

STRATEGIC STEP IN THE
EASTERN MEDITERRANEAN
EQUATION:

**MEMORANDUM OF
UNDERSTANDING
BETWEEN
TURKEY & LIBYA**



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Contact

Ceyhun Atuf Kansu Caddesi No:122

Balgat/Ankara/TÜRKİYE

T +90 312 583 60 00 | webinfo@iletisim.gov.tr | www.iletisim.gov.tr/english

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FOREWORD

The Mediterranean, which has hosted numerous civilizations for centuries, has strategic importance for its location among Asia, Africa and Europe. With a surface area of 2.9 million km², the Mediterranean hosts the most valuable trade routes in the world since important connection points such as the Sicilian Channel, the Gibraltar Strait, Suez Canal and the Turkish straits are in the region.

The Mediterranean is absorbed into a dynamic of conflict triggered by Mediterranean's role of hosting critical transit routes at the geostrategic level and by the recent discovery of energy resources (oil, natural gas, etc.) at the geo-economic level. This has turned the geopolitics of the entire Mediterranean into the new center of gravity of the global and regional power struggle.

The hydrocarbon resources discovered in waters off the island of Cyprus have significantly increased the region's importance since 2000s. New energy basins that have been discovered and are waiting to be discovered are leading to some problems among the littoral countries today.

According to the report of the United States Geological Survey/USGS-2010, it is estimated that the total energy reserve of the Eastern Mediterranean equals to nearly 30 billion barrels of oil. The total estimated market value of this would be around 1.5 trillion Dollars.

The best way to prevent conflicts in such a valuable region would be to respect the international institutions and organizations as well as

international law when considering this region. In this context, it is important to initially note that Turkey, TRNC, Egypt, Lebanon, Syria, Palestine (Gaza), Israel and GCASC are the countries with rights over reserves in the Eastern Mediterranean under the United Nations Convention on the Law of the Sea.

As the country with the longest coastline in the Eastern Mediterranean, Turkey's position regarding the Eastern Mediterranean is shaped by policies on its own continental shelf as well as its stance and efforts to protect the fundamental rights of Turkish Cypriots around the Island in accordance with international law as the co-owners of Cyprus Island. Turkey, the country with the longest coastline on the Mediterranean, is decisively protecting its rights and interests in its own continental shelf. It is not true that this issue is directly related to the Cyprus issue. Nonetheless, Turkey's exploration and drilling activities have been ongoing in its license areas given to Turkish Petroleum in 2009 and 2012 within its continental shelf - the continental shelf rights in these areas have been recorded both geographically and legally before the UN since 2004.

Turkey's theses on the Eastern Mediterranean are based on international law, former court verdicts, case laws, the UN Convention on the Law of the Sea and similar agreements made between countries in the past.

With regards to the use of energy resources in the Eastern Mediterranean, GCASC aims to exclude Turkey and TRNC and control the energy resources in the Eastern Mediterranean on its own. GCASC is not willing

to share political power with the Turkish Cypriots; who are co-owners of the island, based on political equality, and disregards the Turkish Cypriots' inherent rights on the natural resources. Adopting a stance violating Turkey's rights stemming from international law on its continental shelf registered with the United Nations, GCASC divided the area on the south of the Island into 13 parcels and made authorization attempts for oil and natural gas exploration activities.

Since 2003, GCASC has concluded agreements on the delimitation of maritime jurisdictions with countries neighbouring the Island of Cyprus and granted concession licences for oil/natural gas exploration activities within the maritime jurisdictions areas of the Island.

Due to the unfair and unjust sharing process adopted at the international level in the Eastern Mediterranean, Turkey has decided to exercise its rights stemming from international law and agreements to the fullest extent. Chairman of the Presidential Council of Libya Fayez Al Sarraj and the accompanying delegation paid an official visit to Turkey upon the invitation of President Recep Tayyip Erdoğan. The efforts aimed at finding a solution to the crisis in Libya and bilateral relations were discussed during the talks in Istanbul. During the visit, the "Memorandum of Understanding on Security and Military Cooperation" was signed in order to provide the legal basis for security and military cooperation between the two countries and also the "Memorandum of Understanding on the Delimitation of Maritime Jurisdictions" aimed at protecting the rights of the two countries arising from international law.

The "Memorandum of Understanding on the Delimitation of Maritime Jurisdictions" was ratified on December 5, 2019 and "Memorandum of Understanding on Security and Military Cooperation" was ratified on December 21, 2019 by the Turkish Grand National Assembly (TGNA).

With this Memorandum of Understanding, Turkey has also given a strong response to the policies aimed at excluding and isolating Turkey in the Mediterranean in legal and political terms.

Having repeatedly clarified that it is ready to meet with all countries in the region except GCASC to ensure that the Maritime jurisdictions in Eastern Mediterranean are determined, Turkey has put forth its position on maritime jurisdictions in Eastern Mediterranean in a more tangible manner by signing this agreement with Libya.

Concerning the Delimitation of Maritime jurisdictions in Eastern Mediterranean, Turkey continues to maintain its attitude and policies that do not exclude dialogue and peaceful solutions, but remain within the boundaries of the International law and legitimacy, and also protects the rights and interests of both Turkey itself and the Turkish Cypriots in the region. The Memorandum of Understanding signed with Libya is an important component of this policy of Turkey.

Unfortunately, however, the attacks on the internationally recognised Government of National Accord by the illegitimate groups in Libya undermine security and stability of the entire region, increase threats to humanity, and lead to the death and migration of thousands of innocent people. In order to restore stability and the climate of peace and tranquility in the region, it is of critical importance that necessary actions should be taken regarding these developments contradicting the United Nations Security Council resolutions and undermining the sovereignty of Libyan state.

Fahrettin Altun PhD
Communications Director, Turkish Presidency

1.

