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THE MYTH OF THE INTEGRITY AND UNIVERSALITY OF LAW OF THE SEA: INCIDENTS AT SEA BY NON-PARTIES OF UNCLOS

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Abstract

The structure of the law of the sea is at times explained as a contestation and coordination of the coastal states and the international community. However, such an assumption should not be taken for granted and it is necessary to clarify the significance and limitations of its integrity and universality. For this purpose, this paper sheds the light on cases of incidents at sea caused by non-parties of UNCLOS and empirically studies the cases of Turkey, Venezuela and Iran, where they undertake harassing or provocative actions against foreign ships and installations. It will then briefly consider the significance and limits of the theories of law of the sea.

Keywords : *Incidents at sea, UNCLOS, law enforcement, obligation of self-restraint, undelimited area, Turkey, Venezuela, Iran*

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I. INTRODUCTION

Shortly after the codification of the law of the sea went through the milestone First United Nations Conference on the Law of the Sea (UNCLOS I), Myres McDougal and William Burke presented on how the concept of the freedom of seas generated a tension between “inclusivity” and “exclusivity” in questions of the claim to ocean space and its use.¹ Inclusive interests are those that are shared by the international community; this concept holds that the law of the sea should be constructed to support common use of an area so that a mutual benefit is shared among states. In contrast, exclusive interests are asserted by individual states against the rights of other states. This contestation of inclusivity and exclusivity remains a basic framework for understanding the United Nations Convention on the Law of the Sea (UNCLOS).² The treaty itself contains several mechanisms to resolve this contestation by securing its integrity and its universal application.

First, the Convention takes a zonal approach, whereby the instrument al-

¹ Myres Smith McDougal and William T Burke, *The Public Order of the Oceans: A Contemporary International Law of the Sea* (Yale University Press, 1962), p. 51-52.

² United Nations Convention on Law of the Sea, 1833 UNTS 3 (opened for signature 10 December 1982, entered into force 16 November 1994) [UNCLOS].

locates maritime jurisdictions depending on zones demarcated by the distance from the baselines of coastal states.³

Second, member states may conclude agreements modifying or suspending the operation of the Convention, only when “such agreements do not relate to a derogation from which is incompatible with the effective execution of the object and purpose of the Convention,” and “such agreements should not affect the application of the basic principles embodied therein.”⁴

Lastly, the Convention requires norms to be applied equally between all states. No reservations or exceptions may be made to UNCLOS unless expressly permitted.⁵ It has specific provisions on rights of land-locked states,⁶ cooperation of states bordering enclosed or semi-enclosed seas,⁷ and the rights of coastal states in ice-covered areas⁸; but in general, it requires all the coastal states to uniformly comply with the rules under the convention.⁹

When the coastal states make “excessive” exclusive claims by exceeding the limits of the sea,¹⁰ it is explained, from a normative perspective, that the claims will converge to the rules of UNCLOS, both in its spatial and substantive dimension. Scholars consider that the law of the sea will develop so as to integrate the whole maritime domain into one regime. The idea was supported by Annex VII Arbitral Tribunal before the *South China Sea* case, where it held that “the text and context of the Convention¹¹” are “clear in *superseding* any historic rights that a State may once have had in the areas that now form part of the [EEZ] and continental shelf of another State¹²” (emphasis added).

In the context of international legal studies in general, the notion of universalism has been criticized as a disguise of European or Western international law. On the contrary, academics of the law of the sea tend to give greater recognition to the inclusive interests of states when a legal question arises.¹³

³ Donald R. Rothwell and Tim Stephens, *The International Law of the Sea*, 2nd ed. (Hart, 2016), pp. 14-5.

⁴ UNCLOS, Article 311(3).

⁵ UNCLOS, Article 309.

⁶ UNCLOS, Articles 124-132.

⁷ UNCLOS, Article 123.

⁸ UNCLOS, Article 234.

⁹ Rothwell and Stephens, *The International Law of the Sea*, note 3, pp.14-5.

¹⁰ For a comprehensive research on the claims that exceeds the rules of the UNCLOS, see J Ashley Roach and Robert Smith, *Excessive Maritime Claims*, 3rd ed. (Brill, 2012).

¹¹ The South China Sea Arbitration (The Republic of Philippines v. The People’s Republic of China), Award of 12 July 2016, para. 247, available at: <https://pca-cpa.org/en/cases/7/>.

¹² *Ibid.*

¹³ Rothwell and Stephens, *The International Law of the Sea*, note 3; Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press, 2011); Natalie Klein, “Maritime Security” in Donald Rothwell (ed), *The Oxford Handbook of Law of the Sea* (Oxford University Press, 2015). But for the critiques against such assumption, see Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge University Press, 2005); Onuma Yasuaki, *International Law in a Transcivilizational World*

However, such assumption should not be taken for granted. It is partly because of the undeniable fact that law of the sea scholarship is largely based on liberal principles. It requires the coastal states to refrain from making excessive claims, and thus restricts the exclusivity. It should be noted that it does not necessary imply inclusivity either. The argument to limit the coastal states' rights may in the end support the claims of maritime users who possess naval powers. It should be noted that these studies have been led by researchers largely from maritime powers such as the United States, the United Kingdom, and Australia.¹⁴ Considering this potential structural bias, the literature's emphasis on universal inclusivity has to be taken with caveats.

Hence, it becomes necessary to clarify the significance and limitations of law of the sea and to test its potential for inclusivity. As a part of an empirical study for this purpose, this paper focuses on cases of incidents at sea that were informed by specific regional tensions and histories. The term "incidents at sea" refers here to a harassment or otherwise provocative action taken on behalf of a state to foreign ships, including the warships and vessels of coast guards of a foreign government, and installations such as oil rigs. Cases are increasing in which a regional power takes such actions against neighboring countries' fishery vessels, ships conducting maritime scientific research, and even coast guard vessels. Against this background is the increase of undelimited area after the creation of EEZ and the redefinition of the continental shelf under UNCLOS.

