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# The 1982 UN Convention on the Law of the Sea and the Eastern Mediterranean

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*The Mediterranean Sea is often divided, for convenience, into western, central, and eastern regions. The eastern Mediterranean lies roughly east of 23°E and can be taken to include the Sea of Crete and the Aegean. Though smaller in area than the western or central regions, its waters are shared by no less than eight coastal states, all of which have particular economic, political, or strategic interests in the eastern Mediterranean. The state with the smallest stake in the eastern Mediterranean is Libya, whose 1,770 km coastline largely overlooks the central Mediterranean. This paper is an attempt to review the significance of the 1982 UN Convention on the Law of the Sea for coastal states in the eastern Mediterranean, with special reference to their offshore jurisdiction.*

The UN Convention on the Law of the Sea (UNCLOS) opened for signature at Montego Bay in Jamaica on 10 December 1982 after more than twelve years of negotiations involving delegates from more than 150 countries. The convention is potentially one of the most far-reaching international agreements of all time. In spite of the last-minute refusal of a small number of states (including notably the United States) to sign the convention, it will undoubtedly shape law-of-the-sea matters worldwide for many years to come. The convention enters into force twelve months after formal ratification by 60 states, which may take several years to complete. In the meantime it stands as clear evidence of "the way in which the international community would like to structure its relations regarding ocean space" (UN, 1983, xxviii). By far the most controversial provisions of the convention have to do with exploitation of seabed resources beyond the limits of national jurisdiction. As explained below, every coastal state is given sovereign rights for the purpose of exploiting resources up to a distance of 200 nautical miles, or 231 statute miles offshore (Arts. 56, 57); beyond lies "the common heritage of mankind"

(Art. 136), which can be exploited only "for the benefit of mankind as a whole" (Art. 140) through a new International Seabed Authority (Art. 156). It was the proposed powers vested in this authority that ultimately led to the reluctance of the United States and several other advanced industrial countries to support the convention. Because the Mediterranean Sea is nowhere wide enough to extend to seabed beyond national jurisdiction, Articles 133 to 191 of the convention dealing with the common heritage of mankind and the International Seabed Authority need not be discussed in this paper.

### Territorial Seas

Sovereignty over an adjacent zone of sea is an ancient and much-cherished right of coastal states. State jurisdiction in the territorial sea extends to the airspace above and to the seabed and subsoil, and is therefore very comprehensive. Ships of other states have the right of innocent passage through territorial waters. Earlier UN Conventions on the Law of the Sea from 1958 onward failed to agree on a standard width for territorial seas, and in recent years state claims escalated to as much as 200 nautical miles. The maritime nations resisted the expansion of territorial seas as being a threat to freedom of navigation, and many stuck to the traditional 3 nautical miles, including the United States and the United Kingdom. In the eastern Mediterranean, 12 nautical miles (13.8 statute miles) had been adopted by Cyprus, Egypt, and Syria by the early 1980s, in common with about seventy-five other states (table 1). Article 3 of the convention has finally established 12 nautical miles as the standard width for territorial seas, thus legitimizing three existing claims in the eastern Mediterranean, and entitling four states to double their claims. States are not *obliged* to claim the maximum distance; they now have the right to establish territorial seas "*up to a limit not exceeding twelve nautical miles*" (Art. 3).

The twelve-mile limit should raise no problems in the eastern Mediterranean, except between Greece and Turkey in the Aegean. Their dispute is potentially the most dangerous in the Mediterranean. Notwithstanding the implicit delimitation of an international boundary between Greece and Turkey as part of the post-World War I settlement in 1923, Turkey has persistently claimed a right to the resources of roughly half the continental shelf in the Aegean. In 1972 and 1974 Turkey made concessions to the Turkish Petroleum Company up to a *de facto* median-line boundary (fig. 1). Because Turkey owns only six Aegean islands, and Greece more than three thousand, the Turkish claim may seem surprising. According to the UN Law of the Sea Convention in

TABLE 6.1  
The Eastern Mediterranean: Territorial Water Claims  
before the 1982 Convention

