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## Greek-Turkish Relations in the Post-Cold War Era

Loucas Tsilas\*

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# Greek-Turkish Relations in the Post-Cold War Era

Loucas Tsilas

## **Abstract**

Part I of this Essay lays out the role of Greece and Turkey in the security of the Balkans. Part II describes three areas of dispute between Greece and Turkey. Part III concludes with hopes that the two countries will move towards settling their differences.

# GREEK-TURKISH RELATIONS IN THE POST-COLD WAR ERA

*Loucas Tsilas\**

## INTRODUCTION

March 12, 1997, marked the fiftieth anniversary of the Truman doctrine.<sup>1</sup> On that March day in 1947, President Harry Truman announced the doctrine that had profound implications for U.S. policy towards Europe in general and the Balkans in particular. The Truman doctrine set the parameters for U.S. policy during the Cold War and also enabled Greece to resist Soviet expansionism and remain part of the free world. Equally important is the fact that the Truman doctrine ushered in a new era in Greek-U.S. relations. Since then, Greece and the United States have forged an even closer alliance. Moreover, when Greece joined the North Atlantic Treaty Organization<sup>2</sup> ("NATO") in 1952, it became an integral part of the Western alliance and defense system.

The 1947 alliance between Greece and the United States only served to underscore a relationship that went back many decades. The example of the U.S. revolution encouraged the Greeks when they rebelled against the Ottoman Empire in 1821. The philhellenism of the Founding Fathers and the deep admiration of the United States for Greece's war of independence constitute the beginning of the historical ties that bind together modern Greece and the United States. The bonds between the two countries were further strengthened when Greece and the United States fought side by side in the two World Wars. It is this common fight for freedom that cemented the friendship between the Greek and the U.S. peoples. The Truman doctrine and the NATO alliance only came to reconfirm this traditionally close friendship and the shared values between Greece and the United States.

Greece and another NATO member, Turkey, however, have not had as amicable and cooperative a relationship as that of the

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\* Ambassador of Greece to the United States.

1. Exec. Order No. 9857, 3 C.F.R. 646 (1943-1948), *reprinted in* 61 Stat. 103 (1947).

2. North Atlantic Treaty, Apr. 4, 1949, 63 Stat. 2241, 34 U.N.T.S. 243 [hereinafter NATO Treaty].

United States and Greece. Currently Turkey has provoked Greece on a number of fronts, including the policy pursued in the Balkans, violations by Turkey of Greek airspace, the Dodecanese islet of Imia, which Turkey mistakenly claims as its own, the contentious issue of Cyprus, and the mistreatment by Turkey of the Ecumenical Patriarchate of Constantinople and of the Greek minority residing in Turkey. Ultimately, Greece is determined to resolve these issues through recognized principles of international law, but is thwarted by Turkey's truculence and refusal to cooperate and work within the parameters of international institutions such as the United Nations and the International Court of Justice ("ICJ").

### I. *THE BALKAN PREDICAMENT*

The fall of the Berlin wall in 1989 signaled the end of the Cold War and the triumph of the western alliance and its underlying value system of freedom, democracy, human rights, and free market economy. The end of the Cold War also meant the collapse of the Soviet Union and the Communist regimes in the Balkans. These developments have changed Greece's regional environment dramatically and posed new opportunities, as well as challenges, for the Greek Government. In this respect, Greek-Turkish relations will be better understood if their Balkan dimension is also examined. Historically, both Orthodox Christianity and Islam have influenced the Balkans: solid blocks of Christian communities interspersed with Muslim enclaves constitute the bulk of the Balkan population. The roots of present day Balkan conflicts, the war in Bosnia especially, can also be traced to the re-awakening of ethnic and religious loyalties that Communist regimes suppressed for so long.

The collapse of Yugoslavia and the ensuing tragic war in Bosnia have threatened to destabilize the whole Balkan region. The Balkans, moreover, are Europe's Achilles heel and Balkan instability and wars tend to spill over to Europe. Consequently, Balkan security is directly linked to European security and any threat to Balkan security threatens Europe as well. European security is the primary reason for the United States' participation in the settlement of the Bosnian conflict, and its continued involvement in the Balkans, both directly and through the NATO alliance.

Stability in the Balkans in general and in Bosnia in particular has not taken root, however, because several sources of tension still exist in this inherently volatile region. Ethnic and religious rivalries and the dislocations caused from the transition from Communism to free market economies continue to pose a serious threat to Balkan stability. Most Balkan countries with the exception of Greece, are experiencing domestic upheaval. Albania, the new Yugoslav Federation, Bosnia, the Former Yugoslav Republic of Macedonia, and Bulgaria are faced with serious socio-economic problems linked to this transition process. Turkey is also experiencing a multifaceted and profound domestic crisis that is accompanied by economic and social dislocations, political repression, and widespread human rights violations.<sup>3</sup> The ongoing civil strife resulting from the Kurdish minority question is at the epicenter of the domestic crisis which in turn affects Turkey's overall international behavior.

