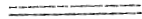


PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

AEGEAN SEA
CONTINENTAL SHELF CASE

(GREECE v. TURKEY)



COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIS ET DOCUMENTS

AFFAIRE
DU PLATEAU CONTINENTAL
DE LA MER ÉGÉE

(GRÈCE c. TURQUIE)



**REQUEST FOR THE INDICATION
OF INTERIM MEASURES OF PROTECTION
SUBMITTED BY THE GOVERNMENT
OF GREECE**

**DEMANDE EN INDICATION
DE MESURES CONSERVATOIRES
PRÉSENTÉE PAR LE GOUVERNEMENT
DE LA GRÈCE**

Cases to Which This Request Relates

1. I have the honour to refer to the Application dated today, 10 August 1976, by which Greece has instituted proceedings against Turkey relative to the continental shelf appertaining to certain Greek islands in the Aegean Sea ; and hereby to submit, in conformity with Article 33 of the General Act for the Pacific Settlement of International Disputes, 1928, Article 41 of the Statute of the Court and Article 66 of the Rules of Court, a request for the laying down or indication by the Court of provisional measures of protection for the preservation of the rights of Greece pending the final decision in (or alternatively "outcome of") these proceedings.

Rights to Be Protected

2. The following are the rights which Greece submits are entitled to protection :

- (i) The sovereign rights of Greece for the purpose of researching, exploring and exploiting the continental shelf appertaining to Greece and adjacent to the islands of Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios Psara, Antipsara, Samos, Ikaria and all the islands of the Dodecanese group (Patmos, Leros, Kalimnos, Kos, Astypalaia, Nisiros, Tilos, Simi, Chalki, Rhodes, Karpathos, etc.), hereinafter called the islands, which rights are exclusive in the sense that if Greece does not undertake research on the continental shelf or explore it or exploit its natural resources, no-one may undertake these activities, or make a claim to the said continental shelf, without the express consent of Greece.
- (ii) The right of Greece to the performance by Turkey of its undertakings contained in Article 2, paragraph 4, and Article 33 of the Charter of the United Nations and in Article 33 of the General Act for Pacific Settlement of International Disputes to abstain from all measures likely to react prejudicially upon the execution of any judicial decision given in these proceedings and to abstain from any sort of action whatsoever which may aggravate or extend the present dispute between Greece and Turkey.
- (iii) All rights appertaining to Greece under or in consequence of the final decision of the Court in the present proceedings.

Grounds of the Request

3. The following are amongst the principal considerations that justify the present Request :

- (i) The Greek Application, referred to in paragraph 1 above, discloses :
 - (a) facts relating to the grant by Turkey of exploration licences in respect of the areas of the continental shelf which Greece claims to appertain to Greece ;
 - (b) exploration activity undertaken by Turkey or under licence from Turkey in respect of the said areas, and
 - (c) the fact that the Turkish Government has taken measures of a military character with a view to ensuring the protection of the *Sismik I* while it is operating illegally upon the continental shelf of Greece.

(ii) Such grants of exploration licences and such exploration activity must tend to anticipate the judgment of the Court ; and, if such judgment were given in favour of Greece, would deprive Greece of the full benefit thereof, inasmuch as licensing and exploration is intended to provide information which properly concerns only the State exercising sovereign rights over the continental shelf in question, in order to enable it to formulate its policy respecting this area and the exercise of such rights, which it alone is entitled to do.

A State's rights to exploration of its continental shelf are exclusive and, if exploration is undertaken by another State, not only is this exclusivity destroyed but the damage caused is irreparable. The loss of exclusive control by the State over the dissemination of information regarding the resources of areas of its continental shelf will cause irremediable harm to its interest in controlling and developing future exploration in the interests of the State.

(iii) Such licensing and exploration activities, if continued during the course of the proceedings, would aggravate the dispute, prejudice the maintenance of friendly relations between Greece and Turkey, in particular by a further dangerous exacerbation of public feelings and lead to military measures or actions which may endanger international peace and security.

4. (a) On 21 July 1976 and again on 23 July 1976 the Greek Ambassador in Ankara conveyed to the Turkish Foreign Minister, in most explicit terms, the grave concern of the Greek Government over the infringement of the legal rights of Greece by way of an eventual exploration without its consent of the continental shelf in the Aegean Sea appertaining to Greece. He also pointed out the prejudicial effects of such exploratory activity on the relations between the two countries and, more generally, on the situation in the Aegean.

(b) In an effort to prevent these undesirable developments the Greek Government considered certain oral assurances given to the Greek Ambassador in Ankara by the Turkish Foreign Minister, with a view to ensuring that the researches made by the vessel *Sismik I* would be purely scientific, and would in no case encroach upon the sovereign rights of Greece on her continental shelf. However, before being apprized of the final views of the Greek Government, the Turkish Foreign Minister, who had not spared the time to receive the Greek Ambassador previously, made a public statement over the Turkish radio and television system, which by its very nature effectively terminated these deliberations.

