Title: Fault lines under strain: Greece-Turkey conflicts and NATO cohesion on the South-Eastern flank

Abstract: The NATO alliance rests on the principle of cohesion and collective defence. Yet two of its members, Greece and Turkey, remain locked in a series of unresolved disputes that constantly test this principle. These include maritime boundaries, and sovereignty claims over Aegean islands; the legal and political status of the Muslim minority in Thrace and the Greek Orthodox communities in Turkey; the contested role of the Ecumenical Patriarchate; and symbolic conflicts such as the reconversion of Hagia Sophia. The Cyprus question remains the most enduring fault line: the 1974 invasion, the establishment of the unrecognised "Turkish Republic of Northern Cyprus" as a puppet state, the landmark *Loizidou v. Turkey* ruling at the European Court of Human Rights continue to fuel instability. These are only some of the issues that strain relations between two key NATO allies. Understanding their impact is crucial for assessing the credibility of the Alliance's South-Eastern flank.

Tensions between Greece and Turkey fall outside – or at least place continuous pressure on – the fundamental principles of the NATO Treaty: the peaceful settlement of disputes (Art. 1), cooperation and the promotion of stability (Art. 2), the development of collective defence capacity (Art. 3), and the prior consultation mechanism (Art. 4). Above all, these tensions raise doubts about the practical applicability of Article 5, the Alliance's essential collective-defence clause, prompting the question of what would occur whether two member States come into direct conflict with one another.

Tensions between Greece and Turkey reached their peak in the first half of the twentieth century, although the roots of this longstanding conflict run much deeper and can be traced back to the centuries of Ottoman rule over the Hellenic territories.

The rivalry between the two countries, both NATO members since 1952, found its first structural point of friction in the redrawing of borders following the First World War. The 1920 Treaty of Sèvres, which provided for the transfer to Greece of the entire region of Thrace, the islands of Imbros and Tenedos, and the administration of Smyrna, imposed territorial conditions that Turkey perceived as incompatible with its own survival as a State[1].

[1] *Treaty of Peace with Turkey (Treaty of Sèvres)*, signed at Sèvres, 10 August 1920, Section V "Greece", art. 84, p. 24.

This situation triggered the nationalist reaction led by Mustafa Kemal Atatürk, which culminated in the Greco-Turkish War of 1919–1922 and the subsequent collapse of the settlement envisaged by the Treaty of Sèvres. The downfall of the Greek forces in Asia Minor rendered the treaty inapplicable and led to its replacement by the 1923 Treaty of Lausanne[2].

The Treaty of Lausanne defined the borders of the modern Republic of Turkey, which since then have largely coincided with the course of the Evros River, now the territorial boundary between the two States, thereby nullifying all the territorial gains awarded to Greece in 1920[3].

During the negotiations of the Treaty of Lausanne, the Turkish delegation insisted on the removal of the Ecumenical Patriarchate from Constantinople. The issue became one of the main obstacles in the work of the Sub-Commission, until the then Minister of Foreign Affairs, İsmet İnönü, agreed to allow the Patriarchate to remain in the city on the condition that it limit its functions strictly to religious matters[4].

The Treaty, however, introduced a compulsory population exchange. Unlike the voluntary exchange provided for in the 1919 Treaty of Neuilly-sur-Seine between Greece and Bulgaria, the *Convention Concerning the Exchange of Greek and Turkish Populations* of 30 January 1923 established the forced transfer of Orthodox Greeks residing in Turkey and Muslims residing in Greece. Only two categories of persons were exempted from the exchange under Article 2 of the Convention: the Greeks of Constantinople and the Muslims of Western Thrace.

To these exceptions were added the inhabitants of the islands of Imbros and Tenedos, who were protected under Article 14 of the Treaty of Lausanne through a regime of local autonomy.

From these exclusions emerged the Muslim minority of Western Thrace in its current legal form, the only minority in Greece subject to specific international obligations. With the entry into force of the Treaty of Lausanne, this population found itself included within the borders of the Greek State, thereby consolidating the minority structure that remains in place to this day.

Only the international minority-protection regime survived from the Treaty of Sèvres; it was subsequently incorporated into the minority chapter of the Treaty of Lausanne (Arts.

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[2] P. S. LADAS, *The exchange of minorities: Bulgaria, Greece and Turkey*, New York, The Macmillan Company, 1932, p. 335

[3] *Treaty of Peace of Lausanne*, signed at Lausanne, 24 July 1923, Section I (*Territorial Clauses*), art. 2., p. 126

[4] P. S. LADAS, *The exchange of minorities: Bulgaria, Greece and Turkey*, New York, The Macmillan Company, 1932, p. 343

37–45), which remains the bilateral legal framework still in force between Greece and Turkey.

Despite the fact that most minority treaties of the League of Nations are to be regarded as lapsed in light of the principle *rebus sic stantibus* and the evolution of the international legal order, this decline did not affect the minority provisions of the Treaty of Lausanne. This was clarified in 1951 by the Secretary-General of the United Nations through a memorandum addressed to the Commission on Human Rights[5]. While acknowledging the extinction of the Geneva system of collective minority protection, the memorandum stated that special regimes of protection based on bilateral treaties continued to exist and remained binding upon the parties.

