



PERMANENT MISSION OF GREECE TO THE UNITED NATIONS

Ref. No. 40.1.184/AS 1487

New York, 25 May 2022

Excellency,

With reference to the letter dated 30 September 2021 (A/76/379-S/2021/841), from the Permanent Representative of Turkey to the United Nations to your Excellency, and further to my letter dated 27 July 2021 (A/75/976-S/2021/684) in response to the letter dated 13 July 2021 (A/75/961-S/2021/651) from the Permanent Representative of Turkey, also addressed to your Excellency, we wish to bring to your attention the following:

1. Greece rejects in their entirety all the arguments contained in Turkey's letter of 30 September 2021, which bear a distinct similarity to those contained in its previous letter of 13 July 2021, as legally, historically and factually untenable. In this respect, we would like to reiterate the Greek position, as put forward in our letter of 27 July 2021.
2. Turkey, in its letter of 30 September 2021, advances once again the argument that "...Greece's sovereignty over the islands [in the Eastern Aegean] was and remains dependent upon demilitarization". Likewise, Turkey claims that "By militarizing the [Aegean] islands in question, Greece has forfeited its right to assert the opposability to Turkey of the treaties mentioned above [1923 Lausanne Peace Treaty and 1947 Paris Treaty] and the rights which it claims to derive from them".
3. Turkey's two letters represent a new development in relation to the alleged differences which Turkey claims to exist between Greece and Turkey concerning the Aegean and the Eastern Mediterranean. Turkey's position is tantamount to calling into question Greece's sovereignty over the islands, islets and rocks in the Aegean which was definitely attributed to Greece by the Lausanne Peace Treaty of 1923 and the Paris Peace Treaty of 1947. This contention is clearly in breach with the letter and the spirit of these Peace Treaties, whose main objective was to establish permanent boundaries and territorial legal titles to the States concerned, without conditioning them on any other obligations, and these new Turkish claims seriously undermine regional peace and stability.
4. It is firmly established under international law that when States conclude treaties establishing boundaries or territorial sovereignty, their primary objective "is to achieve stability and finality" (*Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 15 June 1962: I.C.J. Reports 1962*, p. 34). And this is the reason why once a treaty has established a boundary or fixed a territorial situation, the result is no longer dependent on the treaty. As stated by the ICJ, "[t]he establishment of [a] boundary is a fact which, from the outset, has had a legal life of its own..." and "[a] boundary established by treaty thus achieves

a permanence which the treaty itself does not necessarily enjoy” (*Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, Judgment, *I.C.J. Reports 1994*, p. 37, paras. 72-73).

5. Therefore, any attempt to call into question Greece’s sovereignty over these islands on the unfounded premise that Greece allegedly violates its obligation to demilitarize them under the above-mentioned treaties, is contrary to the fundamental principle of international law regarding the stability of boundaries and titles of sovereignty, as affirmed in international jurisprudence.

6. In its letter of 30 September 2021, Turkey seems to imply again, as it was articulated in its letter of 13 July 2021, that, because Greece has allegedly violated the demilitarization provisions of the above-mentioned treaties, it is not entitled to rely on its territorial legal titles to the Aegean islands in the process of a maritime delimitation.

7. Greece, rejecting once again this legally invalid argument, would like to underline that the entitlement to maritime areas is inherent to territorial sovereignty, which means that all of the above Greek islands have the right to a territorial sea, an exclusive economic zone and a continental shelf in accordance with article 121 (2) of the UNCLOS. Therefore, as the sovereignty of Greece over the said islands is legally undisputed, their entitlement to maritime zones and their effect on maritime delimitation has no connection whatsoever with the issue of their demilitarization under the said Peace Treaties.

