

# **GREECE MILITARIZATION IN AEGEAN ISLAND: AN INTERNATIONAL LAW PERSPECTIVE**

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## ***Abstract***

*In June 2022, President Erdogan of Turkey suspended bilateral contact with Greece, alleging that Greece's militarization of islands in the eastern Aegean Sea violated international law. This issue stems from Greece's decision to militarize an island in the Aegean Sea, which was designated as demilitarized under the Lausanne Peace Treaty. Greece argues that this militarization is necessary for self-defense and conforms to international norms. This research critically examines the status of the demilitarized island under international law and evaluates Greece's justification for self-defense within the framework of global norms. Utilizing normative legal research with a case study approach, the study finds that Greece has indeed breached the terms of the Lausanne Peace Treaty. Furthermore, Greece's claims of self-defense are deemed invalid since they are not qualified to meet the criteria under international law. The research concludes by recommending that Turkey pursue legal recourse, potentially through the International Court of Justice, to address this breach. This approach aims to uphold the principles of international agreements and seek resolution through established legal mechanisms.*

**Keywords:** *Aegean Islands; Lausanne Peace Treaty; Greece Militarization*

## **1. Introduction**

Turkey and Greece are two neighboring countries that have been intimately familiar with one another for generations. Despite this, one may characterize the relationship between Turkey and Greece as “rivalries” or “competitors.”<sup>1</sup> Greece and Turkey share a small land border. Both countries are also bordered by the Mediterranean and Aegean seas.<sup>2</sup> Starting with concerns relating to the Aegean, Cyprus, and minorities, and continuing with issues relating to the discovery of oil and gas in the Mediterranean Sea. After the Second World War, the Greco-Turkish conflict became a Cyprus issue starting in the 1950s.<sup>3</sup> The demilitarized status of the Eastern Aegean Islands is one of the issues between Turkey and Greece in the Aegean Sea. Turkey has several issues with Greece and the Greek Cypriot authorities regarding maritime boundaries and rights in the Aegean and

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<sup>1</sup> Yusuf Avar and Yu Chou Lin, “Aegean Disputes Between Turkey and Greece: Turkish and Greek Claims and Motivations in the Framework of Legal and Political Perspectives,” *International Journal of Politics and Security* 1, no. 1 (2019): 58, <https://dergipark.org.tr/en/pub/ijps/issue/41279/530234>.

<sup>2</sup> Judy Carter, George Irani, and Vamik D. Volkan, *Regional and Ethnic Conflicts: Perspectives from the Front Line* (New York: Routledge, 2015), 179.

<sup>3</sup> Edanur Yildiz, “The Conflict Between Greece and Turkey in The Mediterranean Sea (International Maritime Law Study),” *Jurnal Hukum Unissula* 36, no. 2 (2020): 126, <https://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/11393>.

Eastern Mediterranean Seas. Greece claims its actions fall within global norms and has the right to act for self-defense, while Turkey argues that Greece has violated its obligations under international treaties and law. Greece and Turkey are NATO allies. However, both have a history of disputes over various issues, including mineral exploration in the eastern Mediterranean and competing claims in the Aegean Sea. The two countries have gone to war almost three times in the past half-century. The last dispute occurred in 1996 over ownership of uninhabited islands in the East Aegean Sea. Since the 1970s, these conflicts have impacted Greek-Turkish relations. In 1987 and 1996, it nearly led to war.<sup>4</sup> Despite multiple rounds of negotiations since the mid-1970s, the Greek and Turkish maritime boundaries in the Aegean Sea remain unsettled.<sup>5</sup>

Territorial divisions in the form of walls and demilitarized zones may also feature tense bilateral relations between neighbors.<sup>6</sup> Furthermore, because territorial borders are used to determine the extent of a state's sovereignty, state borders play an important role in geographical, legal, and economic elements.<sup>7</sup> In June 2022, the Turkish president, Recep Tayyip Erdogan, declared the suspension of bilateral contacts between Turkey and Greece in response to what he referred to as Greece's "militarization" of islands located in the eastern Aegean Sea in contravention of international accords. The militarization of Aegean Island violated the Lausanne Peace Treaty because the islands should be demilitarized. It is governed by the Lausanne Peace Treaty in Article 13. In this paper, the analysis focused on the demilitarized status of the island from the international law perspective and whether the claim that Greece's actions are within the scope of global norms and has the right to act in self-defense. In "The Legacy of the Treaty of Lausanne in the Light of Greek-Turkish Relations in the Twentieth Century: Greek Perceptions of the Treaty of Lausanne" by Spyridon Sfetas<sup>8</sup>, the research is more focused on the treaty itself, whereas in this paper, the authors discuss both the treaty and an update on the militarization, which was not discussed in the previous paper.