Greece, on the other hand, stands out in the Balkans as a stable democracy with a free enterprise system and domestic tranquility. Greece is also the only Balkan country that is a member of the European Union,<sup>4</sup> NATO,<sup>5</sup> and the Western European Union.<sup>6</sup> As such, Greece is in the unique position to serve as the anchor of stability and an engine of economic growth for the whole Balkan region. It is no accident, therefore, that Greece is already playing a very important role in the transfor-

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3. See Eric Rouleau, *Turkey Beyond Ataturk*, 103 FOREIGN POL'Y 70-87 (1996) (analyzing current crisis in Turkey). Eric Rouleau is the former Ambassador of France to Turkey. See also U.S. DEPT. OF STATE, TURKEY, HUMAN RIGHTS PRACTICES (1995) (reporting on state of human rights in Turkey); GULBAHAR GUNDUZ & ALI EKBER KAYA, AMNESTY INTERNATIONAL, TURKEY (1996); HUMAN RIGHTS WATCH, HUM. RTS. WORLD REP. 1994 234-246 (1993).

4. Treaty on European Union, Feb. 7, 1992, O.J. C 224/1 (1992), [1992] 1 C.M.L.R. 719, 31 I.L.M. 247 [hereinafter TEU] (amending Treaty Establishing the European Economic Community, Mar. 25, 1957, 298 U.N.T.S. 11, 1973 Gr. Brit. T.S. No. 1 (Cmd. 5179-II) [hereinafter EEC Treaty], as amended by Single European Act, O.J. L 169/1 (1987), [1987] 2 C.M.L.R. 741 [hereinafter SEA], in TREATIES ESTABLISHING THE EUROPEAN COMMUNITIES (EC Off'l Pub. Off. 1987)).

5. NATO Treaty, *supra* note 2.

6. Treaty for the Collaboration in Economic, Social, and Cultural Matters and for Collective Self-defense, Mar. 17, 1948, 19 U.N.T.S. 51, modified by Protocol Modifying and Completing Treaty Between Belgium, France, Luxembourg, the Netherlands, and the United Kingdom of Great Britain and Ireland for Collaboration in Economic, Social, and Cultural Matters and for Collective Self-defense, Oct. 23, 1954, 211 U.N.T.S. 342 [hereinafter Treaty on Western European Union]. Protocol on the Accession to the Western European Union of the Republic of Greece, Nov. 20, 1992.

mation of former Communist Balkan economies into free enterprise systems. Greek businessmen, entrepreneurs, and investors are assisting in the formation of a new Bulgarian, Rumanian, and Albanian entrepreneurial class.

In the security field, Greece has signed defense cooperation agreements with Bulgaria and Rumania and is developing closer security ties with Albania. From the start of the Bosnian conflict, Greece adopted a principled stand regarding the peaceful settlement of the crisis. For the last four years, Greek humanitarian aid to Bosnia and to all the suffering peoples of former Yugoslavia, irrespective of their ethnicity or religion, has been quite substantial. Moreover, Greece actively and repeatedly undertook diplomatic initiatives, supported by its partners and allies, with the view of ending the war. Following the Dayton peace accords,<sup>7</sup> Greece sent a military contingent to Bosnia to serve alongside U.S. troops as part of the International Force ("IFOR"), the Bosnia peacekeeping force.<sup>8</sup> In addition, Greece is assisting in the reconstruction effort through economic and technical aid.

Given the current and potential instability in the Balkans, it is evident that Greece's role is essential for peace and prosperity in the area. Furthermore, any threat to Greece's security would undermine the security and stability of the Balkans. Such destabilization is certainly against the interests of the region, the western alliance, and the United States. The prospect of regional destabilization, however, continues to loom because Greece is confronted with a growing security threat from its eastern Balkan neighbor, Turkey.

## II. *GREECE AND TURKEY: AREAS OF DISPUTE*

The Bosnian Conflict, Soviet expansionism during the Cold War, and two World Wars fought primarily on European and Balkan soil, serve as reminders of the cost to humanity of totalitarianism and of territorial revisionism. Since the end of the

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7. Military Aspects of the Peace Settlement, of the Agreement on General Framework Agreement for Peace in Bosnia and Herzegovina (implementing Dayton Peace Accords) 15 Dec., 1995, Republic of Bosnia and Herzegovina, Republic of Croatia, and Federal Republic of Yugoslavia.

8. See S.C. Res. 1031, U.N. SCOR, 50th Sess., 3607th mtg. at 2, U.N. Doc. S/RES/1031 (1995) (endorsing deployment of NATO-led multinational peace implementation force).

Second World War, the United States, Canada, and the European continent extending from the Pyrenees to the Urals, have agreed that the change of European borders by force or the threat of force is absolutely unacceptable. Yet Turkey, a member of NATO and aspiring member of the European Union, using convoluted arguments in direct violation of international law and treaties, has embarked on a policy of territorial revisionism against Greece. For over two decades, Turkey has threatened to use force in order to change the status quo in the Aegean.