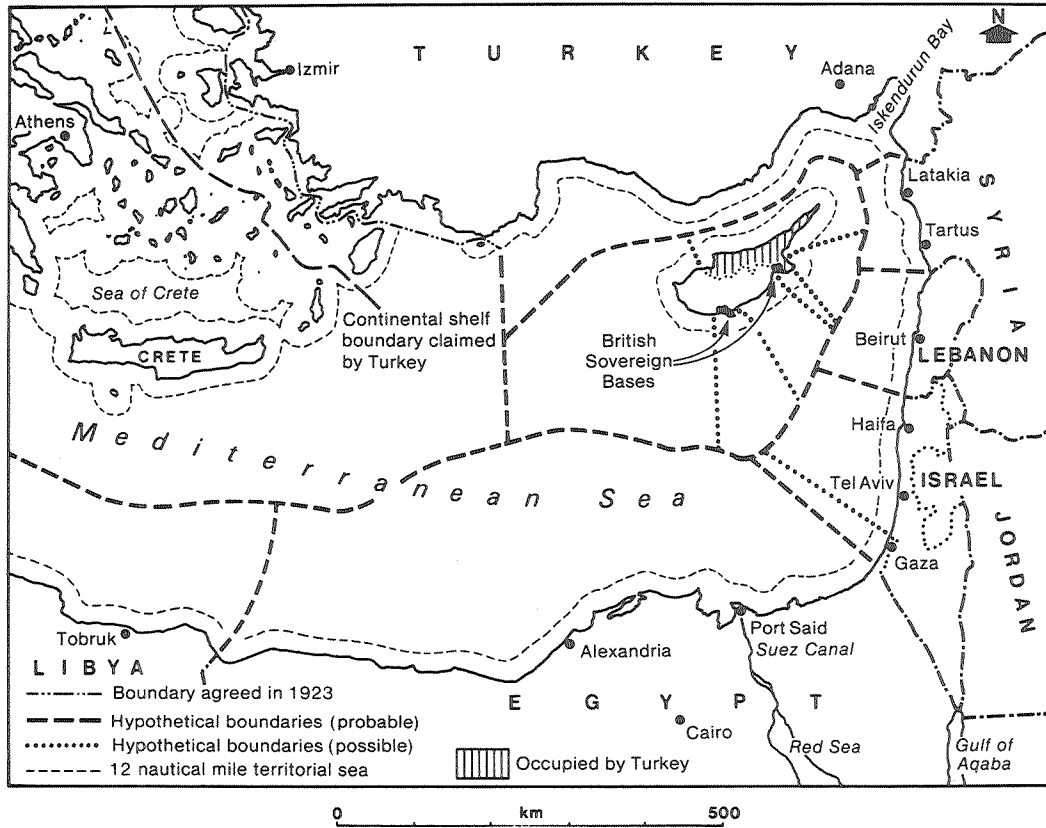
State	Claim (nautical miles)	Year of Claim
Cyprus	12	1964
Egypt	12	1958
Greece	6	1936
Israel	6	1956
Lebanon	undeclared (but 6 n.m. for exclusive fishing, 1921)	
Libya	6	1959
Syria	12	1964
Turkey	6	1964

Source: J. Paxton, ed., *The Statesman's Yearbook, 1981-82* (London: Macmillan, 1981), pp. xxv-xxvii.

1958 the numerous Greek islands give Greece the right to continental shelf resources adjacent to the islands. Turkey did not sign the 1958 convention, and regards the Aegean as a special geographical case in which the islands are mere protuberances on the natural extension of the Turkish mainland (Rozakis 1975, 1-17). It is doubtful whether the Turkish claim would be upheld in an international court, but there can be no doubt about the strength of feeling in Turkey on the question. In these circumstances strained relations with Greece might be greatly exacerbated by the introduction of a twelve-nautical-mile limit in the Aegean. Such a move would increase Greece's sovereignty over Aegean waters from 35 to 64 percent and, more crucially, would almost throttle Turkey's access to international waters (fig. 1). The Turks have declared that this would virtually constitute a cause for war (*Financial Times*, 1980, vii). Turkish misgivings about the extension of territorial seas to twelve nautical miles no doubt explains why Turkey was one of four states (with the United States, Venezuela, and Israel) that voted against adoption of the text of the proposed convention in April 1982. It is worth noting that Turkey has claimed a twelve-nautical-mile territorial limit in the Black Sea since 1964 (Department of State, 1981, 158).

