THE TREATY OF LAUSANNE OF 1923 AND THE TREATY OF PARIS OF 1947 (AEGEAN SEA TREATY REGIMES) UNDER AMERICAN LAW (ABSTRACT)

By Nicholas G. Karambelas, Esq.

The Treaty of Lausanne of 1923 and the Treaty of Paris of 1947 (referred to as the Treaties and the Treaty Regimes) establish a boundary regime. States that are the parties to the Treaties have an *obligation* to observe the boundary regime and non-party States have a *duty* as members of the international community to respect and perpetuate the boundary regime established by the Treaties. The United States has both a treaty obligation as a party to the Treaty of Paris and a treaty duty with respect to the Treaty of Lausanne as a non-party.

Turkey apparently raises three legal issues with respect to the Treaty Regimes: (1) Greece obtained sovereignty only over those islands specifically named in the Treaties, (2) The maritime boundary between the Dodecanese Islands and Turkey is not legally binding because the instrument setting that boundary was not registered as required by the League of Nations (3) because Greece militarized the Northern Islands and the Dodecanese in violation of the de-militarization provisions of the Treaties Turkey may suspend or terminate the Treaties.

American policymakers must recognize that the United States has a legal obligation and a legal duty to preserve and perpetuate the integrity and stability of the Treaty Regimes. that establish boundaries. If the Treaty Regimes in the Aegean can be ignored or undermined by anachronistic and tactical legal arguments, then any one of the many treaty regimes that establish maritime boundaries to which the United States is a party can also be ignored or undermined.

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Since ancient times, agreements and relationships between or among sovereigns have formed the basis of international law as that body of law is understood in the 21st century. Treaties are the most significant source of international law. The Statute of the International Court of Justice (ICJ) specifies "international conventions, whether general or particular, establishing rules expressly recognized by contesting States" as the primary source of international law applied by the ICJ in deciding disputes.[1]

A treaty is defined as a written agreement by which two or more States or international organizations create or intend to create a relationship between themselves that operates within the sphere of international law.[2] The Vienna Convention on the Law of Treaties of 1980 defines a treaty as simply "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation."[3] It is tempting to view treaties as the same in concept and function as contracts in domestic law. To a certain extent the comparison is valid in that, like contracts in domestic law, treaties create legally binding obligations between the parties. However, treaties differ from contracts in two significant respects, one, no compulsory forum exists in which to enforce the treaty unless the parties have otherwise agreed and, two,

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[1] ICJ Statute Art 38.1(a)

[2] McNair, *Law of Treaties*, (Oxford 1961) p.1-6

[3] Vienna Convention on the Law of Treaties, Art 2(1)(a)

while a treaty creates specific legal obligations between the parties, it also creates duties in the parties under international law.

It has been said that a treaty is merely a "scrap of paper" so that a State will only comply with their treaty obligations only if compliance is consistent with the political interests of the State. Yet experience demonstrates that, in the 19th and 20th Centuries and certainly after the Second World War, States have generally observed the principle that, once the State has undertaken a treaty obligation, the State must carry out that obligation in good faith. Known in international law as the principle of *pacta sunt servanda,* treaties are presumed valid and binding and cannot be unilaterally terminated or altered by a State.[4] This principle applies with particular force to treaties that establish physical boundaries between States. Because of their subject matter, such boundary treaties are intended to create an enduring stability with respect to political boundaries. Such treaties would not serve much of a purpose if a State could unilaterally terminate or alter the boundaries set by the treaty.