It is not difficult to see that there are certain patterns among these cases. They often take place where the maritime boundary line has not been drawn, although in some cases the incidents occur in the jurisdictional water of a state. There are often plenty of natural resources at play, which could be both living and non-living, or the area may be a navigational chokepoint. In addition, it is normal that states in the region disagree about territorial sovereignty either over islands or coastal fronts that generate the maritime jurisdictional columns.

The coercive actions are usually of low-intensity. There are case where no weapons are used at all. The examination whether it constitutes the use of force prohibited under Article 2(4) of the Charter of the United Nations is requires a case-by-case analysis in the light of multiple elements concerning the actual measures. First, whether there is a minimum threshold of gravity to qualify as "force" has to be considered. If one takes an affirmative position and

(Cambridge University Press, 2017), pp.125-6.

¹⁴ McDougal and Burke, *The Public Order*; Daniel Patrick O'Connell, *The Influence of Law on Sea Power*, (Naval Institute Press, 1975). For more recent works, see James Kraska and Raul Pedrozo, *International Maritime Security Law* (Brill, 2013).

the force exceeds the threshold, then there are several elements to consider, including the gravity of the measures taken and the existence of an intention to compel a state's policy against another state, although there seems to be no scholarly consensus on these criteria.¹⁵ The harassing states take advantage of this potential gap when they take coercive actions against foreign ships.

Much study has been done on such practices caused by Russia and China against neighboring or rivalry countries. On the other hand, less attention has been paid to regional mid-powers. In particular, there are cases where non-parties of UNCLOS cause troubles with their neighboring countries to expand its influence in the region. UNCLOS enjoys quasi-universal ratification among coastal states, but some have not yet ratified it, and maritime disputes over natural resources are the very reason why a coastal state would choose to not be party (Table 1). In such a situation, the role of UNCLOS is quite limited. As a treaty, it does not oblige a third party to comply with its obligation including the ones for the compulsory dispute resolution mechanism; and the instrument does not touch on the issue of territorial disputes. However, questions arise whether and to what extent law of the sea has been relied upon to prevent conflict and promote international cooperation; and what role UNCLOS has played in such a context, if any.

In order to empirically search the responses to these questions, the next section will go through case studies of incidents at sea caused by non-parties of UNCLOS (Section II). It will pick up cases where at least one of the state parties that took provocative actions is not the party to UNCLOS. While the history of each dispute is complicated, it will briefly summarize the characteristics of each case based on the published facts as of May 2020. Following the evaluation of these cases, the last part will analyze the gaps between the assumptions made of the law of the sea and the unresolved issues demonstrated by the case studies. (Section III).

¹⁵ See Patricia Jimenez Kwast, "Maritime Law Enforcement and the Use of Force: Reflections on the Categorisation of Forcible Action at Sea in the Light of Guyana/Suriname Award," *Journal of Conflict & Security Law* 13 (2008); Olivier Corten, *The Law against War: The Prohibition on the Use of Force in Contemporary International Law* (Hart, 2010); Atsuko Kanehara, "The Use of Force in Maritime Security and the Use of Arms in Law Enforcement under the Current Wide Understanding of Maritime Security," *Japan Review* 3, p. 35, available at: https://www.jiia-jic.jp/en/japanreview/pdf/JapanReview_Vol3_No2_05_Kanehara.pdf.

Table 1 Members of United Nations and Non-Parties of UNCLOS

	Signed but Not Ratified	Neither Signed nor Acceded
Coastal States	Colombia Cambodia El Salvador Ethiopia Iran Libya Democratic People's Republic of Korea United Arab Emirates	Eritrea Israel Peru Syria Turkey Venezuela United States of America
Landlocked States	Afghanistan Bhutan Burundi Central African Republic Liechtenstein Rwanda	Andorra Kazakhstan Kyrgyzstan San Marino South Sudan Tajikistan Turkmenistan Uzbekistan

Source: "Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements," available at: https://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm. accessed on 16 July 2020.

II. REGIONAL MARITIME DISPUTES: CASE STUDIES

A. TURKEY—EAST MEDITERRANEAN SEA

The first case is the measures Turkey has taken against foreign vessels exploring over the continental shelf in the East Mediterranean Sea.¹⁶ Turkey, Syria and Israel have not signed UNCLOS, and Libya has signed but not ratified it (Table 1)¹⁷. Among these non-parties of UNCLOS, Israel is a state party

¹⁶ For the overview of the dispute, see Ilias Kouskouvelis and Kalliopi Chainoglou, "Against the Law: Turkey's Annexation Efforts in Occupied Cyprus" *Hague Yearbook of International Law* 29 (2016), p. 55, 2016; International Crisis Group, *Turkey and Greece: Time to Settle the Aegean Dispute*, Europe Briefing N°64, Istanbul/Athens/Brussels, 19 July 2011; Nikos Tsafos, "The United States in the East Med: A Case Study in Energy Diplomacy," *Center for Strategic & International Studies*, 2019, available at: <https://www.csis.org/analysis/united-states-east-med-case-study-energy-diplomacy>; Constantinos Yiallourides, "Part I: Some Observations on the Agreement between Greece and Egypt on the Delimitation of the Exclusive Economic Zone," 25 August 2020, available at: <https://www.ejiltalk.org/18969-2/>.

¹⁷ This paper will not delve into disagreements between Greece and Turkey at Aegean Sea, which is another important precedent regarding undelimited areas in the law of the sea.

to the Continental Shelf Convention. All of the states have established their exclusive economic zone (EEZ) and declared their continental shelf.¹⁸

Turkey helped to establish Turkish Republic of Northern Cyprus (TRNC) in 1983. Regardless of the denouncement by UN General Assembly, Turkey has provided financial and military support to TRNC since then and has provided infrastructure investment offered by Turkish private companies.¹⁹ Turkey has an overlapping maritime area with Cyprus, Greece and Egypt. It also claims that TRNC is the only legitimate entity to exercise its sovereign rights over the domain surrounding the whole Cyprus island.²⁰ Table 2 shows the list of maritime delimitation agreements in this region and the objections from other states.