GEOPOLITICAL IMPORTANCE OF THE EASTERN MEDITERRANEAN

The Mediterranean, which has hosted numerous civilizations for centuries, has strategic importance regarding its location among other continents (Asia, Africa and Europe). With a surface area of 2.9 million square kilometres, the Mediterranean hosts the most valuable trade routes in the world such as the Sicilian Channel, the Gibraltar Strait, Suez Canal and the Turkish straits.

The line between Tunisia's Cape Bon and Sicily's Cape Lilibeo divides the Mediterranean into Eastern and Western parts. 20 countries have a coastline on the Mediterranean. Spain, France, Italy, Slovenia, Malta, Bosnia-Herzegovina, Albania, Tunisia, Morocco and Algeria have a coastline on the Western Mediterranean while Turkey, Turkish Republic of Northern Cyprus (TRNC), Libya, Greece, Syria, Lebanon, Israel, Palestine-Gaza Administration, Egypt and the Greek Cypriot Administration of Southern Cyprus (GCASC) have a coastline on the Eastern Mediterranean.

The Mediterranean's importance has endured throughout all eras of history. The Levant Basin, i.e. the east of the Mediterranean, was thus regarded throughout history as the world's trade hub and was one of the most critical aspects of Mediterranean geography. Several major wars that are considered to be turning points in history took place with the goal of taking this region under control.



Today, the Mediterranean Region is drawn into a geostrategic conflict and threats due to its role of hosting critical transit routes; and in recent years it is drawn into geo-economic conflict due to the recently discovered energy resources (oil, natural gas, etc.) This has turned the geopolitics of the entire Mediterranean into the new center of gravity of the global and regional power struggle. Every single day, the geopolitical importance of the Eastern Mediterranean is rising, due to the following three reasons:

- The energy battle over the oil and natural gas reserves especially in the Middle East and North Africa, and the new natural gas reserves discovered in the Eastern Mediterranean have further enhanced the geopolitical and geo-economic importance of the Mediterranean Basin.
- The Eastern Mediterranean region is in the position of an important junction as the transfer and transit route for energy moving from the Middle East and the Caspian to the West. With the existing and planned oil and natural gas pipelines, the region has a strategic location. The region plays a major role in transit energy transportation and this path transports millions of barrels of crude oil to Western markets.
- The civil war in Syria and the ongoing conflicts and disputes in the Levant region in particular have turned the Mediterranean into a military center of attraction and resulted in international actors deploying troops in the region. The Mediterranean has become one of the most intensive military power zones.



This culminated in a competition over the region between all states involved in a power struggle to ensure security and energy sustainability. In parallel with energy-related developments in the Middle East since early 2000s, the Mediterranean Basin's energy geopolitics have shifted to the Eastern Mediterranean and eyes have turned to that region. The hydrocarbon resources discovered in waters off the island of Cyprus have significantly increased region's importance since 2000s. New energy basins that have been discovered and are waiting to be discovered are leading to some problems among the littoral countries today.

2.

HYDROCARBON POTENTIAL OF THE EASTERN MEDITERRANEAN

According to the report of the United States Geological Survey/USGS-2010,

- The Levant basin Aphrodite field located between Palestine/Israel, Cyprus, Lebanon and Syria is estimated to hold a reserve of some 1.7 billion barrels of oil and 3.45 trillion m³ of natural gas.
- It is estimated that the Nile Delta Basin holds a reserve of some 1.8 billion barrels of oil, 6.3 trillion m³ of natural gas, and 6 billion barrels of liquid natural gas.
- It is estimated that there is an oil reserve of 8 billion barrels around Cyprus island, and the total natural gas reserves in the area called Herodotus located on the southeast of Crete Island along with the area around the island of Cyprus amounts to 3.5 trillion barrels.
- Due to the figures provided in the report, it is estimated that the total energy reserve of the Eastern Mediterranean equals to nearly 30 billion barrels of oil. The total estimated market value of this would be around 1.5 trillion Dollars.

Moreover,

- The company named Noble Energy operating in the region with permit licenses granted by the GCASC has so far discovered almost 40 trillion m³ of gas. In the region extending to the east, 3 trillion m³ of natural gas has been discovered.
- It is stated that the Mediterranean holds hydrocarbon reserves equal to 60 billion barrels of oil with a total worth of 3 trillion Dollars.
- This amount could meet the natural gas requirements of Turkey for 572 years and of Europe for 30 years.
- Israel's Levant and Tamar fields have proven natural gas reserves of nearly 700 billion m³. It is estimated that this could go up to 1.8 trillion m³.
- The proven natural gas reserves of 453 billion m³ in the Levant field alone would be sufficient for 25 European countries for six years. This is valid for the amount of natural gas within Israel's Exclusive Economic Zone alone.