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<sup>4</sup> Petros Siousiouras and Georgios Chrysochou, "The Aegean Dispute in the Context of Contemporary Judicial Decisions on Maritime Delimitation," *Laws* 3, no. 1 (2014): 13, <https://www.mdpi.com/2075-471X/3/1/12>.

<sup>5</sup> Constantinos Yiallourides, "The Aegean Sea Maritime Delimitation Dispute," in *Maritime Disputes and International Law: Disputed Waters and Seabed Resources in Asia and Europe* (London: Routledge, 2019), 44.

<sup>6</sup> Alice Pannier, "Bilateral Relations," in *Global Diplomacy: An Introduction to Theory and Practice*, ed. Thierry Balzacq, Frédéric Charillon, and Frédéric Ramel (Cham: Palgrave Macmillan, 2020), 30.

<sup>7</sup> Yordan Gunawan et al., "The Validity of Turkey-Libya's Agreement on Maritime Boundaries in International Law," *Jurnal Hukum dan Peradilan* 9, no. 2 (2020): 171, <https://jurnalhukumdanperadilan.org/index.php/jurnalhukumperadilan/article/view/412>.

<sup>8</sup> Spyridon Sfetas, "The Legacy of the Treaty of Lausanne in the Light of Greek-Turkish Relations in the Twentieth Century: Greek Perceptions of the Treaty of Lausanne," *Balkanica* 46 (2015): 195–218.

## **2. Method**

In this research, normative legal research was applied. This method is often referred to study of documents that uses a qualitative approach to data and uses secondary data sources. The sources used in this research is books, research articles, and also treaty, particularly the Lausanne Peace Treaty.

In addition, normative legal research is conceptual because it looks at social norms and regulations and the law itself. Legal research that is based on doctrine is research done on laws that have been drafted and developed using that doctrine. The doctrinal approach is the foundation of common law and the primary legal research method. Therefore, explaining or categorizing it within a more extensive, cross-disciplinary study framework has not been necessary.<sup>9</sup>

## **3. Results and Discussion**

### **3.1. History of Aegean Island Conflict: Turkey and Greece**

The Aegean Sea has traditionally been characterized by interstate conflict over territory.<sup>10</sup> Historic hatred and regional competition must influence Turkey's relations with Greece. The Greek War of Independence, driven by rising nationalism against the Ottoman Empire and religious issues, significantly influenced the Athenian perspective of Turkey today. The 1919-1922 Greek-Turkish War, also known as the Asia Minor War, was a military conflict between May 1919 and October 1922 during the division of the Ottoman Empire after World War I. It was fought between Greece and the Turkish National Movement, which later established the Republic. Turkey and Greece have fought for millennia over Aegean Sea sovereignty. From 1522 to 1832, Turkey ruled the Aegean Sea. With Greek independence and the Balkan Wars (1912), Turkey lost control of the Aegean Sea and Greece gained authority. After the 1974 Cyprus War, elites and politicians in both countries used more aggressive language, increasing animosity. His T. Pangalos, the former Greek Foreign Minister, and His E. Gonensay, the former Turkish Foreign Minister, have made "degrading" and "hostile" statements about each other, increasing suspicion and mistrust in both societies, creating, and destroying communication.<sup>11</sup>

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<sup>9</sup> Terry Hutchinson and Nigel Duncan, "Defining and Describing What We Do : Doctrinal Legal Research," *Deakin Law Review* 17, no. 1 (2012): 84.

<sup>10</sup> Beste İşleyen, "Technology and Territorial Change in Conflict Settings: Migration Control in the Aegean Sea," *International Studies Quarterly* 65, no. 4 (2021): 1087.

<sup>11</sup> Erol Kalkan, "The Longstanding Dispute between Turkey and Greece: The Aegean Issue," *International Journal of Economic and Administrative Study* 28 (2020): 168.