Over the last seven decades, the Treaty of Lausanne, signed in 1923, offered the main legal framework that regulated bilateral relations between Greece and Turkey.<sup>9</sup> A number of other multilateral treaties and agreements such as the North Atlantic Treaty<sup>10</sup> and the Treaty of Rome<sup>11</sup> also define Greek-Turkish relations. Adherence to these treaties and agreements and respect for international law, have guided Greece's behavior vis-à-vis its neighbors in general and its policies towards Turkey in particular. Turkey on the other hand, has chosen the path of challenging and violating these treaties and subsequently, the spirit behind the European security system. As a result, tension and repeated crises have characterized Greek-Turkish relations.

Turkey's policy of territorial revisionism is not unrelated to the deepening crisis that threatens the country's social order and the cohesion of its political system. Faced with mounting domestic problems, the Turkish military establishment, which remains the final arbiter of the political system, looks for external diversions as an outlet for the accumulated domestic pressures. Greece, a historic rival that has managed to create better prospects for its people, offers the ideal target that can keep the Turkish public preoccupied with the external threat to the nation. Greece does not entertain any territorial claims against Turkey and poses no military threat to its eastern neighbor of sixty-one million<sup>12</sup> with the largest standing army in NATO after

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9. Treaty of Peace with Turkey, July 24, 1923, 28 U.N.T.S. 11 [hereinafter Treaty of Lausanne]. The Treaty of Lausanne regulates the status of the northeastern Aegean islands at the exit from the Dardanelles. *Id.*

10. NATO Treaty, *supra* note 2.

11. Treaty Establishing the European Economic Community, Mar. 25, 1957, 298 U.N.T.S. 11, 1973 Gr. Brit. T.S. No. 1 (Cmd. 5179-II) in TREATIES ESTABLISHING THE EUROPEAN COMMUNITIES (EC Off'l Pub. Off. 1987).

12. See WORLD BANK, WORLD DEVELOPMENT REPORT 215 (1997) (reporting that Turkey currently has population of 61.1 million).

the United States.

The Greece-Turkey relationship illustrates a recurrent phenomenon in contemporary international affairs: a heavily armed country, Turkey, with a past of military aggression against its neighbors, seeks to revise the status quo at the expense of one of its neighbors, Greece. Three main areas evidence Turkish revisionism, notably the Aegean, the minorities question, and the Cyprus dispute.

### A. *The Aegean*

#### 1. The Aegean Continental Shelf

The Aegean is an archipelago dotted with islands and islets home to Greek populations for millennia. The historical course of the Greek people and Hellenic civilization are linked inextricably to the Aegean. Thus, the Aegean Sea, its islands, and their history and culture are embedded deeply in the Greek psyche.

Two major treaties govern the territorial *status quo* in the Aegean, notably the 1923 Treaty of Lausanne<sup>13</sup> and the 1947 Treaty of Paris.<sup>14</sup> Turkey had accepted these international treaties for many decades before it suddenly decided to challenge the situation in Aegean in the fall of 1973. At the time, Turkey disputed Greece's right to engage in mineral or oil exploration within Greek territorial waters and on the continental shelf of the northern Aegean island of Thasos. Subsequently, Turkey escalated its revisionist demands in the Aegean to include Greek airspace and territorial waters. Most recently, Turkey challenged Greek sovereignty over part of the Dodecanese islands.

These challenges to Greek sovereign rights in the Aegean have been carried out through the threat of use of military force. In the mid-1970s, Turkey created the Fourth Army of the Aegean, and stationed it opposite Greece's Aegean islands.<sup>15</sup> This army, which is not assigned to NATO, is equipped with the largest non-oceangoing landing force in the world.<sup>16</sup> It is equipped

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13. Treaty of Lausanne, *supra* note 9.

14. Treaty of Peace with Italy, Feb. 10, 1947, 61 Stat. 1245, TIAS 1648; 4 Bevans 311, 49 and 50 U.N.T.S. [hereinafter Treaty of Paris]. Pursuant to the Treaty of Paris, Italy ceded the Dodecanese Islands to Greece.

15. See Sean Boyne, *Tension Riding High in the Aegean*, 8 JANE'S INTELLIGENCE REV. 3, 120-125 (1996) (reporting on deployment of Turkey's IVth Army on Turkey's western border which faces the Greek Aegean islands).

16. *Id.*



with 110 ships<sup>17</sup> and landing crafts that in a short period of time can transfer and deploy 400 armored vehicles and 17,000 troops. The operational objective of this force is undoubtedly offensive, aiming at the invasion of the Greek islands. Consequently, and in accordance with Article 51 of the U.N. Charter,<sup>18</sup> Greece has taken certain measures of self-defense in order to protect the territorial integrity of its islands.

The question of the continental shelf, raised by Turkey in 1973, remains unanswered. Consequently, Greece and Turkey nearly went to war in 1976 and 1987 following Turkish attempts to engage in oil exploration inside Greek territorial waters. The Greek position regarding the Aegean continental shelf and Greece's right to engage in oil exploration, is firmly based in international law, specifically the 1958 Convention on the Continental Shelf<sup>19</sup> and the 1982 Law of the Sea Convention ("LOS Convention").<sup>20</sup> Confident that it is acting in accordance with international law, Greece has accepted that the question of delineation of the continental shelf be submitted to adjudication at the ICJ in the Hague. As of the present, Turkey has not agreed to this proposal.