It is with reference to these concepts of the law of treaties that the Treaty of Lausanne of 1923 and the Treaty of Paris of 1947 (referred to as the Treaties and the Treaty Regimes) and their status in American law must be considered. Because the Treaties establish a boundary regime, States that are the parties to the Treaties have an *obligation* to observe the boundary regime and non-party States have a *duty* as members of the international community to respect and perpetuate the boundary regime established by the Treaties. The United States is in the somewhat unique position of having a treaty obligation as a party to the Treaty of Paris as well as

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[4] Brownlie, *Principles of Public International Law* (Oxford 6th Ed 2003) p 591-2; McNair, *Law of Treaties*, (Oxford 1961) chap 30

a treaty duty with respect to the Treaty of Lausanne as a non-party.[5]

I. OVERVIEW OF THE TREATY REGIMES GOVERNING THE AEGEAN SEA ISLANDS.

Greece obtained its legal title to and sovereignty over the land and waters of the Aegean Sea, not through military conquest or some vague historical claim, but through the Treaties. Under international law, legal title to territory that is obtained through treaty has been deemed the strongest form of legal title.[6] The Treaty Regimes that govern the Northern Islands and the Dodecanese, respectively, differ from one another. The Treaty of Lausanne contains the boundary regime for the Northern Islands of the Aegean Sea. The Treaty of Paris contains the boundary regime for the Dodecanese.

A. The Northern Islands and the Treaty of Lausanne

Between 1878 and 1913 Greece seized the islands of Limnos, Lesbos, Chios, Samos & Ikaria from the declining Ottoman Empire through a series of military actions premised primarily on the existence of substantial Greek populations on those islands. By 1913, Greece exercised *de facto* control over these islands. However, Greece did not have legal title to the islands because it came to possess the islands through military conquest. The Treaty of Lausanne ended the First World War in the east and as well as the post-War hostilities between Greece and the newly-formed Republic of Turkey. The Treaty of Lausanne granted legal title to Greece over to the islands over which Greece had exercised de facto control for about 10 years. In deciding small islands and islets located around the Northern Islands were to be under Greek sovereignty and

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[5] The United States did send observers to the deliberations that culminated in the Treaty of Lausanne.

[6] *Island of Las Palmas Arbitration,* RIAA ii.829; Hague Court Reports, ii.83.

which of those small islands and islets were to be under Turkish sovereignty, the drafters of the Treaty simply confirmed the situation that had existed for the preceding 10 years. Rather than draw a geometric maritime boundary, the drafters simply declared that islands that were less than 3 miles from the "Asiatic coast"shall be under Turkish sovereignty.[7] The 3-mile area is measured from the coastline and not from any coastal islands.[8]

B. The Dodecanese and the Treaty of Paris

Unlike the Northern islands, Greece never had exercised either *de facto* control or sovereignty over the Dodecanese in modern times. Italy took *de facto* control of the Dodecanese from the Ottoman Empire in 1912 following a short armed conflict referred to in history as the Italo-Turkish War. During negotiations for the Treaty of Lausanne, Greece actively sought possession of the Dodecanese based on the existence of a substantial Greek majority in the population of those islands. In 1920, the Senate of the United States passed a resolution calling on the peace conference to award the Dodecanese to Greece.[9] However, Italy rather than Greece was ultimately granted legal title to the Dodecanese in the final version of Treaty of Lausanne. The Dodecanese remained under Italian sovereignty until they were ceded to Greece by Italy under the Treaty of Paris, which ended the Second World War between the Allies and Italy.

The United States is a party to the Treaty of Paris. The President Truman signed it on

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[7] Article 12, Treaty of Lausanne of 1923

[8] Ibid.

[9] See Senate Resolution 324, Vol. 59 Part III Congressional Record 7160 (May 17, 1920). This resolution also called on the Treaty of Lausanne peace conference to award Northern Epirus and western coast of Asia Minor to Greece.

February 10, 1947. The United States Senate advised that it be ratified on June 5, 1947.[10] The Treaty was then ratified by President Truman on June 14, 1947. It was deposited under its terms on September 15, 1947. It was proclaimed by President Truman on September 15, 1947 and also entered into force on September 15, 1947.

