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**Foreign Policy Concepts**  
**Conjuncture, Freedom of Action, Equality**

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## **INTRODUCTION**

Turkey's foreign policy problems are becoming more numerous, and they are being examined by a wider range of people. In order to help promote a systematic analysis of our international problems in various institutions, the formulation of concepts would be of great use.

When we debate foreign policy problems, we want to find answers to some questions:

1. How can we find solutions to problems with our neighbours?
2. What would be the best way to tackle issues with the European Union?
3. Which is the determining factor in our relations with the United States?
4. To which aspect of our relations with Russia should we pay more attention?
5. What are Turkey's priorities in her relations with the Central Asian republics?
6. What should the Turkish role be in the Balkans?
7. How active should Turkey be in the Caucasus?

The answers to all these questions can, of course, be found within the framework of the Turkish national interest. But this is easier said than done. Establishing the national interest in each case would necessitate a very complicated analysis. The analysis should be carried out within a certain system, and the system should be supported by theoretical research. The literature is very rich in foreign countries. American writers have created abundant concepts and systems to suit their situation and national objectives. The Europeans also bring their contribution to theoretical research in international relations. I think we should also try to formulate concepts that will best suit our own circumstances, which can later be incorporated into a system. This system could be the vehicle to carry us in the direction of national interest.

### **The Study Of Some Concepts: Conjuncture, Freedom Of Action, Equality**

During my diplomatic career, these concepts kept coming to my mind whenever I was thinking about the major issues confronting Turkey.

Conjuncture (or the French word, *conjoncture*) has had a clear bearing on the developments in the Cyprus problem. I could see it, almost touch it. At the beginning of the crisis, I served as director of a section in Cyprus affairs at the Ministry of Foreign Affairs. The Greek Cypriots began their attacks against the Turkish Cypriots in December 1963. They were killing people, burning villages. Despite all Turkish protestations, this continued unabated. Our friends would not lift a finger. Whenever Turkey would give an ultimatum to Makarios to stop the bloodshed, Khrushchev would, for his part, send a strongly worded note to Turkey. One could sense that the international conjuncture was unfavourable to the Turkish side.

Ten years passed, and a new conjuncture developed. Under the new circumstances, Turkey was able to defend the Turkish Cypriots by virtue of the Treaty of Guarantee. At the time, I was serving as deputy permanent representative of Turkey at the United Nations office in Geneva. I was a member of the Turkish delegation taking part in the Geneva Conference on Cyprus. Guarantor states Turkey, Greece and the United Kingdom met in the first phase of the conference. The U.S. and U.S.S.R. sent observers. At a critical moment in the talks, the Soviet observer asked for an appointment with our delegation, and I was the one who met with him. The attitude of the Soviets

bore little resemblance to their hostile position of 1964. I could see that there was a big change in the international conjuncture. It was real.

Since the end of the Cold War, the problem has been handled by the Greek Cypriots as if the conjuncture had again become favourable to them. All the steps they take give this impression. The Turkish side tries to show them that there are no special circumstances from which they can benefit to the detriment of the Turkish Cypriots, and they rightly counter their moves. We shall see how things develop.

In my years at the Ministry of Foreign Affairs, I had the opportunity to observe from close quarters how careful the Turkish governments have been to preserve their freedom of action in foreign policy questions. This is a principle that has been scrupulously respected since the founding of the Turkish Republic. The way Turkey safeguarded her freedom of action despite enormous pressure during the Second World War and as result avoided getting involved in hostilities was a splendid episode in Turkish diplomacy.

Following the war, Turkey still faced danger and this time joined the defensive pact of NATO. In this way, her freedom of action, threatened by the Soviet Union, could be preserved. Within NATO Turkey carried out her obligations meticulously according to the principle that contracts are to be kept (*pacta sunt servanda*). Nevertheless, there was a continuous assessment of her undertakings. During the initial years questions were raised as to whether some of the "bilateral agreements" signed within the NATO framework were of a nature as to restrict Turkey's freedom of action. These agreements were reviewed and the harmful provisions eliminated. In 1969, a "Joint Defense Cooperation Agreement" was signed between Turkey and the United States.

Turkey also joined other closely knit European organizations. As a member of the Council of Europe, she entered into many political, social and juridical conventions. Turkey became an associate member of the European Economic Community and assumed important economic obligations. She entered into all these commitments freely in her drive to modernize the country.

Foreign policy questions, relations with other countries, have always been under close scrutiny. I do not remember any serious misgivings as to Turkey's freedom of action. This was the case until the Gulf crisis in 1990. When Iraq invaded Kuwait, Turkey of course adopted a position in conformity with United Nations principles and international law. Turkey had to condemn the occupation and take measures decided by the U.N. Security Council. However, an impression was created at the time that Turkey might go even further than that. This gave way to a lively debate in official circles and as well as in public opinion. The Chief of General Staff and two Ministers of Foreign Affairs submitted their resignations during this episode. It was claimed in the Turkish Parliament that Turkey was being driven towards a war against her own free will. Turkey's freedom of action was hampered. This story was told by General Torumtay, the Chief of General Staff who resigned, in two books he published: first in his memoirs and later in a book entitled, "Turkey at the Center of Changing Strategies." Other people involved also made a critical analysis of the events from the perspective of freedom of action.

The concept of equality was a recurring theme when I had to evaluate our relations with Western institutions. I joined the Ministry in 1956 and worked in the Council of Europe section for three years. The main focus in this organization was on democracy and human rights. I was able to observe that Turkey was treated on an equal footing.

There was a military takeover in 1960, but when democracy was restored shortly afterwards Turkey was able to maintain her equal partnership in European institutions. Turkey even became an associate member of the European Economic Community.

This equality began to be upset in 1971. During my time in Geneva, I saw that the West's support for Turkey in universal organizations was eroding. The U.N. Human Rights Commission

was one example. Turkey faced numerous difficulties. Trade union problems put Turkey on the defensive in the International Labour Organization. I felt that the equality had somewhat melted away.

We suffered much as far as equality was concerned in 1980, and in the Council of Europe in particular, we were not treated as an equal partner.

In 1987, Turkey applied to become a full member of the European Community. There we faced a situation that was far from a dialogue between equals. Associate member Turkey was not even welcomed into the waiting room, but rather was kept standing at the door. While studying Turkey's application, the EC put forward conditions that could not be accepted by an equal partner. As Ambassador in Bonn during that episode, I felt that our partners were attempting to not treat our country on an equal footing. Of course, we reacted against such behaviour. Then in 1989 came the report of the European Commission, which did not take equality into account. The Ministerial Council endorsed the report.

The Luxembourg Summit in 1997 continued in the same vein. Turkey reacted to that quite strongly. The war in Kosovo created a new conjuncture. The Helsinki Summit in December 1999 declared Turkey a candidate country for membership in the European Union, but with certain conditions relating to Greece and Cyprus. I hope full equality will be somewhat restored in the near future.

## **CONJUNCTURE**

This is a word derived from the Italian "congiuntura." An extensive usage of the word is found in French in the form of "conjoncture." French dictionaries define it in various ways. "Dictionnaire des Dictionnaires" says it is the meeting by coincidence of different things at the same place. "Dictionnaire Encyclopédique Quillet" describes it as a situation created as a result of some events or interests meeting at the same time and place. "Larousse du XXe Siècle" presents it as the meeting of conditions.

I would like to mention here some of the French writers making use of the word. Raymond Aron, in his book "République Impériale"<sup>1</sup> says that the originality of the diplomacy practiced by Nixon and Kissinger was due to a certain conjuncture. This conjuncture was in turn created by the will of the American people to put an end to the Vietnam War. Aron again in the same book makes use of the concept to explain the creation of Bangladesh. He writes that in that crisis, the world conjuncture made it possible for the more powerful country to impose a military solution on the problem.

Yves Lacoste, in his introduction to a book by Michel Korinman on German Geopolitics maintains that geopolitics in Germany was the offspring of a certain conjuncture.<sup>2</sup> He also claims that Korinman's book was of great use at the actual conjuncture created by the raising of the Iron Curtain in Europe and the resulting emergence of geopolitical problems. Korinman himself points to the relationship between geopolitics and conjuncture in certain chapters of the book.

I am not in a position to refer to English-speaking authors making use of the word "conjuncture," although they must have described in other terms the situations that the concept involves. Kathleen Christison, in her book on Palestine talks about "a unique constellation of forces" that "made real movement in the peace process possible in the aftermath of the Gulf War."<sup>3</sup> This is what I myself call conjuncture. In fact, "Webster's New International Dictionary" describes the

English meaning in the following way: “A complication or combination of events or circumstances; a coming together, as of affairs; a particular state of affairs, esp. a crisis produced by a combination of circumstance; a juncture.”

As far as Turkish statesmen are concerned, they use the word frequently to describe international events or situations.

## **A Historical Application Of The Concept Of Conjuncture: The Ottoman Capitulations**

I would first like to illustrate the application of the concept of conjuncture in a historical context. I have chosen the capitulations, a subject that dominated the relations of the Ottoman Empire with European countries for many centuries. Within such a long period of time, we should be able to find examples of conjuncture, i.e. circumstances at a given point in time creating particular situations and conditions coming together to alter these situations.

The first capitulations were granted during a special conjuncture. The Ottoman governments granted some privileges to the citizens of countries with which they were trading, a practice that was in conformity with the rules of the times. The first capitulations were accorded to the Venetians in 1454, but the really comprehensive capitulations were those given to the French.

The situation in Europe during the first half of the 16th century was as follows. In France Francis I ascended the throne. His adversary was Charles V of Austria, who became King of Spain and later Holy Roman Emperor. The King of France was in need of an ally in the East against Charles V: This was the Ottoman Sultan Süleyman the Magnificent. On the other hand, the Sultan was equally in need of an ally in the West: This was Francis. Here we see a special conjuncture in which the capitulations were able to emerge.

Events transpired in the following way: Francis lost a battle in Italy and was taken captive. He, therefore, did everything possible to ensure that the Sultan would attack Italy. Süleyman himself believed that Charles would launch new Crusades. Francis sent a letter to Süleyman. In this way, negotiations began on both a military alliance and a commercial treaty that would comprise the capitulations. After four years of talks, the two sides came to an agreement. France would attack the northern part of Italy and the Ottomans would attack the south. It was under such circumstances that the capitulations were granted. Süleyman the Magnificent granted privileges to French merchants at a time when he was at the height of his power. Most of the writers on the period agree that the capitulations were brought to life in a definite conjuncture. An anonymous French author of 19<sup>th</sup> century<sup>4</sup> says that it was impossible to have known beforehand that the two sides would agree on the capitulations; it was the result of a special conjuncture.

### *A Brief Explanation On The Notion Of Capitulations*

Capitulations were privileges granted to foreigners in the Ottoman Empire and date back to the 15th and 16th centuries. These foreigners were coming to Ottoman lands primarily for reasons of trade. They had their own religions and customs, and it would have been difficult to subject them to Islamic law. Some of these groups even had total quarters of their own in the city of İstanbul. Professor Henry Bonfils, the famous French international lawyer, says that the Turks, the Iranians and the Chinese possessed advanced civilizations but that their customs and institutions were different from European and American customs and institutions.<sup>5</sup> Bonfils concluded that this

was the reason why Western countries wanted to have their citizens residing or working in Muslim countries under the protection of their own consuls. Nasim Sousa, talking about Capitulations in the Ottoman Empire, disagreed with the thesis that explained the capitulations as having been based on the differences between Christian and Muslim countries.<sup>6</sup> He takes as his basis the practice prevailing at the time, i.e. the “personality” of the law. According to this practice, the law of a country followed the citizen wherever he went, and as a result foreign laws were to be applied to foreigners in Ottoman territory.

A well-known French lawyer, Pélissié du Rausas, conducted a comprehensive study of the system.<sup>7</sup> He explains that the French, the English and the Dutch had accepted the existence of the Turks in Europe and that in order to develop trade with them, they entered into a relationship of capitulations. Such relations evolved between friendly countries in times of peace. By contrast, Austria and Russia did not accept the Turks; there existed limited capitulatory relations with these countries. Du Rausas concludes that the régime of capitulations was a normal one at a time when the practice of extraterritoriality prevailed; it became an abnormal régime after the 19th century, when full sovereignty of states over their territory was clearly accepted. I should mention here that İsmet Paşa made reference to du Rausas’s book during discussions on the subject of the capitulations at the Lausanne Conference.

An authority on the capitulations among Turkish scholars is believed to be Professor Halil İnalcık.<sup>8</sup> Professor İnalcık says that the capitulations were unilaterally granted by the Sultan for the benefit of the foreigners who were trading in Ottoman lands. Political and economic gains were taken into consideration. With the passage of time, the privileges of the foreigners were extended, and they were used as a tool of European imperialism. They were also abused, and many Ottoman subjects were added to the list of beneficiaries as dragomans (interpreters).

Professor Tahir Taner recounts the last phase of this institution.<sup>9</sup> He himself took part in the work carried out on the subject by the last Ottoman government in 1914. Later, he was a member of the Turkish delegation at the Lausanne Conference. He says that the capitulations were devised as privileges for foreigners in economic matters but that the one element that encroached on the sovereignty of the state was foreign tribunals in which foreigners were judged by their own consuls.

Necdet Kurdakul’s relevant book enumerates the juridical, financial, administrative and commercial as well as religious and political privileges afforded by the capitulations.<sup>10</sup> The book describes how the original French capitulations were later included in all trade agreements with other countries and became an essential component of such agreements.

Mubahat S. Kütükoğlu’s book on Ottoman-English Economic Relations also contains information related to the capitulations.<sup>11</sup> One can follow the sequence of events in the book, starting with the first of the English capitulations and leading finally to the Baltalimani Trade Agreement of 1838, which is considered by many as the starting point of the Ottoman economic decline.

### *The Role Of Conjuncture In The Expansion Of The Capitulations*

Conjuncture played a role first in the granting of the capitulations and then in the transformation they underwent. Following the first of the French capitulations, other countries in Europe also obtained these privileges. The capitulations were granted as a means of ensuring smooth and friendly relations. England and Holland, then the Scandinavian countries and finally 19th century Prussia benefited from such privileges. Each time the renewal of the capitulations came up, the prevailing conjuncture made it so that the scope of the privileges was enlarged.

The first capitulations granted to France in 1535 dealt with such problems as freedom of trade, free passage of vessels, etc. But the articles that qualified them as capitulations were those concerned with judicial administration. They provided that all French citizens would be tried by

the French consul. In no case, civil or criminal, involving French merchants were the Ottoman authorities to interfere.

The French capitulations were renewed many times, but the renewal that coincided with a special conjuncture is that of 1740. At that time, the Ottomans were at war with both Russia and Austria and, therefore, needed France's help. France, on the other hand, was anxious to protect her trade in the East. As in 1535, there was a commonality of interests between the two countries. So France agreed to mediate, and the Belgrade Treaty was signed. In return, the Ottomans granted capitulations that contained an

85th article which made it impossible to make any changes in the privileges without France's consent. Of course, any new addition to the French capitulations was almost automatically included in those granted to other countries.

The capitulations started to become a burden on the Ottoman administration as a result of a particular conjuncture that developed in Europe. The Industrial Revolution took place in European countries. The balance of power between the Ottomans and the Europeans was upset. The Congress of Vienna created equilibrium among the countries of Europe, putting an end to the ability of the Ottomans to make use of the capitulations as a political tool.

The Ottomans had to wait for a different conjuncture to develop in order to be able to take the initiative to rid the country of the capitulations. This occasion presented itself at the Conference of Paris of 1856. The Ottomans had won the Crimean War along with their allies, the English, the French and the Sardinians. So Ali Pasa asked for the abolition of the capitulations at the conference. The plenipotentiaries recognized the necessity for a revision of these instruments; however, no steps were taken in that direction.

Again, a new conjuncture appeared during the First World War. Using the crisis to their advantage, the last Ottoman government made the decision in 1914 to abrogate the capitulations. But the conjuncture obviously did not have the desired effect on the European and other powers. They did not accept the abrogation, and thus it had to wait for a more favorable time.

The new conjuncture did not take long to develop. Turkey had won its War of Independence. One of the main items to be discussed at the Lausanne Conference was the capitulations. Mustafa Kemal Pasa believed that in order to be truly independent, Turkey should abrogate the capitulations. The Turkish delegation, under Ismet Pasa, had to struggle very hard to achieve that end. First, he had to convince the Allied powers that there was a new country with which they had to deal on an equal footing. Then he would show them that the capitulations were the remnants of another era during which the law of extraterritoriality had been applied, i.e. merchants in a foreign country were subject only to the laws of their own state. In modern times the territoriality of laws was accepted, and the laws of a country would be applied to nationals and foreigners alike. Again, Ismet Pasa would benefit from the new conjuncture to resist the pressure of the Allied powers. They would insist that there should be a régime to provide guarantees for foreigners; thus, mixed courts comprising Turkish and foreign judges were proposed. The first stage of the conference broke down mainly over this issue. Ismet Pasa, aware of the new conjuncture, would not budge. It was only when the abrogation of the capitulations was accepted during the second stage of the conference that he signed the Lausanne Treaty.

## **Application Of The Concept To Actual Problems**

### Relations With Greece

Greece was founded in 1830 as a result of a particular conjuncture and then expanded her territory against Turkey, taking advantage of the prevailing conjuncture in the international arena.

Many writers have explained the creation of the Greek state by way of the conditions coming together at a certain juncture. Charles Strupp, an international lawyer from Germany who later became a member of the International Diplomatic Academy, in his book published a collection of documents relating to that period.<sup>12</sup> He claims that during that period, the suicide of Castlereagh and the emergence of Canning as head of the British government changed everything: Canning came close to the Greek positions. On 4 April 1826, a secret protocol was signed between England and Russia. Then France joined them, and a treaty came into being. The treaty talked about mediation, but what happened was in fact a diplomatic intervention in which military measures were also contemplated. It was against international law. This led to the Navarino Bay incident.

One of the most interesting documents in the book is a speech made in the French Senate on 18 May 1830 by the French Minister of Foreign Affairs, the Duc de Broglie. The Minister recounts the developments leading to the independence of Greece. He says that the Greek revolt of 1821 came in the wake of the Spanish, Naples and Piedmont revolutions. In order to preserve the balance established at the Congress of Vienna, European diplomacy was anxious that Greece not become a Russian protectorate. So they convinced the Russian Czar to not take action. But in 1825, the Czar died. Canning became the prime minister of England. He assured the recognition of the American republics and that Portugal would recognize the independence of Brazil. Wellington went to Russia to speak on the future of Greece, and a protocol was signed. England would offer its mediation in favour of the Greeks, and Russia would support it. This was the beginning of everything. Then France joined them. A treaty was signed, and the mediation would be made in the name of the three governments. The treaty also put some teeth into the endeavour. In his speech, the Duc de Broglie explained that he did not think the Ottoman Empire would collapse any time soon but added that in such an eventuality the dismemberment of the Ottoman Empire would not benefit anyone. When empires crumble, those who benefit the most are the powers closest to them, while distant countries are at a disadvantage. So instead of making Greece an autonomous province which might end up a protectorate of Russia, the decision was made that it become a fully independent state.

