manifestation of the common desire to find common solutions to age old problems. The East and the West have been coming closer to each other. A climate of understanding is proving to be possible in Europe, through better lines of communication and permanent dialogue. Turkey is always for dialogue. Stability and security in Europe is of paramount importance for all of us. Security in Europe cannot be possible in the military field alone. There is an inseparable link between security on the one hand and the human dimension on the other.

There is obvious willingness for change. We need new thinking for stable change. Adaptation is the order of the day, both for East and West. As we all know, Europe is entering one of the most significant periods of change in its history. What kind of Europe will emerge over the long run depends on our goodwill, sincerity and common sense and our sense of common destiny.

The Conference on Security and Cooperation in Europe is going to loom even larger in the decade ahead. It will have a very large role to play, as Europe rearranges its relationships.

One area which will have direct and tangible impacts on these relationships is the degree of openness with which we are ready and willing to communicate among ourselves. Of course, communications also imply the dissemination of oral, written and visual materials. This in turn brings into picture the free and unhindered movement and role of journalists, broadcasters and other involved in mass media and the facilities which we put at their disposal. To the extent that we bring in improvements to their working conditions will we be able to derive direct benefits for the overall human environment which our modern societies have so long sought after.

The role and the contribution of the journalists and the media will have a stabilizing effect and fundamental bearing which is of paramount importance in East-West relations. The dawn of a new era in East-West relations in general, is expected to have a constructive and positive effect in the field of freedom of information. This will hopefully be a period of compromise rather than confrontation, a period of give and take, rather than sterile blandishments and recriminations.

The atmosphere of transformation in the East-West relations presents itself as a unique opportunity for the free flow of information and to improve the working conditions of journalists in the best possible manner, within the CSCE process.

Turkey welcome, the recent positive developments that have taken place regarding the free flow of information. We note with pleasure the cessation of jamming of Western broadcasts to Eastern Europe and the Soviet Union. But there have been setbacks as well. Jamming of Turkish broadcasts to Bulgaria and another neighbouring country continues unabated. The Bulgarian Government is still in defiance of its commitments within the framework of the CSCE process. A vivid example of this is the jamming of all radio broadcasts from Turkey by the Bulgarian authorities in spite of our repeated representations.

The Bulgarian violations are not only confined to jamming. The Bulgarian Government is also engaged in a disinformation campaign about the Turkish Minority in that Country. The Bulgarian Government went so far as to deny Turkish journalists entry visas, let alone affording them the opportunity to travel extensively in the Country and in the regions inhabited by the Turkish minority.

In this context, I should emphasize that the Vienna Concluding Document stipulates that national minorities have the right to have access to, disseminate and exchange information in their mother tongue. This provision, represents a substantial improvement in the field of information and the rights of national minorities. However, the members of the Turkish minority in Bulgaria have been totally deprived of their right of receiving, importing or exchanging information and publishing newspapers in their mother tongue. Their right to freedom of choice in information is also denied. The members of the Turkish minority have not been able to express their views freely. Those who have tried to enjoy this fundamental right have been subjected to inhuman persecution by the Bulgarian authorities.

It is, therefore, incumbent upon all of us to monitor carefully the implementation of the provisions of the Final Act and its Concluding Documents in their entirety without discrimination and double standards.

Let me now turn to some UNESCO figures which reveal the state of information. Daily newspaper circulation in the world was on the in-

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crease in the fifties, with a world total of 300 million copies daily in 1964. This was 20 % higher than a decade ago : 60 million in the United States, 40 million in Japan, 40 million newspapers in the USSR were sold daily. Europe buy 40 % of the world's dailies. On the other hand, the Third World, representing 70 % of the world's population, command a mere 26 % of newspaper sales. Unfortunately, not much has changed in the last 25 years, which is a great cause for concern for the information world.

The expansion of the daily press in Turkey since 1955, again according to UNESCO, "has been phenomenal". By 1964 there were 427 daily and 377 non-daily newspapers all over Turkey, but with a total circulation of 1.3 million, for a population of 27.8 million then.

By now, the circulation has doubled to 2.6 million, but so has the population in 25 years. We also have newspapers for Turkey's Greek, Jewish and Armenian minorities, published over decades in their own languages, apart from French and English dailies and weeklies.

Newspaper printing today is going through an electronic and automation revolution; journalism of our times is also being revolutionized. The CSCE process is obliged to take notice of this phenomenon.

The age of the ultimate global newspapers in every language is already here. A subscriber may telephone a number and all the papers in all the countries will be on this TV screen. The days of the news printed on paper with publisher's ink seem numbered. The CSCE process relating to information should also take note of this revolution.

