

PERMANENT MISSION OF GREECE TO THE UNITED NATIONS

Ref. No. 90.2.2/360

New York, 19 February 2020

Excellency,

With reference to the letter from the Permanent Representative of Turkey dated 13 November 2019 addressed to the Secretary-General (A/74/550), I have the honour to state the following:

Greece deeply regrets that the above Turkish letter repeats Turkey's unsubstantiated and legally unfounded claims regarding the outer limits of its continental shelf in the Eastern Mediterranean that are west of longitude 32°16'18''E. In addition, the letter contains a list of geographical coordinates defining the outer limits of the Turkish continental shelf claims while completely ignoring the legitimate sovereign rights of Greece and of other neighbouring countries in that same maritime area.

Greece wishes to reiterate that the above Turkish claims blatantly disregard the *ipso facto* and *ab initio* sovereign rights of Greece in that maritime area. More specifically, according to a well-established principle of the law of the sea, islands, regardless of their size, have full entitlement to maritime zones (continental shelf/exclusive economic zone), as other land territory, a rule clearly stipulated in Article 121(2) of the UNCLOS, which reflects customary international law as confirmed by international jurisprudence. This is also confirmed by international practice, including existing delimitation agreements in the Eastern Mediterranean.

Furthermore, some of the above illegal coordinates depict the limits of the invalid "agreement" concluded between Turkey and the illegal secessionist entity in the north of Cyprus, in stark violation of Security Council Resolutions 541 (1983) and 550 (1984). This is an act of contempt for Security Council decisions and international law. These coordinates are null and void.

In addition, the Turkish claims regarding the delimitation of maritime zones west of meridian 28°00'00''E (Annex to the Letter, Part D of the List of geographical coordinates) and the related allegations that the Greek islands in that maritime area do not generate maritime zones beyond their territorial sea, are in flagrant violation of the above mentioned principle, and infringe on the indivisibility of the territorial integrity and sovereignty of Greece. It is obvious that the aim of such claims is to distort delimitation by refashioning geography in that region contrary to the rules of the international law of the sea, both conventional and customary. Such claims completely ignore the

fact that the coasts of the Greek islands generate projections to the south which overlap with the projections of the coasts of Egypt and Libya.

The above equally applies to the area between the longitudes of 28°00'00''E and 32°16'18''E where the Turkish claims disregard the entitlements of the Greek islands as well as those of the coasts of Cyprus and Egypt.

It should also be stressed that, in line with our long-standing position, as reflected in Greek national legislation (note verbale No. 974/8.5.2012, see *Law of the Sea Bulletin*, vol. 79, p. 14), the delimitation of the continental shelf or exclusive economic zone between states with opposite coasts (both continental and insular) should take place in accordance with the pertinent rules of international law on the basis of equidistance/median line principle. Greece has on many occasions registered the above positions with the United Nations (notes verbales dated 24.2.2005, see *Law of the Sea Bulletin*, vol. 57, p. 129; No. 389/20.2.2013, see *Law of the Sea Bulletin*, vol. 81, p. 23; letters from the Permanent Representative of Greece, A/70/900-S/2016/474, dated 23.5.2016; A/71/675-S/2016/1043 dated 8.12.2016; A/71/901-S/2016/416, dated 10.5.2017; A/73/850-S/2019/344 dated 25.4.2019), and has also communicated them bilaterally to Turkey.

According to article 83(1) of the UNCLOS, the delimitation of the continental shelf between states with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution. The jurisprudence of the international courts and tribunals on maritime delimitation affirms the central importance of the equidistance line in maritime delimitation, in the application of articles 74 and 83 of the UNCLOS and the corresponding rules of customary international law. This jurisprudence has developed a consistent methodology based on equidistance which has been practiced overwhelmingly by international courts and tribunals.

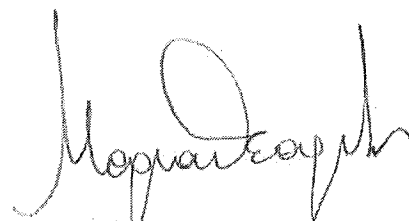
Moreover, by singling out "equitable principles, taking all the special and relevant circumstances into account based on international law" and using them in the abstract and independently of the established delimitation methodology, the Turkish letter attributes to the above a role which is not consistent with existing jurisprudence on delimitation, thus making a misleading reading of this jurisprudence. Likewise, the "principle of equity", erroneously used in the Turkish letter as a rule governing maritime delimitation, does not reflect the present state of jurisprudence as already mentioned.

In view of the above, Greece strongly rejects the aforementioned Turkish claims in their entirety, as well as the arbitrary coordinates annexed to the above letter, which unlawfully define the outer limits of Turkey's claimed continental shelf, in stark violation of the international law of the sea and the sovereign rights of Greece in the Eastern Mediterranean. Therefore these claims and the said coordinates are void of any legal consequences. They cannot form the foundation of any legal rights and cannot be invoked against Greece. In this respect, Greece reserves all its rights under international law.

The Turkish letter together with other illegal and provocative Turkish acts in the same maritime area in complete disregard of Greece's sovereign rights, as well as of those of other neighbouring countries, seriously endanger peace and security.

I would be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 41 and 74, and of the Security Council, and published on the website of the Division for Ocean Affairs and the Law of the Sea and in the next edition of the *Law of the Sea Bulletin*.

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

A handwritten signature in black ink, appearing to read 'Maria Theofili', written in a cursive style.

Maria Theofili
Ambassador
Permanent Representative

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United Nations Secretary-General
Executive Office of the Secretary-General
United Nations, New York