Some scholars referred to the situation between Turkey and Greece as “the never-ending Cold War.”<sup>12</sup> After the Cyprus ethnic conflict, they fought again. In 1963–1964 and 1974, Turkish-Cypriots and Greek-Cypriots fought due to Turkey's invasion and a military coup.<sup>13</sup> For ages, Turkey and Greece have fought each other to declare/or expand their respective area of Aegean Sea jurisdiction. From 1522 to 1832, Turkey ruled the Aegean Sea. After the Balkan Wars, Greece took control the Aegean Sea. After the Balkan Wars, Greece took control of the Aegean Sea. There was no conflict between Turkey and Greece over the Aegean Sea for more than 40 years after the signing of the Lausanne Peace Treaty (1923), which established the present-day borders between Turkey and Greece, and the Treaty of Friendship between the two regions in 1930, which lasted until the end of the 1950s.<sup>14</sup> However, the conflict between the two countries began establishing and widening their zone of influence over the Aegean Sea in the early 1960s. It intensified in the mid-1990s, particularly after the 1974 Cyprus War. Turkey invaded Cyprus after an Athens-backed *coup d'état*.<sup>15</sup> In armed conflict, there will always be victims from various groups.<sup>16</sup> The invasion killed 317,000 Cypriot men (approximately 265,000 Greeks) in August 1974.<sup>17</sup> Following the 1974 Cyprus War, elites and politicians on both sides adopted a more hostile tone in their public discourse.

The Cyprus issue quickly harmed relations between Greece and Turkey. Most Greek Cypriots began to feel a sense of nationalism after Great Britain took control of Cyprus from the Ottoman Empire in 1878. Turkish protesters attacked the Greek inhabitants of Istanbul in 1955 in response to Greek-Cypriot calls for enosis. The 1955 riots marked the end of the Greek-Turkish *détente*. Greece and Turkey came dangerously close to starting a war when Turkey invaded the Republic of Cyprus 26 years later, in July 1974. Aegean Sea crises have occurred again, but the most recent issue that sparked hostilities between the two nations is no longer as pressing. The two

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<sup>12</sup> George Koukoudakis, “Explaining Explaining the Endurance of Greek-Turkish Rapprochement Process,” *Uluslararası İlişkiler* 11, no. 44 (2015): 82, <https://dergipark.org.tr/en/download/article-file/693192>.

<sup>13</sup> Dian Kartika Putri, “Analisis Intervensi Yunani Dalam Eskalasi Konflik Siprus,” *Jurnal Analisis Hubungan Internasional* 3, no. 3 (2014): 960.

<sup>14</sup> *Ibid.*

<sup>15</sup> Adeleke O. Ogunnoiki, Innocent O. Iwediba, and Ifeanyi C. Ani, “Greece-Turkey Maritime Dispute in the Eastern Mediterranean: From Escalated Tensions to Diplomacy,” *Renaissance University Journal of Management and Social Sciences* 7, no. 2 (2021): 3.

<sup>16</sup> Mohammad Hazyar Arumbinang, Yordan Gunawan, and Andi Agus Salim, “Prohibition of Child Recruitment as Soldiers: An International Regulatory Discourse,” *Jurnal Media Hukum* 30, no. 1 (2023): 21.

<sup>17</sup> Annelle R. Sheline, “Constructing an Islamic Nation: National Mosque Building as a Form of Nation-Building,” *Nationalities Papers* 47, no. 1 (2019): 104–120.

nations in the area of Ymir Island were on the verge of war in January 1996. A military war was only averted by an abrupt, high-level US intervention.<sup>18</sup>

The first Aegean Sea conflict began in 1974 when Turkey launched an oceanographic vessel and three warships to study a section of the sea where, in Ankara's and Athens' contention, the continental shelf overlapped. Greece sent a naval force and a diplomatic note to Turkey. Ankara dispatched a seismic ship and a cruiser to collect seismic data near Lesbos Island in 1976. Greece activated a full military alert. Athens and Ankara were disarmed by the UK, and in 1976, Greece filed a complaint with the International Court of Justice (ICJ), which dismissed it in 1978. The United Nations Security Council (UNSC) then convened the two parties to defuse the situation and began a conference to resolve it. Later, in 1987 the two nations nearly fought once more. The United States' diplomatic pressure and mediation were the only things standing between the two countries from going to war in the end. Due to their shared economic growth, and social, political, and security interest in the Aegean Islands, Turkey and Greece are the only two nations whose coasts are washed by the Aegean islands. They therefore must live side by side and must find a way to balance their rights and interests in the Aegean Islands. According to the current territorial status, which is governed by the 6nm principle, only 8.8% of the Aegean is located within Turkish territory, 35% is located within Greece territory, and 56.2% are open sea.<sup>19</sup>

