

WHY GRECO-TURKISH CONFLICT NEEDS AMERICAN INTERVENTION:
A MEANINGFUL MEDIATOR

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Tensions between the Greek and Turkish governments have soared over territorial claims in the Aegean, chiefly concerning the delimitation of territorial waters. The conflict arose on January 20th, 2021, when the Greek parliament nearly unanimously passed a law extending the breadth of Greece's territorial waters in the Aegean Sea towards Turkey.¹ While bilateral treaties exist between Turkey and Libya and between Greece and Egypt, each regulating the maritime zones of the contracting states, no such agreement exists between Greece and Turkey.² "These agreements, however, have no legal effect on Greece and Turkey because international agreements must not harm nor benefit third-party states without their consent (*pasta-tertiles-rule*)."³ Greece justifies this expansion under Article 3 of the United Nations Convention on the Law of the Sea, which states that every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles measured from the coastal baselines.⁴ They interpret this to mean that this extension would begin from the Greek islands furthest east.⁵ On the other hand, Turkey argues that if a country is composed entirely of islands, these would give rise to areas of maritime jurisdiction, but that a continental country's maritime jurisdiction should be based on the mainland, and not islands.⁶ The impact of such a Greek extension would deprive Turkey of one of the two coastal islands of the Aegean Sea, its

¹ Jason Theo Halog, *Expansion in the Aegean Sea?*, VOLKERRECHTSBLOG (Feb. 19, 2021), <https://voelkerrechtsblog.org/expansion-in-the-aegean-sea/> [<https://perma.cc/W837-MRNV>].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Irfan Kaya Ulger, *Analysis- Meis Island's Status According to UN Law of the Sea Convention*, ANADOLU AJANSI (Aug. 8, 2020), <https://www.aa.com.tr/en/analysis/analysis-meis-islands-status-according-to-un-law-of-the-sea-convention/1933658> [<https://perma.cc/3SZW-LS3U>].

rights to access the high seas from territorial waters, and the economic benefits derived from the Aegean.⁷ Ultimately, fueling Turkish concerns over a possible disproportionate increase in Greek-controlled space.⁸ Resolving this dispute is imperative for regional stability. Only the presence of an influential mediator can make strides for ultimate peace.

Mediation involves the intervention of a mediator in a dispute to assist the parties in negotiating an acceptable resolution of their issues.⁹ “The mediator, as a neutral third party, can view the dispute objectively and assist the parties in considering alternatives and options that they might not have considered.”¹⁰ Effectively guiding conflicting parties to reach voluntary settlements. The United States (“U.S.”) is best suited to lead such efforts. No other country or entity can mediate, support, or, if necessary, pressure the two sides to productively coexist. Organizations such as the European Union will never be seen by Ankara as impartial as long as Greece and Cyprus are members and Turkey is not.¹¹ Alternatively, U.S. arbitration succeeded in temporarily mediating war in Cyprus in 1974 and when the Clinton administration intervened in the Imia/ Kardak crisis in 1996.¹² Proving that the U.S. has the political leverage to push the parties to mediate.

⁷ Aashriti Gautam, *The Greco-Turkish Dispute Over the Aegean Sea*, INDIAN COUNCIL WORLD AFFS. (Nov. 14, 2022), https://www.icwa.in/show_content.php?lang=1&level=1&ls_id=8622&lid=5627 [https://perma.cc/LST8-3BQ8].

⁸ Halog, *supra* note 5.

⁹ *What is Mediation?*, OFF. CIV. RTS., <https://www.commerce.gov/cr/reports-and-resources/eo-mediation-guide/what-mediation> [https://perma.cc/3KKB-4AVS] (last visited Mar. 19, 2024).

¹⁰ *Id.*

¹¹ Grady Wilson, *To Manage Tensions Between Turkey and Greece, the US Should Look to History*, ATLANTIC COUNCIL (Mar. 5, 2021), <https://www.atlanticcouncil.org/blogs/turkeysource/to-manage-tensions-between-turkey-and-greece-the-us-should-look-to-history/> [https://perma.cc/47A8-EK4C].