(c) On 6 August 1976, as of 19.45 hours, the Turkish research vessel *Mta-Sismik I* was observed engaging in seismic exploration of an area of the continental shelf of the Aegean appertaining to Greece and comprised within the following co-ordinates :

Latitude	39 26.5	North -	Longitude	25 50.51	East
..	39 25	.. -	..	25 48	..
..	39 22	.. -	..	25 45	..
..	39 23	.. -	..	25 44	..
..	39 26	.. -	..	25 45	..
..	39 28	.. -	..	25 44	..
..	39 30	.. -	..	25 43	..

Seismic exploration of the Greek continental shelf ceased on 7 August at 00.30 hours.

(d) On 7 August the Greek Government addressed a Note to the Turkish Government in which it protested against the violation of its legal rights, requested that the latter take all necessary measures to ensure that this violation would not recur in the future and reserved all its rights under international law. On 8 August 1976 the Turkish Government rejected the Greek protest which it "deemed devoid of any bases and totally unacceptable". It also stated that the "research activities should be carried out in accordance with the established programme".

(e) On 7 and 8 August 1976 the Turkish research vessel escorted by a Turkish minesweeper and, intermittently, by Turkish aircraft, continued its exploration of the Greek continental shelf in an area comprised within the following co-ordinates :

Latitude	39 25	North -	Longitude	25 54	East
..	39 22.5	.. -	..	25 47.2	..
..	39 20	.. -	..	25 40	..
..	39 20.7	.. -	..	25 37	..
..	39 25.8	.. -	..	25 32.6	..
..	39 34	.. -	..	25 25.2	..
..	39 40	.. -	..	25 23.5	..
..	39 40	.. -	..	25 27.2	..
..	39 30.7	.. -	..	25 33.5	..
..	39 22.2	.. -	..	25 38.7	..
..	39 22.5	.. -	..	25 41.3	..
..	39 34.5	.. -	..	25 36	..
..	39 43.5	.. -	..	25 28.5	..
..	39 42	.. -	..	25 32.2	..
..	39 29.6	.. -	..	25 43.5	..
..	39 24.9	.. -	..	25 48	..
..	39 27.4	.. -	..	25 48.2	..

(f) On 9 August the Greek Government sent a Note to the Turkish Government indicating that :

- I. it could not accept the grounds for the rejection of its protest ;
- II. the illegal exploration of the Greek continental shelf continued as set forth above ; and
- III. the military escort provided to the Turkish research vessel rendered the circumstance of the violation of its sovereign rights particularly aggravating.

The Greek Government lodged a solemn and vigorous protest against these actions, requested the Turkish Government to cease these activities and refrain from any ulterior provocative action, and reiterated the reservation of its legal rights on the continental shelf of the Aegean Sea appertaining to Greece. The texts of the Turkish Foreign Minister's public statement mentioned in subparagraph (b) above, of the Greek Government's protest dated 7 August 1976 and of the Turkish Note dated 8 August, mentioned in subparagraph (d) above, of the Greek Note dated 9 August 1976 and the Memorandum therein referred to, and addressed by the Greek Embassy to the Turkish Foreign Ministry on 24 March 1976, mentioned in subparagraph (f) above, appear in Annex VIII, of the Application Instituting Proceedings.

The Extreme Urgency of the Request

5. In addition to the fact that their very purpose constitutes a violation of the sovereign rights of Greece, the exploration activities of Turkey with

respect to the continental shelf of Greece are accompanied by measures of a military character which also *per se* constitute a threat to the peace of the region. For its part, Greece is obliged in response to these measures to place its own forces in a state of readiness and to send naval units to the area of operations of the *Sismik I* to maintain surveillance not only of this ship but also of the Turkish naval and air units which are in contact with the ship for the purpose of protecting it in its illegal activities. In consequence, sizeable armed forces of both countries are facing each other throughout this period of Turkish exploration with all the dangers that such a situation entails. The above-mentioned circumstances impress the present request with special urgency.

Interim Measures Proposed

In the light of the foregoing considerations, Greece submits that this is a proper and necessary case for the Court to exercise its power to lay down or indicate provisional measures of protection in order to preserve the respective rights of the Parties pending the final outcome of the proceedings.

Greece accordingly requests the Court to direct that the Governments of both Greece and Turkey shall :

- (1) unless with the consent of each other and pending the final judgment of the Court in this case, refrain from all exploration activity or any scientific research, with respect to the continental shelf areas within which Turkey has granted such licences or permits or adjacent to the Islands, or otherwise in dispute in the present case ;
- (2) refrain from taking further military measures or actions which may endanger their peaceful relations.

(Signed) Nicolas KARANDREAS.

The Hague, 10 August 1976.