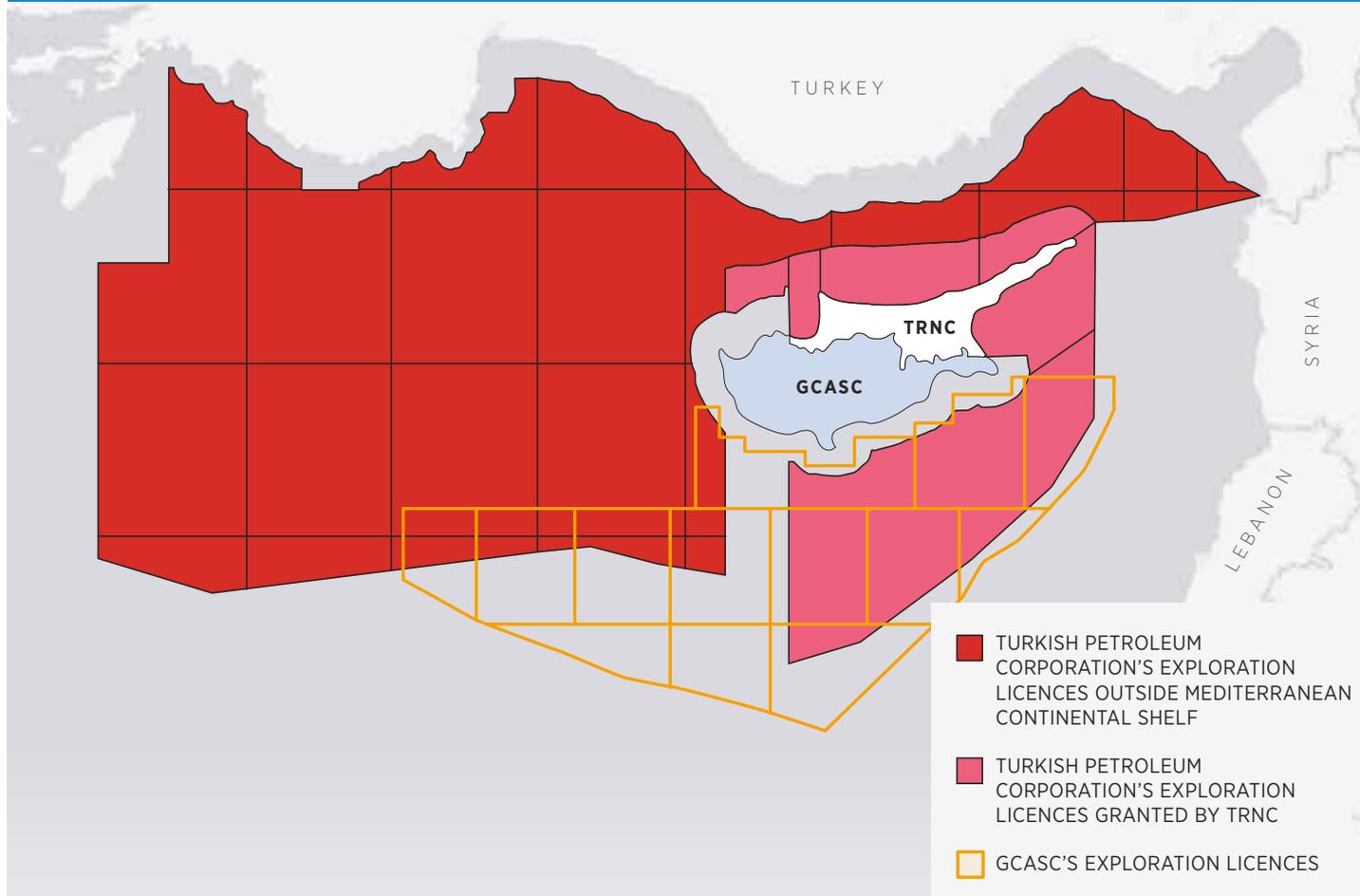
Countries with a coastline on the Eastern Mediterranean, namely Turkey, TRNC, Egypt, Lebanon, Syria, Palestine (Gaza), Israel and GCASC have rights over reserves in the Eastern Mediterranean under the United Nations Convention on the Law of the Sea.

Several states have thus undertaken hydrocarbon exploration activities in Eastern Mediterranean and major companies operate in the region. These companies include Turkish Petroleum (TPAO), ExxonMobil and Noble Energy of the U.S., Total of France, Eni of Italy, KOGAS of South Korea, Qatar Petroleum, British Gas of the UK and Delek and Avner of Israel.

With an approach far from being realistic, logical and fair, GCASC and Greece have claimed that all islands automatically have continental shelf and EEZ with a full effect on delimitation. This way, Greek Cypriots and Greece claim that there is maritime boundary delimitation between Meis and Cyprus islands, and by abusing European Union (EU) membership, they portray their so-called continental shelf/EEZ claims as external borders of the EU.

Since 2003, GCASC has made agreements on maritime boundary delimitation with neighbouring countries of Cyprus Island and granted concession licences to explore oil/natural gas in the maritime jurisdiction areas of the Island. Several so-called licence areas partially coincide with Turkey's continental shelf.

HYDROCARBON LICENCE AREAS OF TURKEY & TRNC & GCASC



3.

TURKEY'S POSITION REGARDING THE EASTERN MEDITERRANEAN

As a country with the longest coastline in the Eastern Mediterranean, Turkey's position regarding the Eastern Mediterranean is shaped by policies on its own continental shelf as well as its stance and efforts to protect the fundamental rights of Turkish Cypriots around the Island in accordance with international law as the co-owners of Cyprus Island. In this context, Turkey's policy on the region can be summarized as follows:

- Turkey continues decisively to protect its continental shelf and its rights in the seas.
- Turkey is open to dialogue to set maritime boundaries with all countries except for GCASC.
- Delimitation in the west of Cyprus can only be addressed once the Cyprus issue is settled.
- Turkey will continue decisively to protect the rights of Turkish Cypriots, the co-owners of the Island, until such rights are secured.



3.1. Turkey's Continental Shelf in the Eastern Mediterranean

Turkey has sovereign rights and legitimate interests in the maritime areas to the west and north of Cyprus Island. In this context, Turkey sent letters and notes to the United Nations initially on March 2, 2004 and in following years for confirmation purposes on several occasions. With these letters and notes, it has been recorded that Turkey will not accept maritime boundary delimitation efforts by GCASC and particularly that Turkey has legitimate rights and authorities in the maritime areas to the west of Cyprus Island from longitude 32° 16' 18"E. Finally, the letter dated March 18, 2019 was conveyed to the UN General Secretary.