A Greek writer, Theodore George Tatsios, in his book defines in the following terms the conjuncture that existed at the time leading to the independence of Greece: Greece benefited from the coming together of some powers and interests; Russia had particular designs towards the Ottoman Empire; and Europe had sympathy for the Greeks.<sup>13</sup>

In his book on the Eastern Question A.L. Macfie also describes under which conjuncture Greek independence was achieved.<sup>14</sup> He explains that during that period of time the Great Powers would normally be against any revolt in Europe or in the Ottoman Empire. However, Russian intentions towards the Ottoman Empire caused the British to change their position. This led to the Treaty of London between the three powers providing for the creation of an autonomous state. Ultimately, Britain and France came to the conclusion that a weak Greek state might come under the control of Russia; therefore, they wanted not an autonomous but an independent state and convinced Russia on this score.

#### *The First Use Of Conjuncture To Expand: Crete*

The first step in the expansion of Greece to the detriment of the Ottomans took place in Crete. The developments occurring in conjunction with this problem also followed changes that occurred in the international conjuncture.

The beginning is the London Conference of 1830, where the independence of Greece was recognised. At the same conference the question of Crete was taken up, and thus Crete became an international problem. From then on the Greeks on the island started revolts and kept the issue on the agenda of the Great Powers.

The final episode came towards the end of the 19th century. The change in the international conjuncture is described in British documents relating to the period. Secret Foreign Office documents contain notes relating to Crete written in 1904.<sup>15</sup> One of these notes explains the obligations of the Great Powers towards the Ottoman Sultan. It relates how these obligations were put into effect in the Collective Note delivered to the Ottoman Porte on 2 March 1897. The Collective Note states that the Great Powers had decided that Crete would be given an autonomous administration and that the island would not be annexed to Greece under the "present circumstances." By talking of the present circumstances, the Powers clearly affirmed that the conjuncture was not favourable for outright annexation. Greece was notified accordingly.

A year passed, and this time the Great Powers in their note dated 4 October 1898 asked that the Ottoman soldiers be removed from Crete. On 1 December 1898, they appointed Prince George of Greece as High Commissioner to Crete. In these two notes, they again reaffirmed their support for the rights of the Ottoman Sultan in Crete. They also guaranteed the lives and interests of the Muslim population in the island.

It was stated in a Foreign Office document that Prince George wanted the island annexed to Greece but that the Great Powers did not deem it feasible at that point in time. According to the information contained in the document, the reticence of the Great Powers becomes weaker as a result of the talks the Prince had in the various capitals. However, they still thought that withdrawing the international force from the island and installing Greek forces in their place would be tantamount to annexing the island to Greece.

The documents relating to 1906 and 1907 indicate that the conjuncture was changing. The Greek Prince wished to leave office. His replacement became a problem. The British government proposed that the Greek King should be able to appoint the new High Commissioner. The appointment would be endorsed by the four Guarantee Powers. The people on the island would thus be able to join Greece. France, Russia and Italy supported the proposal, and the Four Powers subsequently informed the Greek King. The King appointed former Prime Minister Zaimis as High Commissioner.

Clearly there was a new conjuncture, and the Great Powers were in a different position. This also became apparent when the new Constitution of Crete was adopted in 1907. Muslim members of the Constituent Assembly complained about some articles; however, the Great Powers felt that the attitude of the Greek inhabitants on the island towards the Muslims had improved, so they endorsed the Constitution, Muslim complaints notwithstanding.

The conjuncture that allowed the annexation of the island to Greece was candidly described in an article by Major General Giuseppe Cucchi, the Director of the Italian Strategic Studies Center.<sup>16</sup> The General recounts that the international force composed of the Italians, Austrians, Russians, French and English were positioned between the two groups of inhabitants on the island from 1896 to 1906. The Greek Orthodox majority lived mostly in the villages. The Turkish Muslim minority, on the other hand, constituted the majority in the coastal towns. Foreign forces completely failed to re-establish the status quo. Yes, after an 11-year presence that cost much in men and money, peace was brought to the island. But that was done by the majority group, who conducted an ethnic cleansing by massacring the Turks or obliging them to flee to Anatolia. Following the departure of the international force, only a year had passed before Crete was severed from the Ottoman Empire and annexed to Greece.

### *Another Conjuncture Adds The 12 Islands To Greece*

The 12 islands in the southern part of the Aegean Sea called the Dodecanese in European parlance were occupied by Italy during the Tripolitanian War between the Ottoman Empire and Italy. Greece had designs on these islands but had to wait for the suitable conjuncture, which was to present itself following the Second World War. In order to follow the changes in the conjuncture we have to start with the Ottoman-Italian War.

Commodore W.H. Beehler of the U. S. Navy who wrote a book about the war in 1913 recounts that on 17 April 1912 the Italian Navy took possession of the island of Astropalia, capturing a Turkish garrison of seven men, as a base for the Italian Navy's auxiliary vessels operating in the Aegean Sea.<sup>17</sup> Later, the Italians decided to keep up the pressure on Turkey by seizing the other islands in the Aegean, in particular the island of Rhodes, which they occupied in May of the same year. They then took the offensive against the Turks at Psithos. In the period from 8 May to 20 May, the Italian vessels took possession of the small islands of the Aegean archipelago between Crete, Rhodes and Samos. They made prisoners of all Turkish officials and seized the small garrisons they found on these islands. The Italians were anxious to annex at least some of the islands, especially Astropalia and Rhodes. In making peace, they urged that these two islands be ceded to Italy as compensation for the banishment of Italians from Ottoman dominions. The seizure of these islands, in their opinion, did not violate the Berlin Treaty, since that treaty had in practice been annulled by Austria's annexation of Bosnia. In addition these islands were seized as a result of operations of war and had been acquired in accordance with international law.

Commodore Beehler says that the Greeks on the Aegean islands endeavoured to free themselves from Turkish control. Nicaria and Furni sent delegates to Athens and submitted a memorandum to the European powers for recognition of their independence.

Following the war, a peace treaty was signed between the Ottomans and Italy. Article 2 stipulated that the Ottoman government would withdraw from Tripoli and Cyrenica, and the Italian government from the islands occupied in the Aegean Sea.

C.D. Booth and Isabelle Bridge Booth, in their book on Italy in the Aegean provide information on the subsequent developments relating to the Dodecanese.<sup>18</sup> When Italy entered the First World War on 21 August 1915 as an enemy of Turkey, it still continued to occupy the Dodecanese. In a secret treaty signed in London on April 26, 1915, full sovereignty over the Dodecanese was promised to Italy as one of the inducements to take up arms against Germany.

Here the conjuncture again comes into play. According to the aforementioned book, by 1919 visions of larger expansion in Asia Minor had caused the Italians to renounce the 12 small islands in a bargain with Greece. Mr. Venizelos, who worked for the cause of Hellenism at the peace conference, induced Tittoni to support the aims of their respective countries. The Dodecanese were the quid pro quo for his effort in support of Italy in Asia Minor. Article 5 of the Tittoni-Venizelos agreement of 29 July 1919 cedes the sovereignty of the occupied Aegean islands to Greece, with the stipulation that Rhodes remain under Italy.

About a year later the conjuncture changed once again. A letter from the Italian government on 22 July 1920 gave notice to Greece that the Tittoni-Venizelos pact would no longer be valid and said the decision of the Allies on the subject of Asia Minor had obliged the Italian government to establish a new policy. The Greek government protested and withheld their signature from the Treaty of Sevres for several weeks. British diplomacy intervened, and the Italians signed a new pact with the Greeks, which formed a protocol of the Treaty of Sevres. In this agreement, Italy renounced in favour of Greece all her rights over the islands as well as the dependent islets in the Aegean Sea that she occupied. The islands were mentioned by name.

The role of the conjuncture came to the fore when matters in Anatolia took a turn against the Allies, in particular against Greece. Italy made an arrangement with Mustafa Kemal and withdrew her forces from Adana. The Italians then decided their special accord with Greece on the subject of the Dodecanese was no longer in force and that therefore they would keep the islands.

Under the new conjuncture the Treaty of Lausanne was signed and according to Article 15, Turkey renounced all rights to the Dodecanese in favor of Italy.

The Second World War, naturally, brought about a totally new conjuncture. The situation was completely altered. On 22 August 1945, the Foreign Minister of Italy, in a letter to the U.S. Secretary of State, advised that Italy would be ready to cede the Dodecanese to Greece as war compensation. The Council of Foreign Ministers meeting in London was thinking along the same lines. In 1946, the Soviets also rid themselves of any hesitation they might have had on this score. The peace treaty signed with Italy therefore stipulated in Article 14 that the Dodecanese would be ceded by Italy to Greece on condition that they would remain demilitarized.

#### *Greece Looking Forward To A Conjuncture To Make Gains In The Aegean Sea*

Greece is trying to use the international conjuncture for her designs in the Aegean Sea to the detriment of Turkey. For some time, she was basing her claims on territorial waters. Then she also added the question of the continental shelf. It will be useful to look at the developments in the last 40 years to evaluate the Greek endeavours.

The first Law of the Sea Conference was held in Geneva in 1958. Many delegations to the conference were from newly independent states. These states had gained their independence through United Nations resolutions. That was the time when Third World countries came together. The Non-Aligned Conferences took place, and the group of 77 acted as an economic bloc. All these developments created a special conjuncture that affected international relations. One of the areas that was affected by such a conjuncture was the work of the Law of the Sea Conference.

Indeed, the first indications of the new conjuncture did not take long to appear. As an example, I will take messages exchanged between U.S. President Dwight Eisenhower and Prime Minister Harold Macmillan of Britain. In his message of 4 March 1958, Eisenhower said that the two countries should stick to their traditional view of freedom of the seas and to the three-mile limit for territorial waters. We can see in a message sent by Eisenhower to the prominent leader of the Non-Aligned Group, Prime Minister Jawaharlal Nehru of India, and dated 5 February 1960, when the second Law of the Sea Conference was due to convene, that many changes had occurred. This time, he asked Nehru to support a formula for a six-mile limit for territorial waters. There was clearly a big change in the making. Greece must have observed such a change that might affect her national objectives.

The second conference was unable to reach a conclusion. The third conference started its work in 1973 and continued until 1982. All these years Greece hoped and prayed that the conference would adopt a convention that she might use in the Aegean against Turkey. The new conjuncture would perhaps give her some leverage in her bilateral problems with Ankara, and so she suspended all kinds of negotiations with Turkey. Here is a case in which a country hoping to benefit from a certain conjuncture just sat tight and did nothing to solve problems.

What Greece was hoping to obtain concerned the questions of territorial waters and the continental shelf. We can now look at these two problems a little more closely, not as a study of international law but just enough to get an idea of what the Greek objectives were

### *Territorial Waters*

Turkish territorial waters extended out three miles for a long time following the signing of the Treaty of Lausanne. This left 70 percent of the Aegean Sea outside of national jurisdiction in what is known as international waters. On 8 October 1936, Greece extended the limit of her territorial waters to six miles. That would put 43 percent of the Aegean under the jurisdiction of Greece. Turkey extended her territorial waters on 15 May 1964, putting an area corresponding to 7 percent of the Aegean under Turkish sovereignty. These two decisions still left half of the sea under the status of international waters. This is precisely that part of the Aegean Sea from which Greece is hoping to obtain another chunk by extending her territorial waters further than six miles.

But because there are more than 3,000 islands in the Aegean belonging to Greece, many of them quite close to the Turkish coast, even the present six-mile territorial water limit makes maritime passage difficult from the Aegean to the Mediterranean. Ships can only go through certain straits. A small increase in the distance of territorial waters by Greece would immediately cause the closure of these straits. Turkish vessels departing from Istanbul on their voyage to Iskenderun would be obliged to traverse Greek territorial waters. Even an extension to 10 miles would put 64 percent of the Aegean under Greek sovereignty.

Greece thought in the 1970s that the international conjuncture was to her advantage for extending her territorial waters and declared her intention to do so. Turkey made it known in no uncertain terms that she would not permit such an extension. Greece was thus unable to take this step.

Territorial waters are of such a nature as to also affect other disputes in the Aegean. These are the delimitation of the continental shelf, an exclusive economic zone and airspace-related problems. The extension of territorial waters by Greece would automatically affect the solution of these problems, and the final result would be to turn the Aegean Sea into a Greek lake.

With the adoption of the 1982 Law of the Sea Convention containing a provision on the 12-mile limit, Greece again thought that the long-awaited conjuncture was slowly coming her way. The Greek Parliament ratifying the convention gave the Greek government authority to extend territorial waters to 12 miles "at an appropriate time." This clearly means "appropriate conjuncture." The Turkish Parliament, in response, made its position quite clear. The Turkish Grand National Assembly adopted a resolution on 8 June 1995 explaining the vital interests of Turkey in the Aegean and declaring that the extension by Greece to 12 miles would not be acceptable. It also said that it was hoped that Greece would not take the decision to extend beyond the six-mile limit; however, the government was given all powers, including military ones if need be, to protect the vital interests of the country in such an eventuality. The Parliament addressed this declaration to Greek and international public opinion.

### *The Continental Shelf*

Another initiative taken by Greece in the Aegean Sea related to the continental shelf. Greece thought that a special conjuncture favourable to such an initiative had developed when the concept of the continental shelf surfaced at the Law of the Sea Conference in 1958. The idea of exploiting resources on the sea floor was gaining momentum. Greece wanted to seize the opportunity. There could be vast areas on the continental shelf from which oil and other riches might be extracted.

Greece issued permits for oil exploration starting in 1963. This prompted a Turkish response; Turkey also handed out oil exploration permits in areas it considered to be situated on the Turkish continental shelf. The two governments protested each other's actions.

First, in a note from its Foreign Ministry dated 7 February 1974, Greece protested against a permit for exploration issued on 1 November 1973 to the Turkish Petroleum Company. Turkey replied on 27 February: There was nothing wrong with it since the exploration was being carried out on the continental shelf situated on the natural prolongation of the Anatolian landmass.

Greece responded in May, saying that they would be ready for the delimitation of the continental shelf according to the Geneva Convention of 1958. Turkey answered in June, declaring that they were ready for negotiations on the question.

In June, the Turkish seismic vessel Candarlı was conducting research in the Aegean. Greece protested against it. Turkey replied that this vessel was doing seismic work on the Turkish continental shelf, so the protest could not be accepted. Turkey proposed that the delimitation of the continental shelf be effected through negotiations.

Since that time, Turkey has never refrained from saying that she is prepared for negotiations. On 30 September 1975, Turkey again reiterated this view. Joint exploitation of the seabed was also suggested. On 18 November of the same year Turkey proposed once more in a formal note that talks be held with a view to finding a solution to the problem.

In 1976, the Turkish vessel SISMİK was carrying out research in the Aegean. This time Greece chose to take the issue to the U.N. Security Council and to the International Court of Justice. Greece charged that Turkey had been conducting seismological exploration on the Aegean continental shelf, which Greece considered its own. Turkey rejected as unfounded the allegations made by Greece and protested the harassment of the Turkish civilian research vessel by Greek vessels and aircraft. On 25 August 1976, the Security Council adopted Resolution 395 and called on the governments of Greece and Turkey to resume direct negotiations. The International Court of Justice rejected the Greek demand for interim measures. Later, in 1979, the court decided it had no jurisdiction in the matter.

Following the Security Council resolution, Turkish and Greek experts met in Switzerland and signed the famous Berne Declaration. The two parties agreed that negotiations on the problem should be sincere, detailed and conducted in good faith. They also undertook to abstain from any initiative or act relating to the continental shelf that might prejudice the negotiations.

Here, I must point out that Greece's timing in taking the problem to the Security Council coincided with a certain conjuncture. In 1974, there had been a major crisis over Cyprus. Turkey intervened militarily according to the Treaty of Guarantee. Greece had taken the occasion to criticize Turkey in many international fora including the United Nations. In some instances, Greece even succeeded in having resolutions passed against Turkey. Greece must have thought that it was a good time to also bring the question of the continental shelf to the United Nations. However, it was obvious that such matters relating to sovereignty could not be decided in political fora.

*Islands, Islets And Rocks In The Aegean That Were Not Ceded To Greece By International Treaties*

Greece instigated the Kardak crisis in 1996 and since that time has used every possible conjuncture to push forward the idea of taking the continental shelf and islets problems to the International Court of Justice.

At the time, Greece was making announcements for recruitment of potential settlers from all over the world to some of these small islets and rocks. Greece was trying to expand beyond areas ceded to her by the Lausanne Treaty of 1923 and the Paris Peace Treaty of 1947. On 26 December 1995, the Turkish commercial vessel Figen Akat ran aground near the Kardak rocks. Both Turkey and Greece claimed that the rocks belonged to them. Greece also tried to orchestrate a fait accompli by sending a commando group on to one of the rocks. Turkey sent commandos to another rock. A major crisis erupted. In the end, the two sides accepted a proposal from the United States

and refrained from making the situation worse, returning to the prior status quo. In this way, Greece and Turkey continue to maintain their legal positions.

I will try to explain the Turkish position by making use of an article by Professor Huseyin Pazarci, who was the Chief Legal Counsel of the Ministry of Foreign Affairs at the time of the crisis.<sup>19</sup> I will endeavour to make the very technical subject as simple as I can.

First, we should examine the question of Turkey's right of sovereignty. The Ottoman Empire was the sovereign power over the eastern Aegean islands for many centuries. In the previous section, it was explained how the Italians had occupied the Dodecanese in 1912 during the Turkish-Italian War and how Italy had agreed in the peace treaty to evacuate those islands. Many of the east Aegean islands other than the Dodecanese were occupied by Greece at the beginning of the Balkan War in 1912. The fate of these islands was later determined as follows.

- Article 15 of the Athens Treaty between Turkey and Greece dated 1 November 1913 referred to this question. According to the decision of the Great Powers, with the exception of the islands of Imroz, Bozcaada and Meis, the islands under the occupation of Greece would be ceded to that country, but they could not be militarized.
- Italy did not comply with the provisions of the peace treaty and continued its occupation of the islands until the Treaty of Lausanne. Greece also did the same with the eastern Aegean islands except the Dodecanese. In the meantime, Greece and Italy concluded some secret agreements relating to the Dodecanese, but these were never implemented. Legally the sovereignty of the islands rested with Turkey.

Second, we should look at the position according the Treaty of Lausanne. Article 12 of the treaty reads: "The decision taken on 13 February 1914 by the London Conference to implement Article 5 of the Treaty of London of 17/30 May 1913 and Article 15 of the Treaty of Athens of 1/14 November 1913 and notified to Greece on 13 February 1914 concerning the sovereignty of Greece on the Eastern Aegean Islands other than the Islands of Imbros, Tenedos and the Rabbit Islands, notably the islands of Lemnos, Samothrace, Mytilene, Chios, Samos and Nikaria, has been confirmed, under the condition of the stipulations of the present Treaty relating to the islands put under the sovereignty of Italy, and mentioned in Article 15. Except any contrary provision of the present Treaty, the islands situated less than 3 miles from the Asian coast will remain under the Turkish sovereignty."

Article 15 of the treaty enumerates the islands left to Italy: "Turkey renounces in favour of Italy of all its rights and titles on the below mentioned islands: Stampalia, Rhodes, Kharki, Scarpanto, Casso, Tilos, Nisyros, Kalymnos, Leros, Patmos, Lipso, Symi and Kos actually occupied by Italy and the islets depending on them as well as on the island of Castellorizo."

The aforementioned decision of the London Conference contains two qualifications: 1) Islands under the occupation of Greece and 2) Disarmed status. The ambassadors of the Six Great Powers notified the Ottoman Foreign Minister of the decisions of 14 February 1914 as follows: "Therefore, the Six Powers have studied the matter with care and after discussions they decided that Greece should return Imbros, Tenedos and the Rabbit Islands to Turkey and should retain the definite ownership of the other Aegean islands that it presently occupies."