8. Greece once again rejects all of the Turkish arguments with respect to the 1936 Montreux Convention regarding the Régime of the Straits. This Convention, as was clearly explained in our letter of 27 July 2021, abrogated the 1923 Lausanne Convention relating to the Régime of the Straits, along with the demilitarization provisions of the latter concerning the Greek islands of Lemnos and Samothrace. This clearly derives not only from the Preamble of the Montreux Convention but also from the formal declarations of Turkish High Officials in this respect. Turkey, in its letter, tries to diminish the importance and the legal effect of these declarations, and in particular those of the then Turkish Minister of Foreign Affairs, T. R. Aras, before the Turkish National Assembly in Ankara, on 31 July 1936, at the time of the ratification of the Montreux Convention, by which he formally confirmed (without any objection to the contrary from the Turkish National Assembly) that Greece is under no obligation to keep the Greek islands of Lemnos and Samothrace demilitarized. Greece recalls, in this respect, that it is well established in international law that even unilateral acts of a State, acting alone and expressing its will, may produce binding legal effects in international law; see, e.g., *Nuclear Tests (Australia v. France)*, (*New Zealand v. France*), Judgments, *I.C.J. Reports 1974*, p. 269, para. 50 and p. 472, para. 46; also *Armed Activities on the Territory of the Congo (New Application : 2002) (Democratic Republic of the Congo v. Rwanda)*, *Jurisdiction and Admissibility, Judgment, I.C.J. Reports 2006*, p. 27, para. 46; *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, Judgment, *I.C.J. Reports 2018*, pp. 554-555, para. 146). In line with the criteria set out in the ICJ case-law, the aforementioned Turkish declarations constitute a legally binding commitment of Turkey. The case-law of the ICJ that Turkey cites in this respect is totally irrelevant here, and its arguments that the above islands should remain demilitarized are erroneous and devoid of any legal basis.

9. Greece also rejects, as historically and legally incorrect, the Turkish assertions that “the 1947 Paris Peace Treaty is a demilitarization Treaty *in excelsis*”. Moreover, the example of the Convention of 1856 on the Demilitarization of the Aaland Islands, annexed to the 1856 Paris Peace Treaty, from which Turkey draws inspiration in this regard in its letter of 30 September 2021, is totally irrelevant and inapplicable in this instance, since, among other considerations, the demilitarization provision of the 1947 Treaty is not part of a legal regime on demilitarization (in contrast to the provision in the 1856 Convention) but is a separate and ancillary provision in the 1947 Treaty. Furthermore, the provisions of the 1947 Treaty, including those relating to demilitarization, are *res inter alios acta* and cannot be invoked by Turkey, which is not a party to that Treaty. This is also confirmed by Article 89 of the 1947 Treaty, according to which its provisions shall not confer any rights and benefits on States that are not parties to it.

10. Greece has explained time and again the errors and fallacies in Turkey’s arguments regarding the above issues. Greece has done so both bilaterally and in various international fora, including the United Nations. Turkey, nevertheless, persists in presenting such untenable positions allegedly anchored in international law in order to serve its own political purposes. The fact that Turkey “...urges other States Parties to the said treaties to invite Greece to comply with the provisions of those treaties” once again confirms Turkey’s persistent practice of raising issues lacking any legal basis, a practice that adds to the instability that this country causes by its actions.

11. Furthermore, it must be recalled that Turkey has in recent years increased to worrying proportions its military arsenal, a big part of which is positioned opposite the Greek islands in an offensive posture. Moreover, Turkey has not hesitated to make serious and solemn threats of the use of armed force against Greece (*casus belli*), including in a resolution adopted on June 8, 1995 by the Turkish National Assembly.

12. These statements on the use of force are coupled with harassment of Greek naval units and scientific research vessels licenced by Greece in disregard of the safety of seafarers, as well as with highly threatening acts by Turkey, including repeated overflights of Greek territory by fighter jets in contravention to international law. In this respect it should also be noted that article 13 of the Lausanne Treaty expressly provides that “[w]ith a view to ensuring the maintenance of peace [...] the Turkish Government will forbid their military aircraft to fly over the said [Mytilene, Chios, Samos and Nikaria] islands”.

In light of the above, Greece solemnly calls upon Turkey to stop questioning Greece’s sovereignty over its Aegean islands, in particular through legally baseless and historically false assertions, to abstain from threatening Greece with war in case it extends its territorial waters beyond the present width of 6 n.m., in full contravention of Article 2, paragraph 4 of the UN Charter, and to refrain from illegal activities in violation of Greece’s sovereignty and sovereign rights in the Aegean and Eastern Mediterranean. Such practices by Turkey, in addition to betraying adherence to a revisionist mentality totally disconnected from the basic principles governing relations between States, as reflected in the UN Charter, pose a serious threat to peace and stability in the broader region.

Lastly, Greece continues to firmly believe that the two countries can resolve their outstanding difference, namely the delimitation of their continental shelves and exclusive economic zones, in a spirit of good-neighbourly relations and in accordance with international law. Greece calls upon Turkey to also commit to the peaceful settlement of this difference.

I would be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 78 (a) and of the Security Council and have it published on the website of the Division for the Ocean Affairs and the Law of the Sea, as well as in the next edition of the Law of the Sea Bulletin.

A handwritten signature in black ink, appearing to read 'Maria Theofili', written in a cursive style.

Maria Theofili
Ambassador
Permanent Representative

H.E. Mr. António Guterres
Secretary-General of the United Nations
United Nations, New York