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

Note verbale dated 13 February 2023 from the Permanent Mission of Libya to the United Nations addressed to the Secretary-General

The Permanent Mission of the State of Libya to the United Nations has the honour to transmit a letter dated 13 February 2023 from the Minister for Foreign Affairs and International Cooperation of the Government of National Unity of the State of Libya, Najla M. El Mangoush, addressed to the Secretary-General expressing the objection of Libya to the Egyptian presidential decision taken to demarcate the western maritime borders of Egypt (see annex).

The Permanent Mission of the State of Libya would like to request that the above-mentioned letter and its annex be circulated as a document of the General Assembly, under agenda item 72 (a), and published on the website of the Division for Ocean Affairs and the Law of the Sea, as well as in the forthcoming edition of the *Law of the Sea Bulletin*.



Annex to the note verbale dated 13 February 2023 from the Permanent Mission of Libya to the United Nations addressed to the Secretary-General

[Original: Arabic]

Letter dated 13 February 2023 from the Ministry of Foreign Affairs and International Cooperation of the Government of National Unity of Libya

At the outset, I should like to express our sincere respect and our appreciation for you, as well as our wishes for good health and continued success in your work. I also take this opportunity to convey to you the sincere greetings of the Libyan people and the Government of National Unity, as well as their respect for the important role that the United Nations plays in supporting the process aimed at realizing a political settlement and establishing stability in Libya.

I should like to refer to the letter dated 29 March 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General (A/60/68), General People's Committee decisions Nos. 37 and 105 of 2005 concerning the proclamation and demarcation of a protected Libyan fisheries zone in the Mediterranean Sea, General People's Committee decision No. 104 of 2005 concerning the straight baselines for measuring the territorial waters and maritime areas of the Libyan Arab Jamahiriya, and the 2019 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.¹ On instructions from my Government, I should like to draw your attention to the following information:²

The unilateral declaration of the maritime borders between Libya and Egypt pursuant to Egyptian Presidential decree No. 595/2022 of 11 December 2022 contravenes international law, as set out in the Charter of the United Nations and the United Nations Convention on the Law of the Sea, in particular the principles of sovereign equality and justice.

Accordingly, Libya rejects Egyptian Presidential decree No. 595/2022 in its entirety and would like to make the following points:

First, the Egyptian Government did not engage in any negotiations with the Government of National Unity, which is the sole legitimate representative of the State and people of Libya. Indeed, it has never asked to enter into negotiations to demarcate the maritime border between Libya and Egypt. It has therefore breached its obligations under international law.

Second, the unilateral proclamation by Egypt of the maritime borders violates the sovereignty and sovereign rights of Libya because the proclaimed borders overlap with Libyan territorial waters, the exclusive economic zone and the continental shelf, in contravention of international law and in violation of the national jurisdiction of Libya.

Specifically, of the nine coordinates declared by Egypt, the line connecting points 8 and 9, which runs parallel to the meridian 25° east, violates the Libyan fishing zone in the Mediterranean Sea that Libya declared and demarcated pursuant to General People's Committee decisions Nos. 37 and 105 of 2005.

¹ *Law of the Sea Bulletin* Nos. 58 and 59.

² Registered with the United Nations on 11 December 2019.

Third, the lateral maritime border proclaimed by Egypt is not consistent with the principle of equity because the equidistant line method between the mainland of the two countries was disregarded, as was the geographical setting, including the general characteristics of the coastline and the continuation of the land border towards the maritime area.

In particular, the maritime border proclaimed by Egypt between points 8 and 9 runs to the west of the equidistant line between the coasts of mainland Libya and Egypt. This is contrary to the principle of fairness, given that there are no special or geographical circumstances taken into account to ensure a fair demarcation of the borders.

In the light of the above, the Egyptian presidential decree lacks any legal basis and is contrary to international law. Accordingly, the Government of National Unity of Libya considers the Egyptian presidential decree to be null and void.

The maritime borders between two sovereign States must be demarcated through dialogue and negotiations, in accordance with international law and the principle of equity. As stipulated in Article 33 of the Charter, peaceful means, including referral to the International Court of Justice, must be utilized on the basis of mutual agreement.

In response to the proclamation by Egypt of the maritime border with Libya, I have the honour to convey the official position of Libya regarding the geographical coordinates of the maritime border between Libya and Egypt (see enclosure).

Libya believes that the maritime border between Libya and Egypt must reflect, from a geographical perspective, an equidistant line between the coasts of two mainlands. In addition, the maritime borders must be in accordance with the 1925 Italian-Egyptian agreement on land borders and the continuation of those border towards the sea, General People's Committee decisions Nos. 37 and 105 of 2005 concerning the Libyan fishing zone in the Mediterranean and the 2019 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.

According to the list of the coordinates of the maritime border (see enclosure), the border begins at point 1, at the terminus of the Libyan-Egyptian land border, in accordance with the 1925 agreement, and extends for a distance of 12 nautical miles to point 5. The eastern maritime border line of the State of Libya then runs from point 5 in a north-easterly direction to point 17 and then to point 18, which is the eastern border of the protected Libyan fishing zone in the Mediterranean. From there, it runs to point B, which is the eastern point of the maritime border agreed upon by Libya and Turkey pursuant to the 2019 Memorandum of Understanding.

I should be grateful if you would have the present letter and its enclosure 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, as well as in the forthcoming edition of the *Law of the Sea Bulletin*.

(Signed) Najla M. **El Mangoush**
Minister for Foreign Affairs and International Cooperation

Enclosure**List of maritime border coordinates, issued by the Land and Maritime Borders Committee of the Ministry of Foreign Affairs and International Cooperation of Libya****Eastern maritime border of Libya**

Table 1
Coordinates of the points that demarcate the eastern maritime borders of Libya

World Geodetic System (WGS 84)

<i>Point</i>	<i>Latitude north</i>			<i>Longitude east</i>		
	<i>Degree</i>	<i>Minute</i>	<i>Second</i>	<i>Degree</i>	<i>Minute</i>	<i>Second</i>
1	Common point of the Egypt-Libya land border					
2	31	38	54.8	25	11	18.23
3	31	39	26.09	25	15	01.24
4	31	39	51.67	25	20	10.15
5	31	42	27.77	25	22	52.59
6	31	46	53.49	25	25	52.68
7	31	48	00.18	25	26	35.6
8	31	50	53.77	25	28	07.05
9	31	53	20.00	25	29	20.92
10	31	54	53.93	25	30	05.09
11	31	57	36.83	25	31	29.68
12	31	58	50.3	25	32	09.15
13	32	00	13.25	25	33	03.46
14	32	01	31.39	25	33	53.03
15	32	04	44.75	25	35	48.18
16	32	13	17.06	25	40	27.16
17	32	17	37.06	25	42	38.34
18	32	50	28.30	26	01	06.79
B	34	09	07.90	26	39	06.30