The dispute regarding demilitarization has yet to be settled. Everything was altered by a coup on the island in 1974. Turkey invaded while President Archbishop Makarios III fled to London and was replaced by Nikos Sampson, a prominent supporter of unification with Greece. Turks took 30% of the island. The island is still divided by the Green Line, which is under the supervision of the United Nations; Turkish Cypriots govern the north, while Greek Cypriots govern the south. On the northern side of Cyprus, Turkish Cypriots founded the Turkish Republic of Northern Cyprus. Turkey is the only nation to recognize the Turkish Republic of Northern Cyprus, which is not a part of the UN. The northern region of Cyprus is referred to as a Turkish-occupied area and is regarded as being under Turkish invasion under international law.<sup>20</sup> The Turkish Republic of Northern Cyprus (TRNC) declared its independence in November 1983, which was followed by a

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<sup>18</sup> Kostas Ifantis, "Greece's Strategy and Perceptions towards Turkey: The End of Consensus and the Return of History?," *Uluslararası İlişkiler* 15, no. 58 (2018): 94.

<sup>19</sup> Konstantinos Papadakis, "The Greece-Turkey Dispute in the Aegean and the ICJ Sea Border Delimitation Case of Ukraine Romania: Similarities and Differences in a Comparative Perspective," *European Quarterly of Political Attitudes and Mentalities* 7, no. 3 (2018): 39.

<sup>20</sup> Idil M. Karatas, "How to Draw the Lines in the Aegean: A Multifaceted Conflict Turning into Casus Belli Between Greece and Turkey," *Ocean and Coastal Law Journal* 27, no. 1 (2022): 105.

further deterioration in relations between the two countries. This demonstrates the tenacity of the Cypriot issue in the relations between Turkey and Greece. In reaction to Turkey's acceptance of the TRNC's independence in December 1984, Greece developed a new defense doctrine that singled out Turkey as the most significant foreign threat to the country's sovereignty.<sup>21</sup>

The Aegean conflict is a collection of disagreements over topics such as the mining of the Aegean seabed for natural resources, the size of the nation's airspace and territorial waters, as well as territorial integrity and national security. Disagreements about each other's sovereignty, sovereign rights, and obligations in the Aegean Sea, have strained relations between Greece and Turkey. In response to Greece's intentions to exercise its legal rights under the United Nations Convention on the Law of the Sea (UNCLOS), this tension has prompted Turkey to issue a *casus belli* (war threat), and both nations have since entered into an expensive arms race to defend their respective territories.<sup>22</sup> The opening of various consulate generals and embassies in their respective nations served as markers for this. There has never been a good connection between the two nations. Greece and Turkey's relationship is tumultuous.<sup>23</sup>

### **3.2. Lausanne Peace Treaty**

The Treaty of Lausanne was signed on July 24, 1923, in Lausanne, Switzerland. It was a peace treaty that settled the Anatolian and East Thracian parts of the partitioning of the Ottoman Empire by the annulment of the Treaty of Sèvres (1920), which had been signed by the Istanbul-based Ottoman government. The Treaty of Lausanne must be accepted as a partial turning point in the abandoned property issue, and as will be discussed further below, the Turkish Constitutional Court noted this in a 1963 decision.<sup>24</sup> The Treaty of Lausanne was the result of the Turkish War of Independence between the Allies of World War I and the Ankara-based Grand National. In addition, the treaty was responsible for the world community recognizing the Republic of Turkey as the legitimate successor state to the Ottoman Empire after it had ceased to exist. Under the Lausanne Peace Treaty, it was agreed that the territorial sea would not exceed 3 miles.

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<sup>21</sup> Ufuk Alkan, "Legal And Political Aspects Of The Aegean Dispute And Its Implications For Turkey's Relations With Greece And The European Union," *Atatürk Üniversitesi İktisadi Ve İdari Bilimler Dergisi* 29, no. 4 (2015): 692.