The Greeks maintain that the text presented to them included the phrase "all the other islands"; however, the islands left to Greece could not have been others than those occupied by her.

Article 12 of the Lausanne Treaty added two more qualifications: 1) Islands ceded to Italy; and 2) Islands situated less than three miles from the Asian coast.

It should be understood that the status of the islands, islets and rocks like Kardak cannot be clearly established, except those islands specifically left under the sovereignty of one of the parties according to articles 12 and 15 of the Treaty of Lausanne. Therefore, it is necessary to look into the other provisions of the Treaty of Lausanne and their context.

Article 16 of the treaty stipulates: "Turkey renounces to all its rights and titles of whatever nature, on or about the territories situated outside the borders foreseen in the present Treaty and on the islands other than those on which her sovereignty is recognised by this Treaty, the future of these territories and islands having been or to be decided by the interested parties. The provisions of this Article will not affect the particular stipulations decided or to be decided between Turkey and the bordering countries for reasons of neighbourhood."

This article talks about "the islands." We have seen in Article 15 that what was ceded to Italy were the Dodecanese with the islets and Castellorizo without the islets. In fact, Turkey and Italy entered into negotiations for the islets around Castellorizo, and Ankara and signed a convention in 1932. Islets related to "islands" mentioned in Article 16 and rocks continue to be under the sovereignty of Turkey.

Here, we can have a look at the Turkish-Italian Convention of 4 January 1932. Following the Lausanne Treaty, a dispute arose between Turkey and Italy as to the ownership of the islets and rocks situated around Castellorizo and the Anatolian coast as well as the ownership of the islet of Karaada across from Bodrum. The two countries took the issue to the International Permanent Court of Justice in 1929. They also entered into bilateral negotiations and signed a convention on 4 January 1932. Karaada and some of the islets and rocks around Castellorizo were left to Turkey, while others were relinquished to Italy. On that date, they decided through an exchange of letters that they would appoint technical persons to effectuate the delimitation of maritime areas in the region just north of the area foreseen in the convention. The work of the technical people could not be officially adopted by the two sides. Numerous written communications were exchanged on the subject between the Turkish and Italian governments, but no definite agreement could be achieved.

Finally, we may consider the situation relating to the peace treaty of 1947 signed in Paris between the Allied Powers and Italy. Article 14 of the treaty reads:

1. Italy hereby cedes to Greece in full sovereignty the Dodecanese Islands indicated hereafter, namely Stampalia, Rhodes, Calki, Scarpanto, Casos, Piskopis, Misiros, Calimnos, Leros, Patmos, Lipsos, Simi, Cos and Castellorizo, as well as the adjacent islets.
2. These islands shall be and shall remain demilitarized.
3. The procedure and the technical conditions governing the transfer of these islands to Greece will be determined by agreement between the Governments of the United Kingdom and Greece and arrangements shall be made for the withdrawal of foreign troops not later than 90 days from the coming into force of the present Treaty."

It was stated in Article 15 of the Lausanne Treaty that "islets depending on them" would be ceded by Turkey to Italy. Here, we see that the Paris Peace Treaty stipulates that Italy would cede to Greece "the adjacent islets." It is quite obvious that the term "adjacent" used here cannot have a more comprehensive meaning than "dependent." Italy could have ceded to Greece only those islets and rocks which she acquired by the Treaty of Lausanne and those around Castellorizo which came to her as a result of the 1932 convention with Turkey. The others continue to remain under the sovereignty of Turkey.

### *Greece And The European Union*

In making its application for full membership to the European Communities in 1975, Greece has benefited from a certain conjuncture. Détente was taking shape between the two Blocks. Dictatorships in Spain and Portugal were coming to an end. As a result of the Turkish intervention in Cyprus in 1974, Greece was also saved from the military junta.

Allan Williams in his book on the Transformation of the Southern Europe, says Karamanlis calculated that by joining the European Community Greece would be less dependent on NATO and the United States. It would be able to play an increasing role in European Affairs. Susannah Verney also in her book examined Greece's relations with the European Community.<sup>20</sup> She says that Karamanlis made the application to strengthen the position of Greece in the international arena and also vis-a-vis Turkey. She also describes the position of the political parties in the right and the center. They were defending the membership in the European Community to counterbalance the influence of the United States.

Susannah Verney's assertion that Greece wanted to use the membership against Turkey has been corroborated by events. She explains the developments in the following way The European Commission in its avis indicated that the full membership of Greece would carry the danger of the Community becoming involved in the problems between Greece and Turkey. Karamanlis strongly protested to any linkage between the membership and the problems with Turkey. Following Greek initiatives in the European capitals, next month the Council of Minister of the Community accepted Greece as a full member.

Dr. Fatih Tayfur from the International Relations Department of the Middle East Technical University, in a newspaper article also refers to the avis of the Commission on 27 January 1976 in more detail.<sup>21</sup> He relates how the Commission indicated that the membership of Greece would upset the existing balance between Greece and Turkey who had already obtained the perspective of membership. The Commission had also said that the Community should not become a party to the differences between the two countries. Dr. Tayfur goes on to explain that the Council of Ministers, in a political move, reversed this position and decided for the membership of Greece. While adopting this position, the Council said Greece would not be permitted to use this membership as an instrument of its policy against Turkey. Dr. Tayfur indicates that the Luxembourg Summit adopted a completely contrary position which constituted a double standard on the part of the European Union.

Now that the European Union felt obliged to change its position and confirmed Turkey's candidacy at the Helsinki Summit, Greece again tried to benefit from this conjuncture and secured the insertion of paragraphs relating to the Aegean and Cyprus in the document adopted at the Summit.

The Presidency Conclusions of the Helsinki European Council, held on 10 and 11 December 1999, sets some principles for the enlargement process. In paragraph 4, the European Council urges candidate States to make every effort to resolve any outstanding border disputes and other related issues. Failing this, they should within a reasonable time bring the dispute to the International Court of Justice. The European Council will review the situation relating to any outstanding disputes, in particular concerning the repercussions on the accession process and in order to promote their settlement through the International Court of Justice, at the latest by the end of 2004.

In paragraph 12, which declares Turkey as a candidate State, enhanced political dialogue is foreseen, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights as well as on the issues referred to in paragraphs 4 and 9(a). (9a is about Cyprus).

There is no doubt that Greece will use these paragraphs to put pressure on Turkey on matters related to the Aegean problems. And that will make even more complicated the solution of these problems.

First, paragraph 4 says that candidate States should make every effort to resolve any outstanding disputes. It means there should be negotiations between the interested parties. Turkey and Greece are the interested parties on the Aegean problems. But, there is a big difference in their conceptions of the Aegean problems. For Turkey, Aegean problems are the following: the breadth of territorial waters, the delimitation of the continental shelf, the militarization of the Eastern Aegean islands in violation of international agreements, air space related problems, islands, islets and rocks in the Aegean which were not ceded to Greece by international treaties. Greece, on the other hand, contends that there is but one issue in the Aegean, the continental shelf, and it should be taken to the International Court of Justice.

### The Question Of Cyprus

In my introductory remarks, I indicated that conjuncture had played a definite role in the development of the Cyprus problem. We can now look at the question in more detail to see how far my hypothesis is supported by events.

#### *The Period Of The 1960 Cyprus Agreements*

We should consider here the period following the Second World War and the processes in which both Turkey and Greece were involved. It began with the Truman Doctrine of 1947, after which the two countries joined NATO in 1952. The following year Turkey and Greece came together with Yugoslavia in the Balkan Pact. During the same period, the Middle East went from one crisis to another: the Suez Canal affair, the 1956 Arab-Israeli War, the Islamic Revolution in Iraq and the Lebanese and Jordanian crises in 1958. All these events certainly influenced Turkey and Greece.

It was in such a conjuncture that Britain decided to withdraw from Cyprus and Turkey, and Greece had to tackle the problem. Turkey proposed that the question be solved through discussions between the interested parties. Greece, on the other hand, was hoping to benefit from the wave of anti-colonialism that had emerged around the world and annex the island to Greece, so it took the issue to the U.N. General Assembly in 1954. However, the Political Committee refused to allow further debate in the General Assembly. Thereupon, Great Britain convoked a conference in London in 1955 to solve the problem with Turkey and Greece. The meeting was not successful. Greece again brought the question before the United Nations in 1957. This time the General Assembly adopted a resolution recommending that the dispute be resolved through negotiations between the parties. Greece once again tried the United Nations, but the General Assembly was unable to pass a resolution. Under the circumstances, NATO offered its mediation. On 18 December 1958, the foreign ministers of Turkey and Greece met in Paris during a NATO session. Later, the prime ministers of the two countries came together in February 1959 in Zurich and determined the principles that would govern the international status as well as the Constitution of Cyprus. Subsequently, the prime ministers of Turkey, Greece and Great Britain were joined by the leaders of the Turkish and Greek Cypriot communities and signed the Treaty Concerning the Establishment of the Republic of Cyprus and the Treaty of Guarantee and Alliance.

It can be clearly seen from the above developments that the conjuncture prevailing in the period leading to 1960 was not conducive to opening the way for the annexation of the island (eno-

sis) by Greece. By contrast, the conjuncture permitted Turkey to forestall such designs. The outcome was an agreement formalizing this position, also giving Turkey the right of unilateral intervention in the event the agreement was broken.

#### *Changes Occurring After 1960*

A couple of years after the agreements were signed, the Greeks and the Greek Cypriots adopted a completely different posture. The reason could have been their perception of a new conjuncture emerging in world affairs. The Cold War between the two blocs was intensifying. It reached such dimensions that the Cuban Missile Crisis affected the East Mediterranean, and the missiles in Cuba and in Turkey became bargaining chips. This, no doubt, encouraged the Greek side in their designs. Makarios was also under the illusion that the voting power of the Non-Aligned Movement in the U.N. General Assembly could be a determining factor.

It was under such a conjuncture that the Greek Cypriots started their offensive against the Turkish Cypriots in December 1963. Turkey requested the help of the Guarantor Powers and NATO countries to stop the bloodshed, but to no avail. Friendly countries did nothing; other countries sent arms to the Greek Cypriots. Great Britain first tried to solve the crisis at a conference among the interested parties in London. Great Britain and the United States proposed sending a NATO contingent to the island; Makarios, of course, rejected such a plan. He wanted the issue to be taken to the Security Council, something that finally materialized. The Security Council adopted a resolution on 4 March 1964 and decided to send peacekeeping troops to the island. But the part of the resolution that still adversely affects the Cyprus problem is the phrase recognizing the Greek Cypriot administration as the government of Cyprus. This still is the major obstacle to the solution of the problem. It was adopted as a result of the conjuncture prevailing at the time.

The conjuncture of the period also gave way to several unfortunate developments. When Turkey issued ultimatums to Makarios to stop the Greek Cypriots from massacring the Turkish Cypriots, Khrushchev sent threatening notes to Turkey. When Turkey envisaged military action in Cyprus according to the right of unilateral action written in the Treaty of Guarantee, U.S. President Johnson addressed his unfortunate letter to Prime Minister Inonu.

On the United Nations front, resolutions by the Non-Aligned Conferences to support the Greek Cypriots were almost automatically adopted. This reflects the conjuncture from which Makarios was benefiting. The resolution of the U.N. General Assembly in December 1965 is an illustration of such a unilateral distortion of the Cyprus problem. Because of the prevailing pressure in the General Assembly, only six countries had the courage to oppose this resolution.

#### *The New International Conjuncture Of 1974*

Conditions in 1974 were quite different than before as far as the Cyprus problem was concerned. Détente was the slogan of the day between the two blocs. The Conference on Security and Cooperation in Europe slowly established a new equilibrium. Borders in Europe would not be changed. In other areas of the world, the two blocs were refraining from getting involved in conflicts. This was the case in the Arab-Israeli war of 1973. The same was true when the Security Council was unable to adopt a decision for a cease-fire during the birth of Bangladesh out of the war in Pakistan. The war in Vietnam was being brought to an end.

It was in such a conjuncture that the Greek soldiers in Cyprus toppled Makarios and announced the annexation of the island to Greece. Turkey, by using its right under Article 4 of the Treaty of Guarantee, intervened militarily and provided security for the Turkish Cypriots. The conference between the Guarantor Powers in Geneva on 25 July 1974 had to accept the fact that

there were two autonomous administrations on the island. The Turkish Cypriots, in need of internal reorganization, proclaimed the Turkish Federated State of Cyprus in 1975.

Intercommunal talks started between the two parties. The main principles for a solution were agreed upon by Denktas and Makarios at their meeting in 1977. Later, the two made an agreement on the procedure to be followed in the talks. Despite concrete proposals by the Turkish Cypriots, it was not possible to find a solution. Papandreou came to power in 1981 and put an end to the intercommunal talks, attempting to take the issue to the international platform. This led to the declaration of the Turkish Republic of Northern Cyprus in 1983.

### *The Present Conjuncture; Circumstances Of The Post-Cold War Era*

Today, we are once again witnessing a completely different picture. In a region full of uncertainties, the importance of Cyprus is much greater than before. This may strengthen the inclination to find solutions to the problem. We have seen how this inclination was exercised during the Dayton Agreement on Bosnia and Herzegovina, when those who had suffered at the hands of the Serbs were put under pressure to sign an agreement. We find in some Western circles the same desire to find a solution to the Cyprus problem at any cost. Also, when the membership of the old Eastern Bloc countries in NATO and the European Union came to the fore, the Greek Cypriots were encouraged in the direction of becoming a member of the European Union.

Greece and the Greek Cypriots evaluated this conjuncture in terms of their own designs and acted accordingly. They first obstructed any progress in the intercommunal talks, then endeavoured to create closer military links between the two parties within the context of the Joint Defence Doctrine. The Greek Cypriots applied for full membership in the European Union. The application was accepted by the EU despite Turkish objections. Negotiations towards that end started with the Greek Cypriots.

The United States and Great Britain, without regard for this harmful development, pushed the two sides on the island to continue negotiations. It seems they also convinced the other two permanent members of the Security Council to inject new parameters. Until then, the two sides were trying to find a solution by agreement in the talks they conducted under the good offices mission of the U.N. Secretary-General. On 29 June 1998, the Security Council in its Resolution 1179 stipulated that the Republic of Cyprus should continue to be sovereign over the whole of the island. The following year, as a result of Greece's efforts to drag outsiders into the Cyprus question, the G-8 referred to the Cyprus issue in the final document of the Cologne Summit and issued, almost in the form of an instruction, an appeal to the United Nations. A few days later the Security Council adopted a resolution containing certain views as the basis of a settlement, views that did not reflect the approval of the two parties in Cyprus.

As far as the conjuncture is concerned, these steps on the part of the Greek side show that they misread the conjuncture present at that time. They did not take into account the fact that the new circumstances had made Turkey stronger in her situation. Even as early as 1974 Clerides confessed that they had made a mistake in thinking they were a majority because, when considered together, Turkey and the Turkish Cypriots constituted the real majority.

In fact, Turkey and the Turkish Cypriots countered the aforementioned initiatives. The military measures of the Greek side were reciprocated by the Turkish side on 20 January 1997 in a joint declaration saying that any attack against the Turkish Republic of Northern Cyprus would be considered an attack against Turkey. A joint defence concept was to be developed. Air and sea installations would be put in place.

When the European Union favourably accepted the Greek Cypriot application for full membership, the Turkish side indicated its intention to accelerate the integration process between

Turkey and the Turkish Republic of Northern Cyprus. Following the start of the accession negotiations, it was made clear that from that point on the Turkish Cypriots would not be able to participate in any negotiation process as a “community” but that talks could only be carried out between sovereign equals.

Indeed, it is on this premise that the Turkish Cypriot side participated in the proximity talks aiming to prepare the necessary groundwork for meaningful negotiations leading to a comprehensive settlement. The settlement would be between two equal and sovereign parties in Cyprus. These talks started in the fall of 1999 in New York and continued intermittently in New York and Geneva until November 2000. During these talks, President Denktas proposed an arrangement for cooperation of the two sides within a confederal structure. Turkey supported this proposal, stating that only a confederal framework based on the political equality and sovereignty of the two states on the island could pave the way for a viable settlement that would ensure the full security of the two parties. Such a new partnership could provide the opportunity for the two equal peoples on the island and their respective states to co-exist in peace and security and to cooperate through the establishment of common institutions in specific fields

While the proximity talks were taking place in Geneva in November 2000, the European Union published the Accession Partnership Document for Turkey on 8 November. A paragraph on Cyprus was added to the document at the last moment, making it a short-term priority issue to be solved in one year. Of course, Turkey could not accept the existence of a linkage between its candidacy to the EU and the Cyprus issue. Cyprus was an issue between the Turkish Republic of Northern Cyprus and the Greek Cypriot administration. Turkey would continue to uphold the provisions of the Helsinki Summit conclusions on the Cyprus issue and the common understanding reached in this regard with the EU on the basis of the relevant correspondence. The letter sent to the Turkish Prime Minister by the Finnish Prime Minister on behalf of the EU at the time said that regarding Cyprus, a political settlement remained the aim of the EU and that concerning the accession of Cyprus, all relevant factors would be taken into consideration when the council takes its decision. These words meant that the sensitivities of Turkey regarding the Cyprus issue would be taken into account. Turkey, therefore, requested the deletion of the paragraph on Cyprus from the document. The paragraph was subsequently amended to satisfy the Turkish government.

By a curious coincidence, on 8 November, the day this document was made public, U.N. Secretary-General Kofi Annan gave a paper titled “Oral Remarks” to the parties in Geneva. This paper fell short even of federation, let alone confederation. It became clear that it was impossible to reach a compromise in Cyprus with an approach that disregarded the existence of the two separate, independent states.

President Denktas evaluated the situation and declared that under the circumstances he would not be able to continue to participate in the proximity talks.

### The Reunification Of Germany

Germany has been reunited as a result of the conjuncture created by the changes in the Soviet Union and the end of the Cold War. Chancellor Kohl in November 1989 alluded to this conjuncture when it was still developing. He said that the fall of the Berlin Wall was of historical importance and that Europe and Germany were at the beginning of a new phase in their history. He also indicated that it would not be possible to plan the unification of Germany at a conference table by making use of a calendar. He thus wanted to say that one could not predict how far the conjuncture would carry events. Kohl therefore acted cautiously, prepared a 10-point programme and declared that the government was prepared for the time being to develop a confederal structure

with the aim of attaining a federation between East and West Germany. He said that no one could tell what the ultimate shape of the reunited Germany would be.

As a matter of fact, the conjuncture that was created in Europe produced such a momentum that Germany was reunited only a year after the Chancellor's speech.

This conjuncture was explained by Suzan Eisenhower in her book.<sup>22</sup> She says that following the collapse of the East European countries, Germany asked for a quick unification, which was supported by the Americans. The major hurdle was the Soviet Union. There too, Gorbachev understood the inevitability of German reunification and accepted the quick unification agenda. He received the guarantee of the United States and abandoned the idea of a neutral Germany. He agreed that Germany could join any alliance it wished. In this way, the unification of Germany could be approved by the Four Powers.

### The Palestine Question

The Palestinian problem has been directly influenced by the international conjuncture. In the last 100 years, fluctuations involving the problem followed major changes in the conjuncture.