Among these, explicit reference was made to the special regime between Greece and Turkey established by the Treaty of Lausanne. As a result, while the other interwar minority treaties ceased to produce legal effects, the provisions concerning the Muslim minority of Western Thrace retained full legal force. The system for the protection of the Muslim minority in Greece thus survived as a bilateral exception to the demise of the broader Geneva system, resting not on collective guarantees by the international community, but on reciprocal obligations directly undertaken between Greece and Turkey[6].

Contemporary practice likewise confirms the enduring validity of the Treaty of Lausanne. In its 2005 *Memorandum by the Secretariat*, the United Nations referred to a decision of the Greek Council of State dated 5 October 2000, which held that the 1913 Treaty of Athens had ceased to be in force, having been entirely superseded by the subsequent 1923 Treaty of Lausanne. The UN document thus highlights that, among the minority agreements of the interwar period, only the Lausanne provisions remain binding upon Greece and Turkey[7].

Nearly fifty years later, a new rupture reignited tensions between Greece and Turkey: the occupation of the northern part of Cyprus by the Turkish army in 1974. The intervention took place at a moment of acute instability, as Greece was still under the military junta of the Colonels, a circumstance that facilitated the Turkish operation. Immediately after the invasion, the Security Council adopted a series of urgent resolutions calling for a ceasefire, the withdrawal of foreign forces, and respect for the territorial integrity of the Republic of Cyprus.

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[5] E/CN.4/367/Add.1
[6] E/CN.4/367/Add.1
[7] A/CN.4/550, The Effect of Armed Conflict on Treaties

The issue took on a new dimension in 1983, when the so-called *Turkish Republic of Northern Cyprus* (TRNC) was unilaterally proclaimed. The Security Council reacted immediately with two key resolutions: first, Resolution 541/1983, which declared the declaration of independence legally null and void and called upon all States not to recognize any Cypriot entity other than the Republic of Cyprus; and second, Resolution 550/1984, which reiterated this prohibition, condemning any initiative aimed at promoting the recognition or legitimization of the TRNC.

The substance of these two resolutions has been reaffirmed repeatedly over the years. In particular, Resolutions 2587/2021, 2674/2023, and, most recently, 2723/2024 explicitly reiterate Resolutions 541 and 550, confirming the illegality of the TRNC.

The international nullity of the TRNC also emerges from general parameters of international law. As clarified by Article 1 of the 1933 Montevideo Convention, the TRNC cannot be classified as a State, as it fails to meet the minimum criteria of statehood: a permanent population, a defined territory, an independent government, and the capacity to enter into relations with other States.

The same conclusion has been consistently affirmed in the case-law of the European Court of Human Rights.

In the case of *Loizidou v. Turkey*, the Court held Turkey internationally responsible for a continuing violation of Article 1 of Protocol No. 1 to the ECHR, since the applicant – the owner of several plots of land in Kyrenia – had been systematically prevented, from 1974 onwards, from accessing her properties located in the northern part of the island.

The Court rejected the argument that these properties had been “expropriated” pursuant to Article 159 of the 1985 Constitution of the TRNC, affirming that such legislation has no legal effect under international law, as it originates from an unrecognised entity.

Referring to Security Council Resolutions 541/1983 and 550/1984, the Court reiterated the legal nullity of the TRNC and attributed responsibility to Turkey for the acts of the local authorities, on the basis of the overall effective control exercised by its armed forces over Northern Cyprus.

On this basis, the TRNC is characterised as a *puppet State*, and Turkey is held responsible for the violation of the applicant’s right to the peaceful enjoyment of her possessions.

As noted by the jurist James Crawford, statehood cannot arise from acts that violate fundamental norms of international law, in particular the prohibition on the use of force and the principle of self-determination of peoples. It follows that territorial entities brought into

being through aggression or an unlawful use of force cannot be regarded as States, irrespective of the existence of effective control over the territory[8].

In this same direction, the Badinter Commission – established in 1991 to assess issues of international law arising from the dissolution of Yugoslavia – held in its Opinion No. 1, that the principle of self-determination cannot be invoked to legitimise territorial changes resulting from violations of international law, nor to consolidate situations created in breach of the prohibition on the use of force[9].

After 1974, when the Turkish invasion of Cyprus took place, a *"war of terminology"* broke out between Greece and Turkey with regard to the Muslim minority of Western Thrace. Turkey insists on referring to it as the *"Turkish national minority"*, whereas Greece uses exclusively the term *"Muslim religious minority"*, overlooking the fact that this population is composed of three distinct ethnic groups: Roma, Pomaks and Turks.

Since the 1980s, the dispute over how the minority should be designated has repeatedly reached the Greek courts, particularly in cases concerning the registration of associations whose names include the terms *"Turk"* or *"Turkish"*. This *"war of names"* conducted through judicial proceedings has clearly restricted the freedom of association guaranteed by the Greek Constitution and by the relevant human-rights instruments[10].