Turkish fears about the expansion of territorial waters are shared to some extent by most seafaring nations. Although the right of innocent passage through territorial seas is clearly established (Art. 17), its meaning could be so restrictively interpreted that coastal states could interfere

FIGURE 6.1  
Maritime Boundaries in the Eastern Mediterranean



with ships of other states passing through their territorial seas on a number of pretexts. Article 19 states that "passage is innocent so long as it is not prejudicial to the peace, good order, or security of the coastal state," and specifies a range of prejudicial activities including propaganda and research (UN, 1983, 7). As long as such objective criteria are used as the test of innocent passage, based upon the behavior of the ship at the time of passage, there need be few problems. The difficulty arises because some states argue that subjective criteria may be taken into account, such as cargo, nationality, or destination (Lapidoth-Eschelbacher, 1982, 141). Thus Turkish fears about access to the Turkish Straits through the Aegean are in some ways analogous to Israeli fears about access to the Gulf of Aqaba (El-Hakim, 1979, 152-53). The right of the Turkish navy to conduct exercises in the Aegean could also be severely restricted, and aircraft movements proscribed. The Turks feel very sensitive about these threats, not least because of the close proximity of some Greek islands to the Turkish mainland. Since 1974 some of the islands have been fortified by Greece, contrary to the 1923 agreement between Greece and Turkey.

### Straight Baselines

The normal baseline for measuring the breadth of the territorial sea is the low-water mark (Art. 5). Straight baselines may be drawn, however, where the coastline is deeply indented or fringed with islands (Art. 7) or across the mouths of bays and estuaries, provided that the closing line is less than 24 nautical miles (27.7 statute miles) long (Arts. 9, 10). In addition, a coastal indentation can be regarded as a legal bay only if its area is larger than that of a semicircle whose diameter is drawn across the mouth of the indentation (Art. 10). Turkey's Bay of Iskenderun appears to satisfy this test, and is entitled to a closing line from which the territorial sea is measured (fig. 1). There are a number of other legal bays along Turkey's Aegean coast, but in general they are not a common feature of the eastern Mediterranean. The great significance of straight baselines is that they extend territorial water limits seaward and, more important, they enclose *internal waters* in which the coastal state enjoys total sovereignty. There is no right of innocent passage through internal waters, except in cases where a legal straight baseline has the effect of enclosing as internal waters areas that had not previously been considered as such (Art. 8(2)).

The 1958 UNCLOS also recognized, by implication at least, the use of straight baselines to enclose historic bays. Bays that may not meet the legal criteria laid down above could be regarded as bays by reason

of traditional usage. No definitions were given, so that more than fifty historic bays have been proclaimed worldwide (Prescott, 1975, 98). Many of these, such as St. Peter's Bay and Long Island Sound, are not disputed; others, such as Libya's claim to the Gulf of Surt, are vigorously disputed by other states. Egypt has claimed straight baselines for five bays on the Mediterranean. Three are shown on figure 2; Abu Hashaifa Bay and Solum Bay further to the west are not shown. These bays were closed in 1951, presumably on the grounds that they were historic bays; the use of straight baselines along such gently curving coasts cannot be justified on any other basis (El-Hakim, 1979, 9). Nevertheless, Egypt's claims could perhaps be argued with some degree of credibility. The 1982 convention is surprisingly unhelpful over the thorny question of historic bays. Although the concept remains (Art. 10), no attempt is made at definition, and no guidelines are offered. It remains likely, however, that historic bay claims will be difficult to sustain in the face of objections by other states.