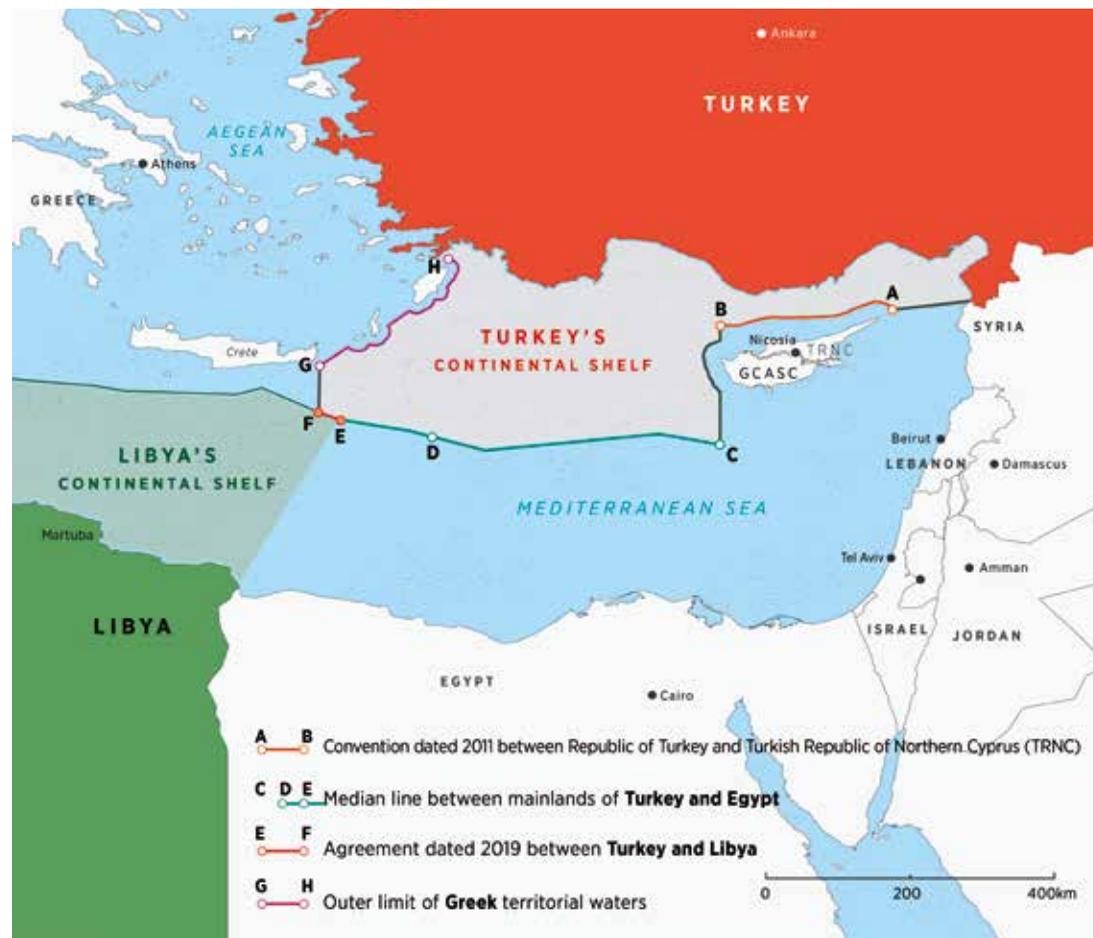
Turkey's opinion regarding the continental shelf in Eastern Mediterranean is as follows:

Turkey's continental shelf starts at the point where the land border with Syria ends at the sea (territorial waters up to 12 nautical miles, and then the continental shelf), the Continental Shelf Delimitation Agreement, signed between Turkey and the TRNC in September 2011, sets the continental shelf limit regarding the north of the island of Cyprus, follows the Egypt-Turkey Z line from the west of 32° 16' 18" East longitude (the west of the Island of Cyprus is not provided with any area of Maritime Jurisdictions outside the territorial waters). In this context, the region up to 28° East longitude is considered as the Turkish continental shelf, and sovereign State practices are carried out in accordance with this policy.



According to Turkey, the point to which the Turkish continental shelf located at the west of 28° East longitude extends is related with the results of delimitation agreements, based on fairness between all related riparian states in the Mediterranean and in the Aegean.

The map showing Turkey’s continental shelf is as follows:



The map showing the Greek Cypriot-Greek claims regarding the continental shelf is as follows:



The map showing Turkey’s continental shelf and Greek Cypriot-Greek claims regarding the continental shelf is as follows:





Turkey protects its rights and interests in its continental shelf in a determined manner as the country which has the longest coast in Eastern Mediterranean. It is not true that this issue is directly related to the Cyprus issue. Likewise, Turkey's exploration and drilling activities have been ongoing in its license areas given to the Turkish Petroleum in 2009 and 2012 within its continental shelf – the continental shelf rights in these areas have been recorded both geographically and legally in the presence of the UN since 2004. Fatih drilling vessel is currently operating within the Turkish continental shelf.

In this context, GCASC's allegations regarding the violation of the EEZ are totally legally unfounded, because the area drilled by Fatih has not been set with a delimitation agreement between the island of Cyprus with Turkey. Therefore, it is not legally possible to make a definition such as the "GCASC's EEZ" with regard to this area.

Turkey's stance on this issue is compliant with the international law. In the course of carrying out delimitation in maritime law, if the presence of islands undermines the equitable delimitation, they may be given limited impact in terms of creating continental shelf and EEZ compared to the mainland, and in some cases even zero impact. A method such as automatic equal distance is strictly absent in international law. The written international law and international jurisprudence on this issue have adopted equitable delimitation as a basic principle. The method of delimitation is **either to make bilateral agreements that do not violate the rights of third parties or to bring this matter to the international judiciary.** For example, the agreement signed between the Greek Cypriot administration and Egypt is invalid to Turkey due to the Cyprus issue, and it is also **void because it violates Turkey's continental shelf in terms of the maritime law as well.** The delimitation issue on the west of the island will be discussed only after the Cyprus issue is resolved and a state that Turkey can consider an interlocutor is established.

FUNDAMENTAL INTERNATIONAL LAW PRINCIPLE FOR BILATERAL TREATIES ON MARITIME BOUNDARIES

MARITIME BOUNDARY TREATIES SHOULD NOT VIOLATE THIRD PARTIES' RIGHTS AND INTERESTS.

In bilateral treaties, the delimitation line should end before it reaches the area of overlapping potential claim by a third State.

Some international judicial decisions made in accordance with international law, which show that the islands were given less impacts compared to the mainland or the islands are totally encircled in controversies with regard to creating EEZs, are indicated below.

