



**PERMANENT MISSION OF GREECE
TO THE UNITED NATIONS**



Ref. No 40.1.91/AS 135

New York, 17 January 2024

Dear Mr. Secretary General,

With reference to the Note Verbale dated 5 December 2023 from the Permanent Mission of Libya to the Secretary General of the United Nations (A/78/672), notifying to the latter its ministerial decision to declare a contiguous zone, together with the relevant coordinates and a map, Greece would like to state the following:

With respect to the above Libyan ministerial decision, Greece would like to emphasize that while under international law of the sea states are entitled to establish a contiguous zone, the limits of such a zone must also be defined in conformity with international law. However, the limits of the Libyan claimed contiguous zone, as shown by the relevant coordinates and map that Libya has sent to the United Nations Secretary-General, fail to conform with international law in three important respects:

First, the above limits to the north of the Gulf of Sirte are measured from a closing line across the mouth of the gulf which is not justifiable under the relevant customary international law rules as reflected in the UNCLOS. It should be recalled that Greece has challenged since 1974 the above Libya's claim to the Gulf of Sirte, considering that this is a unilateral act affecting basic principles of international law (see Note Verbale N. 3444.G4/4/AS.577 of 15 March 1974).

Second, the remaining limits of the claimed contiguous zone are measured from straight baselines established by Libya in 2005. Since the coastline of Libya is neither deeply indented nor fringed with islands, such baselines are inappropriate and unlawful under Article 7 of UNCLOS, which the International Court of Justice considers to reflect customary international law (see *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, Judgment of 21 April 2022, paragraph 242).

Third, the eastern limit of Libya's claimed contiguous zone follows the "Eastern maritime border of Libya" described in Libya's Note Verbale dated 13 February 2023 from the Permanent Mission of Libya to the United Nations addressed to the Secretary-General. That "Eastern maritime border" was claimed by Libya also on the basis of the 2019 "Memorandum of Understanding between the Government of National Accord-State of Libya and the Government of the Republic of Turkey on Delimitation of the Maritime Jurisdiction Areas in the Mediterranean". This Memorandum and its coordinates, have been categorically rejected by Greece as being null and void and in blatant violation of the fundamental rules of international law of the sea, including the maritime entitlements of Greek islands in that area (see Letter from the Permanent Representative of Greece dated 9 December 2019, annexed to a letter dated 14 February 2020 (A/74/706)).

It should be also recalled that Greece has strongly protested these coordinates most recently, through a Letter of the Permanent Representative of Greece to the UN dated 24 April 2023, addressed to the United Nations Secretary-General (A/77/865), in reply to the above note verbale from the Permanent Mission of Libya to the United Nations of 13 February 2023, addressed to the UN Secretary-General (A/77/74).

Consequently, Greece wishes to reiterate once again, that this Memorandum as well as any act that is adopted pursuant to it, and more specifically any act that is based on the illegal coordinates contained therein, is contrary to international law including the law of the sea.

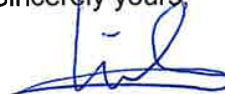
Lastly, Greece notes that according to the relevant provisions of the United Nations Convention on the Law of the Sea (Article 33), the coastal State may exercise its control necessary to prevent infringement of its customs, fiscal, immigration or sanitary laws or regulations within its territory or territorial sea and punish breach of the above laws or regulations committed within its territory or territorial sea. However, according to the above ministerial decision, Libya declares that it will exercise control also for security and environmental violations within that zone, thus going beyond the above provisions of the UNCLOS. The International Court of Justice has recently confirmed that Article 33 reflects contemporary customary international law on the contiguous zone, and that attempts by coastal States to assert jurisdiction or control over matters not contemplated by Article 33 are contrary to international law (see *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, Judgment of 21 April 2022, paragraphs 155, 177 and 187)

In the light of the above, Greece would like to state that the said Libyan ministerial decision is and shall be without prejudice to any rights conferred upon Greece in accordance with international law, including the law of the sea and the positions already expressed by Greece in relation to such claims by Libya.

Finally, while reserving all its rights under international law, Greece would like to reiterate that it remains strongly committed to resolving any delimitation issues with neighbouring countries in the eastern Mediterranean by peaceful means, in good faith and in accordance with the rules of the law of the sea, as it has already done with Italy and Egypt.

I would be grateful if you could circulate the present letter as document of the General Assembly, under Agenda item 75, and have it published on the website of the Division for the Ocean Affairs and the Law of the Sea, as well as in the next edition of the *Law of the Sea Bulletin*.

Sincerely yours,



Evangelos C. Sekeris
Ambassador
Permanent Representative

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