## 2. The Aegean Air Space

In 1931, Greece established a ten mile airspace zone in the Aegean over a territorial sea of six miles. For over forty years, Turkey recognized the ten mile Greek airspace, even after the ratification of the 1944 Chicago Convention on Civil Aviation.<sup>21</sup>

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17. *Id.*

18. U.N. CHARTER, art. 51. Article 51 states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

*Id.*

19. Convention on the Continental Shelf, Apr. 29, 1959, 15 U.S.T. 471, TIAS No. 5578, 499 U.N.T.S. 311 (entered into force June 10, 1964).

20. United Nations Convention on the Law of the Sea, *opened for signature* Dec. 10, 1982, 21 I.L.M. 1261, U.N. Doc. A/CONF. 62/122 [hereinafter LOS Convention].

21. International Air Services Transit Agreement, Dec. 7, 1944, 59 Stat. 1693, EAS 487, 3 Bevans 916, 84 U.N.T.S. 389.

Following the 1974 Turkish invasion of Cyprus, however, the Turkish air force began challenging the ten mile zone. By the mid-1980s, Turkey had engaged in massive violations of Greek airspace. Turkey's argument has been that Greece's airspace should not be ten miles but should coincide with the six mile limit of territorial waters. Therefore, the argument continues, Turkey can challenge Greek airspace within the margin of six to ten miles. Turkish fighter jets, nonetheless, have been violating Greek airspace inside the six mile limit, often flying directly over Greek islands.<sup>22</sup> On occasion, Turkish F-16s and F-4s fly over Greek airports in the Aegean islands.<sup>23</sup> During 1995, for instance, Turkish warplanes violated Greek airspace 413 times and Athens Flight Information Region 455 times.<sup>24</sup> Over the first eight months of 1995, sixty-six percent of Turkish violations of Greek national airspace were within the six mile limit.<sup>25</sup> Sixteen percent of these violations involved direct flights of Turkish warplanes over the territory of Greek islands such as Lesbos, Chios, Samos, Kos, and Rhodes.<sup>26</sup> Eighteen percent of these air violations were within the six to ten mile limit.<sup>27</sup> Greek fighter jets routinely intercept the Turkish warplanes that violate Greek airspace and escort them out of the airspace. On many occasions the Greek fighter planes have to engage armed Turkish planes, increasing the likelihood of an accident or of a broader military confrontation.

### 3. The Territorial Waters

In addition to airspace, Turkey is challenging Greece's territorial waters. Since 1936, Greece has claimed six nautical miles of territorial sea. Since 1964, Turkey has extended its territorial waters to twelve nautical miles in the Mediterranean and the Black Sea, excluding the Aegean region.<sup>28</sup> According to the

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22. Boyne, *supra* note 15, at 125 (setting forth dispute between Greece and Turkey regarding extension of Greece's airspace).

23. *See id.* (reporting that Turkey does not submit flight plans to Athens for military flights over Greece, and that, subsequently, Greece sends up its own aircraft to intercept and identify).

24. Greek Ministry of National Defense, *Airspace Violations Data*, July 12, 1996; *Violations*, ELEFTHEROTYPIA, July 12, 1996, at 7.

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

1958 Law of the Sea Convention,<sup>29</sup> states have the right to extend their territorial waters to twelve miles.<sup>30</sup> This was further consolidated into the body of international law in November 1994 when the 1982 LOS Convention came into effect.<sup>31</sup> The LOS Convention confirmed the right of states to extend their territorial waters to twelve miles.<sup>32</sup> On May 31, 1995, the Greek Parliament ratified the 1982 LOS Convention while Turkey has yet to ratify it.<sup>33</sup> At the time of the ratification, the Greek Government announced that it would not automatically extend Greek territorial waters to twelve miles. In accordance with international practice, Greece also reserved the right to extend its territorial waters when it deemed necessary. Thus, Greek behavior was both responsible and in full compliance with international law.

Turkey's reaction to the LOS Convention and the Greek Government was bellicose. In addition to refusing to ratify the LOS Convention, the Turkish Grand National Assembly, on June 8, 1995, adopted a unanimous resolution stating that if Greece extended its territorial waters to twelve miles, this would constitute *casus belli*.<sup>34</sup> Former Turkish Prime Minister Tansu Ciller repeatedly threatened Greece with war if it extended its territorial waters not just in the Aegean but anywhere.

The Turkish argument against Greece's right to extend territorial waters is that the Aegean Sea represents special circumstances<sup>35</sup> and that if Greece extends its territorial waters it will

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29. Convention on the Territorial Sea and the Contiguous Zone, Apr. 28, 1958, 516 U.N.T.S. 205, 52 A.J.I.L. 834.