<sup>22</sup> Panagiotis Pantazis, "The Torres Strait Treaty: A Possible Solution to the Aegean Conflict," *CES Working Papers* 14, no. 1 (2022): 24, [https://ceswp.uaic.ro/articles/CESWP2022\\_XIV1\\_PAN.pdf](https://ceswp.uaic.ro/articles/CESWP2022_XIV1_PAN.pdf).

<sup>23</sup> Salsabila Putri Chaerunnisa, "The Analysis of Diplomatic Relations between Turkey and Greece Until 2021," *Journal of ASEAN Dynamics and Beyond* 3, no. 1 (2022): 54, [https://jurnal.uns.ac.id/adab/article/view/Salsabila\\_Putri\\_Chaerunnisa](https://jurnal.uns.ac.id/adab/article/view/Salsabila_Putri_Chaerunnisa).

<sup>24</sup> Akçam Taner, Umit Kurt, and Aram Arkun, *The Spirit of the Laws: The Plunder of Wealth in the Armenian Genocide*, 1st ed. (New York: Berghahn Books, 2015).

The meeting represented the end of an age of geopolitical instability; nevertheless, it did not mark the end of the suffering of the affected populations. The delegations of the participating governments received an overwhelming number of protest letters and petitions from representatives of minority groups, refugees, and other individuals. Because the alternative to reaching a negotiated solution was to resume hostilities, the situation had to be heated for there to be any chance of success in the negotiations. The conference lasted for many months before finally coming to an end in February 1923. The only way to restart the talks was for the United States to step in and mediate. During the very first stage of the conference, participants began discussions and agreements on the swapping of Greek and Turkish citizens.<sup>25</sup>

The 1923 Treaty of Lausanne established the status quo in the Aegean and “a delicate balance between Turkey and Greece by balancing the important interests and legitimate rights of both countries, particularly those in the Aegean Sea.” It also guaranteed the independence of the Turkish lands. The Lausanne Treaty’s fundamental premise was to give coastal governments a limited amount of maritime sovereignty while leaving the remaining Aegean to the mutual advantage of Turkey and Greece. The Treaty of Lausanne was a continuation of the harsh treaty signed in 1920, and although Turkey was not ratified due to its lack of representation and hostile clauses, under great pressure the sick of Europe signed the treaty as a follow-up to the Lausanne Treaty of 1923.<sup>26</sup>

The Treaty of Lausanne established the current territorial status quo among Turkey, its neighbors, and other countries. Firstly, the idea that the free state of Greece had the historical responsibility to civilize the region to the east. Secondly, the idea that the Greeks constituted a historical continuity from ancient times all the way up to contemporary times by way of the Byzantine Empire. To put it another way, it was unimaginable for that Greek identity to exist apart from any mention of either the accomplishments of Alexander the Great or the Byzantine inheritance. It wasn’t until after the Balkan Wars that the phrase “Great Idea” got its definitive meaning.<sup>27</sup> Lausanne Peace Treaty was signed by France, the United Kingdom, Italy, Japan, Greece, Romania, Yugoslavia, and Turkey. The Lausanne Peace Treaty is written in French.

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<sup>25</sup> Athanassios Pitsoulis, “Greece, Turkey, the Eastern Question and the Treaty of Lausanne 1923,” *Beiträge zur Rechtsgeschichte Österreichs* 9, no. 2 (2019): 463.

<sup>26</sup> Rani Erum, “The Black Sea & Turkish Straits After 2023: The End of Lausanne & Prospects for Turkey’s Future as Regional Power,” *Pakistan Journal of International Affairs* 4, no. 3 (2021): 4, <https://www.pjia.com.pk/index.php/pjia/article/view/228>.

<sup>27</sup> Sfetas, “The Legacy of the Treaty of Lausanne in the Light of Greek-Turkish Relations in the Twentieth Century: Greek Perceptions of the Treaty of Lausanne,” 198.