II. INTERNATIONAL LAW AND TREATIES UNDER AMERICAN LAW

A. International Law as the Law of the United States

The Constitution of the United States does not expressly state that international law is the law of the United States. However, when the United States became a nation in 1783, it followed the legal tradition of Great Britain and became subject to "that system of rules which reason, morality, and custom had established among the civilized nations of Europe, as their public law."[11] Early in the existence of the United States, the Supreme Court of the United States affirmed this principle when it ruled that the once the United States took its place among nations it became "amenable to the law of nations."[12] Consequently, customary international law as it has developed and continues to develop is the law of the United States and must be applied by the courts of appropriate jurisdiction in the United States in cases involving questions of international law.[13]

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[10] 61 Stat. 1245 (1947); The citation "Stat." is an abbreviation for U.S. Statutes at Large which is a reporting system that contains the official texts of all laws enacted by the United States Government. Any law or treaty that appears in the U.S. Statutes at Large is federal law and legally binding. The Treaty of Paris of 1947 (English translation) is re-printed in full in the U.S. Statutes at Large and its citation is 61 Stat. 1369 (1947). The citation to Article 14 under Section V-Greece (Special Clause) of the Treaty is 61 Stat. 1377-1378 (1947).

[11] Kent, *Commentaries on American Law*, 1 (1826)

[12] *The Nereide*, 13 US (9 Cranch.) 64 (1804)

[13] *The Paquete Habana*, 175 US 677 (1900)

Treaties in general are primary sources of customary international.

B. Treaties as the Law of the United States

The Constitution is explicit with respect to the legal status of treaties. Under Article VI of the U.S. Constitution, the treaties are the "supreme law of the Land." Under Article III, Section 2 of the U.S. Constitution, any case that arises under any treaty are "within the Judicial Power of the United States". Consequently, treaties to which the United States is a party have the same legally binding force as do federal statutes. However, just as a federal statute must be constitutional, no treaty to which the United States is a party is enforceable unless it is consistent with the U.S. Constitution.[14]

III. PRIMARY LEGAL ISSUES UNDER THE TREATY REGIMES

For most of the time after the Treaties took effect until 1973, neither Greece, Turkey nor any other nation raised any legal issue or question with respect to the maritime boundaries established by each Treaty in any formal or systematic way. In 1973, Greece authorized exploration activities in the northern Aegean Sea for oil. Turkey countered by granting exploration rights to its state-owned oil company and sent research vessels into areas of the Aegean Sea that are Greek territorial waters under the Treaties and, in effect, formally claimed a right to these waters and the continental shelf.[15] After Turkey invaded Cyprus in 1974, relations between Greece and Turkey were as tense as any time since 1922. The claims of Turkey in the

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[14] *Reid v. Covert,* 354 US 1 (1957)

[15] Athanasopulos, *Greece, Turkey and the Aegean Sea*, (McFarland & Co. 2001) chap 3

Aegean Sea became a critical national issue in Greece.[16]

The Imia Crisis of January, 1996 serve to clarify the legal claims of Turkey and the legal position of Greece with respect to the Dodecanese. The Imia Crisis began in late December, 1995 when, following a non-military maritime accident, Turkey made a territorial claim to two small uninhabited islets in the Dodecanese that Greece called Imia and Turkey called Kardak. Greece rejected those territorial claims and maintained that Imia was part of the Dodecanese over which Greece was granted sovereignty in the Treaty of Paris of 1947. Greece and Turkey nearly engaged in an armed conflict over the islets.[17]

In the absence of a formal legal proceedings, the legal issues raised by Turkey must be gleaned from public statements of Turkish officials, press reports and scholarly papers.[18] The primary legal issues appear to be as set forth in A through C below.

A. Greece obtained sovereignty only over those islands specifically named in the Treaties.

The fundamental Turkish legal position appears to be that Greece obtained sovereignty only over islands specifically named in each Treaty. Consequently, because Turkey claims a 6-mile territorial limit in the Aegean Sea, any island or islet that is within 6 miles of the Turkish

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[16] See UN Security Council Resolution 395, *UN Doc S/12167;* Greece unilaterally applied to the International Court of Justice (ICJ) which denied the application on jurisdictional grounds, *Aegean Sea Continental Shelf, Interim Protection, Order of Sept. 11, 1976, ICJ Rep 3;* See generally Gross, *The Dispute Between Greece and Turkey Concerning the Continental Shelf in the Aegean,* 71 Am J Int Law 321 (January, 1977).

