



# General Assembly

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Agenda item 75

### Oceans and the law of the sea

#### **Letter dated 17 January 2024 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General**

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

With respect to the above-mentioned Libyan ministerial decision, Greece would like to emphasize that while, under the 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 Secretary-General, fail to conform with international law in three important respects:

First, the 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 United Nations Convention on the Law of the Sea. It should be recalled that Greece has challenged since 1974 Libya's claim to the Gulf of Sirte, considering that this is a unilateral act affecting basic principles of international law (see note verbale dated 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 the Convention, 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, I.C.J. Reports 2022, p. 266, para. 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 ([A/77/742](#)). 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 dated 9 December 2019 from the Permanent Representative of Greece, 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 dated 24 April 2023 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General ([A/77/865](#)) in reply to the above-mentioned note verbale dated 13 February 2023 from the Permanent Mission of Libya to the United Nations addressed to the Secretary-General.

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 the 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-mentioned ministerial decision, Libya declares that it will exercise control also for security and environmental violations within that zone, thus going beyond the above-mentioned provisions of the Convention. 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, I.C.J. Reports 2022, p. 266, paras. 155, 177 and 187).

In the light of the above, Greece would like to state that the above-mentioned 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 should be grateful if you would circulate the present letter as a document of the General Assembly, under agenda item 75, and have it published on the website of the Division for Ocean Affairs and the Law of the Sea, as well as in the next edition of the *Law of the Sea Bulletin*.

(Signed) Evangelos C. **Sekeris**  
Ambassador  
Permanent Representative