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Question of Cyprus

Oceans and the law of the sea

## Letter dated 24 April 2020 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

With reference to the letters dated 27 February and 18 March 2020 from the Permanent Representative of Turkey to the United Nations addressed to you, contained in documents [A/74/727](#) and [A/74/757](#), respectively, I wish to reiterate that my Government's position on the issues raised therein has been recorded in numerous communications, more recently in my letter dated 20 January 2020 ([A/74/660-S/2020/50](#)).

The Republic of Cyprus rejects the newly attempted submission by Turkey of geographical coordinates concerning the outer limits of its alleged continental shelf in the Eastern Mediterranean Sea, as well as the presentation of a chart in document [A/74/757](#), which clearly encroach upon the maritime zones of Cyprus, as well as of other coastal States in the region. I refer to my letter dated 20 January 2020, which contains my Government's rejection in toto of the geographical coordinates listed in all parts of the annex to the aforementioned letter and its detailed position with regard to Turkey's claims. Turkey's unlawful claims extend to maritime areas where it could not have any rights whatsoever under international law and purport to "delimit" maritime boundaries with continental States with which it has no opposite or adjacent coasts and whose maritime areas do not, and could not, osculate.

In my letter dated 5 December 2019 addressed to you (see annex), I also conveyed Cyprus' position regarding the "Memorandum of Understanding between the Government of the Republic of Turkey and the Government of National Accord-State of Libya on delimitation of the maritime jurisdiction areas in the Mediterranean", signed in Istanbul on 27 November 2019. Cyprus condemns the attempted delimitation of maritime zones through this Memorandum, which not only does not comply with the rules of international law as regards the conclusion of treaties, but is also contrary to international law of the sea. The result is an unlawful instrument that fabricates a non-existent maritime boundary between Turkey and Libya at the expense of the rights and interests of third States. According to article 34 of the Vienna Convention on the Law of Treaties and customary international law



(*pacta tertiis*), this arrangement produces no legal consequences for Cyprus or for any third State.

The purported delimitation of the continental shelf and the exclusive economic zone (EEZ) between Turkey and Libya encroaches on the lawful rights to maritime zones of other coastal States of the Eastern Mediterranean. Turkey bases its assertions regarding its “rights” to maritime zones in the false and totally unfounded proposition that islands are not entitled to maritime zones other than a mere territorial sea, contrary to article 121 (2) of the 1982 United Nations Convention on the Law of the Sea. This same approach by Turkey is taken as regards all of its claims in the region attempting to delimit its maritime zones with opposite continental States on the basis of the median line, as if any existing islands were completely “erased” from the map. Article 121 (2) of the Convention explicitly provides for the entitlement of islands to a territorial sea, contiguous zone, continental shelf and EEZ. This provision constitutes a rule of customary international law and, as such, is opposable also to States which are not parties to the Convention, like Turkey and Libya.

It is, indeed, quite astonishing the ease with which Turkey chooses to base its positions in a “cherry picking” manner, on the provisions of international law and specific articles of the Convention as rules of customary international law, manifesting once more the country’s cynical and self-contradictory attitude towards well-established principles of international law. I, thus, call upon the United Nations to condemn such treacherous attempts by Turkey to disregard international law and refashion geography.

I would also like to bring to your attention that the charts used by Turkey, both in annex I to the aforementioned Memorandum of Understanding, which is referred to as constituting an integral part thereof, as well as in the annex to the letter dated 18 March 2020, depict a divided island of Cyprus, with the names of the so-called “TRNC” and “GCASC” inscribed thereon, contrary to Security Council resolutions, including resolutions [541 \(1983\)](#) and [550 \(1984\)](#). The Security Council and international courts have definitively pronounced themselves on the illegality of the attempt to secede part of Cyprus and the unlawful character of the results of Turkey’s aggression against it. The Republic of Cyprus, the sole subject of international law on the island, has sovereignty over the whole island of Cyprus and all the rights stemming therefrom. The Government of the Republic is the only legitimate and recognized Government on the island and will continue to protect all the rights and legitimate interests of Cyprus under international law in its territory, sea and airspace, including its ipso facto and ab initio sovereign rights over its continental shelf.