In the early 2010s, a series of large gas fields including Leviathan field and Aphrodite field were found in the area. The coastal states—notably Israel and Cyprus—started to exploit them, propelled by capital from the United States. Turkey, claiming its *ab initio* and *ipso facto* rights over its continental shelf, began by granting hydrocarbon exploration licenses to the Turkish Petroleum Corporation (TPAO) in an overlapping maritime area with both Greece and Cyprus. Turkey has claimed that its conduct is justified because TRNC is entitled to sovereign rights over the EEZ and continental shelf generating from the whole Cyprus island. Turkey has also contended that the offshore license granted by Cyprus to the developers “bears no legal effect on Turkey’s *ipso facto* and *ab initio* sovereign rights over its continental shelf for the purposes of exploration and exploitation of its natural resources.”²¹ Turkey completed the construction of the Trans-Anatolian Natural Gas Pipeline (TANAP) in 2018, which connects the Shah Deniz gas field in Azerbaijan with Europe, creating potential for the gas from the Levantine Sea to be exported to Europe and the natural resources from the region will accelerate its use. Cyprus and Greece have contended that, because TRNC territory is illegally occupied by Turkey and the entity does not have the status as a State, it is not the capacity to exercise rights over the resources.

In the meantime, the Turkish navy started to harass ships licensed by or registered to Cyprus within Cyprus’s jurisdictional water (Table 3). Until early 2014, the incidents took place in an overlapping area that both TRNC

¹⁸ For the relevant agreements, see “Maritime Space: Maritime Zones and Maritime Delimitation,” available at: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/asia.htm>.

¹⁹ Kouskouvelis and Chainoglou, “Against the Law,” p.58.

²⁰ See the maps published by Turkish government. “Maritime Delimitation & Offshore Activities (Presentation -10 May 2019),” available at: http://www.mfa.gov.tr/maritime-delimitation_-_offshore-activities--presentation-10-5-2019.en.mfa.

²¹ A/68/759, Letter dated 13 February 2014 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

and Cyprus claimed. In fall 2014, however, Turkey started to conduct seismic and drilling activities and to harass ships licensed by Cyprus in areas that the TRNC did not even claim. Furthermore, Turkey prevented foreign energy companies licensed to drill for gas and oil from accessing Cypriot waters in 2018.²² At this stage, Turkish President Erdogan was reported to have stated in the Turkish Parliament that: “[w]e advise the foreign companies who are conducting activities off Cyprus, relying on the Greek side, not to be an instrument to businesses that exceed their limit and power.”²³

The European Union (EU) has called on Turkey to cease its provocative actions and to respect the sovereign rights of Cyprus. In response to the incident in 2018, EU Commission stated that “Turkey needs to commit itself unequivocally to good neighborly relations and to the peaceful settlement of disputes in accordance with the UN Charter, having recourse, if necessary, to the International Court of Justice.”²⁴ The EU urged Turkey “to avoid any kind of threat or action directed against a Member State, or source of friction or actions, which damage good neighborly relations and the peaceful settlement of disputes.”²⁵ The EU has repeatedly underlined that negative statements that damage good neighborly relations should be avoided. In July 2019, EU issued a statement that Turkey’s plan for exploitation off Cyprus is “of grave concern and an unacceptable escalation of tensions surrounding the Mediterranean island.”²⁶

On 14 January 2019, the Eastern Mediterranean Gas Forum (EMFG) was founded. On 7 August 2019, Greece, Israel, Cyprus and the United States agreed to enhance cooperation in the energy sector²⁷; and on 2 January 2020, Greece, Cyprus, and Israel signed an accord to build the Eastern Mediterranean pipeline, connecting the field to Greece via Cyprus.²⁸ Furthermore, Saudi Arabia took part on the side of Cyprus, Greece and Egypt to counter Turkey.

To counter these moves, Turkey and Libya’s Government of National

²² Kouskouvelis and Chainoglou, “Against the Law,” p.85.

²³ *Ibid.*, p.96.

²⁴ President Juncker, Parliamentary Questions-Answers, 30 January 2018 (Question reference: E-006460/2017), available at: <https://www.europarl.europa.eu/>.

²⁵ *Ibid.*

²⁶ European Council, “Turkish drilling activities in the Eastern Mediterranean: Council adopts conclusions,” available at: <https://www.consilium.europa.eu/en/press/press-releases/2019/07/15/turkish-drilling-activities-in-the-eastern-mediterranean-council-adopts-conclusions/>.

²⁷ “Joint Statement on the Ministerial Meeting of the U.S., Greece, Republic of Cyprus, and Israel Regarding Cooperation in the Field of Energy,” 7 August 2019, available at: <https://cy.usembassy.gov/joint-statement-on-the-ministerial-meeting-of-the-united-states-greece-republic-of-cyprus-and-israel-regarding-cooperation-in-the-field-of-energy/>.

²⁸ “EastMed Gas pipeline agreement signed at trilateral summit between PM Benjamin Netanyahu, Greek PM Kyriakos Mitsotakis and Cypriot Pres. Nicos Anastasiades,” available at: <https://mfa.gov.il/MFA/Press-Room/2020/Pages/EastMed-Gas-pipeline-agreement-signed-at-trilateral-summit-2-January-2019.aspx>.

Accord (GNA) concluded a maritime delimitation agreement on 27 November 2019.²⁹ Turkey also promoted the pipeline projects *TurkStream and Nord Stream II*, which will enable the transfer of natural gas from Russia to Turkey through Turkey and the Baltic Sea. Not only the EU and Israel but also the United States was against these plans.

There is no sign of a peaceful dispute settlement for this situation. The fact that Cyprus and Egypt accepted International Court of Justice (ICJ)'s compulsory jurisdiction under ICJ Statute Article 36(2) is hardly relevant when the other states have not done so.³⁰ Cyprus officially invited Turkey to address the maritime delimitation between the relevant coasts of Cyprus and Turkey before ICJ only in vain.³¹

It is notable that Turkey relies on rules provided by UNCLOS. It does not rely on unknown concepts to UNCLOS, and it does not emphasize regional interests or other bases of regional international law. However, the states that are involved in this dispute do not show any signs that they are bound to the obligation of self-restraint.