### **3.3. The Aegean Island**

Greece is one of the oldest centers of civilization in Europe. Greece is located at the southeastern tip of the European continent. Most of the Aegean and Ionian Islands belong to Greece. To the north, Greece with mainland Europe with Albania, Yugoslavia, Bulgaria, and Turkey. Greece is bounded by the Aegean Sea to the east, the Mediterranean Sea to the south, and the Ionian Sea to the west. Greece has a pleasant Mediterranean climate.<sup>28</sup> Greek and Turkish interests compete for dominance in the eastern Mediterranean. By allocating Greece a disproportionate amount of territory, Turkey, for its part, suggested that Greece's claim to the territory would amount to a siege on the nation.<sup>29</sup> Mytilene is the capital of Lesbos and the main entrance to the East Aegean Sea, Athens is the main transit city for refugees, and Thessaloniki is the largest city near the northern border. After the EU-Turkey joint statement, the Balkans closed their borders, leaving thousands of refugees stranded in Greece.<sup>30</sup> The Aegean Sea is a branch of the Mediterranean Sea, which lies between Greece and Anatolia. It is connected to the Sea of Marmara and the Black Sea by the Bosphorus.

In Greek the name of this sea is (Aigaion Pelagos, Modern Greek Egeon Pélagos) and Ege Denizi in Turkish. The current coastline dates back to around 4000 BC. Prior to that time, at the height of the last ice age (16,000 BC) sea levels were everywhere 130 meters lower, and most of the coastal plains were clean and not much of the northern Aegean. When they were first occupied, today's islands including Milos with important obsidian production were probably still connected to the mainland. Beach settings now appear c. 7000 BC, with rates of post-sea ice age continuing to increase for the next 3,000 years.

The Aegean Sea is on the border of Turkey and Greece. This region has important seas and straits strategically:

1. Gibraltar's Street

The North African continent and the European continent are separated by this narrow strait, which may be found between Morocco and Spain.

2. Bab Al Mandap Street

On the coast of Yemen is where you'll find this slender channel, which is located at the most southernmost point of the Red Sea. This is crucial for the reason that it is quite likely that

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<sup>28</sup> Wulan Sondarika, "Peradaban Yunani Kuno," *Jurnal Artefak* 3, no. 2 (2019): 199.

<sup>29</sup> Atrashkevich Alexandra Nikolaevna, "Turkey and Greece: Political and Economic Relations within the Conflict Circumstances (1999-2017)," *Vestnik RUDN International Relations* 19, no. 4 (2019): 676.

<sup>30</sup> Charalampos Tsavdaroglou et al., "Acts for Refugees' Right to the City and Commoning Practices of Care-Tizenship in Athens, Mytilene and Thessaloniki," *Social Inclusion* 7, no. 4 (2019): 119.



any ship that navigates the Suez Canal, the Red Sea, or the Indian Ocean will also navigate through this strait. Through the control of Bab He Al He Mandap, this strait has the potential to exercise a significant amount of influence over the Horn of Africa as well as the Arabian Peninsula. Not only was it in the past a battleground between two superpowers (the United States and the Soviet Union), but it also had the potential to serve that function in the days gone by.

3. Turkish Strait

This strait is important because it serves as a passageway (for trade) between the Atlantic Ocean and the Asian continent. Additionally, it is the sole commercial route that Russia has from the Black Sea to the Mediterranean Sea. This is most likely one of the most important factors that contributed to Turkey's decision to become a member state of NATO. The Soviet Union placed a significant priority on the strait as the Cold War progressed due to its importance. Because during the winter months, the oceans around America ice over. This became known as the "hot water policy" of the Soviet Union.

4. Strait of Hormuz

It is bordered to the north by Iran, and to the south by Oman. The passageways through these bodies of water are only four miles wide, yet due to a number of characteristics, there is an exceptionally high volume of traffic. Through this narrow passageway, the passage of all ships and oil shipments to and from the Persian Gulf, the Arabian Sea, and the Indian Ocean is guaranteed. This strait is a critical area that must be protected in order to guarantee the safety of oil shipments.

5. Suez Canal

This canal is a very important transport route that connects the Mediterranean Sea to the continents of Africa and Asia. If there was no canal, travelers heading from Europe to Asia would have to go around Africa, which would add around 2,000 kilometers to their journey, making it approximately twice as expensive as taking the route that goes through the Suez Canal.<sup>31</sup>

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<sup>31</sup> Ismah Tita Ruslin, "Memetakan Konflik Di Timur Tengah (Tinjauan Geografi Politik)," *Jurnal Politik Profetik* 1, no. 1 (2013): 88.