Turkey continues to conduct illegal hydrocarbon exploration drillings and seismic surveys in the maritime zones of Cyprus, in violation of Cyprus’ sovereignty and sovereign rights, both within a maritime area which is claimed by the Republic of Turkey for itself, as well as within the rest of the maritime zones of Cyprus, acting “on behalf of” the illegal secessionist entity that Turkey itself has set up in the north of the island. This so-called “TRNC” is not valid according to international law and does not enjoy the rights of the coastal State in Cyprus, nor does it have any legal standing whatsoever to “authorize” or conduct any drilling activities with respect to the natural resources of Cyprus. Using the non-entity Turkey has itself fabricated in occupied Cyprus as a pretext for any Turkish actions vis-à-vis Cyprus does not alter the fact that Turkey is solely responsible for these actions under international law.

I should also recall that the Republic of Cyprus declared an EEZ in 2004 and has inherent rights over the continental shelf of the island of Cyprus, the outer limits of both zones being determined on the basis of the median line between the coasts of Cyprus and those of opposite States, pending relevant agreements to the contrary. In this regard, and in line with the United Nations Convention on the Law of the Sea,

Cyprus has signed EEZ delimitation agreements with Egypt, Lebanon and Israel on the basis of the median line method.

Turkey repeats time and again that its actions are in accordance with international law and that it supports the equitable delimitation of maritime zones with all relevant coastal States, yet it continues to refuse my Government's invitation to enter into such negotiations, nor does it accept my Government's proposal to conclude a special agreement (*compromis*) in order to address the maritime delimitation between the relevant coasts of Cyprus and Turkey, namely the common maritime boundary of the two States in the north and north-west of Cyprus, before the International Court of Justice.

I would be grateful if you would have the present letter and its annex 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*.

(Signed) Andreas D. **Mavroyiannis**

**Annex to the letter dated 24 April 2020 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General**

**Letter dated 5 December 2019 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General**

My Government has been made aware of a “Memorandum of Understanding between the Government of the Republic of Turkey and the Government of National Accord-State of Libya on delimitation of the maritime jurisdiction areas in the Mediterranean”, signed in Istanbul on 27 November 2019. I am writing to request that the United Nations disavow the Memorandum as one that contravenes both international legality and established rules of international law.

The Libyan Political Agreement, signed on 17 December 2015 in Skhirat under United Nations auspices and unanimously endorsed by the Security Council on 23 December 2015 in its resolution [2259 \(2015\)](#), stipulates among the “Terms of Reference of the Presidency Council of the Council of Ministers” that the latter can “conclude international agreements and conventions provided that they are endorsed by the House of Representatives” (article 8 (f)). The non-fulfilment of this condition renders the above-mentioned Memorandum null and void.

In line with paragraph 19 of resolution [2259 \(2015\)](#), the Secretary-General is mandated by the Security Council to report on the implementation of the Libyan Political Agreement, including acts that disrupt or prevent its implementation. I cannot overstate the importance of swiftly reporting to the Council that the signature of the Memorandum is a clear violation of the Libyan Political Agreement. The potential of the Memorandum to seriously disrupt Libya’s relations with its neighbouring States should also be highlighted in your reporting to the Security Council.

Issues of lawful treaty-making and international legality are not the only ones at stake here. The content of the Agreement makes a mockery of well-established rules of international law, which emerged precisely in order to ensure peaceful relations among States and establish a framework for the exercise of their sovereignty and sovereign rights. It should not be registered by the United Nations under Article 102 of the Charter of the United Nations, nor be publicized by the Division for Ocean Affairs and the Law of the Sea in any way. The United Nations should not remain idle in the face of efforts to undermine these rules, which are enshrined in the United Nations Convention on the Law of the Sea (in particular, articles 74 and 83 on the delimitation of maritime areas between States that have a legal interest therein), through the conclusion of purported delimitation agreements between non-States parties to the Convention, outside the framework of the United Nations Convention on the Law of the Sea and in direct contradiction of its provisions, on the basis of arbitrary criteria that also contravene customary international law and fully disregard the rights of other States in the region, including Cyprus.

Lastly, I must put on record my Government’s vehement objection to the Memorandum as a coerced trade-off for the military support provided by the Government of Turkey.

*(Signed)* Andreas D. Mavroyiannis