[17] For a brief recounting of the events see "Greece and Turkey: The Rocky Islet Crisis" by Carol Migdalovitz, CRS Report, No. 96-140 F dated February 14, 1996 p.1-2. For a press account of the events see "*US Brokers Peace Accord in the Aegean*" by Steven Engelberg NY Times, January 31, 1996 A6.

[18] See generally, *The Aegean Sea 2000: Proceedings of the International Symposium on the Aegean Sea May 5-7, 2000 Bodrum, Turkey.* ed. Bayram Ozturk

coast and which was not an island that was expressly named in either of the Treaties as an island over which Greece was granted sovereignty, remained under or reverted to the sovereignty of the Republic of Turkey as the successor state to the Ottoman Empire. By this logic, Turkey has apparently also asserted that since the treaty that ceded Crete to Greece did not mention the small islands of Gavdos and Gavdopoula which lie just south of Crete, that Turkey retains sovereignty over those islands.[19]

With respect to the Treaty of Lausanne, the foregoing claim by Turkey simply contravenes the express language of that Treaty. The Treaty unambiguously states that the islands situated less than 3 miles from the Asiatic coast remain under Turkish sovereignty.[20] Under the international law of treaties, whether as that law existed at the time the Treaties took effect or under contemporary law, a term or provision is interpreted according to its ordinary meaning in context and in furtherance of the purpose of the treaty.[21] The law of the United States on treaty interpretation is more narrow than the international law. The United States courts will not even consider the context or purpose of the treaty if the term or provision is clear and unambiguous.[22] Under either the international law or the United States law, the 3 mile maritime boundary is the physical measure of the boundary. Arguing that the 3 mile boundary is actually a 6 mile boundary

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[19] *Ibid.* Saltzman, *A Legal Survey of the Aegean Issues of Dispute and Prospects for a Non-Judicial Multidisciplinary Solution*, p.182

[20] Art. 12 of the Treaty of Lausanne of 1923

[21] Brownlie, supra. n.4 at p.602-603; See also Vienna Convention n.3 *supra.* at Art. 31.

[22] *Sumitomo Shoji America Inc. v. Avagliano*, 457 US 176 (1982); Straubel, *Textualism, Contextualism, and the Scientific Method in Treaty Interpretation: How Do We Find the Shared Intent of the Parties?* 40 Wayne State Law Rev 1191 (Spring 1994)

merely because Turkey has declared a 6 mile territorial sea limit in the Aegean simply alters the express terms of the Treaty and the intent of the parties.

With respect to the Treaty of Paris, Turkey asserts that the 1932 Convention and the 1932 Protocol to the Treaty of Lausanne which set the maritime boundary between the Dodecanese and Turkey were nullified by the Treaty of Paris because that Treaty does not refer to either the 1932 Convention or the 1932 Protocol.[23] Turkey concludes that issue of sovereignty over any island or islet that is not expressly enumerated in Article 15 of the Treaty of Lausanne remains as it existed in 1923 between Italy and Turkey when there was no agreement as to the maritime boundary between the Dodecanese and Turkey as well as the sovereignty of the unenumerated islands or islets. There appear to have been some practical reasons, unrelated to whether the 1932 Convention and 1932 Protocol are legally binding, for not including a reference to either instrument in the Treaty of Paris. In any event, it is well settled in international law that when a nation succeeds to the territory of another nation, the successor nation acquires all rights, title and interest in the territory that the granting nation possessed.[24] There is no cognizable principle in international law that would deprive the successor nation of any right, title or interest merely because the instrument under which the successor nation acquired sovereignty does not refer to each pre-existing agreement or treaty to which the territory is subject.

B. The Maritime Boundary between the Dodecanese Islands and Turkey is not legally binding because the instruments setting that Boundary were not registered as

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[23] See description of the 1932 Convention and the 1932 Protocol in Background in B, *infra.*

[24] See generally Brownlie, *supra.* n.4 at Chapter 29.

required by the League of Nations.