30. *See id.*, art. 1, 516 U.N.T.S. 206-208 (leaving determination of width of territorial sea to discretion of states in accordance with international law). Article 1 of the 1958 Law of the Sea Convention states that "1. The sovereignty of a state extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea. 2. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law." *Id.*

31. LOS Convention, *supra* note 20. The Convention had stipulated that it would enter into force only after sixty ratifications or accessions. *Id.*, art. 308, at 21 I.L.M. 1327.

32. *Id.*, art. 3, at 21 I.L.M. 1272.

33. Boyne, *supra* note 15.

34. *See id.* (reporting on Turkish parliamentary decision of June 8, 1995 in which Turkey threatened Greece with war if Greece extended its territorial waters in Aegean from six to twelve nautical miles).

35. *See id.* (positing that Turkey has not signed 1982 LOS Convention because it regards certain provisions covering Aegean as inappropriate and that Aegean is special case).

transform the Aegean into a Greek lake.<sup>36</sup> There is no base, however, to this argument. Greece has repeatedly pointed out that international law provides the instruments, including innocent passage, guarantees for freedom of navigation, for peaceful resolution of legal issues. Despite all this, Turkey persists in its policies of repudiating the law and advancing the argument of war.

#### 4. The Imia Crisis

Turkey's revisionism, however, does not only pertain to Greek airspace and territorial waters. Lately, it has been extended to Greek territory proper. In January 1996, Turkey openly disputed Greek sovereignty over the Dodecanese islet of Imia. It was the first time that Turkey laid direct claim over Greek territory. The legal status of the Aegean islands, including the Dodecanese, has been determined by the 1923 Treaty of Lausanne<sup>37</sup> and the Paris Peace Treaty of 1947.<sup>38</sup> Yet Turkey decided that the Imia islet near the Dodecanese island of Kalymnos was a Turkish possession named Kardak. This provocative Turkish claim led to a major Aegean crisis at the end of January 1996.<sup>39</sup> A Greco-Turkish war was averted at the last minute following the personal intervention of U.S. President Bill Clinton.<sup>40</sup>

In the aftermath of the Imia crisis, the President of the United States and the State Department called for the respect of international law and existing treaties and opposed the use of force or threat of force in the Aegean. Greece shares this principled approach to the problem. The United States also proposed that the Imia issue be resolved peacefully through recourse to the ICJ. Greece has also welcomed this proposal. Turkey, on the other hand, is rejecting recourse to the ICJ.

Turkey not only rejected the available mechanisms for the peaceful resolution of the Imia question, but it subsequently escalated its provocations against Greece. In February 1996, Tansu Ciller questioned Greek sovereignty over another 1000

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36. *Id.*

37. Treaty of Lausanne, *supra* note 9.

38. Treaty of Paris, *supra* note 14.

39. See *Alliance Partners on the Rocks, but Aegean Tragedy Averted*, 25 *JANE'S DEFENSE WKLY.* 6, at 17 (1996) (reporting on landing of Turkish commandos on islet of Imia and of ensuing tensions between Greece and Turkey).

40. *Id.*

Aegean islands and islets similar to Kardak or larger.<sup>41</sup> A few months later, in June 1996, Turkey disputed Greek sovereignty over the island of Gavdos ("Gavdos claim"). The island of Gavdos, located southwest of Crete, is 240 miles away from Turkey and is inhabited by a Greek population. This claim has been so outrageous that President Clinton called upon Turkey to avoid making "frivolous territorial claims" against Greece.<sup>42</sup>

The Gavdos claim, outrageous as it might be, demonstrates that Turkish territorial revisionism is now out of control. As if to prove the point, the Turkish air force escalated dramatically its violations of Greek airspace. For the first six months of 1996 alone, Turkish warplanes violated Greek airspace 1096 times.<sup>43</sup> Two Turkish fighter jets, in separate incidents, crashed in the Aegean as the Greek air force pursued them. Increasingly, therefore, Turkish revisionism and threat of force in the Aegean, are transforming this region into a crisis area that is threatening not only air navigation and the sea lanes but stability in the Balkans and the Eastern Mediterranean in general.

### B. *The Minorities Question*

Since the mid 1950s, the question of the Greek minority in Turkey and the Muslim minority in Greece have been a constant irritant in Greco-Turkish relations, primarily because Turkey engaged in repeated violations of the Treaty of Lausanne. The Treaty of Lausanne provided for the exchange of populations between Greece and Turkey and regulated and protected the status of the remaining Greek minority in Turkey and the Muslim minority in Greece, based on the principle of reciprocity. Since the Treaty of Lausanne was called into force, Greece has made every effort to observe the Treaty and has treated its Muslim minority in Thrace well. Turkey, beginning in 1955, engaged in the systematic persecution of its Greek minority.<sup>44</sup> In

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41. Alkis Kourkoylas, *Ciller: Islet Issue Should be Treated as Casus Belli*, ATHENS NEWS AGENCY, Feb. 5, 1996.

42. President Clinton, Statement to the Greek American Community during 1996 Clinton/Gore Presidential Campaign (Oct. 19, 1996).