- International Court of Justice / 2012 Nicaragua – Colombia
- 1992 Canada – France (St. Pierre and Miquelon)
- International Court of Justice / 1977-1978 Britain – France
- International Court of Justice / 1985 Libya – Malta
- 1971 Tunisia – Italy Agreement
- 1978 Papua New Guinea – Australia Agreement

3.2. TRNC's rights

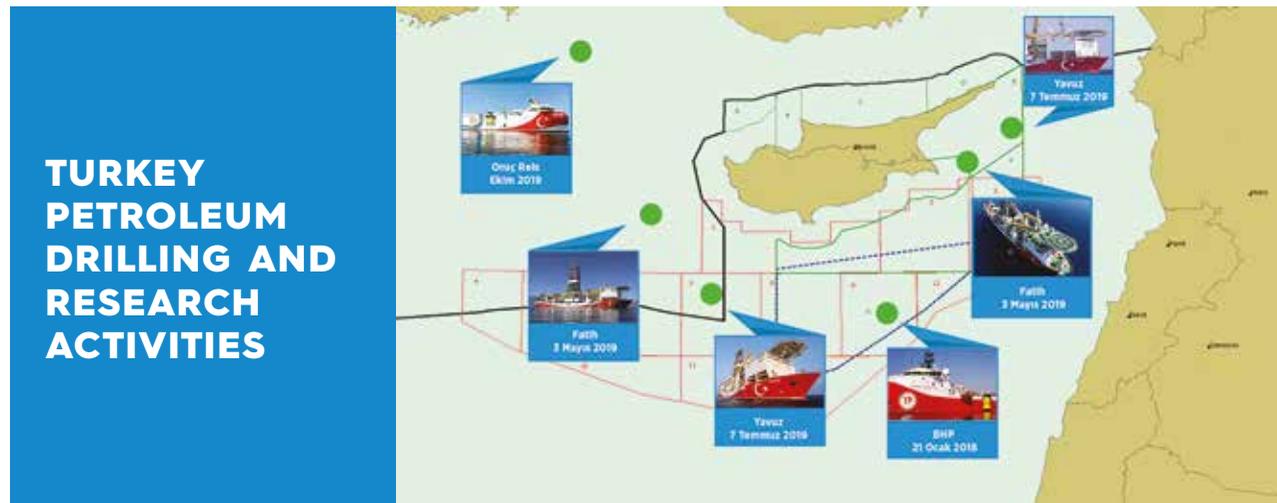
The second factor shaping the position of Turkey on the Eastern Mediterranean is the protection of fundamental rights of Turkish Cypriots arising from the island of Cyprus, namely, the joint owners of the island of Cyprus in accordance with the international law. The activities on the areas licensed by the TRNC government for the Turkish Petroleum in 2011 are within this context. The activities currently carried out by Yavuz drilling vessel and Barbaros Hayreddin Pasha seismic vessel are also in this area. It is underlined by Turkey in all official contacts, including those attended by other EU countries, that the Turkish Cypriots' inalienable rights on the island's hydrocarbon resources must be guaranteed as soon as possible and that the approaches ignoring the TRNC will remain inconclusive.



It is clear that the Turkish Cypriots should be also included in these decision-making mechanisms in the course of making decisions on the island's common wealth. As a matter of fact, the **TRNC made a very accurate and timely proposal on 13 July 2019. The proposal that is fully supported by Turkey envisages that the Turkish Cypriots and the Greek Cypriots, as the island's equal partners, carry out cooperation including the revenue sharing and make use of these resources simultaneously and together with regard to hydrocarbon resources for which they have equal rights.** However, the Greek Cypriots rejected this constructive proposal as they did in 2011 and 2012. The GCASC does not consider the hydrocarbon issue as an element that should be shared with the Turkish Cypriots and they reject the necessity of a joint decision to be taken together.

The Turkish side has endeavored to turn the hydrocarbon resources around the island into a factor of peace and stability up to now. The implementation of this proposal will contribute to the development of regional peace, stability and cooperation and also provide a suitable basis for the solution of the Cyprus issue. Nevertheless, as long as the Turkish Cypriots' rights are not guaranteed, Turkey Petroleum will continue its drilling and seismic research activities in a determined manner in the license areas provided for itself by the TRNC authorities.

Turkey is in favor of peace and stability in the Eastern Mediterranean region. Turkey, which has the longest coastline in the Mediterranean, is the key to stability and security of the island both historically and geopolitically. In this context, the quest for partnership and cooperation aimed at excluding Turkey in the region is doomed to fail.



TURKEY'S THESIS ON THE EASTERN MEDITERRANEAN:

Turkey's thesis on the Eastern Mediterranean are based on international law, former court verdicts, caselaws, the UN Convention on the Law of the Sea and similar agreements made between countries in the past.

The coastal projection of a mainland cannot be interrupted by islands and it cannot create a maritime jurisdiction area for the islands on the opposite side of the median line between two mainlands except for territorial waters. The length and directions of coasts are taken into consideration while maritime jurisdiction areas are determined. Despite all these articles of maritime law, Greece and GCASC try to expand maritime jurisdiction areas with a maximalist view and infringe on the rights of all countries in the region, particularly Turkey. For instance, 12 km² of Meis Island, which is 2 km from Turkish mainland, has a maritime jurisdiction area 4 thousand times larger than its actual size due to the claims of Greece.

Entitlement and delimitation are not the same.

Continental shelves/EEZs are delimited in accordance with the principle of equity rather than the principle of equidistance. (UNCLOS 74-83).

Islands can be given zero effect (only territorial waters) based on their locations (if they are on the wrong side of the median line between mainlands), short frontage and interruption of continental shelf for mainland. There are several court verdicts and state practices supporting this.

As a result of maximalist approaches by Greece and GCASC, Turkey's rights were violated with GCASC-Egypt treaty in 2003 and Lebanon's rights were violated with GCASC-Israel treaty in 2010.