1. Background

Unlike the Northern Islands, Greece never exercised de facto control over the Dodecanese at any time since Greece became an independent nation in 1830. When Greece was granted sovereignty over the Dodecanese by the Treaty of Paris, Greece received those territorial rights in the Dodecanese that Italy had been granted in the Treaty of Lausanne of 1923 and which Italy possessed at the time that the Dodecanese were ceded to Greece.

Article 15 of the Treaty of Lausanne, by which Italian sovereignty over the Dodecanese was confirmed, did not set a maritime boundary by which it could be determined which of the islets of the Dodecanese were under Italian sovereignty and which were under Turkish sovereignty. Unlike Article 12 of the Treaty of Lausanne which confirmed the 3-mile maritime boundary, a determination as to which smaller islands or islets would be under Italian and Turkish sovereignty respectively could only be made by interpreting the clause "islets dependent thereon" meaning islets dependent on the Dodecanese that are named in Article 15. Consequently, while Italy and Turkey executed the Treaty, they did not agree, as a practical matter, as to which of the islets in the Dodecanese were under Italian and Turkish sovereignty, respectively.

Italy and Turkey negotiated sporadically over the issue during the 1920s. In 1929, they asked the Permanent Court of International Justice (referred to as PCIJ) to decide which of an enumerated list of islets belonged to Italy and Turkey respectively under the Treaty. That list that did not include Imia.[25] Italy and Turkey continued to negotiate while the PCIJ considered a

[25] See P.C.I.J. *Delimitation of the Territorial Waters,* Series C, No.61.The Permanent Court of International Justice was established by the League of Nations to hear and resolve disputes between nations. It was the predecessor court to the International Court of Justice

jurisdictional issue. In 1932, Italy and Turkey reached an agreement and jointly withdrew the case from the PCIJ. That agreement was memorialized in a Convention and a Protocol annexed to the Convention.

The Convention dated January 4, 1932 sets forth an agreement as to the respective sovereignty of the islets enumerated in the list submitted to the PCIJ and a geometric maritime boundary between the area around the island of Kastellorizion and the coast of Turkey.[26] The Convention was duly registered with the Secretariat of the League of Nations under Article 18 of the League of Nations. Italy and Turkey further agreed to resolve the sovereignty of the islets that had not been listed in the Convention by convening a technical committee that would designate a maritime boundary between the remaining islets of the Dodecanese and Turkey. The activities of that committee culminated in the Protocol dated December 28, 1932 (also referred to as a Proces Verbal) that delineates a geometric maritime boundary between the remaining islets of the Dodecanese and Turkey and lists by name each such islet and its sovereignty. The Protocol expressly places under the sovereignty of Italy the islets of Imia as well as other islets that would be under Turkish sovereignty if the 6-mile zone argument were accepted. When Greece was granted sovereignty over the Dodecanese in the Treaty of 1947, it succeeded to all right, title and interest that Italy possessed in the Dodecanese including the 1932 Convention and the 1932 Protocol. The maritime boundary and recognition of sovereignty over the islets set by the 1932 Convention and the 1932 Protocol have been and are the internationally recognized maritime boundary.

(referred to as ICJ) which is established by the United Nations.

[26] 138 L.N.T.S. 243

2. Non Registration under the League of Nations

Few legal issues are more archane than the issue of whether or not a treaty or an international engagement concluded by member states of the League of Nations is legally binding if it was not registered with the League of Nations. Article 18 of the Covenant of the League of Nations required that every treaty or international engagement between member states be registered. The 1932 Convention was duty registered but the 1932 Protocol was not registered. Turkey takes the narrow literalist position that because the 1932 Protocol which describes the actual maritime boundary was not registered, the maritime boundary set forth in the 1932 Protocol is not binding on Turkey.