43. See *supra* note 24 and accompanying text (discussing airspace violations by Turkish military jets).

44. For an account of the fate of the Greek minority since 1955, see HELSINKI WATCH, DENYING HUMAN RIGHTS AND ETHNIC IDENTITY: THE GREEKS OF TURKEY (1992) [hereinafter DENYING HUMAN RIGHTS].

1955, the Greek minority in Turkey was estimated at 100,000.<sup>45</sup> In 1951, the Muslim minority in Thrace was estimated at 108,000.<sup>46</sup> This Muslim minority did not represent a homogenous group but consisted of Turkic, Pomak, and Gypsy Muslims. In disregard of the Lausanne Treaty, Turkey lumped all these ethnic groups together under the label "Turkish minority." At present, there are only about 2500 Greeks left in Turkey, representing a community that "is dwindling, elderly and frightened."<sup>47</sup> On the other hand, the growing Muslim minority in Greece is estimated at 125,000.<sup>48</sup> During the September 22, 1996, elections, three Muslims were elected members of the Greek Parliament,<sup>49</sup> one under the ruling PASOK party, another under the main opposition New Democracy party, and the third under the Coalition of the Left party. These plain facts counter the Turkish argument about the mistreatment of the Muslim minority in Greek Thrace exemplify the status and treatment of minorities by the two countries.

The status of the Ecumenical Patriarchate of Constantinople also relates to the minority question. This international religious institution represents a Christian tradition of sixteen centuries. As such, the Ecumenical Patriarchate is not just a body representing the Greek Orthodox. The heritage of world Christianity is intertwined with the historical experience of the Patriarchate, its trials and tribulations through the centuries.

The Ecumenical Patriarch is the spiritual leader of 250 million Orthodox Christians worldwide. Regrettably, Turkey has not appreciated the fact that it plays host to such a venerable religious institution. As such, the Ecumenical Patriarchate is entitled to basic freedoms and respect on the part of Turkish authorities so that it can perform its spiritual mission. Under the false pretext of secularism, successive Turkish governments, have imposed severe restrictions on the Patriarchate. As a result, the Ecumenical Patriarch is forced to live under conditions of con-

45. See Alexis Alexandris, *To Meionotiko Zetema, 1954-1987*, in ELLINO-TURKIKES SCHESEIS: 1923-1987 449, 552-95 (Alexis Alexandris et. al. eds., 1988).

46. ALEXIS ALEXANDRIS, *THE GREEK MINORITY OF ISTANBUL AND GREEK-TURKISH RELATIONS, 1918-1974*, 307-15 (1983) [hereinafter *THE GREEK MINORITY OF ISTANBUL*].

47. DENYING HUMAN RIGHTS, *supra* note 44, at 1.

48. *THE GREEK MINORITY OF ISTANBUL*, *supra* note 46, at 309.

49. See *Muslim Minority Returns to Greek Parliament*, Agence France Presse, Sept. 24, 1996, available in LEXIS, Nexis Library, Non-US file (discussing election of three representatives of Turkish minority to Greek Parliament).

stant harassment.<sup>50</sup> In 1971, the Theological School of Chalki was shut down. Without a theological seminary, the center of world Orthodoxy cannot produce a new clerical hierarchy because Turkish law dictates that the Patriarch should be a Turkish citizen. Moreover, Turkish authorities are attempting to reduce the Patriarch to a local church leader of a dwindling community and refuse to acknowledge that he is indeed the spiritual leader of all Greek Orthodox as well as of world Orthodoxy. Despite the increasing intolerance, the Ecumenical Patriarch continues to perform religious services and to relay his message of peace and understanding.

### C. *The Cyprus Impasse*

Since July 1974, when Turkey invaded and occupied the northern part or thirty-eight percent of the territory of Cyprus, this little island republic has been partitioned by the force of arms. A 35,000 strong Turkish occupation army, keeps Cyprus divided.<sup>51</sup> The protracted Cyprus conflict started in 1955, when the Greek Cypriots, representing eighty-two percent of the population, engaged in an anti-colonial struggle against the English aimed at securing the right to self-determination.<sup>52</sup> In 1960, a compromise agreement granting independence to Cyprus was reached. This agreement, however, was short lived. Following a constitutional crisis in 1963, violence broke out between the Greek Cypriots and Turkish Cypriots. A United Nations peacekeeping force ("UNFICYP") was dispatched to Cyprus in 1964 and is still there.<sup>53</sup>

At present, twenty-two years after the Turkish invasion, and over forty years since the Cyprus dispute began, the Cyprus conflict appears to be one of the most intractable worldwide. The

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50. See THE GREEK MINORITY OF ISTANBUL, *supra* note 46, at 266-306. Regarding Turkish pressures on the Ecumenical Patriarchate, see *id.*; DENYING HUMAN RIGHTS, *supra* note 44, at 2-3, 18.

51. See Amy Truesdell, *Nicosia Raises the Stakes on Cyprus*, JANE'S INTELLIGENCE REV., Apr. 1, 1996, at 166 (reporting that Turkey's military presence in Cyprus consists of 35,000 soldiers as supported by troops on Turkish mainland).