### **3.4. The Demilitarized Status of Aegean Island in International Law**

The two nations' identities and self-perceptions, which are accompanied by the creation of each other's negative identities, are at the core of their relationship. Each nation's collective trauma and national mythology serve as more artificial and less natural drivers of its national identity. The notion of The Other serves as a dividing line between the two nations. For the Turks, Greece is not Turkey, that is traitors and nationalists, whereas for the Greeks, Turkey is not Greece, that is barbaric, and uncivilized.<sup>32</sup> The Lausanne Peace Treaty contains provisions that govern the demilitarized condition of the island. According to Article 13 of the Lausanne Peace Treaty, ratified in 1932, it is prohibited to create any naval installation or fortification on the islands of Lesbos, Chios, Samos, or Ikaria. In this case, Article 13 implies the demilitarization of these islands due to the purposes of these restrictions, which are to “ensure the maintenance of peace” and prevent attempts to make aggressive preparations. This demilitarization requires that an army base, naval base, and air base not be established on these islands. According to Article 3 of the 1982 United Nations Convention on the Law of the Sea, every State has the right to define the breadth of its territorial sea up to a limit of 12 nautical miles. Turkey and Greece make clear that in the event of a serious breach by one of the parties to the multilateral treaty, the party particularly affected by the breach may request that the party suspend the application of the treaty. Whole or part of the treaty in its relationship with the offending party. Status, the militarization of the Greek islands contradicted the object and purpose of the Lausanne peace treaty. Therefore, Türkiye is correct in arguing that Article 12 of the Lausanne Peace Treaty, which provides for ownership of these islands, could be suspended and renegotiated by Türkiye if the islands were not demilitarized. and keep it that way. These findings suggest that Greece's violation of the rules could have allowed Turkey to suspend the Lausanne peace treaty clause on sovereignty over the islands.

In addition to such limitations, Article 13 imposes the restriction that “the Greek armed troops in these islands will be restricted to the standard contingent called up for military duty.” The phrase “normal contingent” suggests that the Greek armed forces stationed on these islands may only be comprised of locals who are eligible to be conscripted for an officially set time, which is now anywhere between nine and twelve months. In addition to this, the number of police officers and members of the gendarmerie that are stationed in the region will be proportional to the number that is now stationed across the rest of Greece. As a result, the presence of police and gendarmerie

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<sup>32</sup> Konstantina D. Oikonomou, “Greek - Turkish Relations: A Classic Case of Power Competition towards a Paradigm Shift,” *Journal of Liberal Arts and Humanities* 3, no. 4 (2022): 22, <https://jlahnet.com/wp-content/uploads/2022/05/3.pdf>.

personnel on these islands is restricted to serving the only function of maintaining calm. Greece says Turkey's unilateral Aegean continental shelf delimitation is unlawful. Citing international agreements, Greece claims that each island is entitled to its own continental shelf. Greece says its continental shelf stretches from mainland Greece to the mid-line between the eastern Greek islands (Lesvos, Chios, Samos, Rhodes, and Dodecanese) and the Turkish coast.<sup>33</sup>

### **3.5. The Claim of Self-Defense by Greece as a justification**

Greece claims that it had the right to act in self-defense and that its actions, which comprised the militarization of an island in the Aegean Sea, are within the scope of world conventions. Greece believes that it had the right to do so. On the other side, Turkey is sure that international treaties have been breached by Greece, as well as Greece's duties under international law. Rivalry, meanwhile, is simply one aspect of the narrative. If 1919 is considered the point at which their hostility cannot be reconciled, one observes a zigzag trend in which, like a pendulum, there are periods of hostility and other times of amicable relations.<sup>34</sup>

Lemnos and Samothrace are both included in Greece's territory. Taking into account the article 4 of the Lausanne Convention Relating to the Regie of the Straits (1923) it makes it clear that the island Lemnos and Samothrace must be demilitarized. So that no armed forces shall be stationed on the island and only gendarmerie forces and police that is allowed on that island. Since the Montreux Convention Regarding the Regime of the Straits (1936) did not contain any provision regarding the demilitarization of Lemnos and Samothrace, the rule on demilitarization is no longer valid for these islands, according to Greece's assertions, which since the Lausanne Convention was terminated by the Montreux Convention Regarding the Regime of the Straits (1936). However, the Montreux Convention does not contain any express provision that signals the 'termination' of the Lausanne Convention. This is the most important point.<sup>35</sup>

The Lausanne Convention and the Montreux Convention do not cover the same ground in terms of their respective subjects and scopes. Because of this, it is difficult to deduce that the Lausanne Convention has been terminated from the wording of the Montreux Convention. This is

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<sup>33</sup> Julia Vasalotti, "Rough Seas: The Greek-Turkish Aegean Sea Dispute and Ideas for Resolution," *Loyola of Los Angeles International and Comparative Law Review* 33, no. 3 (2011): 387.