The registration requirement was controversial from the beginning of the League of Nations. Even contemporary practitioners differed as to the scope and meaning of the requirement.[27] The purpose of the registration requirement was to make every treaty or international engagement available to the public. This requirement arose in the aftermath of the First World War because it was generally believed that a cause of the War was secretly negotiated and secretly concluded treaties that bound nations to act in belligerent ways in which they would not otherwise have acted had the treaties been public.[28]

There are several compelling arguments supporting the position that the 1932 Protocol is binding even though it was not registered. As long as the purpose of the registration requirement was served, *i.e.* that the terms of the 1932 Protocol were not kept secret then there is no reason

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[27] See generally Brandon, "The Validity of Non-Registered Treaties", The British Year Book of International Law 1952, p.186-204; McNair, *Law of Treaties*, *supra.* n.2 at p.178-185

[28] *Ibid*.

for nonregistration to affect the legally binding nature of any agreement that the parties clearly intended to be legally binding.[29] Also, there is no evidence that the registration requirement by itself was meant to conclusively determine whether an otherwise legally sufficient agreement was legally binding especially where the underlying purpose of the registration requirement had been served. Moreover, the 1932 Protocol was not a free standing agreement but rather a technical annex or supplement to the 1932 Convention which was registered. Therefore, as a supplement rather than an independent agreement, it need not be registered since Article 18 of the League of Nations Covenant required only that treaties or international engagements be registered.

Arguing the scope and effect of the registration requirement under the League of Nations Covenant is ultimately the type of legal issue that will remain an academic exercise until the International Court of Justice (ICJ) rules on the issue. While it is unconstructive to speculate on how the ICJ would rule on the issue, it is significant that the drafters of the United Nations Charter included a registration requirement similar to the registration requirement in the League of Nations Covenant but conspicuously eliminated the clause that rendered an agreement or treaty non-binding if it was not registered.[30] It is also significant that Turkey as well as the international community has affirmatively recognized the maritime boundaries and sovereignty set forth in the 1932 Convention and 1932 Protocol for more than 60 years before the Imia Crisis. There is no reported case law from any court of the United States on the registration requirement. The United States would simply follow any ICJ ruling on the issue.

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[29] See *South West Africa Cases (Preliminary Objections)*, 1962 ICJ Rep 318 (1962) in *obiter dicta* p. 332

[30] Article 102, United Nations Charter

C. Because Greece militarized the Northern Islands and the Dodecanese in violation of the de-militarization provisions of the Treaties Turkey may suspend or terminate the Treaties.

Under each Treaty, the Northern Islands and the Dodecanese were demilitarized. Because Greece had re-militarized these islands, Turkey argues that Greece has materially breached each of the Treaties. Turkey is therefore entitled to suspend or terminate its observance of the Treaties.[31]

Unlike the other Northern Islands, Limnos and Samothraki were demilitarized in a document that was executed at the same time at which the Treaty of Lausanne was executed called the Lausanne Convention on the Straits. The Montreux Convention on the Straits of 1936 superceded the Lausanne Convention and enabled the militarization of those islands so that the re-militarization argument fails with respect to Limnos and Samothraki.[32] The Montreux Convention did not, however, affect the demilitarized status of Lesbos, Chios, Samos and Ikaria and, in fact, that Convention confirmed the demilitarized status of those islands.

The militarization issue arose after Turkey invaded Cyprus in 1974. Greece militarized the islands in response to an actual, not a perceived, threat to its national security when Turkey demonstrated that it would use armed force in violation of international law to achieve its foreign policy objectives. Turkey formed an "Army of the Aegean" that had no NATO mission but had an amphibious capability.[33] The obligation to demilitarize the Northern Islands cannot be

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[31] See Adam, *Military Status of the Aegean Islands* in *The Aegean Sea 2000 supra.* n.18 p. 205

[32] See discussion in Schmitt, *Aegean Angst: The Greek-Turkish Dispute* 49 Naval War College Review 42 at p.62-63 (Summer 1996).

[33] Ibid. p.62

interpreted to preclude Greece from taking measures to exercise legitimate self defense under Article 51 of the United Nations Charter.