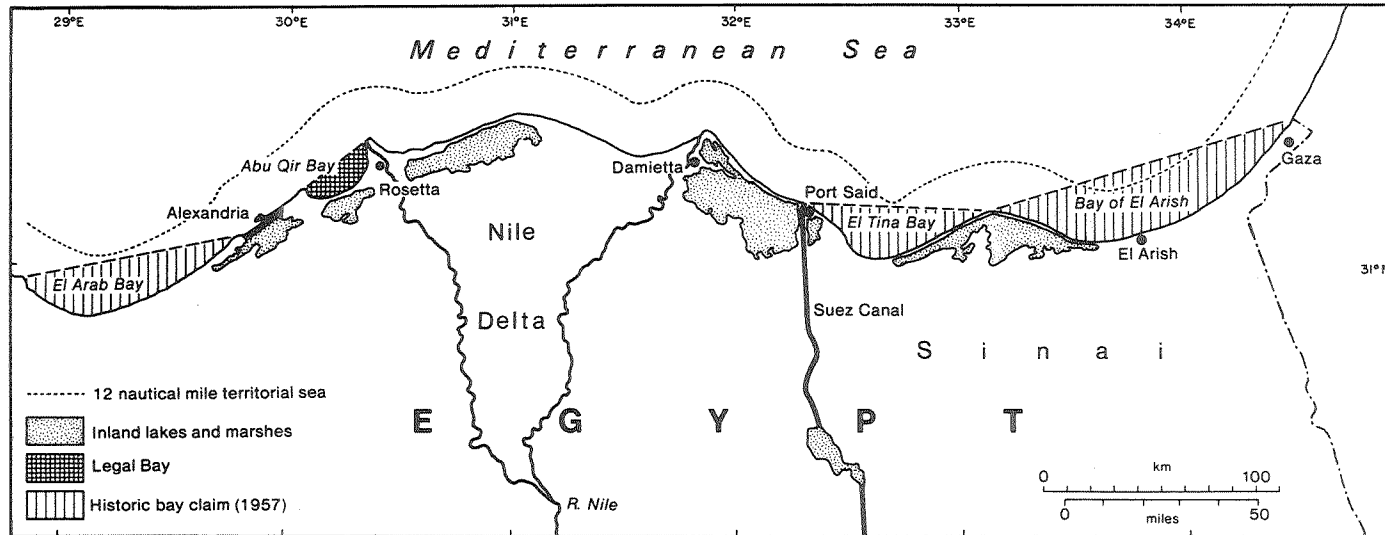
#### Contiguous Zones

Article 33 of the 1982 convention allows a coastal state to exercise control of a zone up to twenty-four nautical miles wide measured from the baseline of the territorial sea, for certain specific purposes. These include the prevention of infringement of customs, and of sanitary, fiscal, or immigration regulations. Similar rights existed under the 1958 convention, to a maximum distance of twelve miles from the baseline of the territorial sea. Egypt declared an eighteen-mile zone in 1958 for customs and sanitary purposes, and Syria declared a similar eighteen-mile contiguous zone in 1963, both measured from the baseline of the territorial sea. Cyprus declared a zone of twelve nautical miles for customs and criminal purposes in 1964 (Department of State, 1981, 54, 151, 45). Under the 1982 convention both Egypt and Syria are thus entitled to contiguous zones that had previously exceeded the maximum allowable claim.

#### Exclusive Economic Zone

Perhaps the most far-reaching provision of the 1982 convention is the introduction of a worldwide exclusive economic zone (EEZ) of up to 200 nautical miles measured from the baseline of the territorial sea (Art. 57). The EEZ regularizes two types of claim to offshore resources that have been escalating in recent years. First, claims to the resources of the continental shelf allowed under the 1958 UN convention. Because

**FIGURE 6.2**  
**Straight Baselines Claimed by Egypt in 1951**



the outer limit of the continental shelf had never been properly defined, states were staking out claims to *seabed resources* far beyond the two-hundred meters water depth given as a guideline in 1958. At the same time, coastal states were declaring the exclusive right to exploit the *living resources* of their coastal waters to increasing distances, in some cases up to two hundred nautical miles. The EEZ gives the coastal state the exclusive right to exploit all the resources, including oil, gas, minerals, and living resources (Art. 56). Other states retain rights of navigation and overflight and the right to lay submarine cables and pipelines within the EEZ (Art. 58). The freedom of other states in the EEZ could well be hindered by the right of the coastal state to construct artificial islands, installations, and structures within the EEZ (Art. 60), each of which would maintain a safety zone round about. Both landlocked states (Art. 69) and geographically disadvantaged states (Art. 70) are given the right "to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal states of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the states concerned." This presumably means that Jordan, as a geographically disadvantaged state, might be able to make a case for fishing within Israel's EEZ. Even more intriguing is the prospect of a Palestinian state's seeking to take up its rights in this respect. In both cases, of course, it may be impossible to agree with Israel whether there is a surplus of living resources.

