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Oceans and the law of the sea: oceans and the law of the sea

Letter dated 17 November 2022 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

Greece would like to bring to your attention an issue with possible serious consequences for regional stability in the Mediterranean. I am referring to the “Memorandum of Understanding between the Government of the Republic of Türkiye and the Government of National Unity-State of Libya on cooperation in the field of hydrocarbons”, signed on 3 October 2022.

Greece opposes and strongly protests the conclusion of the aforementioned Memorandum, to the extent that it attempts any direct or indirect implementation of the 2019 “Memorandum of Understanding between the Government of the Republic of Türkiye and the Government of National Accord-State of Libya on delimitation of the maritime jurisdiction areas in the Mediterranean”, which was concluded in full violation of international law and in blatant disregard for Greece’s as well as other coastal States’ sovereign rights under the law of the sea. Greece reiterates its position, as set out in my letter to you dated 9 December 2019, annexed to my letter dated 14 February 2020 ([A/74/706](#)), according to which the 2019 Memorandum is null and void and produces no legal effect whatsoever. This Greek position was also communicated both to the Turkish and Libyan sides through notes verbales No. 772/02.04.2020 and No. 23321/22.05.2020, respectively. Consequently, any acts or activities based on the 2019 Memorandum are also devoid of any legal basis and, furthermore, risk to aggravate tension in the region.

Greece would like to underline that any action in the implementation of the Memorandum signed on 3 October 2022 that infringes upon the sovereign rights of Greece, constitutes a violation of international law and a deliberate escalation undermining stability in the region.

In this respect, Greece underlines that it possesses ipso facto and ab initio sovereign rights on its continental shelf, in accordance with the law of the sea, as well as sovereign rights and jurisdiction in its exclusive economic zone, as delimited by the Agreement between the Government of the Hellenic Republic and the Government of the Arab Republic of Egypt on the delimitation of the exclusive economic zone between the two countries, dated 6 August 2020.

Furthermore, the conclusion of this Memorandum does not correspond to the obligation, provided in the 2020 Roadmap for the Preparatory Phase of a



Comprehensive Solution, an outcome of the United Nations-led Libyan Political Dialogue Forum, to manage “the foreign policy of the Libyan State in a manner that maintains friendly and peaceful relations with regional and international partners in accordance with the rules of good neighbourliness and mutual interests” (art. 6, para. 9). Greece rejects any acts that defy peace and stability in the region, including acts that attempt to distort the political process towards a comprehensive solution for Libya.

The conclusion of this Memorandum also disregards paragraph 10 of article 6 of the Roadmap, according to which the executive authority, during the preparatory phase, shall not consider any new or previous agreements or decisions in a manner that harms the stability of foreign relations of the Libyan State or imposes long-term obligations on it. Thus, an agreement concerning hydrocarbons cooperation falls clearly within the scope of agreements which the executive authority is precluded from concluding.

The importance of fully implementing the Roadmap has been reconfirmed by the Security Council in its resolution [2656 \(2022\)](#) of 28 October 2022. In paragraph 4 of the resolution, the Security Council underlines that the objectives and governing principles, as set out in the Roadmap, in particular articles 1, 2 and 6, are still relevant to the political process.

It should also be underlined that reactions against the legitimacy of the Memorandum signed on 3 October 2022 have been strongly voiced by international actors, including States in the region and beyond, as well as by high officials within the Libyan institutions.

In conclusion, Greece would like to stress that it reserves all its rights under international law and calls upon Libya and Türkiye to respect Greece’s sovereign rights and to refrain from any acts that infringe upon those rights and destabilize peace and security in the region. On this occasion, Greece wishes to reiterate its strong commitment to resolving any delimitation issue with neighbouring countries in the Eastern Mediterranean by peaceful means, in good faith and in accordance with the law of the sea.

I would be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 72 (a), and published on the website of the Division for Oceans Affairs and the Law of the Sea and in the next edition of the *Law of the Sea Bulletin*.

(Signed) Maria Theofili
Ambassador
Permanent Representative