The first important conjuncture developed during the First World War. In 1915, British troops got hold of southern Palestine, and in 1917 they were in the north of Jerusalem. On 2 November 1917, the British issued the Balfour Declaration. It said the British government viewed with favour the establishment in Palestine of a national home for the Jewish people and would do their best to facilitate achieving this goal. The declaration also contained an assurance to the Arabs: Nothing would be done that might prejudice the civil and religious rights of the existing non-Jewish communities in Palestine.

The direct result of the First World War was that the League of Nations designated the Palestine Mandate to Britain. Many paragraphs of the resolution contain provisions in favour of the Jews. Paragraph II says that the Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home. Paragraph IV stipulates that an appropriate Jewish agency shall be recognized. Paragraph VI says that the administration shall facilitate Jewish immigration, and the British in fact encouraged this immigration. Jews formed less than one-tenth of the population of the country, with the great majority of Palestinians being Arabs. Jewish immigration into Palestine in 1925 had reached a record figure of 33,000. The persecution of the Jews by the Nazis in Germany increased that number.

Disturbances in Palestine led the British government to devise several partition plans that would divide the land into a Jewish state and an Arab state, with Jerusalem still remaining under the mandate.

Then came the Second World War, creating the next conjuncture to affect the Palestine question. In 1947, Britain notified the United Nations that she proposed to surrender the mandate. The U.N. General Assembly took up the issue. On 29 November 1947, the Resolution on the Partition of Palestine was adopted. Independent Arab and Jewish states and the Special International Regime for the city of Jerusalem would come into existence in Palestine. Jerusalem would be established as a corpus separatum to be administered by the United Nations. Given the extraordinary importance of the city, its boundaries and statutes were fixed in detail.

The fate of Palestine was affected by a certain conjuncture, but it could not be decisively determined. The war and the partition resolution were followed by the Arab-Israeli war. The ceasefire signed in Rhodes in 1949 was unsuccessful in getting the Arabs to recognize Israel or her bor-

ders. Israel was created. The rest of Palestine came under the control of the Jordanian Army. The Palestinian problem persisted with all its burning elements unresolved. It was going to wait for other conjunctures to develop.

Because of its many ramifications, the Palestine problem became a permanent feature of the Cold War. Relations between Israel and the Arab countries and those between the Arab countries themselves, relations of the countries in the region with outside powers, the politics of oil -- all were centered around the Palestine question. The Middle East was an important area of the world where the two superpowers were fiercely competing.

It was under the Cold War circumstances that the Six Day War between Israel and the Arab countries was fought and the West Bank occupied by Israel. That hampered for decades any serious effort to solve the Palestinian problem. The United States was supporting Israel, while the Soviet Union was the champion of the Arab and Palestinian cause. The situation was stalemated.

That was already apparent in the Security Council discussions before the adoption of the famous Resolution 242. At the council meeting, first the non-aligned countries presented a draft resolution. They asked that Israel withdraw from the occupied territories, that any belligerence should be terminated and that the refugee problem be resolved. Then, the United States put forward a draft resolution affirming the principles of the U.N. Charter and requesting that the Secretary-General designate a special representative to work in the area to find a solution to the problem. The Soviet Union said the U.S. draft was designed to support the claims of the aggressor to Arab lands. They wanted aggression to be condemned and that Israel's troops be withdrawn. They introduced a draft resolution along these lines, which also referred to the refugees. The United Kingdom said that the demand by the Arab states for withdrawal and the solution of the refugee problem, on the one hand, and the demand by Israel for a permanent peace and secure boundaries, on the other, were of equal validity. The U.K., therefore, introduced a draft resolution which in its operative paragraphs said that the establishment of a just and lasting peace in the Middle East should include both the withdrawal of Israeli forces and the termination of belligerence, and respect for the sovereignty and territorial integrity of every state in the area. The draft was unanimously adopted. The linkage thus created between withdrawal and the termination of belligerence has blocked a solution of the Palestine question for more than three decades. Withdrawal could be effected by a decision on the part of Israel, but just who would decide the on the termination of belligerence is not so clear.

The occupation of the West Bank also delayed any resolution of the Palestine question by having a direct effect on the major elements that today still constitute the core of the problem.

### *Jerusalem*

The most difficult problem relates to Jerusalem. Since all three major world monotheistic religions have their holy places in the city, there are moral considerations attached to it. Jerusalem was under Ottoman rule for 400 years. Following the First World War, Britain administered the city under the Palestine Mandate. In 1947, the U.N. General Assembly partition resolution envisaged a demilitarized Jerusalem as a separate entity. Following the hostilities, Israel occupied the western sector of Jerusalem and Jordan occupied the eastern sector including the Old City, where the holy places are situated. Later, in 1950, Israel declared Jerusalem its capital and established government agencies in the western part of the city. The war of June 1967 radically changed that situation. Israel occupied East Jerusalem and introduced a number of demographic, physical and legal changes. The U.N. Security Council and General Assembly in several resolutions have declared invalid the measures taken by Israel to change the status of Jerusalem. In 1980, when Israel took steps to make a united Jerusalem its capital, the Security Council declared that all actions altering the status of the city were null and void and called upon states that had established diplo-

matic missions in Jerusalem to withdraw them. Other U.N. resolutions dealt with the Jerusalem issue in the context of the inadmissibility of the acquisition of territory by force and the applicability of the Fourth Geneva Convention to the Palestinian territories occupied by Israel since 1967.

Prior to being occupied by Israel in 1967, East Jerusalem, including the Old City, comprised an area of two to three square miles. Today, because of the continuing annexation of nearby Arab villages, it measures 25 square miles. It is this enlarged area, extending from Ramallah in the north to Jericho in the east and southward to Hebron, that Israel wants to define as Greater Jerusalem and make part of its capital. Israel is also altering the demographic balance of the city by adding housing units to the Jewish settlements that ring the perimeter of the eastern sector. Since 1967, more than 167,000 Jewish settlers have been brought in and housed on confiscated Arab land in East Jerusalem to outnumber the 155,000 native Palestinians living there. With all these measures, East Jerusalem is almost isolated from the rest of the West Bank

The Declaration of Principles in 1993 included the issue of Jerusalem among the problems to be taken up in the permanent status negotiations.

### *Jewish Settlements*

The Jewish settlements created in the West Bank and Gaza is another difficult issue to be solved. Since 1967, Israel has founded around 150 settlements in the West Bank. The Jewish population in those settlements is 200,000.

The international community has reacted against this policy of Israel. The United Nations has adopted several resolutions condemning the creation of settlements in violation of the Fourth Geneva Convention prohibiting the occupying power from changing the structure of the territory. The U.S. government also from time to time criticised the policy of settlement. But its opposition depended on the degree of the administration's support for Israel. During the Reagan years, without any opposing pressure from the United States, the number of settlements in the West Bank and Gaza grew significantly. With yearly increases in the number of settlers in the range of 30 percent, the Israeli settlement population of the territories more than quadrupled during the administration's first six years. As of 1987, a total of almost 68,000 lived in 140 settlements in the West Bank and Gaza. During the Bush administration, despite some opposition, Israel was able to continue the construction of settlements already in progress. At one stage, Israel agreed to cancel construction of 6,000 planned housing units in the West Bank, but because construction necessary to accommodate "natural growth" in existing settlements was permitted, some 11,000 units already under construction were allowed to be completed. Construction was also permitted without restriction in areas that Israel deemed "security areas," which included nearly half the West Bank and all of East Jerusalem. During the four years of Labour Party rule in Israel from 1992 to 1996, which followed the Madrid Peace Conference, even with the restrictions on settlement construction, the number of Israeli settlers in the occupied territories would grow from 101,000 to 150,000.

The future of these settlements is a big problem. Israel would like to annex most of these settlements. It seems that the Palestinians may accept that the settlements remain in the West Bank on the condition that they recognize Palestinian sovereignty.

### *Palestinian Refugees*

The hostilities that accompanied the establishment of the state of Israel in 1948 resulted in almost 750,000 refugees, most of whom fled to the West Bank held by Jordan. Others went to the Gaza Strip held by Egypt as well as to Jordan, Lebanon, Syria and Egypt. The United States and the United Nations unsuccessfully pressed Israel to take back a portion of the refugees. In Decem-

ber 1948, the United States supported U.N. General Assembly Resolution 194. This resolution declared that refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date and that those choosing not to return should be compensated for their property. But few serious steps were taken to pursue this resolution. Specific proposals for repatriating one to two hundred thousand people were explored but never agreed upon. As hopes for the immediate return of refugees to their homes faded, the General Assembly made more permanent arrangements. In December 1949, it established the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to carry out refugee-related activities in collaboration with local governments. Education, health and social services were the main activities of the agency.

The Arab-Israeli war of 1967 led to yet another displacement of more than 500,000 Palestinians. Today the total number of refugees amounts to 3.6 million.

Following the 1993 Declaration of Principles, UNRWA, recognizing that resolution of the refugee problem was one of the issues to be addressed later within the framework of a permanent solution, introduced a new initiative, the Peace Implementation Programme. The programme's priorities are to enhance the social and economic lives of the Palestinian refugees in the West Bank and Gaza.

The refugee problem has been discussed in three fora. The first was the Multilateral Group on Refugees, created within the framework of the Madrid Conference. This group has suspended its meetings since 1995. The second is the Quadripartite Committee, created after the Oslo Accords, which was supposed to look into the question of the refugees of the 1967 war. This committee could not go very far, either. The third forum is the bilateral track between Israel and the Palestinians within the context of the Final Status Talks. Here the positions of the two parties seem difficult to reconcile. The Palestinians want Israel's responsibility for the origin of the problem as well as the Palestinians' right of return to be recognized. Israel refuses to accept any right of return. They want the refugees to be integrated into the receiving countries with the help of international assistance.

#### *Peace Initiatives*

Many initiatives were taken with regard to the solution of the Palestinian problem, depending on the possibilities offered by the conjuncture prevailing at the time. They started with the coming to office of President Nixon. The first was the Rogers Plan, which was followed by many other plans and conferences. But they were unable to produce any results.

The only initiative that came anywhere near to touching the substance of the problem was the Camp David Accords of 17 September 1978. Egypt, Israel and the United States decided to conclude peace treaties based on Security Council resolutions 242 and 338. They agreed that Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects. In order to achieve that objective, a self-governing authority would be established in the West Bank and Gaza for a transitional period of five years. The final status of the West Bank and Gaza would be negotiated in the meantime. The negotiations would be conducted between Egypt, Israel, Jordan and the representatives of the inhabitants of the West Bank and Gaza.

A majority of Arab countries reacted sharply to the Camp David Accords. Egypt and Jordan were blamed for signing an agreement in the absence of the Palestinians. Annexed to the accords were the texts of letters exchanged between some of the signatories. The Egyptian President had written to the U.S. President, saying that Arab Jerusalem was an integral part of the West Bank and that legal and historical Arab rights in the city must be respected and restored. On the same

day, the Israeli Prime Minister wrote to President Carter, saying that Jerusalem had been decreed the capital of Israel.

Recognition of the Palestinian people by the international community also progressed according to the conjuncture. Following the Arab-Israeli war in 1973 and the oil crisis that same year, which increased the weight of the Arab countries in the international arena, the U.N. General Assembly in 1974 invited the Palestine Liberation Organization (PLO), the representative of the Palestinian people, to participate in its deliberations on the question of Palestine. It also invited the PLO to participate in its sessions as an observer. Two years later, the General Assembly requested that a special unit on Palestinian rights be established in the Secretariat. In 1981, the General Assembly decided to convene the International Conference on the Question of Palestine. The next year, the Middle East witnessed a terrible tragedy. The invasion of Lebanon by Israel and the terrible atrocities committed in the Palestinian refugee camps sparked a harsh reaction in the international community. It was in the wake of this event that the Conference on the Question of Palestine met in Geneva in 1983 and adopted a declaration. The General Assembly acknowledged the proclamation of the state of Palestine in 1988 and decided that the designation "Palestine" should be used in place of "PLO" in the United Nations system.

Another change in the conjuncture was brought about with the end of the Cold War and following the Gulf War. As Kathleen Christison said, a unique constellation of forces made real movement in the peace process possible in the aftermath of the Gulf War.<sup>23</sup> My assessment of this constellation of forces is different from Ms. Christison's. I think that the end of the Cold War and the dissolution of the Soviet Union almost left that country out of Middle East politics. The United States became the sole arbiter. The Gulf War destroyed the Iraqi military capability and weakened the position of the Arab countries, in particular that of the Palestinians. President Yaser Arafat was in difficulty. He could no longer secure the financial support of the Gulf States and Saudi Arabia. He could not count on the Soviet Union. The United States and the other Western countries would not forgive Arafat's engagement on the side of Saddam Hussein during the Gulf crisis. In sum, everything was in Israel's favour. And Israel's major concern was to sign peace treaties with the countries known as the inner circle, i.e. Jordan, Syria and Palestine. It would thus have a cordon sanitaire against Iraq and Iran.

It was in such a climate that the United States and the Soviet Union invited the interested parties to a conference in Madrid in 1991, for peace in the Middle East. The peace was to be achieved basically between Israel and the Palestinians. The multilateral track of the conference involving other countries could be defined as sugar coating of the hard-core issue, which was the Palestinian problem

### *The Peace Process*

Direct talks between Israel and the Palestinians began in Oslo and the first agreement, called the Declaration of Principles on Interim Self-government Arrangements, was signed in Washington in 1993 between Israel and the Palestine Liberation Organization. The United States and Russia were also signatories as witnesses. Article 1 of the agreement said that the aim of the Israeli-Palestinian negotiations would be to establish a Palestinian Interim Self-Government authority, the elected council for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years and leading to a permanent settlement based on Security Council resolutions 242 and 338. Protocols attached to the declaration prescribed how the elections would be held and how the Israeli forces would be withdrawn from the Gaza Strip and the Jericho area. Protocols also foresaw the mode of Israeli-Palestinian cooperation in economic matters.

The Declaration of Principles was followed by two implementation agreements, Oslo I and Oslo II, in 1994 and 1995 respectively. Although later, the Netanyahu government was not forthcoming in the negotiations, still it was possible to sign the Hebron Protocol. In 1997, however, the peace process received a shock with the construction of Jewish settlements in Jabal Abu Ghneim near Jerusalem. The matter was taken up by the Security Council, but a resolution could not be adopted. The General Assembly did, however, adopt a strongly worded resolution condemning the Israeli action. Upon the insistence of the United States in 1998, the two parties again came together in Washington and the Wye River Memorandum was signed. The agreement provided for Israeli withdrawal from many areas, the prevention of terrorist acts by both sides and the abrogation of a certain article in the Palestinian Charter that talked about the destruction of Israel. By the end of the same year, Netanyahu had suspended the implementation of this agreement. In 1999, Barak came to power and the Sharm el Sheikh Memorandum was signed between the two parties with the participation of the United States, Egypt and Jordan. They agreed to implement all the previous agreements and to start Final Status Talks. These talks began in September 1999. The first statements by the representatives of the two sides highlighted the difficulties lying ahead. The Israeli representative said that Israel would not withdraw to the pre-1967 borders, would maintain the Jewish settlements under Israeli sovereignty and would keep Jerusalem in its entirety as the capital of the Jewish state. The PLO representative said that Israel should withdraw to its 1967 borders, that Jerusalem should be the capital of the independent Palestine, that the Jewish settlements should be evacuated and that the refugee problem should be solved according to U.N. Resolution 194.

#### *Camp David Negotiations*

The conjuncture in 1991 was favourable for bringing Israel and the Palestinians together in the peace process. But in 2000, the conjuncture did not have enough momentum to bring them to the point of signing a peace treaty. The road to Camp David was a difficult one.

When Mr. Barak came to power in the summer of 1999, he set a deadline and declared that the Final Status Talks should be concluded in a year's time. As mentioned in the above paragraphs, he also wanted to renegotiate the Wye River Memorandum. His position was that this would be the only way to proceed with the implementation of the remaining interim issues as well as to move to final status negotiations. The Palestinians' reluctance was overcome thanks to Egyptian intervention. The Sharm el Sheikh agreement, also signed by Egypt, the United States and Jordan, rescheduled the implementation of Israeli withdrawal from the West Bank and outlined a timetable for negotiations on final status issues. As we have seen, the Final Status Talks started in September 1999, with the positions of the two parties far apart on the main issues. For many months, the Israeli and Palestinian leaders had exchanged views on how the Palestinian territories of the West Bank and Gaza might be governed. Talks on the part of emissaries from the leaders and face-to-face meetings revealed the mutual distrust that existed between the two parties. Taking into account the nature of the basic issues -- Jerusalem, settlements and refugees -- it would be quite inconceivable to have thought that the two parties could have signed an agreement anytime soon.

However, President Clinton issued invitations for an Israeli-Palestinian-American Summit in July 2000 at Camp David to resolve the substantial disagreements between the two sides on the final status issues. It was later disclosed in several publications that Yaser Arafat thought that more preparation was needed, because the ongoing negotiations between the two parties had not yet sufficiently narrowed the gap to ensure a successful outcome for a summit. An article in the International Herald Tribune related that Arafat had told U.S. Secretary of State Madeleine Albright that he was not ready for a Mideast Summit and requested another three weeks or so.

After the invitation was issued, Arafat's probable goals at the summit could have been the following: 1) the establishment of an independent Palestinian state in as much of the West Bank and Gaza as possible; 2) the return of refugees; and 3) the assertion of Palestinian control over Muslim holy sites and the Arab quarters of the Old City and East Jerusalem. Neither an interim nor a partial agreement nor anything short of Israeli recognition of a Palestinian state would suffice.

Barak's goals might have been: 1) protecting Israel's security; 2) safeguarding a majority of existing settlements; 3) securing Israel's control of necessary water supplies; 4) guaranteeing a unified Jerusalem under Israeli sovereignty and political control; and 5) if necessary, resolving the Palestinian refugee problem with minimal impact on Israel's finances and existing population.

It can be said that the Israelis went to Camp David acknowledging that an independent Palestinian state would be established in the not-too-distant future.

Before the summit, President Clinton tried to persuade both leaders to modify their views. U.S. officials shuttled between the leaders and their advisers, trying to narrow the major differences.

Information that filtered out from Camp David has shown that the Israelis and the Palestinians were still negotiating from positions that were quite far apart.

On the question of territory, contrary to the Israeli view that the end result of the negotiations is open-ended and that the outcome ought to be whatever the parties agree to, the Palestinian view was that the desired outcome of the negotiations had already been agreed upon, an outcome based on the principle of the exchange of land for peace and the implementation of Security Council Resolution 242, which rests on the principle of the inadmissibility of the conquest of land by war.

Palestinian refugees and the Jewish settlements were questions on which it was difficult to narrow the gap between the two sides. Probably because of the sentimental and psychological elements attached to it, Jerusalem was the most difficult to negotiate. True, in Oslo Israel had moved away from its traditional position that Jerusalem was non-negotiable to agreeing to negotiate the fate of the Holy City in the Final Status Talks. It seems that at Camp David, the Israelis conceded that the Palestinians have some rights in Jerusalem. They apparently suggested the enlargement of the boundaries of Jerusalem to include several Arab villages around the city where the Palestinians could locate the capital of their future state. They also wanted the division of Arab East Jerusalem into two. Their formula, however, denied Palestinians any sovereignty in the city. They would have administrative and municipal powers only.

At Camp David all the participants may have tried hard; however, the summit did not end in agreement because the proposals on the table were not sufficient to strike the historic compromise that would have brought the Palestinian-Israeli conflict to a close.