Israel, Egypt and Lebanon have concluded treaties with GCASC instead of Turkey, and have agreed to smaller maritime zones than they would have with Turkey.

The EU has adopted a biased attitude on maritime zones without competence and right, and has been acting as an appeals authority. The EU has no competence in delimiting maritime boundaries and should remain impartial regarding overlapping maritime zones.

Turkey will continue to say that international agreements concerning the whole island concluded by the Greek Cypriot side on its own will constitute a violation of rights until the Cyprus issue has been resolved.

4.

EU, GCASC AND GREECE'S STANCE ON THE EASTERN MEDITERRANEAN

4.1. European Union

EU considers illegal the exploration and drilling activities in the Eastern Mediterranean undertaken by Turkey in order to defend both its own rights and the rights of Turkish Cypriots. EU Council has expressed that the delimitation of EEZ and continental shelf should be made through dialogue and negotiation in good faith, in conformity with international law and the principle of good neighbourly relations on the one hand, and it endorsed the GCASC's unilateral maritime jurisdiction area claims, attempting to impose these claims upon Turkey under the pretext of "union solidarity" on the other hand. This stance clearly indicates that the EU will not remain neutral on the Eastern Mediterranean issue. Moreover, the EU does not make any reference to Turkish Cypriots in its conclusions concerning the issue.

EU Council stated in its conclusion on December 12, 2019 that the Turkey-Libya Memorandum of Understanding on the delimitation of maritime jurisdictions in the Mediterranean Sea infringed upon the sovereign rights of third States, did not comply with the Law of the Sea and could not produce any legal consequences for third States.



However, the EU has no jurisdiction over maritime boundaries. The EU is not an international court, either. The EU, therefore, does not have a say on the Turkey-Libya Memorandum, which was duly signed. Under international law, the EU does not have a right to refer to Turkey's hydrocarbon activities as illegal. EU should remain neutral regarding overlapping maritime jurisdiction areas.

In addition, it was the EU that remained silent in 2003, 2007 and 2010 when the Greek Cypriot side, without any authority and as if it represented the whole island, concluded delimitation agreements with the countries in the region in violation of the rights of Turkey and the Turkish Cypriots, and collaborated in the usurpation by Greece of Libya's continental shelf rights.

4.2. Greece

Taking the Crete, Kasos, Karpathos, Rhodes and Meis line in the Eastern Mediterranean as the basis, Greece claims that these islands are part of the Greek mainland. Greece argues according to this claim that these islands can have their own territorial waters and EEZ and delimits maritime jurisdictions based on the median line between the islands and Anatolia. Under this argument, Greece wants to conclude delimitation agreements with regional countries and especially GCASC. In parallel with GCASC, Greece is making efforts to exclude Turkey and the Turkish Republic of Northern Cyprus from the energy equation in the region.

Greece refused to allow Turkey into the East-Med offshore gas pipeline project. Greece, GCASC and Egypt have been holding tripartite summits since 2014. The sixth tripartite Greece-GSACR-Egypt Leaders' Summit was held in Crete on October 10, 2018. The Summit declaration emphasized the universal character of the UN Convention on the Law of the Sea and stressed the parties' commitment to proceed expeditiously with the negotiations on the delimitation of their common maritime boundaries where appropriate.

The so-called "Greece-GCASC-Egypt maritime boundary" known as the "Sevilla map" is a manifestation of the maximalist Greek Cypriot and Greek stance that aims to give full effect to Meis island as well as Rhodes, Karpathos and Crete, and limit Turkey's maritime jurisdiction areas with the so-called jurisdiction areas of Greece and GCASC.

4.3. GCASC

With regards to the use of energy resources in the Eastern Medi terranean, GCASC aims to exclude Turkey and TRNC and control the energy resources in the Eastern Mediterranean on its own. GCASC is not willing to share political power with the Turkish Cypriots, who are co-owners of the island, based on political equality, and disregards the Turkish Cypriots' inherent rights on the natural resources. Adopting a stance violating Turkey's rights stemming from international law on its continental shelf registered with the United Nations, GCASC divided the area on the south of the Island into 13 parcels and made authorization attempts for oil and natural gas exploration activities.

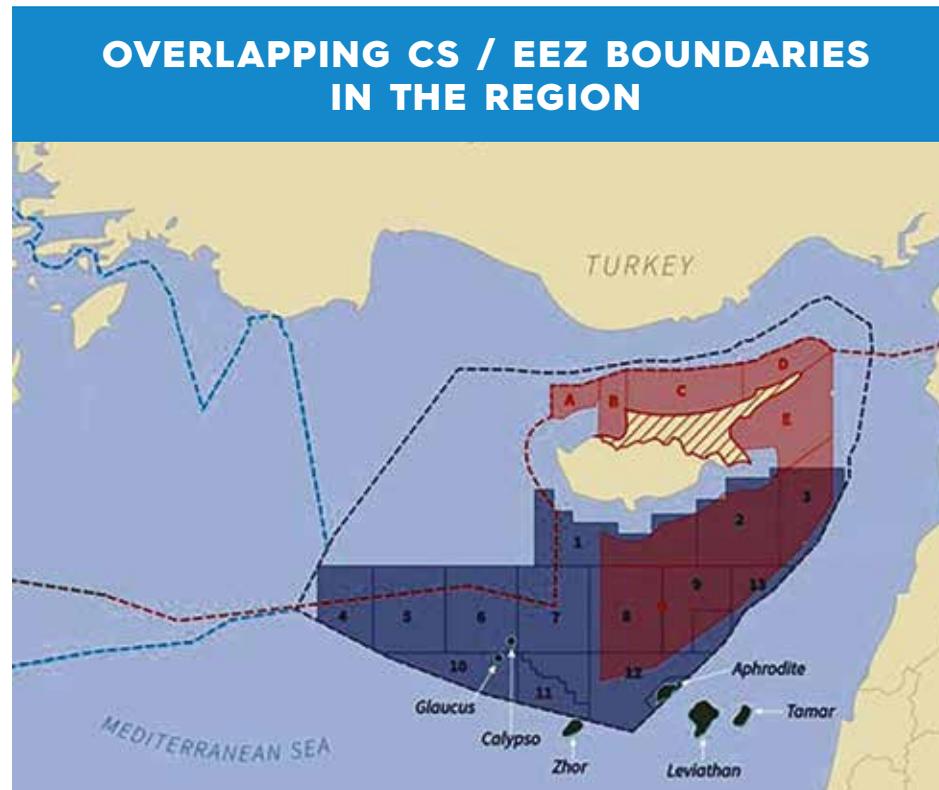
Since 2003, GCASC has concluded agreements on the delimitation of maritime jurisdictions with countries neighbouring the island of Cyprus and granted concession licences for oil/natural gas exploration activities within the maritime jurisdiction areas of the Island.