In a broader framework, this dispute is a part of the tension between Turkey's intension to expand its regional power, Russia's interests in accessing the Mediterranean Sea, and the political and economic concerns of the United States and the EU. In June 2019, Turkey purchased a Russian anti-aircraft S-400 missile system notwithstanding its membership to NATO. On 10 June 2020, a Turkish warship targeted a French frigate with a radar as the French vessel approached a Tanzanian-flagged cargo ship. France was acting on intelligence from NATO that the civilian ship could be involved in trafficking arms to Libya as a part of the alliance's operation, *Sea Guardian*. The United States' involvement was under the general banner of energy cooperation, but it has also been a geo-economic counterweight to these rising powers.³² It should not be noted that China has expanded its Belt and Road Initiative to the East Mediterranean Sea. In this situation, which has become a proxy conflict for global super-powers, law of the sea has only a limited role to promote international cooperation.

²⁹ Since 2015 to this date, Libya is in the midst of an armed conflict mainly between GNA and Libyan National Army (LNA) and the ceasefire has not been achieved. GNA has been an interim government for Libya based in Tripoli that was formed in an initiative led by United Nations in 2015. However, despite the creation of GNA, Libyan House Representatives (LHR), a faction based in Tobruk, refused to cooperate and the two parties broke off. The UN and EU has recognized GNA as a legitimate government, while Russia, Egypt and United Arab Emirates (UAE) supported LHR.

³⁰ Cyprus, 3 September 2002, <https://www.icj-cij.org/en/declarations/cy>; Egypt, 22 July 1957, <https://www.icj-cij.org/en/declarations/eg>.

³¹ A/74/660-S/2020/50, Letter dated 20 January 2020 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

³² Tsafos, "The United States in the East Med"

Table 2 The List of Maritime Delimitation Agreements

State Parties	Date of Signature	Date of Entry into Force	Objection(s) from Other States
Cyprus-Egypt (EEZ) ³³	17 February 2003	7 March 2004	Turkey, claiming that it infringes Turkey's continental shelf. ³⁴
Cyprus-Israel (EEZ) ³⁵	17 December 2010	25 February 2011	Lebanon, claiming that it infringes Lebanon's EEZ and continental shelf. ³⁶
Turkey-TRNC (Continental shelf) ³⁷	29 September 2011	29 June 2012	Cyprus Greece ³⁸
Turkey-GNA (EEZ and continental shelf)	29 November 2019		EU ³⁹ A Joint Statement by Egypt, France, Greece, Cyprus ⁴⁰ Greece ⁴¹ Cyprus ⁴²

Note: There exists Cyprus-Lebanon EEZ delimitation agreement of 2007 but it has not entered into force as Lebanon opposed to Cyprus-Israel agreement of 2010.⁴³

³³ Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone, 17 February 2003, available at <https://www.un.org/Depts/los/LEGISLATION-ANDTREATIES/PDFFILES/TREATIES/EGY-CYP2003EZ.pdf>.

³⁴ Law of the Sea Bulletins Vol. 54, p.127.

³⁵ Agreement between the Government of the State of Israel and the Government of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone, 2740 UNTS 55.

³⁶ A Letter to the Secretary-General of the United Nations, 14 July 2011.

³⁷ The text of the agreement is available in Turkish at <https://www.resmigazete.gov.tr/eskiler/2012/10/20121010-3-1.pdf>.

³⁸ Hellenic Republic, Ministry of Foreign Affairs, "Foreign Ministry spokesperson's statement regarding Turkey's submission of a Note Verbale to the UN concerning the delimitation of its continental shelf with the pseudo-state," 25 May 2020.

³⁹ European Council meeting, 12 December 2019, EUCO 29/19, <https://www.consilium.europa.eu/media/41768/12-euco-final-conclusions-en.pdf>.

⁴⁰ "Meeting of the Foreign Ministers of Egypt, France, Cyprus and Greece - Final Communiqué, Cairo," 8 January 2020, available at: <https://www.diplomatie.gouv.fr/en/country-files/egypt/news/article/meeting-of-the-foreign-ministers-of-egypt-france-cyprus-and-greece-final>.

⁴¹ *Ibid.*

⁴² Letter dated 13 November 2019 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁴³ A Letter to the Secretary-General of the United Nations, 14 July 2011, available at https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/communications/lbn_re_cyp_isr_agreement2010.pdf.

Table 3 Incidents at East Mediterranean Sea

Date of the incidents	Incidents	Objections
27-Apr-12	Turkish government grants hydrocarbon exploration licenses to the Turkish Petroleum Corporation (TPAO) in a maritime area which significantly overlaps with Cyprus and Greece.	Cyprus ⁴⁴ Greece ⁴⁵
4-Jun-13	A seismic vessel <i>Ramform Sovereign</i> (registered to Singapore, owned by the Norwegian company Petroleum Geo-Services and licensed to perform seismic surveys in Cyprus EEZ) was harassed by the Turkish navy.	Cyprus ⁴⁶
25-Jul-13	A research vessel RV <i>Odin Finder</i> (registered to Italy, licensed by Cyprus) was conducting a survey in the south-west part of Cyprus' EEZ for installing an undersea cable system, its activity was obstructed by the Turkish Navy and it was forced to leave the area.	Cyprus ⁴⁷
5-Sep-13	Turkey issued a navigational warning announcing the launch of seismic survey operations from 5 September to 18 November 2013 in an area which includes part of Cyprus's EEZ and continental shelf.	Cyprus ⁴⁸
22-Nov-13	Turkey issued navigational warnings to conduct seismic surveys in Cyprus's territorial sea, EEZ and continental shelf. A seismic vessel <i>Barbaros Hayreddin Paşa</i> (owned by TPAO), escorted by Turkish frigate <i>Gokceada</i> , conducted the seismic operation scheduled for a month.	Cyprus ⁴⁹

⁴⁴ A/66/851, Letter dated 15 June 2012 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁴⁵ Note Verbale to United Nations Secretary General, 20 February 2013, available at https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/communications/grc_note_20022013_re_tur.pdf.