After the breakdown of the Camp David Summit, President Clinton stated that Prime Minister Barak had offered unprecedented compromises -- more than 90 percent of the West Bank for a Palestinian state, a partial resolution of the Palestinian refugee problem and Palestinian sovereignty over the Muslim and Christian quarters of the Old City of Jerusalem -- and that Mr. Arafat had not responded in kind, or at all.

There is always disappointment when the high expectations of summit meetings are not fulfilled. True, in 2000 the conjuncture was not favourable for a quick resolution of the Palestinian problem. But there was no need to force the creation of a conjuncture in which an explosive situation could develop. Unfortunately, this explosion took place in October 2000.

## **FREEDOM OF ACTION**

### **A Historical Application: The Ottoman Capitulations**

In the previous section, I explained how, with the passage of time, changes were occurring in the capitulations. Some of these changes had restricted the freedom of action of the Ottoman governments.

The first indications of such an adverse development came in 1670, when French Ambassador De Nointel presented the Porte with a memorandum. This was called "Memorandum on the Renewal of the Capitulations." The Ottoman government, which had previously granted the capitulations as a gesture to the French King, was faced with a letter demanding capitulations as if they were rights. In this memorandum, apart from the usual privileges, some extremely forward requests were formulated, especially relating to religious questions. One of the articles, Article 1, would make the French Emperor the protector of the Christians in the Ottoman Empire. Others would regulate the situation of Catholic clergymen in the Empire. Some would ask the Ottoman government to rescind regulations that made it possible for the Greek Orthodox clergy to have religious places in Jerusalem. These demands went too far. Many of them, especially Article 1, were rejected. Some of the requests, e.g. for the Catholic clergy to be able to freely exercise its religion, were granted; however, the French did not stop pursuing their religious demands.

In the next century, the Ottoman government, under difficult political conditions, was obliged to accept more excessive religious privileges in the capitulations of 1740. Article 30 of these capitulations provided that the Catholic religious men established in and around Jerusalem according to custom, especially at the Church of the Holy Sepulchre, would not be disturbed where they were living or in the places of pilgrimage under their control. They would keep these sites and would not be obliged to pay taxes. Judicial cases involving them would be locally decided and if not, would be referred to the Sublime Porte.

This would eventually restrict the freedom of action of the Ottoman government on a matter concerning the Catholic clergy. The same thing happened in the Treaty of Kainarji signed in 1774 with Russia. Under Article 7 of this treaty, the Ottoman government undertook to protect the Christian faith and its institutions in the Empire. These two articles in two separate treaties concluded with France and Russia came to constitute the core of the dispute on holy places in Jerusalem.

They started a series of disputes, which ultimately led to the Crimean War. The collision of the two contending parties and the inability of the Ottoman government to assert its authority on a matter of domestic jurisdiction are described in the diplomatic correspondence of the time.

The first note was delivered to the Ministry of Foreign Affairs by the French Ambassador on 28 May 1850.<sup>24</sup> It refers specifically to Article 30 of the 1740 capitulations and requests that the holy places, namely the birthplace of Jesus at the Church of the Nativity in Bethlehem and the Church of the Holy Sepulchre, be put under the control of the Latin clergy. The ministry replied on 8 February 1852 and said that they wanted, on the one hand, to retain the integrality of the agreements concluded with friendly countries and, on the other, to maintain the rights and privileges accorded by the previous sultans to their subjects. They, therefore, took some decisions to balance these two principles. They would keep many places open for the use of the two parties. In the tomb of the Virgin Mary, however, Latin clerics and Catholic subjects of the Empire would be able

to perform their religious duties just as the Greeks, Armenians, Assyrians and Copts did. The French Ambassador again sent a note on 18 March 1852, saying that the capitulations of 1740 gave the Latin clergy the right to use some holy places exclusively. However, he said, the Hatti Sharif of 1847 was accorded to the Greek clergy, giving them the ability to put these places under their control. He would take the decision of the Ottoman government as a first step in the direction of remedying the situation. All the same, he would protest against those parts of the decision that might, in one way or another, violate the rights of the Latin clergy.

The note shows to what extent the freedom of action of the Ottoman government was impaired by the capitulations. The French Ambassador was able to take the liberty of protesting the government's stand on a purely a domestic matter.

The Russians, on the other hand, defended the alterations made in practice that gave rights to the Greek clergy. The Ottoman government was caught in between the two parties. This situation is reflected in a letter sent by the Russian Foreign Minister, Count Nesselrode, to the British Ambassador in St. Petersburg on 23 June 1853. The Foreign Minister asserted that they would like to have the status quo preserved as far as the privileges granted to the Greeks in the holy places were concerned. He said that the Treaty of Kainarji provided for the protection of the Christian religion and that that also meant the Orthodox religion. The Sultan had undertaken an obligation towards Russia. This would also give Russia the right to monitor how this obligation was fulfilled. If the Sultan chose to go to war to take back this previously conceded right, Russia would then defend that right against all odds.

The position in which the Ottoman government found itself as a result of the privileges accorded to the clergy in the capitulations is related in the "New Cambridge Modern History" in the chapter on the Crimean War. There it is explained that the privileges of the Latin clergy in the holy places had eroded because the Greeks came in much greater numbers as pilgrims. The French King took up the issue with the Ottomans, and the rivalry between France and Russia gave way to intense diplomatic negotiations in Istanbul. The Ottoman government was trying to appease the two sides.

## **Application In Contemporary Circumstances**

Each country has a certain freedom of action deriving from its special position. While playing a part in international arena, countries have to take into account factors relating to this position. The most important factors are the following: neighbours, geopolitical situation and agreements. I would like to analyze these factors as they affect Turkey.

### Neighbours: Russia, Syria and Iraq

The neighbour with whom we have most of our problems, i.e. Greece, has been tackled in the section on conjuncture. Here, I intend to look at some other neighbours, namely the Russian Federation, Syria and Iraq.

#### *The Russian Federation*

Russia is Turkey's great neighbour. This is true for many reasons. First, there is the historical perspective. The Ottoman and Russian empires shared many centuries of coexistence, competition, rivalry and conflict. The historical aspect of our relations is briefly touched upon in the chap-

ter on capitulations. There is no need to refer here to the actions of Czarist Russia designed to dismember the Ottoman Empire and in particular to control the Turkish Straits.

During the first decades of this century, relations between the two countries improved. In this new climate, it was even possible to conclude a Treaty of Friendship and Neutrality. But this did not last long; the Soviets denounced this treaty, and we had to go through an unfortunate period. The Soviet Union openly threatened Turkey, and Turkey was obliged to seek its security in a defensive alliance. The ideological differences were also an impediment to developing any kind of relations between the two countries.

### *The Present Situation*

At present, the old neighbours must manage their relations in a new setting. Following the end of the Cold War, Turkish-Russian relations were freed from their bloc-to-bloc character and the two countries entered into a neighbour-to-neighbour relationship. Turkey and Russia find themselves in a changing world, and they must adapt to this new environment. The main trend is globalization. The two countries can try to benefit from the advantages of this wave while protecting their peoples from its negative effects. In the face of new opportunities, they may let economic factors play the catalyzing role

### *Economic Factors*

There is huge potential to be tapped in the economic field. As early as 1984, an important agreement was signed to buy natural gas from the Soviet Union via an overland pipeline through Ukraine, Romania and Bulgaria. This agreement also created a mechanism that helped develop economic and trade cooperation between the two countries. The construction business has been a major component of this cooperation.

The complementary character of the economies of the two countries is the basic factor in this relationship. Meeting in October 2000, the Joint Economic Commission discussed reports on wide-ranging areas of cooperation that included energy, transportation, industry, standardization and construction.

It is hoped that the trade volume, which presently stands at the low figure of \$3 billion, will be increased to \$10 billion in coming years. In the construction field, Turkish contracting companies are involved in large-scale projects in Russia.

Turkey needs more natural gas, and the two countries recently signed an agreement on the transportation of Russian natural gas to Turkey via an underwater pipeline in the Black Sea known as the Blue Stream Project. It envisages the transportation of natural gas from Izobilnoe in the Stavropol region to the Russian port of Jubka on the Black Sea (396 km). The pipeline will then cross the Black Sea via an underwater pipeline to Samsun in Turkey (396 km) and will reach Ankara via an overland pipeline (444 km). According to the Intergovernmental Agreement, Russian gas provider Gazprom has undertaken to build the overland pipeline in Russia and the underwater pipeline. Construction of the Samsun-Ankara link will be assumed by Turkey. The Sale and Purchase Agreement says that Russia will supply Turkey with natural gas gradually amounting to 16 billion cubic meters per year.

### *Political Relations*

The Turkish government was prepared in 1992 to attempt a new understanding. Prime Minister Demirel visited Moscow that year, and a treaty on the basic principles governing the relations between the two countries was signed. The treaty, on the one hand, enumerated all the political elements that Turkey and Russia would comply with. The treaty also opened the door to fur-

ther relations and enlarged the scope of cooperation. Unfortunately, this new beginning could not go very far at that juncture, with impediments stemming primarily from two sources. One of them involved relations with the countries of Central Asia and the Caucasus. Following the emergence of these new states, Turkey had forged close ties with Azerbaijan and the Central Asian nations. That was only natural, because strong cultural ties exist with the peoples of these countries. The Russian government of the time announced its policy of near abroad, which considered outside cooperation with the countries of the region as an encroachment on Russian prerogatives. This did not help Turkish-Russian relations.

The other development was related to oil and other resources of the Caspian Sea. As will be explained in detail in the chapter on geopolitics, Turkey emerged as the natural and practical outlet for the transportation of these resources to the West. The important Baku-Tbilisi-Ceyhan oil pipeline project naturally drew the attention and interest of major Western firms. Russia apparently again viewed this development as Turkey's becoming a rival in this domain. These factors all contributed to interrupting high-level contacts between the two countries for a few years. It was only in 1997 that the Russian Prime Minister visited Turkey and opened new vistas in the economic field, such as direct natural gas transportation to Turkey. The Turkish Prime Minister returned the visit in 1999, and the two sides were able to embark on a new relationship where cooperation would replace any considerations of rivalry. Finally, the visit of the Russian Prime Minister to Turkey in October 2000 served to further relations by creating the foundation of this cooperation.

### *Syria And Iraq*

These two countries are Turkey's Arab neighbours and represent a specific culture; therefore, I will consider them together. I will deal with the objective elements that may be useful for our study. From there, we can deduce their implications on Turkey's freedom of action. The analysis will be made under the following headings.

### *Syria And Iraq As Part Of The Arab World*

The two countries are members of the Middle Eastern Arab countries. In the region, we have to distinguish between Syria, Iraq, Egypt, Jordan and Lebanon on the one hand, and the Gulf countries and Yemen on the other. In this picture, Syria and Iraq form the nucleus of one group.

Syria was an important center of the Arab Revolt. It still maintains this prestigious position. It has the longest Arab frontier with Turkey, and therefore with the West. Probably because of this position, Syria was chosen by the Soviet Union as the bridgehead in the Arab world during the Cold War. The Syrian-Soviet cooperation was presented at the time to the Arab countries as a front against Israel. Later on, Arab countries also supported the Syrian Army's entering Lebanon and creating a power base in that country. In short, Syria is a country that can easily secure the support of the Arab world.

The Iraqi régime also cooperated closely with the Soviet Union. Due to its geopolitical position, Iraq managed to get arms from Western countries during the war against Iran. For eight years, the Arab countries supported Iraq, which they considered a shield against Iran. Everything suddenly changed when Iraq invaded Kuwait. Today, the danger of the disintegration of Iraq is causing great concern in Turkey.

### *Syria And Iraq As Middle Eastern Countries*

Iraq is a major oil-producing country in the region. In this capacity, it played an important role in the oil game. It was during that game that Iraq invaded Kuwait, but lost the game. It seems that, for the time being, Iraq will be out of this game; however, one cannot exclude the possibility that the Western powers, which will eventually want to benefit from Iraqi resources, may give Iraq a role in the oil market when the time comes.

Syrian oil is not important as far as the international market is concerned. It does, however, supply its own requirements. Syria is an agricultural country, but the important factor here is its population explosion. The question is how Syria will be able to cope with the requirements of this phenomenon.

### *Syria And Iraq As Two Countries Facing Israel*

Syria lost the Golan Heights in the 1967 war. Later, whenever it faced Israel, Syria understood that its armed forces were not capable of meeting the challenge; therefore, Syria hopes to recover the Golan Heights through peaceful means. Syria's influence on the Palestinians cannot be overlooked. Syria does not want the Palestinians to reach an agreement with Israel until the Golan Heights have been returned to Syria.

Iraq has the toughest position against Israel. It has supported the Palestinians unwaveringly. It was for this reason that Arafat was on Saddam Hussein's side during the Gulf War. However, after the war, Arafat was left in a difficult position; he was obliged to join the negotiations that were proposed in 1991 by the United States and the Soviet Union.

### Geopolitics

Geopolitics is one of the most controversial and maligned terms in international relations. The term was originally discredited due to its usage in Nazi Germany. The end of the Cold War has, however, helped geopolitics come to the fore, probably because geopolitical changes have taken place in Europe and Asia and in many other parts of the world. In addition, a wide variety of meanings are attributed to the term geopolitics. There is talk of the geopolitics of a superpower and the geopolitics of the nuclear era. It is used as an adjective to describe a geopolitical context and a geopolitical battle. In order to come to a clear understanding on the subject, it would be useful to look at the historical development of the term.

Geopolitics was used for the first time by Swedish political scientist Rudolf Kjellen, who expanded the term "political geography" coined by the German Ratzel. The concept of geopolitics was later taught at German universities by Karl Haushofer between the two world wars. He was one of the publishers of the *Journal of Geopolitics*. Geopolitics became an effective tool in the hands of the Nazi Party, which used the term "Lebensraum" as a slogan in referring to the acquisition of additional land in Eastern Europe claimed by the Nazis to be necessary for Germany's political and economic development. Geopolitics was also popular in Japan and Italy, which called the Mediterranean "Mare Nostrum," our sea.

"Encyclopaedia Britannica" indicates that before the term geopolitics was employed, the same concept was expressed in other ways. For instance, the term "manifest destiny" used in the United States between the years 1830-1860 carried a similar meaning.

"The Encyclopaedia of Social Sciences" gives more details on the background of the term. Geopolitik was a German word meaning the study of space for government purposes. It was trans-

lated into English as an adjective: geopolitic. But because some German writers used the concept of geopolitics and words like *lebensraum* for purposes of aggression and acquisition of territory, the concept was taken in the United States and other countries as referring to undesirable ends. Later, geopolitics was used in theoretical studies concerning political forces in international relations. Through such studies it was possible to evaluate how political communities influenced each other and could benefit from opportunities or face limitations.

An early French writer on the subject of geopolitics was Jacques Ancel, who taught political geography at the University of Paris and published his treatise on the subject.<sup>25</sup> It was in this book that he first studied the German school of *Geopolitik*. According to Ancel, the *Journal of Geopolitics* described the geopolitical clash points in the world, citing Western Thrace and the Maritsa River in Europe as examples. Putzger's historical school atlas included a "geopolitical map" of the German Reich. Haushofer tried in his work titled "Borders" to determine its borders and described the danger created by the "Slav Corridor" going from the Baltic Sea to the Adriatic, thus enabling German rearmament.

Ancel later analysed the French school and described Vidal de la Blache's work on the concept of nation and the region of Alsace-Lorraine. The notion of "natural borders" had been developed in the 19<sup>th</sup> century, and the Great Powers tried to fix the borders of new states in a restrictive manner. The frontiers of Serbia and Albania were drawn up in this spirit.

Another writer studying the subject of geopolitics as it existed between the two world wars was Amiral Pierre Célérier, who wrote on geopolitics and geostrategy.<sup>26</sup> He refers to four schools developed in the United States, Germany, France and England. He says it is difficult to name any one person who studied geopolitics in the United States but talks about Ratzel in Germany and de la Blache in France. He explains that Mackinder in England described the landmass of Europe-Asia-Africa as the "World Island" and the area that is covered by Russia at the center as the "Heart of the World," claiming that the power holding East Europe in its hand would get to the heart of the world. Célérier differentiates between the variable and unchangeable elements of geopolitics. According to him, the elements that cannot be changed are the following: area, territory, physical makeup and position (nearness to the sea etc.). Variable factors are population, natural resources including energy resources and political and economic structure. According to the admiral, the geopolitical prolongation of Europe is North Africa. France can pursue Great Power politics only within a framework covering the West and opening to North Africa.

As I mentioned before, studies of geopolitics in the period following the end of the Cold War have gained a new dimension. The French writer Michel Korinman, whom I mentioned before, concentrates mainly on geopolitics in Germany, especially under the Nazi regime.<sup>27</sup> In his introduction to the book, Yves Lacoste, the founder of modern French geopolitics after the war and the author of "Dictionnaire de Géopolitique," says the term geopolitics, which had gained bad connotations because of its usage in Nazi Germany, is quite popular now. In any examination of a political question, geopolitics gives priority to its territorial connection. It is difficult to understand the situation that emerged after the Cold War; therefore, there is a need to explain it through geopolitics. Indeed, Europe today faces important geopolitical problems. It is also necessary to understand the logic of geopolitics.

In his book on Eurasia, Zbigniew Brzezinski makes liberal use of the concept of geopolitics.<sup>28</sup> He starts out by saying that the First World War had created opportunities for the geopolitical designs of the United States. Then he goes on to describe the competition between the United States and the Soviet Union following the Second World War as a geopolitical confrontation between the main maritime power of the world and the main continental power sovereign in Eurasia. Brzezinski thinks that Eurasia is still the geopolitical objective of the United States and advocates a geostrategy for this region. Within this framework, he refers to Turkey as a geopolitical

pivot and asserts that the European bridgehead constitutes an important geopolitical asset for the United States.

Brzezinski analyses the Russian situation mostly from the point of view of geopolitics. He talks about the “black hole” created at the center of Eurasia and the geopolitical confusion produced by the disintegration of the Soviet Union. He explains that in Russia itself, any reply to questions such as “What is Russia?” and “Where is Russia?” will have geopolitical content. He writes that “the ‘near abroad’ school of thought was a broad umbrella under which several varying geopolitical concepts could cluster.” Brzezinski predicts that in order to avoid geopolitical isolation, Russia is bound to stick to Europe. He concludes that in the short run, it would be in America’s interest to see the continuation of geopolitical pluralism in Eurasia.

It would be interesting to see the other side of the picture, i.e. how the Russians themselves look at geopolitical problems facing their own country. An article on geopolitics in Russia published by Financial Times Kiev Bureau Chief Charles Clover explains that a geopolitical theory called “Eurasianism” has become the common focus of ultra-left and ultra-right politicians.<sup>29</sup> The theory’s main thrust is to follow a policy of the heartland and expel the Atlantic influence from Eurasia. He provides information on the work of the theoretician Aleksandr Dugin, whose book is entitled “The Basics of Geopolitics, Russia’s Geopolitical Future.” Clover apparently wrote the book with the help of Russia’s General Staff Military Academy. He also speaks about Gennadi Zyuganov and his book, “The Geography of Victory.”

Finally, I will refer to a theoretical article written by Daniel Deudney of Johns Hopkins University.<sup>30</sup> The article maintains that the term geopolitics has enjoyed a “ghostly afterlife” and “is used in so many ways as to be meaningless without further specification. Most contemporary uses of the term geopolitics are casual synonyms for realist views of international strategic rivalry and interaction.”