GCASC initially signed EEZ Delimitation Agreement with Egypt in 2003. The delineation line in the said agreement violates Turkey's continental shelf in the Mediterranean. Therefore, Turkey made it clear in a letter to the UN on March 2, 2004 and with a Note on October 4, 2005 that the attempts of GCASC to delimit maritime jurisdictions were unacceptable. Turkey also told Egypt in the same period that it lost an important maritime space with the mentioned agreement, and that the loss could be compensated with the signing of a continental shelf agreement between Turkey and Egypt.

GCASC signed EEZ delimitation agreement with Lebanon in 2007. Turkey shared its maritime law theses on this agreement with Lebanon in depth and told Lebanon that it could have a larger maritime space with an agreement based on equity. This agreement has not been ratified and put into effect by Lebanon due to the lateral maritime border dispute with Israel.

Lastly, GCASC signed an EEZ delimitation agreement with Israel in 2010. GCASC's EEZ agreements with Lebanon and Israel led to a lateral maritime border dispute between the two countries and they conveyed their official objections to the UN.

Blocks numbered 1, 4, 5, 6 and 7 are among the so-called license areas of the GCASC. Turkey objects to the GCASC-Egypt EEZ Delimitation Agreement of 2003 due to the Cyprus issue coordination with TRNC.



5.

TURKEY-LIBYA MEMORANDUM OF UNDERSTANDING

5.1. General Political Landscape in Libya

The Libyan Political Agreement was signed in 2015 under the guidance of the UN within the framework of the process conducted in Morocco in order to end the civil war in Libya and to stabilize the country. The Presidential Council (PC) established on the basis of this Agreement has been recognized by the international community as the legitimate government representing the whole of Libya in accordance with the UN Security Council Resolution numbered 2259.

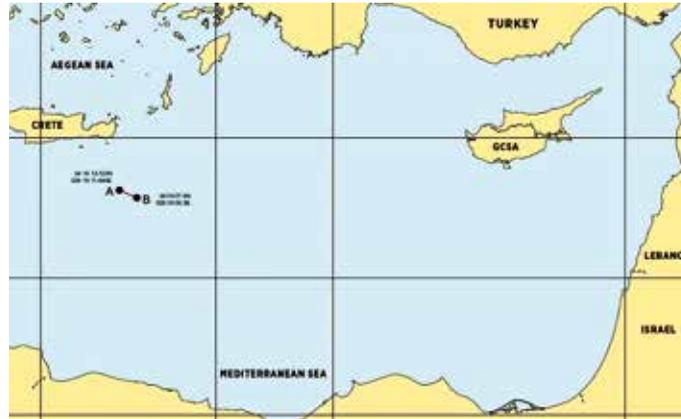
Within the framework of this transition process also supported by Turkey, the National Reconciliation Government (NRG) that came to power in Tripoli is still in office. There is also a government in eastern Libya that is called the “Interim Government,” which is supported by the so-called Libyan National Army (LNA) under the command of Caliph Haftar and headed by Abdullah al-Thani and which does not have any international legitimacy before the UN.

5.2. Turkey-Libya Memorandum of Understanding on the Delimitation of Maritime Jurisdictions

Chairman of the Presidential Council of Libya Fayeze Al Sarraj, Foreign Minister Siala, Interior Minister Fathi Basaga and the accompanying delegation paid an official visit to Turkey upon the invitation of President Recep Tayyip Erdoğan on 26-28 November 2019. The efforts aimed at finding a solution to the crisis in Libya and bilateral relations were discussed during the talks in Istanbul. During the visit, the “Memorandum of Understanding on Security and Military Cooperation” was signed in order to provide the legal basis for security and military cooperation between the two countries and also the “Memorandum of Understanding on the Delimitation of Maritime Jurisdictions” aimed at protecting the rights of the two countries arising from international law.

The Grand National Assembly of Turkey (GNAT) ratified the “Memorandum of Understanding on the Delimitation of Maritime Jurisdictions” on December 5, 2019 and “Memorandum of Understanding on the Security and Military Cooperation” on December 21, 2019.

In accordance with the Memorandum of Understanding on the Delimitation of Maritime Jurisdictions, Turkey has established an 18.6-nautical mile line in Eastern Mediterranean (The map shows below A-B line) on the southwest of its continental shelf boundaries that it notified to the UN.