⁴⁶ A/68/537, Letter dated 17 October 2013 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁴⁷ A/68/593-S/2013/662, Letter dated 12 November 2013 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary General.

⁴⁸ A/68/555-S/2013/634, Letter dated 29 October 2013 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary General.

⁴⁹ A/68/644-S/2013/720, Letter dated 5 December 2013 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

Date of the incidents	Incidents	Objections
12-Dec-13	<i>Barbaros Hayreddin Paşa</i> conducted seismic survey operations in an area partly falling within the territorial sea, EEZ and continental shelf scheduled for a month.	Cyprus ⁵⁰
3-Oct-14	Turkey issued a navigational telex by which it designated certain areas for the purposes of seismic survey. The areas are designated for hydrocarbon exploration and exploitation operations on behalf of Cyprus.	Cyprus ⁵¹
20-Oct-14	<i>Barbaros Hayreddin Paşa</i> , accompanied by two other support vessels, carries out a seismic survey in Cyprus's EEZ.	Cyprus ⁵²
17-Oct-15	Turkey constructed a subsea water pipeline connecting Turkey and TRNC.	Cyprus ⁵³
17-Dec-15	A Turkish navy vessel approached and harassed the vessel MV Flying Enterprise (registered to and licensed by Cyprus to conduct a geophysical survey in its EEZ) in Cyprus's EEZ.	Cyprus ⁵⁴
25-Aug-16	<i>Flash Royal</i> (registered to Cyprus) was harassed twice by a frigate of the Turkish Navy, TCG <i>Gelibolu</i> , when it was conducting marine scientific research for Cyprus with respect to cetacean species. Turkey claimed that the location of the research was within Turkish continental shelf.	Cyprus ⁵⁵
10-Oct-16	Turkey and TRNC agreed to establish an electricity connection and to collaboration on a range of other issues, such as oil, natural gas and renewable energy.	Cyprus ⁵⁶

⁵⁰ A/68/759, Letter dated 13 February 2014 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁵¹ A/69/582, Note verbale dated 13 November 2014 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General.

⁵² A/69/425, Letter dated 6 October 2014 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General.

⁵³ A/70/780-S/2016/228, Letter dated 8 March 2016 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁵⁴ A/70/767-S/2016/201, Letter dated 17 March 2016 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General.

⁵⁵ A/70/1032, Letter dated 6 September 2016 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General.

⁵⁶ A/71/611-S/2016/955, Letter dated 10 November 2016 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General.

Date of the incidents	Incidents	Objections
6-Apr-17	Cyprus granted offshore license for its continental shelf, where Turkey claims that the area belongs to TRNC's continental shelf.	Turkey ⁵⁷
16-Aug-18	Turkish patrol vessels harassed and prevented a fishing vessel <i>Maria Bouboulina</i> (registered to Cyprus) from carrying out scheduled fishing activities; and arrested the vessel. Cyprus claims that it occurred in the high seas, while Turkey claimed that it occurred in the territorial sea of TRNC.	Cyprus ⁵⁸
26-Jan-19	<i>Barbaros Hayreddin Paşa</i> and supporting vessels, accompanied and supported by Turkish warships, commenced seismic surveys in the southern continental shelf/EEZ of the Cyprus in the area which was reserved via a navigational warning. Some of the blocks have been assigned to Eni and Total.	Cyprus ⁵⁹
9-Feb-19	Five Turkish navy stopped and harassed <i>Saipem 12000</i> , a drill ship licensed by Cyprus to operate in Cyprus's EEZ. ⁶⁰	
4-May-19	A drilling vessel <i>Fatih</i> of TPAO, accompanied by warships, was deployed within the continental shelf/EEZ of Cyprus and remains there at a distance of about 36 NM from Cyprus.	Cyprus ⁶¹
8-Jul-19	A drilling vessel <i>Yavuz</i> of TPAO, accompanied by warships and supporting vessels, was deployed within the territorial sea of Cyprus, approximately 10 NM south of Karpasia Peninsula. Cyprus <u>issued</u> an arrest warrant of the vessel. ⁶²	Cyprus ⁶³

⁵⁷ A/71/875-S/2017/321, Letter dated 12 April 2017 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General.

⁵⁸ A/73/406, Letter dated 1 October 2018 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁵⁹ A/73/753-S/2019/160, Letter dated 19 February 2019 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁶⁰ Renee Maltezou, "Cyprus accuses Turkey of blocking ship again in gas exploration standoff," *Reuters*, 23 February 2018.

⁶¹ A/73/944-S/2019/564, Letter dated 11 July 2019 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General.

⁶² "Cyprus issues arrest warrants for Turkey drill ship crew," *Reuters*, 14 June 2019.

⁶³ A/73/944-S/2019/564, Letter dated 11 July 2019 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General.

Date of the incidents	Incidents	Objections
15-Nov-19	<i>Yavuz</i> conducted the drilling operation in blocks which Cyprus assigned to Total and Eni.	Cyprus ⁶⁴

Note: This table only shows Turkey's provocative actions over maritime resources and do not include other disputes over foreign vessels.

B. VENEZUELA—CARIBBEAN SEA

The second case is Venezuela's conducts in the Caribbean Sea, mainly its coercive actions against Guyana. Several of the coastal states in Central America are not the parties to UNCLOS. As listed in Table 1, Colombia and El Salvador signed the convention but not have ratified it. Peru and Venezuela have not signed the convention. Caribbean Sea is a geographically complicated area, and several maritime boundary cases went through third-party dispute resolution mechanisms.