The examples I have taken from modern writers give credence to Deudney’s evaluation. In addition, the following terms from various books and articles on geopolitics illustrate the wide variety of meanings attributed to the term. Some people call it “the struggle for space and power,” while others talk about “the geopolitics of superpower.” Still others refer to the “geopolitics of the nuclear era” and even to the “geopolitical hypotheses in technological perspective.”

### Some Geopolitical Concepts: Roads, Railroads, Pipelines

#### *Ancient Roads*

Throughout history, roads have played an important role in the life of nations and the relations between them. The Silk Road and the Spice Road are well-known examples. The Silk Road originated in Xian, China, and crossed all of Asia to reach Anatolia and later end in Venice. During the Tang Dynasty in 600 B.C., silk, tea and iron were exported to the West in exchange for items of cultural value such as music and works of art. The Via Egnatia, connecting Rome and Byzantium by crossing the Balkan peninsula horizontally, was originally built for military and administrative purposes but also served trade.

#### *The Eastern Chinese Railway*

Later, railroads became a part of international politics. Russia built the Siberian Railway and used it in its policy towards China, as described in detail by Lancelot Lawton.<sup>31</sup> The railway

was supposed to reach the Pacific Ocean but could be much shorter if it were to cross China's Manchuria region. Therefore, Russia offered China military assistance against Japan and in return obtained the right to cross Manchuria by rail. This portion, called the Chinese Eastern Railway, was financed by the Russian-Chinese Bank

Russia also tried to prevent other countries from building railroads in the vicinity. She concluded an agreement with England in 1899 according to which England agreed to not obtain railroad concessions north of the Great Wall of China. Russia agreed, for her part, to refrain from doing the same in the region of the Yangtze River. Later, when the United States wanted to become involved in the financing of the North-South Railroad in China, Russia intervened and reminded China that such a railroad would be harmful to Russian interests. Regarding any concessions for railroads in Manchuria, Russian views were to be obtained in advance.

### *The Baghdad Railway*

The Baghdad Railway project was an instrument of German foreign policy towards the Ottoman Empire that introduced a new factor into European international relations. The project affected relations between Germany on the one hand and England and Russia on the other. According to William L. Langer, who recorded the history of the affair, the Ottoman Sultan wanted the construction of such a railway for military and political reasons.<sup>32</sup> Better communications in the Empire and the transportation of troops would be facilitated. In the beginning, the British were interested in the scheme, but they soon lost interest. The Germans went ahead, and the Anatolian Railway Company was formed. The Germans secured the concession for the railway in 1893.

Russia was opposed to the project, since it would strengthen the Empire through the development of communications. The Russian Ambassador in Berlin went as far to propose establishing a connection between the railway and the Turkish Straits. The Germans rejected the proposal. From then on, Russia systematically opposed the German railroad concessions. All the same, the definitive concession was signed in 1903. In the midst of all these manoeuvres, Russia extracted an agreement from the Sultan that no railways would be built in the Black Sea area of Anatolia except by Russian companies. Later, in 1910, Germany and Russia overcame their differences on the project and formalized it in the agreements they signed in Potsdam.

After the securing of the definitive concession, the Germans tried to get British financiers involved in the project but were unsuccessful in their attempts. So, they proceeded to build the line themselves. On the eve of the First World War, an understanding was also reached with England, but the war put an end to the whole matter.

### *The Present Situation*

Following the end of the Cold War, roads, railroads and pipelines came to the fore as major components of geopolitics. The Silk Road of the 21st Century is the name given to the Eurasian Corridor masterminded by the European Union, and it is intended to comprise all these basic components. According to an article of *Le Monde Diplomatique*, the corridor was first conceived in 1993 under the name of the Transport Corridor Europe-Caucasus-Asia, to create a transportation facility for delivering food aid to the Caucasian and Central Asian countries.<sup>33</sup> The Eurasian Corridor as presently projected includes Russia as well. The roads of the corridor follow two axes: Warsaw-Moscow and Helsinki-Moscow. The oil pipelines of the corridor would follow the Baku-Novorossiysk and Strakan-Novorossiysk routes. As to the corridor's multi-modal axis going from Europe to Asia without transiting Russia, it consists of three lines going through Moldova, Romania and the Turkish Straits, all of them converging at the Black Sea and then continuing into Caucasia, the Caspian Sea, Turkmenistan, Uzbekistan and on to China.

The rediscovery of oil in the Caspian Sea has dramatically increased the importance of transportation and pipelines at the forefront of international politics.

#### *Position: The Geopolitical Position Of Turkey*

Geopolitics began to be employed in describing Turkey's position after the end of the Cold War. During the Cold War period, the reference had instead been to the strategic position of Turkey because she was located on the borders of the two blocs. This, however, did not prevent geopolitical elements from playing their role in Turkey's foreign policy. The Turkish Straits have always been of great geostrategic importance. In its bid to open up to the outside world, Turkey had found an easy outlet in the Arab countries to the south. Turkey also enjoyed good economic cooperation with some of her Black Sea neighbours such as Romania. The Soviet Union had become an important economic partner, especially after the signing of the natural gas agreement in 1987. However, extensive borders with Syria and Iran were causing trouble for Turkey.

Turkey's geopolitical situation changed following the end of the Cold War and the dissolution of the Soviet Union and the Warsaw Pact. In the new environment, it was possible to forge friendly relations with Bulgaria and Romania in the Balkans, which had previously been within the sphere of influence of the Soviet Union.

Of course, Turkey would also enter into close relations with the emerging countries in the Caucasus and Central Asia.

#### *The Caucasus and Central Asia*

Turkey shares a common history, religion and culture with the Turkic-speaking countries of the Caucasus and Central Asia. Their emergence on the world scene was warmly welcomed by Turkey, which was the first country to recognize them after attaining their independence.

Azerbaijan is strategically situated in the Caucasus. It is one of the oldest oil-producing countries in the world. It also has the potential to become a very important oil and gas production center in the area. Unfortunately, the country is suffering because of the Nagorno-Karabakh conflict and the fact that part of its territory is occupied by Armenian forces.

Kazakhstan is the largest in size among the Central Asian countries and borders both Russia and China. The north of the country is populated mostly by Russians, who make up 32 percent of the total population. The Baykonur Space Station and Semipalatinsk Nuclear Arms Testing Center give the country special strategic importance.

Uzbekistan, with its 21 million inhabitants, is the most populous of the Central Asian republics. It is also an industrial and agricultural country and rates fifth among the members of the Community of Independent States in its economic potential. However, it is the only landlocked country in the world that is obliged to traverse two other countries to reach the sea.

Turkmenistan is another strategically located country whose neighbours are Kazakhstan, Uzbekistan, Afghanistan and Iran. It has important port facilities on the Caspian Sea, with Turkmenbasi serving as the main port for the countries of Central Asia. Although deserts cover four-fifths of the country, Turkmenistan is still an important producer of natural gas and cotton.

The Kyrgyz people have a special place in the history of the Turks. The legend of Manas, a Kyrgyz who fought against the Mongols, is also very important for the two countries. Kyrgyzstan today has a population of 4.5 million. It has a long border with China and its coal reserves are about half of all such reserves in Central Asia. Kyrgyzstan also has oil, natural gas and various minerals.

Since its independence in 1991, Tajikistan has unfortunately been embroiled in ethnic and religious conflicts. Its limited resources are comprised of cotton, rice and some rare minerals such as uranium. The economy is, of course, suffering from the turmoil in the country.

When the countries of the Caucasus and Central Asia gained their independence, Turkey was in a position to understand their immediate requirements for nationhood. First, they needed to be firmly established in the international community, Turkey, therefore, was to help them secure membership in international organizations such as the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe.

Then they would need trained people and a legal infrastructure. But their most pressing problems were in the economic field. Turkey was, of course, ready to be of assistance, creating a special agency, the Turkish International Cooperation Agency, for that purpose.

The agency tries to assist these countries in their development, providing economic, commercial, technical, social, cultural and educational cooperation. Programmes and projects depend on each country's special requirements. In some, programmes are geared to the implementation of economic reform and include the restructuring of public economic organizations, privatization and the establishing of efficient business management. Projects may include anything from highways and mines to tourism. In others, training is the main focus of attention, covering a large spectrum from banking to health care facilities.

Turkey also concluded agreements with the countries in Caucasia and Central Asia to create a framework within which the Turkish private sector could operate and invest. The Turkish Eximbank extended loans totaling \$1.2 billion to companies doing business in the region.

As a result, many joint ventures were launched. Some of them are major infrastructure projects, including industrial plants, hospitals and hotels. Others are small- and medium-sized establishments concerning primarily consumer goods industries. The Turkish Foreign Economic Relations Board estimates that Turkish companies have invested as much as \$3.5 billion in those countries. All of these investments have created employment opportunities; in Azerbaijan alone, 40,000 new jobs were realized.

The activities of the Turkish companies in these countries were an incentive to businesses from other nations. Many important international firms observed the Turkish companies' experiences and were sufficiently impressed to invest themselves. In addition, the European Union took steps to provide assistance, spending large sums in technical aid. It seems that the European Union now wants to move into a partnership in trade and investment.

Common roots and cultural affinity between Turkey and the countries of the Caucasus and Central Asia inevitably led to close cooperation in the cultural field, of which Azerbaijan is the best example. We have practically the same language, customs, songs and legends. It is interesting to note that 200 scholars from Azerbaijan are presently teaching in Turkish universities. Thousands of Turkish and Azeri students study in each other's countries. The two countries recently decided to form a joint history commission with a view to recording their common history.

Talking about legends, I should mention that at one of the 1,000-year anniversary celebrations of the legend of Manas, when they were chanting and adding quatrains to the legend, a decision was made to establish the Kyrgyzstan-Turkey Manas University in Bishkek. The first academic year started in 1998. In addition, the legend of Dede Korkut is remembered whenever there is a meeting of cultural importance among the countries of the region.

Education is an important component of the cooperation between Turkey and Uzbekistan, and many agreements have been concluded between the two countries on this subject.

The countries of the Caucasus and Central Asia are well aware of the road followed by Turkey since the foundation of the Republic. They like the way Turkey realized its development in a secular system of government. They know that the Turkish people have maintained their close links with their brother countries. They must have appreciated the manner in which the Turkish people welcomed their coming on to the international scene, standing ready to help them in any way they could. For all these reasons, the countries of Caucasia and Central Asia tended to adopt Turkey as a role model. A very significant indication was given when the Turkmens chose to name a park in Ashkabat "Atatürk Park."

Turkey cooperates closely with the countries of the Caucasus and Central Asia, but is always cognizant of the fact that these countries have their own agendas. For instance, Kyrgyz President Akaev has put forward the "Doctrine of Silk Road Diplomacy," which Turkey would like to support. Again, it was in Bishkek that the Central Asian Economic Community summit was held, during which Turkey was accorded observer status. As was mentioned above, the countries of Central Asia are situated in an area surrounded by nuclear arms and missiles. Therefore, it was no surprise that Kazakh President Nazarbayev took the initiative to form a Conference on Security and Cooperation in Asia. The Declaration of Principles Governing Relations between Countries Participating in the Conference was signed in 1999.

The rediscovery of oil and natural gas in the Caspian Sea and the surrounding area increased the importance of transportation and transformed Turkey into an energy bridge. The energy needs of Turkey are a major element in making this bridge functional, and Turkey's energy consumption is expected to reach 179 million tonnes of oil equivalent (MTOE) by 2010. The potential of the Caspian basin is estimated to be at least as much. For this reason, some mega projects involving the transportation of oil and gas from the Caspian basin to and through Turkey have been planned. One of them is the Baku-Tbilisi-Ceyhan Pipeline project. The project envisages the transportation of Caspian oil via a pipeline with a capacity of 50 million tonnes per annum to the Turkish port of Ceyhan on the Mediterranean. The pipeline is planned to be operational in 2004. According to a feasibility study conducted by the German company PLE, the estimated cost of this pipeline is around \$2.4 billion. State-owned Turkish Pipeline Company (BOTAS) will be the turn-key contractor for the construction of the pipeline within Turkish territory.

This project is designed to be the main export pipeline for Caspian basin oil, providing Europe a sound alternative for safe energy supply diversification. Azerbaijan, Georgia and Turkey signed the Intergovernmental Agreement during the OSCE Summit in Istanbul on November 18, 1999. On this occasion, the Turkish and Azeri Host Government Agreements, the Turkish Contract Agreement and the Turkish Government Guarantee Agreement were also initialled. These agreements form the legal framework for the main export pipeline. On the same day, the Istanbul Declaration was also inked by the presidents of Azerbaijan, Georgia, Kazakhstan and Turkey, with the U.S. President signing as witness. The declaration constitutes a firm commitment to realize the project by 2004. It also includes Kazakhstan's intention to supply a significant amount of oil to be transported to world markets through the main export pipeline. The next step will be to focus on activities to obtain additional oil commitments to the pipeline and securing financing.

Considerable progress has also been made in bringing the Trans-Caspian Natural Gas Pipeline to life. Running parallel to the Baku-Tbilisi-Ceyhan Pipeline, it will reduce the cost of the latter. Also during the OSCE Summit last November, Turkey, Turkmenistan, Georgia and Azerbaijan signed the Intergovernmental Declaration on the Principles for Implementing the Trans-Caspian Pipeline. A joint committee was established to negotiate the Intergovernmental Agreement and the Host Government Agreements. The committee met in Ashkabat in January 2000.

The third project concerns the sale and purchase of Azeri natural gas by Turkey. Also in November 1999, a Memorandum of Understanding was signed between Turkey, Azerbaijan and

Georgia for this purpose. A possible cooperation between Azerbaijan and Turkmenistan for the transportation of natural gas to Turkey and further on to Europe is also envisaged.

While these positive developments were taking place, the situation in the south was not to be forgotten. Iraq's occupation of Kuwait and the Gulf War had presented Turkey with a very delicate border. The Iraqi border not only cut off Turkish trade relations with the Gulf states but also acted as a curtain behind which a very unstable situation developed. All that was to the detriment of Turkey.

On the whole, we can deduce from the above picture that Turkey's new geopolitical situation has created a mix of elements with which the country has to deal. It can be said that while new opportunities are presenting themselves in the east, west and north, problems are in the making in the south.

### *Rivalry*

The end of the Cold War meant the rivalry between the two blocs was terminated. Now, a new form of rivalry reminiscent of the ancient struggles between nations is under way. This is taking place in a region that comprises a big section of Asia. For this reason, some people call it the New Great Game.

They are referring to the Great Game that took place between England and Russia in the 19th century. The previously mentioned Secret Foreign Office Documents of Britain give us the evidence on the subject.<sup>34</sup> The story goes like this. Czar Nicholas I of Russia visited England in 1844 and made a proposal: The Ottoman Empire should be kept intact as much as possible; turmoil in Iran should be prevented; and in Central Asia the independent Khanates should constitute a neutral zone between Russia and England. The two countries agreed on these principles, but British actions in the Crimea destroyed the agreement. Russia was left free to act as she pleased and initially extended her protection to a large area in the region. Later, she annexed Tashkent, Samarkand and part of Khiva and Kokand. In that way, the Asian territories of Russia and England moved even closer to each other. To prevent a clash between the two empires, something had to be done. A line to separate their zones of influence was drawn. The line would follow the northern frontier of Afghanistan. Russia and England would guarantee that the two communities living on either side of the line would not clash. Afghanistan was important and should have been able to remain independent; however, the Russians wanted Afghanistan to be divided. The Russian press reported at the time that the Ottoman government intended to send an envoy to the Prince of Afghanistan to thwart English and Russian designs in Central Asia.

Zbigniew Brzezinski, in his aforementioned book, refers to the Eurasian landmass. His starting point is the implosion of the Soviet Union and the resulting new rivalries. He says that what will happen to the distribution of power on the Eurasian landmass will be of decisive importance to America's primacy. He asserts that "How the United States both manipulates and accommodates the principal geostrategic players on the Eurasian chessboard and how it manages Eurasia's key geopolitical pivots will be critical to the longevity and stability of America's global primacy."

## Agreements

1. The Lausanne Treaty: Following the Turkish War of Independence, a treaty of peace was concluded at Lausanne on 24 July 1923. Turkey signed this treaty along with Britain, France, Italy, Japan, Greece, Romania and the Serbian-Croat-Slovene state. This is the basic treaty for Turkey, who believes that it constitutes the same commitment for the other signatory powers.

The territorial clauses of the treaty fixed the borders of Turkey with her neighbouring countries. Turkey renounced all her rights to the Dodecanese Islands in favour of Italy. The other powers accepted the complete abolition of the capitulations, while Turkey agreed to the protection of religious minorities within her borders. The question of the Ottoman debt and other problems pending with the signatories were settled.

2. Later, Turkey concluded important political agreements with her neighbours. One of the first was the Treaty of Friendship and Neutrality signed with the Soviet Union in 1925. The two countries undertook to mutually refrain from any kind of aggression, from taking part in any alliance directed against the other and to remain neutral in the event of a military action on the part of a third party. The treaty was renewed several times until 1945, when the Soviet Union terminated it.

Turkey also entered into agreements with European countries dealing primarily with friendship, commerce and judicial assistance.

3. Other important political agreements of this period were the three treaties signed with Greece. The first is called the Treaty of Neutrality, Conciliation and Arbitration. It was signed between Inonu and Venizelos on 30 October 1930 in Ankara. The two parties agreed not to enter into any political or economic accord or arrangement directed against the other. In the event one of them was attacked, the other party was to observe neutrality.

The second was signed three years later and was called the Pact of Cordial Accord. Turkey and Greece mutually guaranteed the inviolability of their common borders. They were to have prior consultations on all international questions concerning the two countries. They went as far as stipulating that in the event one of the parties didn't participate in an international conference, the other party would represent both countries.

The third agreement was an additional treaty signed to complement the two previous ones and was concluded in 1938. It stipulated that in the event one of the parties was attacked, the other party would maintain neutrality and would prevent third powers from crossing its borders. In the event of war, the two countries would consult each other.

4. Turkey always believed that the régime established by the Lausanne Treaty and the subsequent treaties were the basis upon which relations with Greece would be built. Turkey scrupulously adheres to her commitments and expects the same from the other party.

The militarization of the eastern Aegean islands by Greece is a serious case of violation of international agreements. In the north of the Aegean Sea are the islands of Lemnos, Samothrace, Mytilene, Chios, Samos and Nikaria. In the south are situated the Dodecanese. The question of the northern islands was taken up in the 1913 London Treaty. The treaty stipulated that their future status would be decided by the Six Powers, comprising England, France, Russia, Germany, Italy and Austria-Hungary. These states met in 1914 and determined that the islands which were under Greek occupation would be ceded to Greece by the Ottomans, provided they remained demilitarized. The Lausanne Treaty in 1923 confirmed that decision. The Straits Convention annexed to the treaty determined in more detail the demilitarized status of the islands of Lemnos and Samothrace,

situated near the Turkish Straits. The Montreaux Convention of 1936 ended the demilitarized status of the straits but did not mention the Greek islands opposite them.

The Paris Peace Treaty of 1947 decided that the Dodecanese would be ceded to Greece, provided they remained demilitarized.

Greece started to rearm the eastern Aegean islands in the 1960s. Turkey objected to this violation of the agreements and requested that they be stopped; however, the rearming of the islands continued unabated. Greece maintained that her action was in response to the creation of the Turkish Aegean Army, claiming that she was making use of her right of self-defence. But Greece had been rearming the islands since the 1960s, whereas the Aegean Army was formed only in 1975. It is out of place to talk of self-defence when there is no military attack.