¹² *Id.* See Ryan Gingeras, *An Honest Broker No Longer: The United States Between Greece and Turkey*, WAR ON THE ROCKS (Jan. 3, 2023), <https://warontherocks.com/2023/01/an-honest-broker-no-longer-the-united-states-between-turkey-and-greece/> [https://perma.cc/9NWQ-4L95].

The United Nations (“UN”) has also attempted to play a mediating role in Greco-Turkish conflicts, most explicitly pertaining to the use of UN envoys in Cyprus.¹³ A Special Envoy of the Secretary-General is a senior United Nations official appointed by the Secretary-General to deal with a set of specific issues.¹⁴ However, these envoys were unsuccessful because they lacked authority and impartiality.¹⁵ They ran into three main obstacles: (i) the envoy's title, which was perceived by the parties as having limited power; (ii) the inflexibility and limited authority of the envoy; and (iii) the issue that neither party believed that the other would negotiate in good faith despite the presence of an envoy.¹⁶

In contrast, U.S. special envoys who do not fill congressionally mandated positions and focus on particularly high-profile international issues could overcome these issues.¹⁷ Section 302 of the Foreign Service Act of 1980 provides that the president may independently confer the “personal rank of ambassador or minister on an individual in connection with a special mission for the President.”¹⁸ This law allows the U.S. president to appoint a special envoy to act as their personal representative.¹⁹ According to the Eastern Mediterranean Security and Energy Partnership Act of 2019, the executive branch has congressional authorization to mediate.²⁰

¹³ *How to Reinvigorate the UN's Mediation Efforts in Cyprus*, INT'L CRISIS GRP. (Aug. 18, 2023), <https://www.crisisgroup.org/europe-central-asia/western-europe-mediterranean/cyprus/how-reinvigorate-uns-mediation-efforts-cyprus> [<https://perma.cc/JJ8T-THY5>].

¹⁴ *Terminology of Senior Leadership Posts*, UNITED NATIONS, <https://www.un.org/globalcall/content/resources> [<https://perma.cc/6EPW-ZHCG>] (last visited Mar. 19, 2024).

¹⁵ Gingeras, *supra* note 12.

¹⁶ *Id.*

¹⁷ John K. Naland, *U.S. Special Envoys: A Flexible Tool*, U.S. INST. PEACE (Aug. 15, 2011), <https://www.usip.org/sites/default/files/resources/PB102.pdf> [<https://perma.cc/NZ3L-HSTJJ>].

¹⁸ Ryan Scoville, *An Important Development in the Law of Diplomatic Appointments*, LAWFARE (Jan. 21, 2022), <https://www.lawfaremedia.org/article/important-development-law-diplomatic-appointments#:~:text=Section%20302%20of%20the%20Foreign,president%20gives%20to%20the%20Senate> [<https://perma.cc/R7G9-F8BA>].

¹⁹ Princeton N. Lyman & Robert M. Beecroft, *Using Special Envoys in High-Stakes Conflict Diplomacy*, U.S. INST. PEACE (Oct. 2014), <https://www.usip.org/sites/default/files/SR353-USING-SPECIAL-ENVOYS-IN-HIGH-STAKES-CONFLICT-DIPLOMACY.pdf> [<https://perma.cc/8FVB-8ZG4>].

²⁰ Nicholas Saidel, *The US Should Mediate the Maritime Dispute Between Turkey and Greece- Cyprus*, THE HILL (Aug. 8, 2022),

“The President is authorized to appoint a special ambassadorial level envoy who shall be responsible for representing the United States in direct negotiations with the parties . . . promoting mutual discussions between those countries concerning their differences on Aegean issues.”²¹ This diplomacy, in the form of maritime dispute mediation, would help bring order and cohesion to the NATO allies.²²

Direct access to the president is one sign that the envoy speaks on behalf of the president.²³ Many foreign governments are keen to gauge whether a special envoy is truly there to speak on the president’s behalf.²⁴ “Special Envoy to the Sudan John Danforth felt that he spoke for the president. A department official who worked closely with Danforth commented that when he arrived at a negotiation, he had the ‘presence’ of a presidential envoy and knew how to use it.”²⁵ By being properly empowered, the special envoy gains more authority in the eyes of the parties with whom it negotiates. Additionally, this sort of mediator is not constrained by formal structures and policies of the U.S. government.²⁶ This gives them significant flexibility over how mediation is conducted.²⁷ Their ability to operate outside normal bureaucratic restrictions, including restrictions on whom they contact, is one of their strengths.²⁸ This latitude can be established immediately or through policy-level agreement when needed.²⁹ Special envoys are allowed this discretion because being too constrained in interactions

<https://thehill.com/opinion/international/3588243-the-us-should-mediate-the-maritime-dispute-between-turkey-and-greece-cyprus/> [<https://perma.cc/X5H2-S69J>].