To set up a solid and effective cooperation, based on goodwill in the fields of press, broadcasting and information would be to the common benefit of all participants of the CSCE process.

We in Turkey provide Turkish or foreign journalists with facilities like press cards which offers them reduced fares. They also enjoy a 50 % reduction in their telex and telephone bills, as well as in their travel, by train or plane, on domestic lines. All foreign media and representatives stationed in Turkey are free to employ Turkish nationals. International media based in, or temporarily assigned to Turkey, enjoy the same journalistic rights as domestic media personnel.

In this regard, Eastern European states should consider also, on a multilateral basis, rendering freedom of travel rights to foreign jour-

nalists, TV and radio correspondents in their countries. In order to facilitate this, they should ease visa requirements to the minimum possible level.

Journalist members of the Turkish Delegation to CSCE London Information Forum have also put forward their own proposals, as they supported proposals by a group of journalists. The multitude of proposals and ideas underline the apparent and understandable vested interest of the journalists and the media towards the solution of these problems and indicate the importance of this process. Many of the proposals and ideas may be repetitive, however valuable they are, one such proposal put forward by USSR to establish a European Information Council deserves consideration.

All the necessary arrangements can be made in order to enable the free dissemination of newspapers, magazines, agency bulletins and the like, especially with Eastern European countries.

The establishment and operation of permanent offices by official or semi official agencies, newspapers or magazines should be permitted. To improve relations and to provide free flow of information, the signing of cooperation protocols should be encouraged among press institutions.

The exchange of programmes (news, documentaries, drama) among radio and TV corporations should also be arranged. In order to support the cooperation in this field, the signing of bilateral and multilateral protocols should be encouraged and realized. In this context, Turkey, recently signed similar protocols with the USSR and Poland, among others.

The necessary administrative and technical measures should be taken to provide the reception of radio and TV broadcasts, without any hindrance or interference. Apart from taking the necessary measures for a clear reception of each other's radio and TV broadcasts, intentional or unintentional interference to the broadcasts on frequencies recognized by international agreements should also be avoided in the best possible manner.

The privileges and facilities legally granted to foreign journalists and correspondents in Turkey should also be afforded to Turkish journalists by other countries.

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We also expect all the participating states to honor the commitments they have undertaken under the Vienna Concluding Document concerning the right of national minorities to disseminate, have access to and exchange information in their mother tongue, as is the case of Turkish minority in Bulgaria.

Furthermore, the necessary measures should be taken to eliminate state monopoly in the field of information and control over non-governmental press organisations such as the unions of journalists or writers' clubs.

Public opinion's best tool to facts is a free press. The grand old man of journalism, Walter Lippmann, once said "The ordinary man is not a free shopper, among ideas. On the contrary, public opinion has only limited access to the facts. News is dependent on information, vulnerable to government pressures. The public resembles the theater-goer who arrives in the middle of the third act and leaves before the last curtain, having stayed just long enough to decide who is the hero and who is the villain of the piece."

The abuse of news bred public scepticism. On the other hand, technology has undermined many governments' ability to censor the news. We also witness now the internationalization of television through the revolution of cable and satellite.

At the closing decade of a century burdened with dangerous evolutionary baggage, short-sightedness, greed, blind submission to xenophobic hostility to outsiders, combined with the destructive capacity of our technology, it is not easy to be an optimist.

Yet we also have acquired compassion for others, a love for our children and our grandchildren, a desire to learn from history, and a great intelligence. So we will not surrender to pessimism. We are members of a larger group; our loyalties were first to ourselves and our family; then to tribes, city-states, nations, states and the international community. Most human concerns in time's evolutionary perspective seem insignificant, even petty.

The proposals submitted to LONDON INFORMATION FORUM contained in LIF.59 were presented on behalf of 17 Western Co-Sponsors, including USA, Canada, Iceland, Norway and Turkey, and 12 EC countries are carefully prepared proposals which should be studied

between now and Helsinki Review meeting in 1992, to help improve free flow of information, as all roads now lead to Helsinki. Another interesting set of proposals were presented by Austria, on behalf of its Co-Sponsors Representing Eastern-Western- and Neutral Europe, which also deserves attention, by CSCE countries.

Turkey is ready to contribute positively to the CSCE process in every opportunity, to aid to reduce all the obstacles and finally eliminate them for the realization of free flow of information and for having access to sources of information of one's free choice between and within 35 CSCE countries should be considered an ambitious target.

The World of 1990's is neither the Brave New World foreseen by Aldous Huxley after World War I, nor the 1984 envisioned by George Orwell after World War II.

As we refine and redefine our sense of common identity within CSCE process it will become possible for us to seek solutions to our problems.

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