



# General Assembly

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Agenda items 74 (a) and 83

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

#### The rule of law at the national and international levels

### **Letter dated 29 April 2020 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General**

Upon instructions from my Government, and with reference to the so-called “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”, first of all, I would like to clarify that the political and legal position of the Government of the Syrian Arab Republic towards this “memorandum of understanding” is based on not recognizing it and on the invalidity of any legal, political or practical implication of it. Allow me to present the bases of the Syrian official position regarding this memorandum:

1. According to principles of international law and the United Nations Convention on the Law of the Sea of 1982, any delimitation or demarcation of maritime borders shall not affect any third party that has not agreed on provisional arrangements in this agreement, and this delimitation or demarcation may not be unilateral. The State concerned is obligated in this sense, when delimiting its borders, to take into consideration the positions and views of the other coastal States with opposite or adjacent coasts in a manner that respects the sovereignty of States and, in this particular context, in a way that ensures stability and security in the eastern Mediterranean and prevents the outbreak of conflicts between its countries.
2. International custom and legal jurisprudence have settled on the inadmissibility of agreements to demarcate borders in times of war and internal armed conflict in a manner that leads to the exploitation of the exceptional internal circumstances of a country experiencing war or armed conflict.
3. In accordance with the foregoing, the so-called memorandum of understanding signed between the Turkish side and the Government of National Accord-State of Libya should not be registered under Article 102 of the Charter of the United Nations or published by the Division for Ocean Affairs and the Law of the Sea in any way, especially in the light of the fact that some Libyan political bodies and parties, led by the parliament, have rejected the memorandum and have refused to ratify it.



4. A letter was sent to the Secretary-General by the Speaker of the Libyan parliament that included a rejection of this memorandum of understanding as a void document. Article 8, paragraph 2 (f), of the Libyan Political Agreement of 2015, approved by the Security Council through its resolution 2259 (2015), provides that the endorsement of such agreements by the Libyan parliament is required.

5. This memorandum violates the principles and rules of the international law of the sea regarding delimitation of maritime borders because there are no overlapping maritime areas or common borders between Turkey and Libya. Consequently, there is no legal basis for the signing of such a “memorandum of understanding” between those two parties. Rather, political facts and legal principles demonstrate that the signing of this memorandum of understanding is merely a provocative political action that will make the Mediterranean region a hotbed of conflict and tension and may cause limited or widespread clashes.

6. Needless to say, the aforementioned memorandum of understanding represents a blatant assault on the sovereign economic rights of Greece, Cyprus and Egypt and negatively affects the exclusive economic zone between these States.

7. Furthermore, the boundaries of the purported “continental shelf and exclusive economic zone”, as they are defined in this memorandum, are fictitious, unlawful, arbitrary and provocative, thus seriously endangering regional peace and stability, and risk the Mediterranean becoming a conflict zone.

8. The Government of the Syrian Arab Republic expresses its strong opposition to this illegal memorandum of understanding and rejects it as a void one that has no impact on its sovereign rights. Moreover, such a memorandum will definitely constitute legal, political and practical problems in the future in the event of any agreement to demarcate the maritime borders between Syria and Turkey. In a clear sense, the Turkish side seeks, through such a memorandum, to legitimize and consolidate the status quo of its illegal occupation of the territories of other countries, besides attempting to seize the rights of others in the exclusive economic zone.

From this standpoint, it is important, for the sake of safeguarding the sovereign rights of all countries of the region, not to register this illegal memorandum of understanding or any relevant documents issued by the Turkish side under Article 102 of the Charter and not to have it published by the Division for Ocean Affairs and the Law of the Sea.

In conclusion, the Government of the Syrian Arab Republic considers that this memorandum is just a desperate political manoeuvre by the Turkish side, which in recent years used to practise irrational policies of interference in the affairs of countries in the region in a manner that destabilized security and stability. For now, the Turkish side is seeking to politicize oil and gas exploration in the exclusive economic zone, which will cause tension and discord instead of serving as a basis for development and prosperity for all.

I would be grateful if the present letter could be circulated as a document of the General Assembly, under agenda items 74 (a) and 83, 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) **Bashar Ja’afari**  
Ambassador  
Permanent Representative