Worldwide, the effect of the introduction of the EEZ is very striking, with 36 percent of the oceans falling within EEZs (Glassner 1978, 14). It has also accelerated maritime boundary delimitation, not least in the Mediterranean Sea where at least thirty-two potential international boundaries exist (fig. 1). To date, no boundaries have been formally agreed in the eastern Mediterranean, but at least thirteen will have to be delimited (fig. 1). To illustrate the complexity of the task, three highly speculative offshore claims are also shown in figure 1; they are associated with Turkish-occupied northern Cyprus, the Gaza strip, and the United Kingdom's sovereign base territories in Cyprus. There could be some basis for the last claim, in particular because territorial sea boundaries were agreed between the United Kingdom and Cyprus in 1960 (Department of State, 1972, 1-2). Even without such speculative claims, boundary delimitation in the eastern Mediterranean is fraught with political, historic, and geographical complexity, and might take years to complete. There is no obligation upon states to adopt a median line (Art. 74), though this is the most likely outcome in many cases. The 1982 judgment of the International Court of Justice in the Libya-Tunisia continental-shelf



TABLE 6.2  
Exclusive Economic Zones in the Eastern Mediterranean

State	Estimated Area of EEZ (km <sup>2</sup> )	
Greece	307,200	
Egypt	163,250	
Cyprus	Turkish	15,000
	Greek	72,500
	British	15,700
Turkey	58,000	
Libya (east of 23°E)	46,000	
Israel	23,500	
Lebanon	16,000	
Syria	10,250	

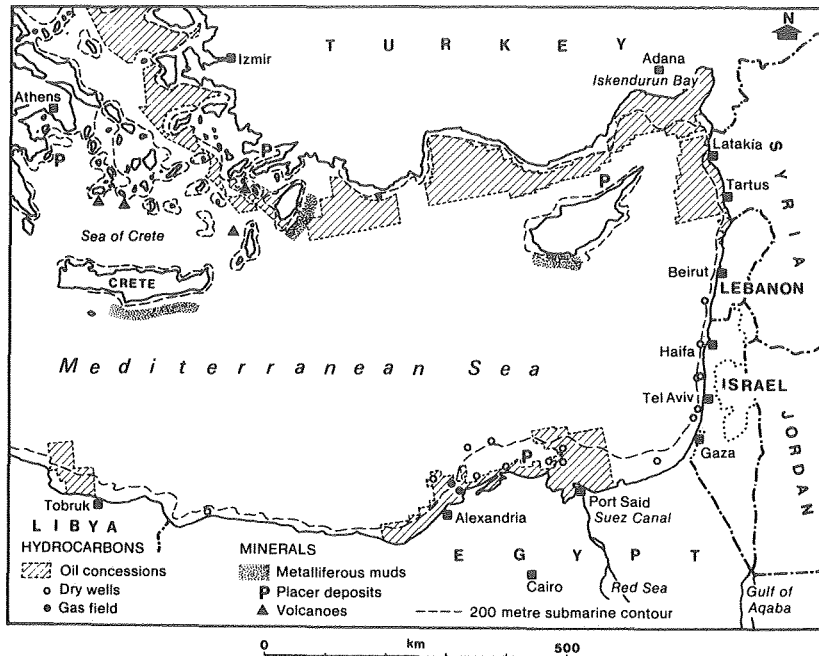
*Source:* Calculated from figure 2 by Arthur Corner (Cartographic Unit, Durham University). See also G. H. Blake, "Mediterranean Non-energy Resources: Scope for Cooperation and Dangers of Conflict," in *The Mediterranean Region*, edited by G. Luciani (London: Croom Helm, 1984), p. 45.

dispute confirmed that multiple methods of delimitation may be used where appropriate, including equidistance and the relative lengths of the relative coastlines. Their hypothetical median line boundaries and disregard of the speculative seabed areas mentioned above mean that seabed allocations in the eastern Mediterranean vary considerably (table 2). The narrowness of the sea and the large number of coastal states will result in much smaller EEZs than in the rest of the Mediterranean.