The Dodecanese were also de-militarized under the Treaty of Paris of 1947. As with the Northern Islands, the de-militarization provision cannot be interpreted to preclude measures of legitimate self defense. Moreover, Turkey is not a party to the Treaty of Paris of 1947 because Turkey was not a member of the Allied Powers during the Second World War. Turkey would have no standing to complain about any alleged breach of that Treaty.

The de-militarization issue is primarily a political issue and not a legal issue. The Bush Administration has promulgated a pre-emption doctrine under which the United States is entitled to take unilateral action to pre-empt a threatened attack.[34] It is unlikely that the United States could credibly take the position that Greece violated the Treaties by taking measures to defend its territory in the face of the Turkish actions in the Aegean and Cyprus.

III. CONCLUSION

Whatever the status of the Treaties may be under the law of the United States, American policymakers tend to view the Treaty Regime disputes and other disputes between Greece and Turkey as parochial matters that derive primarily from ancient animosities. In doing so, they ignore the fact that the United States is party to a number of treaty regimes that establish American boundaries and sovereignty, such as the Great Lakes, the Gulf of Maine and Alaska, some of which are even older than the Treaty Regimes. For this reason, the United States has a national interest in preserving and perpetuating the integrity and stability of treaty regimes that

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[34] For a discussion of the legal aspects of the pre-emption doctrine see Smitherman, *The Doctrine of Pre-Emption and the Use of Force under International Law,* Oriel College Oxford at www.law.hull.ac.uk.

establish boundaries.

If the Treaty Regimes in the Aegean can be ignored or undermined by anachronistic and tactical legal arguments, then any treaty regime to which the United States is a party can also be ignored or undermined. U.S. policymakers should recall that a treaty regime older than either the Treaty of Lausanne or the Treaty of Paris sets a vital maritime boundary of the United States. The Russian North America Treaty of Cession of Alaska of 1867, under which the United States acquired legal title to Alaska, contains a geometric maritime boundary that derives from a 1825 treaty between Russia and Great Britain.[35] The regime established by the Treaty has governed the delineation of the maritime boundary between the United States and Russia continuously for over 130 years.

Turkey urges that sovereignty in the Aegean be considered a political issue that should be resolved by negotiation rather through a legal forum.[36] Turkey would have the Treaty regimes considered to be merely anachronistic general statements of principles to govern relations in the Aegean rendered substantially irrelevant by the passage of time and changed circumstances. It seeks to avoid having the Treaties deemed to contain specific and binding legal rights and obligations. Turkey considers the Aegean to be a "special case" subject to political resolution and not subject to treaties, international laws and principles that years ago settled the sovereignty issues in the Aegean.

The State Department and the White House abet this position every time they call on the parties to negotiate and settle their differences "amicably" rather than urging Turkey to accept the

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[35] Article I, Treaty of Cession of Alaska, 15 Stat. 539; U.S. Treaty Series 301.

[36] See generally *The Aegean Sea 2000 supra.* n.18

legal and established Treaty Regimes. The European Parliament of the European Union (EU) recognizes the Treaty Regimes including the 1932 Convention and 1932 Protocol as the maritime boundaries of Greece and therefore as the external maritime boundaries of the EU.[37] A concurrent resolution was introduced in the House of Representatives of the United States which, if passed, would express the sense of Congress that the Treaty Regimes establish the maritime boundaries between Greece and Turkey and that any party, including Turkey, who objects to the established boundaries should apply to the ICJ.[38] The resolution is an effective and succinct statement of American law with respect to the Treaty Regimes and of the American policy, as it should be, with respect to the Treaty Regimes.

[37] Resolution of the European Parliament dated February 15, 1996; See also Declaration Adopted by the 15 Ministers of Foreign Affairs of the EU dated July 15, 1996.

[38] H. Con. Res. 137, 109th Congress 1st Session; introduced on April 21, 2005 by Rob Andrews (D-NJ), Carolyn B. Maloney (D-NY), James McGovern (D-MA) and Diane E. Watson (D-CA) at the initiative of the American Hellenic Institute of Washington, D.C. and referred to the House Committee on International Relations.