Venezuela has enjoyed one of the largest oil reservoirs in the world and is one of the original members of the Organization of Petroleum Exporting Countries (OPEC) since 1960. However, the failed economy under the presidencies of Hugo Chávez from 1999 to 2013 and Nicolás Maduro from 2013 to the present has allowed poverty and inflation in the country to increase. In the meantime, Guyana contracted with ExxonMobil in 1999 to explore the Stabroek block and Demerara area, which lies off the shore of the coast disputed with Venezuela. In 2015, the company discovered massive oil reservoirs off Guyana, which experts now believe to be the next largest field in the region. This has led a series of incidents between Venezuela and Guyana.⁶⁵

Against this background is the territorial dispute over Essequibo land (*Essequiba*), located in the west Essequibo River, which is currently under the control and administration of Guyana. Venezuela is a former colony of Spain and Guyana, of the Netherlands and later the United Kingdom. Venezuela achieved its independence from Spain in 1811 and split from Great Colombia in 1830, after another war of independence from 1810 to 1823. After its final independence, Venezuela claimed Essequibo land, which was adjudicated by an international tribunal in 1899 in favor of Britain.⁶⁶ Since 1962, Venezuela has claimed that the award was invalid. Guyana achieved its independence in 1966. The countries disagree about the attribution of the coast and therefore

⁶⁴ A/74/549-S/2019/881, Letter dated 13 November 2019 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General.

⁶⁵ See British Institute of International and Comparative Law, *Report on the Obligation of States under Articles 74(3) and 83(3) of UNCLOS in Respect of Undelimited Maritime Areas*, 2016, p.54.

⁶⁶ Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, 3 October 1899, 28 RIAA 331.

have not been able to reach an agreement on maritime boundaries. In 1956, Venezuela issued a decree establishing a 99-mile long straight baseline closing the delta of the Orinoco River, which Guyana rejected as far as it covered the disputed area.⁶⁷ In 2011, Guyana filed an extended continental shelf submission to the Commission on the Limits of the Continental Shelf (CLCS),⁶⁸ against which Venezuela objected.⁶⁹ On 29 March 2018, Guyana requested that the ICJ confirm the legal validity and binding effect of the 1899 Award, which is now pending.⁷⁰

There have been a number of incidents arising from Venezuelan objections to hydrocarbon licensing by Guyana in the waters off the coast.⁷¹ In October 2013, the Ocean Patrol of the Bolivarian Navy Guard, the Venezuelan coast guard, seized M/V *Teknik Perdana*, a Panamanian-flagged seismic survey vessel. The vessel was contracted by the US company Anadarko Petroleum Corporation and was operating under a Guyanese license to search for hydrocarbons in the Roraima block offshore Guyana. MV *Teknik Perdana*'s crew explained that they were conducting a multi-beam survey of the seafloor in Guyana's EEZ, but the ship's captain was charged with violating Venezuela's EEZ.⁷²

This incident raised tensions, as the diplomatic effort to resolve the situation was unsuccessful. Venezuela's actions have been condemned by the Caribbean Community (CARICOM) and the United States. However, Venezuela continued naval surveillance of the disputed area, which slowed oil exploration activities in the region.

In 2015, Venezuela issued Decree No. 1787, which expands the outer limits of Venezuela's EEZ to include areas off the coast of Essequibo and Demerara that lie within Guyana's claimed EEZ.⁷³ Besides Guyana, Suriname, Trinidad and Tobago, Barbados' EEZs are affected by this measure.⁷⁴ One of them covered the area which extended from the Promontory of Paria to the border

⁶⁷ Office for Ocean Affairs and the Law of the Sea, *Baselines: National Legislation with Illustrative Maps*, No. E.89.V.10, at 381. A illustrative map is available at United States Department of State, *Limits of the Seas*, No. 11, 11 June 1970, at 4; J Ashley Roach and Robert W Smith, note 6, p.122.

⁶⁸ CLCS.57.2011.LOS, 7 September 2011, available at https://www.un.org/Depts/los/clcs_new/submissions_files/submission_guy_57_2011.htm.

⁶⁹ The People's Minister for Foreign Affairs of the Bolivarian Republic of Venezuela, 9 March 2012, available at https://www.un.org/Depts/los/clcs_new/submissions_files/submission_guy_57_2011.htm.

⁷⁰ Arbitral Award of 3 October 1899 (Guyana v. Venezuela), Application instituting proceedings, filed in the Registry of the Court of 29 March 2018.

⁷¹ BIICL, note 35, p.54.

⁷² *Ibid.*, p.55.

⁷³ Decreto N° 1.787 del 26 de mayo, *Gaceta Oficial N° 40.669, 27 de mayo de 2015*, available at: <http://www.tsj.gob.ve/gaceta-oficial>.

⁷⁴ See the map at CARICOM, "Statement on the Decree 1787 of Venezuela," 7 July 2015, available at: <https://caricom.org/statement-on-the-decree-1787-of-venezuela-guyana-venezuela-border-dispute/>.

shared with Trinidad and Tobago and covered the disputed maritime area between Venezuela and Guyana. Guyana objected to this decree as a “flagrant violation of international law.”⁷⁵ This decree was replaced by Decree 1.859 in 2015, which authorized its navy to operate in Operational Zones for Integral Maritime and Island Defense (ZODIMAIN).⁷⁶

There are also reports of incidents in areas off the coast of Guyana. For instance, the Canadian mining company Goldfields reported on 23 October 2015 that it had received a notification from Venezuelan authorities warning of legal action over its operations in the Aurora mine located in Guyana’s disputed Essequibo maritime region. Furthermore, on 22 December 2018, Venezuelan naval units tried to board ExxonMobil exploration ships, under license from Guyana in its territorial waters. The exploration ships refused Venezuela’s request and escaped to undisputed Guyanese waters.⁷⁷

Besides Guyana’s baseline claim to the same area, it is difficult to assess if Venezuela’s Decree No. 1787 *per se* is excessive because the EEZ claimed by Venezuela does not go beyond the 200 nautical miles (NM) limit from the baseline. Venezuela’s claim over the disputed area is partly based on its rejection of the 1899 awarding of that land to Guyana. However, there is no sign that such a contention is the basis of a regional norm and there is no sign that Venezuela considers the obligation of self-restraint.

Guyana worked on other members of Caribbean Community (CARICOM) and the organization issued a statement to “reiterate its firm, long-standing and continued support for the maintenance of the sovereignty and territorial integrity of Guyana.”⁷⁸ However, Venezuela is not a member of this organization so that the resolution does not do much against it. Furthermore, most of CARICOM’s members are also members of Petrocaribe, an alliance whose members purchase oil from Venezuela at reduced costs, so that Venezuela maintains its political power vis-à-vis those neighboring states.