#### Marine Resources of the Eastern Mediterranean

Boundary drawing in the eastern Mediterranean would be pursued with greater urgency if the marine resources were more promising. This is particularly true of oil and natural gas, whose offshore exploitation clearly requires precisely defined and formally recognized boundaries. Although data are far from complete, the indications for hydrocarbon formation do not appear geologically promising along the narrow continental shelves of Cyprus, Lebanon, Syria, and Israel (fig. 3). Exploration permits have been issued by Lebanon, Syria, and Israel, and a few wells have been drilled with largely negative results (Bastianelli, 1983, 2-3). Extensive exploration permits have similarly been issued along Turkey's southern coast. Egypt's continental shelf has been intensively explored

**FIGURE 6.3**  
**Offshore Hydrocarbon and Mineral Potential in the**  
**Eastern Mediterranean**



off the Nile delta and Sinai, and a gas field (Abu Qir) now produces approximately 600 million cubic metres a year. No oil has yet been discovered in Egypt's Mediterranean waters, but some unexplored areas may prove interesting in future. The discovery of oil in the Greek Aegean in the early 1970s sparked the row with Turkey over continental-shelf sovereignty. Greece already produces 400,000 tons from the Primos field, and a modest quantity of gas. More hydrocarbon discoveries are most likely in the Aegean and Ionian seas (Bastianelli, 1983, 3).

By global standards, the Mediterranean is not noted for the size of its fish harvests, which represent only one-sixtieth of the world catch. Fish nutrients are poorest in the eastern Mediterranean, and fish catches are small. The relatively poor fisheries of the eastern Mediterranean are

TABLE 6.3  
Fish Landings from Eastern Mediterranean Waters, 1968 and 1978  
(in tons)

State	1968	1978
Greece	48,440	62,965
Egypt	13,560	11,619
Turkey	11,552	7,343
Gaza Strip	3,676	4,700
Israel	3,113	3,350
Lebanon	2,200	2,200
Syria	800	1,252
Cyprus	1,342	1,143

*Source:* Food and Agriculture Organization, *General Fisheries Council for the Mediterranean, Statistical Bulletin: Nominal Catches 1968-78* (Rome: UN, 1980), pp. 7-8.

explained by the scarcity of rivers and streams, the narrowness of the continental shelf, and distance from the Atlantic, which provides some nutrients for the western Mediterranean. In recent years pollution, overfishing, and the building of Egypt's Aswan dam have also taken their toll, and catches have remained fairly constant or declined. The Mediterranean as a whole is probably overfished (Driver, 1980, 30). Although catches of certain species might be increased locally by changing patterns of fishing for example into deeper waters. During the decade 1969 to 1978 total landings in the eastern Mediterranean averaged 80,000 tons per annum, equivalent to approximately 7 percent of total Mediterranean landings (FAO, 1980, 1). Because the entire Greek catch and two-thirds of Turkey's catch are from the Aegean, the waters of the rest of the eastern Mediterranean clearly yield very small quantities of fish. In contrast to certain other parts of the world, the introduction of EEZs in the eastern Mediterranean is unlikely to cause any hardship to the fishing industry of the coastal states (Gulland, 1979, 19-23).

There is increasing scientific interest in a variety of seabed minerals in the eastern Mediterranean, though their commercial exploitation is still far off. Three important types of deposit are found (fig. 3). First, placer deposits exist in certain coastal locations where metal-bearing rocks on land have been weathered, and the debris washed out to sea. For example, deposits of iron, tin, titanium, and zirconium occur in and around the Nile delta, and there are deposits of chromite off Cyprus and western Turkey, and iron off Greece's Aegean coast (Couper, 1983,

113). Second, there are metal-bearing aggregates and coasts associated with submarine volcanoes. These is a potential source of iron and manganese in the Sea of Crete (Brambati, 1983, 1–17). Third, metalliferous muds analogous to the well-known deposits of the Red Sea have been located, notably off Crete and Cyprus. Many technical problems would have to be overcome but, with potential supplies of silver, lead, copper, gold, cadmium, and cobalt, the deposits may be exploited in the distant future. It will be a long time, if ever, before offshore mineral exploitation becomes a priority in the eastern Mediterranean, but the very existence of seabed minerals is reason enough for coastal states to be hard bargainers when it comes to boundary delimitation. Further discoveries of valuable offshore resources are possible in future.