5. Turkey has been a party to most of the international agreements concluded within the United Nations system. Turkey also has adhered to almost all of the agreements and conventions signed in the Council of Europe.

Lately, conferences organized by the United Nations have been adopting some conventions relating to the sovereignty of states. Turkey tried very hard at these conferences to secure a consensus that would take into consideration her objections and reservations. Since Turkey wishes to scrupulously live up to all the commitments she undertakes, she felt obliged to refrain from signing two particular conventions.

- The first one is the Convention on the Law of the Sea, signed in 1982. During the conference, Turkey endeavoured to obtain a proper balance between different groups of interests stemming from different geographical situations, but the convention failed to achieve such a balance. In addition, there was no possibility of entering reservations into the convention. In the absence of necessary safeguards for her vital and legitimate rights and interests, Turkey did not sign the convention.

Turkey's interests were affected primarily by some of the convention's articles. One set of articles concerned the extent of territorial waters and the delimitation of territorial waters between states with opposing or adjacent coastlines. Turkey objected at the conference to the 12-mile limit, especially in semi-enclosed seas. The other set of articles related to the delimitation of the continental shelf between states with opposing or adjacent coastlines. Turkey also took a position regarding the article on the régime of islands.

- Another agreement Turkey refrained from signing was the U.N. Convention on the Non-Navigational Uses of International Watercourses. The convention was adopted by the U.N. General Assembly on 21 May 1997. Out of 185 members, 133 participated in the vote, and it was finally adopted by a vote of 103 to three, with 27 abstentions. Turkey voted against it along with China and Burundi. Turkey felt that the convention did not establish the necessary balance between the upper riparian state and the lower riparian state. Turkey also attached importance to Article 5, which stated that a trans-border river must be utilized in an equitable, reasonable and optimal manner. The Three-stage Plan proposed by Turkey as regards the downstream countries of the Tigris and Euphrates rivers, namely Syria and Iraq, took this principle into account.<sup>35</sup> Turkey maintained all along that this principle should have priority in the convention. However, another article, Article 7, which provided that watercourse states should not cause significant harm to other watercourse states, was given equal emphasis.

Another Turkish objection concerned Part III, with the exception its Article 11. The convention was intended to be a framework convention; however, articles 12 to 19 came close to creating a notification mechanism for planned measures. Turkey maintained that that would be against international law. Furthermore, those articles made measures contemplated by the upper riparian state conditional on acceptance by the lower riparian state. It gives the lower riparian state the

right to delay, for up to 18 months if necessary, measures envisaged by the other state. Turkey also objected to Article 33, which did not give the parties freedom of choice but rather envisaged strict rules for the settlement of disputes. A general objection to the convention was also put forward in that it did not include any reference to the sovereign right of watercourse states to that portion of the international watercourse which runs through its territory.

The chapter on Greece could well illustrate the reason why Turkey did not sign the U.N. Convention on the Law of the Sea. Turkey's position relating to water resources will be explained here to shed some light on the reasons that led Turkey to refrain from signing the Convention on the Non-Navigational Uses of International Watercourses.

It would be useful to point out at the outset that Turkey is not a country rich in water resources; she does not have excess water capacity.

The dispute that concerns Turkey began when Syria and Iraq opposed water installations such as dams on the Tigris and Euphrates rivers. They claimed that these installations in Turkey would reduce the amount of water flowing to their countries. In reality, the dams constructed by Turkey on the Tigris and Euphrates would not only contribute to her own energy and irrigation needs but would also serve to provide a regular water supply to her neighbours.

Iraq maintains that it has "acquired rights" relating to its "ancestral irrigation" on the Tigris and Euphrates rivers. The Iraqis declared that the waters of the two rivers must be shared among the riparian states through a mathematical formula. Syria claims that the Tigris and Euphrates rivers are "international watercourses" that can be classified as "shared resources." In their opinion, the waters of those rivers must be shared among the riparian states according to a quota to be determined.

The Euphrates River originates in Turkey and flows through Syria and Iraq. It joins the Tigris in Iraq and becomes the Shatt al-Arab waterway, which drains into the Persian Gulf. The Tigris River rises in Turkey's Lake Hazer and later becomes the border between Turkey and Syria for a distance of over 40 kilometers. After crossing Iraqi territory and joining the Euphrates to form the Shatt al-Arab, it too drains into the Persian Gulf.

Turkey approached the question with good intentions. A Joint Technical Committee was set up between Turkey, Iraq and Syria in the early 1980s to discuss regional water questions. Data pertaining to Turkey's planned water schemes were conveyed to Syria and Iraq. Turkey also signed a protocol with Syria in 1987 and undertook to supply an average flow of 500 cubic meters per second until the filling up of Atatürk Dam was completed.

On the question of concluding an agreement for the allocation of Tigris-Euphrates basin waters, the positions are different. Turkey maintains that such an agreement can be reached within the framework of criteria that would be satisfactory to each of these three countries. "Equitable utilization" seems to be the most accepted principle in international law in allocating waters of a trans-border river. To reach such an allocation, socioeconomic, hydrological and geopolitical conditions should be taken into consideration. Turkey has been advocating the necessity of common criteria in allocating Tigris-Euphrates basin waters, based on scientific and objective rules.

To utilize water in an equitable manner, Turkey has prepared a project called the Three-stage Plan and has proposed it to Syria and Iraq. Stage I of the plan involves inventory studies for water resources in the three countries; stage 2 refers to inventory studies for land resources; and stage 3 comprises an evaluation of water and land resources.

The plan has two essential features. Firstly, the two rivers have to be considered as forming one single trans-border watercourse system. Consequently, all agricultural water uses need not necessarily be derived from the Euphrates. Irrigation areas fed by the Euphrates may also be supplied from the Tigris. The second requirement is that the inventory of water and resources should

be drawn up and evaluated jointly, since the methods used in each country show disparities. Turkey believes that an equitable, rational and optimal utilization of water resources can be achieved through a scientific study that will determine the true water needs of each riparian country.

## **EQUALITY**

This may seem to be a more familiar concept; however, it is quite flexible and its parameters are not well defined. Therefore, its content becomes all the more important.

Each country is sensitive to the question of equality. But many would hesitate to admit that their equality is being jeopardized; they would tend to let it pass. As a result, the situation festers and relations between countries deteriorate.

Equality also has a utopian side to it. It is difficult to have real equality between states. All the same, this should not prevent the search for ways and means to redress inequalities. In any case, even though it may not achieve equality in the end, the country making an effort in that direction certainly earns the respect of others.

### *The Theory*

The modern theory of equality is a product of the 18th century, with philosophers developing the concept in the Age of Enlightenment. The American and French revolutions introduced the notion that men were born as equals. According to the "Encyclopaedia of Social Sciences," the concept comprises the following elements: equality of opportunity, equality before the law, political equality, social equality, economic equality and, in the international arena, the equality of nations.

Since we are dealing with the question of equality in international relations, we should look at it from the perspective of international law. "International Law" by Martti Koskenniemi contains several articles referring to the theory underlying the concept.<sup>36</sup> Thomas M. Franck, in his article "Legitimacy in the International System," says that already in 1825, the U.S. Supreme Court Chief Justice had declared that there was no universally accepted general rule of law other than the equality of nations. He also says that since Hitler's Germany, no country has disputed the equality of states. In an article entitled "Models for a Rawlsian Theory of International Law and Justice," Daniel W. Subik refers to writers who have examined the concept of equality. He starts with C. Wolf, who, in his 1764 study, said that there was no difference either between big or small men or big or small nations. It was the moral quality that counts. Nations of the world have equal rights and responsibilities. I.C. Calvo, in his "Dictionary of International Law" published in 1885, said that a state may have a big population, large territory and a powerful military but that none of these can justify the slightest differentiation between nations. John Rawls took equality as the basic principle of international justice. Philip C. Jessup, writing in 1945 on "The Equality of States as Dogma and Reality," stated that equality ranks traditionally with sovereignty and independence as an inherent and unimpeachable attribute of the state.

Hans J. Morgenthau, in his "Politics Among Nations," also deals with this subject. He takes equality as synonymous with sovereignty. Nations are equal, as stipulated in the U.N. Charter. This brings up another rule of international law: the equality of votes and unanimity.

### *The Practice*

1. The Charter of the United Nations, in its Article 2, Paragraph 1 reads: “The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

“The Organization is based on the principle of the sovereign equality of all its members.”

During the preparatory work for the San Francisco Conference, it was accepted that the term “sovereign equality” included the following elements:

- that states are juridically equal;
- that each state enjoys the rights inherent in full sovereignty;
- that the personality of the state is respected, as well as its territorial integrity and political independence; and
- that the state should, under international order, comply faithfully with its international duties and obligations.

Within the United Nations system, there is equality of votes.

2. The Question Of ‘Great Powers’ At The United Nations: The veto power of the permanent members of the Security Council raises the question of the applicability of Article 2. In 1945, the veto power was justified by saying that some members could have votes with additional weight because of special responsibilities commensurate with their power. It is maintained today that the power configuration has greatly changed and that there are other countries that could claim such a role in world affairs.

3. Great Powers Of Past And Present: In the 19th century, some countries were called Great Powers, and this qualification was included in diplomatic documents. In the chapter on Greece, we mentioned the Great Powers of the 19th century.

They still continued to call themselves Great Powers at the beginning of this century. In 1914, the Six Great Powers took decisions at the London Conference concerning the Aegean islands.

Between the two world wars, there were the Axis Powers and the Allied Powers. Following the Second World War, the five permanent members of the Security Council played the role of Great Powers. However, the nuclear capability of certain states and the creation of two blocs effected a change in the terminology. There were two superpowers in the world. In the wake of the dissolution of the Soviet Union and the end of the Cold War, a major transformation was once again to be witnessed.

## **A Historical Application: The Capitulations**

Equality in the context of the capitulations should be taken as reciprocity. The Ottoman Sultan, in granting privileges to the merchants of a foreign country, had the political advantages that would accrue in mind. The granting of the first capitulations was for the purpose of obtaining an alliance with France. The capitulations granted to Holland in 1612 were a measure against the common enemy, Spain. The capitulations granted to England explicitly put the objective in writing, saying: “They are granted and will be observed as long as the King of England pursues friendship and cooperation.”

The relationship between capitulations and political considerations has been elaborated upon in some recent studies. A.H. De Groot, in his book asserts that the capitulations granted to the Dutch formed the basis of political relations between the two countries for three centuries.<sup>37</sup> Professor Halil Inalcik also maintains that in granting the capitulations, the Ottomans had taken into consideration the political advantages to be obtained.

The main factor affecting this equilibrium between the two sides was the declining power of the Ottomans; consequently, the equality was upset to the detriment of their country. This first became apparent in the capitulations with France and England. In the 16<sup>th</sup> and 17<sup>th</sup> centuries, they were based on equality. During the 18<sup>th</sup> century, things began to change. First, in the capitulations of 1740 France secured some religious privileges. Then, England obtained greater advantages in the commercial sphere. That was the case with friendly countries.

As for those countries that were frequently at war with the Ottomans, they were to impose their will even more forcefully on the Empire. Thomas Naff, in his book states that after the Treaty of Passarowitz in 1718 the European states were able to dictate the terms of the capitulations.<sup>38</sup> By the end of the 18<sup>th</sup> century, capitulations worked only to the advantage of these countries.

Another factor playing a role in the disturbance of the equilibrium is the following. The first capitulations were valid only during the lifetime of the Sultan; each Sultan ascending the throne would sanction them anew. Later, it was agreed that the capitulations would be continuously binding on the state and therefore upon each incoming Sultan. Consequently, it was no longer possible for a new Sultan to alter conditions as the political situation warranted. This jeopardized the essence of reciprocity.

This change in equilibrium has been noted by historians. The French historian André Clot, in his book about Sultan Suleyman the Magnificent says that when equality was disturbed, the capitulations became tools in the hands of the European states to establish their supremacy over the Ottomans.<sup>39</sup> They obtained special rights in the ports and postal services, and they bought and sold all kinds of goods within the country. Ottoman industry suffered greatly as a result of this practice.

The Ottoman governments took several steps to remedy the situation but could not persuade the Western states to accept any changes. The first initiative came at the Paris Congress in 1856. Foreign Minister Ali Pasa gave a comprehensive statement explaining the difficulties created for the government by the capitulations. He put it to the congress that they were jeopardizing the authority of the government and preventing the development of the country. He asked for the abrogation of the capitulations. The congress agreed to a review of the capitulations and proposed that a conference be convened in Istanbul for this purpose. This idea never came to fruition. Later, in 1869, the Ottoman government delivered a memorandum to the representatives of these countries in Istanbul complaining about the way the capitulations were being implemented. The government stated that foreigners were claiming rights that did not appear in the text of the capitulations, that they rejected the application of Ottoman laws which were not officially recognized by their embassies and that they objected to the rulings of the Ottoman courts. The government notified the representatives that this kind of practice would not be allowed to continue. Again in 1881 the Ottoman government issued a circular and told the representatives that in practice they were unlawfully extending the privileges of the consuls and that an end would be put to it. This gave way to protestations by the countries concerned.

The rightful claims of the Ottoman government were heeded only as concerned Article 8 of the agreement signed between the Ottoman Empire and Austria-Hungary in 1909. Austria-Hungary accepted the request of the Ottoman government to abrogate the capitulations and replace them with the régime of international law.

Finally, the Ottoman government decided to abolish the capitulations in 1914. In a circular to all embassies in Istanbul, the government explained the adverse effects resulting from the fact

that equality was upset: that there was interference by foreigners in the administering of justice and that they refused to submit themselves to the laws of the country or pay taxes. For all these reasons, the capitulations constituted an impediment to the development of the country. The capitulations would be abolished and relations with all countries would be conducted according to the general principles of international law. The decision of the Ottoman government drew protestations from the states at war with the country. The Ottoman Empire's allies, Germany and Austria, remained silent.

## **Equality In Bilateral Relations**

### *Political Relations*

When particular problems exist between countries, special procedures may be required to solve them. For instance, the problems between Turkey and Greece can be resolved by devising an appropriate type of negotiation.

Normally, political relations between countries cover a wide spectrum. The simplest relations start with neighbourhood contacts. They may grow into membership in regional groupings. Still stronger relations exist among members of an alliance.

A quite common practice in bilateral relations is to request support from each other for political problems. Countries try to establish some kind of reciprocity. When I was Ambassador in Amman, Jordan's main preoccupation was of course the Arab-Israeli problem. Turkey's principal concern was the Cyprus question. Both governments were seeking support for these problems. Turkey was ready to lend this support, since as a matter of policy the Turkish government demanded the withdrawal of Israel from the West Bank and was against Israeli practices in the occupied territories and Jerusalem. Jordan encountered difficulty in providing us with all the support we needed on the Cyprus question but was careful enough not to harm the position of the Turkish side. They were trying to maintain a certain equality as far as support for political problems was concerned.

High-level visits play an important role in political relations. Governments take great care so that equality is observed on the occasion of the visits of presidents, prime ministers and foreign ministers. There should be complete reciprocity in the planning and the execution of official visits. During my tenure in Amman, King Hussein and President Evren exchanged visits. On both occasions, minute calculations regarding protocol were made to achieve real equality.

I started my duties as Ambassador in Germany a year after the Turkish government applied for full membership in the European Community. Germany's support was crucial. The German government, however, adopted a position that was not in conformity with our equal partnership situation in other European organizations and in NATO. Their attitude also did not take into account the fact that since 1963 Turkey had been an Associate Member of the European Community. The conditions put forward by Germany would have harmed the equality between the two countries. Human rights were presented in a distorted manner. This stance on the part of the German government influenced a negative EC Commission report and the EC Council's subsequent equally negative decision in 1989.

Germany's attitude on the Cyprus question was also important. We were asking the German government not to encourage the Greek Cypriots, who were posing as the legitimate government of the island and imposing a strict embargo on the Turkish Cypriots. We were seeking their support for the Turkish Cypriots, who were equal partners in the establishment of the state of

Cyprus. The German authorities could understand the position of the Turkish Cypriots but still carefully refrained from any act likely to give them their equal share in the affairs of the island.

During my duties in Beijing as well, I had to solicit the support of China on the Cyprus issue. China's role as a permanent member of the U.N. Security Council was important. The Chinese government did not adopt any position that might harm the Turkish Cypriots. When the Bosnia-Herzegovina crisis erupted, we again asked the Chinese government to come out against the Serb attacks and ethnic cleansing. The Chinese government, in return, expected Turkey to act carefully as regards Taiwan, which we did.

#### *Economic Questions*

While serving in Jordan and China, I experienced no difficulty on economic questions as far as equality was concerned. In Germany, however, the question of economic assistance to Turkey and loans sought for major projects created problems. Negotiations were difficult. Achieving complete equality between the creditor and debtor countries is almost impossible to attain.

#### *Military Questions*

Relations concerning military affairs can be a mix of politics and economics. One or the other of these aspects comes to the fore according to the particular situation. In Jordan, the political aspect was in the forefront. By contrast, our military cooperation with China was based mostly on economic considerations. In both these countries, military relations were carried out in complete equality. From Germany, we received military assistance and the political aspect was paramount. However, since military cooperation took place within the NATO framework, it was possible to manage such a relationship on the basis of equality.

## **Equality In The Context Of Agreements**

### *Equality During The Process Of Concluding Agreements*

Countries attach importance to equality while concluding agreements. The Vienna Convention on Treaties stipulates that a treaty is concluded by mutual consent. The validity of the treaty depends on its being freely signed. It is assumed that the authorized representatives signed the treaty of their own free will. How true can this be in reality? Are the parties to an agreement really equal? To shed light on these questions, I will take an extreme example, the historically famous "unequal treaties" signed between China and the Western powers.

In 1793 and again at the beginning of the 19<sup>th</sup> century, China refused the establishment of a permanent mission by England in Beijing. Later, England waged the Opium War against China, in 1840, to open the Chinese market to foreign trade. As a result, in the Treaty of Nanking of 1842 China ceded Hong Kong to England and agreed to open Chinese ports to foreigners. Starting in 1860, other Western countries forced China to sign "unequal treaties." With these agreements, China granted special rights to some 18 countries in 51 Chinese ports where the foreigners were able to apply their own judicial systems. This could be called the Chinese capitulations.

### *Some Special Categories Of Agreements:*

#### Peace Treaties

These are treaties concluded as a result of conflicts and wars. Normally they impose the will of the winner on the losing side. The Treaty of Nanking is an example. Another historical agreement is the Treaty of Peace and Borders signed in 1638 between the Ottoman Empire and Iran at Kasr al Shirin. It was concluded following the capture of Baghdad by Murad IV and it confirmed the cessation of that city to the Ottomans.

An example of a peace treaty concluded on equal terms in modern times is the Treaty of Lausanne. The question of equality itself came to the conference table while the capitulations were being discussed in the relevant commission. On 6 January 1923, Ismet Pasa made a statement specifically on this point. He said that his delegation had come to the conference on the condition that they would be treated on an equal footing. He was sorry that the Allied representatives had put forward proposals contrary to the sovereignty of the Turkish people. When their sovereignty was respected and equality maintained by the delegations at the conference, then and only then would the Turkish delegation be ready to sign the peace treaty.

