

PERMANENT MISSION OF GREECE TO THE UNITED NATIONS

Ref.No. 90.2.2/3064

New York, 9 December 2019

Excellency,

The Greek Government has been informed that a “Memorandum of Understanding between the Government of Republic of Turkey and the Government of National Accord-State of Libya on delimitation of the maritime jurisdiction areas in the Mediterranean” was signed on 27 November 2019. This agreement blatantly violates the rules of the International Law of the Sea on maritime delimitation because, first and foremost, Turkey and Libya have neither overlapping maritime zones, nor common boundaries and, consequently, there is no legal basis to lawfully conclude a maritime delimitation agreement. Likewise, the agreement disregards the presence of the Greek islands in that maritime area, including the island of Crete, and violates their right to generate maritime zones as any land territory, as Article 121 of the UNCLOS clearly stipulates.

Furthermore, the boundaries of the purported “continental shelf and exclusive economic zone”, as they are defined in the text of this agreement, are fictitious, unlawful, arbitrary and provocative, and openly infringe on Greece’s sovereign rights in that maritime area, thus seriously endangering regional peace and stability.

What is also striking in the above agreement is that, in spite of the declared position of Turkey that Greek islands in the Eastern Mediterranean have no weight for the determination of the maritime boundaries in that area, the drafters of this agreement have used Turkish islands and rocks as base points for the construction of the purported ‘equidistance line’ as stated in article 1 para 3 of the said agreement and shown in the annexes thereto. This shows the hypocritical and contradictory stance of Turkey concerning maritime delimitation in the Eastern Mediterranean.

In addition, this agreement is null and void since it was not endorsed by the House of Representatives of Libya, as required by Article 8 par. 2 (f) of the Libyan Political Agreement of 2015, approved by the United Nations Security Council through Resolution 2259 (2015). Likewise, this agreement was unequivocally rejected by the President of the House of Representatives of Libya, Aguila Saleh Issa, in a letter sent to the United Nations Secretary-General. Consequently, this agreement should not be registered under Article 102 of the UN Charter, nor be published by the DOALOS in any way.

Given that the said agreement is in clear violation of the letter of the Libyan Political Agreement and, as was mentioned above, it endangers regional peace and stability, its conclusion should be urgently brought to the attention of the Security Council. In this respect it should be recalled that according to paragraph 19 of Resolution 2259 (2015), the Secretary-General is requested to report to the Security Council, as appropriate, on the implementation of the Libyan Political Agreement, including acts that disrupt or prevent its implementation.

The Greek Government expresses its strong opposition to the unlawful delimitation aimed at by the above agreement, which illegally overlaps on zones of legitimate and exclusive Greek sovereign rights, and rejects it in its entirety as null and void and without any effect on its sovereign rights:

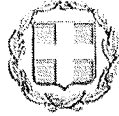
On this occasion, Greece wishes to reiterate its strong commitment to resolve any delimitation issue with neighbouring countries in the Eastern Mediterranean by peaceful means, in good faith and in accordance with the international law of the sea. It was in that spirit that Greece and Libya started some years ago to negotiate, in line with the provisions of the UNCLOS, a maritime delimitation agreement, which, however, was disrupted because of the unfortunate events in that country. Negotiations are also currently taking place between Greece and other neighboring states regarding the delimitation of their common maritime boundaries.

Please accept, Excellency, the assurances of my highest consideration.



Maria Theofili
Ambassador
Permanent Representative

H.E. Mr António Guterres
United Nations Secretary-General
Executive Office of the Secretary-General
United Nations, New York



PERMANENT MISSION OF GREECE TO THE UNITED NATIONS

Ref No. 90.2.2/3065

New York, 9 December 2019

Excellency,

The Greek Government has been informed that a “Memorandum of Understanding between the Government of Republic of Turkey and the Government of National Accord-State of Libya, on delimitation of the maritime jurisdiction areas in the Mediterranean”, was signed on 27 November 2019. This agreement was concluded in bad faith and in violation of the rules of the International Law of the Sea on maritime delimitation because, first and foremost, Turkey and Libya have neither overlapping maritime zones nor common boundaries and, consequently, there is no legal basis to lawfully conclude a maritime delimitation agreement. Likewise, the agreement disregards the presence of the Greek islands in that maritime area, including the island of Crete, and violates their right to generate maritime zones, as any land territory, as Article 121 of the UNCLOS clearly stipulates.

Furthermore, the boundaries of the purported “continental shelf and exclusive economic zone”, as they are defined in the text of this agreement, are fictitious, unlawful, arbitrary and provocative, and openly infringe on Greece’s sovereign rights in that maritime area, thus seriously endangering regional peace and stability.

What is also striking in the above agreement is that, in spite of the declared position of Turkey that Greek islands in the Eastern Mediterranean have no weight for the determination of the maritime boundaries in that area, the drafters of this agreement have used Turkish islands and rocks as base points for the construction of the purported ‘equidistance line’, as stated in article 1 para 3 of the said agreement and shown in the annexes thereto. This shows the hypocritical and contradictory stance of Turkey concerning maritime delimitation in the Eastern Mediterranean.

In addition, this agreement is null and void since it was not endorsed by the House of Representatives of Libya, as required by Article 8 par. 2 (f) of the Libyan Political Agreement of 2015, approved by the United Nations Security Council through Resolution 2259 (2015). Likewise, this agreement was unequivocally rejected by the President of the House of Representatives of Libya, Aguila Saleh Issa, in a letter sent to the United Nations Secretary-General.

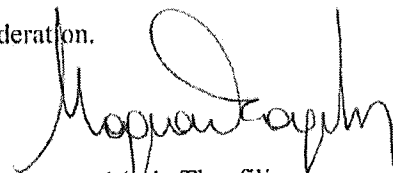
Given that the said agreement is in clear violation of the letter of the Libyan Political Agreement and, as was mentioned above, it endangers regional peace and stability, its conclusion should be urgently brought to the attention of the Security Council. In this respect Greece wishes to recall paragraph 19 of Resolution 2259 (2015), which refers to the implementation of the Libyan Political Agreement, including acts that disrupt or prevent its implementation.

The Greek Government expresses its strong opposition to the unlawful delimitation aimed at by the above agreement, which illegally overlaps on zones of legitimate and exclusive Greek sovereign rights, and rejects it in its entirety as null and void and without any effect on its sovereign rights.

On this occasion, Greece wishes to reiterate its strong commitment to resolve any delimitation issue with neighbouring countries in the Eastern Mediterranean by peaceful means, in good faith and in accordance with the international law of the sea. It was in that spirit that Greece and Libya started some years ago to negotiate, in line with the provisions of the UNCLOS, a maritime delimitation agreement, which, however, was disrupted because of the unfortunate events in that country. Negotiations are also currently taking place between Greece and other neighboring states regarding the delimitation of their common maritime boundaries.

In the light of the above, Greece requests the Security Council to condemn the conclusion of the said Memorandum which blatantly contravenes international legality and call on the two States concerned to refrain from any action that would violate the sovereign rights of Greece, or would escalate tensions in this region.

Please accept, Excellency, the assurances of my highest consideration.



Maria Theofili
Ambassador
Permanent Representative

H.E. Mrs. Kelly Craft
Permanent Representative of the United States to the United Nations
President of the Security Council for the month of December 2019