<sup>34</sup> A. Heraclides and G.A. Çakmak, eds., *Greece and Turkey in Conflict and Cooperation: From Europeanization to de-Europeanization*, 1st ed. (Routledge, 2019).

<sup>35</sup> Seymanur Yont, "How Greece's Militarisation of Aegean Islands Violates International Law," *TRT WORLD*, June 2022, <https://www.trtworld.com/magazine/how-greece-s-militarisation-of-aegean-islands-violates-international-law-58276>.

due to the fact that the termination of the Lausanne Convention would result in the deregulation of some subjects. In conclusion, the purpose of the Montreux Convention is to ensure Turkey's safety while also regulating the status of the straits. In addition, the Lausanne Peace Treaty is going to define the legal position of Lemnos and Samothrace in a different way than it will decide the legal status of the areas that are going to be under Turkey's sovereignty. Even if the Montreux Convention removed the demilitarized status of some regions under Turkey's control, it is realistic to believe that Lemnos and Samothrace will continue to have the demilitarized status they currently have. These are just some of the reasons why this is the case. It should be noted that the militarization of the Dodecanese Islands is another concerning development that should be highlighted in relation to the demilitarized status of the islands.<sup>36</sup> The Dodecanese Islands comprise Stampalia, Rhodes, Calki, Scarpanto, Casos, Piscopis, Nisyros, Calimnos, Leros, Patmos, Lipsos, Symi, Cos and Kastellorizo. According to Article 14 of the Paris Peace Treaty (1947), these islands are not to be militarised in any way, and this status is to be maintained. The law that governs demilitarization makes it illegal to construct any naval, military, or air installations, fortifications, or armaments within the territory and territorial waters that are in question.<sup>37</sup>

Under international law, restrictions are placed on how far one can go in exercising one's right to self-defense. In accordance with Article 51 of the United Nations Charter, every nation has the authority to exercise its right to self-defense if it comes under armed attack and while it waits for the United Nations Security Council to take action. When this is taken into consideration, it becomes clear that Greece's claims do not comply with international law. Athens is asserting its right to self-defense on the grounds that Turkey is allegedly violating Greek air space and is stationing military units, aircraft, and a landing craft on the coast of Asia Minor. Nevertheless, given that there is no overt state of enmity between the two nations, it is impossible for the events that have transpired to constitute an armed attack of any kind.<sup>38</sup>

#### **4. Conclusion**

In conclusion, the militarization that Greece did in the Eastern Aegean Islands violated International Law, and the claims given by the Greece regarding the islands of Lemnos and Samothrace are not valid since the Montreux Convention is not a "termination" of the Lausanne

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<sup>36</sup> Teoman Ertuğrul Tulun, *Consequences of Material Breach of The Lausanne Peace Treaty*, 2020.

<sup>37</sup> Yont, "How Greece's Militarisation of Aegean Islands Violates International Law."

<sup>38</sup> Ibid.

Convention. The Dodecanese Islands also, Under Article 14 of the Paris Peace Treaty (1947), set that the islands should be demilitarized. Furthermore, the claims of self-defense given by Greece are also not valid since there was no condition that fit self-defense. There is no event that qualified to claim that Greece is in need of self-defense while there is no physical hostility between Greece and Turkey.

Considering what the author has discussed, the disputes between Turkey and Greece regarding the demilitarized status of the Eastern Aegean Islands Turkey has several issues with Greece and the Greek Cypriot authorities regarding maritime boundaries and rights in the Aegean and Eastern Mediterranean Seas. Greece claims that its actions fall within global norms and has the right to act for self-defense, while Turkey argues that Greece has violated its obligations under international treaties and law.

The author suggests that both states, Turkey, and Greece have mediation between these states. Mediation can be seen as a form of out-of-court dispute resolution (non-litigation) which is a form of Alternative Dispute Resolution (ADR), but it can also take the form of court mediation. But if both states do not reach any agreement even though they have done meditation, the author suggests taking the disputes to the International Court of Justice.

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