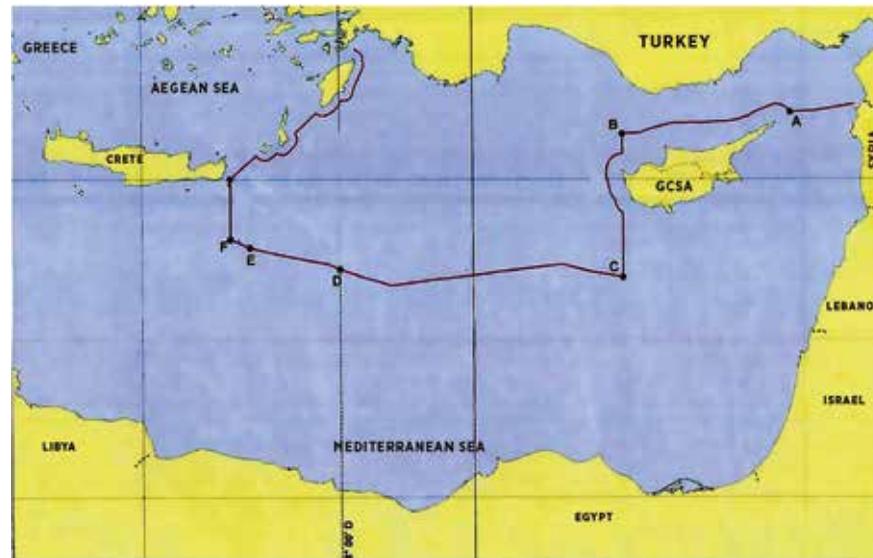
Under this Memorandum of Understanding, Turkey has also given a strong response to the policies aimed at excluding and isolating Turkey in the Mediterranean in legal and political terms.

Furthermore, this Memorandum fully supports all legal arguments of Turkey:

- Principle of Equity/Fair and Equitable Delimitation
- Islands do not automatically create a continental shelf and EEZ
- The front lengths are not ignored
- Avoidance of a cut-off effect on Turkey's coastal projection/continental shelf

Having repeatedly clarified that it is ready to meet with all countries in the region except GCASC to ensure that the maritime jurisdictions in Eastern Mediterranean are determined, Turkey has put forth its position on maritime jurisdictions in Eastern Mediterranean in a more tangible manner by signing this agreement with Libya.

Concerning the delimitation of maritime jurisdictions in Eastern Mediterranean, our country continues to maintain its attitude and policies that do not exclude dialogue and peaceful solutions, but remain within the boundaries of international law and legitimacy, and also protects the rights and interests of both Turkey itself and the Turkish Cypriots in the region. The Memorandum of Understanding signed with Libya is an important component of this policy of Turkey.



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



THE ACHIEVEMENTS OF THE MEMORANDUM OF UNDERSTANDING ON THE DELIMITATION OF MARITIME JURISDICTIONS SIGNED BETWEEN TURKEY AND LIBYA COULD BE SUMMARIZED AS FOLLOWS:

Turkey has signed a continental shelf/EEZ boundary agreement for the first time with a country bordering the Mediterranean except the TRNC.

The agreement constitutes a strong response to the political-economic initiatives aimed at isolating and containing Turkey in the Eastern Mediterranean.

The legal and legitimate ground has been established for both countries with regard to their rights in the Mediterranean

The rights of the two countries in the Mediterranean have been protected. Libya has gained marine space compared to its previous situation.

The Agreement has clarified the Western boundaries of Turkey's maritime jurisdictions in Eastern Mediterranean.

Turkey has shown with this Memorandum that it would not allow any *fait accompli* in the region.

Any possible Greece-Egypt and Greece- GCASC agreement that would violate the rights of the two countries were prevented with this Memorandum. These prospective agreements aim to decrease Turkey's maritime jurisdictions from 186 thousand square kilometers to 41 thousand square kilometers.

Turkey has rejected maximalist and uncompromising Greek-Greek Cypriot arguments that strive to provide a small island such as Meis with a maritime jurisdiction 4 thousand times larger than its own surface area.

The agreement might encourage other countries in the region to review their agreements with the GCASC and/or to their legal arguments.

Turkey has renewed its call for dialogue with all littoral countries except GCASC and showed the international community that it acts in accordance with the international law, maritime law and diplomacy.

5.3. Libya Motion

The attacks by the illegitimate groups against the internationally recognized Government of National Accord in Libya undermines the security and stability of the whole region, increases threats against humanity and causes thousands of innocent people to die and emigrate from their lands. Taking the necessary measures against these developments, which violate the United Nations Security Council Resolutions and undermine the sovereignty of Libya, are important for the region's stability and Turkey's national interests.

Within this framework, the motion that authorizes sending troops to Libya was ratified by the GNAT on January 2, 2020 upon the call made by the Libyan Government of National Accord. The designated aims of the motion contain to take all kinds of measures against any threats to national interests, to eliminate the possible attacks by illegitimate groups in Libya towards Turkey's interests, to take measures against risks such as mass migration, to ensure that the humanitarian aid is delivered to the people of Libya, to protect Turkey's best interests in an effective manner and to assist in pursuing a rapid and dynamic policy in order to avoid an irrecoverable situation in the future according to the course of the developments.



EGEMENLIK KAYITSIZ SARTSIZ MILLETINDIR



THE EPILOG ON THE EASTERN MEDITERRANEAN

New regional and global struggle on the Mediterranean scale has a profound impact on Turkey's vital interests. Dating back many years and based on the rights vested by the international law, Turkey's theses on the Mediterranean has faced a serious challenge. The Mediterranean, as a whole, constitutes the center of gravity for Turkey's air, land and maritime strategies. Turkey will continue taking every precaution so as to defend this center of gravity, to protect its geo-economic and geo-strategic interests, not to allow fait accompli in the region and if necessary to increase its deterrence in this regard.

Both the strategic steps taken with the authorization granted by the TRNC and the Memorandum signed with Libya clearly show Turkey's stance in its geo-economy based struggle. The main reason why Turkey took these steps is that the countries in the

region made bilateral and multilateral agreements, which isolate Turkey, and violated Turkey's and TRNC's rights vested by the international law. In this context, the Memorandum between Turkey and Libya should be considered a preventive move in the face of the steps taken against Turkey's interests in the Eastern Mediterranean.

Turkey supports the decisions taken in line with the international law and by international institutions. It will continue to take legitimate steps. A political and diplomatic solution should be a priority in order to avoid turning the struggle in the Eastern Mediterranean into a crisis or to deepen the current conflict in Libya. However, Turkey has the will to take the necessary steps to ensure peace in the region and, if necessary, to use its deterrent force and defend its interests.

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