52. See generally Robert Stephens, CYPRUS: A PLACE OF ARMS (1966) (detailing Cypriot history covering Ottoman period, British colonial rule, and independence period up to 1965).

53. See S.C. Res. 186, 19 U.N. SCOR, Supp. Jan-March 1964, 102-103, U.N. Doc. S/5575 (1964) (providing legal basis to establish peace-keeping force in Cyprus with consent of government of Cyprus).

capital of Cyprus, Nicosia, remains the only capital of a U.N. Member State that is divided by barbed wire and a Green Line of empty streets and phantom buildings.

In terms of its international status, Cyprus has been a sovereign republic since 1960, and a member of the United Nations and of the British Commonwealth. Cyprus also shares a customs union with the European Union. Negotiations for full membership to the European Union are expected to commence early 1998. The international community, including the United States, recognizes only the legitimate Government of the Republic of Cyprus ("Cyprus") under President Glavkos Clerides. The self-proclaimed Turkish Republic of Northern Cyprus in the occupied territory constitutes an illegal entity and is recognized only recognized by Turkey.<sup>54</sup>

Politically-free Cyprus, with an estimated population of 620,000, represents a genuine western democracy. It has a free market economy that has performed a miracle since 1974. The Turkish invasion shattered the Cypriot economy as seventy percent of the Cyprus' economic resources came under Turkish occupation.<sup>55</sup> Today, Cyprus enjoys a standard of living comparable to that of the advanced European countries. Per capita income is estimated at US\$15,000. Cyprus seems ready to join the European Union.

On the other side of the barbed wire separating Cyprus, lies the Turkish occupied territory. Shortly after the 1974 invasion, and in violation of the 1949 Geneva Convention,<sup>56</sup> Turkey em-

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54. S.C. Res. 541, U.N. SCOR, 38<sup>th</sup> Sess., 2500<sup>th</sup> mtg. at 15 (1983). According to the November 18, 1983, U.N. Security Council Resolution 541, the unilateral declaration of independence by the Turkish Cypriots "is legally invalid and [the Security Council] calls for its withdrawal." *Id.* On May 11, 1984, the Security Council adopted Resolution 550 which condemns "all secessionist actions, including the purported exchange of Ambassadors between Turkey and Turkish Cypriot leadership, declares them illegal and invalid and calls for their immediate withdrawal." S.C. Res. 550, U.N. SCOR, 39<sup>th</sup> Sess., 2539<sup>th</sup> mtg. at 12, ¶ 2 at 13 (1984). In the same Resolution, the Security Council "reiterates the call upon all States not to recognize the purported State of the 'Turkish Republic of Northern Cyprus' set up by secessionist acts." *Id.*, ¶ 2 at 13.

55. See Alex J. Kondonassis & Birol Yesilada, *The Economy, in CYPRUS: A COUNTRY STUDY* 108 (Eric Solsten, ed.) (4th ed. 1993) (positing that Turkish invasion and occupation of northern 37% of island severely disrupted economy of Republic of Cyprus). Fragmentation of the market, massive displacement of approximately one-third of the island's population, and the loss of important natural resources, devastated the economy. *Id.*

56. Aug. 12, 1949, T.I.A.S. 3364, 6 U.S.T. 3316.



barked on a systematic policy of colonization to the dismay even of the local Turkish Cypriot population.<sup>57</sup> Estimates today are that illegal settlers from Turkey number nearly 85,000.<sup>58</sup> This is about equal to the Turkish Cypriots who have been emigrating in increasing numbers. The economy of the occupied territory suffers from chronic stagnation and relies on Turkish assistance. Per capita income is estimated at less than US\$3,000. Politically, the Turkish army and the settlers play a dominant role in the occupied territory. Being numerically far inferior from the combined number of settlers and army personnel, the Turkish Cypriots do not have control of their own affairs.<sup>59</sup>

### III. TOWARDS A SETTLEMENT?

Is there a way out of this impasse that will put an end to the occupation of Cyprus and safeguard peace while promoting cooperation between Greece and Turkey? If international law was the sole factor weighing in a Cyprus settlement, the answer would be simple. The United Nations provides the legal framework as well as the mechanisms towards a Cyprus settlement. Since 1974, the United Nations has adopted numerous resolutions calling for the "immediate withdrawal of all foreign armed forces and foreign military presence and personnel from the Republic of Cyprus" and for the "respect [of] the sovereignty, independence and territorial integrity of Cyprus."<sup>60</sup> Turkey, however,

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57. See *Report on the Demographic Structure of the Cypriot Communities* (Rapporteur, Mr. Cuco, Spain), Council of Europe, ADOC 6589, 1403-23/4/92-4-E. The colonization of occupied Cyprus has been examined by the Council of Europe during a visit to Cyprus by Alfonso Cuco, Rapporteur for the Committee on Migration, Refugees and Demography. *Id.* Between November 5-9, 1991, Mr. Cuco visited both free Cyprus and the occupied territory in the north. *Id.* Subsequently, on April 13, 1992, Mr. Cuco submitted his report to the Committee on Migration. *Id.* The report was adopted by 23 votes in favor, 2 against, and 2 abstentions. The report documents that since the fall of 1974, there has been mass and systematic colonization of occupied Cyprus by Turkish settlers. *Id.* Nine years before the Cuco report to the Council of Europe, the U.N. General Assembly adopted on May 13, 1983, Resolution 37/253 which "deplores all unilateral actions that change the demographic structure of Cyprus." G.A. Res. 37/253, U.N. GAOR, U.N. Doc. 37/253 (1983).