²¹ *Id.*

²² *Id.*

²³ Lyman & Beecroft, *supra* note 19.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Henry Wriston, *The Special Envoy*, 38 FOREIGN AFFS. 219 (1960).

²⁷ Morgan Viña & Gabriel Noronha, *Are Special Envoys Getting Special Treatment from Congress?*, THE HILL (Dec. 30, 2022), <https://thehill.com/opinion/white-house/3792869-are-special-envoys-getting-special-treatment-from-congress/> [<https://perma.cc/2CY6-U42B>].

²⁸ Wriston, *supra* note 26.

²⁹ *Id.*

undermines their very value.³⁰ Moreover, an American special envoy would play a critical role in bringing about a settlement because the United States, a world superpower, can force the parties to accept agreements with conditions and consequences for their failures.³¹ Resultingly, encouraging each party to negotiate in good faith by convincing them to abandon a zero-sum approach while cultivating the belief that mutually beneficial solutions can be found.³²

This proved successful when special envoys facilitated the end of the conflict in Bosnia-Herzegovina through the Dayton Peace Accords in 1995.³³ It began when Special Envoy Charles Redman led negotiations between Bosnia's Muslims and Croats, which "resulted in a cease-fire, the formation of a bi-communal Federation, and improved relations with neighboring Croatia."³⁴ Efforts resulted in U.S. Ambassador Richard Holbrooke negotiating an agreement under which Radovan Karadzic withdrew from all positions of influence, ultimately ending the siege of Sarajevo.³⁵ The use of special envoys in this instance signaled that the White House was paying high-level attention to this conflict and gave them considerable control over policy and the situation as a whole.³⁶

A U.S. mediator will reframe issues, assist the parties in understanding each other, and help identify solutions, resulting in mutually acceptable settlements.³⁷ So, while interests may be

³⁰ Lyman & Beecroft, *supra* note 19.

³¹ Tozun Bahcheli et al., *Greek-Turkish Relations and U.S. Foreign Policy*, U.S. INST. PEACE (Aug. 1997), <https://www.usip.org/sites/default/files/resources/pwks17.pdf> [https://perma.cc/8BD6-T7E8].

³² Gautam, *supra* note 7.

³³ *U.S. Relations With Bosnia and Herzegovina*, U.S. DEPT. ST. (Aug. 27, 2021), <https://www.state.gov/u-s-relations-with-bosnia-and-herzegovina/#:~:text=The%201992%2D95%20war%20in,effort%20to%20ensure%20its%20implementation.> [https://perma.cc/8VMF-S4BD].

³⁴ *Bosnia Fact Sheet: The Road to the Dayton Peace Agreement*, U.S. DEPT. ST. (Dec. 6, 1995), https://1997-2001.state.gov/regions/eur/bosnia/bosnia_peace_agreement.html [https://perma.cc/W6KU-HZFD].

³⁵ *Chronology: Dayton Peace Agreement, November 1995-March 1997*, U.S. DEPT. ST. (Apr. 4, 1997), <https://1997-2001.state.gov/regions/eur/bosnia/boschron.html> [https://perma.cc/R6W6-EEGC].

³⁶ OFF. CIV. RTS., *supra* note 9.

³⁷ *Preparing for Mediation*, U.S. CT. APPEALS FOURTH CIR., <https://www.ca4.uscourts.gov/mediation/preparing-for-a-mediation#:~:text=Mediation%20is%20a%20flexible%20dispute,other%2C%20and%20help%20identify%20solutions> [https://perma.cc/QH8X-ET6W] (last visited Mar. 19, 2024).

compromised, delimitation of territorial waters may be done in an acceptable way for both parties. As special envoys facilitate more negotiations, regional stability in the Aegean will be fostered.