In a larger context, the United States has supported Guyana to enhance its naval equipment by, for instance, donating three speedboats in 2014 as part of Washington’s Caribbean Basin Security Initiative (CBSI).⁷⁹ On the other

⁷⁵ *Ibid.*

⁷⁶ Decreto N° 1.859 del 6 de julio de 2015, *Gaceta Oficial*, N° 40.696, available at: <http://www.tsj.gob.ve/gaceta-oficial>.

⁷⁷ Neil Marks, “Canada’s Guyana Goldfields says notified of possible Venezuela claim,” *Reuters*, 23 October 2015, available at: <https://www.reuters.com/article/guyana-gold-venezuela/canadas-guyana-goldfields-says-notified-of-possible-venezuela-claim-idUSL1N12N1BO20151023>

⁷⁸ CARICOM, “CARICOM Community Issues Statement in Support of Territorial Integrity of Guyana,” 20 March 2015, available at: <https://caricom.org/caricom-community-issues-statement-in-support-of-territorial-integrity-of-guyana/>.

⁷⁹ CBSI started in 2010 and its members include small countries in the region, namely, Antigua and Barbuda.

hand, Venezuelan Navy has been upgraded during Maduro's regime such that the disparity between the military forces remains. Against this background, there is no sign that Venezuela and its neighboring states cooperate for the maritime security in the region.

C. IRAN—PERSIAN GULF

The third case is Iran's actions in the Persian Gulf, which is one of the world's largest oil fields. Iran remains a signatory to UNCLOS (Table 1). It has concluded maritime boundary agreements with Bahrain,⁸⁰ Oman,⁸¹ Qatar,⁸² Saudi Arabia,⁸³ and the United Arab Emirates (UAE).⁸⁴ Kuwait and Saudi Arabia agreed on the boundary in 2000.⁸⁵ There has not been an agreement between Iran and Iraq, nor between Iran and Kuwait. Iran is also disputing the territorial title over islands in the Gulf – the Greater Tunb, the Lesser Tunb, and Abu Musa – with the UAE.

Since the early 2010s, Iran has undertaken provocative actions in the area between Kuwait and Saudi Arabia. Typically, two or three Iranian military boats approach an operating rig within Kuwait and Saudi's water and threaten it or otherwise harass it (Table 4). The other two countries protested that the area exclusively belongs to them and that such actions could lead to confrontations that could threaten security and peace in the region. Iran responded that it did not “recognize any claim of sovereign rights to the resources of the seabed and its subsoil in the divided zone between Kuwait and Saudi Arabia (former neutral zone) until and unless its maritime border in this area is delimited.” In 2016, it further stated that the action took place where the boundaries of the EEZ between Iran, Saudi Arabia and Kuwait have not yet been delimited, and the Iran reserves its rights to continue its activities under the interna-

da, The Bahamas, Barbados, Dominica, the Dominican Republic, Grenada, Guyana, Jamaica, Saint Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, and Trinidad and Tobago. Belize, Haiti and other Caribbean islands such as Montserrat and the Dutch islands are observers. It does not include Venezuela and Colombia. For U.S.'s support to Guyana through this program, see “Caribbean Basin Security Initiative: Guyana,” <https://www.state.gov/caribbean-basin-security-initiative-guyana/>.

⁸⁰ Agreement concerning Delimitation of the Continental Shelf between Iran and Bahrain (signed 17 June 1971, entered into force, 14 May 1972).

⁸¹ Agreement concerning Delimitation of the Continental Shelf between Iran and Oman, (signed 25 July 1974, entry into force 28 May 1975); Agreement on the delimitation of the maritime boundary in the Sea of Oman between the Islamic Republic of Iran and the Sultanate of Oman (signed 26 May 2015, entered into force 4 September 2016).

⁸² Agreement concerning the boundary line dividing the continental shelf between Iran and Qatar (signed on 20 September 1969, entered into force 10 May 1970).

⁸³ Agreement concerning the sovereignty over the islands of Al-'Arabiyyah and Farsi and the delimitation of the boundary line separating submarine areas between the Kingdom of Saudi Arabia and Iran, (signed 24 October 1968, entered into force 29 January 1969).

⁸⁴ Offshore Boundary Agreement between Iran and Dubai (signed 31 August 1974).

⁸⁵ For the maritime situation in this region, see Masahiro Miyoshi, “The Joint Development of Offshore Oil and Gas in Relation to Maritime Boundary Delimitation,” *Maritime Briefing*, Vol. 5(2), 1999, p.6.

tional law of the sea.⁸⁶ Iran has also objected against Saudi Arabia's baseline.⁸⁷

It does not seem that Iran is claiming a regional norm or concepts unknown to UNCLOS as justification for its actions. However, Iran has not expressed its intention to refrain from further coercive actions.

Furthermore, as the tension between Iran and the United States increased in the late 2010s, there has been a series of provocative actions both by and against Iran. Most recently, on 13 June 2019, two non-Iranian tankers were damaged by explosions in the Gulf of Oman. Iran denied its involvement, but the United States immediately pointed Iran.⁸⁸ From July to November of the same year, the UK Royal Navy frigate HMS *Montrose* had almost daily confrontations with Iranian forces, with interactions for 115 times in the Persian Gulf.⁸⁹ Iran's Islamic Revolutionary Guard Corps has taunted the warship, which failed to prevent the seizure of a tanker that remains in Iranian custody. The Iranians have also reportedly sent drones and fast attack craft within 200 meters of the warship, as well as targeted the frigate with missiles.