58. See *CYPRUS: A COUNTRY STUDY*, *supra* note 55, at 250 (listing number of Turkish Cypriots in 1972 at 78,000 and number in 1988 at 167,256).

59. See generally CHRISTOS P. IOANNIDES, *IN TURKEY'S IMAGE: THE TRANSFORMATION OF OCCUPIED CYPRUS INTO A TURKISH PROVINCE* (1991) (describing Turkey's policy towards Cyprus since 1950, role of Turkish military officers, and demographic and political consequences of Turkish occupation).

60. S.C. Res. 353, U.N. SCOR, 29th Sess., 1781<sup>st</sup> mtg. at 7, ¶ 1 and ¶ 4 (1974); see

has ignored all these resolutions. The United Nations has an official representative in Cyprus who aims at facilitating a negotiated settlement. Apparently, the U.N. framework and the efforts of successive U.N. Secretary Generals have not been enough to break a twenty-two year impasse.

In order to support this effort, successive U.S. Administrations have set up a special diplomatic mechanism. President Clinton has stepped up the level of his direct involvement in the Cyprus issue and has appointed his own Special Envoy.<sup>61</sup> The U.S. diplomatic team working on this issue, has repeatedly shuttled among the capitals involved, in an effort to break the impasse.

Parallel to these efforts, however, there are other prospects that can bring about a settlement. As Cyprus is about to embark on negotiations to join the European Union, another opportunity appears on the horizon. The integration of Cyprus into the European Union would provide the Turkish side a strong incentive to end the division of the island, especially since the primary beneficiaries, economically and socially, will be the Turkish Cypriots. Even though this step also offers Turkey an incentive to support it, Turkey, so far, has actively opposed such a prospect. Greece, on the other hand, has consistently encouraged the European orientation not only of Cyprus but of Turkey as well, with the full knowledge that it is in the best interest of both countries and is bound to bring them closer together. It is in this spirit, and despite the continued occupation of Cyprus, the Turkish threats in the Aegean, and Turkey's poor human rights record, that Greece agreed to a customs union between the European Union and Turkey.

With regard to Greco-Turkish relations and the problems created by Turkey's policies in the Aegean, it should be stated once more that Greece actively and unequivocally seeks peace and cooperation. The framework for the resolution of these dis-

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S.C. Res. 357, U.N. SCOR, 29<sup>th</sup> Sess., 1792<sup>nd</sup> mtg., at 8, U.N. Doc. S/RES/357 (reaffirming Resolution 353) (1974); G.A. Res. 3212, U.N. GAOR, U.N. Doc. (1974); *see also* S.C. Res. 367, U.N. SCOR, 30<sup>th</sup> Sess., 1820<sup>th</sup> mtg., at 1-2 (1975); G.A. Res. 3395, U.N. GAOR (1975); G.A. Res. 37/253, U.N. GAOR, U.N. Doc. S/RES/789 (1983); S.C. Res. 789, U.N. SCOR, U.N. Doc. (1992).

61. *See* William Drozdiak, *U.S. Role in Aegean Revives Doubts on EU*, WASH. POST, Feb. 8, 1996 at A17 (reporting that Clinton appointed New York Lawyer Richard Beattie as Special Envoy to Cyprus); *See also* Elizabeth Neuffer, *Diplomats Turn to Cyprus Question as Tensions Increase*, BOSTON GLOBE, Aug. 18, 1996 at A2.

putes is already in place. It is provided by the fundamental principles of international law and existing treaties, namely the respect of the sovereignty and territorial integrity of states as well as abstention from any threat or use of force. These principles constitute the only solid foundation upon which Greece and Turkey can build their relationship.

It is in this spirit and within the European Union, NATO, and the Organization for Security and Cooperation in Europe that Greece has undertaken several initiatives, bearing in mind the challenges posed by the post-Cold War Europe and the Balkans. For that purpose, Greece has made specific proposals to promote peaceful ways of addressing international disputes and of safeguarding the sovereignty, territorial integrity, and the inviolability of borders of the states participating in the international legal order.

Greece is determined to defend its sovereignty and territorial integrity, always adhering to the letter and spirit of international law. At the same time, the Greek people who have suffered so much from war throughout this century, have a great reserve of good will. If Turkey puts asides its expansionist visions and institutes real democratic reforms, the road to the European Union will be wide open. Then, Greece and Turkey, in a spirit of cooperation and conciliation will be able to chart a joint path towards the twenty-first century, a path leading to peace, security, and prosperity for their peoples and the region as a whole.