This is precisely the context addressed by the ECtHR in Turkish Union of Xanthi v. Greece, in which the Court condemned Greece for refusing to register – or ordering the dissolution of – associations whose names contained the word *"Turkish"* [11].

The instrumentalization of religion for political purposes appears to be a persistent feature of the current Turkish government. An emblematic example is the reconversion of Hagia Sophia from a museum into a mosque in 2020, a move that marks a clear break from Atatürk's original project of secularization and modernization.

Atatürk had introduced the principle of laicism (laiklik) as a cornerstone of the modernisation of the new Turkish Republic, accompanying it with a series of radical reforms aimed at severing continuity with the Ottoman and religious past. He abolished the Caliphate in 1924, banned the use of the fez and imposed Western-style dress through the so-called Hat Act of 1925. At the same time, he promoted the abandonment of the Arabic alphabet in

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[8] N. RONZITTI, *Diritto internazionale*, 7ª ed., Torino, Giappichelli, 2023, p. 20

[9] J. CRAWFORD, *The Creation of States in International Law*, 2nd ed., Oxford, Clarendon Press, 2006, pp. 131-150

[10] K. TSITSELIKIS, *The Legal Status of Islam in Greece*, in C. K. PAPASTATHIS, G. D. PAPATHOMAS, *The State, the Orthodox Church and Religions in Greece*, Katerini, Nomocanonical Library, Editions Epektasis, 2008, pp. 299-300

[11] ECtHR, *Tourkiki Enosi Xanthis and Others v. Greece*, First Section, judgment of 27 March 2008, Application no. 26698/05

favour of the Latin one, a choice that profoundly cut the links with the Islamic literary and religious tradition, rendering sacred texts and classical Islamic culture effectively inaccessible to the new generations. Among the other symbolic reforms was the translation of the call to prayer into Turkish, consistent with his broader goal of building a secular, modern nation-state culturally oriented toward the West[12].

A further source of tension between Greece and Turkey continues to be the delimitation of Search and Rescue (SAR) regions in the Aegean Sea. Article 98 of UNCLOS (United Nations Convention on the Law of the Sea) obliges States to render assistance to any person in distress and to establish “adequate and effective” SAR services, but it does not regulate the spatial delimitation of search and rescue areas. It therefore creates an obligation of assistance, not one of maritime sovereignty, and the definition of operational areas is governed instead by the 1979 Hamburg Convention and IMO decisions.

Within this framework, Greece notified the IMO in 1975 of a SAR region coinciding with the Athens Flight Information Region (FIR), which had already been assigned to Athens under the 1944 Chicago Convention. This overlap was reaffirmed upon Greece’s ratification of the SAR Convention in 1989, through a declaration stating that its SAR region corresponded to the air navigation plans established by ICAO.

Turkey immediately lodged a formal objection with the IMO, arguing that SAR regions must be established by agreement between States rather than unilaterally, and that the FIR – being exclusively related to air navigation – cannot be used to define a maritime search and rescue region. According to Ankara, the overlap between FIR and SAR grants Greece a disproportionate degree of operational control over large portions of the Aegean, with political implications in the context of existing territorial disputes.

Athens replies that managing a wide SAR region aligned with the FIR ensures operational efficiency and reflects consolidated IMO practice. The resulting dispute does not concern maritime sovereignty strictly speaking, but the allocation of operational competences, and forms part of the broader pattern of Greek–Turkish tensions in the region[13].

The effectiveness of NATO does not stem from any sovereign authority imposing obligations from above, but from the loyalty with which its member States honour the commitments they have freely undertaken. This principle has its roots in the modern natural-law tradition inaugurated by Hugo Grotius. In *De iure belli ac pacis* (1625), a foundational

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[12] V. PACILLO, B. HUSSEN, *Lezioni di diritto e religione*, Torino, Giappichelli, 2025, pp. 188-189
[13] N. RONZITTI, *Diritto internazionale*, 7ª ed., Torino, Giappichelli, 2023, pp. 136-137;

work of international law and modern public law, Grotius maintains that the binding force of agreements does not derive from an external coercive power, but from the rational and social nature of human beings: even in the state of nature, prior to any political order, the duty to keep one's promises exists as an expression of natural law[14].

From this follows the principle of *pacta sunt servanda*, which binds both the sovereign and the governed alike[15]. Applied to the contemporary context, this means that alliances such as NATO can function only if States voluntarily comply with the obligations they have chosen to assume; without this Grotian premise, no system of collective security can endure.

In a world of new conflicts, we often forget that history has already offered us the grammar of coexistence – it only needs to be reread.

[14] F. ADORNO, T. GREGORY, V. VERRA, *Storia della filosofia*, II vol., Roma–Bari, Laterza, 1979, pp. 218-219

[15] *Grozio*, in Enciclopedia Garzanti di Filosofia, Milano, Garzanti, 1993, p. 467-468