On 11 October 2019, an Iranian-owned oil tanker, *Sabiti*, was attacked in the Red Sea, about 60 miles off the coast of Jeddah, Saudi Arabia. Then, on 15 April 2020, U.S. Naval Forces Central Command said 11 small vessels belonging to Iran's Revolutionary Guard Corps Navy conducted "dangerous and harassing approaches" toward a fleet of American ships, including the USS *Lewis B. Puller*, an expeditionary mobile base vehicle, and the USS *Paul Hamilton*, a destroyer. These actions were not taken as a part of maritime claims by coastal States in the region but in a larger context of the political tensions. There is no sign that the parties will now proceed to a peaceful dispute resolution.

⁸⁶ A/71/694, Note verbale dated 27 December 2016 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General.

⁸⁷ A/67/762, Letter dated 20 February 2013 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General.

⁸⁸ Megan Specia, "U.S. Navy Says Mine Fragments Point to Iran in Tanker Attack," *New York Times*, 19 June 2019.

⁸⁹ David D. Kirkpatrick, "'If You Obey, You Will Be Safe': Audio Emerges of Iran and U.K. Exchanges Before Tanker Is Seized," 21 July 2019, *New York Times*; Royal Navy, "Royal Navy Safeguards Nearly 90 Ships through Strait of Hormuz in Two Months," <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2019/september/02/190902-montrose-in-the-gulf>.

Table 4 Incidents at Persian Gulf

Date of the incidents	Incidents	Objections
10-Aug-2011	Two armed Iranian boats threatened the workers at the sight of Al-Durra well in the Saudi/Kuwaiti oil field.	Kuwait, Saudi Arabia ⁹⁰
11-Aug 2011	Two Iranian boats approached at the sight of Al-Durra well in the Saudi/Kuwaiti oil field.	Kuwait, Saudi Arabia ⁹¹
25-07-2012	An Iranian helicopter spun several times above the rig drill site in the region of Al-Hasba field.	Saudi Arabia ⁹²
26-07-2012	Two Iranian military boats intercepted and stopped a boat of one of the Saudi ARAMCO's contractors in ARABIA field area.	Saudi Arabia ⁹³
24-Aug-2012	Three armed speed boats flying the Iranian flag crossed into the submerged Kuwaiti-Saudi zone adjacent to the divided zone. They stopped near a drilling rig for several minutes and proceeded towards the vessel assisting the rig.	Kuwait and Saudi Arabia ⁹⁴
24-Oct-2012	Three armed Iranian vessels approached a drilling rig in the Durrah field and stopped alongside the handling vessel.	Kuwait and Saudi Arabia ⁹⁵

⁹⁰ Kuwait and Saudi Arabia, Joint Note Verbale dated 15 December 2011. All the letters and memorandums listed in Table 4 are available at <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATE-FILES/IRN.htm>.

⁹¹ Kuwait and Saudi Arabia, Joint Note Verbale dated 15 December 2011.

⁹² A/67/593, Letter dated 19 October 2012 by United Nations, 19 October 2012.

⁹³ *Ibid.*

⁹⁴ A/67/593, Letter dated 21 November 2012 from the Permanent Representatives of Kuwait and Saudi Arabia to the United Nations addressed to the Secretary-General.

⁹⁵ A/67/691, Letter dated 8 January 2013 from the Permanent Representatives of Kuwait and Saudi Arabia to the United Nations addressed to the Secretary-General.

Date of the incidents	Incidents	Objections
12-Nov-2014 16-Nov-2014 19-Nov-2014 19-Dec-2014 20-Dec-2014 26-Dec-2014 27-Dec-2014 28-Dec-2014	Iranian vessels made incursions to Saudi Arabian maritime zone in the Marjan oilfield against the prohibition of Saudi Arabia.	Saudi Arabia ⁹⁶
20-Apr-2016	A support vessel and two speed boats flying the Iranian flag, each with three armed personnel aboard, approached a well in the Durrah oilfield in the Saudi Arabian-Kuwaiti submerged divided zone.	Saudi Arabia ⁹⁷
21-Apr-2016	An Iranian Hendijan-class support vessel (<i>Hendijan 1401</i>) approached a well in the Durrah oilfield in the Saudi Arabian-Kuwaiti submerged divided zone.	Saudi Arabia ⁹⁸
17-Nov-2016 16-Jun-2017 27-Oct-2017 21-Dec-2017	Iranian ships and boats in the waters of Saudi Arabia in the protected zones of oil fields located in the territorial waters and EEZ of Saudi Arabia.	Saudi Arabia ⁹⁹

Note: This table only shows Iran's provocative actions over maritime resources and do not include other disputes over foreign vessels.

⁹⁶ Saudi Arabia, Note Verbale transmitted on 16 December 2015.

⁹⁷ A/71/375, Letter dated 8 September 2016 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General.

⁹⁸ *Ibid.*

⁹⁹ A/73/212, Note verbale dated 5 July 2018 from the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations addressed to the Secretary-General.

III. CONCLUSION

These brief analysis of three cases of incidents at sea caused by non-parties to UNCLOS shows that the assumption of integrity and universality of law of the sea has certain limits. It is no longer the question whether the harassing power makes an excessive claim in the light of the rules of UNCLOS because it is not that these states – in the present case, Turkey, Venezuela and Iran – rely on the zones that are unknown to UNCLOS to take coercive measures against foreign vessels.

These disputes occur because of factors which are beyond the maritime legal order. When disputes over land territory have to be resolved first, as in the case of the East Mediterranean Sea and the Caribbean Sea—although the status of TRNC and claims of Venezuela have been defined by international organizations as described above—, law of the sea plays even a limited role. In addition, all of the regional cases have confrontations between global powers as a background, so that no integration is expected to happen.

The present paper thus concludes that the assumptions that has been taken in the studies of law of the sea should be relied upon with a caveat. This does not mean at all that the idea of integration and universality has to be discarded. UNCLOS was adopted in a belief that the codification and progressive development of norms will contribute to “the strengthening of peace, security, cooperation and friendly relations among all nations” in conformity with the principles of justice and equal rights.¹⁰⁰ It is essential to acknowledge that measures taken by a particular state are decided based on political, economic, and social imperatives. Studies on law of the sea should take into account these elements when assessing maritime security from the perspective of its own discipline.

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¹⁰⁰ UNCLOS, Preamble, para. 7.

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