### Conclusion

The 1982 UN Convention on the Law of the Sea will accelerate the process of partitioning the Mediterranean Sea. Although a large number of political, legal, and technical problems must be solved (Marston, 1984, 75–125; Bastianelli, 1983, 1–6), there are incentives for coastal states to draw up formal boundary agreements with their neighbors. Apart from resource exploitation, states are expected to undertake responsibility for the management and conservation of their exclusive economic zones (Art. 56). Because access to valuable resources is not currently impeded by the absence of formal boundaries in the eastern Mediterranean, boundary delimitation will probably be slow, and the likelihood of conflict over boundaries is remote. It is also worth noting that the 1982 convention makes it clear that protection of the marine environment is an obligation placed upon all coastal states. Articles 192 to 237 deal with the protection and preservation of the environment in considerable detail. The Mediterranean is one of the world's most seriously polluted seas, receiving colossal inputs of industrial and chemical waste, largely from the rivers and coasts of southern Europe, together with much untreated domestic sewage from a dense coastal population swollen by large numbers of visitors in summer (*Ambio*, 1977, 299–379). Above all, it is polluted by oil. The eastern Mediterranean is especially vulnerable to oil pollution because of the location of several trunk pipeline terminals on coasts in the region, and the convergence of tanker routes at the mouth of the Suez Canal.

As a result of UN initiatives, all the states of the Mediterranean met at Barcelona in 1976 to agree upon a plan of cooperation to clean up the Mediterranean. Only Albania did not sign the Barcelona Convention.

Subsequently, a number of other agreements have been reached controlling dumping from ships and aircraft (1976), combating pollution from oil and other harmful substances (1976), preventing pollution from land-based sources (1980) and for the establishment of specially protected areas (1982). It is notable that all the states of the eastern Mediterranean have signed or intend to sign some or all of these protocols (UN Environment Programme, 1983, 45). There is, in other words, a willingness to cooperate when it comes to matters concerning the marine environment. While it would be premature to read too much into this, it is a sign that increasing activity offshore need not lead to conflict. The UN environmental program for the Mediterranean has some solid achievements to its credit, and has considerable "peace-enhancing potential" for the future (Borgese, 1983, 7).

One crucial question remains concerning the 1982 convention. If a number of states do not sign, what will be their attitude to the major provisions of the convention as accepted by the great majority of states? The nonsignatories are almost all objectors to the proposed arrangements for mining the seabed beyond the limits of national jurisdiction, an issue that is not relevant in the Mediterranean. The rest of the convention is generally acceptable to most nonsignatories, including the United States, and it can be expected that they will respect its provisions. Thus, many states that did not sign the 1958 UNCLOS nevertheless adopted most of its principles in their approach to law-of-the-sea matters. But in the eastern Mediterranean both Turkey and Israel have other objections to the 1982 UN convention. Fears about Greek encroachment in the Aegean have been mentioned above. Israel's objection appears to be based upon the increasingly active participation of independence movements in the affairs of the convention; including SWAPO, the ANC, and the PLO. Arab delegations argued that these groups should be entitled to sign the convention and take part in the sharing of economic benefits it bestows. In the event, it was agreed to allow them observer status on the new International Seabed Authority and its Preparatory Commission (Art. 156). This would enable them "to present the views of the peoples they represent and request the adoption of appropriate measures for the protection of the interests of those peoples until they attain their autonomy or independence" (UN, 1983, 45). While such sentiments are unlikely to be acceptable in Israel, it would be unfortunate if they led to Israel's total rejection of the convention. In certain important respects the convention ends years of uncertainty over the limits of national jurisdiction, and provides a promising framework for peaceful cooperation at sea.

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