The equal nature of the Treaty of Lausanne is related by Charles H. Sherril, the American Ambassador who served in 1932 in Ankara, in the book about his mission in Ankara.<sup>40</sup> He says that Lord Curzon came to the conference expecting that a treaty would be imposed on Turkey just as it was the case of the Versailles, Trianon, Saint-Germain and Neuilly-Sur-Seine treaties. However, Mustafa Kemal and Ismet Pasa stood firm and the Allies were obliged to negotiate. The Treaty of Lausanne was the only treaty that was negotiated rather than imposed on the loser.

A treaty of a different nature is the one signed in 1990 that involved a final settlement with respect to Germany. The treaty was concluded between the Federal Republic of Germany, the German Democratic Republic, France, the U.S.S.R., the United Kingdom and the United States to put an end to the vestiges of the Second World War. Article 1 of the treaty stipulates that the borders of the united Germany shall be definitive. This is an essential element of the peaceful order in Europe. The united Germany has no territorial claims whatsoever against other states.

#### Border Treaties

Treaties concerning borders are closely related to peace treaties; they also bring the question of equality into the picture. If we pursue the example of Germany, we can clearly see the relationship between peace, borders and equality.

Following the Second World War, territorial settlements were in large measure concluded at the Paris Peace Conference. One remaining border question was the German-Polish border. The sequence of events went like this: After the war, Poland lost territory to the Soviet Union. This loss was compensated by allowing Poland to acquire German territory. As a result, Polish territory moved westward. This important change came at the end of intense diplomatic negotiations between the United States, the United Kingdom, France and the U.S.S.R.<sup>41</sup> At the Yalta Conference in 1945, they decided in principle that Polish territory would be enlarged, but left the delimitation of Poland's western border to the peace conference. At the Berlin Meeting that same year, they said that, provisionally, the border would be the Oder-Neisse line, which went far into German territory. In 1950 Poland and the German Democratic Republic, as two good Soviet allies, signed an agreement to formally accept this line as their border. When in 1990 the reunification of Germany came to the table, the main question was whether the Federal Republic of Germany was going to endorse this 1950 agreement and acquiesce to the loss of a large amount of German territory. On 21 June 1990, the day before the Four Powers were going to formalize German reunification, the German Bundestag adopted a resolution confirming the Oder-Neisse line. Foreign Minister Gensher

made a speech to the effect that they would present no territorial claims. As was expected, following unification, Germany signed a treaty with Poland to confirm this border.

The question of equality in this particular border question is still being debated. It was taken up in an article published in the IFRI's "Politique Etrangere" by the German historian Jan Herman Brinks.<sup>42</sup> He asserts that Chancellor Kohl accepted Poland's eastern border as the price for German unification. He explains the situation of the German minority in Poland and says that the resolution adopted in Bonn in 1998 stated that the expulsion of the Germans from the eastern part of the Oder-Neisse line was against international law, and that when Poland joined the European Union, these people should return to their homes.

#### *Agreements To Create Zones Of Influence*

Zone of influence is a very typical case of inequality between states. Zone of influence can be either written in an agreement or created de facto.

A historical example is the zone of influence created in Iran by England and Russia at the beginning of the 20<sup>th</sup> century. Article 1 of the Anglo-Russian Convention of 1907 describes the Russian zone of influence, stating that in the northern part of Iran, Russia could acquire concessions, whereas England could not. Article 2 says that in the southern part of Iran, England could obtain concessions, whereas Russia could not. In the central part of Iran, both England and Russia could freely compete for concessions. The convention does not specifically refer to zone of influence by name, but when the convention was made public, the Iranian people understood that in practice it meant the partitioning of the country and protested against it. Whereupon the British Embassy sent an explanatory note to the Iranian Ministry of Foreign Affairs saying that England and Russia did not have any intention of creating zones of influence within Iran but rather simply wanted to prevent each other from gaining influence in the regions of Iran adjacent to the countries under their control.

A more recent example is the zone of influence created by the Secret Protocol annexed to the German-Soviet Non-Aggression Pact of 1939 in which the two governments drew the lines of their zones of influence in the Baltic area and Poland

A still more contemporary example is the zone of influence established in Eastern Europe by the Soviet Union. In a book edited by Ngaire Woods, Mark Kramer wrote an article on the subject.<sup>43</sup> He describes sphere of influence as a region of the world in which a dominant external actor is able to compel the local states to conform to this actor's preferences. He explains that Soviet hegemony in Eastern Europe after 1945 had three dimensions: military, political and economic. A formidable military strength was deployed in the countries of the region, and Soviet troops intervened on three occasions. The Warsaw Pact bolstered Soviet military control over the area. There were intrusive political controls by various means. There was an outflow of resources from Eastern Europe to the Soviet Union. Trade relations were regulated. The currency system helped the dominance of the Soviet Union. Any threat to the security of an East European Communist régime was regarded as a threat to Soviet security as well.

## **International Conferences And Organizations**

In principle, international conferences and organizations are supposed to operate on the basis of equality. Countries participating in an international conference or members of an international organization express their will by their vote. Each country has one vote.

However, the most universal of the international organizations, namely the United Nations, constitutes the big exception to the rule. Indeed, the permanent members of the Security Council have the right to veto any resolution made by the council.

Another divergence from equality can be discerned in a supranational organization, the European Union. Max Jacobson, the former Finnish representative to the United Nations, in an article dated 15 September 2000 in the *International Herald Tribune*, indicates that the smaller countries are insisting on equality among member states of the union. This is because although the EU purports to be an organization of equal member states, the reality is that some members are more equal than others.

With the exception of the aforementioned cases, countries take great care as to their equality in international forums. Some examples may suffice to illustrate the subject.

For conferences with limited participation, we can take as examples meetings held on Cyprus and the Aegean continental shelf. The Geneva Conference on Cyprus was held in 1974. Turkey, Greece and the United Kingdom met following the crisis created by the Greek military, which toppled Makarios and declared the island annexed to Greece. Turkey responded with a military intervention based on her right of unilateral action stipulated in Article 4 of the Treaty of Guarantee. After intense discussions, the three foreign ministers adopted the Geneva Declaration. There was complete equality at that conference between the delegations. The entire organization of the meeting, starting with the shape of the conference table, was handled with great care.

The Berne Meeting was held in November 1976 between the representatives of Turkey and Greece in the wake of the crisis over the continental shelf in the Aegean Sea. The two parties signed the Berne Declaration, in which they agreed on the principles to be applied in talks concerning the delimitation of the continental shelf. They also agreed to refrain from any actions likely to affect these talks. At that meeting as well, complete equality between the two parties was the order of the day.

In larger conferences, especially those held under the auspices of the United Nations for adopting conventions, there should be true equality among the participating countries.

Regional organizations have, of course, limited membership. In Europe, the Council of Europe is an organization in which member states enjoy complete equality. The same can be said of the OECD. However, within the North Atlantic Treaty Organization, the primacy of the United States is well accepted.

With the exception of the Security Council, the United Nations adopts equality as a fundamental principle. In another large international organization, the Organization for Security and Cooperation in Europe, equality is of paramount importance. For any decision to be adopted, unanimity is required.

## **THE METHOD OF EQUALITY LINE**

If we take equality between two countries as a river running along their borders, we can fix the point where equality is at the optimum: It is situated on the median line. Around this line, where equality is maintained and safeguarded, relations between countries prosper.

In the case of rivers, the median line is determined by way of measurements on the riverbed, whereas in relations between countries, the optimum point can be found by using a particular method. Such a method should provide a continuous line running the entire distance between the two countries. We will call this the "equality line." In the river example, the objective is to allow a vessel to continue its journey without coming too close to the shore. In the case of states, relations should be conducted in such a way that equality will not be disturbed, the equality line not trespassed upon.

The construction of this equality line can be accomplished by fixing small lines one after another. As rivers meander, so do relations between countries. There is a change of direction from time to time, so the small lines follow a broken pattern.

How do we obtain the small line, which is the basic element of the system? The two countries must first make an effort to create the small line. For this, they should accept the principle that there is a beginning and ending point for each small line. The starting point of the line is the beginning of the negotiations. The end of the line will be reached when there is equilibrium between the interests of the two sides. According to the nature of the subject under discussion, the line will be a short one or a long one, a thick one or a thin one.

Let us take these several components in turn. First, the starting point of the system, which is negotiation. Several possibilities can be envisaged on the readiness of the parties to negotiate:

- Countries of equal strength and friendly disposition to one another may come to the negotiating table quite easily.
- It becomes more difficult when one of the countries desists from discussions for tactical reasons.
- It is equally difficult to induce powerful countries to sit and talk with a less strong partner.

Second, the finishing point of the line, or where the equilibrium between the interests of the two parties is established. At a certain point in the negotiations, the two countries will decide that their interests are safeguarded enough to sign an agreement. They have found the equilibrium.

Third, we should consider the bulk of the line, which is made up of negotiations. Negotiations will provide the line its shape and form. If the negotiations are long and difficult, the line will be a long one. If the negotiations are conducted on an important matter, the line will be a thick one. Let us look at different kinds of questions.

### *Political Questions*

These relate primarily to the sovereignty of states. Disputed areas are questions of this nature. Problems between Turkey and Greece in the Aegean Sea are an example. On the territorial waters, there is not much to be discussed, since the Turkish government has told the Greek government in no uncertain terms that in the event Greece decides to increase the extent of its territo-

rial waters beyond the six-mile limit, she will take whatever action is required to stop it. The delimitation of the continental shelf is, on the other hand, a question to be solved through negotiations. Within the framework of the equality line method, Turkey and Greece, through negotiations, can establish a small line adequate enough to improve their relations. This small line will strengthen the "equality" that is already supposed to exist between them.

#### *Military Questions*

These may also be closely related to sovereignty. Military cooperation and military assistance fall into this category. Negotiations on military cooperation can be complicated; therefore, the line may be a thick one. But, like political matters, they may positively affect relations between the two countries.

#### *Economic Questions*

Although important by their nature, negotiations on economic matters can sometimes be concluded in a short period of time. In this case, the line will be a short but thick one.

#### *Cultural Questions*

Negotiations on cultural matters are usually conducted between countries willing to have closer relations. Countries that experience difficulties in their relations do not negotiate cultural agreements. At a certain point in Turkish-Soviet relations, cultural matters could not be included on the agenda. The line formed by negotiations on cultural questions can also be short but thick.

#### *How To Obtain The Equality Line*

As in the case of the median drawn down the middle of a river, the equality line between the two countries will be formed by adding each of the small lines one after another. Line 1 may be for political questions, Line 2 for cultural matters, Line 3 for military problems and so on. To be able to have the equality line always running down the center, any deviation to the right or left should be compensated for at a certain point on the road.

#### *Uses Of The Equality Line*

This method provides the opportunity to establish equality between countries. A less powerful country can find the opportunity, at a certain stage of its relationship with a more powerful one, to assert its position. If an economic agreement does not fully satisfy a debtor country, this country can be compensated for in military matters. If Line 1 is tilted towards one side, Line 2 can lean over to the other side.

The method can also act as an incentive to negotiate difficult problems. The Aegean continental shelf is one such problem between Turkey and Greece. The two parties have to come to the negotiating table. If there could be agreement on a certain method, such as the method of equality line, negotiations would not cause fear. It will always be possible to compensate the results of one negotiation during another negotiation down the equality line.

## CONCLUSIONS

Conjuncture, freedom of action and equality, which I have chosen as the first set of concepts to assist in a systematic analysis of our international problems, were put to the test in the previous sections. They were first studied in a historical context, the capitulations. They were then examined in relation to topics of actuality. I found the concepts useful in clarifying the subjects I undertook to handle.

Conjuncture is a good tool when examining important events. In the case of the capitulations, Sultan Suleyman granted them to the King of France at a special conjuncture in the history of Europe, in 1535. Both the Sultan and the King needed each other's alliance against the Holy Roman Emperor, Charles V. As a gesture of friendship, but also for economic reasons, the Sultan granted privileges to the French merchants coming to the Ottoman Empire. Two centuries later, the Sultan was reduced to a position of having to make requests because of the conjuncture prevailing at the time. Consequently, the character of the capitulations also changed. In 1740, religious articles were included in the text of the capitulations. In addition, the capitulations could no longer be changed at will by each Sultan ascending the throne.

The Ottoman governments looked for a favorable conjuncture to rid the country of the capitulations, which had become a burden on the Empire. They took the first initiative during the Paris Congress of 1856. They tried again later in the century and at the beginning of the First World War, but to no avail. It was only when there was a real change in the conjuncture, after the victory of the Turkish Army, that at the Lausanne Conference the Western Powers accepted the abrogation of the capitulations.

Conjuncture also served well to explain the background of some of our major problems, namely those concerning Greece and Cyprus. England, France and Russia came together and signed a treaty at a particular conjuncture to solve problems relating to Greece. The final touch was applied when there was fear that an autonomous province could become a protectorate of Russia, and so Greece was made a fully independent state.

The question of Crete followed. The Great Powers had to await a suitable conjuncture in order to decide the fate of the island. In 1897, they determined that Crete would have an autonomous administration. The next year, the situation changed and they demanded that Ottoman soldiers be removed from the island. In 1907, they agreed that the Greek King would appoint the new High Commissioner. In this way, the annexation of the island to Greece was accomplished.

Two special conjunctures, the first and second world wars, also determined the fate of the Dodecanese, the 12 islands in the southern Aegean. The First World War enabled these islands to be transferred from Turkey to Italy. At the second conjuncture in 1945, Italy ceded the Dodecanese to Greece as war compensation.

Greece is currently making moves in the hope that a conjuncture favorable to her designs in the Aegean Sea might one day develop. Since the first Law of the Sea Conference in 1958, Greece has persisted in trying to push her demands on territorial waters, challenging the present six-mile limit. On the question of the continental shelf, she has provoked crisis situations. This happened first in 1976, against a Turkish vessel conducting research in international waters and again in 1995, with the Kardak rocks. Of course, Turkey countered all these attempts. Finally, Greece took her border disputes to the European Union Summit at Helsinki.

Greece's membership in the European Union also followed a pattern in line with the theory of conjuncture.

Cyprus is an issue where the application of the concept of conjuncture was clearly proven. In 1960, the prevailing conjuncture made it possible to create a partnership state between the Turkish and Greek Cypriots. At the time, Turkey and Greece were close partners in the North Atlantic Treaty Alliance. Later, when Makarios thought the non-aligned movement could help him in the annexation of the island to Greece, he did not hesitate to carry out an onslaught against the Turkish Cypriots. Enosis could not be achieved; however, he was able to expel the Turkish Cypriots from the administration and still pose as the legitimate government of Cyprus. The Greek side attempted enosis again in 1974, but, this time the international conjuncture was different, and Turkey was able to use its right of unilateral intervention stipulated in Article 4 of the Treaty of Guarantee. The present conjuncture, following the end of the Cold War, should be read carefully. The Greek side believes that the situation favors them, and they are taking several initiatives accordingly. The Turkish side counters them. The lesson of the new conjuncture could be that a solution based on the realities in Cyprus -- the existence of two states on the island -- will be the only feasible one.

The concept of conjuncture was also useful in tracing the development of some major international issues such as the reunification of Germany and the problem of Palestine.

Freedom of action is a concept well suited to analyzing the position of a country in relation to its surroundings. A country cannot exist in a vacuum; there are always physical and legal ties that bind it to other countries. Naturally, ties are stronger with neighbors and allies.

History shows how the freedom of action of the Ottoman Empire diminished in the 18<sup>th</sup> century. The capitulations played an important part in that. Employing the concept of freedom of action in examining the changes that occurred in the capitulations proved quite useful in our study. Already in 1670, when the time came to renew the capitulations with France, the French demanded some quite extended privileges. That was a sign that the Ottoman Empire was losing its freedom of action. This trend continued, and in 1740 the Ottoman government gave in and agreed to include articles that clearly reflect the fact that they could no longer grant capitulations as they chose. The most egregious article concerned the Catholic clergy in the Holy Land. Later, in the 1850s, this article became a bone of contention between France, protecting the interests of the Catholics, and Russia, championing those of the Orthodox. The Ottoman government was not able to apply its own authority in its own territory. It had lost its freedom of action.

When applied to present-day circumstances, the freedom of action of a country depends first on its neighbors. Russia, for many centuries, had an impact on the Ottoman Empire, and the Ottoman Empire had to fight many wars with that country. The Turkish Republic started out on a clean slate. In the beginning, there were good relations. But later, Russian demands on Turkish territory embroiled relations. Turkey rejected these demands, even when she was facing her huge neighbor alone. Turkey then joined the NATO alliance and was obliged to maintain a sizeable army for her own protection and that of her allies.

Syria and Iraq are two neighbors bordering Turkey in the south. Since they are a prolongation of the Arab countries in the Middle East, our relations with Syria and Iraq also affect the other Arab countries. During the Iran-Iraq War, Turkey maintained a position of neutrality. In that period, Turkey was able to have very good relations, both political and economic, with Iraq and the Arab countries in the Gulf. At a certain point in time, there were more than 100 Turkish construction companies working on projects in Iraq. Following the invasion of Kuwait by Iraq and the ensuing Gulf War, Turkey suffered in economic terms because rapport was lost with all these countries.

The Israeli-Arab and Israeli-Palestinian problems are important factors affecting Turkey. The political and economic ramifications are all too apparent. Peace in the area depends on a solution to this problem.

Geopolitics is a concept that is very useful in analyzing Turkey's present position. It can explain the opportunities and impediments that arise because of its location. Especially since the end of the Cold War, many geopolitical factors involving Turkey have come to the surface. Turkey is at the crossroads of rivalries. On the physical side, pipelines are to cross the country. Politically, relations with many countries in and around the region have assumed a new dimension.

Agreement is an important factor useful in illustrating restraints on the freedom of action of a country. States normally bind themselves of their own free will; therefore, they should respect the agreement (*pacta sunt servanda*). Turkey scrupulously adheres to this principle. Since the foundation of the Republic, Turkish governments have never gone back on their word as specified in the agreements they have concluded. At the same time, they have been very careful when entering into any commitment. Turkish governments have refrained from signing those agreements about which they have doubts and reservations. Turkey did not sign the 1982 Law of the Sea Convention because she had several reservations about it, and there was no possibility of registering those reservations. Turkey also refrained from signing the U.N. Convention on the Non-Navigational Uses of International Watercourses because it did not satisfy Turkey's requirements; the convention failed to establish a balance between the upper and lower riparian states.

The concept of equality may serve to examine the position of countries in a comparative way. Each country has a certain place in the community of nations. This place does not necessarily depend on the power or wealth of that country. Many times, it must be earned the hard way.

As an historical phenomenon, the capitulations show the ups and downs experienced by the Ottoman Empire. At the beginning, the capitulations were granted on the basis of reciprocity. Privileges were granted to foreign merchants in return for political and economic advantages. This balance was later upset with the declining power of the Ottomans. This resulted in European states establishing their supremacy over the Ottoman Empire. The Ottoman governments tried to redress the balance, but they were unsuccessful. They also were not strong enough to abrogate them. It was only at the Lausanne Conference that Turkey was able to secure the abrogation of the capitulations.

In our day, equality may sound like a utopian concept. But if equality is not taken into consideration, the lack of it is of a nature to upset and poison relations. When equality is observed, however, relations between countries can only benefit from this attention. All sorts of questions -- political, military, economic -- have to be handled in such a way that equality is respected. Indeed, the basic principle of international relations is reciprocity.

The same goes for agreements. Except in some peace treaties where the will of the winning side can be imposed, there should be consent and equality. The Lausanne Treaty is a good example of a peace treaty negotiated and signed between equals.

## ENDNOTES

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